Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

PUBLIC AFFAIRS

July 22, 2008

In reply refer to: DK-7

Mr. Steven L. Scher
4 Mountain Ridge Dr
Oxford, NJ 07863

RE: FOIA #08-049

Dear Mr. Scher:

This letter responds to your Freedom of Information Act (FOIA) request dated June 9, 2008, to the Bonneville Power Administration (BPA). In your letter, you requested information pertaining to announcement 004070-07-OGC, Attorney-Advisor (General), GS-0905-11/12/13/14. Information you requested includes the ranking list of the applicants for the position, the name, age and date of hire of the successful candidate(s) and their relative qualifications for the position. You also requested a response to your inquiry as to why letters were not sent to the unsuccessful candidates for the position.

Two applicants, Stephanie Konesky and William Bell, were selected from this announcement. The date of hire for Stephanie Konesky was 01/20/08. The date of hire for William Bell was 02/27/08. BPA does not request the age of applicants as part of the application or interview process, and did not do so for this vacancy announcement. There are no documents in the vacancy announcement file that contain date of birth. In response to your inquiry regarding letters to non-selected applicants, it appears that no notifications were sent to any of the non-selected applicants. This was an oversight on our part, as it is a part of our established process to do so.

The documents located by BPA in response to your request were: a list of scores by GS-level ("ranking list") and the applications for the two people selected. Enclosed are the non-exempt portions of these documents. BPA has determined that some of the information contained in these documents should be withheld in whole or part under applicable FOIA exemptions, as explained below.

<u>Exemption 6</u>

With the exception of the your name and the names of the two people selected, BPA is withholding the names of the other applicants contained on the ranking list and from the certificates of best qualified applicants referred to the selecting manager. BPA is also withholding salaries pertaining to non-Federal government employment from both applications and the grade point average (GPA) and school transcripts submitted by Ms. Konesky as part of her application.

5 USC § 552(b)(6) of the FOIA (Exemption 6) protects personnel, medical and similar files from disclosure when the disclosure would result in a clearly unwarranted invasion of personal privacy. This exemption is intended to protect individuals from the injury and embarrassment that could result from an unnecessary disclosure of personal information.

In order to determine whether information should be withheld under Exemption 6, an agency must (1) identify whether a privacy interest exists for the information, (2) identify whether release of the information would further the public interest by shedding light on the operations and activities of the Government, and (3) weigh the identified privacy interests in withholding the information against the public interest in disclosing the information, in order to determine whether disclosure of the information would constitute a clearly unwarranted invasion of personal privacy.

First, we have determined that a privacy interest exists in the information being withheld. Unlike Federal government employees whose salaries must be released under the FOIA, private sector employees have a reasonable expectation of privacy for this information. There is also an expectation of privacy for GPA and school transcripts. GPA and school transcripts are not made available without the specific written consent of a student. If this information were released, it could be embarrassing for these individuals to have others learn their how much money they earned in prior jobs, or what grades they received.

We have also determined that a privacy interest exists in the names of the unsuccessful applicants. Unsuccessful applicants for Federal employment have a different expectation of privacy than applicants that are selected. Persons that apply for these positions may choose whether or not to publicize the fact they applied for a particular position to others. It also can be embarrassing for some people to have others learn they applied for a job but were ultimately not selected. In addition, it could be embarrassing for an applicant to have others learn the scores they received when they were ranked and rated for a particular position. This is especially true in a case where the applicant was not selected for the position.

Second, we have determined that disclosure of this information would not further the public interest. Although there is a public interest in learning the qualifications of a successful applicant, there is little or no interest in learning details concerning applicants who were not selected. In addition, there is no public interest in disclosing non-Federal government salaries, GPA and school transcripts. This information reveals nothing about BPA operations or activities.

If you are dissatisfied with this determination, you may make an appeal within thirty (30) days of your receipt of this letter to Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, Washington, D.C., 20585. Both the envelope and letter must clearly be marked "Freedom of Information Act Appeal."

I appreciate the opportunity to assist you with this matter. If you have any questions about this letter, please contact Laura M. Atterbury, FOIA/Privacy Act Specialist, at 503-230-7305.

Sincerely,

/s/ Christina J. Brannon

Christina J. Brannon
Freedom of Information Act/Privacy Act Officer

Enclosures: Responsive Documents

GS- 14

	Overall
[Exemp 6]	30
[Exemp 6]	34
[Exemp 6]	36

GS - 13	Overall
[Exemp 6]	14
Steve Scher	15
[Exemp 6]	24
Stephany Konesky *	32
[Exemp 6]	33
[Exemp 6]	46
[Exemp 6]	46
[Exemp 6]	47

1/ Lockport, New York

2/ Centerville, Ohio

3/ Savannah, Georgia

* Portland, Vancouver

GS-12	Overall
[Exemp 6]	4
[Exemp 6]	19
William Bell 3/	28
[Exemp 6]	41
[Exemp 6]	38

1/ Lafayette, Indiana

2/ Santa Fe, New Mexico

3/ Portland, Oregon

GS-11 (over 30 overall ratings only; a number of applicants rated below 30 overall not included in this spread sheet)

	Overall
[Exemp 6]	30
[Exemp 6]	31
[Exemp 6]	31
[Exemp 6]	32
[Exemp 6]	34
[Exemp 6]	35
[Exemp 6]	36
[Exemp 6]	37

* Portland/Vancouver

** Atlanta, Georgia

*** Silver Springs, Maryland

COPY

RECEIVED MAR 2007

Stephanie Faith Konesky, *Attorney-CPA*

RECEIVED MAR 30 2007

Position Applied For: Attorney-Adviser (General), GS-905-12/13
Job Announcement Number: 004070-07-OGC
Active Member of Oregon State Bar – 053013 (See attached printout from OS Bar Website)

Education

Juris Doctor, Northwestern School of Law of Lewis & Clark College, Portland, OR *May 28, 2005*

- 86 Credits; Achievements: Earned Federal Tax Law Certificate
- Cumulative [Ex 6] Worked full-time at BPA, while attending Evening Division
- Passed March 2005 Multi-State Professional Responsibility Exam and July 2005 Oregon Bar Exam

Master of Taxation, Portland State University, Portland, Oregon *August 15, 1998*

- 45 Credits: 33 Accounting, 6 Finance & Law, 3 Management, & 3 Public Administration
- Requirements included research projects, writing numerous research papers, & MBA group projects

Bachelor of Science - Accounting/Finance, Montana State University, Havre, MT *May 6, 1994*

- Superior Academic Achievement, Cumulative GPA: [Ex 6]
- Graduated with Departmental Distinction. Member of School of Business Honor Roll: 1992 – 1994

High School Diploma, Centerville High School, Sand Coulee, Montana *May 1989*

Licenses, Memberships, & Volunteer Activities

- **Active Member of the Oregon State Bar, Member No. 053013, Admitted September 22, 2005**
- Certified Public Accountant (CPA) – State of Oregon Board of Accountancy, License No. 9571, Issued March 20, 2000
- Active Member of American Bar Association (ABA) and Multnomah Bar Association (MBA)
- Active Member of American Association of Attorney-Certified Public Accountants (AAA-CPA)
- Active Member of Oregon Society of Certified Public Accountants (OSCPA)
- Active Member of American Institute of Certified Public Accountants (AICPA)
- Volunteer Income Tax Assistance Participant - Assisted university students, the elderly and low-income citizens of the community with preparation of individual income tax returns.

Work Experience

Bonneville Power Administration, ***Office of General Counsel, Corporate, Fish & Wildlife*** **– LC**
Portland, OR 3/4/07 to present
Attorney-Adviser **– GS-510-13 (On Work Detail from FRP)**
Supervisor:
Salary: GS-13, Step 2 - $81,380/Year; Hours per week: 40

- Currently on 120-day Work Detail from Asset Accounting.
- Provide legal analysis in the area of Financing and Federal government contracting and procurement (in accordance with Bonneville Purchasing Instructions - BPI).
- Analyze applicable Federal Law to transactions under contemplation by BPA and prepare memorandums to document legal implications.
- Draft documents in support of settlement negotiations.

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Bonneville Power Administration, ***Asset Accounting*** **– FRP**, Portland, OR 7/1/01 to 3/3/07
Accountant **– GS-510-13**
Supervisor:
Salary: GS-13, Step 2 - $81,380/Year; Hours per week: 40

- Administer the WNP-3 Settlement Exchange Agreement, which includes annual gathering cost data from surrogate nuclear plants and negotiating with Investor Owned Utilities (IOUs) to determine the new rate. Issue annual contract amendments to implement new rate and amount of power to be sold.
- Serve as Financial Team Member of the Slice Contract Implementation Group (CIG). Calculate the Annual Slice True-up Adjustment Charge (based on actual costs versus rate case estimates) to determine additional amount owed BPA by Slice Customers or refund due. Manage Independent Audit (assist by providing requested financial data, policies, etc.) of Slice True-up Adjustment Charge, if elected by the Slice Customer Group. Ensure Slice/Block Contract is adhered to, with respect to these areas. Advise BPA Management on whether certain expenditures should be included or excluded from the Slice True-Up based upon generally accepted accounting principles (GAAP) and the Slice/Block Contract language.
- Served as Witness in the PBL 2007-2009 Rate Case and providing testimony on Financial & Accounting issues related to the Slice Product. Involved in issues such as bad debt expense, capitalization versus expense, and the Slice True-up Cost Table.
- Serve on Slice Financial Subgroup Team to work with Slice and non-Slice Customers in addressing financial concerns and developing a recommendation on the future of the Slice Product.
- Review existing accounting policies, practices and procedures for recording and maintaining plant investment to ensure appropriate use of and accountability for BPA's resources. Develop and implement new accounting policies, as necessary. Monitor expenditures to ensure policy compliance.
- Research, analyze, and interpret GAAP and FERC guidance.
- Develop and implement desk procedures for Asset Accounting to ensure consistency and efficiency for all work processes.
- Conduct management reviews and analysis related to investment, financial & management activities. Determine impacts on BPA financial systems and provide recommendations for improvements.
- Agency expert on application of Allowance For Funds Used During Construction (AFUDC) to capital construction projects.
- *Awards Received*: FY07 Team Award for development of Plant Unit Catalog Reference Guide capitalization tool to assist TBL in properly recording expenditures. FY06 Individual Performance Award for achieving overall "Significantly Exceeds Expectations" rating. FY05 Year-End Group Award for efforts on Capital Indirect Program review project. FY05 Individual Award for efforts on timely administration of WNP-3 Settlement Exchange Agreement. Employee of the Quarter (Teamwork) for FY01 Q4 and FY02 Q1, and various On-the-Spot group and individual award certificates. Certificate of Recognition from TBL for cross-agency efforts for improving the reimbursable program.

PricewaterhouseCoopers LLP, 1300 S.W. Fifth, Suite 3100, Portland, OR 11/23/98 to 3/15/01
Tax Consultant in Tax & Legal Services –
Ending Salary: [Ex 6]Year; Hours per week: 40 - 55

- Developed tax minimization strategies for clients, reviewed client's tax operations and reported on the implications of their actions. Assisted with tax planning issues. Helped to maximize client advantages by overseeing a broad range of tax issues, including acquisitions, IRS examinations, and other transaction-based consulting projects. Prepared and reviewed Subchapter C, Subchapter S, LLC, Partnership & Individual tax returns.
- Trained and coached new tax staff. Prepared and conducted PowerPoint presentations on tax topics.
- *Awards Received*: Team and Individual Incentive Award, October 1st, 2000.

Defense Contract Management Agency, 1220 S.W. Third, Suite 1668, Portland, OR 2/1/95 to 11/21/98
***Contract Specialist* – GS-1102-9:** *Supervisor:*
Ending Salary: $32,426 / Year + Performance Award; Hours per week: 40

- Administered Federal Defense contracts (post-award activity) with Pacific Northwest businesses (primarily high-tech) for Construction, Goods, and Services in accordance with the Federal Acquisition Regulation (FAR). Worked closely with contractors resolving and investigating issues that occurred during contract performance, including timely delivery of product, cost reasonableness, quality assurance, and contract payment. Worked with various types of contracts, including Firm-Fixed-Price (FFP), Basic Order Agreements (BOA), IDIQ, and Cost-Reimbursement Type contracts. Drafted contract modifications of various complexities, including novation agreements, change in delivery dates, location, and contract definitization.
- DAWIA Level I Certified in Contracting (on 11/24/97) – 1 class remaining for Level II Certification.
- Handled post-award activity and contract modifications in accordance with the Federal Acquisition Regulation (FAR) at 49 CFR, Part 52.
- *Awards Received*: Commander's Award for Meritorious Service, November 22, 1998; Sustained Superior Performance Award, April 1997 – March 1998; Member of Team of the Quarter, January – March 1997; Sustained Superior Performance Award, April 1996 – March 1997; Sustained Superior Performance Award, April 1995 – March 1996; Employee of the Quarter, October – December 1995.
- Received Commendation as Distinguished Graduate for excellent performance at training courses.

Defense Fuel Supply (now Energy Support) Center, Ft. Belvoir, VA 10/17/94 to 2/1/95
***Internal Auditor* – GS-0511-07**
Salary: $25,745 / Year, Hours per week: 40;

- Conducted internal audits within the Defense Logistics Agency, covering a range of issues. Handled all aspects of the audit from start to finish, from entrance conference to audit report writing and issuance.
- Attended extensive audit training at U.S.D.A. Graduate School in Washington, D.C. in government auditing, performance auditing, report writing, and briefing techniques.

Stephanie Faith Konesky, Attorney-CPA
Vacancy Announcement #: 004070-07-OGC
Position: Attorney-Adviser, GS-905-12/13

Knowledge's, Skills, & Abilities (KSA's)

1. Knowledge of the federal and state laws, regulations, guidelines and procedures applicable to governmental contracting and procurement.

I meet this KSA through a combination of work experience and federal acquisition training successfully completed while serving as Contract Administrator, GS-1102, for the Defense Contract Management Agency (DCMA). At DCMA, I worked closely with Pacific Northwest businesses who sold goods and services to the Federal Government. I joined DCMA as a GS-5 and served as Contract Administrator for almost four years (just short of promotion to GS-11).

While serving as Contract Administrator for DCMA, I took various classes related to Contract Administration and completed training to achieve a Level 1 Contract Certification under the Defense Acquisition Workforce Improvement Act (DAWIA) through the Defense Acquisition University (DAU). To achieve this Federal Acquisition Personnel Certification in Contracting, I successfully completed CON 101 – Contracting Fundamentals, CON 102 – Operational Level Contracting Fundamentals, CON 103 – Facilities Contracting Fundamentals (for construction and facilities contracting personnel), and CON 104 – Contract Pricing. All of these courses provided the foundation for Federal acquisition for the Department of Defense and were based on the Federal Acquisition Regulation (FAR). They provided a broad understanding of Federal contracting and procurement for goods, services, and construction contracts.

As Contract Administrator, my responsibility areas primarily focused on Firm Fixed Price (FFP) contracts for goods and services, Cost-Reimbursement or Cost Plus Award Fee contracts for Software Development and Research & Development, and Basic Ordering Agreements. The FFP's were typically small-dollar orders for supplies (<$100,000), but I also handled complex contracts including Cost-Reimbursement contracts and Basic Ordering Agreements (BOA's) that required definitization (negotiations and issuance of separate agreements under the BOA). The large contracts ranged up to $5,000,000. Items purchased under contracts covered by my responsibility area ranged from infrared equipment designed for military helicopters from Flir Systems, Inc. to equipment from Tektronix. Flir and Tektronix were the primary contractors covered by my responsibility area. My duties included negotiation of price and issuance of Work Orders and/or modifications post-award. I was awarded for successful negotiations leading to cost savings and for making sure that adequate consideration was made when granting modifications to provide additional delivery time (which was common).

In addition to using the FAR (49 CFR, Part 52) in support of my daily work for almost four years as Contract Administrator, I am also familiar with Uniform Commercial Code (UCC) concepts through various classes taken while in law school. I also chose to write my "B" Paper for law school on Federal government contracting and procurement (see attached writing sample).

Currently, as Attorney-Adviser in the Office of General Counsel, Corporate, Fish & Wildlife – LC (on Detail from Asset Accounting), I have become familiar with the Bonneville Purchasing Instructions (BPI) and how BPA's purchasing authority differs from other federal agencies regulated by the FAR. When applying BPI in my position at Attorney-Adviser, I understand how it provides more flexibility for Federal contracting and procurement than the FAR.

2. Ability to multi-task and maintain flexibility under changing conditions.

I meet this KSA through a combination of work experience as Accountant for the Bonneville Power Administration and through education and classroom participation at the Northwestern School of Law at Lewis & Clark College.

In my position as Accountant in the Corporate Business Line, I administer the WNP-3 Settlement Exchange Agreement (Power Business Line contract executed in 1985). My responsibilities include annual negotiations and rate development that is on a tight schedule. While administering the WNP-3 Settlement Exchange Agreement, I negotiate with two Investor Owned Utilities (IOUs), Avista Corporation and Puget Sound Energy, to develop resolutions to problems and achieve a shared goal. Administering a contract that was drafted 20 years ago often presents unexpected problems since not all circumstances can be contemplated (especially when relying on third parties to provide annual cost information).

Specifically, one problem I encountered during rate setting one contract year involved refusal by one "Surrogate" or model nuclear plant owner (for privacy reasons) to provide cost information necessary to implement the annual contract amendment. Since we rely solely on information provided by the four Surrogate nuclear plants, it was critical that we obtain this information or determine how to best handle "missing information" required for the rate calculation. This was an unexpected problem that required thorough review of the original contract terms. In one case, the method for handling "missing information" was explicitly covered by a contract term. In another, there was no explicit treatment, so an alternate treatment was reached through mutual agreement. I worked closely with the Office of General Counsel Attorney-Adviser in LC to determine the best path for resolution to avoid future litigation that may result from unsatisfactorily handling the annual negotiations and rate setting. The deadline for annual rate setting was approaching quickly, so I proposed using information that was made publicly available on the FERC Form1 to best arrive at the missing figures. This required reprioritization of other critical assignments while researching and gathering cost and operation data on all four nuclear plants going back to 1985. My work product included documents describing the alternate source of information and a spreadsheet comparing past data with that available in the FERC Form 1 and demonstrating how that information was a reasonable substitute. The final outcome was that the IOU's were satisfied with my proposed substitute for critical information and I was successful at negotiating a higher rate since the Surrogate plant that failed to provide information was a more expensive plant (all data provides an average cost and availability factor). Also, further litigation was avoided.

As Accountant and Attorney-Adviser, there is nothing routine about my work and I am constantly required to shuffle projects to meet tight and changing deadlines. As demonstrated by the fact that I worked full-time at BPA while attending law school at night, I am successful at multi-tasking and being flexible to accommodate competing goals and changing deadlines. I am very organized and comfortable working in this type of environment.

3. Experience in litigation involving federal, state or local government contracting and procurement disputes.

I meet this KSA through a combination of work experience and federal acquisition training successfully completed while serving as Contract Administrator, GS-1102, for the Defense Contract Management Agency (DCMA).

While administering Federal contracts for goods, services, and construction, I was involved in disputes over Federal government contracting and procurement. On occasion, a contract was terminated for convenience as prescribed by FAR 49.502(a)(1). Due to a change in technology or budget constraints, the Contracting Officer was required to terminate the contract since it was in the best interest of the Federal government. The contractors were often unhappy since this meant that they would lose out on recovering the anticipated profit on the unperformed services. More commonly, the Contracting Officer would issue a Change Order to modify specifications. In either case, my involvement included trying to resolve the issue through the contract administration process which might include negotiations or modifying the contract and providing consideration for such changes.

My role in resolution of these disputes was to meet with the contractors to negotiate and issue a contract modification to reflect the new deal. On most occasions, I was able to solve problems at the Agency level. On occasion, the issue would rise to a higher level and involve DCMA Attorneys. Although my role was not as Attorney, I was fully aware of the issues related to day-to-day contract administration and had developed a positive working relationship with staff at all levels at companies within my responsibility area. They relied on my willingness to work collaboratively and assist with smooth contract administration. In fact, I received recognition from Flir and Tektronix for my efforts to go above and beyond in resolving issues and making sure final payment was made. Contract invoices required signature by a Quality Assurance Representatives (QAR's), so I often assisted with locating documentation to ensure invoices were paid.

While earning my Level 1 Federal Contracting Certification under DAWIA through the DAU, I gained exposure to common areas for litigation involving Federal government contracting and procurement, so I am familiar with the conditions and forums for resolution. However, based upon my contractor responsibility area and position, I was not directly involved in litigation while serving as Contract Administrator.

4. Ability to work effectively on a team which supports effective interpersonal relationships and communication with a wide variety of personnel within the Agency

I meet this KSA through having established successful working relationships in many capacities.

As Asset Accountant in the Corporate Business Line, I serve a governance function for accounting policies that relate to capital construction. I am the Lead Accountant responsible for ensuring that BPA's Financial & Accounting Policies are being followed. I draft and implement policy and am also responsible for policy compliance. My role is independent of the agency's financial position and my goal is to ensure policies are applied consistently. This creates opposition with Finance staff in the Business Lines since they have an incentive to keep costs low and feel pressure from the Administrator to keep rates low. In order to effectively address all concerns from an agency-perspective, the Office of Finance has established the "Finance-Coordination" Team to ensure open communication and timely address issues that affect the agency as a whole. The desired outcome is that BPA's financial statements are accurate and that Finance staff throughout the agency have a good working relationship.

The "Finance-Coordination" Team members include Finance staff from Corporate, TBL, and PBL. Our mission is to make sure that BPA's policies are followed and that if any disputes come up throughout the year, we discuss them in an open forum and come to resolution. I am the Lead Accountant on Corporate Capitalization Policies, so I represent Asset Accounting in discussions with other agency representatives. A critical time is year-end, when all accounting entries are finalized. Often, my view on how expenditures should be recorded differs with how the Business Line has recorded them (charged as capital costs when they should be expensed). Since the Transmission Business Line (TBL) is heavily construction-oriented, discussions regarding capitalization are frequent and often heated.

This Team has been in place for a couple of years and it facilitates a collaborative effort in addressing accounting policy concerns. Even though policy development cannot always be accomplished through democracy (not everyone will be able to agree), it has been positive to approach accounting treatment of specific items through collaboration and a broad understanding of the nature of the costs. When several groups with different responsibilities are involved, it is important to work together to find the best solution for the agency as a whole. This can only be accomplished when those affected have a voice and can share ideas and concerns for the proposed action and understand how they fit in the big picture. This Team meets regularly on the second Tuesday of each month. When there are divergent or opposing viewpoints on an issue, we often draft our positions and then meet to discuss them and come to resolution. I find that explaining my position and basis (supported by relevant accounting and FERC guidance) for it helps facilitate a discussion and come to an agreement. I provide a recommended course of action based upon current BPA policy, FERC Instructions, or other accounting guidance. If others disagree with my facts or conclusion, I welcome comments and support for another position and always end with a meeting to make sure all relevant information was incorporated.

Continued on next page.

4. (Continued)

I have taken the lead on scheduling meetings and resolving issues within my responsibility area. This collaborative approach has been successful. However, on occasion, an agreement cannot be reached and the Chief Financial Officer (CFO) works with the Business Line Vice Presidents to make a final decision. In those instances, I present my position to the CFO, who then approaches the Business Line representatives to advocate the position of the Office of Finance. My efforts to work with Finance Staff from TBL and PBL, especially when there are opposing and divergent viewpoints, have been well-received. I have received a Certificate of Recognition from TBL for cross-agency efforts in improving the TBL Reimbursable Program and recognition for providing presentations on several accounting subjects to provide an awareness and better understanding of those concepts.

While earning my Juris Doctor and Master of Taxation, I worked with various groups in a classroom setting to develop teamwork skills. Specifically, I attended several MBA courses where the grade depended on the productivity of the team. This required a close working relationship throughout the project to achieve a common goal. I am a team player and encourage involvement of others who might not want to participate.

While earning my Masters Degree in Taxation, I wrote extensive research papers and presented a summary of my topic to my professor and other students. I also experienced teaching class with a group of three other students. This experience helped to establish a solid foundation in effectively expressing technical material to a small group of students and provided exposure to real-life situations and working in a group setting.

As Tax Consultant, I started a committee to handle technical training for incoming Tax Accountants. I selected technical tax topics for training classes, conducted research, prepared PowerPoint Presentations, and created handouts and in-class exercises for presentation to new staff. The classes I taught were technical in nature and were directed at newer tax staff. I also taught more complex classes regarding specialty tax topics to all Tax staff at the firm, including Managers. I received positive feedback as a result of these efforts in addition to earning the required CPE to maintain my CPA License.

As an Internal Auditor, GS-0510, I served as member of the "Audit" Team and was responsible for all aspects of the audit, which required a great deal of oral communication. I began each audit with an entrance conference to explain the process to the Auditee, Chief of Internal Review (my supervisor), and the Defense Logistics Agency Commander. During each audit, I interviewed employees and examined documents to generate findings for presentation during interim briefing to the Auditee, the Chief of Internal Review, and the DLA Commander. Communicating with the Chief and Commander regarding my audit findings strengthened my ability to report on and present clear and concise facts internally to upper level Management, as well as external sources. A positive working relationship is critical during an audit. Since an audit can be perceived as adversary, I tried to put the Auditee at ease by being respectful of their position and focusing on the task at hand.

Stephanie F. Konesky
E

Lewis & Clark College
Northwestern School of Law

Portland, Oregon 97219 U.S.A.

Degree Information:
Juris Doctor 05 05

Printed: 06/29/2005

Entered: 08/26/01

Law Fall Semester - 2001			Grd	Hrs
LAW	002	Civil Pro	YL	0.0
LAW	008	Contracts	YL	0.0
LAW	014	Property	B	4.0
LAW	012	L/A/W	YL	0.0
SEM:	earn: 4.0 PTS: 12.0 gpa: 3.00			

Law Spring Semester - 2002			Grd	Hrs
LAW	003	Civil Pro	B	5.0
LAW	009	Contracts	B-	6.0
LAW	016	Torts I	C	4.0
LAW	013	L/A/W	CR	4.0
SEM:	earn: 19.0 PTS: 39.2 gpa: 2.61			

Law Fall Semester - 2002			Grd	Hrs
LAW	007	Con Law I (UD)	B	2.0
LAW	126	Income Tax I	A	4.0
LAW	113	Business Assoc I	B+	3.0
LAW	122	Evidence	YL	0.0
SEM:	earn: 9.0 PTS: 31.9 gpa: 3.54			

Law Spring Semester - 2003			Grd	Hrs
LAW	017	CJ: Inv/Crm/Pro (UD)	B+	3.0
LAW	123	Evidence	A	4.0
LAW	306	Partnership Tax	B+	3.0
LAW	326	Consumer Law	B	3.0
SEM:	earn: 13.0 PTS: 44.8 gpa: 3.45			

Law Fall Semester - 2003			Grd	Hrs
LAW	321	Contract Draft Sem	B+	2.0
LAW	132	Reg/Ethics Law	B-	2.0
LAW	304	Admiralty	B	2.0
LAW	100	Admin Law	B	3.0
SEM:	earn: 9.0 PTS: 27.0 gpa: 3.00			

Law Spring Semester - 2004			Grd	Hrs
LAW	146	Wills/Trusts	C+	4.0
LAW	358	Fed/Tax/Procedure	B+	3.0
LAW	128	Corporate Tax	B-	3.0
SEM:	earn: 10.0 PTS: 27.2 gpa: 2.72			

Law Fall Semester - 2004			Grd	Hrs
LAW	307	Adv/Tax/Sem	A-	2.0
LAW	316	Community Property	A+	2.0
LAW	346	Estate/Gift Tax	B	3.0
LAW	124	Family Law	B+	3.0
SEM:	earn: 10.0 PTS: 34.9 gpa: 3.49			

Law Spring Semester - 2005			Grd	Hrs
LAW	207	Con Law II (UD)	B-	3.0
LAW	348	Estate Plan Sem	B+	2.0
LAW	228	Adv/Corporate Tax	B	2.0
LAW	308	Arbitration Law/Pract	B-	2.0
LAW	108	Secur/Trans	B	3.0
SEM:	earn: 12.0 PTS: 35.1 gpa: 2.93			

Year by year cumulative information.

2001-2002	EARN:	23.0	PTS:	51.2	GPA:	2.69
2002-2003	EARN:	22.0	PTS:	76.7	GPA:	3.49
2003-2004	EARN:	19.0	PTS:	54.2	GPA:	2.85
2004-2005	EARN:	22.0	PTS:	70.0	GPA:	3.18
Cumulative	EARN:	86.0	PTS:	252.1	GPA:	3.07

HONORS/ACHIEVEMENTS:
- Law Fall Semester - 2002
  - Scholar List
- Law Spring Semester - 2003
  - Scholar List
- Law Fall Semester - 2004
  - Scholar List
- Law Spring Semester - 2005
  - Federal Tax Law Certificate

End of Transcript

Susan E. Salyer
REGISTRAR

Stephanie F. Konesky
Northern Montana College BS
I.D. NO :0786824

NORTHWESTERN SCHOOL of LAW of LEWIS & CLARK COLLEGE

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Forms Library
Lawyer Services
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LRS Registration
Online Resources
OSB Events
Oregon Law Foundation
Performance Standards
Pro Bono Information
Professional Liability Fund
—Oregon Attorney Assistance Program
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Stephanie Faith Konesky

Bar Number: 053013

***Status:** Active Member

Mailing Address: Stephanie Faith Konesky

County: Multnomah

Phone: ---

Fa ---

Email:

Website:

Disciplinary History

Date	*Sanctions	Details	*Source

No Disciplinary Sanctions for this Member

Discipline information

This is a summary of information from 1991 to date. Contact the Public Records Coordinator for additional information:
disciplineonweb@osbar.org
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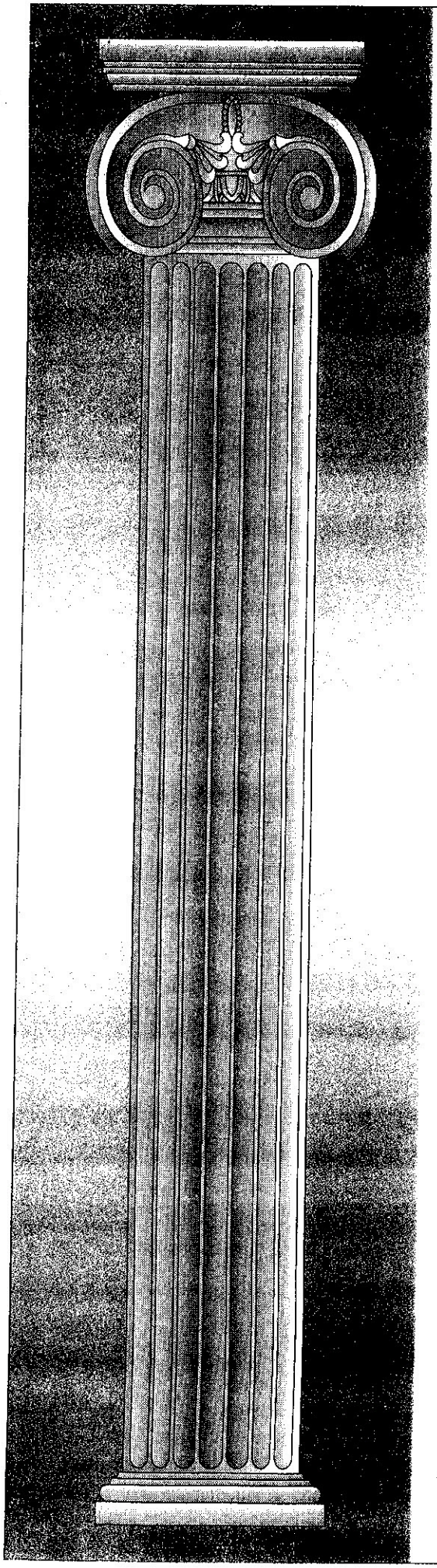

Certified Acquisition Professional

Stephanie F. Konesky

has successfully met the mandatory experience, education, and training standards as prescribed by the Department of Defense for professional certification at

LEVEL I

in the Acquisition Career Field of

CONTRACTING

GREGORY S. MILLER
LTC, USA, COMMANER

11/24/97

Date

Certifying Official

Defense Acquisition University

Presented to

STEPHANIE F KONESKY

in recognition of successful completion of CON 101 (DAU)

CONTRACTING FUNDAMENTALS COURSE CON 101

on Septe

STUDENT ACADEMIC REPORT

PCN N12VAP6464R

US ARMY LOGISTICS MANAGEMENT COLLEGE, FORT LEE, VA 23801-6040

STUDENT NAME:
KONESKY, STEPHANIE F

ID-NUMBER:

FINAL GRADE: A
AWARD: DISTINGUISHED GRAD
NOTE:

AMERICAN COUNCIL ON EDUC.
RECOMMENDATION ON ACADEMIC
CREDIT:
3 SEM.HRS UNDERGRADUATE
0 SEM.HRS GRADUATE

SERVICING PERSONNEL OFFICE
DCMC-DCMDW
1220 SW THIRD AVE #1668
PORTLAND OR 97207

COURSE-TITLE:
CONTRACTING FUNDAMENTALS COURSE - CON 101

COURSE-NR: CON 101 (DAU)
CLASS-NR: 96-018

START-DATE: 960826

END-DATE : 960920

CLASS LENGTH-HRS: 0160

COURSE SYNOPSIS

THIS GENERAL SURVEY COURSE PROVIDES A DETAILED STUDY OF CONTRACT PROCEDURES AS PRESCRIBED BY STATUTES, THE DAR AND OTHER DIRECTIVES WHICH GOVERN DOD ACQUISITION OPERATIONS. THIS COURSE IS DESIGNED FOR PERSONNEL ENTERING THE FIELD OF DOD ACQUISITION OR FOR THOSE WITH 1 TO 3 YEARS EXPERIENCE.

COPY1-TO OFFICIAL CIVILIAN PERSONNEL FILE OR OFFICIAL MILITARY PERSONNEL FILE (USAF-PMS)

COPY2-TO THE EMPLOYEE

Graduate School
United States Department of Agriculture

This certificate of the Graduate School, USDA
has been awarded to

Stephanie F. Koresky

for satisfactory completion of

Contract Administration

September 11-15, 1995

Jean Mills & D. Kent Goodger

Instructor

Philip H. Hudson

Director

OPTIONAL APPLICATION FOR FEDERAL EMPLOYMENT – OF 612

RECEIVED MAR 30 2007

Form Approved
OMB No. 3206-0219

Section A – Applicant Information

★ Use Standard State Postal Codes (abbreviations). If outside the United States of America, and you do not have a military address, type or print "OV" in the State field (Block 6c) and fill in the Country field (Block 6e) below, leaving the Zip Code field (Block 6d) blank.

COPY

1. Job title in announcement Attorney-Advisor (General)	2. Grade(s) applying for 12	3. Announcement number 0040700-07-OGC
4a. Last name Bell	4b. First and middle names William Kevin	5. Social Security Number Ex 6
6a. Mailing address ★		7. Phone numbers (include area code if within the United States of America) 7a. Daytime
6b. City / 6c. State	6d. Zip Code	7b. Evening
6e. Country (if not within the United States of America)		
8. Email address (if available)		

Section B – Work Experience

Describe your paid and nonpaid work experience related to this job for which you are applying. Do not attach job description.

1. Job title (if Federal, include series and grade) See attached resume			
2. From *(mm/yyyy)*	3. To *(mm/yyyy)*	4. Salary per $ [redacted]	5. Hours per week
6. Employer's name and address			7. Supervisor's name and phone number 7a. Name 7b. Phone

8. May we contact your current supervisor? Yes ☒ No ☐
If we need to contact your current supervisor before making an offer, we will contact you first.

9. Describe your duties and accomplishments

Section C – Additional Work Experience

1. Job title (if Federal, include series and grade)			
2. From *(mm/yyyy)*	3. To *(mm/yyyy)*	4. Salary per $ [redacted]	5. Hours per week
6. Employer's name and address			7. Supervisor's name and phone number 7a. Name 7b. Phone

8. Describe your duties and accomplishments

Section D – Education

1. Last High School (HS)/GED school. Give the school's name, city, state, ZIP Code (if known), and year diploma or GED received:

2. Mark highest level completed: Some HS ☐ HS/GED ☐ Associate ☐ Bachelor ☐ Master ☐ Doctoral ☒

3. Colleges and universities attended. Do not attach a copy of your transcript unless requested.			Total Credits Earned Semester	Quarter	Major(s)	Degree (if any), Year Received
3a. Name Santa Clara University School of Law					Law	Juris Doctorate
City Santa Clara	State CA	Zip Code 95053				
3b. Name Northern Arizona University					Public Administration	Bachelor Science
City Flagstaff	State AZ	Zip Code 86011				
3c. Name						
City	State	Zip Code				

Section E – Other Qualifications

Job-related training courses (give title and year). Job-related skills (other languages, computer software/hardware, tools, machinery, typing speed, etc.). Job-related certificates and licenses (current only). Job-related honors, awards, and special accomplishments (publications, memberships in professional/honor societies, leadership activities, public speaking, and performance awards). Give dates, but do **not** send documents unless requested.

See Attached Resume

Section F – General

1a. Are you a U.S. citizen? Yes ☒ No ☐ → 1b. If no, give the Country of your citizenship

2a. Do you claim veterans' preference? No ☒ Yes ☐ → If yes, mark your claim of 5 or 10 points below.

2b. 5 points ☐ → Attach your *Report of Separation from Active Duty* (DD 214) or other proof.

2c. 10 points ☐ → Attach an *Application for 10-Point Veterans' Preference* (SF 15) and proof required.

3. Were you ever a Federal civilian employee? No ☐ Yes ☒ → If yes, list highest civilian grade for the following:

3a. Series	3b. Grade	3c. From *(mm/yyyy)*	3d. To *(mm/yyyy)*
Federal Court Law Clerk	11	05/1988	06/1989

4. Are you eligible for reinstatement based on career or career-conditional Federal status? No ☒ Yes ☐
If requested in the vacancy announcement, attach *Notification of Personnel Action* (SF 50), as proof.

Section G – Applicant Certification

I certify that, to the best of my knowledge and belief, all of the information on and attached to this application is true, correct, complete, and made in good faith. I understand that false or fraudulent information on or attached to this application may be grounds for not hiring me or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated.

1a. Signature	1b. Date *(mm/dd/yyyy)*
Ex 6	3/30/07

William Kevin Bell
Bonneville Power Authority
Announcement Number: 004070-07-OGC

RESUME

Bonneville Power Administration
Attorney-Advisor (General), GS-905-12
Job Announcement#: 004070-07-OGC

United States Citizen

William Kevin Bell

PROFESSIONAL EXPERIENCE

COMCAST CABLE COMMUNICATIONS, INC.
9605 SW Nimbus Avenue, Beaverton, Oregon 97008
Senior Director Government Affairs, Oregon/SW Washington **6/2003-12/2006**

Salary: *Ex 6* **annually +40 hours per week**
Supervisor:

As a member of the senior management team, responsible for advising internal departments to ensure regulatory compliance with the federal and state law, Federal Communications Commission rules, regulations, and cable franchise provisions.

- Advise internal departments (Finance, Marketing, Customer Service, Technical Operations, Engineering and Public Relations) to ensure regulatory compliance through analysis and application of the Cable Act, Federal Communication Commission rules and regulations, state law, county and municipal ordinances and provisions cable franchise agreements.
- Represent the company's interest in negotiations on matters including, contractual obligations (leases, easements, fiber sharing agreements and general contracts), telecommunications policy, public rights of way management, cable franchise agreements and tax policy.
- Coordinated successful effort to transfer ownership of cable systems in Southwest Washington during the acquisition of Adelphia cable systems by Comcast, including review of federal transfer forms (FCC form 394) and presentations to regulatory authorities.
- Meet with federal, state and local elected officials and regulatory staff regarding compliance issues, company initiatives and telecommunication industry policy.
- Manage budget for political campaign contributions and charitable giving and ensure compliance with reporting requirements. Meet and evaluate political candidates regarding industry initiatives and direct payment of campaign contributions.
- Successfully hired and trained government affairs team to become the primary resource for regulatory advice and compliance issues on cable operations and telecommunications regulations.
- Provide cross-disciplinary training to employees regarding Federal Communications Commission regulations, cable franchise agreements and rules governing political campaign contributions.

COMCAST CABLE COMMUNICATIONS, INC.
4611 Montbel Place, Albuquerque, NM 87107
Area Director Government Relations, New Mexico/Arizona **06/2001-06/2003**

Salary: *Ex 6* **annually +40 hours per week**
Supervisor:

Directed the government affairs and public relations team in New Mexico and Southern Arizona. Provided advice to internal departments to ensure regulatory compliance.

- Directed negotiations for cable franchise agreements, utility pole attachment agreements and other business contracts, including fiber lease agreements, easements, non-disclosure agreements, copyright, re-transmission, and institutional network agreements.
- Coordinated with telecommunications companies and State Associations to leverage political, and community relationships to meet business goals. Monitored state and federal legislative activity and provided input in support/opposition of legislative proposals.
- Directed political campaign contributions and ensure compliance with reporting requirements.
- Successfully coordinated efforts to transfer ownership of cable systems in New Mexico and Arizona during the acquisition of ATT Broadband cable systems by Comcast, including review of federal transfer forms (FCC form 394) and presentations to regulatory authorities.

SACKS TIERNEY LAWYERS, P.A., Phoenix, AZ.
4250 N Drinkwater, Scottsdale, AZ. 85251
Attorney **06/1997-06/2001**

Salary: *Ex 6* **annually +40 hours per week**
Supervisor:

Lead attorney for the Government Relations practice group and member of the Corporate and Tribal Law practice groups.

- Regulatory and administrative law practice, representing clients before state and local governing bodies and regulatory agencies in areas including, health care, telecommunications policy, Indian gaming, county and city governance, licensing and public sector procurement strategies.
- Represented clients at the Arizona State Legislature. Provided legislative solutions to business problems, including statutory analysis, drafting and advocacy services. Prepared witnesses to testify at public hearings. Provided written and oral testimony at hearings on behalf of clients.
- Represented Tribal client in negotiations with the State of Arizona to renew tribal gaming compacts under the Indian Gaming Regulatory Act (IGRA).
- Represented clients in a variety of business licensing matters, including Department of Environmental Quality underground storage tank requirements, State Banking Department debt collection rules and Department of Health Services Ambulance licensing processes.
- Provided general legal advice, incorporation services and contract drafting and review to business clients.

MILLER LA SOTA, P.A., Phoenix, AZ.
722 E. Osborn Rd, Phoenix, AZ 85014
Attorney **January - June 1997**

Salary: *Ex 6* **annually +40 hours per week**
Supervisor:

Of counsel relationship with law firm specializing in lobbying and government affairs.

- Represented clients at the Arizona State Legislature regarding state procurement projects, legislative appropriations and banking issues.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY, Phoenix, AZ.
DIVISION OF CHILD SUPPORT ENFORCEMENT
3443 N. Central Avenue, Phoenix, AZ 85012
Government Affairs/Communications Administrator **1992 - 1996**
Salary: *Ex 6* **annually +40 hours per week**
Supervisor: NA (602) 252-4045

Directed team that managed state and federal legislative proposals, intergovernmental agreements and media service procurements. Coordinated State Child Support Enforcement legislative initiatives with the Federal Office of Child Support Enforcement.

- Directed recodification of Arizona's child support laws. Worked with judicial and legislative branches and child support stakeholders to draft and lobby legislation to establish administrative vs. judicial processes for child support enforcement.
- Drafted legislation and amendments to implement provisions of the Federal Welfare Reform Act. Successfully advocated for enactment of the legislation.
- Directed efforts to establish first Statewide Hospital Paternity Program in Arizona.

ARIZONA STATE LEGISLATURE, Phoenix, AZ.
1700 W. Washington, Phoenix, AZ. 85007
Senate Policy Advisor **1991 - 1992**
Salary: *Ex 6* **annually +40 hours per week**
Supervisor: NA

Advisor to the Senate Minority Caucus on legislative matters.

FENNEMORE CRAIG, P.C., Phoenix, AZ.
3003 N. Central Avenue, Phoenix, AZ. 85012
Attorney **1990 - 1991**
Salary: *Ex 6* **annually +40 hours per week**
Supervisor:
Member of the Litigation and Government Affairs practice groups.

- Provided legal research. Drafted legal memoranda and motions in litigation matters. Participated in settlement discussions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Advocated for clients at the Arizona Legislature on mining and environmental issues.

CROSBY, HEAFEY, ROACH AND MAY, Oakland, CA.
1999 Harrison Street, Oakland, CA. 94612
Attorney **1989 - 1990**

Salary: *Ex 6* **annually +40 hours per week**
Supervisor: NA

Member of the Litigation practice group.

- Provided legal research on client matters.

UNITED STATES DISTRICT COURT, DISTRICT OF ARIZONA
THE HONORABLE ROGER G. STRAND
Sandra Day O'Conner US Courthouse, 401 W. Washington, Phoenix, AZ. 85003
Judicial Law Clerk - GS 11 **1988 - 1989**
Salary: Unknown
Supervisor

Researched and drafted court opinions, orders and legal memoranda. Provided courtroom administration during civil and criminal trials.

ARIZONA STATE LEGISLATURE, Phoenix, AZ.
1700 W. Washington, Phoenix, AZ. 85007
Legislative Research Analyst **1982 - 1985**
Salary: *Ex 6*
Supervisor: NA

Managed operations of the Senate Government Committee.

- Provided statutory and policy analysis to Legislators. Provided written and oral testimony at legislative hearings and other public hearings.

EDUCATION

UNIVERSITY OF SANTA CLARA, SCHOOL OF LAW
Juris Doctorate 1988
Activities and Honors:

- Comments Editor, Computer & High Technology Law Journal
- Honors Moot Court Board
- President Black Law Students Association

NORTHERN ARIZONA UNIVERSITY
Bachelor Science, Public Administration 1982
Activities and Honors:

- Blue Key Honor Society

ALHAMBRA HIGHSCHOOL

- Graduation 1977

LAW ADMISSIONS

- Arizona Supreme Court 1991
- United States District Court, District of Arizona 1991

ORGANIZATIONS

- Appointed to Governor's Telecommunications Task Force for Oregon - 2006
- Board Member, Oregon Cable Telecommunications Association - 2006
- Board Member of Arizona-New Mexico Cable Communications Association - 2001 to 2003
- Director/Legal Counsel, Greater Phoenix Black Chamber of Commerce - 1998 to 2001
- City of Phoenix Planning Commission - 2000 to 2001
- Selected for Leadership Albuquerque Program - 2002
- Board Member, Arizona Campfire Boys and Girls – 1998 to 2001

William Kevin Bell
Bonneville Power Authority
Announcement Number: 004070-07-OGC

KNOWLEDGE, SKILL, ABILITY, STATEMENTS

William Kevin Bell
Bonneville Power Authority
Announcement Number: 004070-07-OGC
KSA 1.

Knowledge, Skill, Ability, Statements

1. Knowledge of the federal and state laws, regulations, guidelines and procedures applicable to governmental contracting procurement.

City of Tucson Request for Legal Services:

In 2001, the City of Tucson issued a request for competitive sealed proposals for lobbying/legal services pursuant to Tucson Procurement Code Article 1, section 28 et al. As the lead attorney for the firm in this practice area, I directed the preparation of the responsive proposal. The contract amount was approximately $45,000.00 annually with automatic renewals for a period of three years. After ensuring that the proposal was responsive to each of the material provisions of the RFP (experience, scope of work, hourly rates, key employees, etc), the sealed proposal was submitted to the City. I do not believe any of the information submitted in the proposal was identified as confidential, but that option was available. Tucson's ordinance allows for discussions with bidders prior to awarding a contract. City staff discussed several of the bidder's proposals to obtain additional information, such as areas of expertise and billable rates. The contract was awarded to the law firm and I represented the City of Tucson in the subsequent legislative session.

Phoenix Sky Harbor International Airport Request for Proposal:

In 1999, I served on an RFP evaluation committee for the Phoenix Aviation Advisory Board. We were charged with making recommendations to award two multi-year contracts to provide retail space at Phoenix Sky Harbor International Airport. Each of the members received a copy of each of the bidder's proposal to review. The full committee then met to discuss the proposals and ask clarifying questions. A representative from the City was present at all times to answer any questions concerning the process. Next, each bidder made a brief presentation to the evaluation committee. To be fair to other bidders and the evaluation committee members, each bidder had the same amount of time to present. After the presentations were complete, the committee met and scored the various proposals. We recommended granting two vendors the contracts. Subsequent to our recommendation and prior to adoption by the City Council, one of the bidders filed a protest. Counsel for the protester interviewed each of the members of the evaluation committee and had an opportunity to ask questions at a public hearing before the Phoenix Aviation Advisory Board to determine if the evaluation process was flawed. No evidence of bias or misconduct was discovered and the contracts were awarded as recommended.

Arizona Division of Child Support Enforcement Contract for Media Services:

In 1995, as the Government Affairs/Communication Administrator, I directed the competitive bid process for media services for the Arizona Division of Child Support Enforcement as part of a statewide campaign to educate stakeholders about services offered by the agency. The services requested included bi-lingual billboards, radio and television public service announcements. In addition, we required items to give away at public events, such as key-chains, mugs, etc. The budget for the yearlong campaign was approximately $600,000.00. My team and I, with oversight from the Arizona Office of the Attorney General, drafted a Request for Proposal ("RFP") under the Arizona Department of Economic Security procurement rules. The RFP required concise statements of the purpose, duration, scope of work and response time from prospective bidders. The sealed bids were reviewed and scored by a review committee that included individuals from other departments in order to provide an unbiased perspective. Based on the committee's recommendation, interviews were scheduled with the two bidders deemed most responsive and a contract for media services was awarded.

Due to delays in the legislative appropriations process, the funds to purchase media services were not available until late in the fiscal year. State law requires that any funds not encumbered before year-end must revert to the general fund. In order to move forward with the project and launch the media campaign in a timely fashion, my team worked with state procurement personnel under procurement rules to encumber much of the funding in the current fiscal year through a services contract rather than products contract. In order to expedite the availability of the items we wished to give away at public events, we utilized a preferred vendor list that obviated the need for the public bid process. We were successful in obtaining the necessary services in the current fiscal year that would provide an inventory of PSAs into the following year. Moreover, there were neither challenges to the process nor any internal complaints.

The media campaign increased the exposure of the State's child support program and more citizens began using the services available to them. The campaign also helped improve the Child Support program's national ranking. Finally, the legislature included additional funds in the Division's budget the following year to continue the effort.

William Kevin Bell
Bonneville Power Authority
Announcement Number: 004070-07-OGC
KSA 2.

2. Ability to multi-task and maintain flexibility under changing conditions.

City of Camus Cable Franchise Negotiation:

In 2006, I negotiated a Cable Franchise Agreement with the City of Camus, Washington. Cable Franchise Agreements establish the rights and duties of the cable provider and the City under a federal regulatory scheme and grant the authority under which a cable provider may use the public rights of way to sell services to customers. The Camus city attorney and I negotiated the franchise agreement. The franchise agreement included a wide array of provision including, but not limited to, use of the public right of way, notice requirements, performance bonds, letters of credit, and insurance coverage and indemnity provisions. The agreement also established liquidated damages formulas and the notice and hearing process to enforce those provisions. As part of the negotiation, I was required to confer with many of our business departments (Finance, Technical Operations, Customer Service, Human Resources, and Engineering) to establish negotiation strategy. We were very close to reaching agreement when the City accused the company of improperly denying service to one of its residents. The City was demanding that we incur the expense to provide service or explain why we refused to comply with the Franchise Agreement. The negotiation could not proceed until the issue was resolved. First, I investigated the complaint through conversations with the City and interviews with our field personnel. I then applied the facts of the case to our obligations to provide service under the Franchise Agreement. Federal law and the Franchise Agreement require a cable provider to offer cable services to anyone who requests service. However, there are a few exceptions. The applicable exception in this instance is the distinction between residential and commercial service. The mandate to provide service only applies to residential customers. Commercial video service is not mandatory. I was able to advise our field personnel that they did not have to incur costs to construct cable plant in this instance. I also explained our position to the City Attorney and convinced him to withdraw his request to include a provision requiring mandatory cable services for commercial properties as inconsistent with federal law. The City Counsel adopted a new Franchise Agreement in 2006 by a unanimous vote.

Comcast Rate Methodology Settlement:

In 2005, on behalf of the municipalities they represented, several Cable Regulatory Commissions across the country challenged Comcast's methodology to establish annual rates for cable services, and equipment rentals. Rates are determined by a formula set forth in FCC rules and regulations (47 CFR 76). However, the formula is historic, having established a base for cable operators and then allowing for adjustments in the cost of doing business (inflation) year over year. The numerous consolidations and acquisitions over the years muddied the waters as it related to the appropriate baseline the emerging company should. The confusion over the where to begin the formula led to a dispute over the methodology.

In essence, the Regulatory bodies argued that Comcast had set rates beyond the maximum permitted by FCC formula. After numerous requests for production by the regulators and filings by both parties with the FCC, the parties determined that the more prudent course of action was to begin settlement discussions to resolve the issues. The parties (Comcast Corporate Legal, our local Comcast market, and the local Cable Commission) negotiated a settlement agreement that would reimburse customers for any over-charges and remove the basis for any enforcement action by the Cable Commission for an alleged franchise violation. I was the contact with the local regulators. I was also responsible for making sure the local market could execute the terms of the settlement. Finally, I represented the company during the public hearing where the Cable Commission formally adopted the settlement by resolution.

I worked with our Corporate Legal Department to ensure that the settlement resolved any potential franchise violations for the market. I also worked with our Finance department to create a Customer Refund Plan as required by the settlement. Unfortunately, after briefing the Commission staff on the plan, we determined that prior budgetary commitments and previously scheduled adjustments to our rates, made it impossible for us to execute the settlement in a timely manner. We needed to delay execution of the Customer Refund Plan by one month. Through a series of conference calls with Commission staff, I was able to negotiate an alternate execution date for the settlement. Internally, we were able to maintain our budget projections for the upcoming year and the timing of our rate adjustment.

Unfortunately, just before the Commission staff recommended the approval of the refund plan, their legal counsel raised another issue concerning the adequacy of our notification process for past rate adjustments under FCC rules and provisions of the Franchise Agreement. The thrust of the claim was that Comcast had not properly notified customers and regulators of past rate adjustments, in writing thirty-days in advance, as required by law. Therefore, Comcast allegedly violated federal law and the Cable Franchise Agreement. Any rate adjustment that had occurred was without proper authority and any revenue from the new rate should be reimbursed to the customer. The potential financial impact of the claim was devastating, and in addition, time was running out to adopt the underlying settlement. Through a series of meetings with Commission staff, I was able to explain that under FCC rules, service rates and equipment rates change annually, but at different times, mid-year for equipment and year-end for service rates, respectively. In addition, by working with our internal departments, I was able to produce copies of written notices to Commission staff and customers that coincided with each of the rate adjustments for service and equipment, and pinpoint the date customers and Commission staff received the notice. The issue was resolved, and the underlying settlement adopted by the Cable Commission. Comcast implemented its Refund Plan on time and the Cable Commission certified that the plan was complete and the terms of the settlement fulfilled.

Arizona Legislative Session:

During the 2001 legislative session, I represented multiple clients with very different interests. By way of example, during that particular legislative session, I successfully advocated for additional state banking authority to regulate Car Title Loans; funding for Health Care clinics on the Navajo Indian Reservation and a revised reimbursement formula for Counties for providing indigent health care. I was not successful in my efforts to pass legislation to increase authority for the City of Tucson to regulate billboard advertising, nor other funding requests for the Navajo. The legislative process by necessity requires the ability to multi-task. An individual must be capable of discussing diverse issues on behalf of your clients when the opportunity arises. Because legislator's is so unpredictable, if I was fortunate enough to get time in their office, it was my responsibility to advocate for as many of my clients issues that were impacted by the committees on which the legislator sat. As such, I might be discussing municipal budget cuts one moment and environmental issues in the next breath.

William Kevin Bell
Bonneville Power Authority
Announcement Number: 004070-07-OGC
KSA 3.

3. Experience in litigation involving federal, state or local government contracting and procurement disputes.

City of Phoenix Parking Garage Management Contract:

In 1998, as an attorney with Sacks Tierney, I represented a client in a competitive bid process for a multi-year contract to manage several parking garages for the City of Phoenix. As the incumbent, provider my client had a history of successfully managing those enterprises at a profit to itself and the City. Before a formal award of the contract, we determined that the incumbent would not receive the contract. I was requested to formulate a strategy for a bid protest and assess the likelihood of success. By formal written request, I was able to obtain the scoring information for the RFP review committee. We determined that my client had met all of the requirements for the bid and arguably should have received a higher score in some areas when compared to responses by the successful bidder. Because of the subjectivity inherent in the RFP, we opted to pursue an informal protest so we could bring additional pressure through political channels. Our goal was to have the City Counsel reject the recommendations of the evaluation committee and staff and re-bid the contract. We were successful in forcing a re-assessment of the evaluation committee's scores; however, we were not successful in overriding staff's recommendation to award the contract to another management company.

William Kevin Bell
Bonneville Power Authority
Announcement Number: 004070-07-OGC
KSA 4.

4. Ability to work effectively on a team which supports effective interpersonal relationships and communication with a wide variety or personnel within the Agency.

Government Affairs Team

In 2006, as a Senior Director with Comcast, I managed a team of three people. The team consisted of another attorney, located in the southern half of the market, one law school graduate and one administrative support person. The team provided regulatory advice and support to other departments within the organization to ensure the company complied with federal and state law, local ordinances and the obligations established under the Cable Franchise Agreement. The team also interacted with cable regulators and elected officials when necessary. When trying to apply regulations in a business environment there are often times differences of opinion. Within my team, if the disagreement concerned the language of a regulation or provision in a Franchise Agreement, and the application of that provision or regulation in a business setting, I encouraged open debate. The guiding principle was the impact the interpretation might have on the business operations. If we could not reach consensus, I was always willing to ask my colleagues at our Division or Corporate offices for their perspective. If we still could not agree, it was my responsibility to make a final decision and we proceeded accordingly. If on the other hand, the debate concerned strategy, I would provide my input, but as long as the strategy made sense in the context of the problem, was not illegal, and did not create a fundamental problem for the business, I would acquiesce to a particular strategy. Please note, if the strategy did not work, I would take responsibility with my superiors. In addition, the team worked together to remedy any problems, once a plan of action was agreed to by the team we were all responsible for its success or failure. Any praise for a job well done went to my team members.

Senior Management Team

In 2006, I was also a member of the Senior Management Team. The team consisted of each department head within the Oregon/SW Washington Market (Technical Operations, Engineering, Marketing, Finance, Human Resources, Public Relations, Direct and Commercial Sales). My role, as a member of the Senior Management Team, was to ensure that day-to-day business operations complied with our regulatory framework, and that business initiatives met that same standard of compliance. If in my opinion, a particular activity was clearly inappropriate under the law, rules or regulations, my decision on whether or not to that activity carried great weight, even if that decision was unpopular. However, if the business initiative was within the regulatory framework but unpopular with regulators, or if the law was unclear regarding a course of action and the business needed to pursue the activity, my responsibility was to defend our actions to regulators if necessary. As an example, in 2006 the company offered a promotional package of bundled services, (cable video, Internet Protocol telephone and internet). Although video services are regulated, internet is not and IP telephone is open to debate. Generally, any revenue earned from the

sale of a cable video service requires the Cable Company to pay a five (5%) fee to the municipality where the service is delivered. By offering the services as a bundle, the fees earned by regulators could have dropped considerably because the revenue earned from selling a bundle of services can be allocated among the three products by the billing department. As a business, the most advantageous approach would have been to allocate no revenue to the cable video service and thereby pay no fees to the municipality. Thereby increasing over revenue and boosting the bottom line. My advice was that we could not take such an approach because it would have denied fees to regulators through an artifice. Opposite views argued that allocation of revenue was at the sole discretion of the company as a business decision and that, revenue allocation was not explicitly set forth in the language of the franchise. Through a series of meetings with my colleagues, we vigorously debated the issue. I also involved the Vice President of Finance in discussions with our Division and/or Corporate office because the issue centered on revenues and profits. Through an analysis of the language in the Franchise Agreement concerning revenues and fees, I determined that there was at least an implicit commitment to pay fees on cable services and not try to avoid those fees by offering services free of charge. Second, considering the context in which the agreement was negotiated and the fact that internet service and IP telephone were not available back then, it was difficult to conclude that protections against bundling and reallocating revenues were contemplated and then dismissed. Finally, from a pragmatic standpoint, every municipality would discover in their next fee audit cycle that we were allocating to avoid fees. That discovery would most likely invite a Notice of Franchise Violation from every municipality in the state. Instead, we agreed to maintain the status quo on fees paid to regulators on revenue the company earned from cable video services. Revenue from the other two services could be allocated in whatever manner best served the business. I then met with our regulators to explain the bundle and its impact on revenue and fees. The bundle launched successfully.

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Admitted to AZ Bar: January 8, 1991
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