

Developing New Microgrids in Old Regulatory Environments

Techniques for Structuring Microgrid Projects

Christopher Berendt, Partner

Faegre Drinker Biddle & Reath LLP



Framework Points ...

- **Brief overview of frameworks and then your questions**
- **Structuring a microgrid project requires looking at how various legal frameworks can operate together:**
 - Energy
 - Tax
 - Environmental
 - Real Estate
 - Finance
 - Etc.

Energy Regulatory Challenges

- **Energy Regulations often present the core challenges facing microgrid development:**
 - Who can own and operate microgrid generation?
 - Who can own and operate microgrid distribution?
 - How many customers can a microgrid serve?
 - Can you combine hybrid resources in a microgrid?
 - Can you reasonably interconnect a microgrid to the grid?
 - Is there a utility tariff and rate schedule that makes sense for a microgrid?
 - Why did the microgrid cross the road?

Almost all jurisdictions have this in common ...

- **Regulatory frameworks that are not setup for microgrids**
- **Change is coming, multiple microgrid tariff and grid modernization proceedings**
- **What to do in the meantime?**

Use Existing Building Blocks in a New Way

- **Use current regulations for retail power sales, behind-the-meter generation, power distribution, etc.**
- **Use each for its intended purpose and then combine**
- **Opportunities to do each in a manner that supports its combination with the others**

What have you seen with your project?

Q&A

Thank you

Christopher Berendt
Partner Faegre Drinker, MRC Co-Counsel
christopher.berendt@faegredrinker.com

1 202 230 5426 direct

