



## Ben H. Kass

### **PARTNER**

DENVER, CO

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### **OVERVIEW**

Ben is a partner in the firm's Energy & Natural Resources group and has a wide range of experience in renewable energy development, construction, financing and transactional matters.

Prior to joining the firm, Ben served as senior counsel for a large international renewable energy company, where he provided legal advice on all aspects of the company's activities, including the development, construction, sale and acquisition of utility and distributed scale wind, solar and battery storage projects.

Having been both an advisor to clients and a client himself, Ben has a unique understanding of client needs from both a legal and business perspective. Ben uses this experience to provide pragmatic and cost-efficient legal advice and solutions focused on identifying and minimizing risk while achieving favorable results.

Ben has more than a decade of experience in renewable energy and has worked on nearly all aspects of the development, construction, acquisition, sale and financing of more than 5,000 MW of wind, solar and battery storage projects in 40 U.S. states, Guam, Canada and Mexico.

Ben's legal skills include the drafting and negotiation of all major project contracts, including representing both sellers and buyers in utility-scale and distributed-scale PPAs and corporate PPAs, EPCs, BOPs and all other major construction contracts, as well as equipment procurement, O&M and long term service agreements.

### Industry

Energy & Natural Resources

### Services

Corporate

Energy Storage

Solar Energy

Wind Energy

## Experience

### **SOLAR - PPAS**

- Negotiated power purchase agreements and renewable energy credit purchase contracts for 1 gigawatt of solar projects in Louisiana and Alabama.
- Negotiated a module supply agreement for a 200-megawatt solar project in Kansas.
- Negotiated a module supply agreement for an 80-megawatt solar project in Colorado.
- Negotiated an operations and maintenance contract for a 200-megawatt solar-plus-storage project in Texas.
- As part of what was the largest single corporate procurement of renewables at the time, negotiated two power purchase agreements (PPAs) with AT&T for over 800-MW (300-MW solar and 500-MW of wind).
- Negotiated PPA for 255-MW solar facility in Texas with three municipal utilities.
- Negotiated PPA, EPC and various development agreements for 3-MW Penitente Solar Facility near Alamosa, Colorado.
- Negotiated PPA, EPC and various development agreements for 15, 1-MW of distributed solar projects in Texas.
- Represented Tri-State Energy Cooperative in Colorado in the administration of an RFP for over 1000-MW of solar and wind, helped develop form PPA, and negotiated PPA with several counterparties.
- Negotiated PPA and assisted in assembling bid documents for a 2-MW solar plus storage project with the University of Hawaii.

### **SOLAR - EPCS**

- Assisted an EPC contractor in negotiating an engineering, procurement and construction contract, master service agreement and related exhibits for an 80-megawatt solar project in Washington state.

## Experience

- Negotiated power purchase agreements and other development contracts for a portfolio of 12 solar projects in Massachusetts.
- Negotiated an EPC contract for the 100-megawatt Elkhart County Solar Project in Indiana.
- Negotiated an EPC contract for a 100-megawatt solar project in Breckinridge County, Kentucky.
- Negotiated an EPC contract for a 300-megawatt solar project in Yuma County, Arizona.
- Represented a client in the preparation and negotiation of EPC contracts for an eight-project portfolio in the Northeast.
- Negotiated EPC, O&M and other ancillary agreements for the construction of the 255-MW Altavista Solar Project in Virginia.
- Negotiating EPC, O&M, panel supply and other documents for a portfolio of 50-MWs of distributed solar and solar + storage projects in NY and NJ.
- Negotiated EPC, O&M, panel supply, and other ancillary agreements for construction of the Great Bay II Solar Project in Maryland.
- Negotiated Master EPC, Master O&M and other ancillary agreements for 35-MW of distributed solar projects with WE Energies in Wisconsin.
- Negotiated EPC for 6-MW of distributed solar in Pennsylvania with SEPTA and Con Edison.
- Negotiated EPC for portfolio of community solar projects in Illinois.
- Worked on transaction to sell 315-MW solar facility to be built in Texas (was largest solar facility in Texas).

## BATTERY STORAGE

- Assisted a developer in negotiating power purchase agreements for four solar-plus-storage projects in TVA territory, totaling more than 1 gigawatt of capacity.

## Experience

- Assisted a Fortune 100 client in a multifaceted approach to meet corporate sustainability and net-zero carbon goals through investments in on-site and off-site solar and battery storage projects.
- Negotiated a battery supply agreement for a 171-megawatt battery project in Texas.
- Negotiated a battery supply agreement for a 200-megawatt battery project in Texas.
- Negotiated EPC contract, battery supply agreements and other related contracts for 2-MW/12-MWh lithium-ion stand-alone battery storage project in Queens, New York.
- Negotiated EPC, PPA amendments, battery supply agreements and other related contracts for repowering of 10-MW battery storage facility combined with wind project in Hawaii.
- Negotiated EPC, battery supply agreements and other related contracts for 10-MW lithium-ion stand-alone battery storage project in Ohio owned by Exelon Energy.
- Negotiated Energy Storage Service Agreements for RFPs in NY for over 300-MW of battery storage.
- Worked on various aspects of approximately 40-MW stand-alone battery storage project in Illinois, one of first battery storage projects to be financed.
- Created lease forms, negotiated leases, and assisted with all other aspects of greenfield development work for several stand-alone battery storage projects under various utility RFPs / NYSERDA programs.
- Worked on various aspects of solar plus battery storage development on U.S. Territory in Pacific.

## WIND

- Negotiated EPC, O&M and other ancillary agreements for Maverick Creek Wind Project, worked on construction financing for same.
- Negotiated EPC for 178-MW Patriot Wind Farm in Corpus Christi, Texas.

## Experience

- Negotiated EPC for 80-MW Copenhagen Wind Farm in Copenhagen, New York.
- Managed various aspects of financing, development and construction of 150-MW Pleasant Valley Wind Farm near Rochester, Minnesota.
- Managed various aspects of financing, development and construction of 200-MW Border Winds Wind Farm in Rolla, North Dakota.
- Negotiated EPC for 100-MW North Kent Wind project in Mississauga, Ontario, Canada.
- Negotiated PPA for 200-MW wind facility in Midwestern U.S.
- Worked on various aspects of planned 600-MW wind facility in Midwestern U.S.

## TRANSMISSION

- Negotiated EPC for approximately 40-mile transmission line in Central America.

## Recognition

- *The Legal 500 United States*
  - Energy: Renewable/alternative power, Recommended lawyer, 2025
- Named an “Emerging Leader” in the wind industry by the American Wind Energy Association, 2017
- Who’s Who in Energy, *Denver Business Journal*, 2017-2018

## Education

- J.D., University of Denver Sturm College of Law
  - Natural Resources Environmental Law Society, President 2007-2009
  - *Transportation Law Journal*, staff editor
  - Stanton D. Rosenbaum, Mary J. Ricketson, Jan and Marjorie Laitos scholarships
- LLM/MRLS, University of Denver Sturm College of Law
- B.S., University of Minnesota
  - Environmental Policy and Planning

## Admissions

- Colorado

## Community Leadership

- Volunteer Ski Patrol, Arapahoe Basin Ski Area, 2008-present



The Legal 500 United States.