

CRAIG A. MARKS PLC

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Relevant Renewable Energy Experience

Electric-Energy Industry Experience

I began negotiating and reviewing power-purchase agreements for Consumers Power Company (Michigan's largest energy utility) in 1984, not long after the passage of the Public Utilities Regulatory and Policy Act. While at Consumers Power, I negotiated and drafted power-purchase agreements for between 10 and 20 small power producers and cogeneration projects. I worked closely with the engineers at Consumers Power to be sure that the agreements satisfied power-quality and dispatch standards and to be sure that transmission capacity was available.

Also at Consumers Power, I was one of the main attorneys helping the company convert an uncompleted nuclear plant into a 1500-MW combined-cycle, gas-fired, cogeneration plant ([Midland Cogeneration Venture](#)). The plant was owned by a number of investors, including Dow Chemical, the steam purchaser (thermal host). Among other things, I negotiated and drafted the power-purchase agreement and the gas purchase and transportation agreements. I also helped gain qualifying facility status for the project from the Federal Energy Regulatory Commission and was the lead attorney responsible for obtaining approval of the power-purchase agreement from the Michigan Public Service Commission.

While in Washington DC with Skadden Arps, I worked on a number of project finance matters for independent power producers, generally as the lender's representative. These included drafting and reviewing power-purchase agreements, loan documents, sale and leaseback agreements, security agreements, and indemnities. I also reviewed and edited long-term natural gas purchase and transportation agreements.

At Citizens Utilities, I again worked on power-purchase agreements, both as a purchaser and a seller. These included long-term purchase contracts with Arizona Public Service Company, and sales agreements with Mexico's *Comisión Federal de Electricidad*. I also worked on an RFP for Kauai Electric Power that resulted in a number of agreements that allowed Kauai Power Partners to construct an independent plant to supply capacity and energy to Kauai Electric. I worked closely with the engineers to negotiate and draft the required power-purchase agreement. I also obtained approval of the power-purchase agreement from the Hawaii Public Service Commission.

Also at Citizens Utilities, I worked with the engineers to draft an RFP for a new generating plant in Kingman, Arizona. I also drafted the form power-purchase agreement that accompanied the RFP, reviewed responses and exceptions to the PPA, and negotiated and drafted final PPA and related agreements with APS and GE.

I also reviewed, edited, and approved electric transmission agreements with APS, the Western Area Power Administration, Hydro Quebec, and the Vermont Electric Power Company.

At Citizens Utilities, I served as the Associate General Counsel for Arizona operations. As part of my duties, I negotiated and drafted or edited hundreds of contracts involving anything from large construction projects to office cleaning agreements.

As the Energy Policy Advisor to Governor Jane Dee Hull and Director of the Arizona Energy Office, I provided information and policy advice to the Governor on State, Western, and Federal energy matters, including renewable technologies. I also served as the Governor's liaison to the Arizona Corporation Commission, the Residential Utility Consumer Office, the Arizona Power Authority, and the Arizona Radiation Regulatory Agency. I directed a 16-person office that administered state and federal energy efficiency programs, supported new energy technologies, and provided energy policy support to the Arizona Department of Commerce, other State agencies, and the legislature. I co-authored the 2002 Arizona Energy Infrastructure Report, including the section on renewable technologies.

One of Arizona's Top Regulatory Attorneys

I have been practicing before state and federal utility commissions since 1983, including the Federal Energy Regulatory Commission and state commissions in Arizona, Michigan, Maryland, Louisiana, New Mexico, California, and Hawaii. I began practicing before the Arizona Corporation Commission in 1994. I am well known and respected by the Commissioners, the Legal Staff, and the Utilities Division Staff.

Experienced In-House Attorney

Much of my career has been as an in-house attorney. I spent seven years in-house with Consumers Power Company, seven years with Citizens Utilities Company, and three years with American Water Company. To be a successful in-house attorney, I had to be able to communicate well with management, the engineers, and the financial staff. I worked on legal matters from the most mundane to the most complex and demanding.

As an in-house attorney, I managed legal expenses for the corporation. This shaped my work ethic. I work quickly and efficiently to deliver just what is needed, and no more. This means that clients won't bear the cost of unnecessary "meetings", "conferences", "file-reviews", "research", and lengthy legal memoranda. I also managed outside legal expenses, so I understand how they can reduce the bottom line.

Finally, as an in-house attorney, I was expected to and did provide not just legal advice, but also sound business recommendations. Overall, I was always a team member, not just an outside consultant.

Master's Degree in Business Administration

After law school, I earned a Master in Business Administration degree, with Distinction, from one of America's top-five business schools. My concentration was in Finance. My MBA, my undergraduate technical coursework, and my in-house experience, allow me to master complex business issues and to provide high-level legal support.