



## Mike Richmond

Co-Chair, Energy and Power  
Toronto

416.865.7832  
mike.richmond@mcmillan.ca

### education and year of call

- Called to the Ontario bar - 2000
- University of Toronto, LLB - 1998
- University of Ottawa, B.S.Sc. - 1995

### practice areas

business law  
government and public policy  
acquisitions and divestitures

### industries

energy  
electricity and utilities  
renewables  
oil and gas  
alternatives

### profile

As Co-Chair of McMillan LLP's Power and Energy Law Group, Mike is sought out for his widely respected expertise, legal and professional advice in the electricity and renewable energy sectors.

Having focused on power generation projects for almost 20 years, Mike provides experienced commercial, regulatory and financing advice to purchasers, developers, investors and lenders of power projects, with a particular focus on solar, wind and gas-fired generation, as well as energy storage solutions.

Mike has acted on energy projects in respect of project acquisitions, site and rooftop leases, EPC contracts, equipment purchases and warranties, connection agreements and disputes, regulatory licenses and approvals, market rule compliance, project financings and dispositions. He has played a role in the development of over 700 solar and wind projects to date. He has also provided substantial advice in relation to a variety of power purchase agreements for projects across Canada, as well as electricity wholesale and retail contracts, and provided policy advice related to market design and operation.

Mike benefits from a unique background which allows him to understand and draw on the perspectives of regulators, governments, utilities and shareholders in advancing his clients' interests: he has previously served as Senior Policy Advisor to the Minister of Energy, Counsel to a Parliamentary Caucus, Corporate Director of Toronto Hydro, and most recently as a Member of the National Energy Board.

Mike is also a member of [McMillan Vantage LP](#).

### directorships and professional associations

- Former Director of the Ontario Sustainable Energy

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## Association

- Former Director of Tribute Resources Inc.
- Former Director of Toronto Hydro Corporation
- Former Director of the Ontario Energy Association
- Former Officer of Bullfrog Power Inc.
- Member of the Canadian Solar Industries Association
- Member of the Ontario Energy Association
- Member of the Ontario Bar Association's Public Affairs Committee
- Former Member of the National Energy Board

## representative matters

### Power Purchase Agreements

- Negotiated NUG Contract with Ontario Power Authority on behalf of a gas-fired non-utility co-generation plant
- Provided advice and risk assessments with respect to OPA Large Renewable Procurement process, rules and contract
- Provided advice and risk assessments with respect to OPA Feed-In Tariff (FIT) process, rules and contract
- Advised on submission of FIT Applications
- Advised on transfers of and amendments to FIT Contracts
- Negotiated power purchase agreements with provincial utilities on behalf of wind developers
- Negotiated black start service contracts with Independent Electricity System Operator
- Negotiated energy supply agreements and site service contracts with respect to utilities
- Advised energy retailers in connection with the drafting of standard form retail contracts for power and RECs
- Negotiated PPA Term Sheets with OEFC on behalf of non-utility generators
- Advised on Force Majeure disputes with provincial utilities and agencies
- Advised a co-generation plant with respect to Steam Sale Agreements
- Acted for a non-utility generator in an arbitrated dispute involving the selection of appropriate escalator indices for gas purchase agreements and power purchase agreements
- Negotiated and drafted Ontario model agreements for a retail demand-side management service provider
- Acted for the Ontario Power Authority in designing Ontario's first standard offer feed in tariff and standard form contracts

for renewable energy

## **Energy Regulation**

- Argued gas bypass case at Ontario Energy Board on behalf of a power generator
- Provided advice on compliance with engineering regulations and assisted in securing licenses and certificates
- Advised on Ontario Energy Board (OEB) license applications and amendments
- Provided regulatory advice and negotiated terms of interconnection arrangements for distributed generation facilities
- Provided regulatory advice to a district energy system
- Provided regulatory and licensing advice to a self-generating non-utility generator
- Provided advice on Debt Retirement Charge application and exemptions
- Provided licensing advice to US based participants in Canadian energy markets
- Provided regulatory advice in respect of engineering and electrical contracting services

## **Project Development**

- Drafted template forms of wind park leases and easements
- Drafted and negotiated solar rooftop leases, easements and licenses
- Drafted and negotiated individual and master agreement forms of engineering, procurement and construction contracts (EPC)
- Drafted and negotiated individual and master agreement forms of equipment supply agreements
- Drafted, negotiated and reviewed Operation and Maintenance agreements (O&M) for wind, solar and co-generation projects
- Negotiated steam pipeline easement agreements
- Canadian Counsel to the purchaser of an international energy trading business
- Advised energy clients in the structuring of access arrangements for the purchase, sale, lease and development of real property interests
- Drafted standard form development and connection agreements for a local distribution company
- Negotiated Connection Agreements with local distribution utilities

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## **Project Acquisition and Disposition**

- Structured and negotiated the acquisition of hundreds of solar projects and FIT Contracts
- Advised on the sale of a wind project to the Korean Consortium
- Counsel to various purchasers of wind projects, solar projects and development assets
- Acted in the start-up of a green power retail company
- Advised numerous electricity distribution companies in connection with incorporations, sales and amalgamations pursuant to the Energy Competition Act, 1998
- Advised on the corporate restructuring and assignment of various power project portfolios

## **Project Financing**

- Structured and negotiated terms of financings and security packages for renewable energy projects
- Advised on construction and take-out financings for independent power projects
- Advised co-generation and renewable energy project owners on compliance with terms of financing arrangements
- Acted for municipalities in the financing, structuring and construction of water and sewage pipeline infrastructure, including the acquisition of public and private funding, land rights and permits

## **Energy Policy**

- Advised participants in the OPA's Renewable Energy Standard Offer Program
- Advised Clean Energy Supply and Demand-Side Management bidders into Ontario RFP process
- Acted for a coalition of electricity distribution companies in designing revised market structures, including the introduction of Load Serving Entities, and lobbying government ministries, agencies and boards with respect to adoption of such structures and the drafting of new legislation

## **awards and rankings**

- Recognized in the *2019 Lexpert/ROB Energy – Special Edition* as one of Canada's Leading Energy lawyers
- Recognized in the 2018 Canadian Legal Lexpert Directory as a Repeatedly Recommended lawyer in the area of Energy (Electricity)
- Recognized in the *Lexpert Report on Business 2018* –

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*Special Edition*, as one of Canada's leading Energy lawyers

- Ranked in *Lexpert Guide to the Leading US/Canada Cross-Border Corporate Lawyers in Canada 2014* as a Corporate Lawyer to Watch in the areas of Energy and Power

## teaching engagements

- Guest Lecturer on Energy Policy, Master of Public Administration degree program, Queen's University School of Policy Studies, 2008-2014

## media mentions

- "[Wind blows through Canada's oilpatch](#)" by Matthew McClure, *National Observer*, October 25, 2018
- "[Flawed by not overturned: What's next for the NEB and Trans Mountain](#)" on BNN Bloomberg Television, September 4, 2018
- "[Ontario's plan to cancel 759 renewable energy projects may just hold up in court: Lawyer](#)" on BNN Bloomberg Television, July 17, 2018
- "[Provincial election means energy sector uncertainty](#)", *Law Times*, May 7, 2018
- "[Potential Hydro One owners a concern](#)" by Christina Blizzard, *Toronto Sun*, May 19, 2015
- "[Hydro One privatization](#)", *Newstalk 1010* with Mark Towhey, May 17, 2015
- "[Ontario Liberals blacking out Adam Beck's energy legacy](#)" by Christina Blizzard, *Toronto Sun*, May 16, 2015

## publications

### July 2018

An Analysis of Ontario's Speech from the Throne

### July 2018

Ontario's New Cabinet Revealed  
Government and Public Policy Bulletin

### July 2018

What the new Doug Ford Government means for the Energy Sector – A detailed analysis  
Energy Law Bulletin

### June 2018

Ontario Welcomes New Cabinet - Expect Quick Action  
Government and Public Policy Bulletin

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## **March 2014**

The Energy Storage Procurement Framework – Phase I  
Commencing in March 2014  
Energy Bulletin

## **December 2013**

Ontario's Long-Term Energy Plan, 2013: "Achieving Balance"  
Through Clean Energy, Conservation & Innovation  
Energy Bulletin

## presentations

### **November 2018**

Bringing down the cost of electricity – Duelling propositions,  
Moderator  
APPPrO 2018 - 30th Annual Canadian Power Conference &  
Networking Centre, Toronto, Ontario

### **November 2018**

Managing change in Ontario's new political landscape, Panelist  
APPPrO 2018 - 30th Annual Canadian Power Conference &  
Networking Centre, Toronto, Ontario

### **October 2018**

Ontario Panel Discussion, Panelist  
The Annual Canadian Wind Energy Conference & Exhibition  
(CanWEA), Calgary, Alberta

### **June 2018**

Bi-Lateral Solar Power Purchase Agreements with Large  
Electricity Consumers, Moderator  
Solar Canada Annual Conference & Exposition - presented by  
the Canadian Solar Industries Association (CanSIA), Calgary,  
Alberta

### **September 27, 2016**

Ideas Interlude: Regulatory Policy Across North America  
Energy Conference 16, Ontario Energy Association, Toronto,  
Ontario

### **November 2014**

The Changes Regulators Need to Make  
APPPrO Annual Conference