

Project Finance Group Of The Year: Akin Gump

By **Jake Simpson**

Law360, New York (January 18, 2012, 5:23 PM ET) -- Taking advantage of the alternative energy loan guarantee program spearheaded by the Obama administration, the project finance team at Akin Gump Strauss Hauer & Feld LLP leveraged its renewable energy experience to close some of the biggest project deals in the U.S. last year, earning it a spot among Law360's Project Finance Groups of 2011.

The U.S. Department of Energy rolled out the loan program in 2009, enabling companies to obtain financing for massive alternative energy projects in the wind and solar space. A longtime industry leader in renewable energy projects, Akin Gump was perfectly positioned to take advantage of the program and advise on several deals with values of more than \$1 billion.

"Being in a field that is supported by government policies is certainly a good place to be," said Edward Zaelke, co-head of the project finance group. "We've been in the middle of the three or four largest loan guarantee transactions over the past few years, largely because of our footprint in renewables."

Fellow co-head Adam Umanoff led an Akin Gump team that advised SunPower Corp. and NRG Energy Inc. on their 250-megawatt solar project in San Luis Obispo, Calif. Financing for the project included a \$1.2 billion construction loan from the DOE, one of the largest loans awarded under the guarantee program.

Because of the political scandal surrounding the bankruptcy of Solyndra LLC, the firm had to leverage its track record of successful financings with the DOE to get the deal done just before the Sept. 30 deadline, Umanoff said.

"This was literally the last deal that closed under the loan guarantee program — it closed at 7 p.m. EST on Sept. 30," Umanoff said. "We have an impeccable reputation in the space, and because of our time on the loan guarantee program, we have a great amount of credibility with the DOE."

Umanoff also served as lead counsel for BrightSource Energy Inc. for several solar projects in the southwest U.S. totaling 2,600 MW. Among the deals was a \$1.6 billion debt financing of BrightSource's 392 MW Ivanpah Solar Electric Generating System, which closed in April after getting one of the first major loans under the DOE program.

Umanoff said that the development is currently owned by NRG, Google Inc. and a number of institutional investor groups. Once completed, it will be the largest solar project in the U.S.

"This was a huge project with several phases," Umanoff said. "It took us about a year to get it closed, and there were a lot of learning exercises for us and the DOE because it was the first big deal [under the program] that got closed."

Umanoff and Zaelke are both based in Akin Gump's Los Angeles office, and the majority of the group is on the West Coast. The firm has now added a senior East Coast partner with the hire of Jacob J. Worenklein, who will be co-head of the group with Umanoff and Zaelke and work primarily out of New York.

A project finance luminary who founded U.S. Power Generating Co. and developed the project finance groups at Lehman Brothers Holdings Inc. and Societe Generale SA, Worenklein brings additional credibility to an already accomplished group, his co-heads said.

"Jay has shown that he can do this," Zaelke said. "The reason he's been involved in so many big projects is that he's a lawyer that uses both legal intelligence and experience to help clients solve problems. We're thrilled to have him on our team."

Worenklein, who was previously at Bingham McCutchen LLP, started at Akin Gump on Jan. 13.

The group already has a full plate for the early part of 2012, including a number of solar thermal projects for BrightSource in California and Arizona totaling 2,000 MW. Zaelke said the firm also expects the wind project space to pick up in the next several months because the federal production tax credit for wind is slated to expire at the end of the year.

"Our clients are working very hard to get projects in the ground for 2012 on the wind side," he said. "We have a number of financings in the first two quarters of this year. "

Methodology: In November, Law360 solicited submissions from over 500 law firms for its practice group of the year series. The more than 550 submissions received were reviewed by a committee of Law360 editors. Winners were selected based on the significance of the litigation wins or deals worked on; the size and complexity of the litigation wins or deals worked on; and the number of significant, large or complex deals the firms worked on or lawsuits the firm had wins in. Only accomplishments from Dec. 1, 2010, to Dec. 1, 2011, were considered.

--Editing by Andrew Park.

