

Water Industry Practice



Full Spectrum Representation

Our water industry practice draws on the talents and experience of nearly a hundred lawyers resident in our offices worldwide. Our attorneys have advised multilateral lenders, commercial banks, developers, sponsors, investors, insurers and others in connection with the development, construction, finance, operation, acquisition and disposition of water projects on almost every continent. We have been active in advising clients in the development and finance of water projects worth billions of dollars in value and in the utilization of diverse technologies with respect to those projects. Also, we have represented clients in numerous types of water-related litigation. This breadth of experience, in both transactional and litigation, allows us to effectively advise clients on the best means to structure and negotiate development-related agreements in order to maximize our clients' interests and effectively address project risks.

King & Spalding's lawyers also possess years of experience with the project development of all manner of large-complex facilities around the world. Consequently, we have developed an understanding of the common issues that affect these projects, from governmental regulation to the political and commercial environments in the various regions around the globe. Providing on-the-ground, real-time support to our clients throughout the world, we are able to staff our clients' transactions with a multidisciplinary team—including world-class construction experts—that can see a transaction through from start to finish.

Our expertise in the water industry includes:

- Project Development
- Construction
- Technology
- Finance
- Litigation

Our water industry project experience includes:

- Stand-alone desalination facilities
- Wastewater treatment facilities
- Independent power and water plants
- Waste-to-energy projects

Chambers Global has consistently ranked King & Spalding as one of the top projects practices in the world and recently selected the firm as one of five finalists for Global Projects/Energy Firm of the Year for 2013.



King & Spalding's
Project Finance
Practice received
the Law360
"Practice Group of
the Year Award"
in 2014.

Examples of Recent Experience

United States

- Counseled a bond insurance company as credit enhancer of \$37 million construction and permanent loans in connection with the financing of a water desalinization project in Massachusetts.
- Represented the Atlanta Regional Commission and local governmental water suppliers in the high-profile tri-state "Water Wars" litigation. Most recently, the Eleventh Circuit held that the Corps of Engineers has broad authority to meet metropolitan Atlanta's present and future water supply needs and reversed a lower court decision that would have required the Corps of Engineers to cease providing essential water supply to more than three million people.
- Represented Chevron as lead national trial counsel in numerous cases in which municipalities, water purveyors, state attorneys general and individuals claim that water has been contaminated by the gasoline additive MTBE.
- Represented a major energy company in the drafting and negotiation of an operation and maintenance agreement for gypsum dewatering and wastewater treatment systems, as well as a gypsum marketing agreement, for several coal-fired electric generation facilities in the eastern United States.
- Represents a major manufacturer of water products in the United States in all aspects of its business, including corporate, finance, and mergers and acquisitions matters.

Middle East

- Advised ADWEA as majority shareholder in connection with the US\$2.8 billion Fujairah F2 IWPP project, involving the construction of a 2000 MW power and 150 MIGD desalination project.
- Counseled the government of Oman in relation to the privatization of Al-Rusail Power Company S.A.O.C. and the development, ownership and operation of the Barka Phase II Power and Desalination Project. This deal was highly commended in the Global Water Intelligence, Global Water Awards 2008, Power and Water Deal of the Year category.
- Advised Maaden with regard to a water purchase agreement and the construction of a power and water plant at Raz Azzour, Saudi Arabia.
- Advised a technology provider on potential waste-to-energy projects in the Middle East.
- Represented Suez Energy International and Mitsui & Co., Ltd. with respect to the engineering, procurement and construction (EPC) agreement and project agreements for the joint development of a 2730 MW/63 MIGD power and water facility in Doha, Qatar, valued in excess of US\$3 billion.

Australia

- Advised a member of the Keppel Seghers Group on its involvement in the design, construction, operation and maintenance of one of Victoria's first water and biosolids PPP projects.
- Advised an Australian government water authority on procurement strategies for various recycled water plants, and drafting and negotiating standard form construction contracts, including EPC contracts.

South America

- Represented a U.S. manufacturer of water purification and sewerage products in its sales and engineering contracts to provide water and wastewater facilities to municipal utilities in the Dominican Republic.
- Represented a major energy company in a public bid for a "Build, Own and Operate Contract" for two water treatment and injection facilities in Venezuela.
- Represented a global developer (one of four finalists nominated for "Desalination Deal of the Year" for 2008 by Global Water Intelligence) in the drafting and negotiation of EPC and related agreements for the design and conversion of a saltwater desalinization vessel, the first of its kind in the world.

Contact

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