



Data Centers & Digital Infrastructure

Overview

As data centers continue to power the global digital economy, the demand for reliable, efficient, and secure infrastructure has never been greater. These facilities drive cloud computing, artificial intelligence, and an expanding universe of connected technologies, all requiring a blend of legal, technical, and commercial insight that spans multiple disciplines.

Archer helps clients navigate every stage of a data center's lifecycle, from site selection and development to financing, operation, and strategic transactions. Our cross-practice team draws on deep experience in real estate, land use, redevelopment, construction, finance, energy, environmental, corporate, tax, intellectual property, data privacy, and litigation to deliver practical, forward-looking advice.

We represent developers, owners, operators, investors, municipalities, energy companies, utilities, technology companies, lenders, and end users on projects ranging from enterprise and colocation facilities to large hyperscale and edge deployments. Each project demands tailored strategies that balance technical complexity with business objectives.

DATA CENTERS

Successful data center projects depend on key factors, from access to reliable power and robust connectivity to sustainability goals and regulatory compliance. Our multidisciplinary team anticipates challenges, streamlines timelines, and delivers business-focused solutions that support long-term growth.

We advise clients across the entire asset lifecycle, including:

- Site selection, credits & incentives, land use, zoning, and development approvals
- Design and construction contracting and project delivery
- Energy procurement and sustainability initiatives
- Financing, leasing, property acquisition, and strategic transactions, including M&A
- Technology, IP, and data governance
- Dispute resolution and regulatory compliance

Our goal is to help clients deliver high-performance facilities that meet the speed, security, and scalability demands of the modern digital economy.

DIGITAL INFRASTRUCTURE

Data centers rely on a complex ecosystem of supporting infrastructure, from power generation and water systems to fiber connectivity and logistics networks. Archer advises clients across this broader digital infrastructure landscape, helping them plan, finance, and deliver the systems that make large-scale digital operations possible.

Power Infrastructure

We advise on all aspects of energy generation, transmission, and interconnection, including:

- Development and financing of power plants, substations, and grid interconnections
- Renewable and sustainable energy projects, including solar, wind, cogeneration, nuclear, and battery storage
- Land use, permitting, PILOTs, credits and tax incentives related to energy infrastructure
- Negotiation of easements and rights-of-way, power purchase and supply agreements and coordination with utilities and regulators

Water and Cooling Systems

Efficient cooling is critical for high-performance computing. We assist clients with:

- Water treatment, pumping, and recycled/gray-water projects
- Permitting for municipal and private cooling infrastructure
- Design and development of shared water and cooling systems to enhance sustainability

Network and Fiber Connectivity

Connectivity is as vital as power. Our attorneys counsel on:

- Fiber routes, rights-of-way, and easements for telecommunications infrastructure
- Dark-fiber leases and network service agreements
- Development of meet-me hubs, network exchange points, and urban infill aggregation facilities

Support and Ancillary Facilities

We help deliver facilities that sustain operations and workforce needs, including:

- Operations and logistics centers for technical teams
- Equipment storage, maintenance yards, and emergency backup facilities



- Zoning and planning for industrial and technology park development

Sustainability and Resilience

We help clients meet ESG and uptime goals through:

- On-site microgrids and backup generation
- Renewable energy integration and carbon reduction strategies
- Climate-resilient design, including flood mitigation and stormwater management

By integrating our capabilities across data centers and supporting infrastructure, Archer delivers solutions that connect energy, water, and network systems with the facilities driving technological innovation.

OUR SERVICES

Site Selection and Development

We assist with site acquisition, land use, zoning, permitting, credits and incentives, survey and environmental review, and entitlements, working closely with developers and local authorities to align infrastructure design with regulatory requirements.

Design and Construction

Our attorneys negotiate design-build and construction contracts, development and service agreements, and manage project delivery and risk to ensure compliance with building codes, safety, and performance standards.

Energy and Sustainability

We structure power purchase and supply agreements, renewable energy procurement, and sustainability initiatives that meet the sector's growing energy demands while advancing ESG goals. Our team can offer guidance on various transmission and interconnection arrangements, helping to assess the most suitable options and expected timelines. We provide advice on different approaches to onsite energy generation and facilitate engagement with relevant energy service providers.

Financing and Investment

Our team structures and documents equity and debt financing, joint ventures, sale-leasebacks, public-private partnerships, securitizations, and other capital market transactions. We counsel lenders, investors, sponsors, and operators on financing strategies for both greenfield and portfolio projects.

Leasing and Service Agreements

We negotiate hyperscale and colocation leases, master services agreements, and service-level arrangements addressing uptime guarantees, access rights, termination, renewals, and operational continuity.

M&A and Corporate Structuring



Our attorneys advise on acquisitions, dispositions, joint ventures, recapitalizations, and strategic investments across the digital infrastructure sector, including transactions involving REITs, private equity, and infrastructure funds.

Tax and Incentives

We assist clients in securing federal, state, and local tax benefits and economic incentives, including abatements (PILOTs), credits, and exemptions tied to development, energy use, and sustainability.

Technology, IP, and Data Governance

Our team negotiates software licensing, IP ownership, and outsourcing agreements, and advises on cybersecurity, data privacy, and compliance with global frameworks such as GDPR and CCPA.

Regulatory and Government Affairs

We counsel clients on regulatory policies governing land use, energy, telecommunications, environmental issues, and data security, and assist with public-policy engagement and government incentive programs. In addition, our registered lobbyists, who are part of our broader team, advocate for necessary legislative or regulatory approvals when needed.

Dispute Resolution

Our attorneys represent clients in litigation, arbitration, and regulatory disputes arising from construction, leasing, operational, and service-level matters, as well as privacy or data breach incidents.

WHY ARCHER

Archer's Data Centers & Digital Infrastructure Group combines legal, technical, and regulatory insight, bringing together attorneys and governmental affairs professionals from across disciplines to deliver integrated solutions at every stage of complex infrastructure projects. Supported by members from both Archer and its affiliate **Archer Public Affairs**, the industry group includes former public utility regulators, energy counsel, construction lawyers, and attorneys with deep experience in corporate law, finance, technology, and data privacy, providing comprehensive guidance that connects every facet of our clients' projects.

Our team includes Archer Public Affairs Senior Director Richard Mroz, former President of the New Jersey Board of Public Utilities (NJBPU), and Archer attorney James Boyd, former Administrative Practice Officer at the NJBPU, whose leadership and regulatory experience strengthen our capabilities in energy procurement, infrastructure development, and sustainability. Richard's extensive background in energy regulation, grid reliability, and cybersecurity equips clients with unparalleled insight into complex energy and infrastructure challenges. James's work on renewable and regulatory initiatives complements this experience and exemplifies the depth of knowledge clients can draw upon.

This combination of multidisciplinary perspective and industry-specific experience enables our team to anticipate challenges, streamline execution, and deliver practical, forward-looking solutions that power the digital economy.



Representative Experience

- Representing a national hyperscaler in the redevelopment of a state-of-the-art data center complex, including property tax incentives (PILOTs).
- Land use counsel for three building data center concept plan in Salem County, New Jersey.
- Land use counsel for single building net scaler data center in Burlington County, New Jersey.
- Land use counsel providing due diligence (zoning analysis and power analysis) for multiple sites in Gloucester County, New Jersey.

Related People



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