

INDUSTRY

Energy

When an issue involves the energy industry, Benesch's Energy Group has the insight and depth of experience to advise on, negotiate and litigate solutions. The team counsels clients on regulatory, legislative and transactional matters, as well as other matters of strategic importance.

As one of the largest and most experienced energy practices in the Midwest, we repeatedly prevail in complex commercial, commodity and regulatory disputes both in and out of court.

Who We Serve

- Competitive retail suppliers
- Investor-owned electric and gas utilities
- Municipal utilities
- Natural gas pipeline operators
- Rural electric cooperatives
- Unregulated public/private industrial entities

Representative Clients

- American Electric Power
- ComEd
- Duke Energy
- First Energy
- Nicor Gas
- Northeast Ohio Natural Gas Corp.

What We Do

- Construction
- Crisis management
- Environmental matters
- Legislative and public law
- Litigation
- Mergers, acquisitions and other transactions support
- Real estate
- Regulatory matters
- Renewable energy transactions

Numbers & Recognition

24

Dedicated attorneys

Recognized
by Best Law Firms®



Recognized
by Chambers



Breadth of Experience

- Together with our Real Estate practice, we specialize in powered land and data center development through the entire transaction arc.
- We are accomplished regulatory litigators and consistently act as lead counsel representing utility clients on their most significant matters.
- We excel at helping commercial and industrial clients achieve their renewable energy goals, offering solutions ranging from large-scale solar power purchase agreements to on-site solutions like combined heat and power.

Unrivaled Excellence

Benesch's Energy Group includes some of the most highly regarded lawyers in the industry, including:

- Chambers Band 1-ranked Energy and Natural Resources: Regulatory
- Lawyers named 2024 and 2025 "Lawyers of the Year" in Energy Regulatory Law by Best Lawyers in America®
- A former Administrative Law Judge and later Chief Administrative Law Judge at the Illinois Commerce Commission, the agency that regulates public utilities, including electric and gas utilities

Representative Matters

- ▶ Represented AEP Ohio in obtaining PUCO approval to install behind-the-meter fuel cell generation assets at Amazon and Cologix data centers, the first approval permitting an Ohio utility to install behind-the-meter generation at a customer's location. Successfully defended the approval on appeal, which was voluntarily dismissed before oral argument at the Ohio Supreme Court.
- ▶ Represented three electric distribution utilities in a contested multibillion-dollar electric security plan proceeding.
- ▶ Served as national compliance counsel for one of the country's largest competitive retail electric service providers.
- ▶ Represented an industrial client's construction of a \$4 billion facility concerning all energy-related issues, including Power Siting, negotiation with utilities and procurement of the commodity.
- ▶ Represented an EPC contractor in a dispute against a U.S. public utility regarding \$20 million in claims stemming from modernization and conversion of an old-technology coal-fired power plant. The resulting ICDR arbitration succeeded on claims for scope creep, constructive acceleration and design delays.
- ▶ Represented a specialty contractor on a North American oil refinery project in a dispute against a U.S. oil major regarding \$35 million in claims driven by owner-supplied material defects and wrongful termination.
- ▶ Represented a state university regarding Power Siting Board approval for a 105.5 MW Combined Heat and Power Facility powered by natural gas. This facility will be the primary source for heat and power for the university's Columbus campus.
- ▶ Obtained summary judgment for a municipal utility in a \$188 million class action regarding alleged customer overcharges. The court held for the municipal utility on all claims and completely rejected the theory proposed by the municipal utility's former director.
- ▶ Obtained a unanimous victory before the Ohio Supreme Court on behalf of three investor-owned utilities, upholding the recovery of \$115 million in prudently incurred costs associated with a coal-fired generation facility.
- ▶ Represented a global private equity fund specializing in the development of renewable energy projects in a new-technology plastics-to-fuel facility. We structured the project's capital stack, implemented a one-off hybrid EPC delivery method, and addressed disputes with supply chain and technology providers that delayed the project's commencement and prolonged its completion. Resolved all claims without suit or arbitration.
- ▶ Successfully defended a claim on an \$86 million letter of credit in a contested contractual dispute between a competitive retail electric service provider and a governmental aggregator.
- ▶ Negotiated numerous on- and off-site solar energy-related agreements, totaling over 100 MW, for municipal and industrial clients.
- ▶ Obtained summary judgment against a municipal utility attempting to force a non-municipal resident to accept service under Ohio's constitutional home rule provisions and Certified Territory Act.
- ▶ Represented a Fortune 500 global control system manufacturer in \$60 million in disputes driven by technology and operational failures in one of Canada's largest hydroelectric power facilities.
- ▶ Represented a utility regarding termination and replacement of its EPC contractor on a coal-fired power facility in Europe.
- ▶ Represented a data center developer in the negotiation and execution of a multibillion-dollar powered land and data center development transaction, including the construction and installation of an on-site 500 MW natural gas generation facility.