Brian D. Zoeller

Partner

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Industries

Consumable Goods

Energy

Manufacturing

Oil, Gas & Minerals

Renewables

Practice Areas

Commercial Finance

Commercial Real Estate Finance

Corporate Law

Health Care

Land Use & Zoning

Real Estate

Bar Memberships

Kentucky

Brian leads the firm's Renewable Energy Industry Team and primarily focuses on advising clients on project development, including utility scale-solar projects, landfill gas to energy projects and anaerobic digester facilities. Additionally, he advises clients on traditional commercial real estate transactions, including developing, purchasing, selling, financing and leasing of multi-family developments, shopping centers and industrial buildings.

He is currently involved in the development of solar facilities with an aggregate capacity of over 2 GW. This work includes advising clients on all aspects of the development of utility-scale solar projects, including the following:

- Real property issues including lease drafting and negotiations, purchase and sale agreement drafting and negotiations, easements and right-of-way for tie-lines, surface and mineral rights, and title insurance
- Local and state tax incentives such as KEIA and Industrial Revenue Bonds
- Treatment of ad valorem property taxes
- Sales and use tax liability and related exemptions
- Filing and processing applications for construction certificates from the Electric Generation and Transmission Siting Board

In addition to his solar development practice, Brian has negotiated landfill gas rights agreements, gas purchase agreements on the NAESB form, interconnect agreements for injection of renewable natural gas, and marketing agreements for the sale of environmental attributes from renewable natural gas. He has advised clients on all

phases of renewable energy project development, including site identification and acquisition, obtaining zoning approvals, financing, community engagement, tax credit and incentive procurement, and carbon accounting under the GHG protocol.

Other Info About Brian

Experience

Advising clients on the procurement of renewable natural gas for reduction of Scope 1 carbon emissions and monetization of related environmental attributes

Assisted a client with the refinancing of an 80-unit apartment complex in New Mexico and a 2,400-acre recreational farm in Arkansas

Represented a joint venture in its development, construction and financing of a 301-unit apartment complex

Counseling a developer on the debt and equity financing for the construction of a 117- unit assisted living facility in Texas

Advising a develop on the debt and equity financing for the construction of a 180-unit multi-family facility in New Mexico

Assisted M&M Cartage in the procurement of a $1,000,000 tax incentive package under the KEIA and KBI programs for the relocation of its corporate headquarters and the procurement of a $300,000 CMAQ grant for the purchase of five CNG-powered Class 8 trucks

Represented Kentuckiana Cleanfuel in the procurement of a $2.32 million CMAQ grant for the development of three compressed natural gas fueling stations and the procurement of tax incentive packages of $500,000 and $400,000 under the Incentives for Energy Independence Act for two of those CNG fueling stations

Represented a client in its closing of a $31.9 million loan for the construction of a long-term care facility in Wellington, Florida and a $13.9 million loan for the construction of 120-bed skilled nursing facility in Lutz, Florida, both under the HUD's 232 Lean Program

Education

University of Louisville, Louis D. Brandeis School of Law, J.D., 2002

University of Louisville, M.B.A., 2002

Bellarmine University, B.S., Mathematics/Actuarial Sciences, 1996, *cum laude*

Recognition

The Best Lawyers in America®, Construction, 2013-2027, "Lawyer of the Year," 2022; Real Estate, 2013-2027; Energy, 2026-2027

Selected for inclusion in *Kentucky Super Lawyers*®, 2022-2024

Senior Articles Editor, *Brandeis Law Journal*

Honorable Mention All American – Golf, 1993

Professional Affiliations

Kentucky Bar Association

Louisville Bar Association

Civic Activities

Board Member, Louisville Sustainability Council

Member, Saint Agnes Worship Committee

Counsel to the Kentucky Clean Fuel Coalition

Major Publications

"The Basics of Community Solar Projects and Their Application to Multifamily Projects," *Energy Law Advisor*, Institute for Energy Law – The Center for American and International Law, April 2023: 12-16

Featured Articles

One Big Beautiful Bill Act Cuts the Power: Phase-Outs, Foreign-Entity Restrictions, and Domestic Content in Clean-Energy Credits

Kentucky Bill to Create Minimum Setbacks for Solar in Counties Without Zoning and Require Transparency in Project Financing

Maximizing Renewable Energy Financing with Taxable Municipal Bonds and IRA Credits

Kentucky Continues Weaning From Coal

Incentives for Clean Energy Suppliers in Kentucky and Ohio

Industrial Revenue Bonds and the Impact on Local Communities and Solar Developers

Kentucky PSC Chairman Comments on Solar Development Siting Issues

Impacts of the Repeal of Ohio's Renewable Portfolio Standards with HB 6

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