

# CRAIG A. MARKS PLC

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## Résumé of Craig A. Marks

As an undergraduate, Mr. Marks minored in Chemistry and Mathematics and, after law school, earned a Master in Business Administration degree, with Distinction, from one of America's top-five business schools. Mr. Marks' knowledge of business and utilities comes from more than textbooks. He also has over 20 years of hearing-room experience and has served as an in-house attorney and a manager for large electric, gas, and water utilities.

Mr. Marks' education and experience enable him to work closely with expert witnesses to develop and write testimony and to effectively cross examine opposing experts. Mr. Marks also understands from the inside how utilities operate - as unique businesses that must answer both to shareholders and to utility regulators. Further, as a result of his government service, Mr. Marks can more fully appreciate the perspectives of regulators and other public servants. Finally, Mr. Marks' writing skills, the product of numerous legal-writing courses and diligent self-study, allow him to communicate effectively, whether in an all-out rate-case brief, or a "get-to-the-point," one-paragraph memo.

Among other clients, Mr. Marks currently represents the largest private water utility in the State of Arizona, a small Arizona local exchange carrier, several other private water utilities, a telecom trade association, and three large commercial developers. He is available to represent gas, electric, telecom, and water utilities, or other interested parties, concerning rate and regulatory matters, and related development issues.

### **EXPERIENCE:**

#### **Corporate Counsel – Western Region**

American Water (2004 to 2006)

Before opening his practice, Mr. Marks was employed by American Water as its Corporate Counsel, Western Region. He represented American Water before the Arizona Corporation Commission and the California Public Utilities Commission concerning rate and regulatory matters, and supervised outside counsel concerning rate and regulatory matters in Hawaii, California, and New Mexico. Mr. Marks developed and implemented a new Arizona regulatory strategy for Arizona's largest water utility that resulted in improved Commission relations and several million dollars in increased revenue. Mr. Marks represented American Water in numerous developer negotiations and drafted development agreements, real estate documents, and other contracts.

**Director**

Arizona Energy Office (2001 to 2004)

Mr. Marks directed a 16-person office that administered state and federal energy efficiency programs, supported new energy technologies, and provided energy policy support to the Governor's Office, the Arizona Department of Commerce, other State agencies, and the legislature.

**Policy Advisor – Energy**

Arizona Governor Jane Dee Hull (2001)

Before being appointed to serve as Director of the Energy Office, Mr. Marks served as a policy advisor on State and federal energy matters for Arizona Governor Jane Dee Hull. In this position, Mr. Marks provided information and policy advice to the Governor on State, Western, and Federal energy matters. Mr. Marks often spoke on energy matters before associations and citizen groups and appeared as the sole guest on a television talk show devoted to Arizona energy issues. Mr. Marks 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.

**Associate General Counsel**

Citizens Communications Company, Arizona Operations (1997-2000)

Citizens Utilities Company, Energy Sector (1993-1997)

As Associate General Counsel for Citizens Communications Company, Mr. Marks acted as the company's general counsel for its Arizona Operations. Citizens' operating divisions and subsidiaries served approximately 400,000 gas, telephone, electric, water, and wastewater utility customers in Arizona. Mr. Marks managed an eight-person administrative office in Phoenix and supervised outside counsel in six states. At Citizens Communications, Mr. Marks tried rate proceedings in Arizona, Hawaii, Vermont, Louisiana, and the Federal Energy Regulatory Commission. Mr. Marks represented a Citizens team that, after extensive negotiations, was awarded the water and sewer franchise by Del Webb for its new Anthem community. He also negotiated and drafted power-supply and gas transportation agreements associated with projects in Louisiana, Hawaii, and Arizona.

**Associate**

Pepper, Hamilton & Scheetz, Washington D.C. (1991-1993)

**Associate**

Skadden, Arps, Slate, Meagher & Flom, Washington D.C. (1990-1991)

From April 1990 to August 1993, Mr. Marks was based in Washington D.C. There, he concentrated on national energy matters and represented clients from across the United States. On the electric side, Mr. Marks represented a large eastern electric utility in

almost all of its matters before the Federal Energy Regulatory Commission ("FERC"), including sales and transmission rate-making, tariff modifications, and accounting matters. He also participated extensively in merger-related matters before the FERC on behalf of another major electric utility. On the natural gas side, Mr. Marks' clients included a natural gas pipeline, several natural gas distribution companies, and two natural gas marketers. He represented them in matters before the FERC and the Department of Energy, and in related court actions.

### **Regulatory and Transactional Attorney**

Consumers Power Company, Jackson, Michigan  
1983-1990

From 1983 until 1990, Mr. Marks was an energy regulatory attorney for Consumers Power Company in Jackson, Michigan. Consumers Power is the largest energy utility in the State of Michigan, and served approximately 1.5 million electric and 1.3 million gas customers. Among other matters, Mr. Marks was Consumers Power's lead trial attorney in the massive Midland Cogeneration Venture ("MCV") case before the Michigan Public Service Commission ("MPSC"). In this case Consumers Power sought approval of the avoided cost rate and capacity level for purchases from the MCV. In connection with that case, Mr. Marks also led Consumers Power's negotiating team that assembled a package of 30 power purchase agreements with project developers for submission to the MPSC. Mr. Marks has also tried numerous additional cases at the MPSC concerning alternate energy production, electric and gas ratemaking, gas and power-supply cost recovery, energy conservation, deferred-tax accounting, nuclear-fuel accounting, and plant-performance standards. Mr. Marks was also responsible for all legal interactions with the FERC concerning Consumers Power's 13 licensed hydroelectric projects and matters related to the Public Utility Regulatory Policy Act.

### **EDUCATION:**

#### **University of Michigan**

M.B.A. - 1989 (With Distinction)

Top five percent of class

Beta Gamma Sigma - National Business School Honor Society

Mr. Marks' tailored his M.B.A. course work (concentrations in finance, accounting and statistics) to enhance his hearing-room skills and his ability to interact with and counsel senior management.

#### **Thomas M. Cooley Law School**

J.D. - 1983 (Magna Cum Laude)

Top three percent of class

Law Review - Twice published

Nathan Burkan Writing Competition: Cooley First Prize

## Michigan State University

B.S. – 1980

Cognates in Chemistry, Mathematics, and Anthropology

## PUBLICATIONS

Marks, "Fix or Fade Away: Has a Common-Law Copyright of Non-Extemporaneous Lectures Survived the Copyright Revision Act of 1976?", 1 Cooley Law Review 3 (1983).

Marks, "Governor v. State Treasurer: Reflections Upon School Financing After Ten Years", 2 Cooley Law Review 1 (1984).

Marks (Co-Author) Arizona Department of Commerce, Statewide Economic Study, Arizona's Energy Infrastructure (September 2002).

## SPEECHES AND PRESENTATIONS

<u>Date</u>	<u>Event</u>	<u>Subject</u>
<b>2001</b>		
3/27	Sempra Energy-Groundbreaking Mesquite Generating Station, Harquahela Valley, Arizona	Delivered opening remarks on behalf of Governor Hull.
4/3	Western LAMPAC meeting (Labor and Management PAC), Tucson, Arizona	Wrote keynote address delivered by Governor Hull.
4/7	Arizona Local Government Energy Symposium (Arizona League of Cities and Towns), Phoenix, Arizona	All-day symposium on how Western energy issues may impact Arizona communities. Participated as panelist representing Governor Hull.
4/11	Federal Energy Regulatory Commission meeting in Boise, Idaho, with Western utility commissioners and other State representatives	All-day meeting on Western price volatility and other Western energy issues. Participated as panelist representing Governor Hull.
5/3	State Bar of Arizona, Environmental and Natural Resources Bar, Phoenix, Arizona	Banquet Speaker on Arizona energy issues.
5/9	Arizona Association of Industries Breakfast Roundtable, Tempe, Arizona	Panelist in discussion of Arizona energy issues.
5/28	KUSK-TV Prescott, "Think Twice"	Sole guest: A potential energy crisis in Arizona
6/28	Northern Arizona Council of Governments, Flagstaff, Arizona	Presentation on Arizona energy issues with focus on Northern Arizona
7/27	Valley Partnership, Phoenix, Arizona	Panelist on how Arizona electricity prices and availability may influence business location decisions
8/15	Arizona Association of Industries, Annual Environment Summit, Prescott, Arizona	Panelist in discussion about Arizona and Western electricity-supply issues
11/8	Arizona Association of Energy Engineers, Phoenix, Arizona	Luncheon Speaker – Arizona's Energy Policy
11/25	Governor's Awards for Energy Efficiency, Mesa, Arizona	Welcome and Awards Presentation
<b>2002</b>		
6/12	Arizona Environmental Economic	Speaker - Overview of Federal Energy Grant Programs

<b>Date</b>	<b>Event</b>	<b>Subject</b>
	Communities Association – Biomass Conference, Phoenix, Arizona	
7/26	Regional Haze SIP Development – Pollution Prevention Workgroup Phoenix, Arizona,	Presentation – Overview of Energy Efficiency Opportunities
8/9	Southwest Renewable Energy Fair, Flagstaff, Arizona	Panel Moderator – Economic Development Benefits of Renewable Energy
9/12	Arizona Environmental Economic Communities Association – Renewable Energy Symposium, Thatcher, Arizona	Speaker – Renewable Energy Benefits
9/16	Arizona Legislature, Renewable Resource Study Committee	Testimony – Overview of Arizona’s Renewable Energy Resources and Programs
9/26	School Energy Efficiency Conference, Phoenix, Arizona	Welcoming Speaker and Moderator
10/29	Distributed Energy Association of Arizona, Phoenix, Arizona	Speaker – Arizona’s Energy Outlook
11/19	Arizona Legislature, Renewable Resource Study Committee	Testimony – Arizona Energy Office, Federal and Oil-Overcharge Programs
11/19	Governor’s Awards for Energy Efficiency, Mesa, Arizona	Welcome and Awards Presentation
<b><u>2003</u></b>		
5/05	Emissions Marketing Association, Phoenix, Arizona	Arizona Energy Issues and Opportunities
8/19	National Weatherization Training Conference, Phoenix, Arizona	Welcoming Address
8/19	U.S. Department of Energy, Natural Gas Forum, Phoenix, Arizona	Conference Organizer, Introductory Speaker, and Conference Moderator
11/4	Western Interstate Energy Board, Las Vegas, Nevada	Presentation: Arizona Gasoline Crisis
11/12	Tempe Businessman’s Club	Speech: Arizona Energy Infrastructure
11/13	Association of Energy Engineers – Phoenix, Arizona, Chapter	Speech: Arizona Energy Infrastructure
11/18	Arizona Association of Industries – Energy Summit	Conference Organization Committee
11/20	Association of Energy Engineers – Tucson, Arizona, Chapter	Speech: Arizona Energy Infrastructure
<b><u>2006</u></b>		
11/25	Electric Utility Consultants, Inc. – Rate Case 101	Speech: Arizona Rate Cases