

# Energy & Clean Technology

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## Energy & Clean Technology Connections: Your Law Firm Link to Industry News

NOVEMBER 2013

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In the November edition of Mintz Levin's *Energy & Clean Technology Connections*, we have gathered the month's top stories from the energy and clean technology industries, including the Northeast Regional winners of this year's Cleantech Open, highlights from a symposium focusing on changing energy needs in the 21st century, and a profile of a new, utilities-focused start-up looking to revolutionize the country's approach to energy efficiency.

As we work to bring you the top news in the most accessible format, the look of our newsletter will be undergoing a few changes. In the coming months, we will be moving our top links as well as information on tax incentives and rebates to our blog, *Energy & Clean Technology Matters*, where you will be able to access them at any time.

### Events This Month: A Symposium on the Changing Landscape of Energy Needs

On November 5, Tom Burton and Sahir Surmeli, Chair and Co-chair, of the Energy & Clean Technology Practice at Mintz Levin; Brian Bolster, Manager Director of Clean Technology and Renewables/Power at Goldman Sachs; and Kelly Gawlik, Director of Corporate Issues Practice at Weber Shandwick, were the featured speakers at Mintz Levin's panel discussion, "Getting Ready for the IPO Spotlight." The speakers discussed the current IPO market and opportunities for energy and clean-tech companies. More information on what was discussed during the panel can be found on our blog, *Energy & Clean Technology Matters*.

Boston College held an energy symposium titled, "Energy: From the Last to the Next 150 Years" on October 25. Tom Burton moderated the panel, "Balancing Energy needs and Climate Change in the 21st Century." After a keynote address by Senator Ed Markey, David A. Deese, Professor of Political Science at Boston College, David A. Wirth, Professor and Director of International Programs at Boston College Law School, and Joseph E. Aldy, Assistant Professor of Public Policy at the Harvard Kennedy School, discussed the future of international and domestic energy policy.

On October 17, Cleantech Open Northeast held its awards and gala ceremony, where [NBD Nanotechnologies](#) of Somerville, Massachusetts and [Sealed](#) of Astoria, New York were among four regional winners. They will represent the Northeast at the [Cleantech Open Global Forum](#) in San Jose, California from November 20 – 21 where they will compete with other environmental and energy technology firms across the nation for the National Grand Prize of \$200,000 in cash and services. More than 300 people including entrepreneurs, business leaders, and public officials from across the Northeast region's clean-tech community attended the October gala.

### Washington Update: Water Reform Is Passed and

Thomas R. Burton III  
Member  
Chair, Energy & Clean  
Technology (Boston)  
617.348.3097  
TRBurton@mintz.com

Sahir Surmeli  
Member  
Co-chair, Energy & Clean  
Technology (Boston)  
617.348.3013  
SSurmeli@mintz.com

Brady Berg  
Member  
Corporate & Securities (San  
Francisco)  
415.432.6003  
BBerg@mintz.com

Evan M. Bienstock  
Member  
Corporate & Securities (New  
York)  
212.692.6869  
EMBienstock@mintz.com

Jonathan T. Cain  
Member  
Government Law & Contracts  
(Washington)  
202.585.3508  
JTCain@mintz.com

Anne Campbell  
Associate  
Intellectual Property (London)  
+44.20.7776.7317  
ACampbell@mintz.com

Ralph A. Child  
Member  
Environmental (Boston)  
617.348.3021  
RChild@mintz.com

Jordan M. Collins  
Director of Government  
Relations  
ML Strategies (Washington)  
202.434.7462  
JMCollins@mlstrategies.com

Hannah C. Coman  
Associate

## Greenhouse Gas Regulations Face the Supreme Court

With the federal government shutdown and the threat of default, Washington, DC focused on budget matters for most of October. Energy technology news came from non-governmental sources. The International Panel on Climate Change released the summary of its [Fifth Assessment Report](#), which found that average surface temperatures have risen 1.5 degrees Fahrenheit since the industrial revolution. Of the scientists who wrote the report, 95% to 100% are certain that human activity is one driver of this change; by comparison, in 2007, only 66% to 90% of the authors of the Panel's *Fourth Assessment Report* were certain.

Once Washington reopened, the House approved the [Water Resources Reform and Development Act](#). Because the Senate passed the bill's counterpart in May, the two houses now need to negotiate compromise language. If an agreement occurs, it will be the first time since 2007 that a water infrastructure bill has passed. The House and Senate have also passed versions of the Farm Bill, which has now gone to committee for [formal negotiations](#).

The third version of Shaheen-Portman is nearing introduction in the Senate, but many agree that Majority Leader Harry Reid (D-NV) will not move the bill without having 60 votes to override any filibusters. Senator Ed Markey (D-MA) plans to introduce an RES/EERS bill that will establish a federal renewable electricity standard for retail electricity suppliers and a federal energy efficiency standard for electricity and natural gas suppliers.

The Supreme Court has agreed to hear a major case concerning the Environmental Protection Agency's [greenhouse gas regulations](#), specifically whether the EPA can regulate emissions from stationary sources like power plants under the [Clean Air Act](#). The case is a sequel to *Massachusetts v. Environmental Protection Agency* (2007), where the EPA was ordered to set regulations should they find evidence that greenhouse gases from cars endangered public health. When they eventually found such evidence and set regulations, industry groups challenged them on the merits of the research methods employed to reach the critical conclusions. These complaints were unanimously rejected by the US Court of Appeals for the District of Columbia Circuit, though the Supreme Court accepted six petitions for review of the rejection, including *Utility Air Regulatory Group v. Environmental Protection Agency*. As the president tries to use existing executive power to implement his climate agenda, the Supreme Court will play an important role in the regulatory process as environmental and business groups sue the EPA.

Even with the shutdown, the Department of Energy released a report, authored by the Navigant Consortium, titled, "[U.S. Offshore Wind Market and Economic Analysis](#)." The report shows that 11 offshore wind projects representing 3,824 MW of capacity are currently in an advanced stage of development. Of note is the [Block Island Wind Farm](#) that is a part of the Deepwater Wind project. The 30-megawatt offshore farm, which will be entirely in Rhode Island waters, will produce enough power for 17,000 homes. Construction of the project is set to begin in 2015.

In a final piece of news, Ron Binz withdrew his name from consideration for the post of Federal Energy Regulatory Chairman. He faced opposition from most Republican and some Democratic members of the Senate Energy and Natural Resources Committee because they viewed Binz as too "anti-coal." Some replacement candidates being considered Arkansas Public Service Commission Chairman Colette Honorable and current Federal Energy Regulatory Commission members Cheryl LaFleur and John Norris.

We hope that you enjoy this month's edition of the newsletter. For the most up-to-date information on federal legislation and programs, read the most recent [ML Strategies Energy & Environment Update](#).

Corporate & Securities  
(Boston)  
617.348.1703  
HCComan@mintz.com

Julian Crump  
Managing Partner, Member  
Intellectual Property (London)  
+44.20.7776.7302  
JCrump@mintz.com

Daniel I. DeWolf  
Member  
Co-chair, Venture Capital &  
Emerging Companies;  
Corporate & Securities (New  
York)  
212.692.6223  
DDeWolf@mintz.com

Raj Dhaliwal  
Project Analyst (Boston)  
617.348.4835  
RSDhaliwal@mintz.com

Paul H. Dickerson  
Of Counsel  
Corporate & Securities  
(Washington)  
202.460.9286  
PHDickerson@mintz.com

Meryl J. Epstein  
Member  
Corporate & Securities  
(Boston)  
617.348.1635  
MJEpstein@mintz.com

Gregory S. Fine  
Member  
Corporate & Securities  
(Boston)  
617.348.3003  
GSFine@mintz.com

Susan L. Foster, PhD  
Member  
Corporate & Securities  
(London)  
+44.20.7776.7330  
SFoster@mintz.com

Kristin A. Gerber  
Associate  
Corporate & Securities  
(Boston)  
617.348.3043  
KAGerber@mintz.com

Jeremy D. Glaser  
Member  
Corporate & Securities (San  
Diego)  
858.314.1515  
JDGlaser@mintz.com

Irwin M. Heller  
Member  
Corporate & Securities  
(Boston)  
617.348.1654  
IHeller@mintz.com

Kanasha S. Herbert  
Associate  
Corporate & Securities

## Monthly Innovator Profile: Sealed Offers New Approaches to Energy Improvements for Homeowners

This month, Mintz Levin would like to highlight [Sealed](#), a utilities-focused energy start-up that is working to make energy efficiency in homes more ubiquitous by taking the risk and guesswork out of investments for homeowners. Sealed works one-on-one with each of their clients to implement energy-efficiency improvements. They offer personalized assessments that address potential improvements, install new equipment, and organize financing for the improvements. Customers then pay Sealed each month instead of their utilities company, and Sealed guarantees that they will save money from their previous bill or Sealed will pay the difference. [Andy Frank](#), CEO of Sealed, was also one of the founding members of Efficiency 2.0, a NYC-based start-up that also offered conservancy consulting services.

### In This Edition

Business

In the News: United States

In the News: World

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Federal & State Happenings

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### Business

The Worst Is Over? Solar Industry Rebounds

*Renewable Energy World* – October 31, 2013

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SunPower to Boost Capacity 25% with Plants Running at Full Speed

*Renewable Energy World* – October 31, 2013

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Managing and Reducing Risk for Renewable Technologies

*Renewable Energy World* – October 30, 2013

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Rise of the Distorporation

*The Economist* – October 26, 2013

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Ocean Energy Technologies Speeding Towards Commercialization

*Renewable Energy World* – October 16, 2013

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Q3 Portfolio Review: A Bottom for Clean Energy Developers?

*Renewable Energy World* – October 9, 2013

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(Boston)  
617.348.3015  
KSHerbert@mintz.com

Brian P. Hopkins  
Member  
Intellectual Property (New York)  
212.692.6803  
BPHopkins@mintz.com

Jonathan L. Kravetz  
Member  
Chair, Securities;  
Corporate & Securities  
(Boston)  
617.348.1674  
JLKravetz@mintz.com

Carl A. Kukkonen III  
Member  
Intellectual Property (San Diego)  
858.314.1535  
CAKukkonen@mintz.com

Cynthia J. Larose  
Member  
Corporate & Securities  
(Boston)  
617.348.1732  
CJLarose@mintz.com

David J. Leiter  
President, ML Strategies,  
Washington, DC  
ML Strategies (Washington)  
202.434.7346  
DJLeiter@mlstrategies.com

Ana Lopez  
Project Analyst (Boston)  
617.348.4840  
ATLopez@mintz.com

Audrey C. Louison  
Member  
Chair, Project Development &  
Finance (Washington)  
202.434.7380  
ALouison@mintz.com

Jeffrey A. Moerdler  
Member  
Real Estate, Communications,  
Environmental (New York)  
212.692.6700  
JAMoerdler@mintz.com

David L. O'Connor  
Senior Vice President for  
Energy & Clean Technology  
ML Strategies (Boston)  
617.348.4418  
DOConnor@mlstrategies.com

Jeffrey R. Porter  
Member  
Environmental (Boston)  
617.348.1711  
JPorter@mintz.com

Jennifer Sacco Smith  
Associate  
Real Estate (Boston)  
617.348.1678  
JSaccoSmith@mintz.com

Solar VC Funding: "The Fear Is Gone" for Investors  
*Renewable Energy World* – October 9, 2013

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The Business Case for Smart Building Technology  
*Greentech Media* – October 8, 2013

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Tips on Financing a Small Solar or Wind Project  
*Greentech Media* – October 8, 2013

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Wind Company Pattern a Winner After IPO  
*Greentech Media* – October 2, 2013

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Terrajoule Scores \$11.5 Million for Solar Energy Storage and Waste Heat Tech

*Greentech Media* – November 4, 2013

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US Wind Power Slumps in 2013 After Tax Credit Drives 2012 Boom

*Renewable Energy World* – November 1, 2013

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US Has 11 Offshore Wind Farms in the Works (Sort Of)

*Greentech Media* – October 30, 2013

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IEA Sees Wind Power Bouncing Back Big

*Greentech Media* – October 25, 2013

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Ron Binz Steps Down as FERC Nominee, Citing "Blood Sport" in Congress

*Greentech Media* – October 1, 2013

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Peak Coal: Will the US Run Out of Coal in 20 Years or 200 Years?

*Greentech Media* – October 30, 2013

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8 Charts That Illustrate Progress on DOE's Smart Grid Investment Grants

*Greentech Media* – October 30, 2013

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Energy Department Announces \$60 Million to Drive Affordable, Efficient Solar Power

*The United States Department of Energy* – October 22, 2013

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Chuck A. Samuels  
Member  
Antitrust/Energy Efficiency  
(Washington)  
202.434.7311  
CASamuels@mintz.com

James Sasso  
Project Analyst (Boston)  
617.348.4847  
JNSasso@mintz.com

Gabriel Schnitzler  
Member  
Real Estate (San Francisco)  
415.432.6004  
GSchnitzler@mintz.com

Donald W. Schroeder  
Member  
Employment, Labor & Benefits  
(Boston)  
617.348.3077  
DSchroeder@mintz.com

Bryan M. Stockton  
Director of Government  
Relations  
Energy Policy Specialist  
ML Strategies (Washington)  
202.434.7480  
BStockton@mlstrategies.com

Stanley A. Twarog  
Member  
Corporate & Securities  
(Boston)  
617.348.1749  
STwarog@mintz.com

Paula J. Valencia-  
Galbraith  
Associate  
Corporate & Securities  
(Boston)  
617.210.6854  
PVGalbraith@mintz.com

Michael D. Van Loy, PhD  
Associate  
Intellectual Property (San  
Diego)  
858.314.1559  
MDVanLoy@mintz.com

Katy E. Ward  
Associate  
Environmental (Boston)  
617.348.1850  
KEWard@mintz.com

William F. Weld  
Member  
Corporate & Securities  
Principal  
ML Strategies  
(Boston, New York,  
Washington)  
617.348.4412  
BWeld@mintz.com

David Wraige  
Associate  
Intellectual Property (London)  
+44.20.7776.7310  
DWraige@mintz.com

Energy Department Actions to Deploy Combined Heat and Power, Boost Industrial Efficiency

*The United States Department of Energy* – October 21, 2013

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A New Win-Win? CO<sub>2</sub>-eating Microalgae as a Biofuel Feedstock

*Renewable Energy World* – October 3, 2013

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## In the News: World

South Africa Approves \$3.3 Billion of Renewables Projects

*Bloomberg* – November 4, 2013

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Major European Utility Set for Dramatic Renewable Energy Transformation

*Renewable Energy World* – October 31, 2013

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Solar Energy: Cell a Million?

*The Economist* – October 28, 2013

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Brazil's Oil Auction: Cheap at the Price

*The Economist* – October 26, 2013

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RWE Dramatically Changing Its Business Model, Making Radical Departure from Conventional Utility Approach

*Cleantechnica* – October 24, 2013

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Under Threat, Germany's Second-Biggest Utility Says It Will Create a New "Prosumer Business Model"

*Greentech Media* – October 23, 2013

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The Shape of a New International Climate Agreement

*The United States Department of State* – October 22, 2013

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An Open Frontier: The Untapped Potential of South American Geothermal

*Renewable Energy World* – October 22, 2013

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U.N. Names New Science Advisory Board

*Science Magazine* – October 21, 2013

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European Utilities: How to Lose Half a Trillion Euros

*The Economist* – October 10, 2013

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## Government Financial Assistance

### **Tax Incentives & Rebates**

#### ***Federal***

Federal Business Energy Investment Tax Credit

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Federal Renewable Electricity Production Tax Credit

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Federal Tax Credits for Consumer Energy Efficiency

Expiration Date: December 31, 2016

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Federal Energy-Efficient Commercial Buildings Tax Deduction

Application Deadline: January 1, 2006 – December 31, 2013

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#### ***State***

California Self-Generation Incentive Program

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California Property Tax Exclusion for Solar Energy Systems

Expiration Date: December 31, 2016

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Massachusetts Incentives / Policies for Renewables & Efficiency

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Massachusetts Clean Energy Center: Commonwealth Wind Incentive Program – MicroWind

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Massachusetts Clean Energy Center: Commonwealth Solar II

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Massachusetts Energy Efficiency for Businesses & Institutions

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Massachusetts RPS Solar Carve-Out

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## Privately Sourced Financial Grants

GE Ecomagination Challenge: Powering the Grid

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The Carbon Trust: Innovation

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## Federal & State Happenings

Sacramento Utility to Launch Concentrating Solar Power-Natural Gas Project

*The United States Department of Energy* – October 31, 2013

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5 Solar Growth Markets That May Surprise You...

*Cleantechnica* – October 30, 2013

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World's Largest Cleantech Accelerator Selects Top Midwest Startups

*Cleantechnica* – October 30, 2013

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Asheville Next City That Has Voted to Go Beyond Coal

*Cleantechnica* – October 27, 2013

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Meet Michigan's Thriving Wind Turbine Tourism Industry

*Cleantechnica* – October 26, 2013

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Energy Department Announces Winners of Housing Innovation Awards

*The United States Department of Energy* – October 25, 2013

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Governors Announce Bold Initiative to Put 3.3 Million Zero-Emission Vehicles on the Road by 2025

*The State of Rhode Island* – October 24, 2013

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Agriculture Secretary Announces Electric System Improvements in 23 States

*The United States Department of Agriculture* – October 24, 2013

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New Report Shows Trend toward Larger Offshore Wind Systems, with 11 Advanced Stage Projects Proposed in U.S. Waters

*The United States Department of Energy* – October 23, 2013

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Iowa Scientists Say Climate Change Threatens State Agriculture

*Popular Science* – October 22, 2013

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## Legal News

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*ML Strategies* – October 28, 2013

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*ML Strategies* – October 21, 2013

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*ML Strategies* – October 14, 2013

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*ML Strategies* – October 7, 2013

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*ML Strategies* – October 1, 2013

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## Events

Cleantech Tour of China

November 3 – 8

China

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Renewable Energy World Conference & Expo

November 12 – 14

Orlando, FL

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Global Cleantech Meetup

November 12 – 14

Boston, MA

[More Info »](#)

New England Energy Council's 6th Annual Green Tie Gala

Boston, MA

November 14

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U.S. Solar Market Insight Conference

December 10 – 11

San Diego, CA

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