

# MIKE RICHMOND\*

**Categories:** [People](#), [Lawyers](#)

Mike Richmond is a leading energy law lawyer with exceptional expertise in the renewable energy space, and the national leader of the firm's Energy Group. Mike provides trusted commercial, regulatory and financing advice to purchasers, developers, investors and lenders. He has a particular focus on finding legal solutions for clients involved in solar, wind and gas-fired generation, as well as in energy storage.

Having played a leading role in the development of over 600 solar and wind projects, Mike provides guidance on power purchase agreements for projects across Canada, and on electricity wholesale and retail contracts. His work in energy law encompasses project acquisitions, site and rooftop leases, engineering procurement & construction contracts (EPCs), equipment purchases and warranties, connection agreements and disputes, regulatory licences and approvals, market rule compliance, project financings and dispositions. He also advises on policy relating to market design and operation.

Mike 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. This experience gives him unique insight into the perspectives of regulators, governments, utilities and shareholders, which has been a proven benefit in advancing his clients' interests and serves him well as a member of the national public affairs firm [McMillan Vantage Policy Group](#).

**Email:** [mike.richmond@mcmillan.ca](mailto:mike.richmond@mcmillan.ca)

**Expertise:** Business Law, Energy, Government & Public Policy, Oil & Gas

**LinkedIn:** [linkedin.com/in/mikerichmond2](https://www.linkedin.com/in/mikerichmond2)

**Location:** Toronto

**Phone:** 416.865.7832

**Position/Title:** Partner, Energy

**Directorships & Affiliations:**

- Former Director of the Ontario Sustainable Energy Association

- Former Director of Tribute Resources Inc.
- Former Director of Toronto Hydro Corporation
- Former Director of the Ontario Energy Association
- Former Member of the National Energy Board

**Education & Admissions:**

**Degree:** Called to the Ontario bar

**Year:** 2000

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**Degree:** LLB

**University:** University of Toronto

**Year:** 1998

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**Degree:** B.Soc.Sc.

**University:** University of Ottawa

**Year:** 1995

**Media Mentions:**

- "What the death of Ontario's green energy dream can teach other provinces about the challenges ahead", The Globe and Mail, June 1, 2020
- "[Ontario government supports OPG proposal to operate Pickering nuclear station past planned 2024 closing](#)", The Globe and Mail, January 17, 2020
- "[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

**Rankings & Recognition:**

- Recognized by *Best Lawyers* in Canada (2022) as a leading lawyer in the area of Energy Law
- Recognized in the 2021 Lexpert Special Edition on Canada's Leading Energy Lawyers as a Leading Energy

#### Lawyer

- Recognized in the 2021 Canadian Legal Lexpert Directory as a Repeatedly Recommended Lawyer in the area of Energy (Electricity)
- 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 – 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

#### **Speaking Engagements:**

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

- November 2018

- <https://conference.appro.org/conference2018/home-2018/current-agenda.html>

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

- November 2018

- <https://conference.appro.org/conference2018/home-2018/current-agenda.html>

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

- October 2018

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- 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

- June 2018

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

- September 27, 2016

## **Representative Matters: Wind Project Experience**

- 100 MW West Cape Wind Farm in Prince Edward Island (Acquisition, Financing, Sale, Assignment and Operation)
- 9 MW Norway Wind Farm in Prince Edward Island (Acquisition, Financing and Operation)
- 100 MW Caribou Wind Farm in New Brunswick (Development and Operation)
- 10 MW Mohawk Point Wind Farm in Ontario (Property Leasing on behalf of Landowners)
- Proposed 200 MW wind park in Saskatchewan (Acquisition, RFP compliance, PPA Review, Turbine Supply)
- Multiple proposed 100 MW + wind parks in Ontario (Acquisition, Development and Sale)
- Wind Farm Option, Lease and Easement Agreements (for developers and landowners)

## **Solar Project Experience**

- Corporate and commercial structuring under Ontario's FIT 1, FIT 2 and FIT4 Programs
- Development of behind-the-meter and storage-connected solar projects at industrial manufacturing facilities
- 600+ Solar Rooftop Leases, Easements and Licenses (for a wide variety of developers)
- Acquisition of multiple rooftop and ground-mount solar facilities on behalf of a local distribution company affiliates and private developers
- Engineering, Procurement and Construction contracts and master agreements for hundreds of rooftop and ground-mount projects
- Connection Agreements and connection disputes with various utilities
- Operation and Maintenance contracts and master agreements for hundreds of rooftop and ground-mount projects
- Metering and monitoring contracts
- Land Assembly and Broker Services Agreements (for developers)
- Development Services Agreements (for developers)

## **Natural Gas-Fired Generation Project Experience**

- 110 MW West Windsor Power Co-Generation Facility in Ontario (Operation, Financing, PPA, Licensing)
- 50 MW Maitland Co-Generation Facility in Ontario (Operation)
- 289 MW Green Electron Power Plant in Ontario (Gas Bypass, Regulatory)

## **Energy Storage Experience**

- Multiple battery storage, Uninterruptible Power Supply and self-generation projects and contracts for

large industrial manufacturers

- Review of Global Adjustment mitigation proposals and strategies

### **Biomass Project Experience**

- Development of proposed 10 MW Co-Generation Facility in Ontario
- Strategic advice for proposed waste-to-energy facilities in Ontario

### **District Energy Experience**

- Development of geothermal and district energy systems for new residential, condominium and mixed use communities, on behalf of real estate developers and energy service providers
- Negotiated Heating and Cooling Services Agreements for commercial customers
- Developed and negotiated multiple Energy Service Agreements
- Drafted Residential HVAC and Water Heater Rental Agreements
- Negotiated district energy servicing and call centre arrangements

### **Project Development Experience**

- 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 Connection Agreements with local distribution utilities
- Negotiated utility asset relocation agreements
- Structuring access arrangements for the purchase, sale, lease and development of real property interests

### **Power Purchase Agreement Experience**

- Non-Utility Generation Contracts (NUG)
- Renewable Energy Supply Contracts (RES)
- Clean Energy Supply Contracts (CES)
- Feed-In Tariff Contracts (FIT)
- Blackstart Contracts
- Reactive Support and Voltage Control Contracts



- Demand-Side Management Contracts (DSM)
- Renewal Energy Standard Offer Contracts (RESOP)
- Renewable Energy Credit Purchase and Sale Agreements (REC)
- Green Power Retail Contracts
- Provincial Utility PPAs (New Brunswick Power, Hydro-Québec, SasPower, Nova Scotia Power, Ontario Hydro/OPA/IESO)
- Retailer Standard Form Residential PPAs
- Retailer Standard Form Commercial PPAs
- Wholesaler Standard Form PPAs
- Commercial and Industrial Customer PPAs

### **Gas Purchase Experience**

- Gas Purchase Agreements (Negotiation, Renegotiation and Termination)
- Arbitration regarding price escalation clauses (for Gas Purchaser)
- TCPL Gas Transportation Experience (for Generators)
- Import and Export Licensing (for Generators and Traders)
- GasEDI Base Contract for Short-Term Sale and Purchase of Natural Gas
- NAESB Base Contract for Sale and Purchase of Natural Gas (and Canadian Addendum)

### **Steam Sale Experience**

- Steam Sale Agreements (for Co-Gen Operators)
- Site Services Agreements (for Co-Gen Operators and Steam Hosts)

### **Renewable Energy Credit Experience**

- REC Sales Agreements (for Generators and Retailers)
- ecoLogo Master License Agreement (for Wind Developers)
- GHG Credit Sales Agreements for vehicle manufacturers' compliance with tailpipe emission standards

### **Financing Experience**

- \$50 million+ financing for a pool of 100+ commercial rooftop solar projects
- \$30 million+ financing for a pool of 75+ commercial rooftop solar projects
- \$100 million+ financing for a pool of 300+ commercial rooftop solar projects
- Revolving Lines of Credit for construction of hundreds of solar projects
- Financing for a 100 MW wind farm (Borrower's Counsel)

- Financing for a 9 MW wind farm (Borrower's Counsel)
- Financing for a 110 MW natural gas co- generation facility (Borrower's Counsel)

### **Commodity Trading Experience**

- Canadian counsel to the purchaser of a major international energy trading business
- Regularly advise US and European investment banks and energy traders on corporate, regulatory and licensing requirements with respect to launching energy trading businesses in Canada
- Import and Export Licensing for oil, gas and electricity

### **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 electricity distribution companies in connection with incorporations, sales and amalgamations
- Advised on the corporate restructuring and assignment of various power project portfolios

### **Regulatory**

- Appointed by Prime Minister to 5-year term as a Member of the National Energy Board
- Represented electricity generator at Ontario Energy Board gas bypass and certificate hearing
- Represented industry association at multiple OEB hearings
- Represented industrial customers at OEB hearings and in utility billing disputes
- License applications and renewals
- Compliance with professional engineering and electrical safety regulations, licenses and certificates
- Consumer Protection Act compliance reviews

### **Project Cancellation**

- Advised multiple developers and operators in the face of unilateral government cancellations of renewable energy projects

### **Utility Strategy**

- Served on the Board of Directors of Toronto Hydro Corporation and Toronto Hydro Energy Services Inc.

### **Teaching Engagements:**

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

**Industries:** Energy, Oil & Gas

**Practices:** Business Law, Government & Public Policy