



## Nathan C. Howe

### Partner

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## OVERVIEW

Nathan Howe is a member of the Power practice group and provides value to clients in a range of regulatory and transactional matters. Nathan's deep knowledge of regulatory processes and practical business perspective allow him to provide strategic advice and tailored solutions, enabling clients to address risks, overcome challenges, and seize opportunities.

Nate guides clients through the intricacies of the evolving energy law landscape for onsite, offsite, distributed, and utility-scale project development for a variety of renewable energy resource types, such as solar, wind, battery storage, and alternative fuels. He has counseled clients on commercial and regulatory risks, interconnection processes, and available incentives, and on a range of contractual arrangements such as power purchase agreements and other offtake arrangements, acquisition agreements, and multi-party collaborations.

He has also represented clients in regulatory matters before the Federal Energy Regulatory Commission (FERC), the New Jersey Board of Public Utilities (NJBP), and other state regulatory agencies, in proceedings such as utility rate filings, mergers, contract disputes, and rulemakings. He has represented trade groups and industry stakeholders as lead counsel in renewable energy procurement, clean energy technology, and energy efficiency proceedings, including incentives programs proposed by utilities. He assists clients in all phases of these proceedings, including discovery, settlement, evidentiary hearings, and written submissions, from inception to resolution, as well as rehearings and appeals.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Nathan was an associate at a regional New Jersey-based firm, where he was part of the environment and energy practice group. His energy practice involved representing clients before regulatory agencies in rate proceedings and utility-proposed programs, providing regulatory advice, and performing regulatory due diligence.

His environmental practice included representing clients in complex litigation involving cleanup costs and natural resource damages for various hazardous substances and emerging contaminants. He also provided advice concerning environmental and related regulations pertaining to waste disposal, pesticides, and site transfers.

Previously, Nathan also has served as an assistant county prosecutor, handling both bench and jury trials, including high-profile homicide cases, and appeals. His argument before the Appellate Division for removing the inadvertency element of the plain view exception to the warrant requirement was embraced by the New Jersey Supreme Court in a 2016 decision.

## ACHIEVEMENTS

- Listed in *Best Lawyers: Ones to Watch®* in America in Newark
  - Litigation - Environmental, 2023-2024
  - Commercial Litigation, 2022-2024
- Honored as Attorney of the Week and Attorney of the Month by Volunteer Lawyers for Justice

## PROFESSIONAL / CIVIC ACTIVITIES

- New Jersey State Bar Association – Co-Chair, Renewable Energy, Cleantech & Climate Change Special Committee; Member, Public Utility Law Section
- Energy Bar Association, Northeast Chapter – Member, Board of Directors

## SPEAKING ENGAGEMENTS

- Speaker, "Wind Power and NJ," New Jersey State Bar Association 2024 Real Estate Conference, 18 April 2024
- Speaker, "Hydrogen Energy: Unique Considerations for Transaction Documents," Renewable Energy Law Institute, 30 January 2024
- Speaker, "The Future of Nuclear Energy," Energy Policy Conference & Awards Cocktail Reception, 10 October 2023
- Speaker, "Risk Management in Offshore Wind," Wind, Power, Finance & Investment Summit USA, 5 October 2022
- Speaker, "Getting to Know SuSI: The Successor Solar Incentive," New Jersey State Bar Association - Public Utility Law Section, 15 March 2022
- Speaker, "EV Charging Infrastructure - Deployment Challenges" Energy Bar Association's 2021 Mid-Year Energy Forum, 13 October 2021
- Speaker, "10th Annual Renewable Energy, Clean Tech, and Climate Change Conference," New Jersey Institute for Continuing Legal Education, 8 October 2021

## OTHER INFORMATION

First-place winner of The Environmental Law Institute's National Writing Competition for his article titled "The Political Question Doctrine's Role in Climate Change Nuisance Litigation: Are Power Utilities the First of Many Casualties?," 40 Env'tl. L. Rep. News & Analysis 11229, 2010

## EDUCATION

- J.D., Washington and Lee University School of Law, 2011 (*cum laude*)
- B.S., George Washington University, 2006 (*cum laude*)

## ADMISSIONS

- Bar of District of Columbia
- Bar of New Jersey
- Bar of New York

## THOUGHT LEADERSHIP POWERED BY HUB

- 18 January 2024, Tax Credit Revolution: US Treasury and IRS Propose Section 45V Hydrogen Production Tax Credit Regulations
- 10 January 2024, Tax Credit Revolution: Section 45V Hydrogen Production Tax Credit Proposed Regulations
- 27 December 2023, US Treasury Department Releases Proposed Section 45V Hydrogen Tax Credit Regulations
- 5 September 2023, BOEM Offshore Wind Lease Update: Gulf of Mexico Auction Produces Lackluster Results, Not Likely Repeated in Future Oregon and Mid-Atlantic Lease Areas Auctions
- 21 April 2023, Ninth Circuit Cans Berkeley Gas Ban Under Federal Law
- 20 January 2023, BOEM Proposes Regulations to Improve Offshore Wind Lease Auction Processes and Project Development Timelines
- 21 November 2022, The Energizer – Volume 110
- 9 November 2022, The Energizer – Volume 109
- 1 November 2022, The Energizer – Volume 108
- 28 September 2022, The Energizer - Volume 107
- 20 September 2022, Pennsylvania's Growing Electric Vehicle Charging Network: What's All the Buzz About NEVI Plans?

- 19 September 2022, The Energizer – Volume 106
- 28 July 2022, The Energizer – Volume 105
- 11 July 2022, The Energizer – Volume 104
- 30 June 2022 , The Energizer – Volume 103
- 16 June 2022, The Energizer – Volume 102
- 31 May 2022 , The Energizer – Volume 101
- 18 May 2022 , The Energizer – Volume 100
- 25 April 2022, Offshore Wind Handbook
- 30 March 2022, BOEM Issues Final Sale Notice for Offshore Wind Lease Areas in Carolina Long Bay
- 16 March 2022, Record-Setting New York Bight Auction and Newly-Announced Oregon Lease Areas Portend Rapid Growth in U.S. Offshore Wind Industry
- 28 January 2022, Bureau of Ocean Energy Management Propels the U.S. Offshore Wind Industry
- 24 January 2022, Energy Storage Handbook 2022
- 5 November 2021, The Energizer – Volume 99
- 30 September 2021, The Energizer – Volume 98
- 13 September 2021, The Energizer – Volume 97
- 20 August 2021, The Energizer – Volume 96
- 6 August 2021, The Energizer – Volume 95
- 27 July 2021, The Energizer – Volume 94
- 20 July 2021, FERC Issues Advance Notice of Proposed Rulemaking to Reform Transmission Planning, Cost Allocation, and Generator Interconnection Procedures
- 9 July 2021, The Energizer – Volume 93
- 28 June 2021, The Energizer – Volume 92
- 11 June 2021, The Energizer – Volume 91
- 28 May 2021, The Energizer – Volume 90
- 13 May 2021, The Energizer – Volume 89
- 22 April 2021, The Energizer – Volume 88
- 22 March 2021, The Energizer – Volume 86

- 9 March 2021, The Energizer – Volume 85
- 22 February 2021, The Energizer – Volume 84
- 5 February 2021, The Energizer – Volume 83

## OTHER PUBLICATIONS

- “Offshore Wind Auction Results Portend Difficulties In Gulf,” *Law360*, 12 September 2023
- “U.S. Court of Appeals for the Ninth Circuit Cans Berkeley Gas Ban Under Federal Law,” *Pratt’s Energy Law Report*, July-August 2023
- “Proposed Regulations to Improve Offshore Wind Lease Auction Processes and Timelines,” ALI CLE’s *The Practical Real Estate Lawyer*, May 2023
- “How Proposed BOEM Regs Will Boost Offshore Wind Projects,” *Law360*, 1 February 2023
- “NY, NJ Lease Auctions Highlight US Push For Offshore Wind,” *Law360*, 10 February 2022
- *Policy Can Foster Community-Based Energy Markets*, Environmental Law Institute, *The Environmental Forum*, ELI Golden Anniversary Issue, Nov-Dec 2019
- *California Energy Storage Initiatives: Surfing the Storage Wave*; ABA Section of Environment, Energy, and Resources, *Natural Resources & Environment*, Vol. 34 No. 1, August 2019
- *CERCLA Cost Recovery, Contribution and a Primer on Natural Resource Damages Law: Regulation, Litigation and Basic Economic Principles* (Book Chapter), ABA Section of Environment, Energy, and Resources, ENVIRONMENTAL LITIGATION: LAW AND STRATEGY, Second Edition, July 2019
- *The March Toward Utility-Scale Energy Storage Keeps Going and Going and Going: States Are Forming Ranks*, Corporate Counsel Business Journal, April 2018

## NEWS & EVENTS

- 2 January 2024, K&L Gates Names Nearly 30 Partners, Government Affairs Advisors Across Firm
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 15 March 2022 , Getting to Know SuSI: The Successor Solar Incentive, Hosted by New Jersey State Bar Association - Public Utility Law Section
- 13 October 2021, 2021 Mid-Year Energy Forum, Energy Bar Association
- 8 October 2021, 10th Annual Renewable Energy, Clean Tech, and Climate Change Conference, hosted by New Jersey Institute for Continuing Legal Education

- 8 October 2021, Renewable Energy, Clean Tech and Climate Change Conference, hosted by New Jersey State Bar Association
- 8 October 2021, 10th Annual Renewable Energy, Clean Tech, and Climate Change Conference, hosted by New Jersey Institute for Continuing Legal Education
- 8 October 2021, Renewable Energy, Clean Tech and Climate Change Conference, hosted by New Jersey State Bar Association
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch

## MEDIA MENTIONS

- Quoted, “Narrow hydrogen guidance may impact hubs,” *Project Finance International*, 10 January 2024
- Quoted, “3 questions will shape Biden's hydrogen plan,” *E&E News*, 4 January 2024
- Quoted, “Calif. And NY Climate Change Plans: A Comparison,” *Law360*, 27 January 2023

## AREAS OF FOCUS

- Power
- Construction and Infrastructure
- Corporate Sustainability
- Energy Finance
- Energy Storage and Distributed Resources
- ESG - Sustainability and Renewable Energy
- Offshore Wind Energy
- Renewables

## INDUSTRIES

- Energy
- Energy Disputes
- Power Generation and Transmission
- Utilities

## EMERGING ISSUES

- Hydrogen
- Sustainable Economy

## REPRESENTATIVE EXPERIENCE

- Represented real estate developer in acquisition of utility-scale solar project and joint venture agreement with solar project developer
- Represented landowner in early stage development and interconnection of utility-scale battery storage project
- Represented financing entity as local New York energy regulatory counsel in tax equity deal for utility-scale onshore wind project
- Advised real estate developer in negotiation of community solar lease for multi-unit housing property
- Represented utility in integrated resource plan and capital plan proceedings before state utility regulatory agency
- Represented startup clean ammonia company in developing and negotiating offtake agreements with customers
- Represented competitive energy supplier in integrated resource plan and renewables procurement plan reporting requirements
- Represented battery recycler in international export issues concerning transportation and management of lithium battery materials
- Represented transmission owners in FERC proceeding regarding offshore wind transmission project rate structure
- Advised electric vehicle OEM in negotiating charging collaboration agreement
- Advised renewable energy developer in preparing on-site clean hydrogen offtake agreement
- Represented renewable energy financing company as commercial and energy regulatory counsel in portfolio acquisition of community solar projects
- Advised utility on clean hydrogen regulatory matters
- Represented offshore wind developer in emissions credit agreement
- Represented solar project developer in local energy regulatory frameworks
- Represented financing entity as local New Jersey energy regulatory counsel in acquisition of onsite solar projects
- Advised client on power reliability issues at manufacturing facility and negotiations with utility



- Provided training for client business team on electric vehicle charging incentives and agreements with local utilities
- Advised client in negotiations regarding power purchase agreements for onsite solar projects
- Advised client on developing and integrating battery storage projects with onsite solar projects
- Represented client in dispute with solar project developer regarding operations and maintenance issues at solar facility
- Advise client regarding state regulatory obligations and renewable energy credit transaction structure for purchase of electricity from offshore wind project for use in production of green hydrogen
- Advised onshore wind project developer regarding state and federal regulatory requirements
- Represented energy project developer in FERC proceedings and appeals related to interconnection requirements
- Advised utility regarding energy storage procurements
- Performed buyer-side regulatory due diligence in acquisition of Class I renewable energy facilities
- Performed regulatory due diligence in solar project finance transactions
- Advised real estate developer regarding proposed community solar project regulatory requirements
- Represented solar developer in state court litigation against financing entity regarding breach of contract
- Advised private equity client concerning risks of state-based solar incentives
- Represented utility in FERC proceedings involving calculation and treatment of accumulated deferred income taxes in transmission rates
- Represented utility in FERC proceedings concerning annual update requirements for a formula rate
- Represented utility in FERC proceedings concerning transmission revenue requirements
- Represented transmission owners in FERC transmission rate filing proceeding
- Represented offshore wind developer in proceedings concerning design of capacity market rules
- Advised solar developer of available incentives for solar projects
- Represented trade association in state regulatory proceedings regarding approval of utility-filed energy efficiency programs
- Represented electric vehicle charging infrastructure company in state regulatory proceedings regarding approval of utility-filed electric vehicle charging infrastructure programs