



Data Centers

Reliable Advice for a Faster Path to Market

Whether you're acquiring or advancing a single project or scaling a national portfolio, Kilpatrick turns complex energy and technology workstreams into clear, actionable steps so your data center project stays on track. Our cross-disciplinary team brings deep experience in energy procurement, regulation, real estate, environmental, construction, intellectual property, corporate, tax, privacy, financing (debt, equity, project), and development, adapting to the unique demands of each market you enter. From securing sites and procuring reliable power to financial close, we anticipate obstacles, simplify complexity, and protect your timeline.

Smart strategy. Ambitious execution. A team that genuinely cares about your success.

Reach

Every Path from Site to Service

Whether you are evaluating natural gas, nuclear, renewables, or hybrid configurations, your data center requires firm, reliable power. We help you procure energy, including conventional and renewable energy, across all technology sources through power purchase agreements (PPAs), energy service agreements, virtual power purchase agreements, interconnection arrangements, behind the fence structures, manage construction timelines, and earn stakeholder and community support. We also help you navigate the contracting and regulatory landscape for battery storage and emerging technologies.

Site selection and control can make or break a project. Our real estate and environmental teams handle acquisitions, ground leases, easements, and title and survey matters, advise on zoning and entitlements, and manage state and federal environmental due diligence and permitting, including water supply, Clean Water Act discharge and stormwater compliance. When permitting delays or regulatory uncertainty threaten your schedule, we help you stay ahead of those risks.

From design-build and EPC contracts to equipment procurement and supply chain agreements for long-lead items such as transformers, generators, and cooling systems, our energy and construction lawyers allocate risk and protect your schedule. If disputes arise, our litigation and construction dispute teams are ready to resolve them efficiently.

Our corporate, finance, and tax lawyers support acquisitions and dispositions of sites and operating platforms, joint ventures, build operate/own and transfer (BOT/BOOT) structures, and fund investments, as well as equipment, project, and portfolio financing from term sheet to financial close. We understand what lenders and investors need to see, and we help you capture federal, state, and local tax incentives, including sales and use tax exemptions and property tax abatements, which improve project economics. Because data center incentive packages can depend on hiring, wage and investment commitments, and large temporary construction

workforces, our team helps owners and operators navigate the legal challenges that come with building and running these facilities.

Once your facility is operating, we draft and negotiate colocation, hyperscale, and master services agreements, protect your intellectual property and technology, and help you meet privacy, cybersecurity, and data localization requirements across the jurisdictions you serve.

Approach

Turning Complexity into Bankable Capacity for Data Centers

We have seen how schedule pressure creates risk and we help you manage it from day one. We structure energy agreements that account for risk, delivery obligations, and long-term price certainty so your operating budget stays on track. Our team supports project financing from procurement, construction and permanent loans to private placements and provides specialized tax counsel so deals close cleanly and perform as planned.

We guide regulatory compliance, helping you secure government incentives that improve project economics. For demand management, on-site storage, and energy efficiency initiatives, we build the legal frameworks that lower operating costs and strengthen grid relationships. As technology evolves, we draft real estate, construction, licensing, and technology agreements that protect your flexibility while locking in performance standards.

We negotiate development agreements for renewable and conventional energy projects, aligning milestones with your construction schedule so power delivery matches your go-live date.

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