



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 WEST VIRGINIA PUBLIC BROADCASTING**

West Virginia Public Broadcasting (hereinafter "WVPB") has requested legal representation to assist WVPB 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").

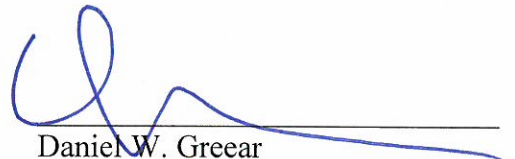
Pursuant to the written determination issued on September 4, 2013, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist WVPB with the needed legal services. A Request for Proposals (RFP #012) was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

As of the September 27, 2013, 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 Womble Carlyle Sandridge & Rice, LLP ("Womble Carlyle"). 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 submitted the most competitive proposal for legal services based on the factors set forth in the Attorney General's Policy on Outside Counsel.
- Akin Gump proposed an alternative billing rate that includes discounted hourly rates that would provide value and flexibility for WVPB.

- Akin Gump proposed discounted rates which provide that approximately sixty-five percent (65%) of all legal work would be performed at a rate of \$325 per hour or lower.
- Under Akin Gump's proposal, approximately ninety percent (90%) of any legal work performed would be billed at a rate lower than the next qualified bidder's lowest hourly rate.
- 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.

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.



Daniel W. Greear
Chief Counsel

Date Signed: October 18, 2013