

data centers



Helping you thrive in an era of technological advancement and surging energy demand

With a deep understanding of the technical, commercial, and regulatory challenges facing utilities and data center operators and investors, our attorneys are trusted advisors in this high-growth area.

Our firm advises utility clients on the legal, regulatory, and commercial aspects of their involvement in the data center sector. As data centers become increasingly critical to grid demand and energy strategy, utilities play a central role as service providers and strategic partners. We help navigate this evolving landscape with a clear understanding of industry drivers and regulatory requirements.

In addition to our efforts on behalf of utility clients, our firm offers comprehensive legal support for the development, operation, and management of data centers, in areas including real estate, regulatory compliance, M&A, and investment.

utilities

Our services on behalf of utilities include:

- **Power Supply and Infrastructure:** Advising on the structuring of long-term power purchase agreements (PPAs), grid interconnection, load forecasting, and substation development to support large-scale data center operations.
- **Site Development and Joint Ventures:** Supporting utilities in land use, permitting, and partnering with developers or hyperscale operators for build-to-suit or co-developed data center projects.
- **Tariff Design and Regulatory Strategy:** Assisting with the development of specialized rate structures, demand response programs, and filings before public utility commissions and the Federal Energy Regulatory Commission (FERC).
- **Energy Transition and Sustainability:** Structuring tariffs and agreements that align with data center decarbonization goals and broader utility sustainability commitments.
- **Critical Infrastructure Protection and Resilience:** Advising on legal obligations and best practices related to data center physical and cybersecurity protection, including compliance with North American Electric Reliability Corporation (NERC) critical infrastructure protection (CIP) standards.
- **Commercial Agreements:** Drafting and negotiating interconnection agreements, colocation contracts, and service-level arrangements with data center customers.

data center development, operation & management

We work with clients across the technology, real estate, energy, and finance sectors to navigate the complex legal landscape surrounding data centers. Our multidisciplinary team provides strategic counsel on:

- **Site Acquisition & Development:** Advising on zoning, land use, permitting, and environmental compliance for new data center facilities, including real estate diligence.
- **Real Estate Transactions:** Drafting and negotiating leases, purchase agreements, and colocation arrangements tailored to the unique needs of data center projects.
- **Real Estate Tax Assessments:** Developing creative strategies to reduce clients' real estate tax assessments and liabilities as much as possible.

- **Power & Energy Contracts:** Structuring long-term power purchase agreements (PPAs), renewable energy deals, and utility service contracts essential to data center operations.
- **Regulatory Compliance:** Ensuring adherence to national and cross-border regulations.
- **Construction & Procurement:** Supporting clients in contractor negotiations, risk allocation, and dispute resolution during construction and infrastructure build-outs.
- **Commercial Agreements:** Crafting SLAs, service agreements, and customer contracts for data center services.
- **M&A and Investment:** Advising on transactions involving data center portfolios, joint ventures, and infrastructure funds and negotiating development management agreements and leasing fee agreements with capital partners.

experience

- Represented a utility before the Federal Energy Regulatory Commission (FERC) in proposing rate structures to address increased demand from data centers.
- Represented large load before FERC in obtaining incentive rate for electricity.
- Advised utilities on demand response programs and interactions with aggregators of retail customers.
- Advised utilities on colocation of data centers and generation before FERC.
- Advised utilities on structure of electric supply contracts with data centers and other large loads.
- Prepared energy supply agreements for service to data centers.
- Negotiated leases and purchase and sale agreements related to a data center site and assisted in decommissioning at the end of a lease period and related aspects involving data centers.
- Represented the purchaser of vacant land in West Virginia for the development of a data center, in an ongoing project in which our team will handle leasing, land use, and negotiations with the utility companies.
- Represented data center owners and developers in drafting and negotiating brokerage agreements, construction contracts and leases, as well as in construction-related litigation.
- Assisted with a construction agreement with an electric utility for construction of facilities for interconnection and delivery of electricity services to a data center. The analysis evaluated payment terms and identification of risks.
- For an electric cooperative utility client, helped finalize a service agreement setting forth terms and conditions under which it would provide retail electricity service to a potential data center considering a location within the client's service territory.
- Developing strategies to secure patent protection, draft and negotiate technology licenses, and structure agreements with vendors and clients, in support of data center brand building.
- Advise on use of artificial intelligence in data center operations, including in the context of emerging regulations on transparency, accountability, and ethical deployment.
- Represent developers in diligencing, entitling and acquiring raw land sites for data center development as well as retrofitting of improved sites for data center purposes.
- Represent data center owners in the negotiation and documentation of leases, licenses, master services agreements, colocation agreements and service level agreements with end-users of turnkey and powered shell data center space.

professionals

josh

Josh E. Adrian

christina

Christina M. Berish

bonnie

Bonnie S. Blair

matthew

Matthew A. Braunel

matthew r.

Matthew R. Buesching

adrienne

Adrienne E. Clair

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David Duffy

victoria a.

Victoria A. Gilbert

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Jesse Halpern

margaret e.

Margaret E. McNaul

justin

Justin M. Newman

daniel

Daniel S. North

jack

Jack L. Parrino

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Michael A. Parks

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