Energy & Clean Technology



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

OCTOBER 2013

In the October edition of Energy & Clean Technology Connections, we've gathered recent information from a wide variety of sources in an effort to keep you abreast of what's new in the world of clean energy. We draw your attention to the latest industry developments, news from local governments to Capitol Hill, grant opportunities, and upcoming events.

A Profile of the Massachusetts Water Industry: A Global Leader in Innovation and Sustainability

In an age where millions do not have access to clean drinking water and potential or actual water crises are headline news, Massachusetts is fostering companies and initiatives that aim to conserve water, develop hydropower, and make water safer to drink. Though Massachusetts's top universities, think tanks, and engineering and consulting firms — such as HDR and AECOM, which have an established presence in Massachusetts — focus on water research and technology, it is the state government's emphasis on cultivating innovative water start-ups that sets it apart as a true industry leader. Massachusetts is home to nearly 30 water start-ups, all of which are national and international leaders in fields including forward osmosis, engineered membranes, extracting biogases from wastewater, microbial fuel cell treatment, nitrogen removal, ozone sanitization, creating nonporous membranes, underwater power management, and nutrient recovery from water.

Massachusetts holds the most water-focused patents per capita in the United States, nearly doubling the national average for those related to drinking water technologies. Companies such as Sanergy, which has a unique for-profit and not-for-profit structure, thrive in Massachusetts, thanks to dedicated governmental and community support and grants. Sanergy manufactures and installs toilets in the slums of Nairobi, Kenya, as a nonprofit initiative. It then gathers the waste and turns it into biofuels and fertilizers in an effort to generate profits for local communities. Sanergy is a former winner of the prestigious MassChallenge, which gives away \$1 million annually in cash awards for clean tech-focused startups to get off the ground and begin implementing their ideas.

Other companies, such as Oasys Water, are focused on initiatives that have an impact both domestically and globally. Using natural, or forward osmosis, Oasys significantly improves the effectiveness of treating the world's most challenging water sources. Oasys systems are lower cost and use less energy than conventional technologies, making it feasible to use renewable energy sources to transform highly saline or contaminated waters into fresh, usable water thereby increasing the availability of water worldwide.

This is the philosophy that permeates the Massachusetts water industry: valuing innovation and offering sustainable solutions for our local communities and our





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

Highlights This Month

Mintz Levin would like to congratulate Tim Healy, Chairman and CEO of EnerNOC, for his well-deserved spot on the *Boston Business Journal's* "Power 50" list. Tim co-founded EnerNOC with David Brewster in 2001, led the company through its successful IPO in 2007, and continues to lead it through ongoing global expansion and success. Congratulations also to Lyndon Rive, Chief Executive Officer and Founder of SolarCity, who was named one of *CNN Money's* "40 Under 40." Lyndon founded SolarCity in 2006. Under his leadership the company has seen tremendous growth and continues to grow after its IPO in December 2012.

Mintz Levin would also like to highlight the recently launched MassCEC Jobs Board, a job posting site targeted solely at job seekers and employers in the clean technology sector. MassCEC will control the quality and timeliness of the postings. The Massachusetts clean energy sector has had job growth of 11.8% in 2013. If you have questions about the MassCEC Jobs Board, please contact Arthur Natella at anatella@masscec.com.

In Washington this month, the Environmental Protection Agency's New Source Performance Standards drew plenty of attention especially in relation to what the standards may mean for the future of the coal industry. The standards, released on September 20 by EPA Administrator Gina McCarthy, set a cap of 1,000 pounds of carbon dioxide emissions per megawatt hour for natural gas power plants; 1,100 pounds per megawatt hour for smaller natural gas power plants; and 1,100 pounds per megawatt hour for coal-fired power plants. Additional flexibility is provided for coal plants if the average emissions over a number of years meet the goal.

Response to the standards was divided mainly along party lines, with mostly Democratic environmentalists in full support of the standards, while those in manufacturing and industrial fields felt that it essentially will close all coal fired power plants. Seven Republicans sent a letter to EPA Administrator McCarthy on September 17 asking the agency to elaborate on its calculation of the social cost of carbon. The letter asked which officials were involved in the calculation, whether the models used were peer reviewed, and what future rules the agency intends to use to determine the cost.

New bills in Congress that relate to the environment include one currently being drafted by Senator Chris Murphy (D-CT), Senator Al Franken (D-MN), and Senator Bob Menendez (D-NJ) to address reducing emissions of hydrofluorocarbons (HFCs) and other short-lived climate pollutants. Senator Ed Markey (D-MA), in his first speech on the Senate floor on September 18, announced that he plans to introduce two energy bills. One would improve the natural gas infrastructure in Massachusetts, while the other would set a 25% target for clean energy and energy efficiency improvements by 2025. In his remarks, he also stated his opposition to liquefied natural gas exports and his commitment to climate change legislation.

New England Women in Energy and the Environment (NEWIEE) will be hosting an Annual Meeting and Autumn Extravaganza on the evening of October 28, 2013 to announce the newly formed NEWIEE Advisory Board. The Advisory Board includes Susan Coakley, Executive Director at Northeast Energy Efficiency Partnerships; Penni McLean-Conner, Chief Customer Officer & Senior Vice President, Customer Group at NSTAR; Sonia Hamel, Principal at Hamel Environmental Consulting; Edna Karanian, Director of Gas Systems Operations at Northeast Utilities; Barbara Kates-Garnick, Undersecretary for Energy at the Massachusetts Executive Office of Energy and Environmental Affairs; Muriel Robinette, Senior Client Development Manager/Principal at Terracon Consultants, Inc.; and Rebecca Tepper, General Counsel at the Massachusetts

Associate 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

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 (Boston) 617.348.3015 KSHerbert@mintz.com Department of Public Utilities. The NEWIEE Annual Meeting is free and open to its members and the Autumn Extravaganza is open to all. Please click here to learn more about the event and the organization.

Mintz Levin's Energy & Clean Technology blog brings you the latest information and events impacting the energy and clean technology industries. The blog includes in-depth analysis from the Associates and Members that work within our Energy & Clean Technology Practice. Please visit the following link that will bring you directly to the blog: http://www.energycleantechmatters.com/

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*.

Mintz Levin's Monthly Incubator Profile

This month, Mintz Levin would like to highlight Mosaic, a company structured around an innovative renewable energy banking model. Mosaic specializes in solar projects, soliciting money for them, and making loans to fund these projects that are typically paid back on a 10-year basis. Adapting to modern trends of leveraging crowdsourcing methods to fund projects — most famously made popular by the site Kickstarter — Mosaic allows users to make investments of as little as \$25, and still be able to anticipate a return on their investment. Though it is still in its early stages and only open to investments from the general public in New York and California, the company is quickly becoming a player in the solar funding market — one that is rapidly expanding to meet ever-increasing demand.

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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

Jeffrey A. Moerdler

ALouison@mintz.com

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

Chuck A. Samuels

Member

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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

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