

## RELATED SERVICES

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- Economic Development Incentives
- Energy, Environmental + Regulatory
- Energy, Telecom + Public Utilities
- International + Emerging Markets
- Real Estate

### Governments + Nonprofits

- Economic Development
- Energy, Environmental + Regulatory
- Energy, Telecom + Public Utilities
- Intergovernmental Cooperation Agreements

## Climate Law

Climate law is affecting business and industry, government and regulatory authorities, and our personal lives. Specifically, efforts to enhance energy efficiency and manage greenhouse gas (GHG) emissions creates challenges throughout the economy as new laws and regulations are enacted at international, national, state and local levels.

Miller Canfield attorneys throughout North America – as well as in Canada, Mexico, Europe and Asia – advise clients from a global perspective and utilize multi-disciplinary expertise to address and resolve these new “green” issues. Our Climate Law attorneys guide clients in environmental, real estate, corporate, federal tax, public law, finance and litigation, and clients benefit directly from the breadth and depth of practical and strategic information we bring to their areas of concern.

Our Climate Law team works with private and public sector organizations in adapting to these new challenges and opportunities. This work includes:

### **Energy Efficiency Finance - Property Assessed Clean Energy (PACE)**

Investments in energy efficiency for both buildings and industrial operations are increasingly becoming an attractive option for property owners interested in expense and emissions reductions. PACE programs, which are now active in 27 states, allow the property owner to finance such investments and re-pay the debt by way of a voluntary property assessment. This allows for longer-term amortization and a more secure position for the project lender who obtains a lien on the property for the amount of its investment. In Michigan, Public Act 270 of 2010, which became law on December 14, 2010, provides a flexible structure enabling property owners to privately arrange financing in a competitive environment. PACE affords municipalities, property owners, lenders and energy consultants opportunities to develop the energy efficiency market on a “shared services” basis. Miller Canfield lawyers are at the forefront of these emerging partnerships.

### **Renewable Energy Credits (RECs)**

More than 29 states, which provide more than half of the electricity sales in the United States, have instituted Renewable Portfolio Standards (RPS) that require electricity providers to obtain a

minimum percentage of their power from renewable energy resources by a certain date. These new regulations create challenges for traditional utilities and opportunities for renewable energy companies in biofuel, wind, solar, geothermal, waste-to-energy and hydro-electric power generation. Miller Canfield attorneys provide well-informed regulatory interpretation and compliance guidance, helping companies structure power supply contracts and REC trading transactions that meet all statutory mandates.

### **Carbon Finance - Cap and Trade**

Clients benefit from our attorneys' capable guidance through the maze of identifying, verifying and monetizing carbon-reduction related assets including Certified Emission Reduction (CER) and Clean Development Mechanism (CDM./JI) credits under the Kyoto Protocol and Voluntary Emission Reduction (VER) credits through the Chicago Climate Exchange (CCX) and pursuant to the Regional Greenhouse Gas Initiative (RGGI), California AB 32, the Western Climate Initiative (WCI), the Midwest Regional Greenhouse Gas Reduction Accord, the Conference of New England Governors and Eastern Canadian Premiers, the Southwest Climate Change Initiative, the Western Governor's Association and other climate change regulatory structures.

### **Economic Development Incentives**

The federal government and several states have earmarked renewable energy related production facilities for a variety of financial incentives, such as grants, tax credits, tax abatements and assistance with facility siting. With our informed counsel, our clients identify and maximize such incentives to supplement project financing plans and meet implementation goals. We manage our clients' interests in negotiations with state and local officials to secure incentives in support of renewable energy development projects including bio-facilities, hydro electric projects and renewable energy component manufacturing facilities.

### **Incentives for Sustainable Development, Green Buildings and LEED Certification**

Real estate investors, owners and developers must increasingly incorporate sustainability elements into the planning and acquisition stages of real estate projects. Our knowledgeable counsel guides clients in securing Green Leases that assure proper compliance with LEED requirements and carbon inventory tracking, as well as

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providing means for enforcement and appropriate risk sharing between landlords and tenants. Our knowledge of municipalities offering accelerated permitting, tax abatement extensions, density bonus and cash grants, among other tools, to motivate sustainable development practices is readily accessible – and very useful – to our clients.

### **Due Diligence**

In real estate or merger and acquisition transactions, Miller Canfield attorneys advise on the execution of due diligence programs to assure compliance with all applicable regulations and shadow carbon finance goals. Our familiarity with government incentives and commercial lending programs designed for energy efficiency capital improvements and the LEED-EB (Existing Building) standards which define appropriate due diligence, identify and address sustainability risk help clients to make key decisions.

### **Municipal Energy Building Code and Sustainable Land Use Regulation**

Municipalities benefit from Miller Canfield attorneys' long experience in developing ordinances that encourage sustainable development with new and existing properties and reviewing compatibility and conformity with neighboring jurisdictions.

### **Shareholder Resolutions**


Our awareness of climate law issues and responses is valuable to publicly traded companies faced with shareholder resolutions focused on environmental stewardship. We counsel pragmatic appropriate responses to these resolutions that assure adherence to corporate sustainability policies, assess potential impact on other pertinent stakeholders and advise our clients on compliance with industry and government disclosure regulations.

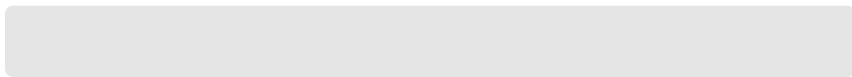
### **Energy Efficiency Grant Programs**

Many public agencies and non-profit organizations now offer energy auditing grants to identify areas of potential improvement which can lead to operating cost savings. We facilitate identification and execution of these programs and the public finance mechanisms necessary to capitalize energy-related infrastructure investments.

### **Policy Development, Monitoring and Advocacy**

Miller Canfield attorneys have the political savvy and legal knowledge to effectively support your company's efforts to develop Environmental Stewardship and Sustainability Policies which balance





economic, regulatory and other stakeholder interests.

**Visit our [International Climate Law & Policy Resource Center](#)**

