

Mintz Levin Energy Technology

Energy Technology Connections Newsletter

Your Law Firm Link to Industry News

OCTOBER 2015

A Note from the Editors

Our October edition of *Energy Technology Connections* brings you recent industry highlights, the latest news from Capitol Hill, and a list of upcoming energy industry events. In Leaders in the News, we congratulate our friends at Nexamp on the company's stellar rankings in *Solar Power World*. We also discuss Mintz Levin attorney Kristin Gerber's involvement with Hult Prize Foundation, which was recently highlighted in the *Huffington Post*. Our Innovator Profile features XL Hybrids, whose hybrid systems are driving some big financing news and publicity for the company. In event highlights, we feature Tom Burton's presentation at the AREDAY Summit and his current blog series stemming from this as well as Cleantech Open Northeast's upcoming NYC Cleantech Summit. Finally, in our Washington Update, the August recess's end ushers in a fall packed with energy and climate happenings for both the White House and Congress.

For links to industry grant opportunities and stories from the business, policy, and research sectors of the energy and clean technology industry, please [see our Energy Navigator](#).

You can [subscribe to our Energy Tech Matters blog here](#).

Leaders in the News

The Mintz Levin team would like to congratulate our client [Nexamp, Inc.](#) who *Solar Power World* [named](#) the top solar contractor in Massachusetts and a top 10 developer nationwide. This is the company's second consecutive year in the state's top spot—a well-deserved recognition after a huge year. Along with several project acquisitions, Nexamp completed the largest ever project under Massachusetts's 2014 SREC-II Managed Growth program and launched its community solar program. The company's CEO Zaid Ashai said, "We are honored by this national recognition of our team's hard work and impressive achievements."

Nexamp provides dynamic solutions for solar development, ownership, and operation. It offers all scales of customers a wide range of resources, including community solar plans, engineering, financing, project management, and power purchase agreements. This comprehensive approach allows Nexamp to guide clients at every stage, making their solar projects simple and profitable.

At present, the company has completed over 200 solar projects totaling more than 50 MW of commercial-scale solar. Among them, in August Nexamp [announced](#) that a new 2.3 MW solar installation near Jiminy Peak Mountain Resort in Massachusetts will boost the facility's energy usage to 90% renewable. When completed, it will be the largest community-shared solar project in the Northeast. Congrats, Nexamp! We can't wait to see how you continue to push the future of solar forward.

Also, congratulations to our own Kristin Gerber, who was recognized in an early September [Huffington Post](#) [piece](#) for her work in the social entrepreneurship sector. Kristin was highlighted as one of the [Hult Prize Foundation's](#) "Great Partners"—people who have engaged directly with teams competing for the Hult Prize to create value—for the services she has provided to Hult Prize competitors over the past few months.

The Hult Prize Foundation is a start-up accelerator and enabler for budding young social entrepreneurs emerging from the world's universities. Named as one of the top five ideas changing the world by President



Thomas R. Burton, III



Sahir Surmeli

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Bill Clinton and TIME Magazine, the annual competition for the Hult Prize aims to identify and launch the most compelling social business ideas—start-up enterprises that tackle grave issues faced by billions of people. The focus of this year's competition is the lack of access to quality early childhood education for the 100 million children living in the world's urban slums. Tens of thousands of students from 130 countries, representing over 350 institutions of higher education participated in the annual competition.

For more on Kristin's involvement, read our blog post [here](#). The article demonstrates just one way in which Kristin's legal and business advice are an invaluable asset to her clients and our team. Great work!

Innovator Profile

Boston-based [XL Hybrids](#), our client, focuses on reducing fuel consumption for commercial fleets, transforming trucks and vans from gas guzzlers into significantly cleaner hybrids. Its hybrid system consists of an electric motor, an advanced lithium ion battery, and sophisticated control software—installation of this system reduces emissions and fuel use by 20%, and can pay for itself in two to four years depending on gas prices. With results like that, it is no wonder that the company is making waves in the energy technology community. Investors recently demonstrated confidence in the company's future, as XL Hybrids closed a \$10.5 million round of venture capital financing. The Mintz Levin team worked with the start-up to make the investment round happen, bringing the company's total money raised to \$20 million to date.

One of XL Hybrids' biggest selling points is its flexibility. The company's [innovative hybrid system](#) is not just an option for new vehicles: since installation of the system doesn't require modifications to the existing engine or transmission, it can be retrofitted into older, in-use vehicles as well. Currently XL Hybrids systems work with vehicles made by Ford, General Motors, and Isuzu Motors, but that list looks to grow in the near future.

Company representatives [say](#) it plans to use the influx of new capital to expand sales and the compatibility of its products.

XL Hybrids' President and Founder Tod Hynes added to the company's successes with his recognition in the *Boston Business Journal's* ["40 under 40" list](#) for 2015. Selected from a group of more than 375 nominees, Tod was honored as a business leader who is making a major impact in the community while also improving the civic health of the Boston area. Congratulations to Tod and the rest of the XL Hybrids team!

Event Highlights

This past summer, our own Tom Burton gave a keynote presentation entitled, "Policy and Legal Implications of Implementing Renewable Energy at Scale," at the [American Renewable Energy Institute's Annual American Renewable Energy Day \(AREDAY\) Summit](#) in Snowmass Village, Colorado. Mintz Levin's [Energy Technology Matters](#) blog is currently featuring a six-part series, based on Tom's AREDAY presentation, which will provide insight into the problems and possible solutions that, if implemented, promise a bright future as clean energy moves America forward. Each week Tom Burton will publish an installment with one problem and the potential solution(s). To read the first blog post, to view his AREDAY presentation, and to learn more about the summit, [click here](#).

Coming up this month, Mintz Levin attorneys Tom Burton, Sahir Surmeli, and Evan Bienstock will serve as judges at the NYC Cleantech Summit – 2015 Cleantech Open Northeast Regional Final Round Judging, at which Mintz Levin is sponsoring the Cleanweb Prize in conjunction with our client [EnerNOC, Inc.](#) Mintz Levin is a proud sponsor of Cleantech Open Northeast. To learn more about this summit taking place October 19 to 20, [click here](#).

Washington Update

Congress returned from the August recess with the House administering several energy-related hearings. The Senate, on the other hand, will wait a bit to return to similar topics. In the meantime, energy and environment issues continue to play a significant role on the national and international stages through the rest of the year.

The House Energy and Commerce Subcommittee on Energy and Power voted on September 10 to lift the 40-year-old crude oil export ban (H.R. 702), and momentum is building in both the lower and upper chamber for lifting the ban, with some Senate Democrats, including Minority Leader Harry Reid (D-NV), expressing a willingness to discuss it, particularly given an appealing trade off, including potentially making permanent some tax extenders such as the production tax credit, or tweaking or expanding others. The Senate's Banking Committee has also taken up the issue, as Senator Richard Shelby (R-AL) pledged to mark up legislation in late September or October. The House Science, Space, and Technology Subcommittee on Oversight held a hearing on September 10 to examine vulnerabilities of the country's power supply. During the hearing, subcommittee members recommended additional research into battery storage technology and transformer systems to better prepare for potential cybersecurity and physical attacks to the grid. Representative Don Beyer (D-VA), the subcommittee's ranking member, asked the Government Accountability Office the previous day to conduct a review of the grid's resiliency. Also in the House, the Natural Resources Committee approved on September 10 the Native American Energy Act (H.R. 538) to restrict National Environmental Policy Act reviews on Indian lands and limit federal fracking regulations on Indian trust lands, granting Indian tribes more authority over energy and natural resources activities on tribal lands.

Representative Chris Gibson (R-NY) led 10 of his House Republican colleagues in introducing a resolution urging action to address the impacts of climate change. On September 22, Senate Democrats led by Energy and Natural Resources Committee Ranking Member Maria Cantwell (D-WA), Minority Leader Harry Reid (D-NV), and Senators Charles Schumer (D-NY), Ron Wyden (D-OR), Jeanne Shaheen (D-NH), Al Franken (D-MN), and Ed Markey (D-MA) unveiled a broad Democratic vision for a cleaner energy future. The American Energy Innovation Act of 2015 includes six titles to address the need for new jobs, updated infrastructure, and technological innovation. The measure would implement a variety of new initiatives, including giving consumers better access to their electricity data, creating a federal Energy Efficiency Resource Standard, investing in energy storage, integrating clean energy onto the grid, and tripling funding for basic energy science and technology research to maintain global leadership and invest in next generation clean technologies for international export.

President Obama visited Alaska from August 31 to September 2 to witness and call attention to climate change and the "urgent and growing" impacts the state is already facing. During his Arctic tour, the first time a president made an official visit above the Arctic circle, he called for urgent, global action on climate change and announced several [initiatives](#)—more than \$20 million in new funding through grants and other routes to encourage energy efficiency and climate resiliency efforts, including a \$2 million commitment to help the Denali Commission repair coastal villages or help residents relocate; \$4 million to hasten the development of renewable energy in remote communities; a \$4 million energy efficiency competition for remote communities; \$8 million in grants to help power providers reduce household energy costs; and another \$15.5 million in grants from the Denali Commission for bulk fuel facilities, power system upgrades, and power generation projects across rural areas.

The President also took time at the end of the month to meet with Pope Francis during the church head's visit to Washington, during which Pope Francis embraced the Obama administration's efforts to combat climate change. The Pope then headed to New York, where he addressed the UN General Assembly, arguing that humans have a moral duty to actively work to prevent climate change. The President, meanwhile, concluded the month by hosting a state dinner on behalf of Chinese President Xi Jinping, who made an official visit to the White House to discuss items of mutual interest and concern, including climate change. These events continue the Obama administration's constant emphasis on building momentum toward the year-end global climate change negotiations in Paris.

On September 10, the Department of Energy released its second [Quadrennial Technology Review](#) outlining the broader research and development challenges the energy world faces, including carbon capture technology, advanced nuclear power, fuel cells, and energy-related water use. The report emphasizes the convergence of energy sectors; energy supply and service diversification; confluence of research and development, consulting power, and analysis of complex systems; and energy efficiency; and highlights research, development, demonstration, and deployment opportunities in buildings, the electric grid, electricity production, fuels, manufacturing, and transportation. The review found that small-scale pilot projects focused on improving the efficiency of separating CO2 are underway and could be ready for commercial demonstration in 10 years. To continue in this energy technology vein, the DOE's Office of Energy Efficiency and Renewable Energy held a meeting on September 15 on energy conservation standards for battery chargers.

Finally, the Environmental Protection Agency continues to monitor positive and negative reactions to the Clean Power Plan (CPP). The US Court of Appeals for the District of Columbia Circuit ruled on September 9 that it would not put a hold on the CPP, denying a request by 16 states, led by West Virginia, and Peabody Energy Corporation, until the regulation is published in the Federal Register. The court also denied the states' request earlier in the week to challenge the rule before it was made final, dismissing the challenge as premature. On the other hand, in Pennsylvania, Department of Environmental Protection Secretary John Quigley said during a Clean Power Plan webinar on September 9 that the state is open to considering the Regional Greenhouse Gas Initiative and other multistate agreements for compliance with the plan. Pennsylvania, which has the third highest level of annual carbon emissions, will consider all of its options for formulating a state implementation plan, and the department will hold 14 public hearings and an open comment period through November 12, with the intention of submitting a final plan to the Environmental Protection Agency by next September.

Energy Navigator

Please visit and bookmark our [Energy Navigator](#) to easily view all of the latest headlines from the most trusted publications reporting on developments in the energy and clean technology industries. It is housed on our blog, [Energy Technology Matters](#).

Upcoming Events

Massachusetts Green Careers Conference

October 1, 2015
Marlborough, MA

[More Info »](#)

GREAT Tech Awards Gala

October 29, 2015
London, UK

[More Info »](#)

Green Building Showcase

October 1, 2015
Cambridge, MA

[More Info »](#)

US Solar Market Insight

November 2 – 4, 2015
San Diego, CA

[More Info »](#)

Mintz Levin Webinar: Regulation A+ Practical Tips and Guidance for Launching a Mini-IPO

October 13, 2015
Webinar

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Sustainatopia

November 15 – 18, 2015
Boston, MA

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Energy Storage North America

October 13 – 15, 2015
San Diego, CA

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Cleantech Open Global Forum

November 17 – 19, 2015
Redwood City & San Francisco, CA

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2015 NYC Cleantech Summit

October 19 – 20, 2015
New York, NY

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BioCycle REFOR15

October 19-22, 2015
Boston, MA

[More Info »](#)

Verge 2015

October 26 – 29, 2015
San Jose, CA

[More Info »](#)

NECEC's 2015 Green Tie Gala

October 29, 2015
Cambridge, MA

[More Info »](#)

US Energy Storage Summit

December 8 – 9, 2015
San Francisco, CA

[More Info »](#)

Cleantech Forum San Francisco

January 25 – 27, 2016
San Francisco, CA

[More Info »](#)

Solar Summit: Mexico

January 27 – 28, 2016
Mexico City, Mexico

[More Info »](#)

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