



First harnessed more than twenty years ago, the offshore wind industry is set for dramatic global growth. As the industry matures in Europe and developers Asia and North America move to follow Europe's example, legal and regulatory frameworks are evolving quickly to accelerate project deployment and integrate these resources into the legacy power market. K&L Gates offers the expertise needed to leverage shifting legal dynamics to advance our clients' strategic and commercial objectives across the offshore wind space.

According to the Global Wind Energy Council's "Global Wind 2015 Report," installed offshore wind capacity grew by nearly 50 percent in 2015, exceeding 12 GW. While most installed offshore wind projects are in Europe, countries including Canada, China, India, Japan, South Korea, Taiwan, and the United States are pursuing offshore wind power. A number of nations have set ambitious offshore wind targets, have demonstration projects deployed, or are currently developing new offshore wind projects. In the United States, 2016 saw an offshore wind project reach commercial operations for the first time. Several states on the East Coast have put in place detailed offshore goals totaling several gigawatts over the next 10-15 years. The Trump Administration's Bureau of Ocean Energy Management (BOEM), the regulatory agency responsible

for issuing leases and regulating offshore renewable energy installations on the U.S. Outer Continental Shelf, continues to move forward with offshore lease sales off the coast of several U.S. states for wind power development.

The lawyers of K&L Gates have represented clients in offshore wind projects in waters off the United Kingdom, Germany, and the United States. Our firm combines long experience in onshore wind project development with a thorough understanding of the issues involved in permitting, constructing, operating, and maintaining wind power and other infrastructure projects in a marine environment. Depending on our client's needs, lawyers and policy professionals across our global platform collaborate with our clients through every stage of strategic decision-making including:

- Developing and advocating for policy initiatives;
- Negotiating and closing commercial transactions;
- Advising throughout project financing and project development;
- Systematizing regulatory compliance;
- Analyzing complex tax matters;
- Evaluating renewable energy credit trading programs and transactions;
- Resolving disputes via mediation, arbitration, or litigation; or
- Considering strategic options for enterprise- or project-level restructuring.

Our grounding in the legal, business, and policy dimensions of the national, regional, or local energy industries allow us to use all of these tools and more to assist our clients in meeting their commercial goals for offshore wind projects.

Our clients include investor-owned and publicly-owned utilities, independent power producers, project developers, EPC contractors, turbine manufacturers, investors, and emerging businesses in the energy sector.

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Areas of Practice

Project Agreements

Our experience with the full lifecycle of wind project development, from securing initial site control through financing, construction, operation, and transfer, provides a strategic foundation ensuring that each decision accounts for the overall commercial objectives for the project. Taking advantage of our global platform and collaborative approach, we help our clients secure the project site and negotiate the critical agreements governing interconnection, transmission rights, power purchase, turbine and tower procurement, and OEM supply, while considering the interests of lenders and traditional or tax equity investors to optimize the commercial success for a wind project. We perform due diligence reviews thoroughly and cost-effectively, whether we are helping a project developer assess the feasibility of a project, assisting the developer in readying the project for financing or sale, or advising a lender, investor, or purchaser in its review of a project or portfolio of projects prior to investment.

Regulatory and Government Relations

K&L Gates lawyers advise clients around the world on the regulatory regimes applicable to the development of offshore renewable energy projects, including wind power. In the United States, our lawyers have experience working directly with federal, state, and local authorities, including the Department of the Interior's BOEM and Bureau of Safety and Environmental Enforcement, the U.S. Environmental Protection Agency, the Federal Energy Regulatory Commission, the U.S. Coast Guard, the U.S. Maritime Administration, and the U.S. Army Corps of Engineers, in the development of energy infrastructure and stakeholder engagement strategies for energy infrastructure projects. Many of our practitioners are former agency and U.S. Congressional staffers with deep understandings of the policies and regulations governing energy infrastructure development.

Our Global Government Solutions practice, with a presence in many national capitals and state capitals in the United States, provides our clients with on-the-ground capability to assist in their business dealings with host

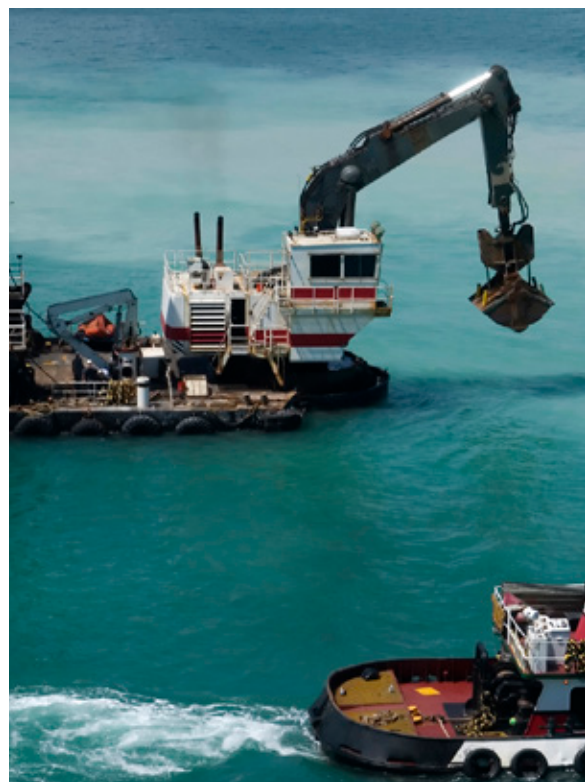
governments and their respective regulatory authorities. In the United States, our lawyers have advised clients regarding offshore wind programs along the East Coast.

Environmental

We advise clients on the full range of environmental issues related to offshore wind facilities, including throughout environmental impact assessments and agency decision-making processes, environmental permitting, offshore health, safety, or environmental risks and liabilities, and endangered or otherwise sensitive species concerns. Beyond traditional permitting and environmental compliance activities, K&L Gates has worked directly with nearly every federal and state agency involved in regulating environmental aspects of offshore wind projects, including the negotiation and consummation of transactions involving water quality and air emissions credit trading. Additionally, we have advised clients in disputes regarding infrastructure projects, the supply of defective turbines and other goods, nuisance or trespass issues with wind farm operations, liability related to weather events that can damage wind farms, and disputes with nearby landowners and other stakeholders over the location of the wind turbines.

Construction and Engineering

We have negotiated and drafted engineering, procurement, and construction contracts and joint venture agreements on behalf of clients, including project owners, contractors, subcontractors, and engineers. Our lawyers regularly advise clients in connection with EPC and other contracts integral to onshore or offshore wind projects across the United States. Our lawyers have also represented parties before numerous courts and tribunals in construction-related arbitration, litigation, and other dispute resolution matters. When circumstances require, our firm's experienced litigators assist with disputes involving protection of inventions, delays, disruptions, cost overruns, and warranties and breaches of project construction contracts.



Maritime Law

Maritime law has significant impacts on offshore wind projects and the port facilities, infrastructure, vessels, and personnel deployed to build and service those projects. With four decades of experience, the global K&L Gates maritime practice leverages a wide array of legal capabilities to help its offshore wind energy clients meet their project objectives. We represent companies involved with power generating barges, tugs, mobile offshore units, offshore supply vessels, dive support vessels, pipe and cable laying vessels, and dredging boats. Our experience includes negotiating port agreements, financing U.S.-registered and foreign-registered vessels, Jones Act compliance, environmental compliance audits, oil spill and hazardous materials response, marine investigations, litigation, chartering of service ships, resolving international trade and customs duties and tariff issues, and government contracting counseling and litigation. We regularly represent clients before U.S. maritime regulatory agencies such as the U.S. Maritime Administration, the U.S. Coast Guard, and Customs and Border Protection.

K&L GATES

K&L Gates is a fully integrated global law firm with lawyers located across five continents. The firm represents leading multinational corporations, growth and middle-market companies, capital markets participants, and entrepreneurs in every major industry group, as well as public sector entities, educational institutions, philanthropic organizations and individuals. For more information about K&L Gates or its locations, practices and registrations, visit klgates.com.

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