

## ENERGY LAW PRACTICE GROUP

Advising complex energy transactions



King Stubb & Kasiva assists clients engaged in every part of the energy business, including companies engaged in the exploration and production of oil and natural gas, power companies, energy marketers, natural gas storage providers and processors, commercial banks and other energy finance providers, drilling and oilfield service contractors and electrical power generators. Our team has assisted large publicly traded companies and financial institutions, as well as mid-sized and smaller privately owned companies dealing in natural gas, power and exploration.

The Firm has considerable experience in many segments of the energy industry, coupled with our attorneys' extensive regulatory work, gives us a strong position from which to facilitate energy and natural resources-related business solutions.

## *Oil & Gas*

King, Stubb & Kasiva has acted for a number of oil and gas majors in the country. The range of projects on which we have assisted reflects the wide range of issues encountered in the oil and gas industry, including tax structuring and planning, site acquisition, technology issues, environmental issues, corporate restructuring, project documentation and financing on both a recourse and non-recourse basis, sale and acquisition of oil & gas assets, and other regulatory issues. We negotiate gas purchase and transportation agreements, assist in the development, permitting and financing of facilities, and counsel clients on legal considerations governing their gas acquisition strategies.

## *Power*

King, Stubb & Kasiva has unparalleled experience in advising and assisting various power projects in the private sector where such private participation has manifested itself in diverse forms varying from BOO, BOT, BOOT, BOLT to Management and Lease Contracts in India, People's Republic of China and Bangladesh.

The Firm's experience in this sector ranges from structuring of projects, negotiating and drafting the Power Purchase Agreements ("PPA"), Concession

Agreements, Operations and Maintenance Contracts (“O&M”), Engineering Procurement and Construction Contracts (“EPC Contracts”), Fuel Supply Agreement (“FSA”), Land Agreements, Implementation Agreement, Government Guarantee, Financing Documentation, Shareholders’ Agreement, Risk Management Documentation for the allocation, management and mitigation of risks and dispute resolution mechanism.

## *Renewable Energy*

Our team of experienced attorneys has counseled on a wide variety of “green” power projects, including wind, solar and hydroelectric projects. We have negotiated many contracts that have recognized the unique value of “green” power projects and have used that value to structure transactions that were favorable to our clients. We have substantial knowledge and experience in the use of renewable energy credits and certificates, emissions credits and tax credits to maximize the overall benefits and fully realize all of the advantages of the renewable nature of an energy project.

## **OIL & GAS**

- ✓ Representation in connection with the structuring, financing, building, acquisition or sale of energy and infrastructure projects
- ✓ Structuring of model agreements for the sale of its crude oil, gas supply and value added products, based on international best practices, to meet the challenge of the changed business environment pursuant to the deregulation of the oil and gas industry in India
- ✓ Advice on Upstream, midstream, and downstream transactions
- ✓ Advice in connection with a transfer of technology agreement and advise on contract award procedure
- ✓ Advice on feasibility study to identify independent LNG based power projects and gas pipelines projects in India with a view to establish a reference knowledge base of each project, identify likely best and 3-5 viable state(s) for independent LNG based power projects, assess the feasibility of integrated financing for LNG based power projects including renewable power projects, tax incentives, holidays, exemptions, etc., under tax statutes for renewable power projects, tax treatment of independent gas pipeline and LNG based power projects with a combination of renewable energy, and to identify prospective developers,

- operators, sponsors, financiers for independent gas pipeline and LNG based power projects and promoters
- ✓ Advice on establishing a wholly owned subsidiary in India that would invest in upstream and midstream energy projects involved in exploration and production, marketing, manufacturing and distribution
  - ✓ Represented an oil major in connection with a major lending to its oil refinery project and in advise on regulatory approvals for accessing external commercial borrowings, security issues including subrogation rights, defaults and cross defaults, indemnities, creation of charges, enforcement and execution of foreign judgements in India, stamp duty issues on creation of charges. Review of loan documentation including rupee term loan agreement, credit agreement, share pledge agreement, shortfall support undertaking, letters of guarantee, mortgage agreement, etc
  - ✓ advice concerning a pipeline project in India and land acquisition and right of way issues

## **POWER**

- ✓ Advice on private placements and equity investments in the power sector
- ✓ Structuring transaction documents including Negotiating and drafting Project Documents, including PPA, FSA, EPC Contract, O&M Contract and Financing and Security Documentation
- ✓ Advice regarding regulatory and environmental compliance for all aspects of projects
- ✓ Representation in a full range of financings, including private placements, public offerings and IPOs

## **NON CONVENTIONAL ENERGY**

- ✓ Advice on setting up wind farm operations / solar projects
- ✓ Advice on all aspects of renewable energy projects
- ✓ Project finance and structuring of financing for renewable energy projects, including multi-lender transactions
- ✓ Liaison with necessary governmental authorities including the Ministry of Non Conventional Energy, Government of India on setting up renewable energy projects in India

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