

## Infrastructure & Project Finance

### Related Practices

Corporate Finance  
Government Policy & Practice  
Public Finance  
Real Estate

### Related Industries

Energy Industry Group  
Mobility and Advanced Transportation Team  
Siting, Zoning, Licensing & Energy Infrastructure

## Overview

Dykema's Infrastructure and Project Finance practice is comprised of attorneys and other professionals from offices in Chicago, Michigan, Washington, D.C. and Dallas, and draws from our experience in project finance, commercial lending, mergers and acquisitions, real estate, construction, tax and regulatory matters. We also are involved in a number of Public-Private Partnerships (PPPs) in Illinois, Michigan and Texas.

Our attorneys and other professionals counsel clients in a variety of sections including:

- Energy
- Hospital Finance
- Telecommunications
- Transportation

Our Infrastructure and Project Finance team has guided clients, such as infrastructure equity funds, lenders, developers, municipalities and other financing authorities, and private and public entities, in the acquisition, development, financing and operation of a variety of infrastructure assets. These assets include tunnels, offsite airport parking lots, hospitals, light rail, power plants and electric transmission and distribution grids. We work closely with each client to understand its particular needs and assemble client-focused teams to provide efficient and effective service. Our Infrastructure and Project Finance-related clients include:

- Exelon Thermal
- Constellation Energy
- APS Energy Services
- ITC Transmission
- M-1 RAIL
- Macquarie Infrastructure Company
- Michigan State Hospital Finance Authority
- Numerous Energy Cooperatives

## Energy Infrastructure and Project Finance

Attorneys and other professionals in Dykema's Infrastructure and Project Finance practice area have deep experience in the energy industry. We provide our clients with the resources and experience of our multidisciplinary team to best address their business needs. Our strong industry knowledge and awareness of key issues and trends is part of the comprehensive value we offer.

We have guided clients such as infrastructure equity funds, lenders, municipalities and other financing authorities, private and public entities, investor-owned utilities, co-ops, independent power producers and merchant generators, underwriters, investment bankers, lenders and other stakeholders in the development, finance and operation of a variety of infrastructure assets, including power plants and transmission grids.

For the foreseeable future, power generation, transmission and distribution are likely to be key activities. Trends that we see include increased consolidation, investment in repair/refurbishment, focus on alternative and renewable energy, and increased regulatory activity. Dykema's energy team is well positioned to provide valuable service to our clients in these areas as they develop.

## Transportation Infrastructure and Project Finance

Attorneys and other professionals in Dykema's Infrastructure and Project Finance practice area have deep experience in the transportation industry. We provide our clients with the resources and experience of our multidisciplinary team to best address their business needs. Our strong industry knowledge and awareness of key issues and trends are part of the comprehensive value we offer.

We have guided clients such as infrastructure equity funds, lenders, municipalities and other financing authorities, private (both nonprofit and for profit) and public entities, underwriters, investment bankers, lenders and other stakeholders in the development, finance, and operation of a variety of infrastructure assets, including an international tunnel, light rail system and parking facilities.

For the foreseeable future, enhanced transportation networks are likely to remain key issues. Trends that we see include a significant funding gap related to the need to repair our deteriorating highways, roads, bridges and parking facilities, as well as the increasing demands for mass transit and other new transportation networks. In short, our public sector needs additional funding, but is increasingly unwilling or unable to raise taxes for this funding, while, at the same time, the private sector thirsts for long-term, reliable investment returns. Dykema's transportation infrastructure team is well-poised to provide valuable service to our clients as they look to leverage these trends for the mutual benefit of the public and private sectors.

## District Energy and Independent Power Projects

We have an active practice representing parties involved in district energy and independent power projects. District energy systems involve a central plant to produce hot water or cold water, which is then piped to a "campus" of buildings in the vicinity. It is an attractive way to foster development of the "campus" area by centralizing the plant for these services and obtaining economies of scale in operation and service. The "customer" buildings also save space that would otherwise be needed for their own HVAC production plant. In some markets, notably Chicago, district cooling also allows "load shifting" of electric power by the production of ice during off-peak hours which is then used during peak hours to chill water that is piped to the customer buildings and used to air condition them. This saves money for the customers and can also significantly reduce emissions that might otherwise be generated by fossil fuel electric generation during peak hours to meet air conditioning demands. Such load shifting can also alleviate the danger of "brownouts" when demand exceeds electricity peak supply. Thus, district cooling can be an environmental plus in more than one sense.

District energy projects entail real estate, finance, construction, regulatory and contract law issues. Our District Energy practice has included:

- Projects in Chicago, Las Vegas, Pittsburgh, Phoenix, Nashville and Windsor, Ontario
- Negotiation and documentation of the development and service contracts with customers
- Construction contracts with general contractors building plants and agreements financing the construction of such plants
- Real estate leases and purchases for the sites where the plants have been located
- Easements for the service piping.

Our clients have included Exelon Thermal, Constellation Energy Source and APS Energy Services, each of which is a subsidiary of a major utility holding company.

Independent power projects involve construction or purchase, operation and financing of power generation facilities, as well as the sale of electric power under long-term power purchase agreements. Some district energy projects include independent power generation, or standby generation, capability. Typically, a plant is constructed with the intent to sell the power to a major utility or transmission company. The fuel may be conventional, such as coal, oil or natural gas, or renewable, such as solar, wind, thermal or biomass. Many states have mandates in place to meet target renewable power

generation, which has encouraged independent development of such projects aimed at selling renewable power in such markets.

Independent power projects entail real estate, finance, construction, regulatory and contract law issues, including power purchase and interconnection agreements. Dykema has been involved with independent power projects in Michigan, Tennessee, California and Canada.

## **Publications**

"Public-Private Partnerships"

January 1, 2010

*Construction Law: Transactional Considerations*, at 5-1, Stanley P. Sklar, ed., IICLE

## **Speaking Engagements**

*Anatomy of a Defaulted Deal*, National Association of Bond Lawyers 2012 Bond Attorneys' Workshop  
October 2012

*Public-Private Partnerships*, Land Use Institute: Planning, Regulation, Litigation, Eminent Domain, and Compensation,  
Chicago, IL  
August 10, 2012

Crowdfunding and the IPO On-Ramp

June 5, 2012 (Los Angeles-area)

Crowdfunding and the IPO On-Ramp

May 23, 2012 (Detroit) and May 24, 2012 (Chicago)