

Fermín E. Fontanés

Environmental, energy and land use attorney focused on corporate transactions, regulatory compliance, permitting and environmental litigation. Counsels clients during all development stages of a project, including due diligence review, site selection, environmental impact review, and permitting. Advises energy clients in the acquisition and establishment of generating facilities (utility and commercial scale), power purchase agreement, negotiating contracts, day to day operations and permitting matters. Clients include petroleum companies, energy companies, manufacturing companies, developers and financial institutions.

PROFESSIONAL EXPERIENCE

PUERTO RICO PUBLIC PARTNERSHIPS AUTHORITY *EXECUTIVE DIRECTOR*

SAN JUAN, PUERTO RICO
JULY 2019 – PRESENT

- Responsible for leading and managing the public-private partnership (P3) transactions for the transformation of the Puerto Electric Power Authority (PREPA), including the Operation and Maintenance Agreement for the Puerto Transmission and Distribution system (T&D), new generation projects, hydroelectric projects, battery storage and renewable generation.
- In charge of several innovative P3 infrastructure projects including, the advanced metering system for the Puerto Rico Aqueducts and Sewers Authority (PRASA), the cruise terminals of the Puerto Rico Ports Authority and improvements to the transportation services for the Maritime Transportation Authority.

PUERTO RICO PUBLIC PARTNERSHIPS AUTHORITY *LEGAL ADVISOR*

SAN JUAN, PUERTO RICO
MARCH 2018 – JULY 2019

- Advise the Authority with regards to all public private partnership projects including the maritime ports, maritime transportation, student life, PRASA's metering system, and the Puerto Electric Power Authority (PREPA); provide advice on the management of all contracting duties and revisions of all agreements on behalf of the Authority and the Central Office of Recovery and Reconstruction.
- Manage all aspects of the PREPA Transactions under Act 120 of 2018, including providing advice on which assets are to be sold or managed under partnership contracts, work on drafting the request for qualifications, request for proposals, contracts, advise on coordinating procurement processes and Partnership Committees and serve as the liaison of the Authority with PREPA and the Fiscal Oversight and Management Board.

O'NEILL & BORGES LLC *Member – Environmental, Energy and Land Use Practice Group*

SAN JUAN, PUERTO RICO
November 2011 – March 2018

- Advise clients on PROMESA's Title V structure, its critical project designations process and the expedited permitting process established under Act 76-2000, Executive Order OE-2017-004 and the 2017 Permits Reform Act.
- Counsel energy clients on permitting and general corporate matters, including renewable energy (e.g., solar and wind), and alternative energy production (e.g., waste-to-energy, landfill gas to energy, biomass), petroleum-based (upstream to downstream), and fuel distribution companies.
- Successfully assist and advise clients in the energy sector in negotiations with the local utility company for utility-scale and commercial scale energy projects, including power purchase and operating agreements, interconnection and net metering agreements.
- Counsel clients through all stages of the development of a project, from the due diligence and site evaluations to the permitting, development and operations phases of the project.
- Advise clients on environmental, energy and land use aspects of corporate transactions, local and federal permitting laws, regulatory requirements and environmental litigation.
- Advise petroleum industry clients in various aspects of their operations, including, the day-to-day operations of: (i) petroleum refinery, (ii) receipt, storage and distribution Terminals; (iii) commercial facilities; (iv) service stations; and, (v) compliance and permitting for crude receipt, refining, storage, transportation, distribution and retail.

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- Assist and advise clients in negotiating and obtaining permits, licenses, endorsements and authorizations necessary for the establishment and operation of their business before local and federal agencies, including, among others: the USEPA, USCOE, USFWS, NMFS, PREQB and the DNRE.

MCCONNELL VALDÉS LLC

Associate – Environmental, Energy and Land Use Practice Group

SAN JUAN, PUERTO RICO
April 2010 – November 2011

- Advised clients on environmental, energy and land use aspects of corporate transactions, local and federal permitting laws, regulatory requirements and environmental litigation.
- Counseled a leading developer and operator of landfill gas-to-energy facilities in the United States with development and permitting issues related to the establishment of landfill gas-to-energy plant, including obtaining land use and environmental permits as well as negotiating a power purchase and operating agreement with the local utility.
- Advised a leading solid waste management company in all environmental and land use permitting aspects related to a proposed landfill expansion including the environmental impact review process, public relations and establishing relationships with the pertinent agencies.
- Advised clients during all development stages of a project ranging from due diligence review and site selection, to environmental impact reviews, site consultations and permitting.
- Advised a renewable energy company on all environmental, energy and land use issues related to the establishment of a wind farm on the South Coast of Puerto Rico, including revisions to the power purchase and operating agreement with the local utility.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, LLC

Associate – Labor and Employment and Commercial Litigation

ST. THOMAS, U.S. VIRGIN ISLANDS
January 2008 – July 2009

- Manage multiple aspects of civil and commercial litigation, including drafting motions, discovery and court hearings.

DUDLEY, TOPPER AND FEUERZEIG, LLP

Associate – Commercial Litigation

ST. THOMAS, U.S. VIRGIN ISLANDS
August 2005 - January 2008

- Manage all aspects of a large and diverse commercial litigation caseload. Represented the firm's banks and business clients in commercial and contract disputes and environmental and regulatory compliance matters.

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Law Clerk – Office of the General Counsel / Office of Administrative Law Judges

WASHINGTON, D.C.
Summer 2004

- Researched, evaluated and drafted Commission orders pertaining to the licensing of gas pipelines, certificates of public convenience and liquefied natural gas projects.
- Scrutinized the policy implications of the Commission's determinations regarding the incorporation of settlement agreements into hydroelectric project licenses and jurisdictional matters related to various federal environmental laws.

TODOAMBIENTE

President/Owner

SAN JUAN, PUERTO RICO
May 1998 - August 2002

- TodoAmbiente was a part of a collaborative of businesses providing environmental consulting and permitting services throughout the US, Central America and South America. Services included regulatory compliance, environmental permitting, NEPA compliance, wetlands delineation, community relations/environmental justice, as-built compliance, conservation studies and voluntary programs. Projects included the Bolivia-Brazil pipeline, the Puerto Rico Transshipment Port, and Waste to Energy Facility.

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EDUCATION

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL,
Juris Doctor, 2005

Washington, D.C.

UNIVERSITY OF MICHIGAN,
Bachelor of Science, Environmental Policy & Resource Behavior, 1997

Ann Arbor, Michigan

MISCELLANEOUS

BAR ADMISSIONS

- Puerto Rico / U.S. District Court for the District Puerto Rico
- US Virgin Islands

CHAMBERS AND PARTNERS

- Recognized as a Foreign Expert in Chambers and Partners Global Guide

TRAININGS

- Federal Energy Regulatory Commission
 - o Integrated Licensing Process for Hydroelectric Projects – 2004
- University of California, Berkeley, California
 - o Determining Federal Wetlands Jurisdiction – Certificate Program 1999