

Data Center

Guiding data center transactions, from start to finish



Powering Innovation with Legal Insight

AI/Generative AI, cloud services, and other technological innovations have disrupted the social and economic landscape and created an unprecedented demand for advanced computing power. With forecasts predicting the need for a multi-trillion dollar investment in new data centers in the coming years, technology companies, developers, investors, and lenders alike require a trusted law firm partner with the industry knowledge and multidisciplinary legal experience to seamlessly navigate these complex transactions from start to finish.

Scalable. Seamless. Comprehensive.

Fusing our nationally leading Energy, Real Estate, and Construction/Project Infrastructure practices, as well as our know-how in critical support areas such as Economic Development, Tax, Project Finance, and Data Privacy, we are singularly equipped to guide the acquisition, diligence, development, incentivization, construction, financing, powering, and operating of data centers—all under one roof. Whether you are a major technology company seeking to build your own hyperscale facility or a developer committed to constructing a series of colocation facilities, or an institutional real estate investor or financial institution interested in providing equity or debt funding for the same, we are a proven “one-stop shop” for all your data center legal needs.

Energy

Our team works alongside data center operators and energy suppliers to negotiate critical power supply agreements, including those focused on renewable energy solutions. We guide clients through the complexities of contribution-in-aid-of-construction agreements and offer strategic counsel on both state and federal energy regulatory matters. From representing data center entities before state utility commissions to advising on tax implications tied to power supply infrastructure, we deliver comprehensive legal support. We also provide environmental permitting and land use guidance, ensuring that every stage of data center development—and the power infrastructure that supports it—moves forward in full compliance with evolving legal and regulatory frameworks.

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Real Estate

We partner with data center developers and institutional capital providers to structure and negotiate joint ventures that align strategic goals with long-term investment potential. Our team represents purchasers in the acquisition of existing data centers as well as vacant land primed for new development, providing guidance through every phase of the transaction. For borrowers, we offer counsel on both acquisition financing and construction financing tailored to the unique demands of data center projects.

Beyond the deal itself, we assist clients in securing necessary entitlements and conducting comprehensive legal due diligence to ensure a clear path forward. We coordinate seamlessly with specialists across key practice areas—including Energy, Construction, Economic Development, and Tax—to support the full scope of acquisition and development efforts. From drafting and negotiating leasing and licensing agreements for data center owners to advising banks, debt funds, and institutional lenders on the origination and servicing of loans, we provide the multidisciplinary support essential to success in this fast-moving sector.

Construction/Project Infrastructure

We deliver a fully integrated project delivery approach that provides the core legal services essential for successful data center projects, such as experience with environmental and regulatory law, economic grant incentives, lobbying and governmental affairs, and project finance—we ensure that every facet of your project is covered.

Our national platform spans more than 30 offices across key U.S. markets, with attorneys licensed in 47 states, and we bring additional experience in foreign jurisdictions, particularly throughout Latin and South America.

We have extensive experience with all major project delivery methods and contract templates, including Design-Build, CM@Risk, P3, Integrated Project Delivery, and multi-prime deliveries. Our professionals are involved from early-stage planning and financing through contract development and negotiation, and remain actively engaged throughout construction to address the daily challenges and change management issues that often accompany large-scale projects.

Our deep industry knowledge spans a variety of technology sectors—from data centers and power facilities to advanced manufacturing, electric and autonomous vehicles, and fiber-optic networks. We also bring significant experience in construction litigation, with attorneys skilled in dispute avoidance and resolution strategies, and prepared to litigate when necessary. Throughout every engagement, we collaborate closely with our real estate, project finance, and energy teams, ensuring a seamless transition across all phases of development. This integrated approach allows us to anticipate how early decisions may impact later stages of construction—delivering smoother project execution and better outcomes for our clients.

Relevant Experience

- Served as lead transactional and regulatory counsel for Meta in the successful negotiation of the Power Supply Agreement, the Renewable Rider, and the Contribution in Aid of Construction Agreement for Meta's 2.6 GW AI Data Center in northeast Louisiana (Transaction closed in October 2024).
- Represent national data center developer on land acquisition and development matters for data center projects in several states.
- Special construction counsel to administrative agent and lender in connection with a \$900 million green loan from bank syndicate to fund construction of \$1.5 billion data center in Atlanta, Georgia.
- Lead transactional counsel for data center power supply agreement transactions in various states.
- Provide tax counsel related to data center power supply.
- Lead regulatory counsel for data center developer in Duke Energy's Carbon Plan/Integrated Resource Plan 2024 hearing at the North Carolina Utilities Commission.
- Represented global lender in connection with the issuance of a \$1 billion credit facility for the construction of a data center in Atlanta, Georgia.
- Lead transactional counsel for data center renewable energy transactions in various states.
- Assisted digital infrastructure provider in obtaining state economic incentives in connection with a data center campus in South Carolina.
- Lead counsel for contribution in aid of construction agreements related to power supply in various states.
- Representing major technology company on zoning and permitting matters for hyperscale data center facility in North Carolina.
- Advise a technology infrastructure-focused real estate developer on project delivery method selection, risk allocation, and compliance with local regulations for data center projects across the United States. Draft and negotiate construction contracts for the development and construction of such projects.
- Lead energy regulatory counsel for various data center matters in various states, including state utility commission matters in several states.
- Advise international cryptocurrency mining server manufacturer on drafting Data Center Hosting Services agreements.
- Helped national data center developer obtain property tax and sales tax incentives in connection with multiple data center projects in Atlanta, Georgia.

Why Nelson Mullins?

- Deep industry knowledge of the data center space.
- Nationally leading Energy, Real Estate, and Construction/Project Infrastructure practices seamlessly working together as a cross-functional team.
- Understanding all aspects of the data center life cycle and how they fit together.
- Ability to scale up to successfully guide the largest projects or scale down to efficiently handle smaller transactions.

- A national platform with more than 30 offices across the country.