



Energy Law

Energized by new technologies, markets, and industry actors.

The energy landscape is shifting, consolidating, and advancing technologically at a pace not seen in decades. Spencer Fane Energy attorneys understand the new complexities and unique challenges facing energy businesses. From point of generation to end use, we help clients minimize risk and capture financial benefits amid the change.

Overview

Advising and advocating to advance and grow energy businesses

As the energy trade continues to evolve, the laws and regulations that govern energy production and distribution change, commercial markets adjust, and new participants emerge.

Success in this field requires an advanced understanding of the competitive landscape, an on-the-ground relationship between firm and client, and next-level responsiveness that takes into account the constantly evolving legal terrain.

We bring this understanding to clients with a team that includes former government officials, in-house counsel, and other industry leaders for some of the largest energy producers, distributors, and government agencies in the nation. With the benefit of this breadth and depth of experience, Spencer Fane clients more successfully navigate this fast-moving industry.

Moreover, members of the Spencer Fane Energy team closely watch the evolving regulatory landscape so we can help clients stay ahead of developments in the industry as they grow and expand operations. We have formed strong relationships with municipalities and other government entities, paving the way to collaborate with a variety of stakeholders to advance strategies that meet our clients' objectives.

Areas of Focus

Energy Production, Retail, and Regulatory

Understanding the legal, business, and market factors influencing the industry. . . . Spencer Fane attorneys help energy companies involved in processing, refining, delivering, and marketing oil and gas as well as regulated utilities to achieve their business goals.

. . . we protect every facet of an energy client's business. Our attorneys handle commercial and regulatory issues as well as dispute resolution. We advise on:

- **Energy purchase, sale, and distribution agreements.**

- **Commercial contracts** and transactions.
- **Real estate matters**, including zoning, permits, easements, purchases, and sales.
- **Construction** of energy production and distribution facilities.
- **Regulatory matters**, including representing energy companies, regulated utilities, and interveners before state utility commissions.
- **Disputes and litigation**, commercial and regulatory (including appeals).
- **Franchise agreements**
- **Reward programs**
- **Payment systems**
- **Contamination and environmental concerns**
- **Workplace safety**
- **Anti-trust liability**

Oil and Gas

Working with clients, upstream, midstream, and at retail. Collaborating closely with operators, owners, and producers of all sizes, we are intricately familiar with the significant issues they deal with – from regulatory challenges to advancements in technology to dealing with produced water.

Transactional matters. Our attorneys address an array of issues, including:

- **Supply chain needs**
- **Vendor relationships**
- **Master service agreements**
- **Leases**
- **Drilling contracts**
- **Purchase and sale agreements**
- **Water gathering agreements**
- **Joint operating agreements**
- **Farmout agreements**
- **Confidentiality agreements**
- **Seismic agreements**
- **Liens**
- **Commodity sales contracts**

We have done transactions in every significant oil and gas market in the U.S. In addition to producers, we work with stakeholders including surface and mineral owners, pipeline operators, and state and federal regulatory bodies.

Litigation. We focus on avoiding litigation whenever possible, but when no agreement can be reached we have extensive experience litigating:

- **Exploration and production disputes**
- **Post-production cost matters**
- **Lease maintenance issues**
- **Disputes that arise from joint ventures**

We have handled state and federal trials and appeals, arbitrations, and disputes before regulatory bodies.

Renewable Energy

Pioneering solutions that make renewable energy more accessible and feasible. Lawyers on our Renewable Energy team stay on the leading edge of the industry, working closely with clients to help them develop, construct, and finance solar, wind, and waste-to-energy projects.

Working with producers, utilities, regulators, commercial and industrial clients, real estate developers, financial institutions, and nonprofits that handle energy-related matters, we advise on:

- **Negotiating leases** with landowners and utility companies.
- **Documenting agreements** to install solar panels on commercial properties.
- **Biomass and biogas projects**, including the development of large-scale anaerobic digester projects designed to convert livestock waste and/or food scrap waste into biogas.
- **Capturing available tax credits** and other incentives, including California's Low-Carbon Fuel Standard (LCFS) credits.
- **Advising lenders and investors** involved with renewable energy projects.
- **Qualifying churches and other nonprofit organizations to get government financing** and tax credits in solar services agreements.
- **Working as local counsel on siting opinions and lease negotiations**, assisting other law firms.