



→ Michael P. Malfettone

Partner
30 Rockefeller Plaza
New York, NY 10112

T: +1.212.634.3021
mmalfettone@sheppardmullin.com

Michael Malfettone is a partner in the Corporate Practice Group in the firm's New York office.

Areas of Practice

Michael has over a decade of experience assisting clients in a wide range of energy transactions, with a practice strategically focused on the intersection of sustainable infrastructure and private equity. Michael regularly advises clients in the renewable energy, energy transition and sustainable infrastructure space in connection with corporate and project-based M&A and finance transactions across different industry technologies, assets and verticals. Clients often turn to Michael with their most complex issues and transactions, relying on his industry expertise, deep understanding of their business, and experience with conceptualizing, negotiating and documenting a myriad of bespoke and first-of-its-kind deal structures.

Private Equity – M&A, Buyouts and Equity Investments

Michael represents private equity funds (with an emphasis on infrastructure funds) and other institutional and strategic investors in a variety of investment transactions, ranging from lower to upper mid-market M&A, leveraged buyouts, platform and bolt-on acquisitions, divestitures and exit transactions to early stage, minority and growth equity investments spanning across the sustainable infrastructure and clean technology sectors.

Energy Projects – M&A, Joint Ventures and Project Financings

Michael advises independent power producers, developers, asset managers, investors and other financing parties in connection with acquisitions, sales, joint ventures, joint development arrangements and cash and tax equity financings of renewable and energy transition projects and portfolios throughout the United States and internationally. Michael has worked on the acquisition, development, construction and financing of well over 20,000 megawatts of distributed generation and utility-scale solar, wind, battery storage and hydroelectric projects as well as hydrogen, renewable natural gas, biofuels and other energy transition technologies.

Honors

- Recommended Lawyer - Renewable/Alternative Power, *The Legal 500 United States*, 2023-2024

Experience

Energy Private Equity and Corporate Transactions

- Led a consortium of established solar energy investors, including Greenbacker Capital Management, Sunstone Credit, IGS Ventures and others, with its secured lender, Cross River Bank, in the Chapter 11 take-private acquisition of Sunlight Financial Holdings
- Represented Greenbacker and affiliated funds in multiple equity investments, including:
 - \$100 million co-investment in Lightshift Energy (formerly Delorean Power)
 - Strategic equity investment in Telyon, a Connecticut-based renewable energy developer
 - \$50 million financing round of Nexus PMG
 - \$35 million financing of Peak Power
 - Preferred equity investment in Revolv
 - Strategic investment in Sunstone Credit
 - Strategic investment in Swell Energy, a California-based residential energy storage developer
 - Growth investment in Renew Energy Partners, a national distributed generation and microgrid company
 - Equity investment in Sunrock Distributed Generation, an asset aggregation platform
 - Equity investment in Noria Energy, a floating and behind-the-meter solar developer
 - Equity investment in Commonwealth Energy Partners for Virginia solar/storage projects
 - Debt commitment and preferred equity investment in Clear Energy Renewables
 - Equity investment in Dichotomy Power, a hydroelectric operator
 - Strategic investment in a C&I technology-based financing platform
 - Investment in energy infrastructure engineering, financing and operational services company
 - Investment in utility-scale solar and energy storage developers and hydroelectric operators
- Led majority acquisition of Southern Current, a solar and storage development company with over 150 projects exceeding 10 GW
- Represented private equity fund in the Chapter 11 acquisition of distributed generation business and project pipeline
- Led the restructuring, buyout and merger of Clear Energy Renewables and Dichotomy Power
- Advised private equity firm on multiple mezzanine debt facilities for developers and owner-operators of hydroelectric, solar and battery storage assets nationwide
- Represented Nexus Development Capital in multiple preferred equity investments in companies in waste-to-value, biocarbon, hydrogen-powered vessels and oil re-refineries
- Advised infrastructure fund in potential acquisition of solar and storage management software platform
- Represented private equity investor in negotiations of joint venture with developer to monetize distributed generation portfolio
- Advised on equity sale, rollover and merger of two renewable energy portfolio companies
- Represented private equity investor in acquisition of construction services company for utility, telecom and EV infrastructure

- Advised private equity portfolio company in proposed acquisition and conversion of petroleum hydrocarbon refinery to renewable diesel facility
- Represented development capital provider in debt and equity transactions for developers of oil re-refineries, waste-to-value processing and hydrogen fuel-cell transportation
- Advised energy transition fund in the potential acquisition of residential solar business

Energy Project M&A and Finance

- Represented Ellomay Capital in joint development, commercial contracting, financing and tax credit transfer for Texas solar project portfolio
- Advised renewable energy company in the acquisition of 130 MW battery storage facility in Washington
- Represented Pine Gate Renewables in more than a dozen M&A transactions for acquisition of solar and battery storage projects totaling over 5 GW throughout the U.S.
- Advised Kelvin on partnership with ClearGen LLC and hybrid tax equity financing of up to \$100 million in energy efficiency projects
- Advised renewable energy company on acquisition of 480 MW solar portfolio in Alabama and 780 MW solar project in Texas
- Represented IPP in joint venture to greenfield, develop and construct wind project portfolio throughout the U.S.
- Advised renewable energy developer on acquisition of 180 MW wind project in Virginia
- Represented a company in sale of 225 MW wind project in Texas
- Advised renewable company on acquisition of 252 MW solar project and sale of 225 MW wind project in Texas
- Represented Nordex SE in sale of 114 MW wind project in Honduras to Total Eren
- Advised investor in joint venture and tax equity financing of 130 MW solar portfolio under development in Texas
- Represented IPP in multiple transactions to acquire portfolios of solar projects in South Carolina, Alabama, North Carolina and Georgia, and wind projects in Texas and Illinois
- Represented utility company in acquisition of 300 MW wind project in Missouri
- Advised on sale of combined 600 MW battery storage facilities under development in Texas
- Represented developer in consulting and development services agreement for utility-scale wind, solar and battery storage assets across the U.S.
- Advised international renewables company in joint venture with U.S. developer for solar projects throughout the U.S.
- Advised hydroelectric company on acquisition of portfolio in Maine
- Represented IPP in acquisition of 25 C&I solar facilities in NY and NJ

Articles

- Co-author, "The Ins and Outs of Due Diligence," *Evergreen Climate Innovations Blog*, May 20, 2021

- Co-author, "So You Want to Raise a Series A? Here's What You Need to Know," *Evergreen Climate Innovations Blog*, December 17, 2020

Speaking Engagements

- Speaker, "Impact and Implications for Energy Investment and Finance," Implementing the Inflation Reduction Act Webinar Series, October 26, 2022
- Speaker, "Financing and Investment for the Energy Transition," Energy Transition Webinar Series, April 21, 2021
- Speaker, "Transaction Structuring and Legal Considerations of Business Succession," Succession Matching Summit, May 9, 2020
- Panelist, "PPA/Hedge Offtake Panel," UT Law 15th Annual Renewable Energy Law Conference, January 28, 2020

Memberships

Member, State Bar of New York

Member, State Bar of Texas

Member, District of Columbia Bar

Member, Austin Bar Association

Member, American Bar Association

Board of Directors, Hearts of ECMO, Inc., 2015-Present

Practices

Energy, Infrastructure and Project Finance

Corporate

Private Equity

Mergers and Acquisitions

Capital Markets

Real Estate, Energy, Land Use & Environmental

Industries

Energy, Infrastructure and Project Finance

Private Equity

Education

J.D., University of Arizona College of Law, Energy and Environmental Law Certificate; executive editor, Arizona Journal of Environmental Law and Policy

B.A., Columbia University

Admissions

New York

Texas

District of Columbia