



DOE Issues Further Update to Its Loan Guarantee Programs

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Written by

The Loan Program Office (LPO) of the U.S. Department of Energy (DOE) recently published an important update to the Loan Guarantee Solicitation for Applications for Renewable Energy and Energy Efficiency Projects¹ (the Solicitation).

The update, promulgated as the Sixth Supplement to the Solicitation, effectively adds “electric vehicle charging facilities, including associated hardware and software” to the list of “Eligible Projects” (as defined in Section II of the Solicitation) under the Renewable Energy and Energy Efficiency Loan Guarantee Program².

This update is an important, but not surprising, development. In an article we authored earlier this year, we anticipated public funding to be used with greater frequency in the coming years for clean energy infrastructure, such as electric vehicle charging infrastructure³. Indeed, in issuing the update, the Administration seeks to solidify its vision for the acceleration and facilitation of electric vehicle use in order to curb greenhouse gas (GHG) emissions from the third largest GHG-polluting sector in the United States. Coupled with other federal programs already in place, such as the Advanced Technology Vehicles Manufacturing Loan Program, operated since 2008, the “green” automotive industry is being strongly supported by the federal government.

It should be noted that, pursuant to the Fifth Supplement to the Solicitation, published on June 22, 2016, the submission deadlines for Part 1 and Part 2 applications under the Solicitation were extended: Part 1 and Part 2 must now be submitted **no later than November 30, 2016**.

In an earlier [Legal Alert](#), released on July 5, 2016, we provided further details regarding the foregoing deadline extension; noted changes to the applicable fees and costs introduced by the Fifth Supplement; and discussed an answer published under the Frequently Asked Questions section of the Solicitations.

¹Solicitation Number: DE-SOL-0007154, issued pursuant to Title XVII of the Energy Policy Act of 2005.

²According to the Sixth Supplement, electric vehicle charging facilities may be categorized as “efficient electrical generation, transmission, and distribution technologies” for purposes of Section II.A.1.b) of the Solicitation.

³Robert H. Edwards, Jr., Randall F. Hafer, Mark J. Riedy, Ariel I. Oseasohn and Benjamin P. Deninger, Chapter 21 – United States, *The Public-Private Partnership Law Review, Second Addition* (Bruno Werneck & Mario Saadi ed., 2016), page 256.