



Benjamin L. Snowden

Partner

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Ben is an accomplished clean energy and environmental lawyer who advises clients on a range of transactional, regulatory and litigation matters. He is a Board Certified Specialist in Utilities Law by the North Carolina State Bar.

In his energy practice, Ben represents companies developing or acquiring energy projects, in particular Public Utility Regulatory Policies Act (PURPA) qualifying facilities. He assists these companies in negotiating power purchase agreements with utilities and other offtakers, addressing interconnection issues and resolving regulatory disputes before state utilities commissions and the Federal Energy Regulatory Commission.

Ben also advises clients in the energy and manufacturing sectors on environmental permitting, compliance and enforcement matters, with a particular focus on the Clean Air Act and related state programs.

When clients face regulatory enforcement challenges, Ben conducts internal investigations, handles the response to agency information requests and defends enforcement actions before state agencies and in federal court. He also represents clients in environmental litigation in federal and state courts, including products liability, contaminated site, citizen suit and natural resource damage cases.

Services

- Environmental
- Energy & Natural Resources
- Renewable Energy & Project Development
- Energy Regulation & Compliance
- Real Estate
- Environmental, Social & Governance (ESG)
- Infrastructure & Development

Before Fox Rothschild

Prior to joining Fox Rothschild, Ben was an attorney in the Raleigh, North Carolina office of an international law firm. He previously clerked for the Honorable Paul L. Friedman of the U.S. District Court for the District of Columbia.

Beyond Fox Rothschild

Ben has published widely on energy and environmental topics including renewable energy policy, EPA enforcement policy, greenhouse gas regulation and toxic tort litigation. He co-authored chapters on civil enforcement and the regulation of hazardous air pollutants in the 2011 and 2016 editions of the ABA's *Clean Air Act Handbook*.

Bar Admissions

- District of Columbia
- Georgia
- North Carolina
- Virginia

Court Admissions

- U.S. Court of Federal Claims
- U.S. District Court, District of Columbia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Middle District of Georgia
- U.S. District Court, Northern District of Georgia
- U.S. District Court, Western District of Virginia

Education

- New York University School of Law (J.D., *cum laude*, 2004)
- Vanderbilt University (B.A., *cum laude*, 1997)

Memberships

- American Bar Association
 - Section of Environment, Energy and Resources
 - Environmental Litigation and Toxic Torts Committee, Chair (2014-2015)
 - Air Quality Committee, Vice-Chair (2012-2013)
- Montgomery County, Maryland, Energy and Air Quality Advisory Council, Co-Chair (2013-2014)
- District of Columbia Bar
 - Environment, Energy & Natural Resources Section
 - Standing Committee on Sustainability, Chair (2013-2014)

Honors & Awards

- Recognized by *Chambers USA* in Band 1 for Energy & Natural Resources in North Carolina (2021-2025)
- Included in the list of "Super Lawyers - Rising Stars" for Environmental Law in Washington, DC (2013-2015)
- Recipient of the Southern Center for Human Rights' Frederick Douglass Human Rights Award in 2007 for his pro bono representation of detainees at Guantanamo Bay, Cuba
- Selected to the "Best Lawyers in America" list for Environmental Law (2024-2026) in Raleigh, NC by *Best Lawyers*
- Selected to *Business North Carolina's* Legal Elite list for Environmental (2024, 2026)

Representative Matters

- Represent solar developers on matters related to Power Purchase Agreements, interconnection and regulatory issues for projects in multiple states, including North Carolina, South Carolina, Virginia, Montana and Michigan.
- Represented international renewable energy developers numerous purchase, sale and financing transactions for portfolios of solar projects in North Carolina.
- Represent utility-scale solar industry association in multiple regulatory dockets in South Carolina and North Carolina. Represented solar industry in obtaining first-ever decisions from the South Carolina Public Service Commission rejecting utilities' proposed avoided cost calculations and proposed Integrated Resources Plans.

- Represent utility-scale solar industry association in multiple regulatory matters and disputes in North Carolina.
- Represented landfill gas-to-RNG project developer in becoming one of the first to obtain regulatory approval for a project to put renewable natural gas on the Piedmont Natural Gas distribution system in North Carolina.
- Successfully represented a solar developer in a precedent-setting ruling supporting the rights of independent developers to obtain power purchase agreements in Montana. *FLS Energy*, 157 FERC ¶ 61,211 (Dec. 15, 2016).
- Represented solar project developers in obtaining some of the first regulatory approvals for merchant solar facilities in North Carolina.
- Provided regulatory counsel to compliance aggregator for municipal utilities under North Carolina Renewable Energy and Efficiency Portfolio Standard (REPS) program.
- Served as regulatory and real estate counsel for a Canadian provider of photovoltaic products and energy solutions in the acquisition, \$100 million tax equity and debt financing, and construction of a 75 MW solar facility in North Carolina. Successfully represented project in resolving land use and regulatory challenges related to project approvals.
- Represented international solar development company in acquisition and financing of 75 MW solar photovoltaic generation project in North Carolina.
- Represented developer of new 500 MW natural gas-fired power plant in environmental permitting and compliance issues related to project development, including obtaining a Clean Air Act New Source Review permit for the facility and Clean Water Act authorizations for site construction.
- On behalf of a solar power industry association, provided testimony on legal issues related to The Public Utility Regulatory Policies Act (PURPA) and solar development in an allowable *ex parte* hearing before the South Carolina Public Service Commission.
- Obtained favorable settlement in a contract dispute between the client — a paper manufacturer and producer of biomass Renewable Energy Certificates (RECs) — and an agent retained by the client to market RECs. The agent had pretextually terminated its marketing agreement with the client in an apparent effort to coopt a valuable business opportunity. The client initiated an arbitration petition and also obtained a temporary restraining order in state court to prevent the agent from appropriating the opportunity. The agent immediately agreed to a settlement that allowed the client to take advantage of the opportunity with no financial loss.
- Represented an oil company that owned two U.S. refineries located in Superior, Wisconsin and Meraux, St. Bernard Parish, Louisiana. Under the U.S. Environmental Protection Agency's Petroleum Refinery Enforcement Initiative, the company negotiated with EPA and the states of Wisconsin and Louisiana to reach a settlement of Clean Air Act allegations. Pursuant to the settlement, which was entered by the court in February 2011, the refineries implemented a number of emission reduction approaches through 2019, and completed supplemental environmental projects in St. Bernard Parish, Louisiana. Subsequent to finalizing the settlement with the governments, the company sold the two refineries to two parties, and we represented the client in negotiating revisions to the consent decree to reflect new ownership of the facilities. The amendments were entered by the court on April 27, 2012. *United States of America, et al. v. Murphy Oil USA, Inc.*, No. 3:10-cv-00563 (W.D. Wis. 2011).
- Successfully represented solar developer in litigation with electric utility concerning the utility's obligation under PURPA to purchase energy from the developer's proposed facilities.
- Provided local counsel representation for international renewable energy developer in purchase of portfolio of eight solar projects in North Carolina, including consulting regarding tax, tax-equity, construction financing, environmental laws and regulations, permits and construction approvals, Endangered Species Act and enforceability issues.