

**NORTH ATTLEBOROUGH ELECTRIC DEPARTMENT
(NAED)**

REQUEST FOR PROPOSALS

LEGAL SERVICES

DRAFT

The General Manager of North Attleborough (MA) Electric Department (NAED), is seeking a highly qualified attorney/law firm ("Responder") as NAED Legal Counsel.

The successful appointee should meet or exceed the qualifications stated herein and, in general, should be readily accessible to authorized public officials and be exceptionally experienced in all laws and regulations involving Massachusetts Municipal Light Plants (MLPs).

The successful appointee should also be exceptionally experienced in the operation and regulations of the Massachusetts Department of Public Utilities (DPU) - particularly in matters involving "customer protection".

The successful appointee should be knowledgeable and exceptionally experienced in matters relating to power supply, operation of the ISO-NE market, Massachusetts "Clean Energy Standard" and other issues, regulations or statutes which could impact NAED.

The successful appointee should also be familiar and experienced with federal and state regulations involving public and private utilities, including, but not limited to the Federal Energy Regulatory Commission (FERC). The appointee should also be familiar and experienced in Massachusetts municipal laws and regulations, including, but not limited to "Open Meeting Law, "Public Records Act", collective bargaining, zoning and planning issues.

The successful appointee is expected to adhere to a required standards of professional conduct and ethics, and committed to rendering sound legal advice with suitable objectivity and professional detachment.

The anticipated period for the contract is for three (3) years subject to annual renewal at the sole discretion of NAED

Proposals should be received by this office (275 Landry Avenue, North Attleborough, MA 02760) by **December 12, 2017.**

If you have any questions about this Request for Proposals, please contact James C. Moynihan, General Manager at 508-643-6312 or by email at jmoynihan@naelectric.com.

Sincerely,

James C. Moynihan
General Manager

I. Information & Background:

The North Attleborough Electric Department (Department or NAED) is a public utility, established by a Special Act of the Massachusetts General Court in 1894. The Department operates under the provisions of Massachusetts General Law Part I, Title XXII, Chapter 164 “Manufacture and Sale of Gas and Electricity”.

NAED provides electrical utility services to the residents of the Town of North Attleborough, MA, located in Bristol County, MA with a population of 28,712 (2010 US Census).

The North Attleborough Board of Electric Commissioners provides policy direction for the department, as approval over rate and budgetary matters. The Board is comprised of three (3) residents of the Town who are elected to serve three (3) year staggered terms.

The department is overseen on a daily basis by its General Manager.

The Department supplies a combined residential, commercial, and industrial load of approximately **13,326** customers' meters (from 2015 DPU Report, p. 4).

There are over **12,000** residential customers that make up nearly 90% of the NAED customers. NAED System Peak for 2015 was **53.600 Megawatts (MW)** - higher than the 2014 "peak" (which was 50.992 MW, DPU Report, p. 57) “System Load By Circuit – 2015” summarizes circuit load and number of customers for each circuit at the time of the 2015 peak. The historical peak for the past 5 years is as follows:

2011	58.944 MW
2012	58.016 MW
2013	58.048 MW
2014	50.992 MW
2015	53.600 MW

As of December 31, 2015, the department had **13,305** accounts (per bills rendered, December, 2015), and **13,326** customers (DPU Report, P. 4).

Of the **13,305** accounts per bills rendered there were:

- 12,025** (approximately 90.4%) residential customers (rates 1 & 5).
- **1,119** "Commercial & Industrial" accounts (approximately 8.4%) (rates 6 & 7).
- **133** "Municipal" accounts (approximately 1%) (rates 11, 12, 13, 14 and 23).
- **28** Leased Lighting accounts (approximately .2%) (rate 15).

Note that the Leased Light accounts represent customer accounts with leased lighting only. There are approximately 840 leased lights (DPU Report, P. 71) with the majority being billed on existing electric customer accounts (metered kwhs and leased light charges).

With regards to municipal sales, the DPU Report (see pgs. 37 & 57) provides the following information re: Calendar Year **2015**:

Total Purchases: **237,153,977 kWh** (as compared to 237,080,032 kWh in 2014)

Total Sales: **229,901,251 kWh** (as compared to 229,852,908 kWh in 2014)

Sales by Customer Class	Kwh Sales	Percentage (rounded)
Residential:	112,060,253 (2015)	48.74%
	109,113,168 (2014)	47.47%
Commercial & Industrial:	101,969,925 (2015)	44.35%
	105,116,445 (2014)	45.73%
Municipal:	14,846,935 (2015)	6.46%
	14,706,636 (2014)	6.39%
Miscellaneous (includes Leased Lighting):	1,024,138 (2015)	0.45%
	1,016,660 (2014)	0.44%

II. Qualifications of Proposer

NAED requires information that demonstrates the technical capabilities and experience of proposers to undertake this work and to provide appropriate illustrative information, references, and information relative to the proposer's organizational structure, qualifications of its professional staff and experience/expertise to perform the responsibilities identified in this RFP.

Responders to this RFP shall demonstrate an ability to effectively present both verbally, and in writing information and recommendations as required by the Request for Proposal is a necessity.

ADDITIONAL REQUIREMENTS

The successful applicant, shall, at a minimum, and those who serve as back-up to the appointee (see below) must be a member in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts.

EXPERIENCE:

The appointee must represent, or have represented, as Legal Counsel a minimum of two (2) Massachusetts Municipal Light Plants (MLPs) for no less than three (3) years each, or possess equivalent experience. References for all MLPs currently represented or represented in the past ten (10) years by the appointee must be furnished.

ACCESSIBILITY:

The appointee must commit to returning all calls either himself/herself or through a qualified back up within 24 hours of the call. The appointee must also commit, as a general rule, to responding to requests for written opinions within one week unless the circumstances of the opinion warrant a shorter or longer time frame for a response.

BACK UP:

The appointee must have within his or her firm or through an established "of counsel" relationship at least one (1) other qualified attorney available to render advice and otherwise represent the interests of NAED when the appointee is unavailable. In this context, "qualified attorney" shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee.

III. Price

Responders to this RFP should provide information about the hourly billing rate(s) of services for the "appointee" and all other attorneys, and other personnel who would provide services to this account. Additional costs which may be anticipated relative to providing services to this account should also be identified.

It is anticipated that the selected appointee will provide statements for services rendered on a monthly basis. Each statement, if based on an hourly rate for services, must disclose, at a minimum, the date of the service, the identity of the lawyer or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time it took to perform that function, and the hourly rate for the individual performing the function. Expense items must also be itemized.

IV. Selection Process

Selection of an appointee will be based on evaluation by NAED of consultant qualifications, work plan, references, and cost proposal.

NAED will select the appointee which it deems to be in the best interest of NAED and its rate payers.