



Department of Transformation and Shared Services
Governor Asa Hutchinson
Secretary Mitch Rouse
Director Kay Barnhill

August 24, 2022

The Honorable David Wallace, Co-Chairperson
The Honorable David Hillman, Co-Chairperson
Uniform Personnel Classification and
Compensation Plan Subcommittee
Joint Budget Committee
State Capitol Building, Room 315
Little Rock, Arkansas 72201

Dear Senator Wallace and Representative Hillman:

The Arkansas Public Service Commission (PSC) has requested a special entry rate of \$90,670, or maximum, for an exceptionally well qualified applicant for the classification of Attorney Specialist, G047C, grade GS11.

Andrew Cox's background includes a juris doctorate in law, a doctorate in law, as well as nearly eight (8) years of experience in law. The following is a detailed comparison of the minimum qualifications of the classification and Mr. Cox's experience.

MINIMUM REQUIREMENTS:

The formal education equivalent of a law degree from an accredited law school; plus, three years of experience practicing law. Licensed to practice law and admitted to the Arkansas State Bar in accordance with ACA 16-22-201.

APPLICANT'S QUALIFICATIONS

EDUCATION:

George Washington University Law School; Washington, D.C.; Post Doctor of Law, 16 hours completed

University of Arkansas at Little Rock, Bowen School of Law; Juris Doctor of Law

Hendrix College; Conway, Arkansas; Bachelor's Degree

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EXPERIENCE:

February 2021 – Present: Entegriy Energy Partners, LLC; Little Rock, Arkansas; General Counsel

June 2019 – February 2021: Arkansas Public Service Commission; Little Rock, Arkansas; Attorney Specialist

January 2018 – June 2019: Arkansas Game and Fish Commission; Little Rock, Arkansas; AGFC Attorney

May 2017 – January 2018; Law Office of Richard L. Cox; Hot Springs, Arkansas; Associate Attorney

August 2016 – December 2016; U.S. Environmental Protection Agency; Washington, D.C.; Honors Law Clerk

January 2015 – July 2016; American-Arab Anti-Discrimination Committee; Washington, D.C.; Staff Attorney

November 2013 – December 2014: U.S. District Courts for the Eastern & Western Districts of Arkansas; Washington, D.C.; Legal Fellow

JUSTIFICATION:

Statewide, there are one hundred fifty-one (151) positions classified as Attorney Specialist with an average annual salary of \$76,035 and 10.7 years of state service. Of these positions, four are located within PSC with an annual salary of \$74,522 and 5.2 years of state service. The statewide turnover rate for this classification was 15.7% within the previous year. The department turnover rate for this classification was 33.3% within the same period.

Mr. Cox is currently employed at the Entegriy Energy Partners, LLC as the General Counsel with an annual salary of \$100,000. PSC states that this candidate's familiarity with regulatory law would be a significant asset to the department, and as he would be a returning employee, he would require no orientation and could begin working immediately. The department requests an increase for this rehire due to his extensive experience with the agency and hope to attract him, even though his current salary far exceeds this offer.

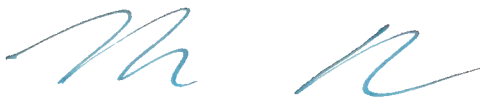
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The Office of Personnel Management has reviewed this request and **recommends** approval of the requested rate of \$90,670, for the classification Attorney Specialist, GS11. Your approval of this request is greatly appreciated.

Sincerely,



Kay Barnhill, Director
Office of Personnel Management



**SECRETARY OF TRANSFORMATION & SHARED
SERVICES**

DATE

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**ARKANSAS
PUBLIC SERVICE COMMISSION
UTILITIES DIVISION
1000 Center Street
P.O. Box 400
Little Rock, Arkansas 72203-0400
<http://www.Arkansas.gov/psc>**



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Commissioner
(501) 682-5809

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Executive Director
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July 26, 2022

Ms. Kay Barnhill, Director
Office of Personnel Management
501 Woodlane, Suite 201
Little Rock, AR 72201

Re: Exceptionally Well Qualified Applicant Andrew (Whit) Cox

Dear Ms. Barnhill:

The Arkansas Public Service Commission has the unique opportunity to attract a former agency employee with exceptional qualifications, which far exceed the minimum requirements of the GS11 Attorney Specialist position, and who served the agency exceptionally well performing as a Role Model. We are requesting approval for an exceptionally well qualified rate of \$90,670. This level of salary is required to afford the Commission the opportunity to attract Mr. Andrew (Whit) Cox to their legal advisory staff, despite his current salary of \$100,000.

Both Whit's education and experience far exceed the minimum qualifications for a GS11 Attorney Specialist position. His experience gained since leaving the Commission's General Staff further enhances his ability to contribute uniquely and significantly to the regulatory work of the Commission.

Whit exceeds the minimum educational requirement of a law degree, having earned an L.L.M in Environmental Law from George Washington University Law School in Washington, D.C. His field of study in the L.L.M. further aligns and supports the Commission's work. If able to attract Whit, he would possess the highest legal educational credentials on the Commissioners' Staff and complement the team of advisory legal staff. He obtained his Juris Doctor from the University of Arkansas School of Law in Fayetteville, with his undergraduate education including a Bachelor of Arts in International Relations & Global Studies from Hendrix College in Conway. Whit is licensed to practice law in Arkansas. He was also the sole applicant for the position providing an indication of the job market at this time.

Clearly Whit's education and PSC and related industry specific experience enable him to perform the duties of this job with substantially less training and orientation than would be required of another qualified applicant. Whit has more than eight years legal experience, exceeding the three year minimum requirement. Notably, more than three years of his experience has been in this

Ms. Kay Barnhill

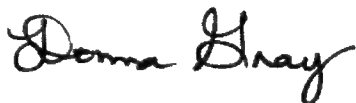
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field, either with the PSC or a related energy services provider. As an Attorney Specialist for the PSC General Staff Legal section, Whit was a key member of General Staff's net metering policy team and related distributed energy resources team. He led Staff's efforts in response to legislation in both rulemaking dockets and proceedings addressing the increased number of net metering requests. He was a successful team member working in collaboration with others. There were numerous instances of positive feedback from General Staff directors who served as Project Manager on dockets. His enthusiasm, productivity and leadership were Role Model, and his enthusiasm brought the energy and leadership much needed for continuity of operations for the future of the agency and its provision of service to the ratepayers of Arkansas. Whit's education and work experience provide a sound foundation for continued growth, leadership, and innovation in this complex regulatory arena.

In addition to his exceptional education and experience requirements, several other considerations are significant in making this request from our perspective. At the time of his departure in February 2021, Whit was a direct report to me and was acting General Staff Chief Counsel. Had he stayed with us, I would have without a doubt promoted him to the GS14 leadership position as head of the General Staff legal section. The entry level salary would have been \$86,887. Further, had we had the opportunity to retain him when he received the \$100,000 offer from a major solar provider, I would have sought OPM and Personnel Committee approval to respond to this offer by compensating Whit at the grade maximum of \$90,670 if it would have retained him. He was that valuable to our organization at that time. As Whit's envisioned career path at the time included gaining related non-government experience to enhance his career growth, those options were not available to us. Now Whit has gained that desired experience through his work as General Counsel for a major energy services and solar provider in Arkansas. His current employer has appeared as a party in several proceedings before the Commission. Clearly his additional legal experience since leaving the agency has strengthened his expertise in this arena and value to the Commission. We are thrilled Whit's career path now includes returning to the public service work of the agency, serving as a member of the Commissioners' legal team of advisory staff.

I have enclosed for your review Whit's application package which includes his resume. Thank you for your consideration and please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Donna Gray". The signature is written in a cursive, flowing style.

Donna Gray

Attachment

cc: Ted Thomas
Vikki Hearn

ANDREW WHITLEY "WHIT" COX

3612 Oakwood Road, Little Rock, AR 72202 | (501) 701-0874 | andrewcox@law.gwu.edu

EDUCATION

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL | Washington, DC May 2017
LL.M. in Environmental Law | GPA: 3.45

UNIVERSITY OF ARKANSAS SCHOOL OF LAW | Fayetteville, AR May 2013
Juris Doctor

HENDRIX COLLEGE | Conway, AR May 2007
Bachelor of Arts in International Relations & Global Studies

EXPERIENCE

ENTEGRITY ENERGY PARTNERS, LLC | Little Rock, AR February 2021 – Present
General Counsel

- Providing legal advice and services to aid Entegriy's energy services, sustainability, and solar development operations
- Supporting Entegriy's solar development and energy services operations through regulatory and transactional work
- Managing net-metering applications filed with the Arkansas Public Service Commission on behalf of Entegriy's clients
- Drafting legislation and regulation to expand Entegriy's opportunities for developing solar energy in other states

ARKANSAS PUBLIC SERVICE COMMISSION | Little Rock, AR

Acting Chief Counsel for the General Staff November 2020 – February 2021

- Managed and trained a team of five regulatory attorneys

Attorney for the General Staff

June 2019 – October 2020

- Represented the General Staff in Commission proceedings and provided recommendations consistent with the public interest, applicable law, and the provision of safe, reliable, and reasonably priced utility service
- Represented the General Staff as lead attorney in rulemaking dockets for net-metering and distributed energy resources
- Represented the General Staff as lead attorney in renewable energy proceedings pursuant to the Arkansas Renewable Energy Development Act and the Arkansas Clean Energy Development Act
- Represented the General Staff as lead attorney in the Commission's demand response proceeding concerning the impact of FERC Order No. 2222 on the regulatory authority of the Commission
- Drafted legal briefs, pleadings, and policy recommendations filed by the General Staff in Commission proceedings
- Attended New Mexico State University Center for Public Utilities' regulatory training course for the electric industry

ARKANSAS GAME AND FISH COMMISSION | Little Rock, AR

February 2018 – May 2019

Assistant General Counsel

- Drafted, reviewed, and negotiated contracts and real estate agreements
- Drafted, reviewed, and edited regulations and agency policies
- Represented agency in administrative license suspension hearings
- Drafted portions of an appellate brief filed in the Supreme Court of Arkansas

LAW OFFICE OF RICHARD L. COX | Hot Springs, AR

May 2017 – January 2018

Associate Attorney

- Drafted and edited legal documents for bankruptcy case proceedings

U.S. ENVIRONMENTAL PROTECTION AGENCY | Washington, DC

August 2016 – December 2016

Honors Law Clerk

- Worked on Clean Air Act issues in the EPA's Air Enforcement Division, Vehicle and Engine Enforcement Branch
- Drafted and edited administrative enforcement documents, including consent agreements and final orders

AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE | Washington, DC

Staff Attorney

January 2015 – July 2016

- Drafted legal documents and prepared policy analysis on major legal, legislative, and regulatory issues
- Conducted client intake and worked on pro-bono legal cases related to civil rights and immigration issues
- Coordinated advocacy initiatives with a diverse coalition of national civil and human rights organizations

Legal Fellow

November 2013 – December 2014

- Drafted portions of amicus briefs filed in the Supreme Court of the United States

COURT ADMISSIONS

- Arkansas Supreme Court
- U.S. District Courts for the Eastern & Western Districts of Arkansas