

Megawatt Law

James A. Schmidt
Lawyer and Owner

James's practice focuses on electric sector restructuring and market design, assisting with the development of independent regulatory agencies, and negotiation of infrastructure projects for private developers, governments and their utilities, and as public-private partnerships.

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Bar Admission:

Virginia

Education:

JD, University of Wisconsin Law School, 1986

BA, Lawrence University, 1983

James established Megawatt Law in 2015 after working for 25 years at Hunton & Williams, a major US-based international law firm, most recently as Counsel with its Energy and Infrastructure Team, where he was engaged both on US-based and international electric sector and other infrastructure projects. James has worked extensively on electric generation and transmission projects in the US, Europe, Asia, and Africa, and has participated in electric sector policy and market development in electric sectors around the world. James served as lead attorney for energy and regulatory reform matters in the Legal Department of the World Bank between 1996 and 1998. James was also a law clerk for the US Court of Appeals for the Fourth Circuit between 1986 and 1989, and served in the chambers of Judge William W. Wilkins, Jr., before starting private practice.

James is a frequent speaker on energy and infrastructure subjects, including structuring sustainable public-private partnerships in infrastructure investments, developing and financing cross-border and multi-jurisdictional infrastructure investments, developing institutional capacities of new regulatory agencies in licensing and tariff-setting activities, and on legal and policy issues related to market design, sector restructuring, and commercialization of state-owned utilities.

Representative Experience:

Additional details of ongoing projects, and certain completed projects, are not disclosed below due to confidentiality obligations. Descriptions of additional projects available upon request.

Botswana: Working for Ministry of Minerals, Energy, and Water Resources on tender for 600 MW Coal-fired power plant. Work includes drafting of project agreements, advising on risk allocations and proposing alternative solutions to reflect Government and stakeholder policy and commercial priorities. Coordinating with technical and financial advisors, presentation of documents to short-listed bidders. Anticipate work will include negotiation of project documents with preferred bidder through Financial Close.

Mozambique: Working for Ministry of Mineral Resources and Energy and EdM on negotiations of PPAs and Concession Agreements with project sponsors of 600MW coal-fired power project with partial domestic power offtake. Close coordination with EdM and Ministry negotiation teams to ensure that risk allocations are understood and commercial and policy decisions are reflected in project documents. Also providing support to EdM and Ministry on other electric sector projects on both policy/structuring issues and negotiations with project developers and lenders.

Kosovo: Worked on tenders for electric and telecom sector projects, including drafting of project documents, negotiations with bidders, and coordination with Ministry, regulator, and utility staff. Also development of policy framework, draft laws, negotiation support with EU representatives and donors regarding harmonization of electricity market development program with EU Directives and Energy Community Obligations.

Nigeria: Support to Nigeria Bulk Electricity Trader on development of model Power Purchase Agreements and Implementation Agreements for NBET to use in Nigeria's capacity acquisition program and privatization transactions. Also prepared policy framework and risk matrices and performed training to government, utility, and regulatory officials on IPP and electric sector development issues. Presented NBET's documents at a Presidential Conference for power sector investors.

Cote d'Ivoire, Liberia, Sierra Leone, Guinea: Support for TRANSCO CLSG and its stakeholders in the development of the first transmission interconnection between the four countries, under support of the West African Power Pool, ECOWAS, and multilateral donors. Developing initial Power Purchase and Sale Agreements and Transmission Services Agreements for the first transactions to be implemented when the transmission line is completed. Also performing substantial training on risk allocation issues, developing and presenting alternative provisions for risk allocations and other commercial points, and leading negotiations among the stakeholders to agree on initial commercial approaches for the new project company. In addition, advised on on-lending and other arrangements for donor financing to the project through the four national governments.

New York, USA: Represented the New York Independent System Operator (NYISO) in tariff and market design issues; negotiated tariff proposals with transmission owners and generation owners; assisted with development and implementation of capacity markets, energy markets, and ancillary services market solutions.

USA: Represented developers of wind, solar, and bio-mass project in negotiation of electricity off-take agreements, site agreements, and transmission interconnection agreements. Represented a utility affiliate with the development and negotiation of a contract for differences for part of the output of a new merchant coal generation facility within the PJM service territory.

South Africa, Mozambique, Swaziland: Represented the Government of Mozambique and EdM in the development of the MOTRACO international transmission interconnector between the electric transmission grids of the three countries. Assists with resolution of shareholder issues.

Publication:

Co-Author: Resource Finance Infrastructure: A Discussion on a New Form of Infrastructure Financing, *The World Bank*, May 2014.

References:

Available upon request.