

LOUISIANA PUBLIC SERVICE COMMISSION

BUDGET PROPOSAL OF PATRICK MILLER LLC

IN RE SOLICITATION FOR UNDER \$50K BIDS FROM INDEPENDENT COUNSEL TO ASSIST STAFF IN REVIEWING DOCKET NO. X-34674 IN RE DISPUTE BETWEEN WASHINGTON-ST. TAMMANY ELECTRIC COOPERATIVE, INC. (“WST”) AND CLECO POWER LLC REGARDING WST’S EXPIRED FRANCHISE AGREEMENT WITH THE CITY OF SLIDELL.

NOVEMBER 6, 2017

**PATRICK MILLER LLC
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Attention: Patrick H. Patrick, Senior Partner**

We have received the above-referenced request for an under \$50,000 bid. We are familiar with the regulatory and contract issues that may arise. Additionally, Mr. Patrick has been trained as a commercial and civil mediator and is certified as such by the Louisiana State Bar Association. We propose a budget as follows:

\$42,500.00 in professional fees and **\$1,500.00** in out-of-pocket costs or expenses – total of **\$44,000.00**.

We will, of course, make every effort to conclude this matter under budget. Statements for professional services rendered and costs incurred will be rendered monthly and shall specifically identify and describe all work performed, the person performing such work, and the time and charge for such work. Legal services will be billed strictly on the basis of the time actually spent by lawyers and legal assistants in handling this matter. The Firm's statements shall additionally show the total amount billed to date and the authorized original estimate. Bills will be rendered in strict accordance with the Commission's guidelines and expenses shall also be separately disclosed with the proof of such expenses attached.

The Firm anticipates that Patrick H. Patrick will perform most if not all of the work on this matter. He may be assisted by Pierre V. Miller, II, and Laurence R. DeBuys, IV, if necessary. These attorneys bill at rates of \$275.00 per hour. An additional firm attorney who may work on this project if necessary is Steve

Mattesky who bills at \$225.00 per hour. Legal Assistants bill at a rate of \$100 per hour. The Firm will attempt at all times to staff this matter in the most efficient and economical manner and of course to conclude this matter for the lowest possible overall cost.

Please let us know if this budget proposal meets Commission approval. Please do not hesitate to contact Patrick H. Patrick with any questions or comments. Attached are qualifications and a firm resume.

QUALIFICATIONS

Patrick Miller exceeds the minimum requirements set forth in the Solicitation and in the Commission's General Order issued November 10, 2014. The Firm is a Commission approved law firm and has successfully assisted Staff in electric utility matters. The Firm is currently assisting LPSC Staff in the Vinton Public Power Authority matter. A listing of matters in which we have appeared before the LPSC is attached as Exhibit "A."

Representative attorneys of the Firm are admitted to practice before the Supreme Court of Louisiana and have been actively engaged in the practice of law for at least five (5) years. They are admitted to practice before all state and federal courts of the State of Louisiana. They are also admitted to practice before various federal appellate courts, including the Supreme Court of the United States. The Firm and its attorneys have extensive experience in contract review, negotiation,

regulatory compliance and commercial litigation, including proceedings before administrative law judges and federal and state agencies, commissions, and boards. Mr. Patrick is a trained commercial and civil mediator and is certified as such by the Louisiana State Bar Association. The Firm is experienced in participating in cases involving public utility regulation, and other regulatory issues on administrative and judicial levels. The Firm possesses a thorough understanding of the Commission's business and governing regulations. Neither the Firm nor its members are engaged in any representation that could result in a conflict of interest. The Firm has professional liability insurance providing coverage in the amount of \$2,000,000.00 per claim.

FIRM RESUME

PATRICK MILLER LLC

PATRICK MILLER LLC is a full-service, solutions-oriented business and defense litigation law firm that is AV-rated by Martindale-Hubbell, its highest rating. Since 1997, our attorneys have provided the highest quality of legal services effectively and efficiently. The members of our firm have excellent academic credentials and continue to distinguish themselves professionally. With decades of experience, our attorneys handle a variety of transactional, civil litigation and regulatory matters, with an unwavering focus on the client's best interests.

SELECTED BIOGRAPHIES (FIRM LAWYERS PARTICIPATING IN LPSC WORK)

Patrick H. Patrick graduated from the University of South Alabama and from Tulane Law School in 1984, where he served as articles editor for the Tulane Law Review. He has held a Martindale-Hubbell rating of “A/V Preeminent” since 1998. Prior to the formation of Patrick Miller LLC, Pat was a partner at one of the largest New Orleans law firms. Pat’s practice includes regulatory, insurance, and maritime issues. He also has a commercial litigation practice that includes intellectual property and antitrust cases. Pat has been trained as a commercial and civil mediator and is certified as such by the Louisiana State Bar Association. Pat is admitted to the United States Supreme Court, the United States Court of Appeals for the Fifth Circuit, the United States Court of Appeals for the Sixth Circuit, and all federal and state courts in the state of Louisiana. He has handled matters before agencies such as the United States Custom Service, the United States and Louisiana Departments of Labor, the United States Trademark Trial and Appeal Board, the Louisiana Insurance Commission, the Louisiana Commission on Public Ethics, all gaming regulatory agencies in Louisiana and Mississippi, and the Louisiana Department of Public Health. He is a registered lobbyist in Louisiana. Pat is a member of numerous professional organizations including the Defense Research Institute, Louisiana Association of Defense Counsel, and Association of Average Adjusters of the United States. He is past president of the New Orleans Propeller Club and currently secretary of the International Propeller Club of the United States.

Pierre V. Miller II received a finance degree from the University of Notre Dame and a juris doctorate with *honors* from Tulane Law School in 1986. Pierre served as a law clerk for the late Earl E. Veron, United States District Judge, Western District of Louisiana. Prior to founding Patrick Miller LLC, Pierre practiced at one of the largest New Orleans law firms, where he gained invaluable experience and extensive training. He is an experienced litigator who has handled bankruptcy, commercial litigation, and business tort cases in areas including intellectual property infringement and misappropriation, construction, contract, insurance, collections, breach of fiduciary duty, professional malpractice, maritime, and trade regulation at all levels of the state and federal court systems. Pierre handles successions and estates and related succession litigation. He advises clients on oil and gas and other transactional matters, including business formations and the negotiation and drafting of contracts and other instruments. Pierre has been named to Louisiana’s 2008 and 2009 lists of *Super Lawyers* for Business Litigation and to the 2009 and 2010 lists of *Super Lawyers* in its *Corporate Counsel Edition* for Business Litigation.

Laurence R. DeBuys IV is a 1984 cum laude graduate of Tulane University Law School, where he was a member of the Tulane Maritime Law Journal and served as its Research Editor. He is a member of the State Bars in both Louisiana and Texas and is also admitted to practice before all Federal Courts in Louisiana and the United States District Court for the Southern District of Texas. He is also admitted to practice before the United States Supreme Court. Larry's practice has involved primarily maritime and admiralty litigation, and he has extensive experience in defending vessel owners, P&I clubs, and other insurers against seamen and longshoremen personal injury claims. He has handled numerous vessel collision and allision cases both on behalf of vessel owners and on behalf of the owners of maritime facilities. He has also handled numerous cargo matters, including cases that involved detailed evaluation of charter parties, bills of lading, the Carriage of Goods by Sea Act and the Harter Act. Additionally, Larry has both litigated and performed transactional work regarding vessel construction and offshore service contracts. Larry holds an AV rating from Martindale-Hubbell.

Steve Mattesky received a Bachelor of Arts degree in Journalism and European History from Washington and Lee University in 1978. He attended Tulane University School of Law where he served on the Law Review and was awarded his Juris Doctorate in 1981. Following graduation from law school, he was commissioned a Captain in the U.S. Army Judge Advocate General's Corps where he served from 1982-1986 as an administrative/environmental law attorney and criminal prosecutor. Upon completion of his tour of duty with the military, Steve joined the firm of Terriberry, Carroll and Yancey specializing in the practice of admiralty, maritime and insurance defense litigation. Steve is a member of the Louisiana State Bar Association and the Southeastern Admiralty Law Institute. He is admitted to practice before the United States Court of Appeals for the Fifth Circuit, United States District Courts for the Eastern, Middle and Western Districts of Louisiana, all Louisiana state courts and the United States Court of Military Review.

REPRESENTATIVE CLIENTS

Advanzeon, Inc.
Allvend, Inc.
Agility Project Logistics, Inc.
ArtEgg, LLC
Audubon Engineering, Inc.
Audubon Engineering Co., LLC
Bayou Bakery, LLC

Bituminous Casualty Corporation
CHS, Inc.
Chilly's, LLC
Community Living Alternatives, Inc.
Darling Industries
Dominie, LLC
Energy Partners, Ltd. (EPL)
FFE Transportation Services, Inc.
Global Construction & Equipment, LLC
Griffin Industries, Inc.
Heartland Wisconsin Corp.
Liberty Mutual Insurance Company
Latino Farmers Cooperative of Louisiana, Inc.
Louisiana Commerce & Trade Association
Louisiana Public Service Commission
MITEL, Inc
National Loss Control Management
NCC Financial, LLC
New Orleans School of Gaming and Bartending
Pacific Cycle, Inc.
Pilot Automotive, Inc.
Pontchartrain Capital, LLC
Provencher Claims Management, LLC
Power Great Lakes, Inc.
RLI Insurance Company
Seagull Marine, Inc.
Superior Equipment Corporation
Transoceanic Shipping, Inc.
Transoceanic Trading & Development, LLC
Traveler's Insurance Company
Underwriters Indemnity Company
Veteran's Administration of the United States

EXHIBIT “A”

OVERVIEW OF PATRICK MILLER LLC’S APPEARANCES BEFORE THE LOUISIANA PUBLIC SERVICE COMMISSION

The following is a summary regarding our law firm’s appearances before the Louisiana Public Service Commission:

In 1994, we represented Allvend, Inc., a Customer Owned Coin Operated Telephone (“COCOT”) operator in the matter entitled, “Louisiana Public Service Commission v. Paytel Enterprises, Inc. and USA Telecom, Inc.” Docket No. U-20939 on the docket of the Louisiana Public Service Commission. Allvend intervened with a complaint against both Paytel Enterprises, Inc. (“Paytel”) and USA Telecom, Inc. (“USA Telecom”), alleging defamation and many anticompetitive acts. The Commission found Paytel and USA Telecom committed the violations, imposed fines, required a security bond, and issued cease and desist orders against both defendants. Since then we have not represented a private party before the LPSC.

In 2010 we were awarded representation of Commission Staff in a fuel audit of CLECO. Our involvement was minimal given the resolution of all significant issues by Staff.

In 2016, we represented Staff in a fuel audit of Legacy EGSL, Docket No. U-32245. We were extensively involved in the matter, which concluded with a settlement under which ELL refunded \$5.044 million to LPSC-jurisdictional Legacy EGSL customers.

We assisted Staff in the “Dry Cask” matter, Docket No. U-34298, concerning FAC recovery of certain expenses incurred in connection with dry storage of spent nuclear fuel and refunds to customers when the utility recovers from DOE for breach of DOE’s contractual obligation to dispose of spent nuclear fuel. A satisfactory settlement was reached.

We are currently assisting Staff in Docket No. U-34332, *In re Review of Special Order 01-2001 to determine if it remains in the best interest of Louisiana Ratepayers*. This complex matter remains under consideration by Staff and consultants.