Nicholas H. Politan Jr.

Partner

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New York



Nick is a partner in the New York office of Gibson, Dunn & Crutcher and Co-Chair of Gibson Dunn's Energy (Power and Renewables) Practice Group. Nick is also a member of the Finance Practice Group.

Nick focuses his practice on domestic and cross-border energy-related transactions, including mergers and acquisitions, financings of all types, project development, construction and operation, and restructurings. He has particular experience in wind power, solar power and other renewable technologies. He represents developers, sponsors, strategic investors and lenders in connection with these transactions. Nick has led numerous first-of-its-kind and industry-awarded transactions in the sustainability space, including complex project financings, project and platform equity investments, and royalty structures.

Nick is ranked nationally as a leading Energy lawyer by *Chambers USA: America's Leading Lawyers for Business*, *Chambers Global: The World's Leading Lawyers for Business*, and *The Legal 500*. *Chambers* notes that he is "just a brilliant guy who is as much a businessperson as a lawyer," "the perfect balance of legal and commercial knowledge," and "really adds value to negotiations with practical solutions." In addition, Nick is recognized as a top energy and environmental lawyer in Euromoney's Expert Guides' *Energy and Environment Guide* and recommended by *Who's Who Legal* in its Project Finance guide.

Prior to joining Gibson Dunn, Nick was Chief Financial Officer and General Counsel of a publicly-traded, vertically integrated energy company focused on the renewable power industry.

Nick received his Juris Doctor from Stanford Law School in 1986. He graduated magna cum laude and with distinction in economics, from Duke University in 1983. He is admitted to practice in New York and California.

Selected Representations:

- Berkshire Hathaway Energy: Represented Berkshire Hathaway Energy in connection with its acquisition by MidAmerican Wind LLC of the tax equity investment in the 298MW Kingfisher wind power project located in Oklahoma.
- Saguaro Power Company: Represented Saguaro Power, the owner of a cogeneration electric power facility in Henderson, Nevada, in connection with a long-term $300 million secured natural gas hedge provided by Merrill Lynch Commodities. The hedge included a novel pre-approved shared lien structure that will enable the Company to raise additional secured debt in the future.
- MidAmerican Renewables, LLC: Represented MidAmerican Renewables in connection with its acquisition of the 550 MW Topaz solar power project.

Capabilities

Power and Renewables
Business Restructuring and Reorganization
Cleantech
Data Centers and Digital Infrastructure
ESG: Risk, Litigation, and Reporting
Energy and Infrastructure
Finance
Mergers and Acquisitions
Oil and Gas

Credentials

Education

Stanford University - 1986 Juris Doctor
Duke University - 1983 Bachelor of Arts

Admissions

California Bar
New York Bar

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- MidAmerican Renewables, LLC: Represented MidAmerican Renewables in connection with its acquisition of a 49% interest in the 290 MW Agua Caliente solar power project.
- Topaz Solar Farms LLC: Represented Topaz Solar Farms in connection with its $850 million senior secured note offering and $345 million letter of credit facility.
- Goldman Sachs: Represented Goldman Sachs as lead underwriter and arranger of the $1.15 billion construction and term financing of the Kleen Energy Systems gas-fired power plant in Middletown, Connecticut. Awarded “North American Power Deal of the Year” by *Project Finance Magazine*.
- BP: Represented BP in connection with financing of 400 MW of wind plants in Kansas.
- BP and Sempra: Represented joint venture of BP and Sempra in connection with financing of 440 MW of wind plants in Indiana, Pennsylvania and Colorado.
- BP and Dominion: Represented joint venture of BP and Dominion in connection with financing of 300 MW wind plant in Indiana. Awarded *Project Finance Magazine*’s “North American Renewables Deal of the Year.”
- Terna Energy: Represented Terna Energy in connection with financing of 160 MW of wind plants in Oregon and Idaho.
- Edison Mission Energy: Represented Edison Mission Energy in the financing of its 150 MW Cedro Hill wind farm.
- Tax equity investors: Represented tax equity investors in connection with $800 million equity financing of Vento II wind project portfolio.
- Tax equity investors: Represented tax equity investors in connection with the $250 million equity financing of PPM wind project portfolio.
- Orion Energy: Represented Orion Energy in connection with a spin-off of its projects in construction and subsequent sale of the company to BP Alternative Energy.
- Astoria Energy: Represented Astoria Energy (sponsor/owner) in connection with all aspects of the development, debt and equity financing and sell-down of a 1000 MW gas-fired power plant in Queens, NY. First term loan “B” construction financing ever done. Awarded “North American Power Deal of the Year” by *Project Finance Magazine*.*
- Construction lender: Represented a construction lender and subsequent equity investor in financing an 800 MW combined-cycle gas-fired generation plant located in Mississippi, including restructuring of EPC and off-take arrangements.*
- Equity investor: Represented an equity investor in financing an 800 MW combined-cycle gas-fired generation plant located in Louisiana, including restructuring of EPC and off-take arrangements.*
- Lessor: Represented lessor in connection with single-investor lease financings of three geothermal plants located in California.*
- Sole equity investor: Represented sole equity investor in a 325 MW Noble New York wind project, including leveraged pay-as-you-go structure and long-term financial hedge.* Awarded “Americas —Environmental Deal of the Year” by *Project Finance International*.
- Sole debt and equity capital provider: Represented sole debt and equity capital provider in a 150 MW Camp Grove wind project.*
- Sole debt and equity capital provider: Represented sole debt and equity capital provider in a 30 MW Tawhiri wind project.*
- Sole equity investor: Represented sole equity investor in 200 MW Storm Lake and Lake Benton wind project, including pay-as-you-go structure and comprehensive project restructuring related to Enron bankruptcy.*

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- EcoElectrica: Represented EcoElectrica, the developer/owner, in all aspects of development and financing of a 500 MW LNG-fired power plant, LNG storage facility and related desalinization facility located in Puerto Rico.*
- ConEd Development: Represented ConEd Development in connection with the $350 million construction and term synthetic lease of a 500 MW power plant in Newington, New Hampshire, developed by ConEd.*
- Innogy/National Windpower: Represented Innogy/National Windpower (U.K.-based utility) in connection with the placement of tax-structured equity and debt for a portfolio of wind plants operating in the United States. Transaction value $125 million.*
- ING (U.S.) Capital: Represented ING (U.S.) Capital as lead arranger and underwriter in providing the $600 million debt component of structured lease equity investments made by Southern Company and its affiliates.*

**Representations were made by Mr. Politan prior to his association with Gibson Dunn.*

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