



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 SHEPHERD UNIVERSITY**

Shepherd University ("Shepherd" or the "University") is seeking legal representation with experience involving regulatory and statutory issues associated with telecommunications as it relates to the Shepherd University Radio Station, and requests permission to re-appoint their existing counsel, Mr. William D. Silva, to continue providing such legal services.

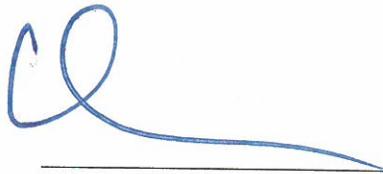
More specifically, Shepherd seeks continued legal counsel to evaluate any and all changes to Federal Communications Commission regulations that may impact the Shepherd University Radio Station, and advise the University as to the appropriate response to any such changes.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAG0-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint Mr. William D. Silva to continue his representation of the University in the matters set forth above for the duration of Fiscal Year 2014, based on the following factors.

- The legal services in question require specialized expertise and familiarity with telecommunications and regulatory law that is not currently possessed by the Office of the Attorney General;
- The needed legal services are not readily available in the geographic area where the attorney services are to be provided (Shepherdstown, W.Va.);
- Mr. William D. Silva is well known for his expertise in telecommunications issues, and has provided ongoing representation to the University since at least 2001;
- Mr. Silva currently charges the University a rate of \$150.00 per hour;
- The needed legal services do not require sufficient time or labor. During the previous four fiscal years, Mr. Silva has never charged the University more than \$975.00 in any given year. And for three of the last four fiscal years, Mr. Silva's legal fees have totaled \$150.00 or less per year;

- The time and cost required of the Attorney General's Office to familiarize itself with the need legal services are greater than the actual time and labor required of existing outside counsel; and,
- The time and cost associated with familiarizing new outside counsel on issues relating to the University's legal needs would exceed the cost of continuing the current legal services, making it more cost-effective and in the interest of the public to allow Mr. William D. Silva to continue his representation of Shepherd for the matters cited herein.

Because this matter involves the continuation of a previous legal appointment, and the appointment of new outside counsel through a request for proposal would not be cost-effective, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to section (D)(2) of Policy #WVAG0-004.



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Daniel W. Greear  
Chief Counsel

Date Signed: August 22, 2013