Verrill

Anthony M. Calcagni

Partner

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Tony's real estate work focuses on acquisitions, development, and leasing of commercial property, easements and title matters, zoning and land use, and community associations.

Tony has represented wind and solar power developers, water districts, telecommunications companies, and electric and gas companies on real estate matters both routine and complex. He has served as the Chair of Verrill's Real Estate Department since 2010.

Recent projects include serving as lead real estate counsel on:

- The Kibby Wind (132 MW), Stetson Wind I (57 MW), Stetson Wind II (26 MW), Rollins Wind (60 MW), Bull Hill Wind (34 MW), Hancock Wind (51 MW), and Weaver Wind (73 MW) power projects
- A natural gas expansion project involving five new compressor stations
- An 85-mile 345 kV electric transmission line

Tony's work on these projects has included negotiating numerous easement and lease agreements, resolving a variety of title problems and disputes, working with state agencies and local officials, and arranging for project financings.

Tony has participated in a number of speaking engagements on the law of easements. He served as chair of the Maine State Bar Association's Real Estate and Title Section from 2016 to 2018, and is an agent for the First American Title Insurance Company.

True to his New England roots, Tony is an avid Boston Bruins and Boston Red Sox fan. He also enjoys hiking and downhill skiing with his family.

Education

- University of Pennsylvania Law School (J.D., *cum laude*)
  - Editor, University of Pennsylvania Law Review (1993-1994)
- Washington University in St. Louis (B.S., *magna cum laude*)

Services/Industries

- Real Estate
- Energy
- Water and Wastewater Systems
- Real Estate Litigation
- Solar

Bar Admissions

- Maine

Memberships

- Fellow of the American College of Real Estate Lawyers

Honors

- Recognized in *Chambers USA: America's Leading Lawyers for Business* under Real Estate
- Listed in *The Best Lawyers in America*© for Real Estate Law in Portland, Maine
- Selected by peers for inclusion in *New England Super Lawyers*© under Real Estate

To learn more about third-party ratings and rankings, and the selection processes used for inclusion, **click here.**

Court and Other Admissions

- U.S. District Court for the District of Maine

Experience

Swift Current Energy
Verrill represents the 100-megawatt Three Rivers Solar Project in Hancock County, Maine. Verrill assists the project with real estate and environmental permitting work, including negotiation of a protocol to allow the project to proceed while minimizing potential impacts to upland sandpipers, a state-listed threatened species. The project obtained its combined Site Law and Natural Resources Protection Act permit from the Maine Department of Environmental Protection in July 2020. Three Rivers Solar will become the largest solar project in the state, twice the size of the next largest facility (the 50 MW Sanford Airport Solar project). The project will consist of approximately 300,000 to 400,000 solar panels on 465 acres in the unorganized area of the state.

Sales of Kennebec Hydro Project
Verrill represented Kennebec Water District in connection with the sale to Essex Hydro of its hydro-electric facility on the Kennebec River. Bill Harwood and Brian Marshall represented Kennebec Water District in seeking FERC approval of the transfer of the project and securing an order of the Maine PUC declining to assert jurisdiction over the sale. Mark Googins negotiated the Purchase & Sale Agreement and Tony Calcagni negotiated the transfer of real estate and related

easements.

Solar Energy: Acquisition of Grid-Scale Project in Brunswick, Maine
Verrill represented Diversified Communications in the acquisition of a newly built $2.5 million solar array in Brunswick, Maine. The array, which was developed by ReVision Energy and went online in January 2018, will provide power to more than 100 businesses at Brunswick Landing. Verrill attorneys advised Diversified Communications on a range of issues in the transaction, including federal debt financing, solar investment tax credits, solar renewable energy credits, electric power sales, EPC contracting, and regulatory, real estate and corporate matters. We worked collaboratively with Diversified Communications and the developer of the project to get the deal done on a short timeline while minimizing investment risk.

Emera's Acquisition of Swan's Island Electric Cooperative
Emera's 2017 acquisition of Swan's Island Electric Cooperative required a multi-disciplined team of Verrill energy lawyers to successfully close the transaction. Because the seller was a member based cooperative, the transaction was structured as an asset purchase, rather than a stock purchase. This required a determination that the Cooperative had marketable title to hundreds of easements, many of which had been acquired by the Cooperative decades earlier. Upon investigation, the parties identified that there were over 200 easements to be acquired or confirmed for Cooperative power lines crossing private property. Tony Calcagni worked with the Cooperative management team for approximately one year to remedy the problems and procure valid deeds to the power line easements.

The acquisition also raised a novel question of utility ratemaking. Because of the high cost of serving the islands, the Public Utilities Commission raised the issue as to whether island ratepayers should pay more than Emera's mainland rates for electricity. In a two to one decision, the Maine PUC rejected the acquisition, finding that charging mainland rates to island customers would result in an unreasonable subsidy of island customers. In response, Bill Harwood and Brian Marshall, renegotiated the terms of the acquisition by including a five-year monthly surcharge on island ratepayers, and were thereby able to convince the Public Utilities Commission to approve the acquisition.

Publications & Podcasts

March 20, 2020
A ‘Healthy’ Approach to Possible Commercial Lease Defaults in the Age of Coronavirus (COVID-19)