



U.S. DEPARTMENT
of **ENERGY**

Office of Indian Energy
Policy and Programs

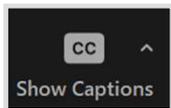
Successful Power Project Development Best Practices

Office of Indian Energy

March 18, 2026

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Today's Webinar Will Cover

Successful Power Project Development Best Practices

- **Introduction from the DOE Office of Indian Energy**
- **Successful Power Project Development Best Practices**
 - **Kenyon Weaver**
Senior Counsel, Commercial Law Development Program, U.S. Department of Commerce
 - **Mohamed Badissy**
Expert, Commercial Law Development Program, U.S. Department of Commerce;
Assistant Professor, Penn State Dickinson Law
 - **Carl Fleming**
Energy & Project Finance Group Global Co-Head, McDermott Will & Schulte
 - **Shah Jahan Khandokar**
Partner, McDermott Will & Schulte
 - **Seth Doughty**
Partner, McDermott Will & Schulte
- **Optional 'Office Hours'**

Office of Indian Energy Mission

The Office's mission is in its Congressional authorizing statute:

- **Promote** Tribal energy development, efficiency, and use.
- **Reduce** or **stabilize** energy costs.
- **Enhance** and **strengthen** Tribal energy and economic infrastructure.
- **Electrify** Indian lands and homes.

The Office of Indian Energy was established by Congress in the Energy Policy Act of 2005 under 45 USC 7144e & 25 USC 3502(b).



The remote Native Village of Unalakleet, Alaska completed two rounds of technical assistance with the Office of Indian Energy, focused on energy efficiency and microgrids. Photo by Werner Slocum / NRL.

How the Office Supports Indian Country

Financial Assistance



Cost-share leveraged funding to support Tribal energy development

Technical Assistance



No-cost planning, analysis, commerce, and engineering support for successful project outcomes

Capacity Building



Capacity building to enable Tribes to fully participate in unleashing American energy



Commercial Law Development Program

- **Kenyon Weaver**, Senior Counsel, Commercial Law Development Program, U.S. Department of Commerce
- **Mohamed Badissy**, Expert, Commercial Law Development Program, U.S. Department of Commerce; Assistant Professor, Penn State Dickinson Law
- **Carl Fleming**, Energy & Project Finance Group Global Co-Head, McDermott Will & Schulte
- **Shah Jahan Khandokar**, Partner, McDermott Will & Schulte
- **Seth Doughty**, Partner, McDermott Will & Schulte

About CLDP

The Commercial Law Development Program (CLDP) is a division of the U.S. Department of Commerce, Office of General Counsel, that advances commercial interests abroad by facilitating legal reforms, institution building, and human capital development.

The Energy and Minerals team at CLDP advises policymakers and regulators on the policy, legal, regulatory, and contractual reforms that attract investment in energy, power, and minerals.



About CLDP – Power Work Globally

Encouraging competitive and transparent development of power generation and transmission investment opportunities for diversified and resilient power systems.

Topics include project finance, private investment in transmission, power purchase agreements, public-private partnership, risk allocation and management.

- **Lower Mekong** – countering malign influence and opaque procurement practices through support of upcoming tender processes in Cambodia, Thailand, and Vietnam through bankability analyses, contract standardization, and risk allocation analysis.
- **Caribbean** – regional and bilateral support of regulators charged with running or reviewing procurements for generation and energy storage.
- **Sub-Saharan Africa** – capacity building and legal reviews to support private investment in power generation and transmission.

Laos Grants 25-Year Power Grid Concession to Chinese-Majority Firm

The deal will deepen China's involvement in the Lao government's goal of transforming itself into the "battery of Southeast Asia."



By Sebastian Strainio
March 17, 2022



Power transmission lines on the Nakai Plateau, Khammouane Province, Laos.
Credit: Flickr/World Bank Photo Collection



About CLDP – Power Work with Tribes

Through an Interagency Agreement between CLDP and DOE/Office of Indian Energy, CLDP will deliver tailored legal technical assistance and capacity building assistance to federally recognized Indian Tribes.

We started in late March 2025, working on a range of issues:

- Legal/Regulatory Frameworks vis-à-vis generation proposals
- Energy asset analysis
- Energy development opportunity analysis
- Revenue generation analysis
- Energy sovereignty, including utility formation
- Data center legal and regulatory questions



What we will cover today

1. What are the *Understanding Power* handbooks?
2. How can I use the *Understanding Power* handbooks?
3. Authors Perspective: The Handbooks in Practice

Last 30 minutes: “Office Hours” for questions



1. What are the *Understanding Power* handbooks?

The handbooks are designed as a practical resource for government officials who are involved in bringing on new generation, transmission and storage.

While they were originally developed for international work, they reflect the consensus that is applicable to projects in the United States.

Indeed, one of the main purposes of creating these handbooks was to share what was happening in other countries and regions.



1. What are the *Understanding Power* handbooks?

There are five handbooks that have been developed and updated over the past 12 years:

- [Understanding Power Project Financing](#) (2nd edition, 2024)
- [Understanding Energy Storage](#) (2022)
- [Understanding Power Transmission Financing](#) (2021)
- [Understanding Power Purchase Agreements](#) (2nd edition, 2020)
- [Understanding Power Project Procurement](#) (2018)



1. What are the *Understanding Power* handbooks?



THE CHALLENGE:

Help governments successfully manage a transition to open market structures to attract the privately-financed and developed projects that would deliver the affordable and reliable power that is necessary for sustained economic growth.



THE RESPONSE:

To be able to successfully put in place the rules that would attract IPPs, governments needed to understand the perspectives and motivations of all stakeholders to an IPP – starting first with the two primary parties, the buyer and the seller of the new electrons. Starting with the first handbook in 2014, *Understanding Power Purchase Agreements*, CLDP began to provide practical resources towards this goal.



1. What are the *Understanding Power* handbooks?

All the handbooks are created using the *Booksprints* method, which allows for the drafting, editing, and publishing of a product in five days.

These are not short days, nor are they easy! (And the last steps of the editing, proofing, and finalization process takes additional time.)



1. What are the *Understanding Power* handbooks?

The method: effectively capture and crystallize the collective know-how of power sector experts from government officials, lawyers, academics, financiers, economists, industry experts and more.

All the handbooks draw from a cross-section of practitioners who have been engaged in power project development around the world for decades.

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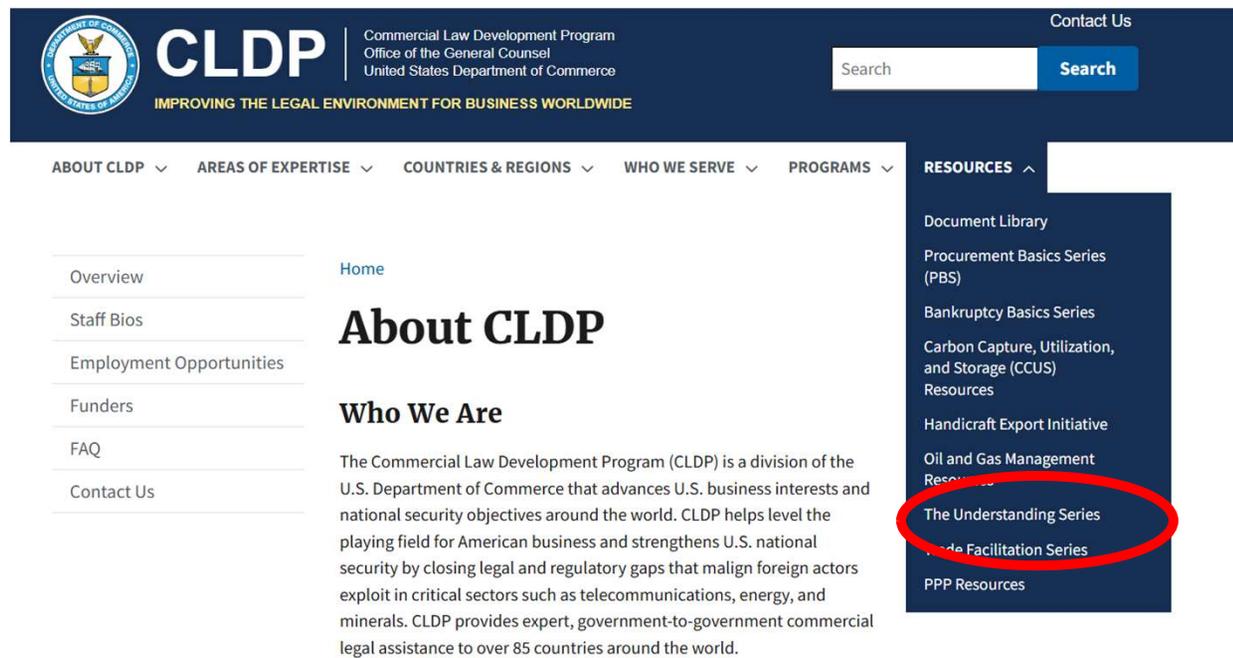
Varsha Trottman
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Finance Corporation (DFC) (USA)



1. What are the *Understanding Power* handbooks?

Where can I find them?

<https://cldp.doc.gov/Understanding>



The screenshot shows the CLDP website header with the logo and tagline "IMPROVING THE LEGAL ENVIRONMENT FOR BUSINESS WORLDWIDE". The navigation menu includes "ABOUT CLDP", "AREAS OF EXPERTISE", "COUNTRIES & REGIONS", "WHO WE SERVE", "PROGRAMS", and "RESOURCES". The "RESOURCES" dropdown menu is open, listing various resource categories. "The Understanding Series" is highlighted with a red circle. The main content area displays "About CLDP" and "Who We Are" sections.

CLDP Commercial Law Development Program
Office of the General Counsel
United States Department of Commerce
IMPROVING THE LEGAL ENVIRONMENT FOR BUSINESS WORLDWIDE

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The Understanding Series
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About CLDP

Who We Are

The Commercial Law Development Program (CLDP) is a division of the U.S. Department of Commerce that advances U.S. business interests and national security objectives around the world. CLDP helps level the playing field for American business and strengthens U.S. national security by closing legal and regulatory gaps that malign foreign actors exploit in critical sectors such as telecommunications, energy, and minerals. CLDP provides expert, government-to-government commercial legal assistance to over 85 countries around the world.



2. How can I use the *Understanding Power* handbooks?



2. How can I use the *Understanding Power* handbooks?

Understanding Power Purchase Agreements

Link: [Understanding Power Purchase Agreements \(Second Edition\)](#)

Provides an overview of PPAs and the obligations, risks, and remedies that are found within them. Explains and clarifies the role(s) of the government actors to an independent power project that is underpinned by the PPA.

KEY GUIDANCE: Power Purchase Agreements and related Project Agreements, Financing Considerations, Financial Provisions, Risk Allocation and Mitigation, Default and Termination, Types of PPAs, Other PPA Provisions

SECOND EDITION

Understanding
Power Purchase
Agreements

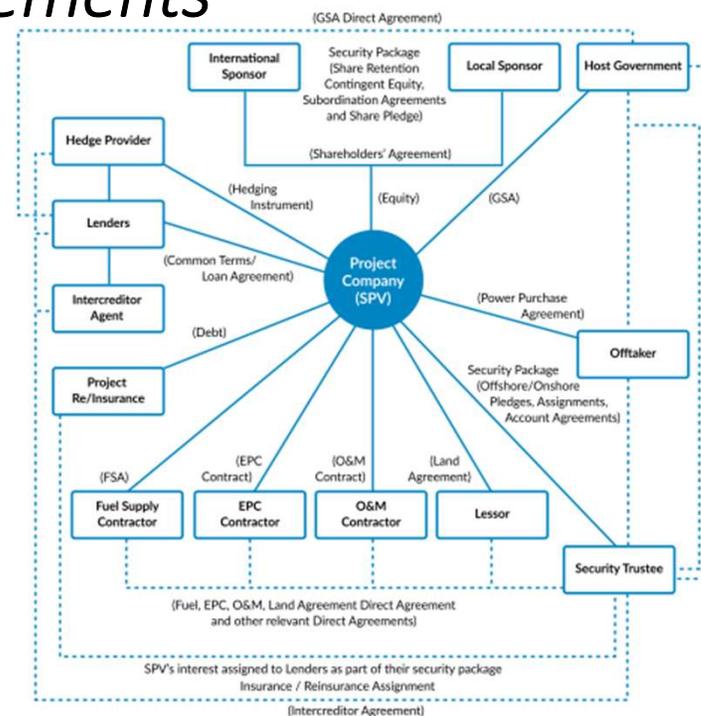


2. How can I use the *Understanding Power* handbooks?

Understanding Power Purchase Agreements

For governments, a challenge is to understand the suite of private actors and agreements that go into a new power generation (or storage) project.

One of the ways Tribes can use this book is to better understand more precisely how a new power project will require support by a Tribal Government, even if it is not a party to the Power Purchase Agreement.



All parties (including Host Government) will need to provide legal opinions in relation to capacity, authority, and enforceability

Customary Project and Finance Documentation Package

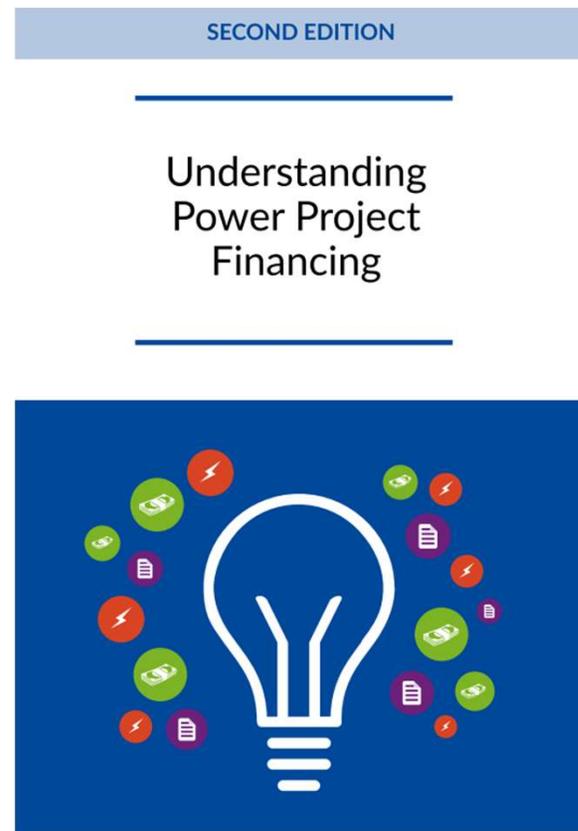


2. How can I use the *Understanding Power* handbooks? *Understanding Power Project Financing*

Link: [Understanding Power Project Financing \(Second Edition\)](#)

Sets out an overview of the key considerations relevant to the financing of power projects, focusing on the evolving financing landscape, and emerging structures for financing new generation and transmission projects.

KEY GUIDANCE: Financing, Offtake Structures, Sources of Capital, Transaction Documents, Sovereign Support, 3rd Party Credit Support and Risk Mitigation

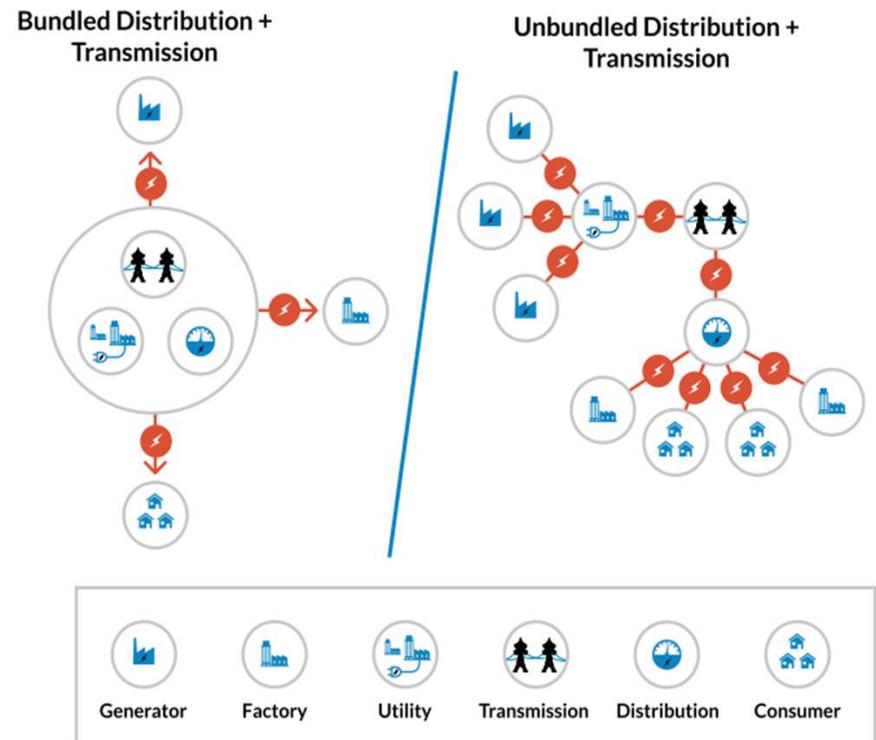


2. How can I use the *Understanding Power* handbooks? *Understanding Power Project Financing*

Power markets have changed dramatically over the years, both globally and in the U.S.

Ultimately, private and public stakeholders all must resolve the same core issues. This *Understanding* book aims to “demystify” these core issues, and the options for resolving them.

Tribes can use this book to understand better how power projects are now being structured to obtain the financing they need.



2. How can I use the *Understanding Power* handbooks?

Understanding Energy Storage

Link: [Understanding Energy Storage](#)

Provides a unique look at energy storage systems (ESS, or, with batteries, BESS) as part of an increasingly decentralized power market and growth of micro-grids.

KEY GUIDANCE: Public and Private Business Models, Use Cases, Policy and Regulation, Planning, Procurement and Contracting

Understanding
Energy
Storage



2. How can I use the *Understanding Power* handbooks? *Understanding Energy Storage*

Batteries are rapidly deployable and increasingly used across the US for grid services and management.

One of the ways Tribes can use this book is to better understand *how* batteries provide value, and how these projects are different from a generation project (and similar to them).

USE CASES

Introduction	14
Capacity Services	15
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ILLUSTRATING VALUE STREAMS

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2. How can I use the *Understanding Power* handbooks?

Understanding Power Transmission Financing

Link: [Understanding Power Transmission Financing](#)

Offers an in-depth and plain language guide to financing structures for transmission systems. Developed to support the rapidly growing need for privately-financed transmission infrastructure, as new renewables were coming online (or set to come online) but unable to dispatch.

KEY GUIDANCE: Financing Structures, IPT projects, Whole-of-Grid Concessions, Gov. Support and Credit Enhancement, Planning and Project Prep, Land Acquisition, Common Risks, Regulatory Frameworks

Understanding
Power Transmission
Financing



2. How can I use the *Understanding Power* handbooks?

Understanding Power Transmission Financing

The books relate to one another but are also configured to stand alone, and even for each chapter to be able to read separately.

One of the ways Tribes can use this book is to understand better the privately-financed Transmission lines that may be planned or proposed to be built across Tribal lands or connected to new Tribally-developed generation.

12. REGULATORY FRAMEWORK

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Definition of an Independent Regulator	200
How Transparency Can Be Achieved	201
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<i>Deep Dive into Transmission Pricing</i>	215

Deep Dive into Transmission Pricing

As explained in this chapter *12. Regulatory Framework*, one of the primary functions of an independent regulator is to establish the pricing that the transmission utilities, be they private or public, can charge to generate revenue. This revenue will then cover the transmission utility's costs, namely, the network investment costs (including a specified return on the capital deployed), operation and maintenance costs, ancillary service charges, and administrative costs.

This section of the book presents a summary of the most common methodologies utilised by independent regulators to establish transmission pricing. While any application of a pricing model will require careful study, economic modelling, and significant consultation with all market stakeholders, this section should provide a helpful overview of the diversity of pricing strategies available to regulators.

This section is especially relevant for the whole-of-grid concession funding structure as the pricing of the transmission charge by the regulator will be critical for the successful implementation of the business model. Note, however, that the level of technicality of this subject matter is high and goes slightly beyond the original intent of this book.

Tariff Setting Process

The basis for determining the transmission utility's allowed revenues depends on the tariff model adopted by the regulator. As detailed in this chapter, there is a range of tariff models that may be deployed by the regulator. However, before investigating each model, it is important to note that any uncertainty in the process adopted for tariff making is itself considered a risk for private investors.



2. How can I use the *Understanding Power* handbooks?

Understanding Power Project Procurement

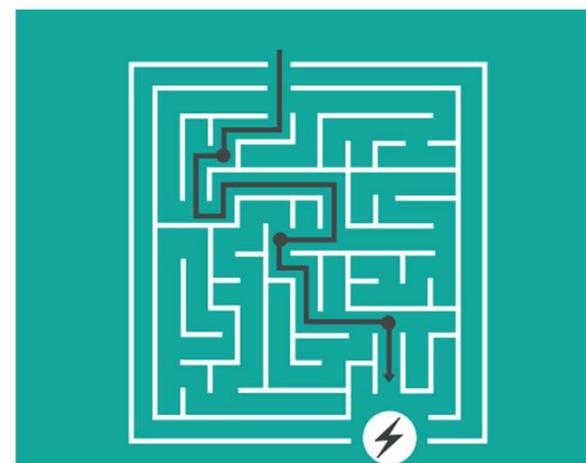
Link: [Understanding Power Project Procurement](#)

Provides an overview of the mechanisms and strategy behind successful procurements of new power generation projects. Looks at procurement generally, and then at specific procurement options and case studies.

KEY GUIDANCE:

Procurement planning, Procurement Models, Competitive Procurement, Direct Negotiations, Feed-In Tariffs, Selecting a Procurement Process

Understanding
Power Project
Procurement



2. How can I use the *Understanding Power* handbooks?

Understanding Power Project Procurement

Procurement is a challenge for any government authority, and can be particularly complex for new power generation, storage, and transmission infrastructure because the government is responsible not for a procurement of goods or services but of a *company* that will be responsible for a very high-value asset over a long period of time.

Tribes can use this handbook to develop a roadmap for a successful procurement of a new power project.



3. Authors Perspective: The Handbooks in Practice

Barbados: Used the *Understanding Energy Storage Handbook* as a guide for the country's first Energy Storage Agreements.

Jamaica: Used the *Understanding Energy Storage Handbook* and *Understanding PPAs Handbook* as part of their ongoing battery storage PPA

Kenya and Ghana used Handbooks to adjust PPAs and regulations to encourage adoption of new technology.

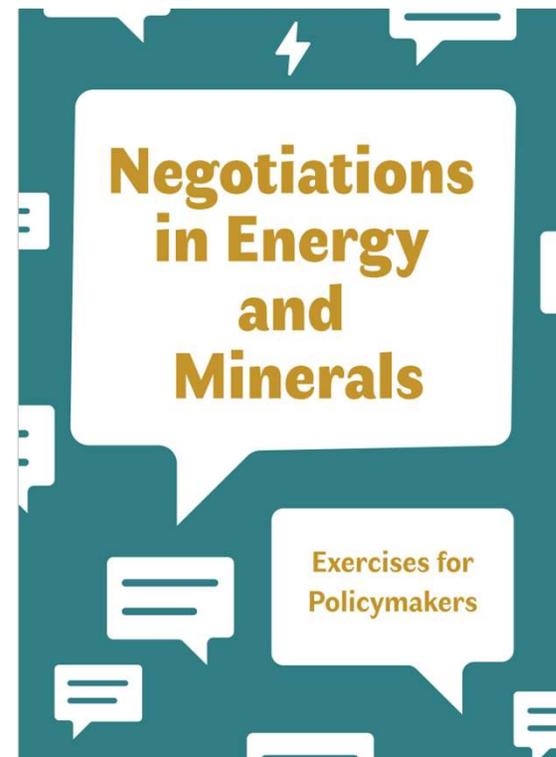
Handbooks have been distributed to various Tribal partners and are in use for stakeholder knowledge-building vis-à-vis active energy negotiations.

Additional Resources: *Negotiations in Energy and Minerals*

[Link: Negotiations in Energy and Minerals: Exercises for Policymakers](#)

No matter the clarity of the legal and regulatory framework or the efficiency of the developer, every energy project goes through a series of negotiations on some level.

These concise exercises can provide Tribal entities knowledge and guidance to prepare for energy negotiations.



Additional Resources: Public Private Partnerships (PPPs)

The PPP webinars were organized around highly-experienced private practitioners who can speak to their work in structuring public-private partnerships, a form of contracting that can be of use for infrastructure projects.

Public-Private Partnerships can act as levers for attracting new private investment into infrastructure broadly. PPPs can also act as a form of risk-sharing for the public and private sector.

The USG sponsored CLDP to develop a PPP series that was to be initially deployed jointly for countries of the Indo-Pacific and for Power Africa but have been deployed globally.

- Project Finance
- Screening Tools
- Pre-Feasibility and Feasibility Studies
- Pre-Qualification and Evaluation
- Sector-Specific Pre-Feasibility and Feasibility Studies
- Business Case Development
- Unsolicited Proposals
- Financial Modeling
- Life Cycle Cost Analysis
- Project Agreements
- Financing Documents
- Commercial Contracts
- Climate Risks
- Contract Management
- Foreign Exchange risk

PPP: Project Finance

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Diana Parks
Partner
Dorsey & Whitney LLP

STREAM NOW

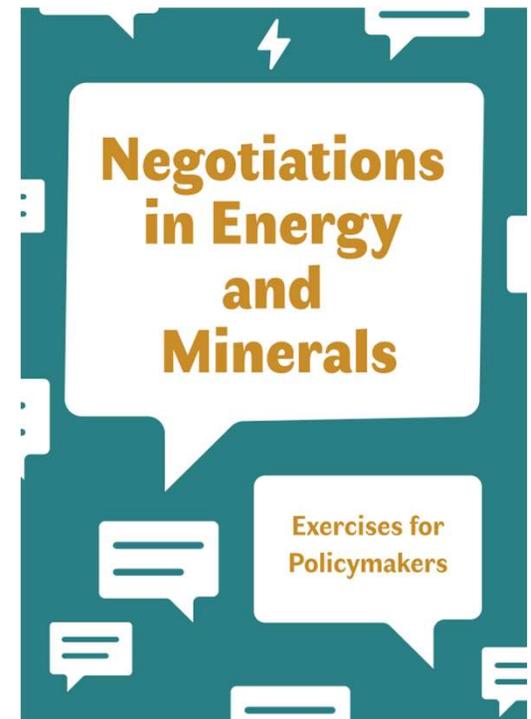
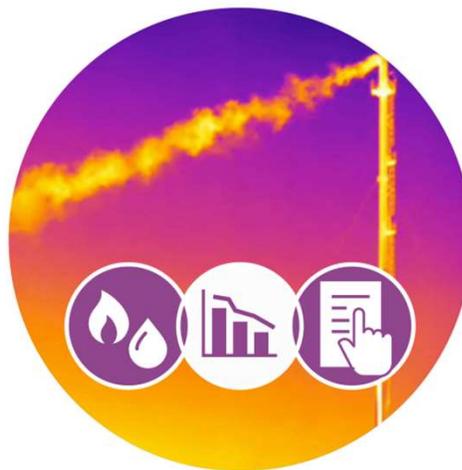


Additional Resources: Methane, CCUS, Negotiations

**Carbon Capture,
Utilization, and Storage**
Handbook for Policymakers



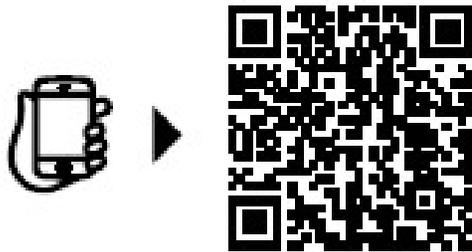
**Methane Abatement
for Oil and Gas**
Handbook for Policymakers



To Request CLDP Technical Assistance

Request technical assistance online:

<https://www.energy.gov/indianenergy/request-technical-assistance>



Questions?

ie-commerce-ta@hq.doe.gov

Enhancing the Legal Environment for Energy Sector Commerce

Request Technical Assistance

Thank you for your interest in requesting Office of Indian Energy technical assistance! Please read the certification below, and, if you agree, proceed by clicking the box below, providing the requested information, and sending the email.

By submitting a technical assistance request, you are agreeing that:

- You, as the requestor, have the authority to request assistance on behalf of the eligible Tribe or Tribal entity.
- The request applies specifically to advancing a Tribal energy goal or an energy project.
- A designated Tribal contact will be available and responsive to DOE's and/or its technical assistance provider's requests.
- The designated Tribal representative will be available to participate on a call to discuss the scope of the assistance.
- The designated Tribal representative will provide any additional information (e.g., energy usage data) requested in a timely manner.

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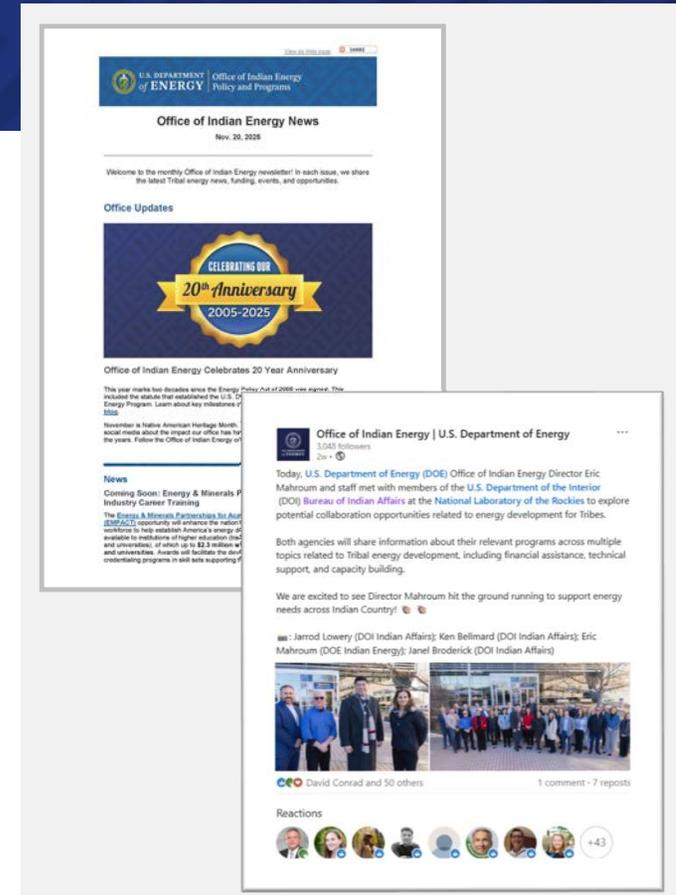
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