



# ELECTRICITY MARKETS GROUP



**To compete effectively in the electricity sector, clients need a strategic and innovative partner to keep them informed of industry trends, protect their interests, manage risks, and strengthen their business. Borden Ladner Gervais LLP (BLG) has the demonstrated expertise to handle the wide range of specialized legal and strategic issues that arise in the electricity sector. Our Electricity Markets Group consists of a team of experienced professionals who understand the business, and regulatory and financial issues that confront industry stakeholders.**

Our multidisciplinary team has extensive experience advising developers, generators, electricity distributors, transmitters, electricity marketers, lenders, equity providers, major consumers, utilities and government agencies regarding legal opportunities and business issues, and the latest developments facing the electricity sector.

With the largest and most experienced group of electricity lawyers in Canada, BLG is able to leverage the scope of our professionals in five offices across the country and provide expertise in matters relating to the electricity sector. We have significant experience with strategic planning, M&A, financing, tax, project development, regulatory issues, renewable energy, clean technologies and climate change.

## **OUR SERVICES**

### **Generation**

BLG advises clients on developing, financing, constructing and operating power projects representing all major technologies – wind, solar, natural gas, nuclear, geothermal, combined cycle, cogeneration, water power, biomass, biofuels and district energy. We have a wide range of experience in M&A, restructuring, procurement and complex contractual arrangements in the electricity sector.

BLG provides legal and business advice on the following:

- Land Acquisition, Municipal Approvals, Zoning, Water Rights
- Title Insurance
- Power Purchase Agreements
- Environmental Compliance
- Construction and Project Management Agreements, Bonding, Insurance
- Operation and Management Agreements
- Energy Sale Agreements
- Gas Supply and Transportation Issues
- Dispute Resolution

- First Nations
- Permits, Licensing
- Government Relations

### **Regulatory Legal Services**

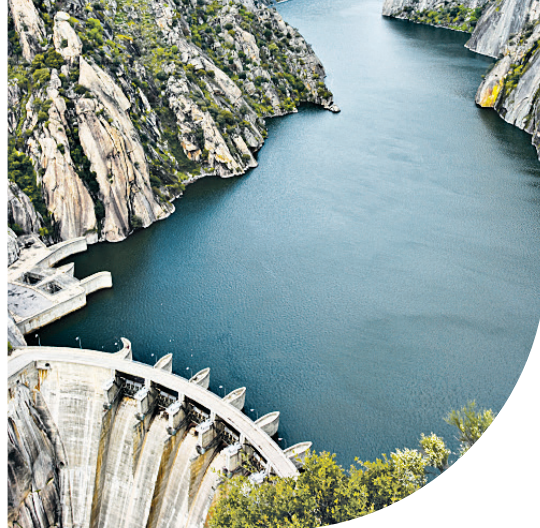
BLG has extensive experience representing clients at the National Energy Board and regulatory agencies across Canada. BLG provides advice in respect of:

- Transmission and Distribution Rate Design
- Retention and Direction of Experts
- Regulatory Hearings
- Market Rules Compliance

### **Municipal Electric Utility Restructuring, Strategic Planning and Commercialization**

BLG lawyers have been involved in the restructuring of the electricity sector across Canada. We have extensive experience in the Ontario electricity distribution sector and have acted as counsel to the majority of the mergers, acquisitions and sales of Ontario electricity distributors (LDC's) conducted to date.





### Project Financing

BLG's Financial Services Group and Electricity Markets Group have advised borrowers and lenders on project financing of electricity projects across Canada. We have in-depth expertise in structuring financing transactions and in the intensive due diligence process which is the foundation of a successful project financing. BLG has advised in connection with numerous refinancings of construction debt through long term senior debt or bond offerings.

### Tax Services

Clients look to BLG for one of the pre-eminent tax practices in Canada with particular expertise in energy matters. In that capacity, we advise on the following:

- The appropriate structure to maximize tax efficiency including utilization of enhanced capital cost allowance and Canadian Renewable and Conservation Expenses (CRCE) available to clean energy systems
- Creating the optimal financing structure to maximize after tax cash flow for investors working with non-taxable project owners to create efficient ownership structures
- In the M&A context, due diligence on issues such as the characterization of project costs and potential limitations on the use of tax benefits, such as the specified energy property rules, and other financing issues
- Payments in Lieu of Taxes (PILS) and transfer tax expertise for the Ontario LDC sector

### Renewable Energy

Our experience in the energy sector extends to alternative sources of energy and renewable energy. We have in-depth experience in the development, financing, construction and operation of renewables and alternative energy projects including solar, wind, waterpower, geothermal, biomass and biofuels.

### Clean Technology

As clean technology firms continue to change the face of Canada's energy sector and lead the innovation agenda, BLG is right there with them. BLG offers specific expertise relating to corporate structuring and planning, construction, environmental, real estate, tax, finance, information technology, government relations, climate change and intellectual property issues that face clean technology companies in Canada today.

### Climate Change

Clients turn to BLG for our wealth of expertise and experience in all areas of climate change law – in Canada and internationally. Our lawyers represent government, trade associations and businesses from all sectors of the economy. We have extensive experience in emissions trading, carbon off-sets and recent federal and provincial legislative initiatives.

BLG's commitment to clients has resulted in the frequent recognition of many of our legal professionals both at home and abroad.

BLG is ranked in **Band 1**  
for Energy: Power  
**2017 Chambers Canada**

Members of BLG's Electricity  
Markets Group were recently  
named **leaders in their field** by:  
**The Legal 500 Canada**  
which also recognized the  
group as top-tier.

The professionals in BLG's Electricity Markets  
Group are consistently recognized by:  
**Chambers Global – The World's  
Leading Lawyers for Business**

**The Best Lawyers in Canada®**

**Lexpert®/American Lawyer Guide to  
the Leading 500 Lawyers in Canada**  
**Canadian Legal Lexpert® Directory**

**Linda Bertoldi**, chair of the National  
Electricity Markets Group, was recognized by:  
**The Best Lawyers in Canada®**  
as the **Toronto Energy Regulatory  
Law Lawyer of the Year**

Recognized by *Public Utilities Fortnightly*  
magazine as a **"Groundbreaking Lawyer"**  
the only Canadian lawyer to receive this award.

With an in-depth understanding of the complexities within the electricity sector and an unparalleled commitment to client success, BLG is well positioned to provide pragmatic advice and innovative solutions to the challenges facing clients today.

**Calgary**

Centennial Place, East Tower  
1900, 520 – 3<sup>rd</sup> Ave S W, Calgary, AB, Canada T2P 0R3  
T 403.232.9500 | F 403.266.1395

**Montréal**

1000 De La Gauchetière St W, Suite 900  
Montréal, QC, Canada H3B 5H4  
T 514.879.1212 | F 514.954.1905

**Ottawa**

World Exchange Plaza, 100 Queen St, Suite 1300  
Ottawa, ON, Canada K1P 1J9  
T 613.237.5160 | F 613.230.8842 (Legal)  
F 613.787.3558 (IP) | [ipinfo@blg.com](mailto:ipinfo@blg.com) (IP)

**Toronto**

Bay Adelaide Centre, East Tower  
22 Adelaide St W, Suite 3400, Toronto, ON, Canada M5H 4E3  
T 416.367.6000 | F 416.367.6749

**Vancouver**

1200 Waterfront Centre, 200 Burrard St, P.O. Box 48600  
Vancouver, BC, Canada V7X 1T2  
T 604.687.5744 | F 604.687.1415

To learn more about how we can help you, contact:

**National Leader**

Linda Bertoldi | 416.367.6647 | [lbertoldi@blg.com](mailto:lbertoldi@blg.com)

**Regional Leaders**

**Calgary** | Kent Howie | 403.232.9535 | [khowie@blg.com](mailto:khowie@blg.com)  
**Montréal** | Sylvie Bouvette | 514.954.2507 | [sbouvette@blg.com](mailto:sbouvette@blg.com)  
**Ottawa** | Vincent J. DeRose | 613.787.3589 | [vderose@blg.com](mailto:vderose@blg.com)  
**Toronto** | J. Mark Rodger | 416.367.6190 | [mrodger@blg.com](mailto:mrodger@blg.com)  
**Toronto** | Shane Freitag | 416.367.6137 | [sfreitag@blg.com](mailto:sfreitag@blg.com)  
**Vancouver** | Sean Muggah | 604.640.4020 | [smuggah@blg.com](mailto:smuggah@blg.com)

**Toronto Office Contacts**

Stephen Fyfe (Tax) | 416.367.6650 | [sfyfe@blg.com](mailto:sfyfe@blg.com)  
Bernadette Corpuz | 416.367.6747 | [bcorpuz@blg.com](mailto:bcorpuz@blg.com)  
John A. D. Vellone | 416.367.6730 | [jvellone@blg.com](mailto:jvellone@blg.com)  
Robert Eeuwes | 416.367.6343 | [reeuwes@blg.com](mailto:reeuwes@blg.com)  
Bruce E. Fowler (Project Finance) | 416.367.6194 | [bfowler@blg.com](mailto:bfowler@blg.com)  
Bruce Bacon (Senior Utility Rate Consultant) | 416.367.6087 | [bbacon@blg.com](mailto:bbacon@blg.com)  
Paul Mingay (Capital Markets) | 416.367.6006 | [pmingay@blg.com](mailto:pmingay@blg.com)  
Adam Chamberlain | 416.367.6172 | [achamberlain@blg.com](mailto:achamberlain@blg.com)  
James C. Sidlofsky | 416.367.6277 | [jsidlofsky@blg.com](mailto:jsidlofsky@blg.com)  
Ian Houston (Construction) | 416.367.6111 | [ijhouston@blg.com](mailto:ijhouston@blg.com)  
Jessica-Ann Buchta | 416.367.6749 | [jbuchta@blg.com](mailto:jbuchta@blg.com)

Calgary | Montréal | Ottawa | Toronto | Vancouver

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*It begins with service*