

Global Project & Infrastructure

NEWS AND RECENT DEVELOPMENTS

In the second edition of our Global Projects & Infrastructure update, we review some of the recent changes within the firm. Despite the current marketplace, we're happy to announce the addition of three new partners to our Global Projects practice. Additionally, our business continues to grow with a broad range of new assignments across the globe.

Since our last issue, *International Financial Law Review (IFLR)* recognized Mayer Brown's work on the winning Project Finance Deal of the Year for the Panama Canal Expansion Project. We also have been shortlisted by *Chambers Latin America* for our work, strategic growth and client service in the area of Project Finance (International Counsel).

We hope you find this information of interest.

Barry Machlin

Co-Chair Global Projects (Americas)
+1 312 701 8574
bmachlin@mayerbrown.com

Ian Coles

Co-Chair Global Projects (UK)
+44 20 3130 3205
icoles@mayerbrown.com

New Faces



Robert Goldberg joined our Houston office in May. He has extensive experience advising financial institu-

tions and other lenders, participants, corporate clients, sponsors, and developers in connection with an array of domestic and international project finance, corporate, leasing and securities matters, and acquisitions and divestitures. He is also experienced in restructuring and refinancing project finance and other debt outside of bankruptcy in the energy sector.



In June, we welcomed **Dan Fleckman** to our Houston office's Corporate and Securities practice. He has more

than 30 years of experience as an energy transaction and capital markets lawyer. Dan specializes in representing sponsors, issuers and underwriters in debt and equity offerings by MLPs and other energy companies.



Christopher Erckert joined our Washington office in June. His practice emphasizes energy and infrastructure-

related work in Latin America. He has experience within the power sector and other infrastructure/ industrial matters, including LNG facilities and gas pipelines. Christopher has extensive experience in Latin America, where his fluency in Portuguese and Spanish enables him to negotiate and review contracts in both languages as well as in English.

New Assignments

Mexican Wind Power

We have been retained by three official lenders—International Finance Corporation, Export-Import Bank of the United States and Inter-American Development Bank—who will provide project financing for a major wind power facility to be constructed near Oaxaca, Mexico. The \$200 million, 67.5 megawatt project is sponsored by a Mexican subsidiary of Electricite de France.

Dominican Republic Toll Road

We have been retained by Ex-Im Bank and BNP Paribas, NY to act for them as transaction counsel regarding the new proposed 70km highway connecting La Romana and Punta Cana in the Dominican Republic.

Puerto Rico Container Terminal

We are representing the Port of the Americas Authority, a public authority of the Commonwealth of Puerto Rico, in connection with negotiations for the long-term operating concession for the \$750 million Port of the Americas container terminal project in Ponce, Puerto Rico.

Brazilian Power Projects

We are advising Caterpillar on the \$250 million engineering, construction and procurement arrangement for two new power projects in Brazil known as Pernambuco and Santa Rita.

Bisha Mines

We advised Nevsun Resources Ltd on its \$235 million project financing for the operation and construction of Bisha gold, silver, zinc and copper mine in Eritrea. It is the first mine to be project financed in the country.

News from Mayer Brown

View our Global Infrastructure and Transportation Infrastructure practice web pages for other recent updates.

Energy and Climate Change News

US SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ADOPTS WIDE-RANGING ENERGY BILL

S.1462, the “American Clean Energy Leadership Act of 2009,” has been voted out of committee and added to the US Senate calendar. The bill, which would comprehensively overhaul the US energy system, covers appliance energy efficiency, building energy codes, the reliability of the US grid for electricity transmission, renewable electricity standards, carbon capture and storage, energy market manipulation, and aid for deploying clean energy technologies.

[Read more >>](#)

DEPARTMENT OF ENERGY ISSUES NEW LOAN GUARANTEE SOLICITATIONS

The Department of Energy (DOE) issued two anticipated loan guarantee program solicitations on July 29, regarding (i) projects that employ innovative energy efficiency, renewable energy and advanced transmission and distribution technologies and (ii) electric power transmission infrastructure investment projects.

[Read more >>](#)

US TREASURY ACCEPTING APPLICATIONS FOR ENERGY GRANTS IN LIEU OF TAX CREDITS

On July 31, the US Treasury Department (Treasury) announced that it is now accepting applications for grants in lieu of tax credits (Grants) under section 1603 of the American Recovery and Reinvestment Act of 2009. Section 1603 established a program whereby an eligible person could, in lieu of claiming the production tax credit under Internal Revenue Code Section 45 or the investment tax credit under Internal Revenue Code Section 48, apply to Treasury for a Grant with respect to certain renewable energy property to provide a reimbursement for a portion of the costs of such property.

[Read more >>](#)

IRS NOTICE 2009-52—PROCEDURE FOR ELECTING ITC IN LIEU OF PTC

On June 5, the Internal Revenue Service issued Notice 2009-52, which describes the much anticipated procedures for electing to claim the investment tax credit (ITC) under Section 48 in lieu of the production tax credit (PTC) under Section 45 with respect to certain renewable energy facilities (the ITC Election). The flexibility to make the ITC Election was provided in the American Recovery and Reinvestment Act of 2009 (the Recovery Act) that was enacted on February 17.

[Read more >>](#)

Other Relevant News & Information

A Pocket Guide to the Foreign Corrupt Practices Act

The anti-corruption movement continues to gather momentum, and in the past five years enforcement actions have increased markedly, both in the United States and in many other countries. Accordingly, we offer Mayer Brown's Pocket Guide to the Foreign Corrupt Practices Act as a tool for understanding the FCPA and identifying and avoiding corruption risks. You can request a copy by sending an email to smcbride@mayerbrown.com. [Read more >>](#)

International Arbitration Perspectives

In this new publication, we comment on developments and trends in international arbitration law that are significant to our clients' business and investment interests across the globe. In this first issue, we look at developments in the United States, Dubai, Hong Kong and Europe. [Read more >>](#)

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