



Glenn S. Krassen

Of Counsel



Glenn Krassen has over 40 years of broad energy law experience and practices in the areas of energy, oil and gas, public utilities, complex energy finance, corporate law and real estate. He is General Counsel of the Northeast Ohio Public Energy Council (NOPEC), the largest public retail energy aggregation in Ohio, comprised of about 235 member counties, cities and townships in Ohio, as well as other large public and private energy aggregation groups. He has served as bond and special energy counsel for the issuance of over \$4 billion of municipal electricity and natural gas prepayment bonds nationwide.

Glenn regularly represents public and private entities in Ohio and nationally on complex energy finance issues and electric and gas competitive procurement and contracting issues; represents renewable energy developers and end-users in solar, wind and biomass projects; and regularly appears in utility regulatory matters before the Public Utilities Commission of Ohio. He has served as outside general counsel and local Ohio counsel for oil and gas and other energy companies and represents them in acquisitions, dispositions, joint ventures, partnerships and other business transactions. He also represents municipalities, public agencies, public and private landowners and others on oil and gas leasing, municipal utility, electricity, gas, steam and chilled water, sewer and renewable energy issues.

Bar Admissions & Activities

- Member, American Bar Association; Ohio State Bar Association; (former chairman of the Natural Resources Committee; current member of the Public Utilities Committee); Cleveland Metropolitan Bar Association

Education

- The Ohio State University (J.D., 1980)
- The George Washington University (B.A. with distinction, 1977); Phi Beta Kappa

Awards & Recognition

- Listed, *Best Lawyers in America* (Energy Law; Natural Resources Law; Oil and Gas Law), 2003–2023
- Listed, *Ohio Super Lawyers* (Energy & Natural Resources; Utilities; Government Finance), 2004–2008, 2017–2022

CONTACT INFORMATION

216.523.5469
gkrassen@bricker.com

CLEVELAND OFFICE

Bricker & Eckler LLP
1350 Euclid Avenue
Suite 650
Cleveland, OH 44115-1840

216.523.5405 main
216.523.7071 fax

INDUSTRIES & PRACTICES

Oil & Gas
Energy
Public Sector
Environmental Law
Public Finance

Glenn Krassen at Bricker & Eckler is THE expert for utility law in Ohio. He is extremely knowledgeable and understands the needs of our industry.

Janice Parham, Building Owners and Managers Association of Greater Cleveland, as quoted in Best Law Firms, 2019



Glenn S. Krassen

Of Counsel

- Recognized, *ChambersUSA*, Natural Resources & Environment with a Band 4 ranking, 2020–2022; Band 3 ranking, 2017–2019
- Ranked, AV Preeminent, Martindale-Hubbell

Presentations & Published Works

- Speaker, "Microgrids Are Coming to Ohio," Bricker & Eckler LLP's Energy Exchange: A Statehouse Update, October 19, 2017
- Speaker, "Current Market Development in Ohio and Related Accounting Issues," The Ohio Society of CPAs Oil & Gas Conference, August 2014
- Speaker, "Royalty Reservations vs. Mineral Reservations," Ohio State Bar Association CLE, August 2013
- Speaker, "Current Market Developments in Ohio and Related Accounting Issues," The Ohio Society of CPAs 2013 Oil & Gas Conference, August 2013
- Author, "Municipal Electric Aggregation: A Valuable Tool to Enhance Residential and Small Customer Access to Retail Markets"; "Capturing the Power of Electric Restructuring," American Bar Association, July 2009

Professional & Community Activities

- Adjunct Professor, Oil and Gas Law, Cleveland-Marshall College of Law
- Secretary, and Member, Board of Trustees, Eliza Jennings Network, Cleveland, Ohio
- Member, Ohio Oil and Gas Association

Experience

Successful prosecution of appeal to Supreme Court of Ohio against energy

Bricker attorneys successfully prosecuted an appeal to the Supreme Court of Ohio against FirstEnergy Advisors. FirstEnergy Advisors is an affiliate of FirstEnergy Corp's Ohio electric distribution utilities: Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company. In January 2020, FirstEnergy Advisors filed an application with the Public Utilities Commission of Ohio ("PUCO") to be certified as a competitive retail electric power broker and aggregator. Ohio's electric utility corporate separation rules are meant to ensure that FirstEnergy Advisors does not gain a competitive advantage over other market participants by reason of its affiliation with the monopoly utilities. Bricker attorneys argued, on behalf of the Northeast Ohio Public Energy Council ("NOPEC"), that the PUCO unlawfully granted FirstEnergy Advisors authority to provide the requested services in this state. In a unanimous opinion issued October 14, 2021, the Supreme Court agreed, finding that the PUCO's orders did not establish that FirstEnergy Advisors was fit and capable of providing service; or, that it was fit and capable of complying with the PUCO's rules, including rules that require FirstEnergy Advisors to be structurally separated from its utility affiliates. The Supreme Court reversed the PUCO's decision to certify FirstEnergy Advisors on the merits, and remanded the case for further proceedings. NOPEC is the largest public retail aggregation in Ohio serving about 1 million retail electric and natural gas customers in 244 member communities across 19 Ohio counties. For more, read the decision.



Glenn S. Krassen

Of Counsel

International manufacturing facility in central Ohio

Retained by an Italian-based company to provide all legal services in the construction and development of a 1.4 million-square-foot manufacturing facility in central Ohio. One of the main aspects of the site selection involved the environmental conditions of the site and environmental permitting issues in the project's development. In this engagement, the firm assisted with various real estate, environmental and tax matters, including the negotiation of a variety of easements. The PUCO has approved energy efficiency rebates for the company's combined heat and power systems which will result in significant cost savings and operational benefits.

Cleveland-area solar farm development

Represented Cuyahoga County in closing a \$10 million financing transaction for the development of a solar farm on former landfill property near Cleveland. The solar farm covers 17 acres and consists of over 35,000 panels – the largest in the state. Likewise, the firm negotiated several related agreements, including a 30-year power purchase agreement. The project was completed in summer 2018 and was named Solar Builder's "2018 Gold Project of the Year."

Negotiation of a \$1 billion electricity supply contract

The Northeast Ohio Public Energy Council (NOPEC) is the largest public retail energy aggregation in Ohio, serving about 900,000 electric and gas customers across 14 counties. NOPEC's electric supplier abruptly notified NOPEC that it was terminating its contract, thus leaving NOPEC's nearly half-million electric customers to return to utility service at higher rates. Bricker attorneys sprang into action to prevent NOPEC's customers from paying these increased rates. The team negotiated a new complex electricity supply contract with NOPEC's replacement supplier (worth approximately \$1 billion); and, within 10 days, our client had signed a new three-year contract. With our assistance, NOPEC obtained two waivers from the PUCO to meet the expedited enrollment timeline. Meanwhile, within two weeks, our litigation team settled a TRO and injunction case involving the original supplier, which resulted in a multi-million-dollar settlement payment to NOPEC. In addition, our energy litigation team dissolved an ex parte TRO issued against NOPEC to a competitor regarding the NOPEC customer enrollment process. We also obtained a complete dismissal of the competitor's lawsuit on the basis that the PUCO had exclusive jurisdiction over the matter.

Representation of purchaser in acquisition of rural natural gas pipeline

Represented a natural gas utility in the negotiation and acquisition of a rural natural gas pipeline system in eastern Ohio. The transaction involved the completion of due diligence and negotiation of a complicated asset purchase agreement and corresponding escrow agreement.



Glenn S. Krassen

Of Counsel

Oil and gas transactional assistance

Provided representation to a bank trustee controlling nearly 4,000 acres of mineral rights in eastern Ohio. Beginning with the negotiation of an above-market-value oil and gas lease, which resulted in an initial payment to the trust of tens of millions of dollars, we provided related legal services, including the completion of title curative work, lease maintenance activities and the negotiation of ancillary agreements.

Advanced energy and energy project structuring

Assisted a college with various aspects of environmental regulation, including advanced energy and energy efficiency developments, power purchase agreements and leasing arrangements, in order to help them take full advantage of various financing opportunities.

Oil and gas lease negotiation in southeastern Ohio

Formed and worked with the Southeastern Ohio Landowners Association (SEOLA) to combine the acreage of landowners in five southeastern counties in order to negotiate oil and gas leases with multiple energy companies. SEOLA blossomed into the longest-lasting and most successful landowners group in Ohio with a dozen deals closed with eight different oil and gas companies, involving approximately 70,000 acres and more than \$300 million in upfront, per-acre bonus payments to SEOLA landowners.

Industrial and manufacturing lease negotiations

Negotiated build-to-suit leases, related easements, construction contracts and energy contracts on behalf of manufacturing facilities, factory distribution centers and warehouses, including one of the state's largest employers.

Power purchase agreement litigation

Represented the largest governmental retail energy aggregator in the country in a utility regulatory litigation matter valued at over \$1 billion opposing an energy company's electric security plan, which involved a novel regulatory proposal permitting affiliate power purchase agreements.