

**LOUISIANA PUBLIC SERVICE COMMISSION**

**PROPOSAL OF PATRICK MILLER LLC**  
**IN RESPONSE TO RFP 22-8**

**RFP 22-8 – DOCKET NO. X-35741, CONCORDIA ELECTRIC COOPERATIVE, INC., POINTE COUPEE ELECTRIC MEMBERSHIP CORPORATION, AND SOUTHWEST LOUISIANA ELECTRIC MEMBERSHIP CORPORATION – IN RE: REQUESTS FOR PROPOSALS FOR POWER PURCHASES CONTRACTS AND/OR GENERATING CAPACITY PURSUANT TO THE COMMISSION’S MARKET BASED MECHANISMS ORDER.**

**FEBRUARY 9, 2022**

**PATRICK MILLER LLC**  
**400 POYDRAS STREET, STE. 1680**  
**NEW ORLEANS, LOUISIANA 70130**  
**TELEPHONE: (504) 527-5400**  
**FACSIMILE: (504) 527-5456**  
**WWW.PATRICKMILLERLAW.COM**  
**Attention: Patrick H. Patrick, Senior Partner**

## QUALIFICATIONS

This proposal is submitted in response to Request for Proposal (“RFP”) 22-8. This RFP for outside counsel to assist Staff first concerns docket no. X-35741, in which three Louisiana co-ops, Concordia Electric Cooperative, Inc. (Concordia), Pointe Coupee Electric Membership Corporation (PCME), and Southwest Louisiana Electric Membership Corporation (“SLEMCO”) are soliciting and evaluating bids in an RFP process conducted pursuant to the Market Based Mechanisms (MBM) Order to select resources to supply electric power beginning on April 1, 2025. As we understand it, each co-op currently purchases electric power from Cleco Cajun. Those contracts are set to expire on March 31, 2025. This RFP for outside counsel to assist Staff includes representation in the certification dockets anticipated to follow selection by each co-op of a generation resource or resources, which may or may not be the same for the three co-ops. Issues involved will be addressed in the “Proposal” section below. Patrick Miller LLC (“Patrick Miller” or the “Firm”) respectfully proposes to assist the Commission’s Staff with the referenced “X” and TBA certification dockets.

Patrick Miller exceeds the minimum requirements set forth in RFP 22-8 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. Representations of particular significance, because they involve issues and analysis pertinent to the issues and analysis that will be presented by

this docket, are Patrick Miller's current representation of Staff as outside counsel in Docket No. U-35927 concerning 1803 Electric Cooperative's request for certification of a PPA portfolio under the 1983 General Order and the Market Based Mechanisms Order, and the Firm's recent representation of Staff as outside counsel in Docket No. U-35324 concerning SWEPCO's application for certification and approval of the acquisition of certain wind power generation resources. A full 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.

The Firm is experienced in public utility regulation and other regulatory issues on administrative and judicial levels, including the presentation of direct testimony, reports, preparation of written discovery and responses, assistance in developing cross examination of adverse witnesses, analysis of comments and exceptions filed to recommendations, and taking and defending depositions. The

Firm is experienced in the presentation of recommendations involving public utility regulation, and other regulatory needs on administrative and judicial levels.

The Firm possesses a thorough understanding of the Commission's business and governing statutes and regulations. The Firm has a working knowledge of the Commission's ratemaking and jurisdictional issues, and applicable Commission and Federal regulations. As a result of the Firm's extensive business practice, Patrick Miller has considerable experience in cases involving accounting, taxation, depreciation, and other regulatory issues.

The Firm's attorneys have successfully litigated before the Commission; however, the Firm currently does not represent any private clients before the Commission. Neither the Firm nor its members are engaged in any representation that could result in a conflict of interest.

We have examined the "Overview," the "Scope of Representation," requirements of outside counsel, and all sections of the RFP, including the eight factors listed as particular requirements for this docket. We are thoroughly versed in the application of the 1983 General Order and the MBM Order to the RFP process and certification dockets and indeed have briefed and litigated many issues parallel to those in this docket in the recent contested 1803 hearing. We are confident that we can effectively handle all tasks required to assist Staff. We also respectfully submit that we are in a unique position to provide cost-effective representation and build upon the services we have recently provided to the

Commission given our experience and body of knowledge gained in the 1803 matter. Additionally we have frequently and successfully assisted the Commission Staff in matters in which we have worked alongside UPC as Staff Consultant (including the referenced SWEPCO Wind matter). The Firm has professional liability insurance providing coverage in the amount of \$2,000,000.00 per claim, as demonstrated by the attached Declarations Page.

### **PROPOSAL**

With certain exceptions not pertinent here, an electric public utility cannot add or acquire new generation resources without certification from the LPSC that the public convenience and necessity would thereby be served. The primary, but not sole, pertinent Commission Orders providing guidance for the process and goals of such acquisition are the MBM Order and the 1983 General Order, as amended and supplemented.

As pertinent here, the MBM Order outlines the processes and steps to be followed by an electric utility in seeking a source or sources to supply it with electric power. Those processes and steps are conducted within an “X” docket of this Commission, and here that is docket no. X-35741. Again as pertinent here, the MBM Order requires, as a default setting, that an electric utility employ an RFP process to seek bids for that supply. Paragraph 11 of the MBM Order states:

The electric utility shall conduct its planning and RFP process with the objective being the provision of reliable electric service at lowest reasonable cost. The selection of projects or purchase power contracts

also may consider public interest criteria such as: project or contract risk attributes; fuel diversity; and other factors deemed relevant.

In preparing this response, we have of course reviewed docket no. X-35741. The three co-ops have employed Daymark Energy Advisors to assist them in the RFP process and we have additionally reviewed Daymark's website and in particular the information on the RFP process to date available at <https://lacoopsrfp.daymarkea.com/>. A draft RFP was filed in docket no. X-35741 on September 25, 2020. The required technical conference was held on November 30, 2020. A final RFP was issued on January 18, 2021. We have reviewed that RFP. As we understand it, the stage at which the RFP process now stands is that final bids have been submitted and the three co-ops will be selecting resources to present for certification. Thus, counsel that is selected pursuant to this RFP for outside counsel to assist Staff will likely need to assist Staff and Staff's consultant, UPC, in any legal issues that arise in connection with selecting generation sources and ensuring compliance with the MBM in the notification process of selected and non-selected bidders.

As touched upon previously, the three co-ops may or may not select common resources. Whatever is selected by each may be a full requirements PPA or a portfolio of contracts/generation sources. Thus, it cannot be determined at this point how many contracts and issues will be a stake in the three certification proceedings, and who may or may not intervene and on what bases. However, if

awarded this bid, Patrick Miller will work with Staff and UPC to review the process followed in docket X-35741 and whatever is identified and submitted for potential certification for compliance with the cited Orders and all other legal aspects. We understand that each docket is unique, but we expect, given our experiences in the 1803 docket, that in addition to the usual scrutiny for compliance by the applicants with the 1983 and MBM orders in their selection process, significant issues might be presented in certification proceedings concerning not only the adequacy and appropriateness of the resources selected but also effects on grid reliability and the larger market.

If awarded this bid, we will analyze all actions and alternatives for compliance with existing laws, regulations, Orders, and court decisions, and perform whatever legal research is requested by Staff. We will assist in the preparation of testimony for Staff and review and analyze testimony and exhibits presented by the applicant and intervenors. We will assist in discovery and depositions, as well as formal and informal meetings and conferences. We will assist in drafting any recommendations on certification and internal position papers. We will represent Staff at all proceedings before the ALJ and appear at all Commission meetings as needed. We agree to all requirements in the "Scope of Representation" in the RFP and of course will always address all issues and queries from Staff or the Commission.

We understand that the estimated period of representation in this matter is approximately eighteen to twenty months, and we expect that the actual timeline can vary quite significantly depending in part on the variances and complexity of resources selected by the three co-ops. We understand that Staff ultimately decides the tasks and ordering of tasks in a matter such as the present, but our proposed timeline/plan of action is as follows:

1. Assist in completion of “X” docket and selection and notification process – six months estimated.
2. Review/assessment of the certification filings including application materials and pre-filed testimony; meetings with Staff and UPC on the issues presented and possibly meeting with Commissioners as needed to assess concerns, objectives, issues, and a plan of action; legal research and potential internal memoranda are included – two months (may continue through subsequent periods as well).
2. Assist Staff and UPC in data requests and preparation of initial Staff testimony – three months (data request tasks will likely continue thereafter as well).
3. Review intervenor testimony (if any) and assist Staff in preparation of Cross-Answering testimony – two months.
5. Review Rebuttal Testimony and plan depositions – three weeks.
6. Depositions and finalization of written discovery – one and one-half months.
7. Trial preparation and drafting of dispositive motions – one month.



8. Joint Pre-Trial Order and prepare and file Pre-Trial Brief on behalf of Staff – one week.
9. ALJ trial or trials -or- completion of stipulated settlement agreements if any – two months.
10. Post-trial briefing as necessary.
11. Appearing at B&E meetings - throughout.

**NOTE** – while this proposed schedule and the proposed budget cap below anticipate overlaps and savings of effort given the likelihood of common issues plus the Firm’s considerable “head start” gained in 1803, three separate certification proceedings that may or may not be supported by Staff with three potentially differing selections of resources to be submitted by applicants for evaluation by Staff and vetting in certification proceedings present many variables. The Firm’s proposed “not to exceed” budget must take into consideration the risk to the Firm of a possible scenario that could include three separate contested trials, complex and differing portfolios proposed by each co-op that may or may not be supported for certification by Staff, and vigorous objections and participation by intervenors. Obviously, to the extent that a common resource or resource portfolio is selected, what is selected is not complex, stipulated settlements are reached, and/or interventions are less fiercely pursued than in 1803, the “cap” presented below should likely far exceed *actual* fees and costs incurred.

## BUDGET

Patrick Miller proposes to complete all actions for the scope of representation as set forth in the RFP within a total budget not to exceed:

\$205,995.00 in professional fees and \$7,495.00 in out-of-pocket costs and expenses.

Statements for professional services 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 and Pierre V. Miller II will perform most of the work on this matter. These primary attorneys will bill for this LPSC work at rates of \$275.00 per hour, **which is a discount below our standard hourly rates**. Additional attorneys who may work on this project are Laurence R. DeBuys IV who will also bill at a **discounted** rate of \$275.00 per hour and Steve Mattesky who will bill at a **discounted** rate of \$225.00 per hour. Legal Assistants (Paralegals) will bill recordable time (if any) at a **discounted** rate of \$100 per hour.

The Firm will attempt at all times to staff this matter in the most efficient and economical manner.

## **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 PRACTICE AREAS**

Our attorneys are well-versed in a variety of business law matters. The following is a sample of our areas of practice:

**GENERAL COMMERCIAL, CORPORATE AND SECURITIES** - We provide strategic counseling to our business clients and handle general business matters including commercial transactions, negotiating and drafting commercial contracts, and advising clients regarding corporate governance matters. Our firm offers legal services for business entities, such as the formation and organization of corporations, partnerships, limited liability companies, registered limited liability partnerships, and non-profit corporations, as well as advice and legal services for mergers & acquisitions, asset transfers, stock transfers, fiduciary responsibilities of officers, directors, partners and members. In addition to counseling business clients regarding these matters, we also represent our business clients in state and federal courts in suits for business torts, unfair trade practices, breach of contracts, and other claims based on Louisiana's commercial and corporate laws. We have represented clients in SEC investigations. Our attorneys are experienced in private

equity and venture capital, corporate finance, securities offerings and compliance. We work with many "startup" businesses, and assist companies with contractual, documentary and regulatory issues confronting new companies. We help out-of-state businesses relocate to Louisiana or set up operations in Louisiana.

**GENERAL LITIGATION** - We handle contract cases, redhibition claims, software defect claims, intellectual property litigation (patents, trademarks, and copyrights), and antitrust suits. We pursue compensation liens and third party recovery, and defend against intentional tort claims asserted against employers and their insurers. Our firm has extensive experience in representing manufacturers and sellers in products liability cases concerning alleged product defects, namely, manufacturing defects, design defects, defective and inadequate warnings and failure of express warranty. We are proud of our ability to take on unusual and complex matters on behalf of our clients. We do not shy away from difficult cases or convoluted transactions.

**MARITIME, SHIPPING AND LHWCA** - Our firm has expertise in maritime, shipping and LHWCA matters. We have defended vessel owners, ship builders and repairers, oil companies, service contractors, dock owners, manufacturers, and insurers against maritime personal injury and death claims, seamen's claims, LHWCA claims, DOHSA claims, and wage claims. We have represented cargo, carriers, and underwriters in cargo loss or damage cases concerning ocean, inland marine, rail, and highway carriage. Our attorneys have handled vessel collisions and wave-wash claims, and have sought third party recovery for LHWCA underwriters including Total Marine reimbursement claims. We defend vessel owners and maritime employers against claims brought by seamen. Our attorneys routinely handle sales of ships and seizures of vessels. We additionally handle maritime contract issues including charter parties and bills of lading.

**OIL & GAS** - Our firm has provided advices to exploration and production companies and energy sector contractors regarding acquisitions & divestitures, farmouts, procurement issues such as master service agreements, and charter party agreements.

**BANKRUPTCY & CREDITOR RIGHTS, FINANCE AND BANKING** - We provide legal services and advice in connection with financing transactions, loan agreements, security devices, UCC transactions, defense of preference actions, debt enforcement, collections, workouts, debtor-creditor rights, lender liability

defense, asset acquisition and disposition, banking and lending, real estate transactions, bankruptcy law, equipment leasing and financing, insurance, liens and privileges, letters of credit and negotiable instruments.

**INSURANCE DEFENSE AND COVERAGE** - We defend both insured and self-insured businesses against tort claims, and represent insurers and insureds in coverage disputes. Our attorneys offer advice on coverage issues and appear before the Louisiana Insurance Rating Commission and the Commissioner of Insurance concerning classification disputes. We also handle litigation over premium audits and the amount of additional premium or return premium due. We also represent employers and their insurers against claims brought by employees, including state and federal workers' compensation claims.

**REAL ESTATE** - Our firm has handled commercial and residential real estate transactions of all types, including transfers of title, donations, leases, mortgages and other financing instruments. We have handled litigation involving real property, including redhibition suits, acquisitive prescription suits, boundary actions, suits to quiet title and partition actions. We have defended real estate brokers, agents and lenders against claims of fraud, negligence, breach of fiduciary duty and malpractice.

**ENTERTAINMENT LAW** - Our attorneys have provided counsel regarding contracts, transactions, and litigation for film, culinary, music industry and Mardi Gras industry clients.

**INTELLECTUAL PROPERTY** - In addition to general business planning and strategic counseling, we have litigated patent infringement cases, and Lanham Act and common law trademark issues in federal court and we have handled cancellation proceedings before the United States Patent and Trademark Office. We have also litigated "advertising injury" coverage issues under CGL policies in connection with trademark and copyright claims. Our firm has handled litigation over allegedly defective software, worked on regulatory matters for Internet Service Providers, drafted licenses for "e-businesses," and worked on internet copyright and domain name issues. We have handled the registration of new trademarks with the United States Patent and Trademark Office.

**WORKERS' COMPENSATION** - We have defended employers and insurers against state compensation claims, pursued compensation liens and sought third party recovery, asserted second injury fund claims, and defended against

intentional tort claims. We have also pursued and defended borrowed employment contribution claims, and statutory employment indemnity claims.

**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 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 CASES

Below are representative sample cases handled by the Firm's attorneys.

We successfully defended the insurer and TPA in a landmark Louisiana decision on tort liability to a workers' compensation claimant for alleged "bad faith" claims handling. *Livaccari v. Alden Eng'g*, 808 So. 2d 383 (La. App. 1st Cir. 2000).

We won coverage for a business assured in the leading Louisiana case on "advertising injury" coverage under a CGL policy. *Carnival Brands v. AGLI*, 726 So. 2d 496 (La. App. 5th Cir.), writ denied, 740 So. 2d 636 (La. 1999).

We represented a casino's limited partner in AAA arbitration with the general partner over accounting issues, resulting in a \$5.673 million payment to our client.

Originally retained as local counsel to defend against claims of patent infringement, trademark infringement, and trade dress misappropriation, when our responsibilities were expanded to include discovery of the plaintiff's damages expert, we succeeded in obtaining a pre-trial order disqualifying plaintiff's damage expert from testifying at trial. After entry of a trial court judgment in favor of the plaintiff exceeding \$1 million, we were asked to take on a more significant role in appealing the judgment to the Federal Circuit Court of Appeal. The Federal Circuit reversed and remanded the case for further proceedings. Asked to take over as lead counsel for the defense, our firm was instrumental in obtaining a favorable settlement for our clients after the first day of trial. *Hartco Engineering, Inc. v. Wang's International, Inc., Pilot Automotive, Inc., Pep Boys-Manny, Moe & Jack, Inc. and Overton's, Inc.*, 04-1480 (Fed. Cir. 7/25/2005), 142 Fed. Appx. 455, 2005 U.S. App. LEXIS 15194 cert. denied, 546 U.S. 1172 (2006).

We represented the General Partner in the negotiation of the terms of the formation of a partnership involving contributions to the partnership and financing totaling over \$28 million for the construction of a low income housing complex in New Orleans consisting of 41 buildings and 164 apartment units. Our representation



also involved negotiations and drafting of construction loan agreements, permanent financing agreements, construction contracts, and government grant agreements.

We have successfully defended an individual guarantor and his assets against the multimillion dollar claims for indemnification of losses incurred by the issuer of performance bonds to a failed construction company. *Reliance Insurance Co. v. River Road Recycling, Inc.*, 2003 U.S. Dist. LEXIS 9196.

We have successfully represented landowners in the enforcement of their rights under mineral leases.

We have successfully advised our clients on the structure of the acquisition of substantially all of the assets of a failing Louisiana business to protect our client and the acquired assets from the claims of the creditors of the failing business.

We have successfully represented both buyers and sellers in redhibition actions and actions for breach of warranty involving products as varied as computer software systems to residential properties. *Connell v. Davis*, 06-09 (La. App. 5th Cir. 10/17/2006), 940 So.2d 195, writ denied, 948 So.2d 125 and 178 (2002).

We have extensive experience in handling successions and in representing our clients in related litigation. *Succession of Faget v. Faget*, 2005-1434 (La. App 1st Cir 6/9/2000), 938 So.2d 1013, writ denied, 941 So.2d 40 (La. 11/6/2006) and *Succession of Faget*, 2008-2422 (La. App. 1st Cir. 12/23/2009), 2009 La.App. LEXIS 2189.

In a “borrowing employer” LHWCA case, we gained reimbursement for the lending employer over the borrower’s objection that a contract barred the claim. *Harbor Constr. v. Global Fabrication*, 2008 La. App. LEXIS 1306 (La. App. 4th Cir. 2008).

In a “borrowing employer” state compensation claim, we recovered contribution for the lender over the borrower’s contention that the parties agreed to a different allocation. *Omega v. Thornco*, 2008 La. App. LEXIS 1156 (La. App. 1st Cir. 2008).

We represented a seafood processing equipment manufacturer in the last round of litigation with another manufacturer and achieved a global settlement that ended, on mutually beneficial terms, over 40 years of antitrust and patent infringement litigation between the parties.

We represented the employer in a state workers' compensation case in which the appellate court held that a claimant loses the right to benefits by failing to follow physician instructions to engage in "work hardening." *Williams v. BET Constr.*, 857 So. 2d 629 (La. App. 1st Cir. 2003), *writ denied*, 862 So. 2d 994 (La. 2004).

Our attorneys successfully defended a health insurer who cancelled two insurance policies, the first for failure to pay the premiums timely and the second for false and material representations in the application. *Viada v. Blue Cross of Louisiana*, 8871 (4/12/1988), 524 So.2d 101.

We have successfully represented a distributorship in an action against the manufacturer for wrongful termination of the distributorship agreement. *Bath v. Hi-TECH International, Inc.*, 97-434 (La. App. 5th Cir. 11/12/1997), 704 So.2d 292.

We organized, and handled securities issuance and corporate finance for a publicly-held offshore production company headquartered in New Orleans.

Please note the appearance in 1994 of the Firm before the Commission as described in Exhibit "A" hereto. The firm has not represented any private clients before the Commission since such time and does not currently plan to do so.

### **REPRESENTATIVE CLIENTS**

Advanzeon Solutions, Inc.  
Agility Project Logistics, Inc.  
Audubon Engineering, Inc.  
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  
Grupo Forcca S.A. de C.V.  
Heartland Wisconsin Corp.  
Liberty Mutual Insurance Company  
Latino Farmers Cooperative of Louisiana, Inc.  
Louisiana Public Service Commission  
Marquette Transportation Company Gulf-Inland, LLC  
MITEL, Inc

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.  
Transoceanic Shipping, Inc.  
Transoceanic Trading & Development, LLC  
Traveler's Insurance Company  
Underwriters Indemnity Company  
United States Department of Agriculture  
Veteran's Administration of the United States  
Zurvita Holdings, Inc.

## EXHIBIT “A”

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

In 1994, we represented Allvend, Inc., as intervenor in “Louisiana Public Service Commission v. Paytel Enterprises, Inc. and USA Telecom, Inc.” Docket No. U-20939. 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 assisted Staff in the “Dry Cask” matter, Docket No. U-34298, concerning FAC recovery for dry storage expenses of spent nuclear fuel and refunds to customers from DOE.

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.*

We assisted Staff in Docket No. X-34696, *In re Review and/or facilitation of relocation of certain electric service lines located at the Slidell Municipal Airport in order to facilitate airport expansion.*

We assisted Staff in Docket No. U-34860, *In re Rules applicable to electric service providers’ provision of service to load outside its historical footprint and rates that may be offered for industrial load.*

We are currently assisting Staff in Docket Nos. U-34951, U-35205, and U-35881, *In re Entergy Louisiana, LLC’s Formula Rate Plan Annual Evaluation Reports for Test Years Ending December 31, 2017, 2018, and 2019.*

We assisted Staff in Docket No. U-35324, *In re SWEPCO’s Application for Certification and Approval of the Acquisition of Certain Renewable Resources* (wind power).

We are currently assisting Staff in Docket No. U-35753, *Cleco Power and SWEPCO’s Joint Application to close the Oxbow Mine* and the same applicants’ to-be-filed *Joint Application to Retire the Dolet Hills Power Station.*

We are currently assisting Staff in Docket No. U-35927, *1803 Electric Cooperative, Inc., Ex Parte – In re Application for Approval of Power Purchase Agreements and for Cost Recovery.*

We are currently assisting Staff in Docket No. X-35981, *Investigatory Audit of TESI.*