

## Morten A. Lund

### Of Counsel

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San Diego

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Morten Lund is Of Counsel at Foley & Lardner LLP's San Diego office and a member of the firm's Energy Sector. For more than 25 years, Morten has advised developers, lenders, investors, and other project participants.

Morten assists clients with the full project life cycle, including development, acquisition, procurement, construction, finance, and O&M. Morten has a particular focus on solar energy projects, wind energy projects, and energy storage projects, but his wide range of project experience also includes hydrogen projects, combustion generator projects, nuclear energy facilities, hydroelectric facilities, cogeneration facilities, chemical facilities, paper/pulp facilities, large aircraft, and shipping fleets.

Morten was born in Oslo, Norway, and is a native speaker of Norwegian.

### Representative Experience

#### PPA/Offtake

- Represent developer; negotiate PPA with California utility for 100MW solar energy project.
- Represent offtaker/site host; negotiate PPA and site lease for 15MW BTM solar+storage project in California.
- Represent developer; negotiate energy storage services agreement with California utility for 50MW/200MWh energy storage project.
- Represent offtaker/site host; negotiate PPA and site lease for 20MW BTM solar+storage project in California.
- Represent developer; negotiate multiple PPAs and equipment leases for C&I solar projects across multiple jurisdictions; offtakers include warehouses, schools, municipal entities, and Fortune 500 companies.

- Represent offtaker/site host; negotiate PPA and site lease for multi-tenant warehouse BTM solar projects in California.
- Represent offtaker/site host; negotiate PPA and site lease for shopping center BTM solar project in California.

## **EPC**

- Represent developer/sponsor; negotiate EPC contract for 2+GW multi-project complex for solar energy and energy storage.
- Represent developer/sponsor; negotiate BOP contract for large wind energy project in California.
- Represent construction manager; develop form Construction Management Agreement for utility-scale U.S. solar project construction.
- Represent tax equity investor; review and renegotiate EPC contract for six utility-scale solar projects in Texas.
- Represent developer/sponsor; negotiate EPC contract for utility-scale solar project in Mexico.
- Represent developer/sponsor; negotiate BOP contracts for wind energy projects in Montana, Idaho, Tennessee.
- Represent site host/co-developer; negotiate EPC contract for 20MW BTM solar+storage project in California.
- Represent developer/sponsor; negotiate EPC contract for 50MW solar+storage project in Minnesota.
- Represent developer/sponsor; develop and negotiate multi-tiered EPC contract structure with Chinese contract/investor, for 200MW solar project in California.

## **Equipment Supply**

- Represent large global developer/investor; develop process and documents for global equipment procurement, applicable to wind turbines, solar modules, and batteries; negotiate global supply agreements with leading suppliers.
- Represent developer; negotiate frame agreement for multi-project module supply with major manufacturer.
- Represent wind turbine manufacturer; develop form turbine supply agreement; negotiate turbine supply agreement for wind energy projects in Texas, Oklahoma.
- Represent developer; review and renegotiate battery supply agreement for utility-scale solar+storage project.
- Represent large installer (and equipment purchaser); negotiate series of emergency module supply agreements.
- Represent large installer (and equipment purchaser); establish direct supply chain in China and Vietnam. Establish Beijing office, structure supply arrangements, negotiate tolling agreements with Vietnamese manufacturers

## **O&M**

- Represent large global project owner; negotiate fleet-level O&M agreements for client's North American wind energy project fleet (2+ GW); develop and negotiate fleet-level performance guarantee.
- Represent large global project owner; negotiate fleet-level O&M agreements for client's North American solar energy project fleet (3+ GW); develop and negotiate fleet-level performance guarantee.
- Represent large investor; conduct RFP for O&M services for C&I solar energy portfolio (200+ projects); evaluate bids; negotiate agreements.
- Represent investor; draft and negotiate O&M agreement for large wind project in Oklahoma.
- Represent service provider; develop form agreements for multi-site energy storage projects.
- Represent owner; draft and negotiate O&M agreement for 50MW geothermal facility in California
- Represent manufacturer/service provider; develop form services agreement for flow battery projects.

### **Affiliations**

- CleanTECH San Diego, Member of the Board
- University of San Diego Law School Energy Policy Initiatives Center (EPIC), Member of the Board of Advisers
- WRISE, San Diego Chapter

### **Presentations and Publications**

- "Inflation Protection Act eliminates tax credit for buyers of South Korean EVs" (live television interview), Arirang News Center (South Korea), August 22, 2022
- "US Inflation Reduction Act at a Bias Against Electric Cars Assembled Outside the US" (live radio interview), TBSFM (South Korea), August 16, 2022
- Panelist, "Exploring the Impact of Recent Regulatory Rulings on Commercial Activity in The Renewables Space," Stoel Rives LLP/Cleantech San Diego/San Diego WRISE webinar, October 8, 2020
- Speaker, "Renewable Energy: Recent Trends and Updates LIVE Webcast," The Knowledge Group, November 7, 2019
- Speaker, "EV Charging Network Structure and Finance," Charge Expo Symposium, San Diego, CA, October 1, 2019
- Speaker, "Energy Storage Offtake Agreements," Law Seminars International, Seattle, WA, June 12, 2018
- Moderator, "What Investors Are Looking For in the U.S. Solar Market," Infocast Solar Finance & Investment Summit, San Diego, CA, March 21, 2018
- Co-Presenter, "C&I Power Purchase Agreement and Other Model Contract Activities," SEIA Webinar, December 1, 2017
- Panelist, "Federal Perspectives," USD International Energy Law, University of San Diego, November 3, 2017
- Moderator, "Technology Costs and Efficiencies—Where are Things Headed?" Infocast Solar Connect Conference, La Jolla, CA, October 2, 2017

- Speaker, “How Standardized Contracts Reduce Transactional Costs & Financing Complexities,” Solar Power International 2017, Las Vegas, NV, September 10, 2017
- Guest Lecturer, USD International Energy Law, University of San Diego, April 5, 2017
- Panelist, “Unlocking Commercial Solar Project Finance—Track 2: Commercial Solar,” Greentech Media U.S. Solar Market Insight, San Diego, CA, October 25, 2016
- Panelist, “Wholesale C&I: The Next Wave of Large-Scale Demand,” Greentech Media, US Solar Market Insight, San Diego, CA, November 4, 2015
- Moderator, “The Utility Scale Asset Supply Landscape,” Infocast Utility Scale
- Solar Summit, San Diego, CA, October 20, 2015
- Moderator, “Vertical Integration vs Network vs Specialization—Models of Success in Distributed Solar,” Infocast Distributed Solar West 2014, San Diego, CA, November 18, 2014
- Speaker, “Changes (and Solutions) to Financing Small Commercial Projects,” SPI 2014, Las Vegas, NV, October 22, 2014
- Panelist, “Solar Leaders Dialogue / CEO Panel,” SNEC PV Power Expo 2014, Shanghai, China, May 20, 2014
- Panelist, “Utility Scale: Where the Market is Headed,” Greentech Media, 2014 Solar Summit, Phoenix, AZ, April 16, 2014
- Panelist, “FERC Order No. 784—Energy Storage Webinar,” Infocast Energy Storage Week, October 2, 2013
- Panelist, “Solar Leaders Dialogue / CEO Panel,” SNEC PV Power Expo, Shanghai, China, May 16, 2013
- Presenter, “Using DoD Contractual Vehicles in Renewable Energy Finance,” Infocast 3rd Annual Defense Renewable Energy & Military Microgrids Summit, Washington D.C, April 8, 2013
- Panelist, “The Community Market: A Massive New Opportunity,” Infocast Solar Power Finance & Investment Summit, San Diego, CA, March 9, 2013
- Moderator, “The California Market Opportunity & Business Landscape,” Infocast Distributed Solar Summit, Del Mar, CA, November 13, 2012
- Presenter, “Solar Projects in the US,” SNEC PV Power Expo, Shanghai, China, May 17, 2012
- Panelist, “CEO Panel,” SNEC PV Power Expo, Shanghai, China, May 16, 2012
- Panelist, “Solar Project Finance in a Post-1603 World,” Solar Summit 2012, Phoenix, AZ, May 1, 2012
- Moderator, “Long-Term Strategic Capital to Finance Industry Growth,” Distributed Solar Summit, San Diego, CA, December 2, 2011
- Moderator, “Utilities’ Latest Perspectives on Utility Scale Solar,” Utility Scale Solar Summit 2011, San Diego, CA, September 2011
- Instructor, “Solar EPC and Long-Term Component Supply,” EUCI Law of Renewable Energy Series Webinar, March 28, 2011
- Moderator, “The Search for Company Capital: Solar Developer Perspectives,” Solar Power Finance & Investment Summit 2011, San Diego, CA, March 21–24, 2011
- Briefing chair, Third Annual Utility Scale Solar Summit, San Diego, CA, September 13–15, 2010

- “Principal Development Documents and Development Risks,” Intersolar North America 2010, San Francisco, CA, July 15, 2010
- “The Making of a Solar Power Purchase Agreement,” ASES National Solar Conference 2010, Phoenix, AZ, May 21, 2010
- “Special Issues in Renewable Project Non-Financial Contracts,” Risk Identification and Allocation in Renewable Energy Forum, Infocast Project Finance Tutorial, New York, NY, April 26–28, 2010
- “Utilization of the DOE Loan Guarantee Program for Wind Projects,” Infocast Wind Power Finance & Investment Summit, Rancho Bernardo, CA, February 10–12, 2010
- Panel Moderator, “Perspectives of Petrochem Refiners and Major Bio-Processors on the Bio-Based Chemicals Value Chain and Market,” Infocast Bio-Based Chemicals Summit, San Diego, CA, February 8–10, 2010
- “Utility-owned storage becomes point of contention in New Jersey incentive program proposal,” *Utility Dive*, August 15, 2023
- “What inflation – and the Inflation Reduction Act – mean for the clean energy sector,” *Utility Dive*, August 15, 2022
- “Power Purchase Agreements and Renewable Energy Certificates: Distributed Generation Projects” (co-author), Chapter 2, *The Law of Solar Energy: A Guide to Business and Legal Issues*, Stoel Rives LLP, Sixth Edition, 2022
- “Supply chain woes won’t stop solar industry expansion” (co-author), *Reuters Legal News*, December 1, 2021
- “Weather and climate change highlight challenges of deregulated retail energy markets” (co-author), *Reuters Legal News*, September 3, 2021
- “Biden’s Jobs Plan—A Game-Changer for Clean Energy?” *POWER* magazine, July 1, 2021
- “Heading off power outages in California—a regulatory challenge” (co-author), *Reuters Legal News*, June 24, 2021
- “The status of solar and wind tax credits and tariffs as we enter 2021” (co-author), *Solar Power World*, December 7, 2020
- “Blockchain + Renewables = Red Tape?” (co-author), *Renewable Energy World*, March/April 2018
- “Practitioner Insights: Forward With Solar, Storage in Puerto Rico” (co-author), *Bloomberg BNA Environment*, November 7, 2017
- “How Distributed Solar Could Help During Natural Disasters,” *Solar Industry*, September 2017
- “What If Federal Support for Solar Disappears?” (co-author), *Solar Industry*, April 2017
- “So You Want to Enter a New Energy Market,” *Intelligent Utility*, September/October 2014
- “What Water Can Learn from Electric Utilities,” *The Los Angeles Daily Journal*, April 1, 2014
- “Jagged Rocks of Wisdom—Negotiation: Mastering the Art of the Deal,” Fine Print Press, June 2011
- “How To Avoid Fatal Flaws At Closing,” *North American Windpower*, August 2009
- “Jagged Rocks of Wisdom—The Memo: Mastering the Legal Memorandum,” Fine Print Press, May 2009

## Languages



FOLEY & LARDNER LLP

- Norwegian (native)
- Swedish (full professional proficiency)
- Danish (full professional proficiency)
- Mandarin (intermediate)

## Sectors

- Energy
- Energy Transition

## Practice Areas

- China
- Corporate
- Finance

## Education

- Yale University (J.D., 1995)
- Augustana College (B.A., 1992)

## Admissions

- California
- Wisconsin