



State of West Virginia
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF OUTSIDE
COUNSEL ON BEHALF OF THE WEST VIRGINIA EDUCATIONAL
BROADCASTING AUTHORITY**

The West Virginia Educational Broadcasting Authority (hereinafter "WVEBA") has requested legal representation to assist with the WVEBA's ongoing compliance with numerous telecommunications and regulatory laws.

More specifically, the WVEBA seeks legal representation to assist with meeting Federal Communications Commission ("FCC") license requirements and Federal Aviation Administration ("FAA") regulations for WVEBA's fifteen (15) radio and twelve (12) television transmitters and translators located throughout the state (hereinafter "FCC & FAA legal & regulatory issues").

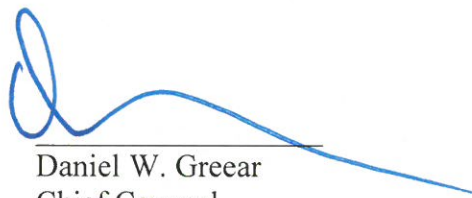
Pursuant to the written determination issued on September 5, 2014, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist WVEBA with the needed legal services. A Request for Proposals (RFP # 027) was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

As of the September 26, 2014, deadline for proposals, the Office of the Attorney General received one proposal for legal services from Akin, Gump, Strauss, Hauer & Feld LLP ("Akin Gump"). After review of the proposals, and consultation with WVEBA, the Office of the Attorney General has determined that:

- Akin Gump possesses the requisite skills and expertise to handle the legal matter in question.
- Akin Gump possesses the requisite staffing and support to handle the scope of the legal matter in question.
- Akin Gump appears to be in compliance with all applicable laws of the State of West Virginia, and has not been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct.

- Akin Gump has agreed to discounted hourly rates that will allow the firm to provide the same overall budgeted amount (\$33,500.00) of legal services that were provided to the WVEBA in 2013.
- Akin Gump is uniquely positioned, through its previous representation of WVEBA, to provide the legal services in question.
- Akin Gump's existing familiarity with WVEBA's FCC & FAA legal & regulatory issues makes the firm's appointment more cost-effective than the appointment of another firm that would likely incur time and expenses to familiarize itself with the particular issues relating to the needed legal services.

Based on the factors set forth above, and in consultation with WVEBA, the Office of the Attorney General authorizes the appointment of Akin Gump to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.



Daniel W. Greear
Chief Counsel

Date Signed: October 14, 2014