

5Q: Jerry Petros

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1 What role did you play in helping Deepwater Wind establish its offshore wind farm?

The Hinckley Allen team played an integral role in the project from conception through construction and full-scale operation. We provided business advice, helped obtain regulatory approvals, counseled Deepwater Wind on environmental matters, handled legal challenges to the project, assisted with financing and other commercial issues, helped navigate complex real estate issues and assisted on construction issues.

2 What legal challenges faced the company, and where did they come from?

In 2009, the governor and the General Assembly sought to facilitate the development of renewable energy within the jurisdictional boundaries of the state or adjacent state or federal waters. We helped guide Deepwater Wind through the state's open-bidding process and the state ultimately selected Deepwater Wind as its preferred developer. We later co-represented Deepwater Wind before the [R.I.] Public Utilities Commission in obtaining approval for the power-purchase agreement between them and National Grid ... in the face of opposition from numerous constituencies raising diverse arguments against approval. After PPA approval, we defended Deepwater Wind and the PUC's decision against appeals from multiple project opponents before the Rhode Island Supreme Court, which affirmed the PUC's decision.

3 What was most challenging about securing the required permits?

This was a historic effort to launch America's first offshore wind farm. We had no playbook to follow and every step on this path was trailblazing. These steps included navigating technology; contracts; regulatory approvals; public outreach; coordination with federal, state and local agencies; environmental benefits and impacts; and novel legal theories.

4 How about the financing?

We needed to work closely with the Deepwater Wind team to demonstrate to lenders that the project would succeed and had a clear path forward to begin commercial operation by December 2016.



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5 Did going through this process make it easier for future projects to follow suit?

Future projects will benefit from the process pioneered and navigated by Deepwater Wind. ... We helped write the script, and this project serves as the model for the industry as it emerges as a significant component of the renewable-energy sector. ■