



# Brenda Colella

She | Her |Hers

*Partner*

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## Education

- University of Dayton School of Law, *Cum Laude*, JD
- Berry College, *Magna Cum Laude*, BA

## Practices & Industries

- Energy
- Energy Markets
- Oil & Gas
- Project Development
- Regulatory
- Renewable Energy

## Admitted to Practice

- New York
- District of Columbia

## Court Admissions

- US Court of Appeals for the Fourth Circuit
- US Court of Federal Claims
- US District Court for the Eastern District of New York
- US District Court for the Northern District of New York

## Biography

Brenda serves as Barclay Damon's Regulatory Practice Group leader, Regulatory Practice Area co-chair, and co-team leader of the renewable energy and energy markets teams. She began her career in litigation, environmental review and permitting, zoning, land use, and municipal-law matters and now primarily concentrates her practice on energy and infrastructure projects and related energy transactions. Brenda represents a wide array of clients, including renewable-energy developers and investors, electric generators, transmission line and interstate and intrastate-pipeline owners, and regulated utilities.

Brenda represents developers of transmission and generation projects in major siting and regulatory proceedings, including those involving the approval of transfer of assets and ownership interests before public-utility commissions and other administrative agencies, including the NYS Public Service Commission, FERC, DOE, and municipalities. She also represents energy-related clients in regulatory matters involving retail and wholesale-market issues and compliance with safety laws and regulations.

Brenda often counsels energy clients in the preparation and negotiation of transactional documents such as interconnection, power purchase, energy management, fuel supply, and transportation agreements. She also represents clients in all aspects of project development, including site acquisition, right-to-build and environmental issues, preparing and negotiating EPC and construction contract documents, and securing project financing and funding, including real property tax mitigation and development incentives.

## Bar Associations

- Central New York Women's Bar Association
- Energy Bar Association
- New York State Bar Association, Environmental and Energy Law Section and Public Utility Law Section
- Onondaga County Bar Association

## Selected Memberships & Affiliations

- Barclay Damon's Women Forum
- Alliance for Clean Energy New York
- American Wind Energy Association
- Solar Energy Industries Association
- Women in Communications and Energy NY

## Representative Experience

- Represents a transmission owner and developer in obtaining siting approval under Public Service Law Article VII for the rebuild of transmission lines in existing right-of-way.
- Represents an energy company in obtaining siting approval under Public Service Law Article 10 for the repowering of an existing major electric-generating facility.
- Represented an energy-services company in a joint venture with a solar-facility constructor in the ownership and development of multiple community solar-energy facilities and the sale of community solar-energy facilities to solar-development companies.
- Represented various owners and developers of distributed-generation solar facilities in the preparation and negotiation of financing documents, EPC contracts, O&M agreements, interconnection agreements, and in applying to and negotiating with local industrial development agencies for real-property-tax mitigation and other incentives.
- Represented energy clients in the due diligence for and acquisition or sale of various energy projects, including solar, wind, non-renewable power facilities, transmission lines, and energy-efficiency businesses.
- Represented a regional planning authority on the cooperative procurement process in connection with the procurement of a solar developer to install, operate, and maintain multiple solar facilities on municipal land, including the review and negotiation of a template power-purchase agreement and lease.
- Represented a generation-asset owner in the development, permitting, construction, and operation of a natural-gas

pipeline and plant upgrades in connection with the conversion of a coal-fueled electric-generation facility to a natural-gas-fueled facility.

- Represented a developer with respect to a petroleum-pipeline project involving environmental review, various federal and state permits, and the review of local laws for consistency.
- Represented a transmission developer with respect to the preparation of an application for an Article VII certificate before the NYS PSC for a proposed buried HVDC transmission line.
- Represented a power-generation owner in a proceeding before the NYS PSC with respect to the approval of an increase in the power rating for a generating facility in New York State.
- Represented a transmission developer in a generation-retirement contingency plan proceeding before the NYS PSC with respect to a major, buried HVDC transmission line.
- Represented a natural-gas energy company in obtaining necessary approvals from the NYS PSC for the transfer of a natural-gas pipeline to new entity, lightened regulation and the transfer of an amendment to an Article VII certificate for the natural-gas pipeline.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel, Barclay Damon has prepared and filed an Article VII application for a part of the offshore wind project, is responding to a deficiency letter from DPS staff, and is answering questions from DPS staff to ensure the completion of the application. We have also assisted the client with the posting of security in the NYISO Class Year Facilities Study for the offshore wind project as well as the negotiation of support services agreements with another energy company and the negotiation of the interconnection agreement for that facility. Barclay Damon also filed a petition with FERC seeking an extension in the period for achieving commercial operation to be stated in that interconnection agreement.
- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is developing the Article VII application materials for the offshore wind project. We are also assisting in its participation in the NYISO Class Year facilities study process.

- Represents a power generation company as its NYS Public Service Commission counsel with respect to the interconnecting transmission lines and regulatory siting approvals needed for an offshore wind project, which was awarded a contract for offshore wind renewable energy credits (ORECs) by NYSERDA. Along with our co-counsel on environmental issues, Barclay Damon is working with the client to develop Article VII application materials for its offshore wind project.
- Representing the New York Power Authority with respect to the siting and construction of a rebuild of an 86-mile-long transmission line that traverses 15 municipalities. Barclay Damon attorneys prepared and finalized the Article VII Application, assisted the NYPA with supplementing filings to achieve a “complete” application, handled the discovery phase, and led months of settlement conferences. The settlement negotiations culminated in a joint proposal for settlement support by all of the active parties and state agencies. A CECPN was issued by the PSC without the need for an evidentiary hearing. We then assisted the NYPA in the preparation of the Environmental Management and Construction Plans (EM&CP) for the project, which were also approved by the PSC. Construction is currently ongoing for this project. We continue to support the NYPA with compliance issues during construction.
- Successfully assisted with defending an appeal of the siting board's approval for a 340-megawatt, 83-turbine wind farm project.

## Prior Experience

- Hiscock & Barclay, LLP, Partner
- Gilberti Stinziano Heintz & Smith, P.C., Partner
- Gilberti Stinziano Heintz & Smith, P.C., Associate
- Marzulla Law, Associate

## Selected Community Activities

- Greater Strathmore Neighborhood Association, Member
- Strathmore Huntley Group, Member and Historic Building Investor

## Selected Honors

- *The Best Lawyers in America*®: Energy Law, 2023–2024; Oil and Gas Law, 2023–2024
- *Chambers USA*, New York State: Energy: State Regulatory & Wholesale Electric Market, 2021–2023
- Assemblywoman Pamela Hunter, Exceptional Women of Central New York Award, 2016

## Selected Speaking Engagements

- New York State Bar Association Environmental and Energy Law Section Panel, “Renewable Energy – Wind, Solar, and Offshore Wind”
- University of Maryland School of Law's Ward, Kershaw, and Minton Environmental Symposium: Rising Tides, Eroding Shores - The Legal and Policy Implications of Sea Level Rise and Coastal Erosion, "Role of Property Rights in Preventing Coastal Erosion"

## Selected Media

- *The Capitol Pressroom*, "New York's Green Energy Siting System"
- *Buffalo Law Journal*, "Barclay Damon Sees Future in Renewable Energy"

## Selected Alerts & Blog Posts

- NYS PSC Launches "Grid of the Future" Proceeding
- ORES Executive Director Issues First Denial of Section 94-C Permit Application Following Applicant's Partial Loss of Site Control
- Proposed NYS Budget Includes Major Changes to ORES and Transmission Siting
- NYS Governor Hochul Embraces Green Energy in Annual State of the State Address
- NYS Siting Board Grants Developer's Petition for Relief From County's Unreasonable Delay