

OUR PROMINENCE ENSURES CLIENTS THAT OUR LEGAL ADVICE IS TOP NOTCH AND REFLECTS CURRENT TRENDS IN THIS CONSTANTLY EVOLVING AREA OF LAW.

Meyers Nave attorneys advise clients on the full range of legal and regulatory matters that affect their daily operations as well as unique needs on special projects. Our clients include cities, counties, special districts, joint powers agencies, municipal and investor-owned utilities, and private entities particularly in the oil and gas sector. We have helped clients accomplish everything from licensing and constructing generating facilities to contracting for wind and solar energy to power public agency facilities.

Our multi-faceted representation has given us a well rounded perspective on power issues and helped us develop relationships with regulatory bodies statewide. We have knowledge and practical experience in all the state and federal laws that affect electric and other public utilities.

Further, the cross-disciplinary structure of our firm, which promotes collegiality and shared learning among ourselves and our clients, helps support our knowledge in this area of law.

PUBLIC POWER

We offer in-depth knowledge and a team approach to public agency and private clients on a comprehensive range of energy-related legal services, including the following.

- Acquisition of electrical transmission, water and natural gas facilities.
- Transfer of licenses for a hydroelectric facility.
- FERC proceedings relating to PG&E applications for wave-generation projects off the Northern California coastline.
- Preparation of a request for proposals to solicit energy service companies and energy developers to provide financing, engineering, procurement, operations and maintenance of rooftop and stand-alone solar facilities on or near certain public buildings per the California Solar Initiative.
- Agreements, such as providing for the sale of geothermal energy on a “take and pay” basis; design of a small hydropower plant; project specifications and front-end

terms and conditions for a hydropower plant maintenance project; and a cloud seeding project for hydropower plant. Meyers Nave is quite familiar with the form master power purchase agreements promulgated by both Edison Electric Institute and the Western Systems Power Pool, and master gas purchase agreements as the International Swaps and Derivatives Association and North American Energy Standards Board.

- Bid protest procedures, prequalification questionnaires and programs, and design-build requests for proposals for a variety of clients. For example, Meyers Nave has assisted in the writing of requests for proposals for a renewable biomethane project and for a renewable landfill gas project in central California, as well as for the 225mw Lodi Energy Center project now under construction.
- Procurement contracts for the purchase of high-technology information systems. For example, our attorneys have advised on software licensing, the management of application service provider technologies and the purchase of enterprise information technology suites. We have assisted cities in purchasing major software application systems and high-technology equipment.

POWER MARKETING AND PURCHASING – COMMUNITY CHOICE AGGREGATION

California law permits cities, counties, and joint powers agencies to implement a program to aggregate the electric loads of electric service customers within their jurisdictions to facilitate the purchase and sale of electricity. We provide advice to entities seeking to become community choice aggregators, and to existing

- Energy
- Public utilities
- Utility rate structures
- Telecommunications and cable television
- Climate change

publicly owned utilities with respect to the purchase of electric power.

We also represent clients in power purchase transactions and in the formation of joint powers agencies, which purchase natural gas and electricity on behalf of their members.

CLIMATE CHANGE REQUIREMENTS

We advise on compliance with all national and California state climate change laws and regulations.

Utility companies will face unique and significant challenges in attempting to comply with California Assembly Bill 32 on greenhouse gas reduction. We know how to help utilities identify and choose one or more of the options available to them. For example, we have negotiated and prepared agreements to exchange and/or purchase emission reduction credits, giving us insight into potential cap and trade programs for carbon emissions.

We have advised clients on the construction of renewable energy facilities (e.g., solar, hydroelectric and cogeneration facilities), including preparing contract documents and contracting under qualifications-based delivery methods rather than lowest-responsible-bidder methods.

LITIGATION

Meyers Nave attorneys have wide ranging experience in litigation, including in connection with a geothermal project from a forest fire and a net metering tariff. Our firm maintains a dedicated Litigation Practice Group whose members focus on the representation of public agencies in all types of litigation.

Members of that practice group have represented in the California Refund litigation as well as appearing on behalf of other public agencies at FERC. Several of our attorneys have experience in litigation at the California Public Utilities Commission.

TELECOMMUNICATIONS LAW AND RIGHT-OF-WAY MANAGEMENT

Public agencies have seen unprecedented demand for access to public right-of-way by companies seeking to install high-speed fiber optic conduit and cables. We have extensive experience in advising local agencies of their regulatory authority under the Telecommunications Act of 1996, as well as the California Digital Infrastructure and Video Competition Act of 2006.

We have assisted agencies in negotiating encroachment agreements with nearly every major telecommunications company active in the California market. We counsel our clients on methods to reduce the impact on the public right-of-way through encroachment permit conditions, moratoria, mitigation fees, use of joint utility trenches, and requiring the use of agency-owned fiber optic conduit. We have assisted numerous clients who are approached for joint pole agreements by private firms wishing to use existing utility structures for their telecommunications wires and facilities.

OIL & GAS SECTOR

Our experience in the oil and gas sector includes transaction and regulatory advice regarding land use entitlement and related project development, environmental law compliance programs and enforcement actions, asset sales and acquisitions, corporate insurance programs and marketing and manufacturing agreements.

CONTINUING EDUCATION

We attend such conferences as the American Public Power Association Legal Conference and the California Municipal Utilities Association Conference. Meyers Nave is an associate member of CMUA.

Our attorneys are also members of the Power Association of Northern California and the Conference of California Public Utility Counsel. These activities enable our attorneys to stay up to date in this evolving area of law.