

Maria C. Faconti

Partner

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OVERVIEW

Maria Faconti is a partner in the firm's Energy Asset and Transactions practice group. Maria is a regulatory and administrative law attorney focusing her practice on the Texas energy markets, energy regulation, and complex energy transactions, specifically within Electric Reliability Council of Texas (ERCOT).

In her Texas Public Utility Commission (PUCT) and ERCOT practice, Maria represents power marketers, generators, retail electric providers, private equity investors, developers, and other clients in a broad range of regulatory and administrative matters, navigating the regulatory aspects of participation in the ERCOT market. She assists these clients with interconnection, registrations and certifications, regulatory compliance, including conducting compliance trainings, enforcement matters before the PUCT, Texas Reliability Entity, and NERC, and administrative litigation. She also regularly provides clients with extensive insight and assistance in fully interconnecting to the ERCOT grid.

Additionally, Maria assists generators, data and crypto miners, and other industrial customers structure complex offtake arrangements, including the creation of private use networks and other behind the meter arrangements. Maria regularly drafts and negotiates all required agreements such as, power purchase agreements, interconnection agreements, shared facility agreements, and tolling agreements.

Maria also works on energy development and acquisition matters for a wide range of resource types including conventional, wind, solar, storage and bio-fuel, advising clients on all aspects of energy infrastructure development, acquisition, and financing. Maria advises clients on energy regulatory permitting issues for renewable and battery projects in a variety of states, in addition to Texas, including Illinois, Nevada, Pennsylvania, Virginia, California, Louisiana, New York, Oklahoma, Michigan, Arizona, Colorado, North Dakota, New Mexico, Wisconsin, as well as in other electric regions, including Midcontinent Independent System Operator (MISO), Southwest Power Pool (SPP), and the California ISO (CAISO). Maria has represented developers, tax equity investors and lenders in project finance transactions, including battery storage, solar, wind, and gas generation projects and related due diligence, totaling over 100 projects across the US.

PROFESSIONAL BACKGROUND

Prior to joining private practice, Maria worked as an attorney at the Texas Public Utility Commission. While there she represented the public interest in rate cases of investor owned utilities, municipal utility rate appeals, sale, transfer, merger proceedings, and complaints. Maria also worked on many of the agency's rulemaking projects, having updated various rules including the retail electric provider (REP)/transmission distribution utility (TDU) Tariff.

ACHIEVEMENTS

- Recognized by *Chambers USA* for Energy: State Regulatory & Litigation (Electricity) in Texas, 2023-2026
- Recognized by *The Legal 500 United States* as a Recommended Lawyer
  - Energy Regulation: Electric Power, 2024-2026
  - Energy: Renewable/Alternative Power, 2026
- Recognized by *The Best Lawyers in America*® in Austin, TX
  - Administrative/Regulatory Law, 2025-2027
  - Energy Regulatory Law, 2027
- Listed in *Best Lawyers: Ones to Watch*® in America in Austin
  - Administrative/Regulatory Law and Energy Law, 2021-2024
  - Oil and Gas Law, 2023-2024

SPEAKING ENGAGEMENTS

- Speaker, “Reliability: Texas Senate Bill 6,” 21st Annual Renewable Energy Law Institute, 28 January 2026
- Speaker, “Let's Make a Renewable Energy Deal,” Energy & Mineral Law Foundation Annual Institute, 20 June 2023
- Speaker, “Key FERC and ISO Market Rule Changes on Energy Storage,” YES Energy Summit 2023, 22 February 2023
- Speaker, “Market Design, FERC Updates, and Regulatory Evolution,” Nodal Trader Conference, 2022
- Speaker, "The Fallout: Legislative & Policy Update Following the Winter Storm & Energy Crisis," GridNEXT, 2021
- Private-Use Networks & Self-Generation: What You Need to Know, March 2021
- Building the Renewable Power Project Webinar Series - Environmental, Permitting and State Regulatory Considerations for Wind and Solar, November 2020

- Moderator, “PPA/Hedge Offtake Panel,” UT Law 15th Annual Renewable Energy Law Conference, 28 January 2020

EDUCATION

- LL.M., The University of Texas School of Law, 2012
- J.D., William and Mary School of Law, 2011
- B.A., University of California at Los Angeles (UCLA), 2007

ADMISSIONS

- Bar of California
- Bar of Texas

THOUGHT LEADERSHIP *POWERED BY HUB*

- 15 September 2026, Data Center Deep Dives: Texas
- 4 August 2026, Texas Halts Data Center Grid Connections Pending a Statewide Audit
- 16 July 2026 , Data Center Deep Dives: Interconnection, Gas, and Grid Access–The Path to Power
- 19 May 2026, People vs. Machines: Texas County Pushes Pause on Data Center Construction as Project Risks Expand Nationally Amid Public Opposition
- 30 March 2026, Request for Comments on Texas PUCT Draft Report Regarding Transmission Cost Recovery in the ERCOT Region
- 15 January 2026, FERC Orders PJM to Reform Tariff for Co-Located Generation and Load
- 30 October 2025, DOE Directs FERC to Take Action on Large Load Interconnection
- 17 June 2025, Update—Senate Bill 6: A Texas Bill Impacting Large Load Development in ERCOT
- 16 June 2025, Request for Comments on Rulemaking to Implement Firming Reliability Requirements for Electric-Generating Facilities in the ERCOT Region Pursuant to PURA § 39.1592.
- 27 May 2025, Proposed Renewable Regulations in Texas Might Trigger Force Majeure and Change in Law Clauses
- May 2025, Energy Policy in the Trump Administration Webinar Series–Session 5: Electricity, Transmission, and Data Centers
- 26 February 2025, FERC Moves Forward Quickly on Generator Co-Location With Large Loads
- 17 February 2025, Texas Senate Bill 6 and Impacts on Large Load Development in ERCOT

- 23 January 2025, Proposed Texas Senate Bills Have Potential Negative Impacts on Wind and Solar
- 11 November 2024, FERC's Rejection of Data Center Co-Location Amendments to a Pennsylvania Nuclear Power Plant's Interconnection Agreement Raises Big Questions About What's Next
- October 2024, 2025 Texas Legislative Preview: Power and Data Centers
- 7 August 2024, FERC to Hold Commissioner-Led Technical Conference to Discuss Co-Location of Large-Load Customers With Generating Facilities
- 8 January 2024, Texas Updates
- 30 May 2023, FERC Approves Enforcement's Settlements With Two Demand Response Providers
- 17 April 2023, Revised Texas PUC Registration Requirements and Texas Legislative Update

OTHER PUBLICATIONS

- "Reactive Power Compensation for Renewable Energy Facilities: Opportunity Amidst Change," *Oil, Gas & Energy Resources Law Section Report*, January 2023
- "Texas Power Report Falls Short On Winter Risks, Other Issues," *Law360*, 7 December 2022
- "Lessons From FERC New England Capacity Market Settlement," *Law360*, 29 July 2022
- Foreign Direct Investment in the U.S. and the Defense Production Act - A Look at *Rails Corporation v. Terna Energy USA Holding Corporation*, 10 *TEX J. OIL, GAS, & ENERGY L*. 509.
- How Texas Overcame California as a Renewable State: A Look at the Texan Renewable Energy Success, 14 *Vt J. Envtl*. L. 411

NEWS & EVENTS

- 4 June 2026, K&L Gates Receives Nearly 235 Firm, Individual Rankings in 2026 *Chambers USA* Guide
- 14 January 2026, K&L Gates Advises Kyuden in its Investment in Spearmint Energy Regarding Two Battery Energy Storage Projects
- 28 October 2025, Data Center POWER Exchange: Streamlining Permitting and Regulatory Alignment Panel, Hosted by POWER
- 5 June 2025, K&L Gates Receives More Than 240 Firm, Individual Rankings in 2025 *Chambers USA* Guide
- 6 June 2024, K&L Gates Receives More Than 200 Firm, Individual Rankings in 2024 *Chambers USA* Guide
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 29 March 2023, Reactive Power Compensation for Renewable Energy: Current Models and Potential Changes, Opportunities for Developers, Hosted by Strafford

- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 24 May 2022, K&L Gates Adds Four-Partner, Multi-Office Premier Renewable Energy Team

MEDIA MENTIONS

- 18 September 2026, *Houston Public Media* | Gov. Abbott's data center audit is underway. Here's what ERCOT is asking.
- 10 September 2026, *Infralogic* | ERCOT error spurs uncertainty, frustration for Texas asset owners

OTHER MEDIA MENTIONS

- Quoted, "Texas Grid Operators and Regulators Iron Out New Rules for Data Centers," *Inside Climate News*, *San Antonio Current,* 10 October 2025
- Quoted, "Rulemakers play catch-up as data centers multiply," *E&E News by Politico*, 18 July 2025
- Quoted, "Legislative Reprieve For Texas Green Energy Isn't Permanent," *Law360*, 6 June 2025
- Quoted, "Texas Energy Bills Are No Panacea For Power Projects," *Law360*, 16 April 2025
- Interview, "You gotta fight for your right to sue ERCOT. But is it a good idea?" *S&P Global Commodity Insights: Capital Crude Podcast*, 6 February 2023

AREAS OF FOCUS

- Energy Assets and Transactions
- Construction and Infrastructure
- Energy Disputes
- Energy Finance
- Environment and Energy
- ESG - Sustainability and Renewable Energy
- Mergers and Acquisitions

INDUSTRIES

- Energy
- Energy Storage and Distributed Resources
- Hydrogen

- Offshore Wind Energy
- Power
- Renewables

EMERGING ISSUES

- Data Centers and Energy Intensive Infrastructure

REPRESENTATIVE EXPERIENCE

Public Utility Commission of Texas (PUCT) and Electric Reliability Council of Texas (ERCOT)

- Represented merchant generator in obtaining dismissal of competitor's request to install two battery storage systems as alternative to traditional distribution system expansion.
- Drafted post-hearing briefs and exceptions to Proposal for Decision (PFD) and made oral arguments before PUCT commissioners.
- Drafted comments in various PUCT projects related to resource adequacy and marketing design changes.
- Routinely counsel congestion revenue rights (CRR) account holders on ERCOT general matters, including minimum participation requirements and other compliance issues.
- Represented governmental entities, including school districts, in three El Paso Electric rate proceeding and El Paso Electric’s sale, transfer, merger proceeding, before the PUCT.
- Counseled wholesale market participants with registration, planning, and compliance issues involving ERCOT NERC, and TRE.
- Defended qualified scheduling entity, generation, and retail clients in violation proceedings in front of the PUCT.
- Represented numerous wind, solar, and wholesale storage project owners in obtaining necessary PUCT certifications.
- Conducted numerous compliance training for power generation companies, retail electric providers, and power marketers.
- Counseled and defended clients on issues related to compliance with PUCT rules and ERCOT Protocols.
- Assisted Texas retail electric providers and power generation companies on compliance with certification, de-certification and reporting obligations.
- Advised clients on impacts of Winter Storm Uri, including, but not limited to, weatherization requirements, billing disputes, default uplift charges, emergency operation plans, market design changes, etc.
- Advised clients on Lone Star Infrastructure Protection Act.

- Assisted clients in understanding impacts of Winter Storm Uri on their power purchase agreements.
- Represented industrial clients in Austin Energy rate proceedings before Independent Hearings Examiner.
- Represented University in dispute over gas bill related to consumption during Winter Storm Uri.

Texas Project Development and Transactions

- Represented a lender group in the more than US$20 billion financing of 10 data centers with a total capacity of over 1,300 MW in Abilene, Texas.
- Represented a lender group in US$350 million financing for an 8-building data center campus with aggregate capacity exceeding 1,200 MW in Abilene, Texas.
- Represented a lender group in US$200 million+ financing for 3-building data center campus totaling approximately 200 MW in Ellis County, Texas.
- Represented a lender group in the financing of a combined cycle gas turbine facility developed to serve a data center project located in Cypress Creek, Texas.
- Represented a data center developer in a joint venture arrangement in connection with the potential development of a 2.1 GW data center facility development in Lufkin, Texas.
- Represented buyer in an acquisition of a $400 million portfolio of energy storage projects in Texas.
- Project development work for 350 MW solar project in Fort Bend County, Texas, including obtaining tax equity financing of the project, focusing on interconnection and energy regulatory compliance.
- Represented tax equity investor in investment in three Texas energy storage projects totaling 705 MW.
- Advised battery storage company in closing of financing for multiple storage projects (both DG and non-DG), ensuring all required energy regulatory approvals with PUCT, ERCOT, and TRE had been obtained.
- Provided energy regulatory guidance to renewable developer in its sale of the development rights of a 260 MW solar project in Brazoria County, Texas, to infrastructure company, along with the debt and tax equity financing of the project.
- Advised renewable developer in the acquisition, financing, and eventual sale of the largest single-phase and single-site wind project in the US, a 525 MW wind farm in Coke County, Texas.
- Represented renewable developer in its acquisition, development, construction loan financing, and tax equity financing of a 492 MW wind project in Concho County, Texas.
- Represented wind developer in drafting shared facilities agreement.
- Advised retail provider on sale of business in Texas.
- Represented utility client identifying and understanding non-wires alternatives to transmission.
- Represented renewable energy developer in tax equity financing of five renewable projects (wind and solar) in ERCOT, as part of a larger portfolio transaction.

- Represented client in sale of its co-generation facility in ERCOT.
- Represented ERCOT generators in tax equity financing using inverted lease structure.
- Served as Texas regulatory counsel for a lender in connection with the financing of four gas "peaker" plants – two operating and two under construction – in Harris and Victoria Counties, Texas.
- Served as Texas regulatory counsel for a construction lender in connection with two carbon capture projects involving the capture of carbon dioxide (CO2) from two ethanol plants in Hale and Deaf Smith Counties, Texas, and the transportation of purified CO2 via pipelines to delivery points in Hale County, Texas, and Curry County, New Mexico. The projects were designed to capture 95% of CO2 produced at the ethanol facilities, which is currently vented to the atmosphere, for an estimated capture of 1,084 metric tons per day from each facility.
- Represented renewable energy developer developing 260 MW solar project in Lamar County, Texas.
- Assisted renewable energy developer in obtaining all required state level regulatory permits for a 255 MW solar project in Pecos County, Texas.
- Represented renewable energy developer obtain financing for a 240 MW solar facility in Fort Bend County, Texas.
- Represented solar energy development company in the development of one of Texas' largest solar projects, and in completing funding of the tax equity investment by Facebook.
- Counseled solar energy developer on energy regulatory matters in acquisition of 241 MW solar project in Cameron County, Texas.
- Represented client creating behind the meter arrangement to power electrolyzers for the production of green hydrogen.
- Represented buyers and sellers in the negotiation of renewable power purchase agreements and virtual power purchase agreements.
- Represented project developer in negotiating behind the meter power purchase agreement with a crypto miner.
- Evaluated and negotiated behind the meter arrangement for a facility interconnected in a non-opt-in area of ERCOT for tax equity investor.
- Drafted tolling agreement for storage facility.
- Represented Project Company in tax equity investment of 299 MW wind project in Limestone and Navarro Counties, Texas and 250 MW solar project in Hill County, Texas.
- Represented Project developer in 150 MW solar and 200 MW storage facility in Caldwell County, Texas.

Other Project Development and Transactions

- Served as lender's counsel on 250 MW/1000 MWh Battery Energy Storage Facility project in Mesa, Arizona pertaining to the financing of development which includes performing review of real estate due diligence, regulatory, environmental, validation of property ownership and negotiation of other loan documents to ensure protection of lender.
- Represented a tax equity investor on 105 MW solar project located in Pennsylvania pertaining to the financing of development which includes performing review of real estate due diligence, regulatory, environmental, validation of property ownership and negotiation of other loan documents to ensure protection of lender.
- Acted as lender's counsel on 105 MWac solar energy project located in Pennsylvania pertaining to the financing of development which includes performing review of real estate due diligence, regulatory, environmental, validation of property ownership and negotiation of other loan documents to ensure protection of lender.
- Acted as lender's counsel on 153 MW wind energy project pertaining to the financing of development which includes performing review of real estate due diligence, regulatory, environmental, validation of property ownership and negotiation of other loan documents to ensure protection of lender.
- Represented multiple tax equity investors and lenders on energy regulatory permitting issues involving investment in wind, solar, and battery projects in New Mexico, South Dakota, North Dakota, California, Illinois, Louisiana, Colorado, Iowa, Virginia, Pennsylvania, and Oklahoma.
- Represented renewable developer in its acquisition, development, construction loan financing, and tax equity financing of the 202 MW wind project in Logan County, Illinois.
- Served as Wisconsin regulatory counsel for a developer constructing a 1,800 MMBtu per day anaerobic digester facility located in Brown County, Wisconsin.
- Represented tax equity investor in financing of California Low Carbon Fuel Standard qualifying facility.
- Acted as New Mexico regulatory counsel for a tax equity investor and construction lenders in connection with the 90 MW repowering and 144 MW expansion of a wind project in Guadalupe County, New Mexico.
- Served as Oklahoma regulatory counsel for lender group closing construction loans totaling $2 billion for three wind projects, 999 MW, 288 MW, and 199 MW.
- Represented client creating micro-grid in Illinois.
- Advised numerous clients in development of community and rooftop solar in a number of states, including Illinois, New York, California and elsewhere.
- Assisted client in developing standardized contract for community solar initiatives in various states, supplementing standard form to meet regulatory requirement of specific utility as company expanded footprint.
- Provided energy regulatory guidance to solar company for the development and financing of a 300 MW solar project in Pueblo, Colorado.
- Represented client in repower of wind facilities in North Dakota, Oklahoma, and Colorado.

- Assisted client in understanding proposed regulatory changes and impacts of deregulation in Nevada.
- Represented renewable energy developer obtaining financing for a 100 MW solar facility in Stephenson County, Illinois.
- Represented investor in 215 MW solar and 215 MW energy storage facility in Arizona.