

# ENERGY LAW PRACTICE



Tonkon Torp is a leading business and litigation law firm serving public companies, substantial private enterprises, entrepreneurial businesses and individuals throughout the Pacific Northwest.



# TONKON TORP ENERGY PRACTICE



A vibrant domestic energy industry is crucial to the economic, physical and ecological well-being of our nation. But the era of a seemingly inexhaustible supply of cheap energy is already a distant memory and the new reality is that the source of energy matters, both to the environment and our ability to realize a sustainable future. Today's energy industry faces a new, complex and rapidly evolving legal environment, both for traditional energy providers and the emerging renewable energy marketplace. While opportunities abound in the new energy economy, so do challenges – regulatory, financial and environmental.

Tonkon Torp has one of the Pacific Northwest's deepest energy practices. Our energy lawyers are focused on utilities, renewable energy, and alternative energy projects. Building on a long history of representing traditional utilities in regulatory, finance, permitting and ownership issues, the firm has developed a strong reputation for providing able counsel to major players in the wind, solar and other renewable energy sectors.

## REPRESENTATIVE RENEWABLE ENERGY PROJECTS

Tonkon Torp has handled real estate, title, permitting, financing and corporate matters on a wide range of renewable energy projects across the country. Notable examples include:

Project Type	Client	Project Name	Location	Size
Wind	RES Americas, Inc.	Lower Snake River / Dayton / Marengo I	Columbia and Garfield Counties, WA	1,300 MW +
Wind	Wheatridge Wind Energy, LLC	Wheatridge	Morrow and Umatilla Counties, OR	500 MW
Wind	Gamesa Energy USA / Ella Wind Development, LLC	2Morrow	Morrow and Gilliam Counties, OR	104 MW
Wind and Solar	EDF Renewable Energy	Pacific Wind/Catalina Solar	Los Angeles and Kern Counties, CA	283 MW
Solar	Obsidian Renewables	Outback	Christmas Valley, OR	5 MW
Solar	Obsidian Renewables	Black Cap	Lakeview, OR	2 MW
Solar	Maricopa Sun, LLC	Maricopa Sun	Kern County, CA	560 MW (estimated)
Solar	Portland General Electric	Sunway 1 through 4	Portland Metro, OR	5 MW
Ethanol / Biofuels	Pacific Ethanol, Inc.	Columbia	Boardman, OR	40 MGY
Geothermal	Enbridge, Inc.	Neal Hot Springs	Malheur County, OR	25 MW

# RENEWABLE ENERGY



Tonkon Torp is a “go to” firm for practical and efficient advice to resolve a wide range of development issues for renewable energy projects. Examples include:

- Time-sensitive due diligence on four renewable projects in California, Kansas and Texas to facilitate financing and construction before expiration of federal tax credits in 2012
- Lawyers for the developer of Oregon’s largest utility-scale solar facilities on real estate, title, environmental, interconnection, corporate and energy regulatory issues
- Long-time counsel to large Oregon utility on a wide range of issues pertaining to renewable energy, as well as other general business matters
- Counsel to renewable energy project developers on permitting issues before the Oregon Energy Facility Siting Council, several Oregon jurisdictions and on appeal to the Oregon Land Use Board of Appeals
- Negotiation of leases, easements and other development rights, and review and cure of title problems
- Real estate and title due diligence for renewable project lenders

# ENERGY LITIGATION

Utility and energy clients turn to Tonkon Torp to handle their most difficult problems. We deliver the results they need. Representative energy litigation cases include:

*Dreyer v. Portland General Electric Company, 341 Or 262 (2006).* Tonkon Torp obtained a writ of mandamus from the Oregon Supreme Court resulting in abatement of consolidated class actions related to the Trojan nuclear power plant.

*Puget Sound Energy, Inc., PacifiCorp and the City of Seattle v. Public Utility District No. 2 of Grant County, Washington, King County Superior Court.* On behalf of our client, we intervened in this dispute concerning power sale contracts related to the Priests Rapid Hydroelectric Project on the Columbia River. The litigation team defeated the plaintiffs’ motion for a preliminary injunction against Grant County PUD. Our efforts led to summary judgment in defendants’ favor.

*Oregon Trail Electric Consumer Cooperative, Inc. v. Catalyst Energy, et al.* We represented Oregon Trail Electric Consumer Cooperative, Inc. in a PURPA contract dispute.

*Wholesale Electric Antitrust Cases I and II and the People of the State of California v. Portland General Electric Company, et al.* Our energy litigation lawyers vigorously defended a utility in a variety of litigation matters arising out of the California energy crisis.

*PPM Energy, Inc. v. Black Hills Power, Inc.* We represented an energy marketing company in arbitration claims for breach of an energy exchange agreement. The client was awarded \$1.7 million in damages and favorable declaratory relief.

*BPA v. WPPSS, 956 F2d 1497 (9th Cir).* We represented Portland General Electric in litigation concerning the allocation of costs among twinned nuclear power plants.

## ENERGY LAW ATTORNEYS



**David J. Petersen • [david.petersen@tonkon.com](mailto:david.petersen@tonkon.com) • 503.802.2054**

David is a partner at the firm and serves as Chair of the Real Estate & Land Use practice group. He focuses his practice on renewable energy, land use and local government law. David also represents clients in other real estate transactional matters and land use disputes.



**Michael M. Morgan • [mike.morgan@tonkon.com](mailto:mike.morgan@tonkon.com) • 503.802.2007**

Mike has over 30 years' experience representing electric utilities on matters including rates, tariffs, resource planning, mergers and acquisitions and the development and disposition of generation, transmission and distribution. He also represents utilities, developers and investors in the financing, acquisition, development and sale of solar and wind energy projects.



**Paul W. Conable • [paul.conable@tonkon.com](mailto:paul.conable@tonkon.com) • 503.802.2188**

Paul has been litigating a wide range of cases for energy clients at the PUC and in state and federal court. He has handled cases involving past rate collections, customer claims for refunds, amortization of operational costs, wholesale power sales and similar matters.



**Gwendolyn Griffith • [gwen.griffith@tonkon.com](mailto:gwen.griffith@tonkon.com) • 503.802.2102**

Gwen is Chair of the firm's Taxation practice group. She has worked on various energy deals, including sale/leaseback and partnership structures for solar energy. A former professor of law, Gwen is the author of several books on taxation.



**Kimberlee A. Stafford • [kimberlee.stafford@tonkon.com](mailto:kimberlee.stafford@tonkon.com) • 503.802.2062**

Kimberlee is a partner in the firm's Energy Law group, and also a member of the firm's Environmental & Natural Resources and Real Estate & Land Use practice groups. She has significant title curing experience in connection with large renewable energy projects throughout the Northwest.



**Jeanette C. Schuster • [jeanette.schuster@tonkon.com](mailto:jeanette.schuster@tonkon.com) • 503.802.2114**

In addition to her work in the Energy Law group, Jeanette is also a member of the firm's Environmental & Natural Resources and Administrative & Regulatory Law practice groups. She assists clients with environmental and renewable energy projects, as well as with their general business needs.