

## Kyle J. Hayes

### Partner

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Kyle Hayes is a partner in the New York office of Foley & Lardner LLP and serves as Vice Chair of the firm's Energy Transition practice. His transactional practice focuses on all phases of project development and M&A across a wide spectrum of assets classes within the energy and infrastructure industry, particularly with respect to traditional renewables, renewable fuels and transportation-related infrastructure.

Kyle's representation principally includes that of sponsors, developers, utilities, investors, as well as corporate offtakers. Kyle focuses on helping clients create both financeable and marketable assets for long-term operation and/or sale, as well as counseling buy-side clients in both corporate and project-level acquisitions. Kyle also counsels clients on aspects of fund formation in connection with energy-related 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 within the North American energy and infrastructure industry, having provided analysis and insights to major publications and media outlets, including, for example, the financing of renewable fuels assets, development of the US hydrogen market, and how to best mitigate equipment supply chain constraints for energy projects. He currently serves on the Board of Advisors of both Skyre, Inc. and Dynamo Energy Hub.

### Representative Experience\*

- Represented a distributed solar and battery storage developer in securing a permanent financing facility from the DOE Loan Programs Office in connection with a series of virtual power plants (VPPs) throughout the US
- Represented CIM Group in the acquisition of MAS Energy's (now Terreva Renewables) development-stage portfolio of landfill gas to RNG projects and corresponding management team

- Represent the sponsor of a woody biomass to renewables fuel project in Oklahoma with respect to the full lifecycle development of the project
- Represented a green hydrogen developer in negotiating several hydrogen offtake agreements with various heavy-industry customers
- Represented Verogy in the structuring and negotiation of a development framework purchase agreement in connection with a preferred equity investment from Carval Investors
- 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 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 a utility-scale solar and battery storage developer in securing construction financing from the DOE Loan Programs Office
- Represented a utility-scale developer in negotiating several virtual power purchase agreements with Fortune 100 offtakers
- 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
- Represent a green hydrogen developer in procuring long-lead electrolyzer and balance of plant equipment
- Represent a hydrogen developer in a corporate-level syndicated bridge investment
- Represented a green hydrogen developer in negotiating its PNW Hydrogen Hub awardee/subawardee recipient document suite
- 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 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
- 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 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

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## Awards and Recognition

- 2024 Rising Star by *Super Lawyers*, New York Metro
- 2024 Rising Star, Minority Corporate Counsel Association

## Affiliations

- Board of Advisors, Skyre, Inc.
- Board of Advisors, Dynamo Energy Hub

## Sectors

- [Electrified Mobility & Infrastructure](#)
- [Energy & Infrastructure](#)
- [Power & 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