

Jerald W. (Jerry) Epps

Counsel

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Jerry focuses his practice on public utility, energy, and real estate law. He has been instrumental in the development and financing of wind energy projects in Texas for more than 20 years.

OVERVIEW

Jerry has extensive experience counseling developers, lenders, and investors with respect to renewable energy projects. His experience includes the negotiation and preparation of wind, solar, and energy storage leases, easements, and other real estate transaction documents; debt and equity financings; title review and curative work; land use issues; federal, state, and local permits and approvals; local government and school district tax abatements; and wholesale electric transaction documents and agreements, including renewable energy credit (REC) purchase agreements, REC participation agreements, interconnection agreements, transmission utility interconnection agreements, and qualified scheduling entity agreements.

Jerry represents clients before the Public Utility Commission of Texas (PUCT) on matters such as ratemaking, rulemaking, regulatory compliance, certification, enforcement actions, customer protection, and consumer rights. He also advises traditional real estate investors and developers on the acquisition, financing, development, and disposition of commercial real estate.

REPRESENTATIVE MATTERS

- Represented the project developer on various aspects of the leasing, real estate, title, survey, development, construction, repower, financing, state and local siting, permitting and taxation, state, local, and school district tax abatements, and federal and state regulatory issues involving FERC, the PUCT and other state public utility commissions, ERCOT, and the NERC Regional Entities for more than 50 completed utility-scale renewable energy projects.
- Represented lenders as local counsel in the construction loan financings of numerous wind and solar energy projects.
- Represented buyers and sellers in the purchase and sale of numerous early- to late-stage renewable energy projects.
- Represented the purchaser before the PUCT in the acquisition of the third- and fourth-largest affiliated retail electric providers (AREPs) operating in Texas.
- Represented various wind energy developers in major regulatory dockets before the PUCT relating to the implementation of Competitive Renewable Energy Zones (CREZ) in accordance with the Public Utility

Regulatory Act (PURA) Section 39.904 and Section 25.174 of the Substantive Rules of the PUCT.

- Represented various retail electric providers (REPs) relating to the creation and licensure of the REP entity, regulatory compliance and enforcement proceedings, and the preparation and negotiation of the underlying retail contracts and disclosure documents required to do business as a REP.
- Represented various parties in major regulatory dockets before the PUCT relating to the implementation of deregulation of the retail electric industry in Texas, including the stranded cost dockets of the former integrated utilities.

TOP AREAS OF FOCUS

- Energy
- Energy Real Estate Transactions
- Real Estate
- Renewable Energy

ALL AREAS OF FOCUS

- Energy
- Energy Real Estate Transactions
- Energy Tax
- Land Use + Zoning
- Real Estate
- Real Estate Finance
- Renewable Energy

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, State Bar of Texas
- Member, Travis County Bar Association
- Fellow, Texas Bar Foundation

EDUCATION AND CERTIFICATIONS

EDUCATION

- Texas Tech University School of Law, J.D., 1986
- Southwest Texas State University, B.A., *with high honors*, 1983

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. Tax Court
- U.S. District Court, Western District of Texas
- U.S. Court of Appeals, Fifth Circuit