

# Akerman Practice Update

ENERGY AND UTILITIES

December 2009

## Florida Energy and Climate Commission Makes Decisions on Available Energy Grants

**Matthew Feil**  
matt.feil@akerman.com

DALLAS  
DENVER  
FT. LAUDERDALE  
JACKSONVILLE  
LOS ANGELES  
MADISON  
MIAMI  
NEW YORK  
ORLANDO  
TALLAHASSEE  
TAMPA  
TYSONS CORNER  
WASHINGTON, D.C.  
WEST PALM BEACH

[akerman.com](http://akerman.com)

The Florida Energy and Climate Commission (FECC) has made filing decisions and posted draft application forms for Energy Efficiency and Conservation Block Grant (EECBG), which are funds made available to non-entitlement local governments (NELGs). NELGs are smaller cities and counties not eligible for direct EECBG funding from the Department of Energy. The FECC has also posted draft application forms for Compressed Natural Gas Fueling Infrastructure grants.

### EECBG Funds

A total of \$18.6M is available in grant funding for this program. There will be two categories of funding. \$12.4M will be available on a competitive basis to all NELGs. For this category, the maximum fund eligibility to a single applicant is \$1.24M and to a partnership of NELG applicants is \$4M. \$6.2M is dedicated to assisting small NELGs (counties with populations less than 50,000 and cities with populations less than 15,000). In this category, the maximum fund eligibility to a single applicant is \$250k.

- The filing due date is set at February 12, 2010.
- The application form is not final yet, and the FECC will be having Procurement and Legal teams reviewing the forms as soon as possible. An official release date for the form will be set later. It is expected that the final form will be substantially similar to the draft form now available.
- Applicants must consider time constraints. Projects not specifically excluded from National Environmental Policy Act (NEPA) review -- excluded projects are



“Any NELG interested in applying for EECBG funds will need to act quickly.”

listed on pages 6 - 7 of the draft applications -- will require NEPA review, which will require more time to process and are subject to falling out.

- Some of the point awards for in the final form of the application will appear different. At the urging of several NELGs, the FECC decided not to award any points for NELGs for project plans and the point totals for that category will be redistributed.
- Also at the urging of several NELGs, the FECC increased from \$15k to \$20k the amount which could be reimbursed for developing an Energy Strategy. The FECC has six months to award the EECBG funds to NELGs pursuant to the ARRA requirements, which is why there is a short turn-around time on applications. There are several preliminaries an NELG must address if it intends to apply, so any NELG interested in applying for EECBG funds will need to act quickly. The Florida League of Cities and the Association of Counties have worked to coordinate with the FECC regarding funding eligibility. However, it is not known which NELGs are aware of the parameters of the funding opportunity and timing involved.

### **Compressed Natural Gas Fueling Infrastructure Funds**

A total of \$4M is available in grant funding for this program. The maximum grant award per applicant is \$500,000; matching is required (50% for public entities and 75% for non-public entities).

- The FECC has set a filing due date of February 1, 2010.
- The application form is not final yet. The FECC will be having Procurement and Legal teams reviewing the forms as soon as possible, and an official release date for the form will be set later. It is expected that the final form will be substantially similar to the draft form now available.
- Due to time constraints, the grant will be structured to avoid National Environmental Policy Act (NEPA) review. Therefore, grant funds will ONLY be available for retrofitting existing facilities for CNG, not for building entirely new facilities.

### **Clean Energy Grants**

The FECC deferred addressing the requirements and application forms for Clean Energy Grants funded by the federal Stimulus Bill. Just over \$24M is set aside for this program, which will fund energy efficiency and renewable energy projects in Florida. Public and private entities are expected to be eligible for these grants. A decision on this grant program is expected soon.

Akerman is ranked among the top 100 law firms in the U.S. by *The National Law Journal NLJ 250* (2009) in number of lawyers and is the largest firm in Florida. With more than 500 lawyers and government affairs professionals, we serve clients from major business centers in Florida, New York, Washington, D.C., California, Virginia, Colorado, and Texas.

For more information, please contact a member of our Energy and Utilities practice.

**Dallas**

600 North Pearl Street, Suite S1900  
Dallas, Texas 75201  
214.720.4300

**Denver**

511 Sixteenth Street, Suite 420  
Denver, CO 80202  
303.260.7712

**Ft. Lauderdale**

Las Olas Centre II  
350 East Las Olas Boulevard  
Suite 1600  
Ft. Lauderdale, FL 33301-2229  
954.463.2700

**Jacksonville**

50 North Laura Street, Suite 2500  
Jacksonville, FL 32202-3646  
904.798.3700

**Los Angeles**

725 South Figueroa Street, 38th Floor  
Los Angeles, CA 90017-5438  
213.688.9500

**Madison**

One South Pinckney Street  
Suite 700  
Madison, WI 53703  
608.257.5335

**Miami**

One Southeast Third Avenue  
25th Floor  
Miami, FL 33131-1714  
305.374.5600

**New York**

335 Madison Avenue, Suite 2600  
New York, NY 10017-4636  
212.880.3800

**Orlando**

CNL Center II at City Commons  
420 South Orange Avenue, Suite 1200  
Orlando, FL 32801-3336  
407.423.4000

**Tallahassee**

Highpoint Center, 12th Floor  
106 East College Avenue  
Tallahassee, FL 32301  
850.224.9634

**Tampa**

SunTrust Financial Centre  
401 East Jackson Street, Suite 1700  
Tampa, FL 33602-5250  
813.223.7333

**Tysons Corner**

8100 Boone Boulevard, Suite 700  
Vienna, VA 22182-2683  
703.790.8750

**Washington, D.C.**

The Victor Building  
750 9th Street, N.W., Suite 750  
Washington, DC 20001  
202.393.6222

**West Palm Beach**

Esperante Building  
222 Lakeview Avenue, Suite 400  
West Palm Beach, FL 33401-6183  
561.653.5000

[akerman.com](http://akerman.com)

