

THE STATE OF NEW HAMPSHIRE



32

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PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

July 25, 2018

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

Pursuant to RSA 94:6, the Public Utilities Commission respectfully requests that authorization be granted to appoint David J. Shulock as General Counsel (Position #9U141, appropriation #010-081-2812-012), at an annual salary of \$105,128.40, salary Group HH, Step 5, effective upon approval by the Governor and Executive Council.

EXPLANATION

Pursuant to RSA 363:27, the Public Utilities Commission has the authority to appoint its General Counsel for a four year term. The General Counsel provides legal advice to the Commission, represents the agency before the legislature, state, and federal agencies and courts, and is involved in the development and implementation of policy decisions in public utility regulation. It requires an individual who possesses a unique combination of skills and experience.

Mr. Shulock is a graduate of Dartmouth College and Vermont Law School. He has over twenty-three years of utility law experience, beginning his career as a Law Clerk at the Supreme Court of Vermont. For eighteen years, Mr. Shulock's legal practice focused on state and federal regulation of public utilities, telecommunications companies, competitive energy suppliers, and energy generation companies. Mr. Shulock joined the Public Utilities Commission in 2012 as a Hearings Examiner and was promoted to Director of the Commission's Legal Division in 2013. Mr. Shulock has been involved in a considerable number of regulatory actions in the electric, telecommunications, gas, and water industries. As Director of the Legal Division, he supervises a team of five attorneys, providing advice on regulatory issues across all industries, reviewing draft decisions, and managing the daily operations of the Division. The oversight of the Division includes managing the Commission's Clerk's Office and three administrative support staff serving the attorneys. Accordingly, his knowledge of the various and complicated regulatory issues presented in each utility industry is extensive.

RSA 94:6 provides that upon recommendation of the appropriate authority, in this case the Commission, "the governor and council shall establish, after due and proper investigation as to qualification, a different entrance salary within the established range." As Director of the Legal Division, on January 1, 2019, Mr. Shulock's compensation would be \$98,962.50 (LG 34, Step 7), above the minimum of the established range for salary Group HH. Accordingly, in light of his years of previous utility law experience, the invaluable expertise he has

obtained at the Commission and his current compensation level, we recommend that Mr. Shulock be granted an entrance salary of \$105,128.40.

Funds for this request are 100% utility assessed and are available in 010-081-2812-012. Please let me know if you have any questions.

Respectfully submitted,



Martin P. Honigberg
Chairman

David John Shulock, Esq.

LEGAL EXPERIENCE

NH Public Utilities Commission

DIRECTOR OF LEGAL DIVISION SENIOR HEARINGS EXAMINER (2013-present)

- supervise five hearing examiners/staff attorneys and their case management and litigation strategies; a paralegal, a legal research assistant, and a legal secretary;
- coordinate litigation activities of attorneys and paraprofessional staff with the Executive Director and industry division directors to manage case flow and assure the timely issuance of orders;
- supervise hearing room clerking staff and their use of technology to assure an efficient hearing process and development of a record of proceedings;
- administer the Clerk's Office and supervise two clerks with responsibility for managing the Commission's case docketing, central filing, archiving, and tariff administration systems;
- administer the contracting of outside consultants and other professionals;
- draft and edit others' drafts of Commission orders, rules, and policies for issuance by the Commission;
- review files, records, policies, briefs, agency rules, laws and court decisions to advise and recommend actions on legal, policy, and administrative questions to Commissioners and Commission Staff;
- plan, develop, and evaluate staff development and profession skills training programs;
- maintain a non-litigated caseload;
- advise Executive Director with regard to contracting, audit, and personnel issues;
- participate in business process improvement projects to assure efficient use of legal resources and compliance with legal requirements; develop standard operating procedures for the Legal Division, Clerk's Office, hearing room, and Commission generally
- assist the General Counsel as needed.

NH Public Utilities Commission

HEARINGS EXAMINER STAFF ATTORNEY (2012-2013)

- Provided legal advice to Commissioners and Commission Staff, drafted rules and orders, and recommended actions on legal, policy, and administrative questions, primarily in the field of telecommunications law.

OLSON & GOULD, P.C.
(Formerly **BROWN, OLSON & WILSON, P.C.**)

ATTORNEY
(1995 to 2012)

Legal practice focused on (1) state and federal regulation of public utilities, telecommunications companies, competitive energy suppliers, and electric generation companies and (2) state and municipal regulation of solid waste landfills, transfer stations, and recycling centers. Legal activities also included environmental, commercial, and tax litigation, and legislative lobbying on behalf of energy and solid waste companies. Specific legal tasks included:

- Developed in-depth knowledge of state utility regulation within the New England region, electric generation client operations and business plans, and New England region electric generation markets.
- Advised electric generation companies regarding compliance with and avoidance of state utility regulation.
- Tracked modification of state statutes and rules related to electricity generation, siting, environmental requirements, and taxation.
- Evaluated legal effects of pending legislation and rule makings in New Hampshire and Massachusetts, managed lobbying activities, and affected changes in law to maximize client market positions, when possible, in coordination with other attorneys and lobbyists.
- Tracked development and modification of state statutes and rules creating and implementing state-level financial incentive programs for renewable electric generation within the New England region.
- Advised energy generation companies regarding state incentive programs, including legal eligibility, market saturation, and other economic analysis.
- Appealed and negotiated local and state tax abatements for generation facility properties and negotiated payment in lieu of tax agreements.
- Advised landfill-gas to energy facilities regarding siting regulation and state approvals necessary for operation.
- Preserved client market positions by defending electricity purchase contracts entered into pursuant to federal non-utility generation incentive statutes and regulations from state-level attempts to break or reform those contracts.
- Represented intervening parties in utility rate cases and other utility cases affecting the interests of competitive generators.
- Authored numerous articles on competitive generation issues with a focus on state regulation for *Merchant Power Monthly*.

SUPREME COURT OF VERMONT
Judicial Clerk to James Morse, Associate Justice
Judicial Intern to Denise Johnson, Associate Justice

Montpelier, VT

Researched and drafted opinions of the court on issues of employment termination, environmental and land use permitting, criminal procedure, termination of parental rights, and property tax for charitable institutions and public utilities, among others. Supervised interns working at the court for academic credit.

VERMONT LAW SCHOOL
Instructor, Legal Reasoning and Writing

South Royalton, VT

Taught "fundamentals of legal research, reasoning, and writing" to twenty-six first-year law students. Designed writing projects and lesson plans; evaluated students' work. Counseled students on efficient study techniques and test-taking strategies.

EDUCATION

VERMONT LAW SCHOOL

South Royalton, VT

J.D., May 1994, *magna cum laude*

Class Rank: 5 / 166

National Dean's List

Dean's Fellow

Vermont Scholar

General Practice Program Certificate

Member, Faculty Hiring Committee

Member, Vermont Law Review

Vermont Articles Editor; Coordinator, Law as Storytelling Symposium; Note: *Competency Determinations and Probation Conditions for the Mentally Retarded Offender*

Advanced Writing Project: *A Comparative Study of the Enforceability of Exculpatory Agreements in the United States and Great Britain.*

DARTMOUTH COLLEGE

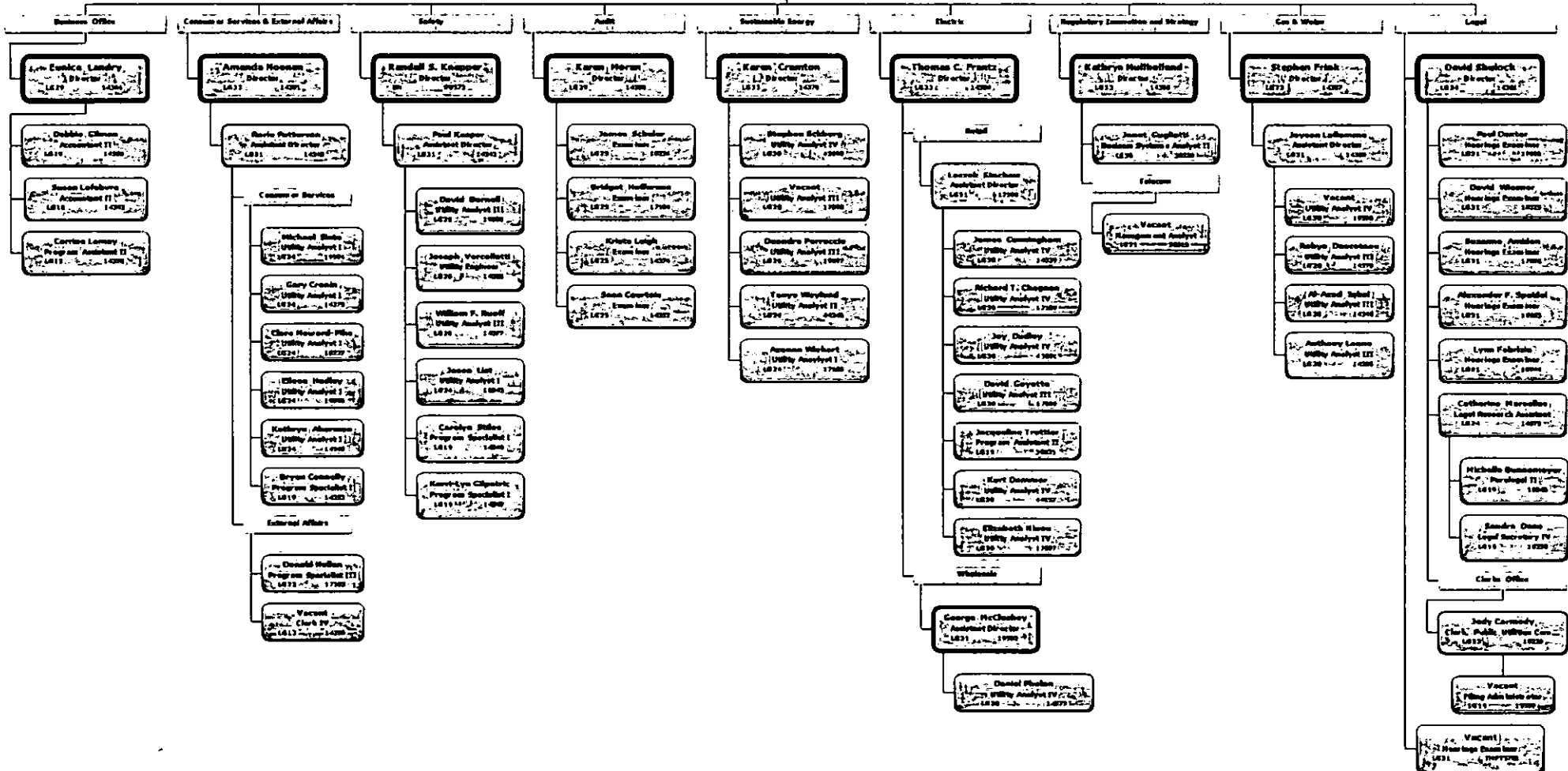
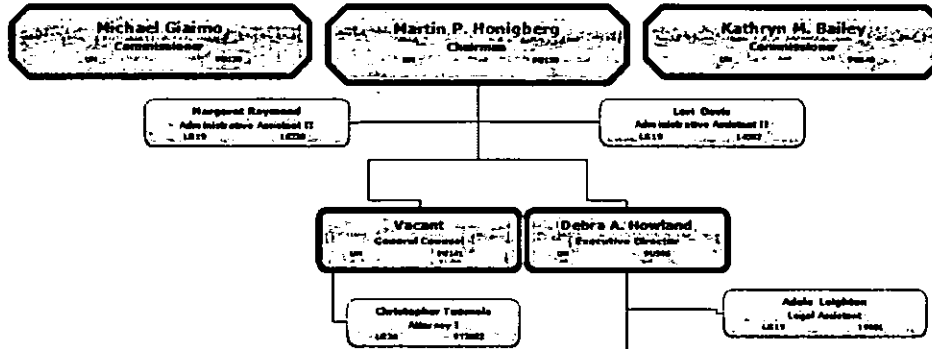
Hanover, NH

A.B. June 1987, Double Major in English and Economics, Minor Concentration in Education. Two Academic Citations of Merit.

BAR AND CIVIC ACTIVITIES

Former Member: New Hampshire Bar Association Dispute Resolution Committee; ***Member and Former Vice-Chair:*** New Hampshire Bar Association Telecommunications, Energy & Utility Law Section; ***Former Chair:*** City of Lebanon, New Hampshire Zoning Board of Adjustment, Building Code Board of Appeals and Floodplain Appeal Board; ***Former Member:*** New Hampshire Business and Industry Assoc. Environmental Affairs Policy Committee and Energy and Regulated Utilities Section; American Bar Association Litigation Section; New Hampshire Trial Lawyers Association, Federal Energy Bar Association; ***Former Board of Directors:*** Project Laundry List.

New Hampshire Public Utilities Commission



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