



ZACHARY GERSON

PARTNER

Boston

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I help clients get clean energy projects permitted, built and interconnected.

For more than a decade, Zach Gerson has brought his experience permitting some of the Northeast's most significant clean energy projects and advancing the region's clean energy policies to bear for clients looking to build clean and renewable energy resources.

Zach works extensively with offshore wind developers and developers of solar and energy storage assets to permit projects, comply with regulatory requirements, overcome interconnection challenges, and influence critical regulatory policy proceedings in Massachusetts. He also advises clients with regard to financings, acquisitions, and sales that include clean energy assets.

Since 2010, Zach has worked with trailblazing offshore wind clients, including representing the Massachusetts Department of Energy Resources in long-term contract approval proceedings, Vineyard Wind in obtaining state, regional, and local permits for the Vineyard Wind 1 Project, and Avangrid Renewables in the state, regional, and local permitting of its Park City Wind and Commonwealth Wind projects.

Zach also has broad and deep experience helping solar and energy storage companies obtain necessary approvals and overcome regulatory challenges. Zach has represented solar and energy storage developers and clean energy trade groups before the Massachusetts Department of Public Utilities in policy dockets that have shaped the Commonwealth's clean energy landscape, including the "Grid Mod" dockets, major rate cases, and the proceedings to establish tariffs for the Solar Massachusetts Renewable Target (SMART) Program. He regularly advises clients on net metering, the SMART Program, Renewable Portfolio Standards, and Massachusetts's Clean Peak Energy Standard.

RELATED INDUSTRIES

Energy & Climate >

RELATED PRACTICES

EDUCATION

- Harvard Law School, J.D., *cum laude*, 2009
- University of Pennsylvania, M.S. Ed., 2006
- Stanford University, B.A., with honors, 2004

BAR AND COURT ADMISSIONS

BAR ADMISSIONS

- Massachusetts
- Pennsylvania

COURT ADMISSIONS

- U.S. District Court for the District of Massachusetts
- U.S. Court of Appeals for the First Circuit

EXPERIENCE

OFFSHORE WIND

- Represents Vineyard Wind in the energy and environmental permitting and related appeals for the approximately 800 MW “Vineyard Wind” project, the first large-scale off-shore wind farm in North America (Massachusetts EFSB 17-05/D.P.U. 18-18/18-19 and EFSB 19-05).
- Represents Park City Wind in the energy and environmental permitting and related appeals for the approximately 800 MW “Park City Wind” project (Massachusetts EFSB 20-01/D.P.U. 20-56/20-57).
- Represents Commonwealth Wind with regard to approval of long-term power purchase agreements for output from Commonwealth Wind’s approximately 1,232 MW offshore wind generation project (Massachusetts D.P.U. 22-70/22-71/22-72).
- Represented the Massachusetts Department of Energy Resources before the Massachusetts Department of Public Utilities in the adjudicatory proceedings wherein the Department of Public Utilities approved utilities’ long-term contracts to purchase energy from the Cape Wind project.
- Represented the U.S. Department of Energy in assessing litigation risks associated with a potential loan guarantee to a renewable energy project.
- Represented a developer of terrestrial wind energy projects with respect to noise disputes.

SOLAR AND ENERGY STORAGE

- Represents the Solar Energy industries Association (SEIA) in the Massachusetts Department of Public Utilities proceeding reviewing proposed tariffs to implement the Solar Massachusetts renewable Target (SMART) Program (D.P.U. 20-145).
- Represented BCC Solar Energy Advantage in the Massachusetts Department of Public Utilities proceeding reviewing proposed tariffs to implement the SMART Program (D.P.U. 17-140).
- Represented the Northeast Clean Energy Council (NECEC) in Eversource's 2017 Massachusetts rate case with regard to proposals affecting the clean energy industry (D.P.U. 17-05).
- Represented NECEC in National Grid's 2015 Massachusetts rate case with regard to proposals affecting the clean energy industry (D.P.U. 15-155).
- Advise an established power generation company with regard to the development of an energy storage asset in Western Massachusetts.
- Represented NECEC in the Massachusetts Department of Public Utilities dockets investigating "grid Modernization."
- Regularly represents solar developers in obtaining extensions to SMART Program statements of qualification and exceptions to the application of SMART Program requirements.
- Frequently represents solar developers in interconnection disputes with interconnecting utility companies.
- Represented leading independent power producer Soltage, LLC in a \$250 million partnership with investment management firm Harrison Street to fund solar and other clean energy infrastructure assets developed by Soltage.
- Advised GoldenSet Capital Partners in connection with \$50 million sponsor equity and tax equity investments for a portfolio of Massachusetts solar projects
- Represented a non-profit energy company in a backleverage debt transaction with regard to a portfolio of solar assets.
- Advise clients with regard to the sale, acquisition, and financing of portfolios of solar facilities.
- Mediated an urgent interconnection dispute on behalf of the owner of solar and energy storage resources, obtaining authorization to interconnect in time to avoid significant financial consequences.
- Represented solar PV installers in adjudicatory proceedings before the Massachusetts Board of State Examiners of Electricians.

ENERGY REGULATORY

- Represents the University of Massachusetts in Eversource's 2022 Massachusetts rate case (D.P.U. 22-22).
- Advised the owner of a substantial energy resource regarding options for incoming electric service.
- Advised owner of pipeline infrastructure with regard to state regulatory oversight.
- Successfully represented the owner of a combined cycle cogeneration facility in obtaining approvals necessary to modify that facility and implement new cooling technology.
- Represented the proponent of a generation alternative to a proposed, new transmission line in proceedings before the Massachusetts Energy Facilities Siting Board.
- Advised municipality with regard to electric service pricing.

ENVIRONMENTAL AND OTHER LITIGATION

- Successfully represented an electronics component manufacturer in litigation against numerous insurers arising out of environmental contamination at sites in multiple states.

- Successfully represented a chemical manufacturer in claims against a prior owner arising out of PCB contamination found at a manufacturing facility. *MPM Silicones, LLC v. Union Carbide Corporation* (No. 1:11-cv-1542, N.D. New York, 2017), affirmed Docket No. 17-3468(L), 2nd Circuit, 2020). After trial and as affirmed by the 2nd Circuit, the court awarded MPM 95% of its removal costs.
- Successfully defended a non-profit social justice organization against defamation lawsuit arising out of that organization's social justice advocacy.
- Successfully defended a non-profit organization in an arbitration dispute brought under the Commercial Rules of the American Arbitration Association.

HONORS & INVOLVEMENT

HONORS

- Managing Editor, Harvard Environmental Law Review
- Article Editor, Civil Rights-Civil Liberties Law Review

INVOLVEMENT

- Boston Bar Association, Environmental Section
- American Bar Association, Section of Environment, Energy, and Resources
- Law Firm Antiracism Alliance, Environmental Justice Working Group

SPEAKING ENGAGEMENTS

- "Clean Energy for All: How Can We Ensure Renewable Energy Systems are Deployed Equitably, so Everyone Reaps the Benefits?" RE+ Northeast (February 2023)
- "Navigating Net Metering in Massachusetts: Practical Advice for Lawyers," Boston Bar Association CLE Program (June 2013)