



Craig Whitley

FASKEN

Partner



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Q *What are the biggest energy deals you have worked on?*

A Earlier in my career I was privileged to have advised on the 140MW Dorper Wind Farm which won African Wind Deal of the Year 2012. It was part of REIPPPP Round I and set a positive path forward for future renewable energy projects in South Africa.

I have also had the opportunity to work on a number of projects spanning a wide variety of renewable energy sources and technologies, including geothermal power in East Africa. The need for access to sustainable energy sources on the African continent is profound and of ever increasing significance.

Most recently I was part of the Fasken team and co-leader on advising the Lenders on all aspects relating to the financing of two 100 MW solar PV wheeled energy projects, situated in the North West Province, developed by vertically integrated independent power producer, SOLA Group. These two projects were the first renewable energy projects to reach financial close pursuant to the regulatory change in August 2021 to raise the licensing limit for distributed generation projects from 1 MW to 100 MW.

Q *Do you think this area of expertise requires any special attributes and if so, what would you say they are?*

A I believe the strengths that one requires are (1) the ability to understand the risks associated with each project and to try ensure a fair allocation of those risks between the parties; (2) an ability to succinctly and accurately record the commercial agreement and intention of the parties as the drafting can tend to become very technical; and (3) remaining calm under pressure.

Q *Do you find this area of expertise to be an exciting field and if so, why?*

A With my science background (I graduated with a Bachelor of Science from the

University of the Witwatersrand), a passion for new technologies and, in the case of energy, the new technological developments of harnessing power in new and different ways, I find the energy sector extremely interesting and always evolving. Combined with my specialisation in finance law, being able to at times work in this science-related industry, with my legal hat on is exciting. Added to this I grew up with a fantastic role model, my father, who was a structural and civil engineer prior to his retirement, and so from a young age I was exposed to new ideas and hearing “engineering-speak”.

Q *What are notable changes in the industry?*

A In the South African context, the raising of the licensing limit for distributed generation projects to 100 MW has enabled large corporates and energy consumers to develop or contract their own dedicated energy producers on a scale that now allows for meaningful levels of power production. The South African government’s efforts to create teams focussed on facilitating the private sector’s development of independent producers of renewable energy and the implementation of geographical ‘corridors’ aimed at reducing certain of the regulatory compliance burden of projects will be of great assistance in accelerating the development of future energy projects.

Q *Do you have any hobbies?*

A I have played the bagpipes since high school and continue to play today. I have had the opportunity to travel the world playing at international competitions and live shows/tattoos such as the Royal Edinburgh Military Tattoo, the Royal Tournament in London, the Kremlin Zoria (on the Red Square, Moscow) and the Basel Tattoo (Switzerland). It is a hobby that I’m incredibly passionate about, I find it immensely rewarding and a great way to balance out the career pressures and intensity. ♻️

