

## Project Finance Group Of The Year: Milbank

By Tom Lotshaw

*Law360 (March 7, 2023, 2:02 PM EST)* -- Milbank LLP advised lenders for a \$9.5 billion airport upgrade, helped EVgo Services LLC negotiate a major electric vehicle charging network expansion, and helped other companies secure financing for carbon sequestration, electric buses and shipping fleet upgrades, earning it a place among Law360's 2022 Project Finance Groups of the Year.

Construction financing negotiations for the New Terminal One project at John F. Kennedy International Airport in New York City started before the pandemic, but agreements had to be significantly reworked after air travel was heavily impacted, with a closing announced in June 2022.

Milbank was lead counsel for a dozen-plus lenders on the project, which will anchor JFK's south side with a 2.4-million-square-foot international terminal featuring new amenities, as well as numerous technology, design and sustainability improvements.

"It's super significant for New York City and global-facing U.S. infrastructure, so we're really proud of having had a lead role on that," said Daniel D. Bartfeld, the practice group leader for Milbank's global project, energy and infrastructure finance group.

The group has long worked in industries ranging from transportation and infrastructure to oil and gas, power and energy, mining and metals, telecommunications, pulp and paper, and waste disposal and recycling. It has grown significantly as it has expanded into the energy transition space, and now has about 145 attorneys, Bartfeld said, adding that it worked on more than 100 renewable energy projects last year.

While that tally includes traditional solar and wind development projects, Bartfeld said it also increasingly includes things such as electric vehicle charging networks, battery manufacturing, carbon sequestration, green steel and digital infrastructure — which were not being project financed even a few years ago.

"Most people think about energy transition as solar and wind and having clean energy delivered to your home," Bartfeld said. "But it is impacting every industry."

One example is the sustainability-linked bond institutional investors created for Seaspan Corp. to issue



last year, marking the first time such bonds have been used in the transportation sector, according to Milbank, which represented the investors.

Seaspan raised \$500 million in private placements, allowing it to build vessels with more efficient designs and lower-carbon fuel sources and upgrade its containership fleet, which is among the world's largest. The bonds feature price adjustments that are based on performance indicators that incentivize Seaspan to meet its environmental goals, because it must pay more for the capital if it doesn't meet them, Milbank said.

With nearly 90% of world trade transported by sea, and such shipping accounting for about 3% of global greenhouse gas emissions, the bonds are helping one of the industry's largest companies address its role in climate change, Milbank said.

Milbank advised Summit Carbon Solutions in an equity fundraising effort for its carbon sequestration project in the Upper Midwest. The effort saw more than \$1 billion in commitments from SK E&S Co., TPG Inc., Tiger Infrastructure and Continental Resources Inc., with the latest commitment, from TPG Rise Climate, in May 2022.

The project, which Summit Carbon Solutions expects to go operational in 2024, aims to capture up to 12 million tons of carbon dioxide each year from ethanol facilities in Iowa, Minnesota, Nebraska, North Dakota and South Dakota and transport it through pipelines to an underground storage site near Bismarck, North Dakota.

Milbank advised EVgo, which owns and operates one of the largest public fast charging networks for electric vehicles in the U.S., in its contract negotiations with Pilot Co. and General Motors for the first major project in its EVgo eXtend initiative. Announced in July 2022, the project will deploy 2,000 charging stalls at up to 500 Pilot Flying J travel centers along U.S. highways across 40-plus states. The goal is to help address "range anxiety" about long-distance travel in electric vehicles to accelerate consumer adoption of the zero-emission vehicles.

Milbank said it was also lead counsel for Colombia-based Fanalca and France-based Transdev in connection with about \$150 million in financing for a venture to deploy an additional 406 electric buses in Bogota, Colombia, in April 2022, giving the TransMilenio transit system there the largest electric bus fleet in Latin America.

Energy transition continues to build momentum and impact more industries globally and in the U.S., Bartfeld said, involving new clients, new lenders and new companies looking for ways to transition to renewable energies and improve sustainability in their specific industries.

"The entire value chain in the energy infrastructure space is going to be undergoing an energy transition, most of which will be project financed," Bartfeld said. "We're very confident that whole new industries are going to get swept up with that wave, and we're very well-positioned to help our clients with that."

--Editing by Nicole Bleier.