

R. Benjamin Borowski

Partner

Robert "Benji" Borowski is a member of the firm's Energy & Telecommunications, Cleantech and Renewable Energy Law, and Climate Strategy groups dedicated to helping clients achieve their legal, policy, and regulatory goals across those sectors. In his practice, he has worked with clients of all sizes and across a wide range of industries on a variety of energy issues. Benji has amassed state- and federal-level experience around the policies that drive regulations, the regulations that constrain markets, and markets within which stakeholders operate. His work has included advising private equity on the acquisition of industrial and electric generation assets, assisting large-scale consumers with financing for efficiency projects, and helping consumer-generator clients navigate the evolving energy markets through regulatory and policy advocacy.

Benji places particular emphasis on efficiency and renewable forms of energy: onshore and offshore wind, large- and small-scale hydro, marine hydrokinetic, biomass, and solar. His work in these fields includes legislative and administrative representation of solar power producers opposing an unfavorable rate design and assisting an innovative off-shore wind project receive regulatory approval. He has also assisted clients in certifying their energy projects as "renewable" under state renewable portfolio standards and advised them on maximizing the value of associated environmental attributes. In addition, Benji has been extensively involved in efforts to reduce energy costs across New England, especially through decreasing long-standing reliance on oil.

Benji is a graduate of Vermont Law School where he earned a J.D. with a Certificate in Energy Law, *magna cum laude*, and a M.S. of Environmental Law and Policy, *magna cum laude*. While in law school, he served as an articles editor and production coordinator of the *Vermont Law Review*. He earned various American Jurisprudence Awards, including in Torts, Environmental Issues in Business Transactions, and Climate Change and the Law.

Practice Areas

- Energy & Telecommunications
- Cleantech & Renewable Energy
- Climate Strategy
- Offshore & Onshore Wind Power

Education

- Hamilton College (B.A., 2007)
- Vermont Law School (M.S., magna cum laude)
- Vermont Law School (J.D., magna cum laude, 2011)
 - Vermont Law Review, articles editor
 - Energy Certificate



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Admissions

- Maine
- Massachusetts

Professional Affiliations

- Environmental & Energy Technology Council of Maine (E2Tech) - Board Member

Honors & Awards

- Listed as a *Super Lawyers* "New England Rising Star" for five consecutive years in the areas of Energy & Natural Resources, Utilities, Mergers & Acquisitions
- Listed in *Chambers USA, America's Leading Business Lawyers for Business* in the area of Energy & Natural Resources in 2017 and 2018

Civic Involvement

- Maine Development Foundation, Leadership Maine, Upsilon class graduate
- Susan L. Curtis Foundation, pro bono legal services and Trustee, Board Development Committee
- Lift 360, volunteer on sustainable energy issues
- Resources First Foundation, Fundraising Committee

Representative Matters

- Advised a private equity firm on energy market and regulatory structure reforms during the potential acquisition and re-development of several large power plants in the Northeast.
- Guided ski resorts through RFP processes to obtain grants from the Efficiency Maine Trust for the development of efficiency projects that reduce electricity use and/or reduce greenhouse gas emissions.
- Obtained renewable power certifications at proceedings before the Maine PUC under the state's Renewable Portfolio Standard.
- Successfully combined legal, political and media strategies to defeat a proposed utility rate design, including a standby charge, that would have harmed a coalition of industrial, commercial, and residential electricity consumers that also produce electricity using renewable and efficient energy sources.
- Lobbied for the landmark 2013 Omnibus Energy Bill provided testimony to the Maine Legislature's Joint Standing Committee on Energy, Utilities and Technology Committee on technical issues related to life-cycle greenhouse gas emissions associated with natural gas.
- Advised a joint venture of two private equity firms on the acquisition of a pulp, paper, and lumber mill, including due diligence regarding environmental and energy permitting and compliance and negotiation and drafting of the purchase and sale agreement.
- Defended developers, who intended to rehabilitate a historic small dam and mill property and generate electricity using micro hydro, from the imposition of a water level by the Maine Department of Environmental Protection which would have threatened the dam and mill.
- Participated in the successful appeal of a PUC decision to the Maine Law Court, preventing the virtual "re-integration" of utilities with generation in Maine.
- Assisted in the representation of an offshore wind project in obtaining a long-term contract before the Maine PUC and in the related application for funding from the U.S. Department of Energy.
- Assisted various clients with compliance requirements of the Federal Energy Regulatory Commission related to obtaining Market Based Rate Authorization and making wholesale sales of power.
- Performed extensive due diligence in the acquisition of thousands of megawatts of hydropower in the Northeast related to FERC hydropower licensing.