Energy & Renewable Resources

- Representation of developers, property owners, energy providers, lenders, investors, and large energy users in the development, acquisition, financing, and operation of energy generation and delivery projects
- Renewable, distributed, and traditional energy projects, including site control, land use and environmental permitting, utility interconnection, Engineering, Procurement, and Construction and Power Purchase Agreements, and eligibility for renewable energy incentives
- Regulatory and market matters, including proceedings before the New Jersey Board of Public Utilities and the Federal Energy Regulatory Commission, competitive energy procurement, and project due diligence and financing

Greenbaum's energy & renewable resources practice offers a comprehensive range of legal services for energy generation and delivery projects across New Jersey. While our attorneys possess decades of experience in regulated utility services, the group's primary focus is supporting the growing demand for distributed energy resources, renewables, traditional and alternative energy production, competitive energy procurement, energy efficiency, and sustainable development.

Our team has extensive expertise in both the traditional (fossil fuel) energy and renewable energy sectors, providing strategic solutions for clients navigating New Jersey's evolving energy landscape and the impacts of new technologies, changing regulations, and market demands. We integrate our deep knowledge of energy law with substantial experience in commercial real estate, business transactions, land use and redevelopment permitting, environmental compliance, brownfields development, project financing, tax incentives, eligibility for renewable energy certificates (RECs) and net-metering, carbon reduction credit, brokerage agreements, and related litigation.

A multidisciplinary approach enables our team to address the legal aspects of both behind-the-meter and utility-scale grid supply projects, from property acquisition and environmental permitting to regulatory compliance and operational matters. Attorneys in this practice area help clients manage the challenges and opportunities of environmentally responsible and cost-effective energy production in New Jersey.

Electricity Generation Project Development

Solar Energy Projects with Battery Energy Storage

Our attorneys have substantial experience representing solar electricity generation developers, solar electricity providers, property owners, large-scale energy users, and lenders and investors in connection with the development and acquisition of solar electricity generation systems. We provide advice and analysis and prepare and negotiate site control and property rights acquisition agreements, including leases, lease or property purchase options, easement and rights of way agreements. We assist in obtaining required state, county and local approvals, including environmental approvals, and prepare and negotiate construction and services agreements, including engineering procurement and construction (EPCs) agreements, power purchase agreements (PPAs), and energy services agreements (ESAs). We secure interconnection approval from the local utility or PJM, and prepare roof replacement contracts, rooftop leases, access agreements, and interconnection agreements. We advise on and coordinate project eligibility for available economic incentives.

Our team is experienced with the development of ground-mount grid-supply projects, projects on sanitary landfills and brownfields, projects developed in environmentally sensitive areas such as the New Jersey Pinelands, and onsite consumption projects for large-scale commercial and industrial energy users. Our solar projects experience has included the incorporation of battery energy capabilities enabling demand side management (i.e., peak shaving), back-up supply and micro-grid performance. We also regularly integrate electric vehicle (EV) charging station agreements in our solar project development work.

The group is familiar with the requirements of New Jersey's solar incentive programs, including the issuance of solar renewable energy certificates (SRECs), eligibility for net-metering, and siting criteria for projects proposed to be developed on farmland or agricultural property. We are also familiar with the state's Community Solar program, dual use agrivoltaics program, and battery storage economic incentive programs.

Alternative Electricity Generation

We have energy project development experience encompassing alternative electricity generation technologies such as natural gas or hydrogen fuel cell facilities, battery storage, heat pumps, bio-mass generation, landfill gas-to-energy conversion, geothermal energy projects, consolidated natural gas, and a variety of projects incorporating sustainable building design and corporate sustainability initiatives. Our attorneys are familiar with the requirements associated with New Jersey offshore wind development and permitting associated with transmission projects.

Traditional Electricity Generation and Pipeline Development

The firm has significant experience guiding clients through the intricate process of siting and obtaining the necessary permits for new fossil fuel electric power plants, pipelines, and related infrastructure. We provide

support in due diligence, with land use approvals, and in navigating the complex regulatory frameworks of state and federal agencies, including the New Jersey Board of Public Utilities (BPU) and the New Jersey Department of Environmental Protection (NJDEP). Our project experience ranges from the development of utility-scale power plants to behind-the-meter cogeneration/combined heat & power (CHP) projects generating electricity for onsite consumption or as a backup supply source. In connection with such projects, we assist in securing necessary state, county and local approvals, including Title V air permits.

Obtaining local and state approvals for the construction of lateral infrastructure (i.e., pipelines, transmission facilities, etc.) for the transport and delivery of energy (e.g. natural gas, oil, etc.) and utility services is a complex process that requires a thorough understanding of the associated pitfalls. Securing land access rights and development approvals for these projects requires a coordinated effort by attorneys with expertise in real estate, environmental law, local land use regulations, eminent domain, and state and federal utility/pipeline regulation. Our attorneys have the experience and expertise to handle approvals of this nature.

Procuring Competitive Energy Supply

Since 2000, the supply component of electricity and natural gas service provided by New Jersey local utilities has been competitive. Industrial, commercial and residential customers may select their own electricity or natural gas supplier, provided the supplier is licensed with the BPU as a third-party supplier (TPS). Our team represents large energy users in connection with their procurement of competitive energy supply. We review, negotiate and revise third-party supplier agreements on behalf of these energy users so the firm's clients can realize the benefits of competitive supply.

Public Utilities Law & Proceedings Before the New Jersey Board of Public Utilities

In addition to securing energy project approvals from the BPU, we represent clients in all aspects of regulatory operations, including rate cases, rate-setting proceedings, cable television franchising, and litigation before the BPU and in state courts. Our attorneys have deep knowledge of all aspects of New Jersey public utility regulation and have significant experience in BPU proceedings relating to the regulation of natural gas, electricity, telecommunications, cable television, water and wastewater service providers. We regularly represent entities that intervene in utility matters which are likely to impact the intervening entity. We represent intervenors in BPU proceedings in which the BPU is considering a change in policy, or in which the BPU is evaluating whether a service program proposed by a public utility should be approved.

The firm also provides representation in matters before the Federal Energy Regulatory Commission (FERC) concerning wholesale power markets and interstate gas regulation. We assist with contract negotiations for project development, energy marketing and transportation contracts, and handle other transactional matters related to the operation and maintenance of energy facilities.

Energy Project Due Diligence

Our team is known for conducting comprehensive due diligence in connection with identifying, analyzing and reviewing required federal, state and local energy generation project approvals. In addition to representing energy project developers and large-scale energy users, we frequently serve as local New Jersey counsel for energy development project lenders, equity investors and national or international energy developers and

conduct comprehensive due diligence for these project investors and lenders. Our energy project due diligence experience includes due diligence for alternative generations sources, such as the use of fuel cells to generate electricity to serve data centers.

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Experience

Representative Matters

Solar Energy & Storage (Utility Scale | Grid-Supply | Community)

- Represented a North American developer of utility scale solar power plants as New Jersey counsel in connection with regulatory approvals for utility-scale solar projects on brownfields and landfills, including proceedings before the NJBPU, related trial and appellate litigation concerning renewable energy incentives, and legislative and regulatory compliance matters for projects totaling approximately $38 million in capital expenditures.
- Advising Lightstar Renewables on the development of agrivoltaics, community solar, and grid-supply projects in New Jersey and the Northeast, including site acquisition, permitting, interconnection, incentive eligibility, financing, and power purchase agreements, with capital investments exceeding $100 million.
- Representing a publicly traded telecommunications company and its affiliates in developing a landfill-based community solar facility in Voorhees, securing NJDEP, New Jersey Board of Public Utilities NJBPU, and utility approvals and managing complex interconnection and waste-law compliance issues.

- Serving as lead counsel, represented a west-coast based national renewable power company in securing New Jersey's first waiver permitting solar development in the Pinelands Preservation Area, enabling construction of a landfill-based solar and storage facility following NJBPU, NJDEP, and Pinelands Commission approval.
- Serving as New Jersey regulatory counsel to the largest solar community services provider in the Northeastern United States in connection with community solar program compliance, subscriber agreements, disclosure documents, and consumer protection requirements following a major industry merger.
- Advising the owner of a 52-acre tract of farmland located in Lebanon, in negotiating long-term ground leases for a 12 MW grid-supply solar facility, including structuring lease terms, due diligence periods, and risk allocation provisions.
- Represented a solar energy owner and operator in connection with the sale of a 6.43-MW rooftop solar portfolio in New Jersey, including transfer of interconnection agreements, PJM GATS accounts, and PPAs, and utility rate implications. The firm previously represented this client in construction, financing, and PPA negotiation for the project.
- Representing the owner of a Massachusetts based renewable energy services provider in the acquisition, redevelopment, and expansion of rooftop and ground-mounted solar and energy storage facilities in New Jersey, including interconnection transfers, power purchase agreements, and complex asset redeployment.
- Represented a mission-driven clean energy finance organization across multiple projects, drafting standardized PPAs, EPC agreements, and loan documents to support scalable deployment of renewable and community-focused energy projects.
- Advised a wind project developer on the development of a utility-scale wind facility in Pennsylvania, handling the negotiation of the project PPA and coordinating corporate, real estate, commercial, and regulatory issues through project development.

Data Centers & Sustainable Infrastructure Redevelopment

- Representing the developer and lender in the planning and development of an AI data center and on-site energy generation facility in southern New Jersey, providing regulatory, land use, environmental, leasing, real estate and energy law counsel. Contributing to proactive community engagement and supporting local, state, and utility approvals and permitting for a large-scale, infrastructure-intensive $1.7 billion project investment.
- Provided transactional counsel to the owner and landlord of colocation data centers and negotiated energy supply agreements.
- Advised a global telecommunications company on high-capacity electric infrastructure for a large data center project, negotiating arrangements across multiple utility service territories and coordinating substation interconnections.
- Serving as New Jersey counsel to a leading sustainable infrastructure investment firm, in the acquisition, financing, and development of fuel cell, solar, and battery storage projects supporting high-demand data centers, with project investments exceeding $200 million.
- Serving as Special Redevelopment Counsel to a South Jersey municipality related to the proposed $294+ million redevelopment of a former port and rail terminal into a major energy-storage and logistics facility. The firm's role includes advising on redevelopment and financial agreements with the redeveloper and providing

counsel on regulatory issues and public-engagement strategy for a large-scale cryogenic storage and infrastructure project with regional economic and environmental implications.

- Advising a California-based national logistics and e-commerce real estate developer on environmental, land use, real estate, and insurance matters related to large-scale redevelopment projects in New Jersey, including the conversion of a former fossil-fuel power generation facility into a major distribution and logistics campus involving complex remediation, redevelopment, financing, and regulatory issues.
- Serving as special energy and environmental counsel to an industrial material recycling firm in the sale of a regulated sanitary landfill with integrated solar and methane systems, ensuring compliance with environmental, energy, and waste regulations.
- Defended a North American energy infrastructure company in state court litigation alleging CEPA retaliation arising from a contractor's work on a New Jersey pipeline project. Following discovery, the plaintiff abandoned all claims, and the matter concluded without further proceedings.

Corporate Decarbonization & Commercial Real Estate Integration

- Representing L'Oréal USA in a national real estate and environmental engagement, the firm is providing support in the development and operation of large-scale renewable energy projects, including negotiation of long-term energy services agreements, community solar arrangements, and utility compliance for facilities in multiple states. Recent work includes advising on the development and opening of the client's flagship New Jersey Research & Innovation facility, featuring an onsite solar microgrid, battery storage, EV charging infrastructure, and peak-shaving controls.
- The firm's ongoing representation of a powerhouse entity in New Jersey and New York's commercial real estate sectors includes negotiating rooftop solar leases and transmission easements for community solar projects and advising on regulatory compliance and project development across the client's significant commercial portfolio.
- Provided representation on behalf of an industrial property owner in the negotiation of a 79,000 square foot industrial lease requiring subdivision of a newly constructed building, early tenant access during construction, lender coordination, accommodation of a rooftop solar installation, and expedited municipal approvals.
- Represented affiliated entities of Avidan Management LLC in one of New Jersey's largest industrial real estate portfolio sales at the time, involving approximately 2.6 million square feet of office, warehouse, cold-storage, and bulk distribution space across multiple municipalities. The transaction included negotiation of five power purchase agreements covering more than 6 MW of solar production and was recognized as a finalist for NAIOP NJ's "Industrial Deal of the Year."
- Represented Avidan Energy Solutions in the planning, financing and construction of one of the country's largest roof-mounted solar installations, a 4.26-MW system in Edison. The firm led negotiation of EPC and PPAs, coordinated real estate debt financing, advised on federal grant funding and the sale of SRECs. The team's work supported the development of a system spanning 650,000 square feet and approximately 18,000 photovoltaic solar panels, supplying roughly 50% of the facility's energy needs and significantly reducing tenants' operating expenses.

- Representing ShelterLogic Group in commercial decarbonization initiatives, including acquisition, relocation, and expansion of solar and energy storage assets and resolution of complex interconnection and transactional issues.
- Represented a landlord in the negotiation of a large-format grocery lease involving exclusivity rights, coordination with a planned adjacent multifamily redevelopment, restructuring of a PILOT agreement, integration of a rooftop solar project, and lender coordination. The firm also negotiated a complex lease termination and lender-approved unwind.
- Advising a real estate development, investment, and management firm, on community solar and on-site renewable energy projects, including negotiation of long-term solar leases, transmission easements, and ongoing compliance with NJBPU requirements.
- Acted as outside counsel to retail energy marketer, including addressing regulatory requirements for solar demonstration project; developing on-site generation projects; preparing form contracts for energy commodity sales to retail customers; defending litigation related to energy contract disputes, including procurement of fuel in wholesale markets and purchase of retail marketing customer contracts; and counseling related to energy business strategy.

Public Sector, Institutional Energy & Clean Transportation

- Advised a regional transportation agency on the nation's first solar-powered traction rail project**,** structuring and negotiating seven PPAs for a 21-megawatt, multi-site solar development supplying more than 50% of the agency's total electricity demand.
- Represented a power authority in procuring renewable electricity and water through PPAs and interconnection agreements in the U.S. Virgin Islands, supporting a diversified portfolio of biofuel cogeneration, large-scale solar, and offshore wind projects.
- Advised a state power authority on the creation of a standardized PPA program for K–12 schools, universities, and public institutions, enabling school districts statewide to procure rooftop, ground-mount, and canopy solar across multiple facilities.
- Advising Fairleigh Dickinson University on competitive procurement and negotiation of electricity and natural gas supply agreements for multi-campus operations, including management of annual energy auctions and supplier contracts.
- Counseled Montclair State University in the evaluation of environmental issues and associated environmental contract provisions related to the university's development of a new cogeneration facility and the cessation of existing cogeneration operations.
- Representing a global 501(c)(3) organization dedicated to the advancement of zero-emission vehicle and infrastructure technology in evidentiary proceedings before the NJBPU, advocating for policies supporting electrification of commercial and heavy-duty vehicle transportation and related incentive programs.
- Advising a national energy solutions provider on the resolution and defense of mechanic's lien claims arising from EV charging station projects in the New York City metropolitan area, including discharging filed liens through bonding and developing lien avoidance strategies for future projects.

Insights & More

Announcements

Chambers USA 2026 Recognizes Greenbaum, Rowe, Smith & Davis Across 10 Practice Areas and 18 Individuals
6.04.26

Barbara J. Koonz Selected for Inclusion in The 2026 Lawdragon 100 Managing Partners You Need to Know Guide
4.08.26

Greenbaum, Rowe, Smith & Davis Welcomes John P. Gray as Partner
10.14.25

2026 Edition of Best Lawyers Recognizes 54 Attorneys in 41 Practice Areas: Eight Greenbaum Lawyers Recognized on “Ones to Watch” List
8.21.25

Barbara Koonz to Receive NJBIZ 2025 Leading Women in Business Award; Selected for Inclusion on NJBIZ 2025 Law Power List
7.23.25

Greenbaum, Rowe, Smith & Davis Welcomes Kenneth J. Sheehan as Partner
6.01.25

2025 Edition of Best Lawyers Recognizes 56 Attorneys in 39 Practice Areas: Ten Greenbaum Lawyers Recognized on "Ones to Watch" List; Three Selected for "Lawyer of the Year" Recognition
8.14.24

Barbara J. Koonz Featured by CIANJ's Commerce Magazine as One of 2024's "Enterprising Women in Commerce"
8.01.24

Greenbaum, Rowe, Smith & Davis Welcomes Phyllis J. Kessler as Of Counsel
2.01.24

Client Alerts

New Jersey’s Permitting Dashboard Pilot Program: A New Avenue for Developers and Project Owners to Reduce Delays and Increase Transparency
5.06.26

Governor Sherrill Signs Bill Modernizing Nuclear Generation Permitting in NJ: Minor Step or Nuclear Renaissance?
4.14.26

New Jersey BPU Takes Action on Solar & Energy Storage in Response to Governor Sherrill's Day One Executive Orders
3.05.26

New Jersey EDA's Next NJ Program - AI Continues to Make Tax Incentives Available to Artificial Intelligence Data Centers
1.07.26

Solar ITC Safe Harbors After the "Big Beautiful Bill": What Developers Need to Know
10.30.25

Governor Murphy Signs S4530, Directing NJ BPU to Open Registration for 3,000 Megawatts of Community Solar Starting October 1, 2025
8.26.25

New Jersey BPU Takes Action on Community Solar & Competitive Solar Incentive Programs: Interesting Comments from the Bench
8.15.25

Passage of One Big Beautiful Bill Act Creates Opportunities and Issues for Alternative and Clean Energy Initiatives
7.09.25

New Jersey Board of Public Utilities Launches Much Anticipated Garden State Energy Storage Program
6.25.25

Latest Draft of One Big Beautiful Bill Signals Broad-Based Impacts to Alternative and Clean Energy Initiatives
6.20.25

NJ BPU's Revised Interconnection Regulations Are Intended to Speed Up Interconnection of Solar and Storage Systems
5.29.25

Proposed Legislation Creates Uncertainty for New Jersey Legacy Solar Renewable Energy Certificate (SREC) Program
3.28.25

BPU Seeks to Reevaluate NJ's Solar Renewable Energy Credit Competitive Solicitation Incentive (CSI) Program
9.05.24

Garden State C-PACE Program Update: EDA Issues Updated Program Guidelines and Draft Supplemental Guidelines
7.08.24

New Jersey Establishes C-PACE Program to Finance Eligible Commercial Renewable Energy Projects
3.24.22

Publications

Clean Energy in New Jersey: How Healthcare Facilities Can Save Money and Save the Environment
Winter 2025

New Jersey BPU's New Solar Program Maintains a Robust Incentive for Residential Solar Installations
Summer 2021

Seminars & Events

Energy: Navigating Policy, Development, and the Future of Power
10.08.26

The Sherrill Orders: Navigating the 2026 Executive Orders and the Ongoing Shifts in New Jersey's Energy Policy
9.22.26

Managing the Boom: Planning Tools for Data Center Impacts in New Jersey
6.11.26

AI Data Centers at Scale: Environmental Constraints, Regulatory Frameworks, and Integration with Next Generation Energy Technologies
5.21.26

IOREBA Developer's Night
3.30.26

Energy & Environmental Policy Forum
10.28.25

Energy and Environment Policy Committee Meeting
5.26.25

Structuring Solar Development Financing, Leasing and Operating Agreements for Commercial Properties
9.19.13

Solar Panel Siting Negotiations: Leasing and Land Use Issues and Special Considerations for Government Property
5.03.13

Harvesting Income from Solar Development: Incentives, Documentation and Financing
4.25.13

Stick It Where The Sun Shines: Solar Development as the Next Real Estate Frontier
March 14-17, 2013