JENNER & BLOCK

Climate and Clean Energy

Jenner & Block's Climate and Clean Energy team advises businesses and organizations working in climate and clean energy – from energy companies and developers to electric and autonomous vehicle companies – on the commercial and government disputes that most affect their business or organization.

The team helps clients anticipate risk and work toward favorable results, whether in commercial or regulatory litigation or before federal and state authorities, including the US Environmental Protection Agency (EPA), the US Department of Energy (DOE), US Congress, and state attorneys general.

That work draws on the firm's complex litigation, investigations, energy regulatory, and appellate experience and its understanding of climate and clean energy policy. Matters include representing the Zero Emission Transportation Association in a DC Circuit challenge to EPA's rescission of the greenhouse gas endangerment finding (*Zero Emission Transp. Ass'n v. EPA*); representing Climate United Fund in an en banc DC Circuit case over EPA's termination of Greenhouse Gas Reduction Fund funding; designing and successfully defending zero-emission credit programs on behalf of clean energy generators before the Second and Seventh Circuits against preemption and dormant Commerce Clause challenges; and commercial disputes arising from the operation of renewable energy sources and related regulatory proceedings.

Our lawyers leverage their experience working at energy companies and in government to counsel clients on regulatory compliance, litigate commercial and regulatory disputes in US federal and state courts, and defend clients in congressional, state attorney general, and agency investigations. Clients facing related issues in court, before regulators, and in government investigations work with a single, coordinated team. Jenner & Block's Climate and Clean Energy team serves energy companies, renewable energy developers, and electric and autonomous vehicle companies.

Commercial Disputes and Project Litigation in Clean Energy

Jenner & Block helps clients across the clean energy sector navigate commercial disputes and litigation related to energy and infrastructure projects, including solar construction, battery energy storage, grid interconnection, and hydroelectric matters.

Core Capabilities in Commercial Disputes

- Pre-litigation advice and counseling, including analysis and assessment of issues, risks, and exposure and alternative dispute resolution mechanisms

- US federal and state court litigation and administrative proceedings, including parallel actions and overlapping regulatory and governmental investigations and enforcement actions
- Project and operations advice to identify engineering and operational issues and gaps and help mitigate risks

Government Disputes and Regulatory Litigation in Clean Energy

The team represents and counsels clients across the climate and clean energy sector on matters involving US federal, state, and local government, including litigation against or alongside regulators such as EPA and the California Air Resources Board, US congressional investigations, and state attorney general inquiries.

Core Capabilities in Government Disputes

- US federal regulatory litigation, including judicial challenges to agency rulemakings, guidance documents, and other final agency actions in federal district and appellate courts across the United States
- State regulatory litigation, with particular focus on California Air Resources Board proceedings and other state-level environmental and regulatory challenges
- US federal and state regulatory counseling, advising clients on compliance obligations, rulemaking participation, and strategic positioning as regulatory requirements change
- US congressional investigation defense, encompassing proactive preparation, document preservation and production, witness preparation, and active response to committee inquiries and subpoenas
- State attorney general matters, including representation of companies and nonprofits targeted in ESG (environmental, social, and governance) investigations, enforcement actions, and multistate initiatives
- US federal and state enforcement defense, spanning civil, administrative, criminal, and tax matters before agencies, prosecutors, and courts
- Government contracts, grants, and funding, including advice on eligibility, compliance, and dispute resolution under US federal and state programs, as well as litigation in the US Court of Federal Claims over terminated clean energy grants
- Crisis management and strategic counseling, providing integrated legal and communications guidance to clients navigating regulatory, litigation, and reputational challenges

Experience

Representative Matters in Commercial Disputes

- Representing a multinational renewable energy producer in a pre-litigation dispute and regulatory investigation arising out of an electrical incident at a battery energy storage system facility.
- Representing a major energy company in defense of claims and counterclaims arising from the breakdown in construction of a planned 300+ MWac solar facility.
- Representing an autonomous vehicle company and former executives in securities litigation arising from alleged misrepresentations about the capabilities and safety of autonomous vehicle technology.
- Represented a major electric vehicle OEM in a supply chain dispute in state court.
- Secured a verdict reported to be the largest civil jury verdict in Michigan history for the owner of one of the world's largest hydroelectric pumped storage plants in construction defect litigation.
- Represented an energy company in a dispute with a renewable energy project over interconnection to the transmission grid.
- Represented an energy company in contentious litigation over Clean Water Act compliance issues involving a dam and hydroelectric power plant, achieving a settlement that enabled the company to seek a new federal license to operate the hydroelectric facility.

Representative Matters in Government Disputes

- Representing an industry trade association in challenges before the US Court of Appeals for the District of Columbia Circuit to EPA's rescission of the greenhouse gas endangerment finding and motor vehicle emission standards, *Zero Emission Transp. Ass'n v. EPA* (D.C. Cir.).
- Representing a Greenhouse Gas Reduction Fund awardee in litigation challenging EPA's termination of congressionally appropriated Inflation Reduction Act climate funding, *Climate United Fund v. Citibank, N.A.* (D.C. Cir.) (en banc).
- Designed and successfully defended zero-emission credit programs on behalf of clean energy generators before the US Courts of Appeals for the Second and Seventh Circuits against preemption and dormant Commerce Clause challenges.
- Represented solar developers in a constitutional challenge to a state law that reduced the compensation mechanism for solar facilities that were already in operation.
- Represented US senators as amici curiae in litigation challenging stop-work orders directed at offshore wind facilities.

- Represented an autonomous vehicle company in a regulatory enforcement proceeding following an accident involving a pedestrian and one of the company's autonomous vehicles.
- Represented a major electric vehicle OEM in a state law licensing challenge.
- Regulatory counseling for multiple publicly traded corporations on compliance with California Air Resources Board climate disclosure rulemakings, including implementation strategy and US federal preemption considerations.
- Regulatory counseling on Clean Air Act compliance across the energy and transportation sectors, including greenhouse gas regulations, stationary source permitting, and the implications of US federal regulatory changes.
- Regulatory counseling for autonomous vehicle companies on rulemakings and permit proceedings.
- Representing foundations and nonprofits on organizational governance and compliance, foreign engagement risk, US congressional investigation defense, and First Amendment protections.
- Representing renewable energy developers in challenges to local ordinances restricting renewable energy development, and in disputes involving permitting, road use agreements, and other project development matters.

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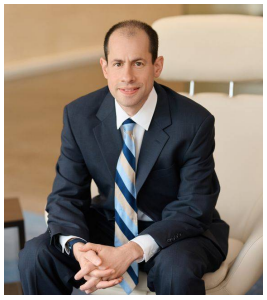

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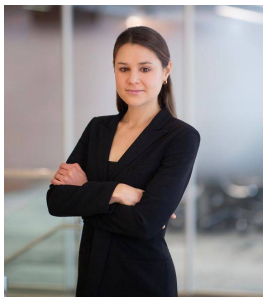

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Related Capabilities

Appellate and Supreme Court

Congressional Investigations

Critical and Emerging Technologies

ESG: Environmental, Social, and Governance

Energy

Environmental and Workplace Health and Safety

Investigations

Litigation

Native American Law

State Attorneys General

Technology