

# **Bermuda Energy Summit**

**Konata Lake** 

June 29, 2016

# **Legal Overview**



- Offtake Arrangements
  - > Merchant
  - > Fixed
- Permitting
- Construction
- Operating

# **Key Legal Considerations**



#### Key Stake Holders

Sponsors; Lenders; Customers; Suppliers; Insurers; Advisors; Service Providers;
 Regulators;

#### Ownership Structure

> Corporation; Trust; Partnership; Sponsor Owned

### Financing Sources

- Sponsor Funding (equity & subordinated debt); Bank Facilities; Bonds; Equipment Supplier
  Credit; Operating Supplier Credit
- Non-recourse or Limited Recourse

### Due Diligence

Economic (model); Environmental; Build, Operate, Shut-Down; Engineering; Insurance;
 Contractual

# **Key Legal Agreements**



## Sponsor Agreements

Organization of SPE; Type of Project Entity; Decision Making Process;
 Equity Funding Obligations (limited recourse)

#### Concessions and Permits

> Restrictions; Term; Regulator's discretion; Assignability/Change of Control

# Construction Contracts and Equipment Supply

 Fixed Price Contracts; Cost Plus Contracts; Warranties and Limitations of Liability

### O & M Agreements

Operating Contract; Major Maintenance Contract; Supplier's history;
 Term;

### Offtake Agreements

## Financing Agreements

> Credit Agreements; Security Agreements; Guarantees; Mortgages