



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 WETZEL COUNTY SOLID WASTE
AUTHORITY**

The Wetzel County Solid Waste Authority (hereinafter the “Authority”) has requested legal representation to assist with several pending matters before the West Virginia Public Service Commission.

More specifically, the Authority is in need of additional representation to assist with the following matters relating to the disposal of drilling waste at the Wetzel County Landfill:

- PSC Case No. 13-0832-SWF-CN; and
- PSC Case No. 14-0057-SWF-C.

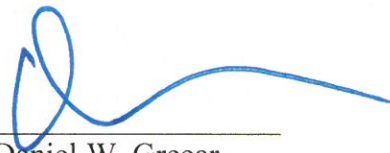
Pursuant to the written determination issued on September 8, 2014, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the Authority for the cited legal matters. A Request for Proposals (RFP # 029) was issued in accordance with Section (D) of the Attorney General’s Policy on Outside Counsel (Policy #WVAGO-004).

As of the October 3, 2014, deadline for proposals, the Office of the Attorney General received two proposals for legal services from Kay Casto & Chaney, and Mary Anne Maul, PLLC. After review of the proposals, and consultation with the Authority, the Office of the Attorney General has determined that:

- Both law firms possess the requisite skills and expertise to handle the legal matters in question.
- Both law firms possess the requisite staffing and support to handle the scope of the legal matter in question.
- Both 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.

- Both law firms are located in the geographic area (Kanawha County) where most of the legal services will be performed.
- Kay Casto & Chaney submitted the lowest proposal for fees to perform the legal services requested.
- Kay Casto & Chaney has proposed a maximum hourly rate of \$225 an hour.
- Based on the factors set forth in the Attorney General's Policy on Outside Counsel, Kay Casto & Chaney has submitted the most competitive proposal for legal services.

Based on the factors set forth above, and in consultation with the Authority, the Office of the Attorney General authorizes the appointment of Kay Casto & Chaney 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