

Mintz Levin Energy Technology

Energy Technology Connections Newsletter

Your Law Firm Link to Industry News

MARCH 2016

A Note from the Editors

Our March 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 profile **Apex Clean Energy** and its focus on building utility-scale generation facilities. This month's [Innovator Profile](#) spotlights **HydroPoint Data Systems'** efforts to reduce urban water waste. For [event highlights](#), we feature Mintz Levin's hosting of the panel organized by **NECEC's** PR Committee entitled, "Working with the Press in an Evolving Media Landscape," along with a number of upcoming events sponsored by Mintz Levin, including Clean Energy Trust Challenge 2016. Lastly, our [Washington Update](#) has the latest on the continued push to pass the bipartisan energy bill as well as the latest activities from the **Obama administration**, the **Department of Energy**, and the **Environmental Protection Agency**.

We are thrilled to be a part of [The 2016 World Energy Innovation Forum](#), which brings together the who's who of the energy innovation sector, including leading investors, Fortune 500 executives, technologists, policy makers, and entrepreneurs for two days of high-level presentations, conversations, and networking. This year's event will take place at **Tesla's** 5.5 million square foot Bay Area manufacturing facility, which produces the critically acclaimed Model S sedan and the newly released Model X and is regarded as a leading epicenter of cleantech innovation. The two-day forum, which will be kicked off by Tesla CEO **Elon Musk**, marries the best in thought-provoking discussion with the best in industry networking in the most exciting venue in the industry. Attendees will get a much coveted look at Tesla's award-winning facility as well as a chance to test drive a Tesla. **As a forum sponsor, we are able to offer you a 40% discount off the general registration rate. See the [Event Highlights section](#) for details!**

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: Apex Clean Energy

This month's Leader in the News is **Apex Clean Energy**, a power company operating in the utility-scale renewable energy sphere. **Apex** participates in every phase of clean energy project realization — it develops builds, owns, and operates a variety of wind and solar facilities in 25 states across the United States and currently manages billions of dollars' worth of operating assets. Few independent renewable energy companies have been able to successfully operate on the scale that **Apex** has, and this ability to operate at scale has made **Apex** a leader in the transition to a clean energy future. In fact, **Apex** installed 1,042 megawatts of wind energy facilities in 2015, making the company the market leader for new wind energy capacity additions in the United States, as reported by the American Wind Energy Association in its fourth quarter 2015 report.

For **Apex**, this large-scale investment is part of a long-term vision. The company sees a bright future for renewable energy as a replacement for fossil fuels, as it becomes increasingly efficient, economically prudent, and environmentally critical to shift to renewables in all aspects of life — from powering homes to fueling electric cars. **Apex** is building a portfolio large enough to meet the exponential demand increase it sees on the horizon.



Thomas R. Burton, III



Sahir Surmeli

RELATED INDUSTRIES

▶ [Energy Technology](#)

RELATED BLOGS

▶ [Energy Tech Matters](#)

▶ [Subscribe to Mintz Levin mailing lists.](#)

▶ [Subscribe to the Energy Tech Matters blog.](#)

Apex has risen to prominence through both the development of its own projects and, perhaps most significantly, the acquisition of others. Founded in 2009, **Apex** spent its early years completing more than 20 merger-and-acquisition deals to flesh out its portfolio of clean energy producers. The company has bought assets from some bigger wind players that are shifting their portfolios, but its main focus has been on smaller developers that can't quite get their projects across the finish line, helping these projects get to construction as quickly as possible. The combination of this acquisition work and **Apex's** own development efforts has helped the company secure one of the largest renewable energy portfolios in the country.

Today, **Apex** is continuing the push to add more renewable generation. In 2015, **Apex** completed the construction of 1,042 megawatts of new wind capacity, generating enough energy to power over half a million homes. Earlier this year, **Apex** broke new ground by striking a \$497 million renewable energy supply contract with the Defense Logistics Agency to supply the US Army with electricity from wind and solar facilities over a 30-year period. The company also recently came to a 12-year [agreement](#) with Steelcase, Inc., a global leader in office furniture, to supply 25 megawatts of wind power. Congratulations to **Apex** for its advancement of utility-scale clean energy production — the Mintz Levin team looks forward to your continued growth and leadership in the renewable energy sphere!

Innovator Profile: HydroPoint Data Systems

Our Innovator Profile for March is **HydroPoint Data Systems**, one of the foremost leaders in the smart water management sphere. As drought runs rampant across the western United States, the California-based company has stepped up to the water conservation challenge, helping customers save money, water, and energy.

HydroPoint's hallmark solution is the WeatherTRAK smart water management system, which has applications for commercial, municipal, education, and residential community customers alike. WeatherTRAK is an end-to-end system consisting of real-time smart irrigation controllers, innovative flow management solutions, and the industry's most powerful cloud-based outdoor water management platform. The system's competitive advantage comes from **HydroPoint's** accurate, real-time, site-specific weather data, down to one square kilometer, and its proprietary scheduling engine, which automatically adjusts watering schedules based on four weather parameters: temperature, wind, humidity, and solar radiation. This has been proven to deliver precise, predictable, reliable savings year over year without an on-site weather station.

The company continues to tweak and update its systems in order to both enhance user experience and increase efficiency. When state regulators in the west issued new water-related regulations as a result of drought conditions, **HydroPoint** added tools to help users monitor their compliance with state and local guidelines. In January 2016, meanwhile, the company released an entirely new version of their mobile irrigation control app, the WeatherTRAK Mobile App 2, which features a variety of improvements, including additional remote control mechanisms and manual irrigation settings. The result of such constant improvement is a solution that is a boon to both its customers and the environment: in one year, the system helped users cut over \$137 million in expenses, while also conserving 15 billion gallons of water and 62 million kilowatt hours of energy.

It's no wonder, then, that from Caltrans to Walmart, customers across the nation have chosen **HydroPoint's** smart water management system. Indeed, satisfied customers are not the only ones singing **HydroPoint's** praises. In 2014, the Environmental Protection Agency [named HydroPoint](#) "Manufacturer Partner of the Year" as part of the EPA's Watersense program, making it the first smart irrigation company to win such an honor.

Congratulations to **HydroPoint** for its innovation in the smart irrigation sphere — the Mintz Levin team looks forward to your continued success!

Event Highlights

Clean Energy Trust Challenge 2016

Mintz Levin is excited to sponsor the [Clean Energy Trust Challenge](#) annual pitch competition, which is taking place April 12 in Chicago, Illinois. This event, which is the hallmark of the Clean Energy Challenge accelerator program, brings together venture capitalists, industry executives, civic leaders, the media, and the public to watch start-ups pitch their businesses and hear keynote addresses by prominent thought leaders. To register, [click here](#).

2016 World Energy Innovation Forum

Don't forget! Mintz Levin is returning as a sponsor of the [World Energy Innovation Forum](#) being held at the Tesla Motors manufacturing facility on May 4–5, 2016 in Fremont, California. The two-day forum, focused on clean technology and alternative energy, marries the best in thought-provoking discussion with the best in industry networking in the most exciting venue in the industry. Attendees will get a much coveted look at Tesla's award-winning facility as part of a special VIP tour of the manufacturing floor, as well as a chance to test drive a Tesla. In addition — and even more exciting — attendees will have the extraordinary opportunity to hear first-hand from Tesla's CEO, Elon Musk, who will help kick off this year's forum. In addition to Elon, the forum will feature many other leaders in the energy innovation sector, all of whom will take to the podium to address the pivotal energy issues and opportunities of our time.

As a forum sponsor, we are able to offer you a discount to the event. Register online before the end of March with the discount code MINTZ1000 to receive 40% off the general registration rate. To register, [click here](#). Please be sure to reserve your spot at the Forum ASAP, as the last event sold out.

Working with the Press in an Evolving Media Landscape

Last month we told you about our excitement to host a panel organized by [NECEC's](#) PR Committee entitled, "Working with the Press in an Evolving Media Landscape." Whether you were in attendance or not, you'll want to check out [our blog post](#), which calls out eight key takeaways from this informative panel.

Washington Update

The Senate Energy and Natural Resources Committee is still hopeful that the bipartisan energy bill will advance and see action, likely after the Senate returns from its Easter recess, but hurdles remain. Once the Senate completes work on legislation related to GMOs, attention can be turned to negotiating compromises to overcome the hold placed on the bill by Sen. Lee (R-UT) related to funding for the Flint water crisis along with a hold placed by Sen. Nelson (D-FL) requiring the removal of an amendment offered by Sen. Cassidy (R-LA) to expand offshore drilling revenue in the Gulf of Mexico. A hold placed by Sen. Vitter (R-LA) regarding fishing areas in the Gulf of Mexico has already been resolved. Once the Flint package is approved by the Senate, it is expected to move quickly in the House of Representatives.

Other energy-related bills are working their way through Congress as well. On March 2 Rep. Loeb sack (D-IA) introduced the Renewable Fuel Utilization, Expansion and Leadership (Re-FUEL) Act, which will create new infrastructure and retrofit existing infrastructure, including biofuel and hydrogen pumps, tanks, piping, and electric vehicle chargers. On March 3 the bipartisan pipeline safety SAFE PIPES Act passed the Senate by unanimous consent, reauthorizing the Pipeline and Hazardous Materials Safety Administration that ended September 30, 2015. On March 14 the House of Representatives unanimously passed the Energy Efficient Government Technology Act, which would increase energy efficiency at federal data centers, and the Fair RATES Act, which would amend the Federal Power Act to provide opportunities for rehearing of orders affecting rates. Negotiations are also ongoing to reconcile the differences between the House- and Senate-passed Toxic Substances Control Act (TSCA) reform bills with key decision-makers meeting face to face.

There has also been a slew of activity surrounding budgets for Fiscal Year 2017. After previously testifying

before the House Committee on Energy and Commerce and the Senate Committee on Energy and Natural Resources, Energy Secretary Moniz returned to Capitol Hill on March 1 for a hearing on the DOE's FY17 budget before the Senate Appropriations Subcommittee on Energy and Water Development. The budget request includes \$2.3 billion in increased mandatory funding. Secretary Moniz also testified before the House Appropriations Committee last week. On March 15 House Budget Committee Chairman Price (R-GA) unveiled the Republican's \$3.9 billion budget resolution, which is primarily about message since top-line spending numbers for Fiscal Year 2017 were already agreed to in last year's budget agreement. The proposed House budget resolution rescinds unobligated balances from stimulus green energy programs and would reduce funding for the Environmental Protection Agency.

The Obama administration has reversed course and will no longer support oil and gas leasing in the Atlantic Ocean after previously proposing to open certain areas off of the coasts of Georgia, North Carolina, South Carolina, and Virginia to drilling. Canadian Prime Minister Justin Trudeau visited the White House on March 10 and President Obama and Trudeau pledged to protect the Arctic through a series of initiatives that cover more than 10% of marine areas, promote shipping corridors with low environmental impact, and establish offshore oil and gas leasing areas. Both heads of state also pledged to reduce methane emissions from oil and gas by 40% by 2025. In addition, the State Department announced March 8 that the United States has paid \$500 million to the Green Climate Fund, the first payment toward the administration's multi-year pledge of \$3 billion to support climate action in developing countries.

In agency news, the Department of Energy announced a number of major funding opportunities over the last month. This includes \$80 million on March 1 to develop technologies to improve heavy-truck freight efficiency, \$22 million on March 2 for marine energy projects, and \$25 million on March 11 for electric motor research. On March 1 the DOE also released a report finding that incremental renewable energy capacity driven by the recent tax credit extension is estimated to peak at 53 gigawatts in 2020. Additionally, tax credit extensions are expected to save 540 million metric tons of electric sector CO2 emissions.

Meanwhile, the Environmental Protection Agency (EPA) stated in a draft report released February 22 that domestic greenhouse gas emissions rose 0.9% from 2013 to 2014, with carbon dioxide accounting for 81% of overall greenhouse gas emissions. Overall emissions increased by 7.7% from 1990 to 2014, according to the draft Inventory of US Greenhouse Gas Emissions and Sinks. The EPA then announced on March 10 then it will regulate emissions from existing sources of oil and gas. The planned regulations will help the United States meet its emission commitments under the Paris climate agreement.

Globally, the International Energy Agency (IEA) announced March 16 that greenhouse gas emissions are decoupling from economic growth. According to the analysis, global energy-related carbon dioxide emissions remained flat for the second year in a row as global GDP grew by 3.4% in 2014 and 3.1% in 2015.

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

COP21 Paris Climate Talks unconference

March 29, 2016
Boston, MA

[More Info »](#)

Impact Capitalism Summit: Chicago

April 26 – 27, 2016
Chicago, IL

[More Info »](#)

19th Annual Transmission Summit

March 29 – 31, 2016
Washington, DC

[More Info »](#)

Mexico Energy Finance & Investment Summit

March 29 – 31, 2016
New York, NY

[More Info »](#)

Northeast Biomass Heating Expo

March 30 – April 1, 2016
Burlington, VT

[More Info »](#)

MassCEC's Boston Cleanweb Hackathon

April 1 – 3, 2016
Boston, MA

[More Info »](#)

Rhode Island Clean Energy Day

April 5, 2016
Providence, Rhode Island

[More Info »](#)

BNEF The Future of Energy Summit (Global)

April 4 – 5, 2016
New York, NY

[More Info »](#)

EnergySMART 2016

April 4 – 6, 2016
Washington, DC

[More Info »](#)

ECO:nomics 2016

April 6 – 8, 2016
Santa Barbara, CA

[More Info »](#)

SEPA Utility Solar Conference

April 11 – 14, 2016
Denver, CO

[More Info »](#)

Clean Energy Trust Challenge 2016

April 12, 2016
Chicago, IL

[More Info »](#)

New Revenue through Business Model Innovation—Navigating the Cleantech Landscape

April 13, 2016
Cambridge, MA

[More Info »](#)

World Energy Innovation Forum

May 4 – 5, 2016
Tesla Factory – Fremont, CA

[More Info »](#)

GTM's Solar Summit 2016

May 11 – 12, 2016
Scottsdale, AZ

[More Info »](#)

2016 Energy Efficiency Global Forum

May 11 – 13, 2016
Washington, DC

[More Info »](#)

Fortune Brainstorm E

May 16 – 17, 2016
Carlsbad, CA

[More Info »](#)

Massachusetts Clean Energy Day

May 19, 2016
Boston, MA

[More Info »](#)

AWEA WINDPOWER 2016

May 23 – 26, 2016
New Orleans, LA

[More Info »](#)

GTM's Grid Edge World Forum 2016

June 21 – 23, 2016
San Jose, CA

[More Info »](#)

SEPA National Town Meeting on Demand Response and Smart Grid

July 11 – 13, 2016
Washington, DC

[More Info »](#)

Impact Capitalism Summit: Nantucket

July 20– 21, 2016
Nantucket, MA

[More Info »](#)

AEE's Pathway to 2050

August 11, 2016
Sacramento, CA

[More Info »](#)

Solar Power International

September 12 – 15, 2016
Las Vegas, NV

[More Info »](#)

NEWIEE Awards Gala

April 14, 2016
Boston, MA

[More Info »](#)

TiE StartupCon

April 15, 2016
Boston, MA

[More Info »](#)

Advanced Energy Conference 2016 (AEC)

April 20 – 22, 2016
New York, NY

[More Info »](#)

Energy Storage North America

October 4 – 6, 2016
San Diego, CA

[More Info »](#)

GTM's US Solar Market Insight

October 25 – 26, 2016
San Diego, CA

[More Info »](#)

Contacts

Thomas R. Burton III

Member
Chair, Energy Technology
(Boston)
617.348.3097
TRBurton@mintz.com

Sahir Surmeli

Member
Co-chair, Energy Technology
(Boston)
617.348.3013
SSurmeli@mintz.com

Lisa Adams

Member
Intellectual Property (Boston)
617.348.3054
LAdams@mintz.com

Evan M. Bienstock

Member
Corporate & Securities (New York)
212.692.6869
EMBienstock@mintz.com

Ralph A. Child

Member
Environmental (Boston)
617.348.3021
RChild@mintz.com

Hannah C. Coman

Associate
Corporate & Securities (Boston)
617.348.1703
HCComan@mintz.com

William "Mo" Cowan

Of Counsel
Litigation
Senior Vice President &
Chief Operating Officer
ML Strategies
(Boston)
617.348.1600
MCowan@mlstrategies.com

Jeremy D. Glaser

Member
Corporate & Securities (San Diego)
858.314.1515
JDGlaser@mintz.com

Ian Hammel

Member
Bankruptcy, Restructuring &
Commercial Law (Boston)
617.348.1724
IAHammel@mintz.com

Irwin M. Heller

Member
Corporate & Securities (Boston)
617.348.1654
IHeller@mintz.com

Kanasha S. Herbert

Associate
Corporate & Securities (Boston)
617.348.3015
KSHerbert@mintz.com

Ken Jenkins, PhD

Member
Intellectual Property (San Diego)
858.314.1082
KJenkins@mintz.com

Jonathan L. Kravetz

Member
Chair, Securities;
Corporate & Securities (Boston)
617.348.1674
JLKravetz@mintz.com

Cynthia J. Larose

Member
Corporate & Securities (Boston)
617.348.1732
CJLarose@mintz.com

Conlan Orino

Project Analyst (Boston)
617.239.8327
CJOrino@mintz.com

Jeffrey R. Porter

Member
Environmental (Boston)
617.348.1711
JPorter@mintz.com

Jennifer Sacco Smith

Associate
Real Estate (Boston)
617.348.1678
JSaccoSmith@mintz.com

Chuck A. Samuels

Member
Antitrust/Energy Efficiency
(Washington)
202.434.7311
CASamuels@mintz.com

Gabriel Schnitzler

Member
Real Estate (San Francisco)
415.432.6004
GSchnitzler@mintz.com

Donald W. Schroeder

Member
Employment, Labor & Benefits
(Boston)
617.348.3077
DSchroeder@mintz.com

Terri Shieh-Newton, PhD

Member
Energy Technology (San Francisco)
415.432.6084
TShieh-Newton@mintz.com

Daniel I. DeWolf

Member
Co-chair, Venture Capital &
Emerging Companies;
Corporate & Securities (New York)
212.692.6223
DDeWolf@mintz.com

Paul H. Dickerson

Of Counsel
Corporate & Securities (Washington)
202.460.9286
PHDickerson@mintz.com

Meryl J. Epstein

Member
Corporate & Securities (Boston)
617.348.1635
MJEpstein@mintz.com

Gregory S. Fine

Member
Corporate & Securities (Boston)
617.348.3003
GSFine@mintz.com

Susan L. Foster, PhD

Member
Corporate & Securities (London)
+44.20.7776.7330
SFoster@mintz.com

Bill Geary

Member
Intellectual Property (Boston)
617.348.3046
WGeary@mintz.com

Kristin A. Gerber

Associate
Corporate & Securities (Boston)
617.348.3043
KAGerber@mintz.com

David J. Leiter

President, ML Strategies,
Washington, DC
ML Strategies (Washington)
202.434.7346
DJLeiter@mlstrategies.com

Lindsay Leone

Associate
Public Finance (Boston)
617.348.1728
LFLeone@mintz.com

R.J. Lyman

Member
Corporate & Securities, Project
Development & Finance
(Boston)
617.348.1789
RLyman@mintz.com

Audrey C. Louison

Member
Chair, Project Development &
Finance
(Washington)
202.434.7380
ALouison@mintz.com

Eric Macaux

Associate
Corporate & Securities, Project
Development & Finance, (Boston)
617.348.1677
EWMacaux@mintz.com

Jeffrey A. Moerdler

Member
Real Estate, Communications,
Environmental (New York)
212.692.6700
JAMoerdler@mintz.com

David L. O'Connor

Senior Vice President for
Energy Technology
ML Strategies (Boston)
617.348.4418
DOConnor@mlstrategies.com

Matthew T. Simpson

Associate
Corporate & Securities (Washington)
202.434.7436
MTSimpson@mintz.com

Kaoru Suzuki

Associate
Corporate & Securities (Boston)
617.348.1847
KCSuzuki@mintz.com

Stanley A. Twarog

Member
Corporate & Securities (Boston)
617.348.1749
STwarog@mintz.com

Paula J. Valencia-Galbraith

Associate
Corporate & Securities (Boston)
617.210.6854
PVGalbraith@mintz.com

Michael D. Van Loy, PhD

Member
Intellectual Property (San Diego)
858.314.1559
MDVanLoy@mintz.com

Katy E. Ward

Associate
Environmental (Boston)
617.348.1850
KEWard@mintz.com

William F. Weld

Member
Corporate & Securities
Principal
ML Strategies
(Boston, New York, Washington)
617.348.4412
BWeld@mintz.com