



State of West Virginia
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION APPOINTING
AKIN, GUMP, STRAUSS, HAUER & FELD LLP AS OUTSIDE COUNSEL ON
BEHALF OF WEST VIRGINIA PUBLIC BROADCASTING**

West Virginia Public Broadcasting (hereinafter "WVPB") has requested legal representation to assist with meeting Federal Communications Commission ("FCC") license requirements and Federal Aviation Administration ("FAA") regulations for WVPB'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 October 8, 2015, 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 WVPB with the needed legal services. A Request for Proposals (RFP #45) was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

As of the October 16, 2015, deadline for proposals, the Office of the Attorney General received two timely proposals for legal services from Akin, Gump, Strauss, Hauer & Feld LLP ("Akin Gump"), and Dinsmore & Shohl LLP ("Dinsmore"). After review of the proposals, and consultation with WVPB, the Office of the Attorney General has determined that:

- Both of the bidding law firms possess the requisite skills and expertise to handle the legal matter in question.
- Both of the bidding law firms possess the requisite staffing and support to handle the scope of the legal matter in question.
- Both of the bidding law firms appear to be in compliance with all applicable laws of the State of West Virginia, and have not been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct.
- Akin Gump proposed an alternative billing rate that includes discounted hourly rates that would provide value and flexibility for WVPB.

- Akin Gump is uniquely positioned, through its previous representation of WVPB, to provide the legal services in question.
- Akin Gump's existing familiarity with WVPB'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.
- Akin Gump's proposal is responsive to the WVPB's needs, and of those who submitted proposals, is WVPB's preferred counsel for this matter.

Based on the factors set forth above, and in consultation with WVPB, 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.



J. Robert Leslie
Senior Deputy Attorney General

Date Signed: December 3, 2015