



State of West Virginia
Office of the Attorney General

Patrick Morrissey
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 with two separate legal matters:

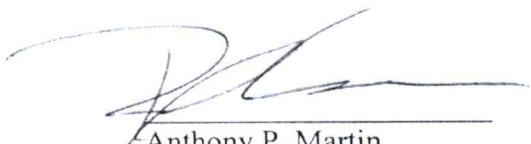
(1) Meeting Federal Communications Commission ("FCC") license requirements and Federal Aviation Administration ("FAA") regulations for WVPB's fifteen (15) radio and twelve (12) television transmitters and translators located throughout the state; and

(2) Assisting with the maintenance of tower leases involving WVPB's statewide radio and television network.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to assist with the legal matters in question, based on the following factors:

- The matter at issue requires specific expertise in both telecommunications and regulatory law that is not sufficiently possessed by the Office of the Attorney General.
- It would require a significant time commitment from the Office of the Attorney General to familiarize itself with the particular issues relating to the legal matters in question, as well as the FCC and FAA rules and regulations involved.
- While Kanawha County is the geographic area where WVPB is located, the nature of the legal services allow them to be performed outside of the geographic area.
- It is critical for WVPB to maintain the legal services in question, as failure to comply with the FCC and FAA rules and regulations in question could result in thousands of dollars in fines for the WVPB, or even jeopardize WVPB's ability to broadcast.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services at this time.

Accordingly, the Attorney General authorizes the appointment of outside counsel(s) for these legal matters pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004. Further, the current appointments of outside counsel made pursuant to RFP's 45 and 46 are hereby extended until such time as a written determination is issued appointing outside counsel pursuant to RFP's 56 and 57 issued pursuant to this written determination.

A handwritten signature in blue ink, appearing to read 'A. Martin', is written over a horizontal line.

Anthony P. Martin
Chief Deputy Attorney General

Date Signed: December 21, 2016