

## Kyle J. Hayes

### Partner

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Kyle Hayes is a partner and corporate lawyer in the New York office of Foley & Lardner LLP and serves as Co-Chair of the firm's Hydrogen practice. His practice focuses on all phases of renewable energy project development and M&A across a wide spectrum of assets and technologies, principally including solar, battery storage, wind, EV charging infrastructure, hydrogen and renewable fuels. Having previously served as a federal regulator and in-house counsel to one of the largest investor-owned utilities in the U.S., Kyle brings both deep industry connections and experience to clients within the renewables and energy transition space, having handled hundreds of transactions over more than a decade.

Kyle's representation includes that of developers, sponsors, utilities, investors and corporate offtakers, with a focus on helping clients create both financeable and marketable renewable assets, as well as counseling buy-side clients in both corporate and project-level acquisitions. Kyle also counsels infrastructure-focused asset managers with respect to fund formation focused on renewables and energy transition assets.

Prior to entering private practice, Kyle served as an in-house counsel to Con Edison of New York, where he handled a variety of legal and commercial matters within the utility's wholesale and retail energy markets. He began his legal career at the Federal Energy Regulatory Commission.

Kyle is an active thought leader and participant in the renewables industry, having provided analysis and perspective to major industry publications and media outlets, including, for example, on the role of RNG as an asset class and how to best mitigate the nature of equipment supply chain constraints. He currently serves as a member of Dynamo Energy Hub's Board of Advisors.

### Representative Experience\*

#### Project Finance and M&A

- Represented CIM Group in the acquisition of MAS Energy's development-stage portfolio of landfill gas to RNG projects and management team

- Represented Hull Street Energy in the acquisition of Foundation Solar Partners, inclusive of a platform of more than 30 projects located in PJM
- Represented a London-based private equity firm in the acquisition of a portfolio of merchant standalone battery storage projects in Texas
- Represented an investor-owned utility in a build transfer agreement for the acquisition of a hydrogen electrolyzer in connection with an adjacent natural gas blending facility and gas-fired power facility
- Represented an investor-owned utility in the acquisition of a pipeline interconnection facility and corresponding lateral and negotiation of RNG offtake in connection with a landfill gas to RNG project located in Virginia
- Represented Verogy in the structuring and negotiation of a development framework purchase agreement in connection with a preferred equity investment from Carval Investors
- Represented a leading renewables developer in the tax equity financing of two repowered utility-scale wind projects in West Virginia and California
- Represented a private equity firm in the acquisition of 2 New England-based community solar projects
- Represented a preferred equity investor in the development and financing of an animal waste-to-RNG production facility located in Maryland
- Represented the sponsor in the development of a carbon capture facility adjacent to a coal-fired power plant as part of a Section 45Q tax equity transaction
- Represented a foreign investment bank in their acquisition of preferred equity interests in the sponsor owner of two carbon capture facilities connected to ethanol production facilities in Texas as part of a Section 45Q tax equity transaction
- Represented an Israeli solar developer in the acquisition of a portfolio of utility-scale solar projects located in PJM and subsequent partnership-flip tax equity transaction for the same portfolio
- Represented a midwestern U.S. utility company in the acquisition of a ~200 MW wind-powered generation facility located in Kansas
- Represented a midwestern U.S. utility in the acquisition of a ~10 MW solar-powered generation facility located in Wisconsin
- Represented a New York-based private equity firm in the acquisition of two New York retail electric suppliers
- Represented a major U.S. electric cooperative in the acquisition of a combined-cycle, gas-fired power plant

### **Project Development and Commodity-Related Agreements**

- Represented a leading solar and battery IPP in the negotiation of EPC, construction management and equipment supply agreements in connection with the development of utility-scale solar and battery storage assets, including structuring such agreements for compliance with relevant Inflation Reduction Act provisions
- Represented a Texas-based solar developer in negotiation of a virtual power purchase agreement with a Fortune 25 corporate offtaker

- Represented Archaea Energy in the composition of form project development agreements in connection with its landfill gas to RNG project portfolio
- Represented a Fortune 50 retailer in the negotiation of several power purchase agreements (PPAs) and equipment leases in connection with rooftop solar assets and hydrogen fuel cells across several states
- Represented a Fortune 50 retailer in the negotiation of relevant agreements for the installation of electric vehicle charging stations on store premises
- Represented an investor-owned utility in the procurement of several stand-alone battery storage systems for purposes of reducing peak electricity demand within its service territory
- Represented Neste in the negotiation of an agreement for the sale of renewable jet fuel to JetBlue Airways at Los Angeles and San Francisco International Airports
- Represented a leading renewable fuels producer in the negotiation of a sales and marketing agreement for renewable jet fuel and related byproducts
- Represented a portfolio company of a Spanish energy conglomerate in the purchase of Tier 1 solar modules for various utility-scale projects in the U.S.
- Represented a utility-scale solar developer in the negotiation of several key project agreements for an ERCOT-based project (e.g., PPA, O&M, Construction Management Agreement, EPC)
- Represented a Fortune 100 company in the purchase of rooftop solar energy for several of its East Coast store locations
- Represented a joint venture of Macquarie Capital and Core Solar in a solar power purchase agreement with Occidental Petroleum for an ERCOT-based utility scale solar asset
- Represented various commodity trading institutions and investor-owned utilities in the development and negotiation of biogas (landfill, dairy, food waste feedstock) purchase and sale and interconnection agreements
- Represented a foreign investment bank and its solar development portfolio company in the procurement of battery storage facilities, solar modules, trackers and other component parts in connection with the development of several utility-scale solar projects
- Represented a New York-based retail supplier in the sale of bundled energy and RECs to a major C&I purchaser for purposes of compliance with NYC Local Law 97
- Represented a foreign investment bank in power purchase agreements with two Texas-based energy marketers for an ERCOT-based utility scale solar asset
- Represented a private-equity backed portfolio company in the development of a marine terminal in New Jersey for purposes of distributing liquid petroleum gases (e.g., propane/butane) to ocean-going vessels

\*Certain matters handled prior to joining Foley

## **Awards and Recognition**

- 2024 Rising Star, Minority Corporate Counsel Association

## **Affiliations**

- Board of Advisors, Dynamo Energy Hub

## **Sectors**

- [Electrified Mobility & Infrastructure](#)
- [Energy](#)
- [Renewables](#)
- [Supply Chain](#)

## **Practice Areas**

- [Corporate](#)
- [Finance](#)
- [Mergers & Acquisitions](#)
- [Transactions](#)

## **Education**

- George Mason University School of Law (J.D., 2013)
- University of Connecticut (B.A., with honors, 2010)

## **Admissions**

- New York