

David W. Clark

Partner

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David W. Clark represents clients in a broad range of business and transactional matters primarily in the renewable energy and energy transactions industries, including corporate, platform and portfolio mergers & acquisitions, the purchase and sale of energy and infrastructure projects, joint ventures, project development, and project finance. David serves as the chair of Foley's Renewable Energy area of focus and is on the advisory panel for the firm's Energy Sector.

David routinely advises sponsors, utilities, equity investors and developers in connection with the purchase and sale of company platforms and portfolios of wind, solar and storage projects. He also assists clients in connection with the acquisition and subsequent financing of individual or smaller portfolios of renewable projects. David also works extensively on build transfer and bill on transfer projects for projects in the energy sector. He is experienced in the development, purchase and sale of technologies beyond the renewable energy space, including biogas/RNG, hydro power, microgrids, combined heat and power plants, and EV charging stations.

David has wide-ranging experience with drafting and negotiating EPC and BOP contracts, equipment supply contracts, including turbine and module supply agreement, operations and maintenance agreement, and asset management contracts for renewable and non-renewable projects alike.

Representative Experience

- Represented Geenex Solar in connection with the sale of a 4.5GW portfolio of early-stage development solar projects located in PJM to EDF Renewables.
- Represented New Energy Solar in connection with the sale of its portfolio of over 600 MW of solar projects across 14 individual projects in the United State of MN8 Energy in connection with the delisting of New Energy Solar from the Australian stock exchange.
- Represented Public Service Company of Oklahoma in connection with the acquisition of a 154 MW wind project located in Oklahoma.

- Represented Indiana Michigan Power Company in connection with the build-transfer transaction for the acquisition of a 245 MW solar project located in Indiana.
- Represented D.E. Shaw Renewable Investments in connection with the acquisition and financing of the Arroyo 300 MW solar and 150 MW/600 MWh storage projects from Centaurus Renewable Energy.
- Represented US Solar Fund in connection with its acquisition of over 440 MW of solar projects across five individual transactions.
- Represented US Solar Fund in connection with the sale of its 50% interest in the 200 MW Mount Signal 2 solar project to MN8 Energy.
- Represented a leading renewable energy company in connection with the acquisition of 200 MW solar and 100 MW storage project located in New Mexico.
- Represented Appalachian Power Company in connection with its agreement to acquire the 50MW Bedington solar and 5MW Amherst solar projects located in West Virginia and Virginia, respectively.
- Represented American Electric Power Company and various of its utility subsidiaries in connection with the negotiation of multiple wind and solar build-transfer transactions.
- Represented Midwest-based renewable energy sponsor in connection with the proposed sale of its 175 MW portfolio of operating and development-stage solar projects.
- Represented a public company traded on the London stock exchange in connection with a strategic review of its portfolio of 42 U.S. based solar projects.
- Represented leading national renewable company in connection with an exclusive joint development arrangement for solar + storage projects.
- Represented the non-regulated subsidiary of a Midwest-based publicly-traded utility holding company in connection with negotiation of a 50/50 joint venture with a Southwest-based utility holding company for the development of behind the meter and utility scale renewable projects and the subsequent sale of the joint venture.
- Represented the non-regulated subsidiary of a Midwest-based publicly-traded utility holding company in connection with negotiation of a 50/50 joint venture with a Southeast-based utility holding company for the development and acquisition of utility-scale solar projects.
- Represented Wisconsin Public Service Company in connection with its \$350M acquisition of gas and electric utility assets in Michigan and Wisconsin, \$1.5B merger with Peoples Gas and its subsequent \$9B merger with Wisconsin Energy Corp.
- Represented Greenleaf Power in connection with the acquisition of a 37.5 MW biomass facility located in Connecticut.
- Represented Denham Capital in connection with its acquisition and subsequent divestiture of a portfolio of combined heat and power projects from Trigen Energy.
- Represented Midwest based public utility company in connection with the negotiation of a turbine supply agreement for the acquisition of 128 MW of turbines.
- Represented a public utility in connection with negotiation of a turbine supply agreement for repowering a 70 MW wind project.

Awards and Recognition

- Recognized, *The Best Lawyers in America*® – Energy Law (2024)
- BTI Consulting Group: Client Service All Star Team (2017) – This honor is bestowed upon individual attorneys who deliver outstanding client service according to corporate counsel interviewed at large organizations with \$1 billion or more in revenue.
- *The Legal 500*, Project Finance (2016) and Renewable/Alternative Energy (2014 and 2015)

Affiliations

- Member, State Bar of Wisconsin
- Member, American Bar Association

Sectors

- Energy
- Energy Transition
- Hydrogen
- Renewables

Practice Areas

- Corporate
- Finance
- Mergers & Acquisitions
- Transactions

Education

- Indiana University School of Law-Bloomington (J.D., magna cum laude, 2005)
 - Senior production manager, *Indiana Journal of Global Legal Studies*
 - Order of the Coif
- Indiana University (B.A., high distinction, 2001)
 - Psychology
 - Political Science

Admissions

- Wisconsin