

Mintz Levin Energy & Sustainability

Energy & Sustainability Connections Newsletter

Your Law Firm Link to Industry News

DECEMBER 2017

A Note from the Editors

This month's edition of *Energy & Sustainability Connections* brings the latest developments in energy investing, legal insights, company activity, and industry events straight to your inbox. December's **Leader in the News** is Rob Day, General Partner at Spring Lane Capital, whose recently published white paper provides a primer for investors on developing a clean technology investment strategy. In this month's **Legal Feature**, we highlight Mintz Levin's new *From the Edge* podcast, a series by entrepreneurs for entrepreneurs exploring the strategies and approaches that make emerging companies successful. Get the where, when, and how of New York's SolarWakeup Live! event on January 31st in the **Event Highlights** section. Finally, learn the latest about the hydropower development legislation approved in the U.S. House of Representatives and the Department of Energy workshop on rebuilding Puerto Rico's energy grid in the **Washington Updates** section!

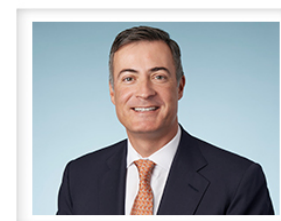
For links to industry grant opportunities and stories from the business, policy, and research sectors of the energy and clean technology industry, please [see our Energy Navigator](#).

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

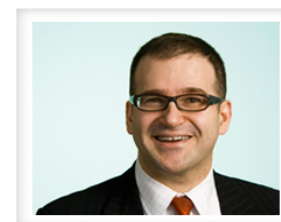
We would also like to remind our readers that you can always ask us anything at <http://mintzedge.com/ask-anything/>. We built the MintzEdge website as a resource for entrepreneurs and investors, and hope that all of you take advantage of the site and see how it can help you.

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RELATED WEBSITES

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- DOE Restructuring
- Puerto Rico Energy Grid
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- DOE Funding Opportunity for Early-Stage Energy R&D
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Leader in the News

Rob Day Publishes White Paper on Developing a Cleantech 2.0 Investment Strategy

In this [recent white paper](#) published in accord with The Climate Solutions Collaborative (C2C), our friend Rob Day and co-author Matt Brown paint the recent clean energy technology investment landscape and provide a primer for wealth owners, foundations, endowment managers, and family offices on developing a cleantech 2.0 investment strategy.

[Rob Day](#) is the Co-Founder of the Cleantech, Renewable Energy and Environmental Opportunities Syndicate (CREO) and General Partner at [Spring Lane Capital](#), where he continues his work as a sustainable resources private equity investor, helping the firm partner with businesses selling or using distributed assets in the energy, water, food, and waste sectors.

[CREO](#) is a not-for-profit organization mobilizing private capital into low-carbon and resource-efficient solutions by working with a network of qualified family offices, private investors, and advisors. CREO has teamed up with [Confluence Philanthropy](#), a mission-aligned investment management organization with more than \$76 billion in philanthropic assets and over \$3 trillion in capital under management. The partnership has resulted in the development of [C2C](#), a working group composed of leading philanthropies, investment managers, and family offices working to accelerate the flow of capital to address climate change. Working group members make and support one another in clean energy investments with an overall goal of bringing market-based climate solutions to scale and making the field of climate investing more connective, active, and effective.

In the paper, *Developing Your Cleantech 2.0 Investment Strategy*, Day and Brown sketch the recent landscape of cleantech investment. Based on interviews they conducted with a handful of forward-thinking investors in the space, the authors highlight seven key lessons that are shaping the approaches of these select VC firms, endowments, and non-traditional investors driving evolution in cleantech investing. Touching on key elements of the industry, from business model innovation to non-traditional investment vehicles to still unrealized market disruptions, they provide a crucial overview of the knowledge that any new investor in cleantech should incorporate into their venture strategy. As Day and Brown note, the next big cycle for cleantech investing is gaining momentum and the opportunity for investors to net significant returns and make a positive impact exists now. You can read the full text of the paper [here](#).

Legal Feature

Mintz Levin Launches New *From the Edge* Podcast

Mintz Levin is excited to announce *From the Edge*, a podcast for and about entrepreneurs. In this series, Mintz Levin attorneys who specialize in emerging companies speak with investors and entrepreneurs in the technology, biotech, and finance fields to explore the key strategies they used to build successful ventures. Featured industry leaders explain how they raised capital, built great management teams, achieved successful liquidity events, and more.

The podcasts are hosted on [MintzEdge](#), Mintz Levin's targeted online resource for entrepreneurs and investors providing the latest insights, news, and trends from legal and industry experts. With a variety of useful tools and information, the site represents Mintz Levin's commitment to helping and growing new and emerging enterprises. Covering topics ranging from company formation to raising capital to protecting intellectual property, MintzEdge exemplifies the firm's deep experience partnering with ventures from the start-up stage to exits.

Mintz Levin attorneys [Daniel DeWolf](#) and [Jeremy Glaser](#), Co-chairs of the firm's [Venture Capital & Emerging Companies Practice Group](#), launched *From the Edge* as a new way to engage with the questions and ideas that drive MintzEdge. By highlighting the perspectives of both investors and entrepreneurs, the podcast offers a wealth of tested advice and concrete lessons to help emerging growth companies achieve success.

Through its five-episode run so far, *From the Edge* has presented a diverse array of guests with a variety of instructive experiences. Featured guests have included Mike Krenn, President of the San Diego Venture Group; Patrick Henry, Founder and CEO of QuestFusion; George Kenney, Founder and Managing Director of Shepherd Ventures; and JD Davids, Founder and Managing Partner of SmartMoney Startups. These industry leaders provided insights into strategies for approaching angel investors and venture capitalists, best practices for writing pitch decks and executive summaries, the challenges of raising venture capital, and important steps for guiding a growing company.

From the Edge is a must-listen for anyone in the business of starting and running a company, aiming to help entrepreneurs thrive by learning from the experiences of those who've walked in their shoes — and succeeded. Listen to the full slate of podcasts [here](#).

Event Highlights

SolarWakeup Live! New York

We are thrilled to sponsor SolarWakeup Live! New York on January 31st at The Theater Center. This event comes on the heels of successful events in Boston and DC and will feature in-depth conversations about REV, energy storage, expanding the solar market, and big capital in our market. Our own [Audrey Louison](#), Chair of the firm's [Project Development and Finance Practice](#), spoke at the DC event and will be in attendance for the New York event as well. To learn more and to register, [click here](#). If you plan to attend, we are excited to be able to offer you a 20% discount. Contact Cassie Bent at CMBent@mintz.com for the discount code.

Additional Events

Interested in learning about additional energy and sustainability events in 2018? Look no further! Our blog features an events page dedicated to providing information about happenings around the globe. [Click here](#) to view it — and feel free to add this page to your favorites list! Are you hosting an energy event that you'd like us to include? Please reach out to Cassie Bent at CMBent@mintz.com.

Washington Updates

Congress

Tax Reform

After the U.S. House of Representatives and Senate passed identical versions of tax reform legislation on December 20, the President signed the bill into law two days later, effecting the biggest changes to the U.S. tax system in decades.

House Approves Hydropower Development Legislation

On December 12, the U.S. House of Representatives approved, by voice vote, the *Promoting Hydropower Development at Existing Nonpowered Dams Act* (H.R. 2872). The bill instructs the Federal Energy Regulatory Commission (FERC) to create an expedited permitting process that will result in a final decision on an application in two years or less. According to Rep. Bucshon (R-IN), “Streamlining the permitting process for qualifying non-powered dam projects represents an important first step in modernizing our existing infrastructure. This small but important step will incentivize investments in hydropower development, allowing us to take advantage of clean, American-made energy.”

Rep. Schakowsky Introduces PTC Legislation

Rep. Jan Schakowsky (D-IL) has introduced the *Prioritizing Energy-Efficient Renewables (PEER) Act* which would permanently extend the Renewable Energy Production Tax Credit (PTC) and end special tax breaks for fossil fuels. The PEER Act has been cosponsored by Reps. Cartwright, Grijalva, Gutierrez, Huffman, Kennedy, Khanna, Lee, Loeb, Lofgren, McCollum, McNerney, Nadler, Norton, Pocan, Polis, Speier, Takano, Velázquez, and Quigley. It has been endorsed by the League of Conservation Voters, the Natural Resources Defense Council, the Sierra Club, Environment America, and the Union of Concerned Scientists.

Senate Hearing on Permitting Process for Energy and Infrastructure

On December 12, the Senate Energy and Natural Resources Committee (ENR) held a hearing to examine the permitting processes at the Department of the Interior (DOI) and the Federal Energy Regulatory Commission (FERC) for energy and resource infrastructure projects. Witnesses included Jim Cason, Associate Deputy Secretary, DOI; Janet Pflieger, Acting Executive Director, Federal Permitting Improvement Steering Council; Terry Turpin, Director, Office of Energy Projects, FERC; Chad Brown, Water Quality Management Unit Supervisor, Washington Department of Energy; Roxanne Perruso, Vice President and General Counsel, Transwest Express, LLC; and Luke Russell, Vice President-External Affairs, Hecla Mining Company.

House Hearing on Corporate Average Fuel Economy and GHG Emissions Standards

On December 12, the House Energy and Commerce held a hearing on the Corporate Average Fuel Economy Program (CAFE) and Greenhouse Gas Emissions Standards for Motor Vehicles. Witnesses included Mitch Bainwol, President and CEO, Alliance of Automobile Manufacturers; John Bozzella, President and CEO, Global Automakers; Dr. Dave Cooke, Senior Vehicles Analyst, Clean Vehicles Program, Union of Concerned Scientists; and Forrest McConnell III, President, McConnell Honda & Acura, on behalf of The National Automobile Dealers Association.

Administration

DOE Restructuring

The Department of Energy (DOE) has restructured its offices, splitting the office of Under Secretary for Science and Energy into two Under Secretary positions — the Under Secretary for Energy and the Under Secretary for Science. The positions

had been combined in 2013 by then-Secretary Moniz in a large-scale reorganization of the department. The Under Secretary for Energy will focus on energy policy, applied energy technologies, energy security and reliability, and certain DOE-wide management functions. The Under Secretary for Science will focus on supporting innovation, basic scientific research, and environmental cleanup. DOE will also replace the Office of Energy Policy and Systems Analysis with an Office of Policy.

Puerto Rico Energy Grid

DOE held a Puerto Rico Power Resiliency Workshop on December 13 to consider streamlined government and industry strategies for rebuilding the electric grid in Puerto Rico once emergency energy efforts are finished. The DOE will lead the development of an integrated plan, along with the government of Puerto Rico, its agencies, and the Puerto Rico Energy Commission. The plan is to address resiliency and security, sustained economic viability and growth, improved power quality, and reduced energy costs.

DOE Funding Opportunity for Offshore Wind Research

DOE has announced [\\$18.5 million in new funding](#) for an offshore wind research and development (R&D) consortium that will conduct U.S.-specific research aimed at reducing the cost of offshore wind in the U.S. The consortium will be a cooperative private-public innovation hub addressing topics including wind plant technology advancement, resource and physical site characterization, installation, operations and maintenance, and supply chain technology solutions.

DOE Funding Opportunity for Early-Stage Energy R&D

DOE has also announced up to [\\$100 million in funding for new projects](#) as part of the Advanced Research Projects Agency-Energy (ARPA-E) for early-stage research and development projects.

New FERC Chairman

On December 7, Kevin McIntyre was sworn in to a five-year term at FERC serving as chairman. Mr. McIntyre comes to FERC after a nearly 30-year legal career where he had an expansive FERC practice. Richard Glick, a former Democratic staffer for the Senate Energy and Natural Resources Committee, was sworn in as FERC commissioner in November. This is the first time FERC has had a full complement of commissioners since 2015.

Methane Rule Delayed

The Bureau of Land Management (BLM) has issued a notice of a long-term delay of the methane waste rule. According to the notice, the key provisions of the methane rule will not be enforced until January 17, 2019, with the intent of giving the BLM time to repeal the Obama-era rule.

Recent M&A Activity

- December 12, 2017: Saddle Butte Rockies Midstream entered into a definitive agreement to be [acquired](#) by Noble Midstream Partners and Greenfield Midstream for \$625 million.
- December 11, 2017: Colfax Fluid Handling was [acquired](#) by CIRCOR International for approximately \$860 million.
- December 8, 2017: Battery Utility of Ohio was [acquired](#) by Tokyo Electric Power Company for an undisclosed amount.

- December 5, 2017: Fifth Creek Energy reached a definitive agreement to be [acquired](#) by Bill Barrett for approximately \$649 million.
- November 30, 2017: O-Tex Pumping was [acquired](#) by C&J Energy Services for \$132.5 million.
- November 28, 2017: Soma Water was [acquired](#) by Full Circle Home for an undisclosed amount.
- November 21, 2017: Talos Energy reached a definitive agreement to [acquire](#) Stone Energy through a reverse merger.
- November 21, 2017: Bay Gas Service was [acquired](#) by Paraco Gas for an undisclosed amount.
- November 20, 2017: Future Global Vision was [acquired](#) by Youngevity International for an undisclosed amount.
- November 11, 2017: Dynegy was [acquired](#) by Vistra Energy for \$1.74 billion.

*Sources: Pitchbook

Upcoming Events

NECA Dinner Meeting – Hanging in the Balance: The Future of Nuclear Energy in New England

January 11, 2018
Cambridge, MA

[More Info »](#)

Risk Management Choices: Adaptation Strategies by Government and Insurers

January 12, 2018
Boston, MA

[More Info »](#)

NEWIN Marketing Group Meeting

January 17, 2018
Boston, MA

[More Info »](#)

Unpitch

January 18, 2018
Boston, MA

[More Info »](#)

2018 Cleantech Forum San Francisco

January 22-24, 2018
San Francisco, CA

[More Info »](#)

Solar Wakeup Live! NY

January 31, 2018
New York, NY

[More Info »](#)

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