



Danielle Garbien

Partner

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About Danielle

Danielle Garbien represents developers, private equity investors, energy companies and offtakers in a wide range of complex energy financing, development and infrastructure projects, with a focus on power, renewable energy and energy storage. Danielle has experience negotiating and drafting purchase and sale agreements, membership interest purchase agreements, bespoke offtake arrangements, EPC contracts, REC purchase agreements, turbine supply agreements, hedging agreements, operating and management agreements and other procurement agreements for energy and infrastructure projects. She also advises on structuring hedges for the financing and acquisition of energy facilities; energy storage arrangements including tolling agreements, capacity contracts, revenue puts and heat rate call options. Her practice also includes providing advice on transactions involving carbon capture and sequestration; renewable energy transactions, including solar, wind and hydrogen development and offtake arrangements.

Danielle is currently recommended by *The Legal 500 United States* in Energy: Renewable/Alternative Power (2021-2022), In addition, she was named "Energy, Natural Resources & Mining Lawyer of the Year" at the 2022 Women in Business Law America Awards.

Danielle is an active committee member of the EEI Contract Drafting Committee, the committee that created the EEI Master Power Purchase and Sale Agreement. Danielle is also the co-chair of Bracewell's Women Network. In addition, she serves on the Board of the Women Energy Network Greater NYC chapter and is a mentor in WEN NYC's newly established mentor program.

Recent Notable Matters

Pioneer Natural Resources — development of a 140 MW wind generation facility on surface acreage owned by Pioneer that will provide renewable power to the Texas electric grid and Pioneer's Permian Basin operations

Algonquin Power — structured 12 year virtual power purchase agreement for the purchase and sale of renewable energy credits and financial power produced from a wind farm in Blair County, Pennsylvania

Investor Owned Utility — structured 12 year supply arrangement for the purchase and sale of renewable energy credits and physical power generated from a solar facility and sold to a data mining facility

Private Equity Sponsor — structured 12 year supply arrangement for the purchase and sale of renewable energy credits and physical power generated from a solar facility and sold to a crypto mining facility

Algonquin Power — structured long-term hedges for the purchase and sale of capacity, renewable energy credits and financial power in connection with the construction of a 113-megawatt solar plant in Virginia

Exploration & Production Company — structured 15 year behind-the-meter power purchase agreement with developer for the purchase and sale of physical power and RECs

Invenergy LLC — build transfer sale, subject to state regulatory approvals, of the Fairbanks solar project, a 250 MW solar energy generating facility to be developed and constructed by Invenergy in Sullivan County, Indiana, to a subsidiary of Northern Indiana Public Service Company, LLC

Algonquin Power — structuring an 11 year hedge for the purchase and sale of renewable energy credits and financial power in connection with the construction of a 109-megawatt wind farm in Lee County, Illinois

Co-op Power — represented the seller, in a community solar project, in the sale of its membership interest in solar project. Representation included drafting and reviewing multiple ancillary service agreements including EPC amendments, Community Solar Management Agreement and Construction Management Agreement

Project Developer — drafting a solar plus energy storage Engineering, Procurement and Construction agreement

Project Developer — negotiating a long-term solar energy and energy storage purchase and sale agreement

Sol Systems, LLC — initiative with Microsoft to develop over 500 MW of solar projects in under-resourced communities in the United States and to create a first-of-its-kind community investment fund

Commodity trading arm of major financial institution — 12-year hedge transaction in connection with a 160 MW repowering project in Tom Greene County, Texas

Commodity trading arm of major financial institution — 12-year secured hedge transaction in connection with a 200 MW wind project in Starr County, Texas*

Commodity trading arm of major financial institution — five-year revenue put hedge transaction backstopping \$700 million in construction financing for financing 1,200 MW natural gas-fired combined cycle facility in Will County, Illinois*

Network of not-for-profit, local energy cooperatives — community development initiative to install 1.2 MW-DC of community shared solar panels on the roofs of scattered site public housing apartment buildings and complexes*

Large energy producer — structuring and negotiating long-term energy supply and credit facilities with several power and natural gas retailers*

Private equity renewable power company — developing and structuring total return swap arrangement across various affiliates*

Commodity trading arm of major financial institution — negotiating long-term SPP capacity contract from a certain wind generation facility located in Oklahoma*

Commodity trading arm of major financial institution – structuring long-term purchase and sale of Texas Renewable Energy Credits from a certain solar generation facility in Texas*

Global energy and commodities trading company – \$3.5 billion acquisition of physical energy and commodities business*

Global energy company – restructuring of a secured hedge transaction and credit facility*

Commodity trading arm of major financial institution – acquisition of physical gas inventory and storage facilities business*

Retail energy provider – acquisition of retail power and gas business and related assets*

* Work completed prior to Bracewell

Publications and Speeches

“Opposites Attract: How Oil and Gas and Renewables + Storage are the Perfect Match” NAPE Summit, February 2023.

"Energy Storage: Current Economic and Regulatory Challenges and Opportunities," ABA Infrastructure and Regulated Industries Section Webinar, April 28, 2022.

“Looking Beyond the Conventional PPA: Emerging Offtake Strategies, Hedging and Deal Structures,” Moderator, Infocast Projects and Money Summit January 27, 2022.

PFR Hedging & Offtake Strategies Roundtable, panelist, Power Finance & Risk December 17, 2021.

"Power Demand: Indications for the Future of the US Power Market," Moderator, Proximo Power and Renewables Finance Exchange 2020 November 17-19, 2020.

Oil, Gas & Energy Law Intelligence Opposites Attract: How Oil and Gas and Renewables+Storage are the Perfect Match by D. Garbien and M.C. Goebel, November 2020.

“Executive Order Restriction on Bulk Power Markets & How it Affects Renewable Energy Markets”, Panelist, Womens’ Energy Network Greater NYC, May 21, 2020.

“Industry Perspective on the Green New Deal,” Moderator, S&P Global Platts Northeast Power and Gas Markets Conference, New York, May 2019.

Education

American University, Washington College of Law, J.D.
2002

Boston College, B.A.
1999

Noteworthy

2022 Women in Business Law America Awards, Energy, Natural Resources & Mining Lawyer of the Year

The Legal 500 United States, Energy: Renewable/Alternative Power, 2021 - 2022; Project Finance, 2021

Commodity Futures Trading Commission, Law Clerk to Administrative Law Judge George H. Painter, 2001

American University, Washington College of Law, *The American University Law Review*, Note and Comment Editor

Bar Admissions

New York

Massachusetts (non-active member)

Washington, DC (non-active member)