

Mintz Levin Energy Technology

Energy Technology Connections Newsletter

Your Law Firm Link to Industry News

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A Note from the Editors

Our January edition of *Energy Technology Connections* brings you recent industry highlights, including an in-depth look at how the new administration will impact energy in 2017. As always, we also feature a list of upcoming energy industry events throughout the nation. In Leaders in the News, we profile our client **Axiom Exergy**, an energy storage company focused on making the world's energy systems smarter and more efficient. Our Innovator Profile spotlights our client **XL Hybrids**, a leading developer and provider of sustainable fleet electrification solutions for the commercial vehicle market. We also provide our Year in Review, a look at the top energy moments featured on our blog in 2016. For event highlights, we feature two exciting upcoming events: Cleantech Week, which is taking place February 6-10, and the 3rd Annual U.S./Canada Cross-Border Energy Trade Summit, which will take place March 1-2. Finally, our Washington Update provides an outlook on federal energy policy under the new Trump administration, highlighting his target agenda items and key political appointees. This section also features notable leadership changes to energy and environment Congressional Committees and potential legislative activity in these areas.

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](#).

We would also like to remind our readers that you can always ask us anything at <http://mintzedge.com/ask-anything/>. We built the MintzEdge website as a resource for entrepreneurs and investors, and hope that all of you take advantage of the site and see how it can help you.

Leaders in the News: Axiom Exergy

Congratulations to our client **Axiom Exergy** on its latest recognition! Amrit Robbins, President and Cofounder, and Anthony Diamond, CTO and Cofounder, were both recently named to the **Forbes 30 Under 30: Energy list**. Axiom Exergy is an energy storage company focused on making the world's energy systems smarter and more efficient. It provides turnkey energy-management solutions that reduce operational costs and business risk for supermarkets and commercial buildings with high refrigeration-based energy loads.

Year in Review: 2016 Energy News

With President Donald Trump and his administration officially moved into the White House, the landscape of energy policy, investment, and incentives could see major changes in 2017. Given this backdrop, our team decided to review some of the most important trends and policies concerning energy that we covered on our blog, *Energy Technology Matters*, in 2016. From solar cell devices to energy storage to electric vehicles and more, our top five most popular blog posts from 2016 recap some of the leading news from last year. [Read the blog post here](#). Don't forget to subscribe to our blog for top news in 2017!



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Innovator Profile: XL Hybrids

This month we feature [XL Hybrids](#), a leading developer and provider of sustainable fleet electrification solutions for the commercial vehicle market. **XL Hybrids** develops hybrid electric and plug-in hybrid-electric powertrains through cost-effective solutions, enabling commercial and municipal fleets to quickly and efficiently reduce transportation fuel consumption, lower operating costs, and measure performance to meet corporate sustainability goals. Their systems deliver an average 20–50% improvement in miles driven per gallon, CO2 emissions savings, and over 99.9% fleet uptime on major original equipment manufacturer (OEM) platforms.

Recognized as one of the world's 50 most innovative companies in 2014 by *Fast Company*, **XL Hybrids** supports national customers such as The Coca-Cola Company, FedEx, and PepsiCo. Other customers include transportation, municipal, and utility fleets. The company's award-winning XL3® Hybrid Electric Drive System delivers up to a 25% increase in miles driven per gallon and reduces carbon dioxide emissions. **XL Hybrids'** revolutionary solutions can be installed in less than six hours and help commercial and municipal fleets lower operating costs while meeting sustainability goals.

As **XL Hybrids** enters 2017, the company has announced it will launch the industry's first ever fleet-ready™ plug-in hybrid pickup truck upfit. The new product line, the XLP™ plug-in hybrid vehicle (PHEV) upfit solution, will be offered as a ship-thru upfit on half-ton pickup trucks from leading OEMs. It will provide a 50% improvement in miles driven per gallon for major fleets across the country, while also significantly reducing CO2 emissions. Major utility and municipal fleets such as San Diego Gas & Electric Company, Liberty Utilities, Hawaiian Electric Company, and Montgomery County, Maryland are among the North American customers that intend to purchase **XL Hybrids'** new product. XLP™ ship-thru deliveries will begin in the fourth quarter of 2017.

Founded in 2009 by MIT alumni, **XL Hybrids** is based in Boston, Massachusetts. The company was recently selected by the Commonwealth of Massachusetts's Operational Services Division (OSD) to be a vendor on the newly released Advanced Vehicle Technology statewide contract VE102. This multiyear contract will allow public fleets nationwide to purchase the XL3® Hybrid Electric Drive System as an upfit and a retrofit product through an established public contracting mechanism with competitive volume pricing. We are excited to watch **XL Hybrids** continue to grow – keep up the good work!

Event Highlights

Cleantech Week

Presented by our friends at **Cleantech Open**, [Cleantech Week](#) is a gathering of all those seeking to create careers and generate capital by answering the climate change technology challenge. Cleantech Week merges the cleantech industry and the climate movement to create new business opportunities, highlight solutions, engage citizens, cultivate partnerships, and spur further massive investment. The five-day experience of over 40 events in downtown San Francisco is taking place February 6-10. Don't miss out on this celebration of the very best in cleantech innovation from the world's largest clean technology innovation network! [Click here to register](#) and **receive a 20% discount**. Be sure to follow #WeAreTheFix on social media for live updates.



EUCI's 3rd Annual U.S./Canada Cross-Border Energy Trade Summit

The United States and Canada form the largest integrated energy market in the world, operating on more than 50 grid connections of transmission wires and pipelines, according to EUCI. **EUCI's 3rd Annual U.S./Canada**

[Cross-Border Energy Trade Summit](#) will look at the state of energy trade in the Northeast, focusing on recent and proposed cross-border transmission projects for power and natural gas. Industry and policy-maker experts will evaluate the complex process of facilitating increased energy transactions, with emphases on the related intricate planning, multi-party cooperation, and associated regulatory, technical, and financial issues. Taking place March 1-2 in Boston, panel discussions will evaluate the role of Canadian imports for an optimal future resource mix in the Northeast, debating how to balance the often-competing needs of competitive markets, energy security and diversity, environmental compliance, and economic growth in an increased cross-border energy future.

Our own [David O'Connor](#), Senior Vice President for Energy & Clean Technology at [ML Strategies](#), will moderate the panel entitled, "Integrating Markets and Public Policy ("IMAPP"): Evolving Capacity Markets to Incentivize Renewables." NEPOOL initiated a stakeholder process—Integrating Markets and Public Policy (IMAPP)—to identify and explore potential changes in the wholesale power market that could be implemented to advance state public policy objectives in New England. Taking place March 1 from 1:20 – 2:45 pm, this session will explore various policy and industry perspectives on the IMAPP process.

[Click here to register for this summit](#), and follow [#EUCIEvents](#) and [#CrossBorderPower](#) on social media to stay informed.

Washington Update

Though federal energy and environmental policy will look significantly different under a Trump administration than what we have seen develop over the last eight years, the extent to which his administration will be able to redirect or dismantle Obama administration achievements remains to be seen. How and whether President Trump's nominees for secretaries of Energy, Interior, and State—and for Environmental Protection Agency Administrator—are confirmed, and how they and the White House collaborate with the Republican-controlled Congress to address international agreements, tax issues, an energy bill, and current regulations will begin to play out in the coming days and weeks, though many of their efforts are likely to require significant time and attention from all three branches of government.

Executive Branch Agenda

President Trump arrived at the Oval Office with a plan to overturn much of what President Obama achieved on energy and environmental issues during his eight years in office, though market forces, international commitments, and the burdens of litigation will all impact how successful those efforts will be. Top targets include:

1. Eliminating regulations and reducing related agency authority, including many of the Obama administration's landmark climate efforts and other items, as discussed below;
2. Potentially withdrawing from the Paris climate accord;
3. Rearranging domestic energy and environmental priorities toward a greater focus on traditional, inexpensive, American resources ; and
4. Opening and hastening federal lands permitting for oil and gas exploration and production and coal mining.

Facing a lengthy to-do list in his attempt to undo President Obama's energy and environmental commitments, President Trump will quickly use executive orders to dismantle many of the previous administration's executive actions where possible, potentially including the Climate Action Plan and recent pipeline decisions, and Congress may use the Congressional Review Act (CRA) to overturn last-minute regulations such as the Stream Buffer Zone rule and the Interior Department's public land methane leak rule. Longer-term regulations, including EPA's CO2 endangerment finding or the mercury rule, will be more difficult to undo, as doing so would require lengthy new justifications to withdraw and would face aggressive legal challenges. Regulations

that are still mired in litigation, most notably, but certainly not limited to, the Clean Power Plan, will be more vulnerable. Given the sheer volume of regulations, combined with the regulatory and political obstacles to reversing them, we can expect congressional Republicans to prioritize their energy and environment efforts to some of the higher profile pieces.

Key Trump Administration Political Appointees

President Trump has nominated former Texas Governor Rick Perry to serve as Energy Secretary, Oklahoma Attorney General Scott Pruitt to serve as Environmental Protection Agency Administrator, ExxonMobil CEO Rex Tillerson to serve as Secretary of State, and Rep. Ryan Zinke (R-MT) to serve as Interior Secretary.

Senate Democrats are gearing up for a fight against some of President Trump's nominees, with Mr. Tillerson and Attorney General Pruitt among some of their top targets, though we anticipate that with only a simple majority needed for confirmation, the nominees will be approved. On January 23, the Senate Foreign Relations Committee approved Mr. Tillerson's nomination in an 11-10 party line vote, moving his nomination to the full Senate.

Notable Congressional Committee Changes

Due to retirements and term limits, several changes in energy and environment related committees may potentially impact the focus of related committees.

Due to Republican committee chair term limits on former chair Sen. James Inhofe (R-OK) and the retirement of former ranking member Sen. Barbara Boxer (D-CA), the Senate Environment and Public Works Committee will have new leadership in Sens. John Barrasso (R-WY) and Tom Carper (D-DE), and Sens. Jerry Moran (R-KS), Joni Ernst (R-IA), Tammy Duckworth (D-IL), and Kamala Harris (D-CA) will also join the committee.

The Senate Energy and Natural Resources Committee will retain Sens. Lisa Murkowski (R-AK) and Maria Cantwell (D-WA) as chair and ranking member, respectively. The committee will rotate two members, Sens. Shelley Moore Capito (R-WV) and Elizabeth Warren (D-MA) off, while welcoming Sens. Jeff Sessions (R-AL), if he does not depart for the administration, Tammy Duckworth (D-IL), and Catherine Cortez Masto (D-NV) aboard.

The Senate Finance Committee will experience fewer changes, with Sens. Orrin Hatch (R-UT) and Ron Wyden (D-OR) remaining at the helm, and Sens. Bill Cassidy (R-LA) and Claire McCaskill (D-MO) joining the committee.

The House Energy and Commerce Committee will be newly chaired by Rep. Greg Walden (R-OR), who, with a history in radio, has long focused on the telecommunications and technology side of the committee, including chairing the Subcommittee on Communications and Technology. Rep. Frank Pallone (D-NJ) will retain the ranking member slot.

Reps. Rob Bishop (R-UT) and Raul Grijalva (D-AZ) will remain at the helm of the House Natural Resources Committee.

Potential Legislative Activity

In addition to a handful of CRA attempts, we anticipate that the bulk of energy and environment legislative activity will come during budget negotiations as well as the tax reform debate, a potential infrastructure bill, and possibly an energy bill.

Congress will have until late spring to consider resolutions of disapproval under the CRA, and of the more than 1,400 rules that fall within the applicable window, congressional Republicans are likely to prioritize a few energy and environment regulations to target among the roughly 150 significant rules. Given limited time to address CRA resolutions, nominations, appropriations, and other items on the legislative agenda, top energy and environment CRA targets include the Department of Interior's Stream Protection Rule and Methane and Waste Prevention Rule, the Environmental Protection Agency methane and municipal landfill rules, and Department of Energy efficiency rules.

In addition to continued Clean Power Plan and Waters of the U.S. opposition efforts, President Trump's energy adviser Rep. Kevin Cramer (R-ND) has indicated a desire to consider significant revisions to the Clean Air Act and the Clean Water Act, and Rep. Bishop has expressed similar interest regarding the Endangered Species Act, the National Environmental Policy Act, and the Antiquities Act. How assertive the Republican-led Congress will be on high level energy and environment questions remains to be seen, but such proposals would most likely take months or years to develop, while facing strong opposition from congressional Democrats.

In the meantime, legislation expediting liquefied natural gas export permits as well as energy efficiency language has received bipartisan support, and given the members in cycle for 2018, the next two years could provide a unique opportunity for energy reform. After expending so much energy and coming up short in the waning days of the 114th Congress, Sens. Murkowski and Cantwell have indicated a desire to get an energy bill of some sort across the finish line this year, the latter expressing increased interest in addressing more significantly the natural resources side of the committee this Congress. In addition to the Land and Water Conservation Fund, forestry and drought issues are likely to receive substantial attention in both chambers.

Furthermore, despite significant infrastructure commitments during the campaign, it appears that an infrastructure bill may slip into the fall or even later. Questions related to domestic infrastructure, including the aging electric grid, may go on the backburner while nominations, health care, CRA repeal attempts, appropriations, and tax reform take precedence.

As the tax reform debate unfolds, opportunities to defend the production tax credit and investment tax credit will continue, with Sen. Chuck Grassley (R-IA) and others joining Senate Democrats in efforts to preserve the 2015 multiyear extension and phase-down and ensure market stability that will spur new investment into the 2020s. Additionally, exceptions for non-wind and solar technologies may present themselves as part of a broader compromise during the tax reform debate.

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

Sustainability Unconference

January 28, 2017
San Francisco, CA

[More Info »](#)

Microgrid & DER Controller Symposium

February 16, 2017
Cambridge, MA

[More Info »](#)

Columbia University Energy Symposium

February 3, 2017
New York, NY

[More Info »](#)

Building Tech Forum: The Rise of the Smart Cities

February 16, 2017
Boston, MA

[More Info »](#)

Cleantech Week, presented by Cleantech Open

February 6-10, 2017
San Francisco, CA

[More Info »](#)

Invention, Entrepreneurship, & Sustainability: A Panel Discussion on Building Sustainable Businesses

February 17, 2017
Somerville, MA (Greentown Labs)

[More Info »](#)

Infocast's Wind Power Finance & Investment Summit

February 7-9, 2017
San Diego, CA
[More Info »](#)

MIT Clean Energy Prize Kickoff

February 9, 2017
Somerville, MA (Greentown Labs)
[More Info »](#)

NEWIN Water Pitch Night – Boston

February 9, 2017
Boston, MA
[More Info »](#)

Solar Power Northeast

February 13-14, 2017
Boston, MA
[More Info »](#)

Next Generation Energy Storage

February 14-16, 2017
San Francisco, CA
[More Info »](#)

Investments in Energy Technology Sector

February 22, 2017
New York, NY
[More Info »](#)

Infocast's Smart Cities & Money

February 22-23, 2017
Denver, CO
[More Info »](#)

Infocast's Storage Week

February 22-24, 2017
Oakland, CA
[More Info »](#)

BERC Energy Summit 2017

February 23-24, 2017
Berkeley, CA
[More Info »](#)

ARPA-E Energy Innovation Summit

February 27-March 1, 2017
Washington, DC
[More Info »](#)

Infocast's ERCOT Market Summit

February 27-March 1, 2017
Austin, TX
[More Info »](#)

EUCI's 3rd Annual U.S./Canada Cross-Border Energy Trade Summit

March 1-2, 2017
Boston, MA
[More Info »](#)

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