

Proposal to Provide External Investigative Review of Gainesville Regional Utilities

For



By



May 8, 2014



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May 7, 2014

City of Gainesville, Florida
General Government Purchasing
200 East University Avenue, Room 339
Gainesville, FL 32601

To Whom It May Concern:

Enclosed is EnerVision's response to the Request for Proposals by City of Gainesville, Florida – RFP No. CAUD140037-DH – External Investigative Review of Gainesville Regional Utilities.

As instructed in the above mentioned RFP, included in our proposal submission is one original and five (5) copies of our completed proposal. In addition, included with our submission is an electronic copy of our proposal in PDF format on the enclosed CD.

By my signature and corporate stamp below, we are formally submitting our proposal for consideration of the referenced Request for Proposals.

Sincerely,



Elaine Johns
President/CEO

EnerVision Corporate Seal

**EnerVision’s Proposal to Provide
External Investigative Review of
Gainesville Regional Utilities for
The City of Gainesville**

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Executive Summary

The City of Gainesville Florida (City) issued a request for proposals (RFP) on Thursday, April 10, 2014 entitled External Investigative Review of Gainesville Regional Utilities (GRU). The RFP was supplemented by Addendum 1 on April 30, 2014. Addendum 1 was received by EnerVision. The RFP stated that the firm(s) that contract to perform this work would be expected, as their primary objective, to provide the following:

- (1) Recommendations of institutional controls that can be implemented that would help avoid the management discrepancies of the past and help strengthen the working relationship between GRU management and the City Commission, and
- (2) Opportunities for financial and operational benefit to GRU related, but not limited to, the Gainesville Renewable Energy Center (GREC) power purchase agreement (PPA).

EnerVision proposes to assist the City in meeting its objectives as stated in the RFP. It is working with the law firm of Gunster Yoakley Stewart, P.A. (Gunster) to provide advice and counsel regarding the legal issues involved in the Investigative Review. Upon selection of EnerVision's proposal, the Gunster law firm would enter into an engagement with both the City of Gainesville and EnerVision as co-clients.

EnerVision is a management and technical consulting firm that has utility clients in over 30 states. EnerVision's relevant practice areas to GRU include power supply planning and power contracts, management and organizational consulting, rates, demand-side and renewable resources, and smart grid. EnerVision specializes in offering clients tailored energy services to meet their specific needs. EnerVision has a presence in Florida and is very familiar with the Florida energy market and GRU's participation in it.

The Gunster Law Firm is a Florida-focused firm with a diverse practice portfolio. It provides clients with a wide array of legal services, most of which require investigation of both the facts and the applicable law. Gunster provides these services through a business model that employs eighteen practice groups spread out over eleven offices throughout Florida. It has extensive experience in working with and representing utility clients, including municipal utilities. The attorneys who would be primarily assigned to this project are in Gunster's Governmental Affairs and Business Litigation practice groups and would be located in the Tallahassee and Miami offices.

Overall Scope of Work

In its RFP, the City has provided a relatively comprehensive chronology of events that have transpired over six years, beginning with the end of a planning process to acquire renewable biomass generating capacity and ending in November 2013. The primary focuses of the chronology and the RFP are the original purchased power contract with the biomass plant developer (GREC), amendments thereto, and GRU's management of such contract and subsequent amendments.

As noted in the Executive Summary and paraphrased herein, the City is seeking answers to questions in two distinct areas: (1) How could the City change in the way it does business with its electric utility (GRU) as a result of the "lessons learned" from the events surrounding the biomass contract and its impact on the City and its customers?, and (2) What opportunity exists to achieve economic/financial benefit relative to the status quo, particularly for GREC PPA?

The City's RFP does not narrowly specify the scope of work in the investigative area. Indeed, the investigative scope and its associated time frame are quite broad. EnerVision interprets the City's intent as encouraging respondent firms to assess the historical event chronology provided and propose a scope of work that is believed to provide the most constructive path forward and the associated best value for the dollars spent.

EnerVision and its intended collaborator in this work (Gunster) propose an approach to these tasks which is based on our joint assessment of where the City's efforts and resources can be most effectively utilized, and as important, what steps the City should take to learn from this experience and move forward with improved processes, practices and procedures that would enhance GRU's working relationship with City government. Regarding the investigative portions of this work, our Specific Engagement Approach described below is intended to optimize the City's time and resources by seeking opportunities for financial/economic benefits in those areas where our efforts are deemed constructive, and similarly avoid spending significant time and resources in areas where rewards appear to be unlikely.

Technical Proposal

EnerVision Profile

EnerVision is an independent consulting firm located in Atlanta, Georgia that provides business, management, marketing and technical consulting services for electric utilities and other clients. EnerVision's mission is to provide tailored energy solutions to help its clients be successful in their markets.

The specific information required in the RFP for EnerVision's firm profile is as follows:

Name of Business, mailing address, telephone, fax number and email address

EnerVision, Inc.
4170 Ashford Dunwoody Rd., Suite 550
Atlanta, GA 30319
678-510-2900
888-999-8840 (Toll Free)
687-510-2901 (Fax)
barry.birkett@enervision-inc.com

Contact Person: Barry T. Birkett (office: 678-510-2912)

Business Hours: 8:00 am – 5:00 pm M – F

EnerVision is a national firm providing management and technical consulting services.

Date of Organization, Office Location for Professionals:

EnerVision was initially created in 1997 by spinning off the business, rates, and marketing services group of Oglethorpe Power Corporation (OPC) into a separate subsidiary. This allowed EnerVision to offer its skills and talents to clients outside of Georgia. In October 1998, a group of EnerVision employees bought the enterprise from OPC, creating a company that is an employee-owned, independent consulting organization. The office location for the professionals working on this project will be Atlanta and Tampa. The number of professional staff in the Atlanta and Tampa offices are 17 and 1, respectively.

EnerVision is neither a parent nor a subsidiary in a group of firms.

Gunster Profile

Gunster, Yoakley and Stewart, P.A. (Gunster) has over 150 attorneys within eighteen networked practice areas linked across eleven offices in the State of Florida. Our attorneys and government consultants are highly experienced and well-respected in a variety of disciplines.

Gunster is in the business of understanding our clients' business. The firm's depth of experience and its powerful base of top-tier business, government and industry-specific relationships have helped its clients navigate challenges, opportunities and legislative changes for over 85 years.

Gunster operates offices in the following cities throughout Florida: Fort Lauderdale, Jacksonville, Miami, Orlando, Palm Beach, Stuart, Tallahassee, Tampa, The Florida Keys, Vero Beach and West Palm Beach.

The specific information required in the RFP for Gunster's firm profile is as follows:

Name of Business, Mailing Address, telephone, fax number and email address:

Gunster, Yoakley & Stewart, P.A.
215 South Monroe Street, Suite 601
Tallahassee, Florida 32301
(850) 521-1980
(850) 576-0902
cguyton@gunster.com

Contact Person: Charles A. Guyton

Business hours: 8:30 am – 5:30 pm M – F

Gunster is a statewide firm focused on providing services within Florida.

Date of Organization, Office Location for Professionals

Gunster has its origin in Palm Beach in 1925. It was organized as a Professional Association in 1973. The office locations for the professionals working on this project will be Tallahassee and Miami. The number of professional staff in the Tallahassee and Miami offices are 10 and 29, respectively.

Gunster is not a subsidiary in a group of firms. It does have subsidiaries.

Independence

Both EnerVision and Gunster are independent of the City of Gainesville, GRU and GREC. Neither EnerVision nor Gunster has professional relationships involving the City, GRU or GREC in the past five years. It should be noted that one of the attorneys at Gunster who Gunster proposes to assign to this work did represent GRU's telephone division, GRU Com, before the Florida Public Service Commission more than five years ago in one proceeding.

License / Certification to Practice

All of the attorneys assigned by Gunster to this matter will be licensed by the Florida Bar.

EnerVision Firm Qualifications and Experience

Statement of Qualifications

EnerVision is an independent consulting firm located in Atlanta, Georgia that provides business, management, marketing and technical services for electric utilities and other clients. EnerVision's mission is to provide tailored energy solutions to help its clients be successful in their markets.

Breadth of Services

EnerVision has associates with the collective experience of over 150 years in the energy and consulting industry. EnerVision provides services from strategic visioning to program implementation for its more than 150 clients in over thirty (30) states. EnerVision has worked with national organizations, statewide organizations, as well as individual public utilities. Our strengths include strategic and business planning, management consulting, power supply planning, power contract negotiations, pricing, cost of service studies, and distributed generation evaluation. EnerVision has direct experience helping our clients explore, plan, and successfully implement new business strategies, products, programs, and services. See Appendix A.

EnerVision's representative and relevant client information is as follows:

CLIENT A: A group of Georgia utilities with a combined peak demand in excess of 2,000 MW, for whom we have provided support in power supply needs assessment and planning, supply options analysis and selection, contract negotiation and implementation, and ongoing contract administration and compliance. We have had a relationship with these utilities, individually and collectively, since the inception of EnerVision. Our work in the last three years relevant to the scope of this RFP includes the following activities.

- Ongoing contract administration and compliance review and subsequent support under contracts with multiple suppliers, taking action with and on the behalf of clients based on compliance review, and reporting to clients on the contract administration and compliance activities.
- Monthly analysis of complex billing under multiple power supply relationships, including validating and verifying billing is in accordance with terms and conditions of contracts and following up with counterparties and clients when issues are identified.
- Evaluating renewable resource options for clients, advising them on contract negotiations and tracking contract compliance.
- Negotiating contract amendments and process changes when needed due to impacts of Dodd-Frank on existing contractual relationships.
- Developing and implementing a structure for assessing and responding to compliance and other contractual issues.

Date of Project	Team Members*	Total Hours For 2013 / 2014
Ongoing since 2006	Elaine Johns Barry Birkett Lynne Travis Ronnie Donaldson Mary Ellen Cole	4,635

** Only includes our Team Members who are proposed to work on the GRU project.*

CLIENT B: A large urban Georgia utility with a peak demand in excess of 1,000 MW, with whom we have had a relationship since the inception of EnerVision and for whom we have been doing work relevant to this RFP since 2012. Our support of and work for this client in the last three years includes the following activities:

- Assessment of their then-current power supply relationships and contracts, including those with other utilities, power marketers and renewable energy providers, to determine obligations, options and ongoing costs related to those contracts.
- Preparing and conducting an RFP for power supply to supplement their ongoing resources, evaluating the results of the RFP, negotiating contracts with potential suppliers and assisting the client in their evaluation of power supply options.
- Assisting the client in the restructuring of their relationships with other suppliers to provide a better fit with their strategies and contractual relationships going forward.
- Implementing, with the client, new and modified power supply contracts and processes to effectively monitor compliance by their suppliers.
- Advising the client on changes to their internal organization and processes to implement internal compliance monitoring of contracts and relationships with suppliers.

Date of Project	Team Members*	Total Hours For 2013 / 2014
Ongoing since March 2013	Elaine Johns Lynne Travis Barry Birkett Ronnie Donaldson	1,681

** Only includes our Team Members who are proposed to work on the GRU project.*

CLIENT C: A large Texas utility with a peak demand in excess of 500 MW, with whom we have had a relationship and have been doing work relevant to this RFP since 2005. Our support of and work for this client in the last three years includes the following activities:

- Assessment of the fit between the current power supply contractual relationship with the client’s future resource plans and strategies, which led to implementation of an action plan for the transition between existing and future short and long-term resources.
- Preparing and conducting RFPs for both traditional and renewable power supply resources, evaluating the results of the RFPs, participating in contract negotiations with potential suppliers and assisting the client in their evaluation of power supply options.
- Assisting the client in developing a structured relationship with other utilities for the management of power supply resources, including governance, compliance and tracking activities.

Date of Project	Team Members*	Total Hours For 2013 / 2014
Ongoing since 2006	Elaine Johns Barry Birkett Ronnie Donaldson	1,505

** Only includes our Team Members who are proposed to work on the GRU project.*

CLIENT D: A group of North Carolina utilities with a combined peak demand in excess of 500 MW, for whom we have provided support in power supply needs assessment and planning, supply options analysis and selection, contract negotiation and implementation, and ongoing contract administration and compliance. We have had a relationship with these utilities, individually and collectively, since 2001. Our work in the last three years relevant to the scope of this RFP includes the following activities.

- Ongoing contract administration and compliance review and subsequent support under contracts with multiple suppliers, taking action with and on the behalf of clients based on compliance review, and reporting to clients on the contract administration and compliance activities.
- Monthly analysis of complex billing under multiple power supply relationships, including validating and verifying billing is in accordance with terms and conditions of contracts and following up with counterparties and clients when issues are identified.
- Planning and conducting audits of power suppliers for determine compliance with pricing and other contractual terms and conditions.
- Evaluating impacts and negotiating settlements and contract amendments to client contracts, pricing and processes with a major supplier that merged with another utility.

Date of Project	Team Members*	Total Hours For 2013 / 2014
Ongoing since 2006	Elaine Johns Lynne Travis Mary Ellen Cole Barry Birkett	944

** Only includes our Team Members who are proposed to work on the GRU project.*

CLIENT E: A utility that operates in both Florida and Georgia and has a peak demand in excess of 150 MW, with whom we have had a relationship since the inception of EnerVision. This client is a member of the Georgia client group, Client A, discussed above for purposes of power supply activities and has also been an individual client of EnerVision for non-power supply work. During the period requested in the RFP, EnerVision has assisted this client in its strategic planning, including establishment and evaluation of objectives and assessment of its organizational fit with those objectives, succession planning, development of marketing plan (including customer surveys) and customer programs.

Date of Project	Team Members*	Total Hours For 2013 / 2014
Ongoing since June 2013	Elaine Johns Ronnie Donaldson Mary Ellen Cole	488

** Only includes our Team Members who are proposed to work on the GRU project.*

For reasons of confidentiality, EnerVision has omitted the specific identity of the listed clients. However, if specific contact information is required, we can provide it separately from the formal bid proposal.

Gunster Firm Qualifications and Experience

Gunster has over 150 attorneys work within eighteen networked practice areas linked across eleven offices around Florida. This business strategy magnifies the depth and scope of the knowledge, relationships, perspective and level of performance we provide to our clients in Florida. Since 1925, we have distinguished ourselves for our ability to handle the most complex of transactions to the greatest advantage for our clients. A brochure setting forth an overview of our firm is attached as Appendix B.

Our attorneys and government consultants are highly experienced and well-respected in a variety of disciplines. Each Gunster attorney is outstanding in his or her specific practice area, but these committed individuals also work as a team - both within each practice and across various practices, always with the support of over 200 professional staff and team members statewide. This intensely collaborative approach serves our clients well, as it means we can draw on as many practices as needed to best serve a client's interests. Gunster is in the business of understanding our clients' business. The firm's depth of experience and its powerful base of top-tier business, government and industry-specific relationships have helped its clients navigate challenges, opportunities and legislative changes for over 85 years.

Our eighteen practice areas cover a wide variety of services that are available to our clients. They include: Banking & Financial Services, Business Litigation, Construction, Corporate, Environmental & Land Use, Government Affairs, Healthcare, Immigration, International, Labor & Employment, Leisure & Resorts Group, Private Wealth Services, Probate, Trust, & Guardianship Litigation, Professional Malpractice, Real Estate, Securities and Corporate Governance, Tax, and Technology & Entrepreneurial Companies. The attorneys dedicated to the work for the City would be from our Governmental Affairs and Business Litigation practice areas.

For the convenience of our clients, Gunster operates eleven strategically located offices throughout Florida located in: Fort Lauderdale, Jacksonville, Miami, Orlando, Palm Beach, Stuart, Tallahassee, Tampa, The Florida Keys, Vero Beach and West Palm Beach. The attorneys assigned to the work for the City would be from our Tallahassee and Miami offices.

Gunster and its attorneys have performed a host of investigative reviews for its clients. Virtually every case Gunster attorneys handle for clients entails an investigative review of both the facts and the law. Of course, client confidentiality limits our ability to list specific investigations and particular matters where we have not made formal appearances on behalf of clients. The government and utility clients that our Governmental Affairs Practice Group has represented within the last five years include the City of Tallahassee (electric utility), the City of Pensacola (gas utility), Seminole Electric Cooperative, Inc. (generation & transmission electric cooperative), Florida Public Utilities Company (a variety of regulatory matters), Gulf Power

Company (two rate cases) and Florida Power & Light Company (a rate case and a gas pipeline determination of need).

In terms of time devoted to client matters, the five most relevant, recent engagements for our utility clients have been in Gulf's 2011 rate case, Gulf's 2013 rate case, FPL's 2012 rate case, FPL's 2013 gas pipeline determination of need and other work performed on behalf of Seminole Electric Cooperative. In addition, over the last three years Gunster has advised both the City of Tallahassee and City of Pensacola in matters involving their utilities divisions. The scope and nature of the work performed as well as the number of total hours worked is confidential to the clients, who do not wish for that information to be disclosed. However, the name and telephone number of the principal client contact at each of these clients are:

- Gulf Power Company: General Counsel, Jeffrey Stone (850) 444-6550
- Florida Power & Light Company: General Counsel, Wade Litchfield (561) 691-7101
- Seminole Electric Cooperative, Inc.: Vice President of Strategic and Environmental Affairs, Robert McNamara (813) 739-1314
- City of Pensacola: Director, Pensacola Energy, Don Suarez (850) 474-5316
- City of Tallahassee: Director, Utility Business and Customer Services, Reese Goode (850) 891-6803

EnerVision Partner, Supervisory and Staff Qualifications and Experience

Barry Birkett will be the EnerVision Associate leading this project. Barry is a vice president and partner at EnerVision. Barry's experience includes more than 30 years of broad electric utility experience, with specialization in power supply contract administration and compliance, contract negotiations, power supply analysis and pricing/rates. Barry is very familiar with the Florida electric industry and the participants therein having worked for 16 years earlier in his career with FPL. Mr. Birkett holds a Bachelor of Science in Industrial Management from the Georgia Institute of Technology and a Masters of Business Administration from Florida International University.

Elaine Johns will participate in this project. Elaine is the President/CEO of EnerVision, an original founder of the firm and has over 28 years of utility experience. She leads the company's nationwide consulting efforts as she builds relationships and is responsible for the overall operations of the firm, as well as being a partner/owner in the company. Her areas of expertise are wholesale power supply planning, financial and economic analysis, wholesale and retail rates, strategic & business planning, benchmarking, statistical analysis, and economic models. Ms. Johns is responsible for the Management Consulting Practice Area of the company, in which she works with clients' senior management and key staff as well as Boards of Directors. Mrs. Johns holds a Bachelor of Industrial and Systems Engineering degree from the Georgia Institute of Technology.

Lynne Travis will participate in this project. Lynne has 30 years of experience in electric utility power supply planning with proven capability in financial and economic analysis, power solicitation, evaluation and negotiations. Ms. Travis holds a Bachelor in Electrical Engineering degree from the Georgia Institute of Technology and is a member of the Institute of Electrical and Electronics Engineers.

Lane Mahaffey will participate in this project. Lane has over 30 years of experience in electric utility management with responsibilities over operations, strategic and resource planning, power marketing, power contracts, fuels, legislative, regulatory, renewable energy, and demand-side resources. Lane's career experience is diverse and includes work with investor-owned, municipal, and cooperative utilities. Mr. Mahaffey holds a Bachelor's Degree in Electrical Engineering from the University of South Florida, and is a registered Professional Engineer in the State of Florida.

Mary Ellen Cole will participate in this project. Mary Ellen has experience with power supply contracts and contract administration. A senior consultant with 4 years of experience, she has strong technical and analytical skills. Mary Ellen has also managed management consulting projects. Ms. Cole graduated from Vanderbilt University with a Bachelor's Degree in Electrical

Engineering and Mathematics. She graduated from the Georgia Institute of Technology with a Master's Degree in Electrical Engineering, concentrating in Power Systems.

Ronnie Donaldson will participate in this project. A senior consultant with 4 years of experience, Ronnie has power supply experience, providing analytical support for budgeting, long term planning, forecasting, cost-benefit analysis, and power contracts. He has worked with retail rate services, cost of service analysis, future generation assessments, and risk management solutions. Ronnie has also supported the firm's strategic planning and facilitation efforts. Mr. Donaldson graduated from the Georgia Institute of Technology with a Bachelor in Industrial and Systems Engineering degree.

All EnerVision's professional profiles are attached as Appendix C.

Gunster Partner, Supervisory and Staff Qualifications and Experience

Charlie Guyton, will be the Gunster attorney leading this effort on behalf of the City. He has not performed an investigative review of the relationship between a municipality and its utilities division during the last three years. However, over his thirty-seven years of practice, Mr. Guyton has been involved in at least one investigative review of a utility that was presented to the Florida Public Service Commission, but more importantly, he has been repeatedly involved in very fact-intensive investigations and litigation preparation for a variety of utility clients. His utility clients have included Gulf Power Company, a subsidiary of the Southern Company, Florida Power & Light Company a subsidiary of Next Era Energy, Seminole Electric Cooperative, Inc., The Florida Electric Cooperative Association, municipal utilities in the City of Tallahassee and the City of Pensacola, independent power producers, including at least one biomass developer, and a nuclear development consortium.

The vast array of services Mr. Guyton has provided to utilities will serve the City well in the investigative review of GRU, its renewable energy contract and its relationship with the City Commission. For instance, he has participated in over sixteen determination of need cases before the Florida Public Service Commission where utilities have had to prove the need for generating units and that the unit or contract being proposed was the most cost-effective option available for the utility. Through this work Mr. Guyton has developed an understanding of prudent utility resource planning, appropriate means of assessing the relative economics of alternatives, and how to present results and communicate complex results simply to decision makers, whether they were executives or governmental agencies. Mr. Guyton has also participated in multiple capacity solicitations (RFPs) for electric utilities and has negotiated three power purchase agreements for utilities. Such experience will be valuable to the City in Gunster's review of GRU's biomass RFP and the negotiation of the biomass contract and amendments.

- Among the more complex cases that Mr. Guyton has handled both for and against utilities are rate cases. The preparation of such cases is extremely time and resource consuming, requiring a great deal of investigation, organization and presentation. Mr. Guyton has worked with both staff and management within utilities in formulating such cases and in deciding how they are best presented. That experience should also be valuable in assessing how internal communications, practices and procedures between the City and GRU can be improved.

Angel Cortinas, the other Gunster shareholder who will be assigned to this matter, also has not been involved in an investigative review of a government and its utilities division within the last three years. However, he brings a wealth of experience, investigative and otherwise, to the City. Before joining Gunster in 2013, Mr. Cortinas served as an appellate judge on Florida's 3rd

District Court of Appeal for more than 8 years. He reviewed civil and criminal appeals from trial courts, authoring over 500 appellate opinions. He also served as a trial judge, by Florida Supreme Court appointment, on civil and criminal jury trials.

Mr. Cortiñas previously worked for 13 years as a federal prosecutor [and was the lead trial attorney] in the office's investigation and successful prosecution of Columbia HCA and Olsten Corporation, which was the largest fraud case in U.S. history and the most comprehensive health care fraud investigation ever undertaken by the federal government. As the former Chief of the Fraud Section of the U.S. Attorney's Office in Miami, he supervised twenty prosecutors and oversaw all criminal fraud investigations and prosecutions involving corporate and securities fraud, bank fraud, health care fraud, computer crimes, tax fraud, and other white-collar offenses. He also worked in and oversaw the Health Care Fraud Section of the U.S. Attorney's Office in Miami for many years, working closely with hospitals as well as state and federal regulators.

Angel has tried over 30 jury trials to verdict in federal court and coordinated over 100 complex grand jury investigations

Jonathan Kaskel also has extensive experience in investigating and trying complex commercial litigation matters.

One of Gunster's real values to its clients is its depth of resources. While we do not anticipate a turnover of the primary attorneys assigned to this matter, there is depth to replace our attorneys in both our Governmental Affairs and Business Litigation practice areas. There are two other well-known and respected attorneys in the Government Affairs Practice Group who could stand in for Mr. Guyton should the need arise – Lila Jaber, the former chair of the Florida Public Service Commission, has worked with both public and private utilities in a variety of matters, and Beth Keating, who regularly represents Florida Public Utilities Company and Florida City Gas before the Florida Public Service Commission. Gunster is even deeper with experienced commercial litigators in its Business Litigation Practice Group, with attorneys who could work from a number of offices, including Jacksonville, West Palm Beach and Miami.

All Gunster's professional profiles are attached as Appendix D.

Conflict of Interest

Neither EnerVision nor Gunster are aware of any relationships, ties, arrangements, or other potential conflicts that exist at present or in the past other than Gunster may be adverse to the City of Gainesville in two eminent domain cases. Those cases are described below.

Gunster represents the Royal Gainesville Limited Partnership in two cases brought by the State of Florida Department of Transportation. The cases involve parcels within the City of Gainesville. The City is not a named party in either suit; instead, the condemning agency is the State of Florida Department of Transportation. The styles of the cases are as follows:

State of Florida Department of Transportation v. Royal Gainesville Limited Partnership, Division K, Parcels 103, 103

State of Florida Department of Transportation v. Royal Gainesville Limited Partnership, Division J, Parcels 109, 700

If the City has an interest in either or both suits, Gunster would be hopeful of achieving a waiver from both its client and the City.

Specific Engagement Approach

EnerVision's approach to this work is described as follows on a topical basis, along with an acknowledgment of pertinent underlying assumptions.

Relationship of GRU with City Government and Organizational Culture

Conduct an independent assessment of the relationship that has existed between the City Commission and its electric utility (GRU), review the communication and processes that enable the relationship, and develop a profile for the corporate culture that has existed through the period of focus. The objective of this work will be to constructively assess the business environment of the electric utility and assist the City with improvements going forward.

The nature of the work in this phase will be to understand the culture and mechanics of the organizational relationship and communications between GRU staff and the City Commission in order to make constructive recommendations to achieve improvements in the quality of the conduct of the utility business. This assessment will begin with an interview of both City and GRU personnel to understand the various relationships between the City Commission and its staff and GRU. We will inquire about the history of the City's provision of utility services, the emergence of GRU as a seemingly separate entity and the evolution of the relationship between the City Commission, its staff and GRU. We will also inquire about the evolution of the relationship between the City Attorney's office and the Utilities Attorney. We will inquire as to protocols and procedures in place, how they evolved over time, how GRU's budget fits within the City's larger budget process, and the extent, if any, that utility services are a source of

general revenue for the City. After an initial interview, we will ask for documents showing organization, lines of authority, procedures and policies. In addition, the assessments of the other phases of work described below involving the Biomass Contract will be another source of information for this phase. After review of relevant documents, the consulting team will conduct necessary follow up interviews of personnel.

It is anticipated that this portion of the work will be performed primarily by EnerVision with some assistance from the Gunster Law Firm. The primary staffing assignments and levels anticipated for this aspect of the work will be Mr. Barry Birkett, Mr. Lane Mahaffey, and Mr. Ronnie Donaldson for EnerVision and Mr. Guyton for Gunster.

GRU's Planning Process

Conduct an independent assessment of the planning, bidding and contracting processes that led to the Biomass Contract, and make appropriate recommendations. The planning process conducted by GRU staff, the ongoing liaison among GRU staff and the Commission, the bidding processes, and the negotiations which ultimately led to a single contract will be assessed at the process level. Interviews of staff members will be required as deemed appropriate. Any applicable corporate procedure documentation will be reviewed. It is not anticipated that a significant discovery process will be conducted to supplement documentation already deemed appropriate and readily available for contractor review.

It is anticipated that this portion of the work would be performed primarily by EnerVision with assistance from the Gunster Law Firm. The primary staffing assignments and levels anticipated for this aspect of the work will be Mr. Barry Birkett, Mr. Lane Mahaffey, and Mr. Ronnie Donaldson for EnerVision and Mr. Guyton for Gunster.

Biomass Contract

This proposal is being made assuming that the original biomass contract should be considered to be a legally binding instrument and investigative efforts (e.g., document discovery, interviews, etc.) intended to seek opportunities to reform or excuse performance of such agreement would not be a good investment of the City's resources. We are not aware of any finding from the prior legal reviews that suggest that the original biomass contract has significant flaws, and given that at least three legal reviews have been undertaken of the original contract in some context, we question whether a further detailed legal review would provide significant value to the City. If information arises in our work that changes our view of this underlying assumption, such expanded work could be proposed, the rationale explained, and costs estimated for consideration by the City. However, there will be consulting time and investigative review devoted to this

phase of the work. Such consulting time and investigative review on this phase of the work would include the flow of financial information from GRU to the City Commission in securing approval of negotiation and the ultimate contract, and the review would serve two purposes. First, it will allow EnerVision and Gunster to assess the City's contract negotiation and approval process to assess whether there may be grounds for improvement in the future. Second, this review is also necessary to familiarize the consulting team with the Biomass Contract itself for the purpose of providing background and context to the overall project and as necessary for the subsequent phase involving assessing performance under the contract.

It is anticipated that the primary work in this area regarding the City contract negotiation and procurement process would be performed by EnerVision, with assistance from the Gunster Law Firm. The primary staffing assignments and levels anticipated for this aspect of the work will be Mr. Barry Birkett, Mr. Lane Mahaffey, and Ms. Mary Ellen Cole for EnerVision and Mr. Guyton for Gunster. Messers Cortinas and Kaskel will also need to familiarize themselves with the biomass contract and the negotiations leading to it to be able to provide other detailed legal analyses discussed later in the proposal.

Biomass Contract Amendments

Conduct an independent assessment of the amendment process which was managed by GRU staff and the extent to which that involved the City Commission. The objective of this assessment will be to review the process chronology and assess the specific actions/involvement of GRU staff members and the City Commission at each decision point in such chronology. The targeted result of this work will be two-fold (1) to assess potential opportunities for economic/financial benefit, and the associated risks and costs to seek such potential benefits, and (2) to identify flaws in the decision processes and/or institutional controls and recommend specific corrections going forward.

The consulting team will identify the documented decision process, including the flow, if any, of financial information to the City Commission, through review of prior investigations conducted by the City Attorney and law firms, review of the documents gathered in those prior investigations, and identification of other documents in GRU's and the City's possession that would shed light on the negotiation and approval of these amendments. If documents still need to be gathered from computers and electronic storage to conduct such a review and such gathering of documents cannot be done by the City or GRU, then EnerVision or Gunster will retain the services of reputable firms to provide such services. The cost of such services is not included in the cost proposal for this proposal and would be a separate fee based upon the cost of the necessary data extraction. Once documents are retrieved and reviewed, Gunster and EnerVision will identify staff members that need to be interviewed as well as former staff

members, executives or even current or former City Commissioners that need to be interviewed and conduct such interviews. Based upon the documents retrieved, the documents reviewed and the interview process, Gunster will advise the EnerVision and the City as to whether the City may have a basis to challenge the various contract amendments that have been entered. In addition, EnerVision and Gunster will advise the City regarding process changes that may need to be made to avoid a repeat of concerns in the future. As an underlying assumption related to this work, we assume that the three prior legal reviews of the handling of the biomass contract and its amendments by GRU Staff and the City Commission are relatively comprehensive from a data-gathering standpoint. Our initial work on the legal aspects of this case will be to assess the associated conclusions and ascertain whether the discovery process was adequate. If our review concludes that there is a significant lacking in information gathered to support a recommended path forward, we will conduct the additional discovery and associated review and assessment discussed previously.

It is anticipated that the legal review in this portion of the work will be performed by the Gunster Law Firm and that the process review in this portion of the work will be performed primarily by EnerVision. Mr. Cortinas and Mr. Kaskel will staff the legal assessment to be performed by Gunster. Mr. Guyton may assist in that effort. As to the policy and procedure review, EnerVision will staff this effort primarily through Mr. Barry Birkett, Mr. Lane Mahaffey, and Ms. Lynne Travis and Gunster will staff this work using Mr. Guyton.

GREC's Contract Performance

Conduct an independent assessment of the performance of both parties to the terms of the GREC biomass contract. The objective of this work will be to identify any significant departure from strict compliance with the contract terms and in so doing, identify any risks and/or opportunities for GRU.

The nature of this work will be to achieve familiarity with the terms of the Biomass Contract (i.e., as described above under Biomass Contract phase) and ascertain through staff interviews and document review the extent to which both parties have been in conformance with the contract terms.

It is anticipated that this portion of the work will be performed jointly among EnerVision and the Gunster Law Firm. The primary staffing assignments and levels anticipated for this aspect of the work will be Mr. Barry Birkett, Mr. Lane Mahaffey, and Ms. Lynne Travis for EnerVision and Messers Guyton, Cortinas and Kaskel for Gunster.

Other Recommendations

Provide other recommendations intended to provide benefits to GRU and its customers. As a consequence of the independent assessments performed by EnerVision and Gunster, it is expected there will be observations, conclusions, and associated recommendations of opportunities and/or strategies intended to improve GRU's posture relating to the GREC contract and/or its handling of other power supply resources or resource opportunities (e.g., business relationship with GREC, handling of risk considerations, and risk mitigation, strategic planning, organizational transparency, etc.).

It is anticipated that this portion of the work will be performed primarily by EnerVision with some assistance from the Gunster Law Firm. The primary staffing assignments and levels anticipated for this aspect of the work will be Mr. Barry Birkett, Mr. Lane Mahaffey, and Ms. Elaine Johns for EnerVision and Mr. Guyton for Gunster.

Formal Report

Provide a formal written report detailing the above-described results and related recommendations. The staffing of the drafting for both EnerVision and Gunster will be determined based upon the results of the investigation conducted and the recommendations made. It is anticipated that there will be one primary drafter for both EnerVision and Gunster; however, other members involved in the project will have input and provide review. The primary staffing assignments and levels anticipated for this aspect of the work will be Mr. Barry Birkett, Mr. Lane Mahaffey, and Ms. Elaine Johns for EnerVision and Mr. Guyton for Gunster.

Provide an oral report to the City Commission.

It is intended that a representative from both EnerVision and the Gunster Law Firm would participate in the oral presentation.

Proof of Professional Liability Insurance

Appendix E: EnerVision's proof of professional liability insurance.

Included in this proposal is a copy of EnerVision's Certificate of Insurance. If EnerVision is awarded the contract, a Certificate of Insurance will be issued naming the City of Gainesville, Florida as the Certificate Holder and will also order an endorsement that a 30 day notice of cancellation be added to our policy at that time.

Appendix F: Gunster's proof of professional liability insurance.

Project Schedule

The RFP suggests in the General Terms and Conditions Section (Item 7 – Term) that the project should be targeted for completion within a four month timeframe specified for the consulting contract. EnerVision and Gunster believe four months is a reasonable time frame to complete the in-scope work described in our Specific Engagement Approach. Inherent in work of this nature are uncertainties associated with the segmented phased approach, documentation search and review, scheduling of people for interviews, follow-up interviews if needed, etc. Although we expect that our consulting team can accomplish all of the in-scope work well within the four months, we believe our commitment to the associated tasks should be based on that full-time allowance.

As follows is an outline of our nominal project schedule:

Project Kickoff Meeting	July 2014
Supplemental Q&A	July 2014
Document Review	Aug 2014
Interview Requests/Scheduling	Aug 2014
Interviews	Sep 2014
Develop Conclusions/Recommendations	Sep 2014
Prepare and Deliver Report	Oct 2014

Price Proposal

EnerVision Price Proposal

EnerVision's hourly rates applicable for this project are as follows:

EnerVision 2014 Billing Rates	
Position	Hourly Rate
Chairman	\$260.00
President / CEO	\$260.00
Vice President	\$230.00
Principal	\$205.00
Lead Consultant	\$185.00
Senior Consultant	\$165.00
Consultant	\$135.00
Technical	\$100.00
Administrative	\$60.00

Barry Birkett, VP	\$230/hour
Elaine Johns, President / CEO	\$260/hour
Lynne Travis, Principal	\$205/hour
Lane Mahaffey, Lead	\$185/hour
Mary Ellen Cole, Senior Consultant	\$165/hour
Ronnie Donaldson, Senior Consultant	\$165/hour

The best budgetary estimate of EnerVision's cost to complete the assessment outlined in the Scope of Engagement in this Proposal is \$82,000. This budgetary project cost estimate does not address any changes of scope which the City may propose or any changes of scope that EnerVision may propose based upon information it learns in performing its proposed scope of engagement. Such costs cannot be estimated at this time without detailed information that is simply unavailable. These estimates also do not include costs for any electronic data recovery which might be necessary, as it is unclear whether there will be a need for such services beyond what the City and GRU can provide. Such costs, if necessary to be incurred, would be at prevailing market rates and are not included in EnerVision's estimates.

Expenses incurred under this project will be passed through at cost.

Gunster Price Proposal

As requested in the RFP, Gunster is providing reduced hourly rates for its portion of this engagement. The hourly rates set forth below represent discounts of rates from standard hourly billing rate ranging from 24% to 36%. The special rates for the primary Gunster attorneys assigned to this proposal are:

Charles A. Guyton	\$400/hour
Angel Cortinas	\$495/hour
Jonathan Kaskel	\$225/hour

The best estimate of Gunster's cost to complete the assessment outlined in the Scope of Engagement in this Proposal is \$120,000.00. This is a good faith estimate based upon the information disclosed in the RFP process, which is limited. This good faith estimate is tied to the specific scope of engagement addressed in this proposal. This good faith estimate is not a "not to exceed price" and should not be interpreted as that or a maximum budget. If during the engagement Gunster learns that it will exceed this good faith estimate, the City will be apprised timely of that development. This estimate does not address any changes of scope which the City may propose or any changes of scope that Gunster may propose based upon information it learns in performing its proposed scope of engagement. Such costs cannot be estimated at this time without detailed information that is simply unavailable. These estimates also do not include costs for any electronic data recovery which might be necessary, as it is unclear whether there will be a need for such services beyond what the City and GRU can provide. These estimates also do not cover any court reporting or transcription costs which may be necessary if formal statements are taken of staff. Such costs, if necessary to be incurred, would be at prevailing market rates and are not included in Gunster's estimates.

Expenses incurred under this project will be passed through at cost.

Qualifications

The RFP specifies that a Qualifications sections follow the price proposal. *See* page 12 of the RFP. The qualifications of both EnerVision and Gunster as firms are set forth in detail in the Technical Proposal and will not be repeated here. Similarly, the qualifications of the staff to be assigned by both EnerVision and Gunster is also addressed in the Technical Proposal and in the various resumes attached as Appendices.

Appendices

Appendix A: EnerVision Company Profile



Tailored Energy Solutions

EnerVision is an innovative, independent management and technical consulting firm, offering the electric utility industry a full range of business-related services. We work with utilities of all sizes, in all markets to add value, solve technical and business-related problems as well as partner with our clients to successfully address both current and emerging industry issues.

EnerVision understands what it takes to be successful in either a deregulated or regulated market, and has assisted many clients in developing – and implementing – strategies that improve their business positions and make their operations more effective at lower costs.

Full Range of Professional Services

EnerVision provides a full range of consulting services providing the right services to meet our clients' needs – specific services or temporary assistance – so they pay only for the services they use.

EnerVision's clients routinely turn to us for:

- ◆ Technical resource planning analysis;
- ◆ Development and implementation of effective energy efficiency and renewable resource programs;
- ◆ Targeted pricing / rate design support;
- ◆ Technical assistance with energy systems;
- ◆ Help in choosing a Smart Grid / technology system; and
- ◆ Reliability compliance, interconnection, and emergency planning support.

As part of our commitment to tailoring our solutions to fit your needs, EnerVision

- ◆ Works with utilities as individuals and groups;
- ◆ Aggregates projects across territories – up to state, regional or national levels; and
- ◆ Assures that our clients pay for only those services they want / need.

Our primary services include:

◆ **Power Supply Services**

- ◆ Planning
- ◆ Contracting
- ◆ Contract Administration
- ◆ Hedging & Risk Management
- ◆ Total Energy Planning
 - ◆ Renewable Resources
 - ◆ Distributed Generation
 - ◆ Load Management / Demand Response
 - ◆ Energy Efficiency / Evaluation Tools
- ◆ Compliance Services
 - ◆ Integrated Resource Plans (IRPs)
 - ◆ Renewable Portfolio Standards (RPS)
 - ◆ FERC / NERC Compliance
 - ◆ Emergency Restoration Planning (ERP)

◆ **Emerging Energy Solutions**

- ◆ Demand Side Management (DSM)
 - ◆ Energy Efficiency / Conservation
 - ◆ Demand Response
 - ◆ Direct Load Control
 - ◆ Consumer Engagement
- ◆ Smart Grid / AMR / AMI Support
- ◆ Renewables / Distributed Generation
- ◆ Wholesale & Retail Rates Services
 - ◆ Rate and Pricing Strategy
 - ◆ Cost of Service Studies
 - ◆ Rate Design
 - ◆ Innovative Pricing Structures
 - ◆ Cost Recovery Mechanisms

◆ **Management Consulting Services**

- ◆ Strategic Planning
- ◆ Business Planning
- ◆ Organizational Design
- ◆ Succession Planning
- ◆ Business Diversification
- ◆ Mergers & Acquisitions

Experienced, Qualified & Knowledgeable Staff

The EnerVision team is experienced, qualified, and knowledgeable in all aspects of the electric utility industry. The team's professional expertise is demonstrated by:

- ◆ Many associates / consultants having earned advanced degrees and certifications in business and engineering fields.
- ◆ Having worked with more than 120 utilities and affiliate organizations in over 30 states across the US.
- ◆ Averaging over 18 years of individual experience in management, marketing, technical and business operations.
- ◆ Having a combined total of over 250 years of electric utility, non-utility, and business experience.
- ◆ "Outside the Box" thinking while maintaining sight of the "box."
- ◆ The ability to get things done with a thorough understanding of electric utility industry principles, advantages, and ideals.

Partners for Success

EnerVision recognizes that the key to our future lies in the success of our clients. We strive to work in a partnership so that after our tasks are complete, the client is in a better position to capitalize on new strengths and can better handle similar situations in the future.

Appendix B: Gunster Company Profile



Firm Qualifications and Experience

For over 85 years, Gunster has been a giant among corporate law firms in Florida. Over 150 attorneys work within eighteen networked practices linked across eleven offices around the state. This business strategy magnifies the depth and scope of the knowledge, relationships, perspective and level of performance we provide to our clients with business interests in Florida. Since 1925, we have distinguished ourselves for our ability to handle the most complex of transactions to the greatest advantage for our clients.

Our attorneys and government consultants are highly experienced and well-respected in a variety of disciplines. Each Gunster attorney is outstanding in his or her specific practice area, but these committed individuals also work as a team - both within each practice and across various practices, always with the support of over 200 professional staff and team members statewide. This intensely collaborative approach serves our clients well, as it means we can draw on as many practices as needed to best serve a client's interests.

Gunster is in the business of understanding our clients' business. The firm's depth of experience and its powerful base of top-tier business, government and industry-specific relationships have helped its clients navigate challenges, opportunities and legislative changes for over 85 years.

For the convenience of our clients, Gunster operates eleven strategically located offices throughout Florida located in:

1. Fort Lauderdale
2. Jacksonville
3. Miami
4. Orlando
5. Palm Beach
6. Stuart
7. Tallahassee
8. Tampa
9. The Florida Keys
10. Vero Beach
11. West Palm Beach

Gunster's management structure consists of a seven (7) member Board of Directors and twenty-four (24) Practice Leaders presiding over eighteen (18) specific practices of law.

Board Principals:



**Chairman of the Board,
George S. LeMieux**

George LeMieux is a shareholder with the firm and serves as the Chairman of the Board of Directors. He previously served as Florida's 34th United States Senator in the 111th Congress. Mr. LeMieux also

served as the Governor's Chief of Staff and as Deputy Attorney General for the State of Florida.

Mr. Perry focuses on complex commercial transactions, real estate development and finance, homeowner associations and condominiums, and mining and construction law. Mr. Perry takes a lead role in Gunster's support of Easter Seals Florida and the American Heart Association. He studied in the Kings College Exchange Program of the University of London and graduated with honors from the University of Florida College of Law.



**Managing Shareholder,
H. William Perry**

H. William (Bill) Perry, managing partner of the firm, has been with Gunster for all of his legal career and much of Florida's explosive growth in the last 25 years. An A-V rated attorney who is part of Gunster's Real Estate practice,



**General Counsel,
Donald J. Beuttenmuller Jr.**

The general counsel for Gunster, Donald Beuttenmuller has been with the firm since 1980 and served as managing shareholder from 2002 through 2008. Mr. Beuttenmuller is a graduate of the School of Foreign Service at Georgetown University and his J.D. is from the University of Florida.

Board Members:



David Bates

David Bates is a shareholder who joined Gunster in 1991 after graduating Tulane University. Mr. Bates currently serves as the Co-Chairman of the firms Technology & Entrepreneurial Companies Practice and regularly counsels clients in the areas of Technology

Law, Mergers & Acquisitions, Venture Capital, Licensing & Distribution and Corporate Finance & Securities



Clinton Losego

Clinton Losego joined the firm in 1996. Among Mr. Losego's primary practice areas are business and complex commercial litigation with a focus on the financial services industry.



Rick Burgess

Rick Burgess joined the firm in 1994. Mr. Burgess focuses his practice on environmental counseling, litigation and related regulatory matters and represented United States Sugar Corporation in one of the most significant land acquisitions by the State of Florida to date.



David Wells

David Wells is nationally recognized for his practice in business litigation and complex commercial litigation. Mr. Wells joined Gunster in 2008.

Banking & Financial Services

One of the first practices to be established at Gunster, the Banking and Financial Services practice enjoys an international reputation for quality and professionalism that stems from successfully representing some of the world's leading financial institutions. The practice is composed of culturally diverse and multilingual attorneys, and is committed to being at the forefront of legal issues affecting financial institutions. Our attorneys handle a broad range of matters, including new bank formations, mergers and acquisitions, anti-money laundering, Bank Secrecy Act, lending, licensing, foreclosures, lender liability, bankruptcy, technology, employment, SEC compliance, and tax, among others.

Business Litigation

The fact that Gunster attorneys repeatedly are called on to handle complex and important litigation speaks to the manner in which we do so. Our unwavering focus puts the client's best interests first. The most successful outcome is one in which our client's goals and objectives are met. We do not litigate for its own sake, but rather, in a timely manner to achieve what is best for a particular client under particular circumstances. From our eleven offices strategically placed around the state, our highly skilled lawyers represent clients in all Florida state and federal courts.

Construction

Gunster's Construction Law practice represents developers, general contractors, subcontractors, suppliers, design professionals, associations and owners in all facets of construction law and litigation. For decades, Gunster has advised many of the region's largest developers on a wide array of legal issues from basic development to sophisticated and complex multi-party litigation. From the planning and financing stage through the completion of construction, the Practice resolves disputes through the most efficient means including negotiation, mediation, arbitration, and litigation. Gunster's Construction Law practice includes three board-certified construction specialists.

Corporate

Gunster's Corporate attorneys provide proactive counsel while acting as strategic partners to clients. Utilizing a solutions-oriented approach geared toward achieving defined goals and objectives, we help our clients successfully execute their business plans. Our primary areas of focus encompass a comprehensive range of corporate services. These include mergers and acquisitions, business entity selection and structuring, joint ventures and strategic alliances, executive compensation, private equity and venture capital, corporate finance, securities offerings and compliance. We also provide counsel on corporate governance, bankruptcy and corporate restructurings, and cross-border transactions.

Environmental & Land Use

Gunster's Environmental and Land Use practice represents a sophisticated clientele, public and private, national and international, who own, lease, develop, finance and manage agricultural, commercial, energy, industrial, residential, and mixed-use properties throughout Florida and the United States. Our lawyers provide counsel and representation in all aspects of land use, environmental, development and acquisition matters. Gunster's environmental and land use attorneys, staff and in-house planners have extensive experience representing clients before a variety of local, state and federal regulatory agencies, as well as state and federal judicial and administrative tribunals at both the trial and appellate levels. The varied backgrounds of our attorneys provide clients with a cohesive team of practitioners who possess the broad range of experience and knowledge needed to successfully guide them through the regulatory maze of land use, development and environmental matters as well as protecting and enforcing their rights in court where necessary.

Government Affairs

Led by a former chairman of the Florida Public Service Commission, the Government Affairs practice includes a knowledgeable team of attorneys and consultants, leveraging comprehensive legal counseling with a deep proficiency in government relations. Our team represents clients within a broad range of industries including telecommunications, transportation, healthcare, land use, energy, education, natural gas and regulated industries. The government affairs

group advocates on their behalf to all levels of state government—executive, administrative, legislative and regulatory. Additionally, Gunster is involved in trade and industry organizations at a leadership level to help shape policies and priorities which are important to our clients.

Healthcare

Healthcare is one of the fastest growing and most heavily regulated industries. With ever-increasing pressures due to technology, competition and government regulation, healthcare entities are challenged to meet the rigid standards that have become the norm for this evolving and dynamic industry. Today, more than ever before, hospitals, physicians and physician groups, pharmaceutical companies, ambulatory surgery centers, and all healthcare related entities and individuals require legal counsel that is equipped in every facet of healthcare law.

Gunster's healthcare practice includes an all encompassing team of attorneys who encounter the unique and sophisticated legal challenges of this industry every day. This team, which includes attorneys and professionals who are Board Certified and come from medical and scientific backgrounds, work with clients in navigating a host of legal concerns, including transactional matters, complex litigation and regulatory issues at both the state and federal levels. Our attorneys draw upon the depth of experience from other practices within the firm including real estate, land use, tax, labor and employment and immigration to provide comprehensive counseling.

Immigration

Gunster's Immigration practice develops comprehensive and pragmatic strategies to further the business objectives of clients who require the services of foreign nationals. We handle the full range of employment-based visas (both temporary and permanent), represent foreign investors, and prepare the relevant policies and procedures for companies' Human Resources departments. We also train management on how to implement these procedures. Expedience and compliance are paramount to the success of our clients' immigration-based needs. We respond quickly and with scrupulous attention to government requirements, thus enabling our clients to meet their objectives in a timely manner. We provide services to clients nationally and globally, and a large number of our clients are multinationals.

International

Attorneys in our International practice have a comprehensive understanding of the international business and legal environment. The foundation for that understanding includes country-specific experience in European, Latin American, Middle Eastern and Asian countries, and an exceptional grasp, technical and cultural, of how the business and legal communities in those countries function. With this understanding, we create effective and efficient strategies that balance both legal and non-legal aspects of the issues. We leverage our strategies by carefully nurturing and accessing relationships in the business and government sectors. We have cultivated a worldwide network of relationships with businesses and individuals working in the international arena. In the United States, our relationships extend to federal, state and municipal governments; other nations' diplomats and consulates; trade commissions; economic development entities; and bi-national chambers of commerce. Outside of

the United States, we interface with U. S. consular offices and diplomats; the governments of other nations; and a network of correspondent professionals throughout Europe, Israel, Latin America, the Caribbean and Asia.

Labor & Employment

When clients are faced with a lawsuit or administrative complaint, the experienced trial attorneys of Gunster's Labor and Employment practice can provide an aggressive and efficient defense. In addition, Gunster's employment attorneys have the experience and talent necessary to enforce a company's rights relating to its former employees, and to protect its confidential and trade-secret information. Our trial attorneys regularly represent clients in state and federal courts and in administrative proceedings regarding labor and employment matters. At the same time, Gunster's counselors are experienced trial lawyers who understand how to avoid the mistakes that often lead to litigation. Our attorneys implement proactive strategies designed to provide cost-effective and practical solutions to clients' labor and employment problems. We offer counseling and training for management and human resources employees; continuing education through seminars and Client Alert bulletins announcing recent changes to laws; and advice and drafting assistance with policies and procedures.

Leisure & Resorts Group

Our knowledgeable experience covers the full spectrum of hospitality projects, including hotels, resorts, club membership programs; mixed-use properties, and highly-amenitized master-planned communities. We represent clients from the initial acquisition and land use phases, through financing and construction, to management, franchising, operations, rental programs

and ultimate sale or turnover. We also provide owners and operators with valuable training on employment matters such as equal opportunity, and health and safety issues. We stand ready to address - and when necessary, vigorously litigate-complaints brought by employees, environmental agencies, franchisees, partners or shareholders, and our in-depth knowledge ensures that these disputes can be resolved efficiently and effectively.

Private Wealth Services

Gunster's Private Wealth Services Practice provides a single point of service with a broad range of supporting counsel. Our clients require and receive the customized, personal service of a boutique firm coupled with the comprehensive knowledge base of a full-service law firm. This knowledge base extends to gift, generation-skipping and estate tax planning, probate and trust litigation, fiduciary representation, asset protection and business succession planning. Our considerable resources include a full complement of tax, real estate, corporate, immigration and international attorneys experienced in advising high-net-worth clients on their sophisticated business transactions. The result is a multidisciplinary approach that raises the bar in client service. For more than three-quarters of a century, Gunster has exceeded expectations in representing wealthy individuals and entrepreneurs, corporate fiduciaries, and large and complex estates. We have years of experience counseling both individuals and families on the most advantageous transitions of family businesses and wealth. We also advise clients with respect to maximizing the impact of charitable giving in the most tax-efficient manner possible.

Probate, Trust, & Guardianship Litigation

Few law firms can match the depth of our probate, trust and guardianship litigation practice. Our attorneys focus their practices almost exclusively in this area of the law. Gunster distinguishes itself through personalized service and institutional strength, and we pride ourselves on our ability to offer innovative solutions to the most complex of issues. We address all aspects of trust, estate and guardianship litigation and complex and disputed administration, including:

- Breach of fiduciary claims—defense and prosecution
- Accounting litigation
- Fiduciary surcharge and removal litigation
- Will and trust contests
- Guardianship litigation and incapacity proceedings
- Trust modification, reformation and termination
- Will and trust construction proceedings

Professional Malpractice

In today's unpredictable business climate, where there is heightened governmental and regulatory scrutiny, there is a surge of litigation against lawyers, accountants and other professionals. This litigation threatens established businesses and the economic survival of individuals, partnerships, and companies. Gunster's Professional Malpractice group represents a range of clients, including some of the largest accounting firms in the country, against liability claims seeking over \$100 million in damages for alleged fraud, negligence, conspiracy, and breach of fiduciary duty. One of Gunster's lead litigation attorneys is one of a handful of lawyers in Florida who companies turn to when potential damages exceed \$500 million. Our team includes attorneys with substantial experience in professional malpractice matters.

Appendix C: List of EnerVision Professional Profiles



Barry Birkett, Vice President Analytical Support – Project Manager

Elaine Johns, President / CEO

Lynne Travis, Principal Consultant

Lane Mahaffey, Lead Consultant

Mary Ellen Cole, Senior Consultant

Ronnie Donaldson, Senior Consultant

Barry T. Birkett
Vice President
Analytical Support

- *30+ years of utility experience*
- *Innovative rates and pricing expertise in both wholesale and retail arenas*
- *Proven capability in power supply contract analysis, negotiations and administration*



Barry Birkett has more than 30 years of broad electric utility experience, with specialization contract administration and compliance, power supply analysis and negotiations, and rates and pricing. His background is unique, with experience in all of these areas from the perspective of both the buyer and seller at the wholesale and retail levels. He leads EnerVision's analytical services activities and is a key contributor to the Power Supply and Emerging Energy Solutions practice areas, with experience managing major projects in both areas.

Mr. Birkett has lead EnerVision's contract administration and compliance activities for a large group of clients for more than ten years and has spearheaded the replication of processes and procedures developed with those clients in the firms work for other power supply clients. Power purchases under the agreements for which he is responsible are valued in the billions of dollars. He also has lead or been a key participant in a number of power supply contract negotiations, both initial contracts for clients and amended agreements based on identified needs.

Mr. Birkett has managed extensive pricing projects, including performing cost-of-service studies, developing pricing strategies and rate design. Mr. Birkett developed an innovative residential pricing program, prepared many successful client customer choice proposals, and created the pricing strategy for a client's dispersed generation program.

Prior to joining EnerVision, Mr. Birkett spent 16 years with FPL (now NextEra), where he held a number of analytical and customer experience related positions, including 7 years as Manager of Rates and Research. In that role, he led a team of more than 20 analytical personnel. His activities also included testifying before the Federal Energy Regulatory Commission (FERC) and Florida Public Service Commission in support of the company's rate and tariff proposals and their applications.

Mr. Birkett holds a Bachelor of Science in Industrial Management from the Georgia Institute of Technology and a Masters of Business Administration from Florida International University.

Elaine H. Johns
President/CEO

- *28 years utility strategic planning and power supply planning experience*
- *Proven capability in wholesale power supply planning, financial and economic analysis, wholesale and retail rates and strategic & business planning*
- *Expertise in benchmarking, statistical analysis, and economic models*



Ms. Elaine Johns has over 28 years of consulting experience in areas ranging from strategic planning, power supply planning, utility rates, marketing, and economic analysis. She is the President/CEO of EnerVision, Inc. where she leads the company's nationwide consulting efforts as she builds relationships and is responsible for the overall operations of the firm, as well as being an owner of the company.

Ms. Johns is EnerVision's most accomplished strategic planning facilitator and is responsible for the Management Consulting Practice Area of the company, in which she works with clients' senior management and key staff as well as Boards of Directors. Ms. Johns' projects have included developing mission and vision statements, corporate goal setting, organizational assessments and design, succession planning and personnel assessments. Her client list includes firms outside electric utilities. She also conducts educational sessions for Boards and staffs on the electric utility industry and wholesale power markets and facilitates Emergency Response Plan Tabletop Exercises.

Ms. Johns also specializes in the development of comprehensive power supply strategies and provides expertise with contract negotiations as well. She is a major contributor in the performance of, power supply support services for electric utilities in different states such as Georgia, North Carolina, Texas, South Carolina, Florida, and Indiana.

Ms. Johns completed numerous and various power purchase agreements for a number of electric utilities around the country. She also works with clients in assessing, defining and negotiating the relationships between wholesale provider and distributor.

Previously, Ms. Johns had been at Oglethorpe Power for 13 years. She has conducted economic analyses on such subjects as power generation options and fuel procurement strategies. Her involvement included support in governmental approval and auditing processes. She was instrumental in obtaining the loan approval for an 800-MW pumped storage hydro plant from the Rural Utilities Service. She held various management positions ranging from Corporate Planning & Reporting to Pricing & Rates, and Commercial/Industrial Marketing & Pricing. Ms. Johns managed corporate strategic pricing, power cost analyses and the corporate competitiveness studies which included statistical analysis and benchmarking techniques. Toward the end of her employment at Oglethorpe, she was assigned to special corporate projects; one of which developed the company's corporate focus and strategies which resulted in the landmark restructuring of Oglethorpe Power.

Ms. Johns is a member of the Georgia Tech School of Industrial & System Engineering Advisory Board, a senior member of the Institute of Industrial Engineers, Mentor Program Chair of the Women's Energy Network-Atlanta Chapter, and a former mentor in the Georgia 100 Program. She holds positions on the Johns Creek Cluster Local School Advisory Council and Fulton County Superintendent's Parents Council. She is a volunteer coach in the high school program at North Point Community Church. Mrs. Johns holds a Bachelor in Industrial and Systems Engineering degree from the Georgia Institute of Technology.

Lynne S. Travis
Principal Consultant

- *30 years' experience in electric utility power supply planning*
- *Proven capability in financial and economic analysis, power solicitation, evaluation and negotiations*
- *Expertise in generation planning and analysis*



As a Principal Consultant, Ms. Travis analyzes, recommends and negotiates wholesale power supply options, performs economic analyses, provides contract administration support and develops and analyzes rate design options for utility clients.

Ms. Travis has been instrumental in evaluating and negotiating power supply proposals for 5 electric cooperatives in North Carolina and 12 electric cooperatives in Georgia. Her areas of expertise include: determining power supply needs, identifying resource options, soliciting the market for proposals, and understanding and evaluating proposal economics.

Ms. Travis provides contract administration support for existing clients in the areas of monthly bill validation, auditing of power supply costs, annual budgeting, power cost projections and regulatory reporting (i.e. Rural Utility Service and State Commissions). She also works with clients to evaluate and develop retail rate design options that more accurately track their wholesale power cost.

Ms. Travis led the Integrated Resource Planning work for a G&T in Illinois and has assisted with EnerVision's Total Energy Planning (TEP) process with other clients. TEP is a decision-making process which helps utilities to define their energy resource strategies and goals by incorporating three core areas: Energy Innovation (energy efficiency, DSM, etc.), Renewable Energy, and Traditional Generation.

Ms. Travis led EnerVision's work with a large G&T to independently review, evaluate and recommend power supply options for baseload, peaking and distributed generation options that were obtained through a formal G&T RFP process. She worked closely with G&T staff to ensure the best power supply options were chosen to meet the needs of their members.

Previously, Ms. Travis worked at Oglethorpe Power Corporation (OPC) for 14 years and at Louisville Gas and Electric Company (LG&E). At OPC, Ms. Travis was a key member of the evaluation team for the wholesale power marketing deals with LG&E Energy Marketing, Morgan Stanley, Enron, and Duke-Louis Dreyfus. She participated in the Request for Proposals and development of evaluation criteria, analytical tools, and negotiation strategies that resulted in the final power purchase and sales agreements. In addition, Ms. Travis was a key team member in the development of new wholesale power contracts and power cost projections for OPC Member Systems under a pooling environment.

Ms. Travis holds a Bachelor in Electrical Engineering degree from the Georgia Institute of Technology and is a member of the Institute of Electrical and Electronics Engineers.

Lane Mahaffey, P.E.
Lead Consultant

- *Over 30 years of experience in electric utility management*
- *Management of Operations, Strategic and Resource Planning, Marketing, Power Contracts, Fuels, Legislative, Regulatory*
- *Diverse experience working with investor-owned, municipal, and cooperative utilities*



Mr. Mahaffey has over 30 years of diverse electric utility experience including strategic and resource planning, power marketing, power contracts, fossil and nuclear power production, electric system operations, fuels supply, fuel transportation, renewable generation, demand-side management, regulatory, and legislative affairs.

Before his association with EnerVision, Mr. Mahaffey worked for Florida's electric cooperatives through his employment with Seminole Electric Cooperative, Inc. Seminole is the wholesale power supplier for ten distribution cooperatives in Florida. Throughout his career with Seminole, Mr. Mahaffey served in several senior positions, among them being Director of Strategic Planning & Legislative Affairs, Director of Corporate Planning, and Director of Operations.

Mr. Mahaffey was hired by Seminole in 1982 as Manager of System Operations when Seminole was preparing to begin operation as an interconnected electric utility. Mr. Mahaffey managed the construction, staffing, and operation of their new energy control center in Tampa, Florida. Mr. Mahaffey also participated with the executive team that negotiated the contractual arrangements allowing Seminole to interconnect and operate with the electric grid. This included negotiation of contracts for interconnection of facilities, transmission service, ancillary services, interchange, and purchased power.

Mr. Mahaffey played a key role in Seminole's restructuring of its wholesale power contract to allow a partial requirement option for all of its member systems. He also played a key role in creating Seminole's Member Generation Program which allowed its member cooperatives to install distributed generation facilities which supported Seminole's system resource requirements. Throughout his career at Seminole, Mr. Mahaffey was either responsible for or involved in purchased power negotiations the associated contracts.

Prior to his career with Seminole, Mr. Mahaffey worked in power production for Progress Energy Florida and the City of Vero Beach, Florida. Mr. Mahaffey holds a Bachelor's Degree in Electrical Engineering from the University of South Florida, and is a registered Professional Engineer in the State of Florida.

Mr. Mahaffey has served on the operating, planning, and market interface committees of the Florida Regional Reliability Council (FRCC). He also served on the market interface and planning committees of the North American Electric Reliability Council (NERC). Prior to FRCC being formed as a separate regional council, Mr. Mahaffey also served on the operating committee of the Southeastern Electric Reliability Council (SERC), representing the Florida Sub-region.

Mary Ellen Cole
Senior Consultant

- *Hard-working and Efficient*
- *Well-Organized*
- *Strong Technical and Analytical Skills*
- *Adaptable to meet client need*



Hard-working and Efficient

Ms. Cole started working at EnerVision in May of 2010 as a student intern and later joined as a Consultant in January of 2011. She has assisted several members of the EnerVision team with a variety of projects. Most recently, she has lead projects providing Succession Planning, Marketing Plans, Member Satisfaction Surveys, and Technology Plans.

Other projects in which she has lead or assisted include the specification, analysis, and recommendation of an Automated Metering Infrastructure system and compatible Meter Data Management system for a distribution cooperative client, the oversight of FERC Form 1 formula rate cases, and the economic evaluation of a generation and transmission cooperative's Energy Efficiency programs. She has taken on major responsibilities with the billing, rate adjustment, and Power Purchase Agreement maintenance and administration for a large renewable energy cooperative. She reviews and analyzes power supply contracts, formulas, and monthly bills for financial accuracy and proper application of contract terms. Ms. Cole is also helping clients maintain compliance with NERC and Regional Reliability Standards.

Ms. Cole uses her strong technical aptitude, her excellent communication and writing skills, and hardworking, can-do nature to meet the clients' needs in an effective and efficient manner. She has also led the firm's succession planning projects, working with executive management and senior staffs.

Before joining EnerVision, Ms. Cole participated in multiple internships including two programs at Oak Ridge National Laboratory and a research position with the GE Smart Grid Challenge through the Georgia Institute of Technology. These internships allowed her the opportunity to gain invaluable knowledge in a wide range of utility industry areas including distribution, transmission, generation, and end-user experience.

Through these experiences, her academic education, and time with EnerVision, Ms. Cole has attained broad technical knowledge of the power and energy industry to apply to the clients' needs.

Ms. Cole graduated from Vanderbilt University with a Bachelor's Degree in Electrical Engineering and Mathematics. She graduated from the Georgia Institute of Technology with a Master's Degree in Electrical Engineering, concentrating in Power Systems.

Ronnie Donaldson
Senior Consultant

Well-Organized

- *Well Organized*
- *Strong analytical skills*
- *Persistent and Hard-working*
- *Proven ability to meet client needs*



Mr. Donaldson joined EnerVision in January of 2010 as a Consultant.

Mr. Donaldson supports EnerVision on multiple fronts. On the Power Supply side, he provides analytical support for the annual budgeting process, long term planning, forecasting, cost-benefit analysis, and contract comparisons. He has worked with retail rate services, cost of service analysis, future generation assessments, and risk management solutions. He also oversees the validity of power supply bill checking and ongoing changes in implementation.

Mr. Donaldson was involved in a requirements service procurement process supporting a group of 11 cooperatives, in which his work was included in the development of resource needs, analysis and evaluation of proposals and preparation of recommendations for the client Boards of Directors to consider.

Mr. Donaldson has been directly involved supporting resource/green power program activities with a large group of EnerVision clients. He has also been working closely with our Principal Consultants, being utilized in load management/demand response solutions area.

Mr. Donaldson is actively involved assisting clients with development, updating and testing of their Emergency Restoration Plans (ERPs), addressing the electric system response and the business critical functions within the cooperative.

Mr. Donaldson was involved in the analytical phase RFP process for another group of client cooperatives. He assisted in the development and analysis of each proposal submitted to the client.

He began his career while in school as an intern for Gardner Metal Systems in an industrial plant. He designed and implemented a new supply chain system in order to effectively improve the plant's overall efficiency.

Mr. Donaldson decided to pursue a career in serving the electric utility industry and joined the EnerVision team. Mr. Donaldson uses his excellent technical and communication skills, his broad mathematical aptitude and analytical skills, and maintains a sense of urgency and competitive drive to ultimately provide results which fill the needs of the client.

Mr. Donaldson graduated from the Georgia Institute of Technology with a Bachelor in Industrial and Systems Engineering degree.

Appendix D: List of Gunster Professional Profiles



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Charles A. Guyton, Shareholder

Angel A. Cortiñas, Shareholder

Jonathan H. Kaskel, Associate

CHARLES A. GUYTON



Shareholder

Government Affairs

Tallahassee, FL

(850) 521-1722 Direct Dial

(561) 671-2505 Facsimile

cguyton@gunster.com



Charles Guyton is a shareholder who has practiced law since 1977.

Representative Matters

Mr. Guyton serves clients primarily before state administrative agencies and courts. He has extensive experience in the area of public utility regulation, with a focus on energy matters. He has represented consumers, investor-owned public utilities, rural electric cooperatives, municipal utility providers, co-generators and independent power producers, renewable energy providers, transmission service providers and major equipment vendors. His energy clients have included the fourth largest electric utility in the United States, the largest rural electric cooperative in Florida and a nuclear development consortium. These energy regulatory representations have been extensive in scope, including revenue requirement, adjustment clause, PURPA, power plant determinations of need, resource planning, purchased power contract approval, rulemaking and declaratory statement proceedings.

Mr. Guyton has also been involved in telecommunications regulation since the breakup of AT&T, representing consumers, incumbent and competitive local exchange companies and interexchange telecommunications companies.

Mr. Guyton also has experience in governmental procurement (bid contests), environmental matters and project development.

Practice Areas

- Public Utility Regulation
- Energy and Natural Resources
- Renewable Energy
- Global Climate Change
- Environmental
- Telecommunications
- Government Procurement

Education

University of Alabama, J.D., 1977

Birmingham Southern College, B.A., *cum laude*, 1974

Bar Admissions

The Florida Bar, 1984

The Alabama Bar, 1977

Professional Associations & Memberships

American Bar Association, Member
Public Utility Communications
Transportation Law
Environment Energy and Resources

The Florida Bar, Member
Administrative Law
Environmental Law
Land Use

The Alabama State Bar, Member

Honors

AV Rated as independently determined by Martindale-Hubbell

Tallahassee Energy Law Lawyer of the Year, Best Lawyers, 2012

The Best Lawyers in America, 2006-14

Florida *Super Lawyers*, 2006

“Community Hero” Olympic Torchbearer, 1996

Volunteer of the Year Finalist

Prior Professional Experience

Squire, Sanders & Dempsey, LLP, 2005-10

Steel Hector & Davis, LLP, 1983-2005

Assistant Attorney General, State of Alabama, 1977-83

Civic & Community Service

United Way of the Big Bend

Board Member, 1994-2000

Fund Distribution Chair, 1999-2000

Big Bend Hospice CPE Advisory Council, 2010-11

ANGEL A. CORTIÑAS



Shareholder

Business Litigation

Miami, FL

(305) 376-6043 Direct Dial

(786) 425-4088 Facsimile

acortinas@gunster.com

Angel Cortiñas is a shareholder who joined the firm in 2013.

Mr. Cortiñas served as an appellate judge on Florida's 3rd District Court of Appeal for more than 8 years. He reviewed civil and criminal appeals from trial courts, authoring over 500 appellate opinions. He also served as a trial judge, by Florida Supreme Court appointment, on civil and criminal jury trials.

Mr. Cortiñas previously worked for 13 years as a federal prosecutor [and was the lead trial attorney] in the office's investigation and successful prosecution of Columbia HCA and Olsten Corporation, which was the largest fraud case in U.S. history and the most comprehensive health care fraud investigation ever undertaken by the federal government. As the former Chief of the Fraud Section of the U.S. Attorney's Office in Miami, he supervised twenty prosecutors and oversaw all criminal fraud investigations and prosecutions involving corporate and securities fraud, bank fraud, health care fraud, computer crimes, tax fraud, and other white-collar offenses. He also worked in and oversaw the Health Care Fraud Section of the U.S. Attorney's Office in Miami for many years, working closely with hospitals as well as state and federal regulators.

Angel has tried over 30 jury trials to verdict in federal court and coordinated over 100 complex grand jury investigations. He has also authored numerous appellate briefs and argued before the 11th Circuit Court of Appeals.

Practice and Experience

FCPA, False Claims Act, and White Collar Defense

Mr. Cortiñas' practice focuses on white collar criminal matters, internal corporate investigations, and compliance counseling. He represents clients in FCPA, False Claims Act, and other anti-fraud matters, designs and implements compliance programs tailored to the particular needs of the client, conducts internal investigations, and advises clients on post-violation remediation. His extensive grand jury and trial experience allow him to effectively represent business entities and individuals in responding to government investigations and prosecutions.

Appeals

Mr. Cortiñas' appellate practice includes appellate support at the trial level as well as preparing and defending appeals in state and federal appellate courts.

Practice Areas

- White Collar Defense
- Appeals
- Receiverships
- Arbitration and Mediation

Representative Matters

Successfully represented Ultra Music Festival before the Miami City Commission on contract issues.

Successfully mediated and reached agreement between developer, preservationists, and City of Miami on preservation of Tequesta Indian Site in downtown Miami

Successfully represented owners and a corporation, which were targets of a criminal investigation in Miami, Florida. The owners and the corporation were not charged with any crime.

Successfully Mediated Modification of Landmark Homeless Settlement Agreement in Pottinger, et al. v. City of Miami, U.S. District Court for the Southern District of Florida.

Successfully Argued Appeal on Behalf of Grand Birch, LLC in Citizens for Responsible Growth v. Grand Birch, LLC resulting in Final Order Denying Petition for a Writ of Certiorari.

Lead counsel for U.S. in the Southern District of Florida fraud claims against Columbia HCA and Olsten Corporation's subsidiaries.

Supervised and oversaw all aspects of investigation and prosecution of the top officers of Hamilton Bank (\$300 million in investor losses due to the collapse of publicly-traded Hamilton Bancorp).

Supervised and oversaw all aspects of investigation and prosecution of multiple defendants in Bankest/Banco Espirito Santo case (\$225 million fraud through the submission of false invoices and receivable to a lending institution)

Supervised investigation of Lancer Management Group (\$500 million in investor losses by stock manipulation and overstating hedge fund)

Lead counsel for U.S. in criminal prosecution of Princess Cruises, Inc. for environmental crimes.

Lead counsel for U.S. on numerous fraud and tax cases and investigations.

Lead counsel for U.S. on numerous environmental crimes cases and investigations

Lead counsel on over 30 jury trials in federal court

Lead appellate counsel on numerous appeals before the 11th Circuit Court of Appeals

Education

Harvard Law School, J.D., *cum laude*, 1987

Brown University, B.A., *magna cum laude*, 1984

Latin American Studies

Political Science

Phi Beta Kappa

Bar Admissions

The Florida Bar, 1989

Court Admissions

U.S. District Court

Southern District of Florida

Middle District of Florida

U.S. Court of Appeals, 11th Circuit

Professional Designations

Adjunct Professor, University of Miami, Florida
Constitutional Law, 2005-13

Adjunct Professor, Florida International University,
Florida Constitutional Law, 2005-13

Professional Associations & Memberships

American Bar Association, Appellate Practice
Section, Subcommittee Chair

The Florida Bar

Dade County Bar Association

Federal Bar Association

Honors

Attorney General's Exceptional Service Award, U.S.
Department of Justice, 2001

National Crime Victims Award, U.S. Department of
Justice, 2000

Seminars & Presentations

Lecturer, ABA Appellate Section, Sound Advice,
2013

Lecturer, ABA White Collar Crime National Institute,
2004

Lecturer, Florida Bar International Law Section, 2003

Instructor, U.S. Department of Justice, Anti-corruption, corporate compliance, fraud, money laundering, and white collar crime, 1995-04

Languages

Spanish, Portuguese

Prior Professional Experience

Appellate Judge, Florida's 3rd District Court of Appeal, 2005-13

Trial Judge, Miami-Dade Circuit Court, by designation, 2010-11

Chief of Economics Crime Section, U.S. Attorney's Office, 2003-04

Federal Prosecutor, U.S. Attorney's Office, 1990-93, 1994-04

Chief of Health Care Fraud Section, U.S. Attorney's Office, 2002-03

Civic & Community Service

Local Rules Committee, US District Court for the Southern District of Florida, Member, 2013-present

Bench and Bar Committee, US District Court for the Southern District of Florida, Member, 2013-present

Florida Supreme Court, Committee on Jury Instructions in Business Cases, member, 2006-08

Florida Bar, Committee on Pro Bono Legal Services, member, 2005-10

Miami Senior High School, Mock Trial Team, Volunteer Coach, 2005-06

Greater Miami Legal Services, Director, 1991-01

Miami Senior High, Legal and Public Affairs Program, Mentor, 2000-02

Governor's Commission for a Sustainable South Florida, Member, 1994-95

Brown University

Alumni Board of Governors, Member, 1994-95

Club of Dade and Broward Counties, President, 1989-95

JONATHAN H. KASKEL

Jonathan H Kaskel is an associate who joined the firm in 2014.

Associate

Business Litigation

Miami, FL

(305) 376-6023 Direct Dial

(305) 376-6010 Facsimile

jkaskel@gunster.com



Practice Areas

- Complex Commercial Litigation
- Appeals
- Real Property Litigation
- White Collar Defense

Representative Matters

Counsel to lender in multi-million dollar check-kiting lawsuit

Counsel to state-chartered bank on first impression issue before the Eleventh Circuit on the federal preemption of state law governing check cashing fees

Counsel to national bank in multi-million dollar suit to collect on notes and foreclose security interest in real and personal property located in several states

Counsel to major Miami music festival in dispute with City of Miami

Education

University of Florida, Gainesville, *cum laude*, J.D. 2007
B.A., Economics & Political Science, *cum laude*, 2004

Bar Admissions

The New York Bar, 2009

The Florida Bar, 2008

Court Admissions

Middle District of Florida, 2014

Southern District of Florida, 2012

Eleventh Circuit, 2013

Professional Associations & Memberships

Dade County Bar Association, Director

American Bar Association, Member


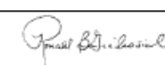
Florida Bar Grievance Committee, 11th Circuit

Honors

AV Preeminent Rated as independently determined by Martindale-Hubbell

Business Organizations; Honors in Appellate Advocacy; Journal of Law and Public Policy, Book Award

Appendix E: EnerVision Proof of Professional Liability Insurance

	CERTIFICATE OF LIABILITY INSURANCE	DATE (MMDDYYYY) 05/07/2014																																										
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.																																												
IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).																																												
PRODUCER McGriff, Gelbels & Williams, Inc P. O. Box 10265 Birmingham, AL 35202	CONTACT NAME: Karen Rodda PHONE (A/C No. Ext): FAX (A/C, No): E-MAIL ADDRESS: krod@mcgriff.com																																											
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CANCELLATION																																												
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 																																												

Appendix F: Gunster Proof of Professional Liability Insurance



VERIFICATION OF INSURANCE

ISSUED TO: To Whom It May Concern

WE, the undersigned Insurance Brokers hereby verify that Scottsdale Insurance Company and Various Insurance Companies have issued the following described insurance, each for their own part and not one for the other, and which is in force as of the date hereof:

PROFESSIONAL LIABILITY INSURANCE

NAME OF INSURED: Gunster, Yoakley & Stewart, P.A. and others as more fully described in the Policy wording.

<u>POLICY NO.</u>	<u>INSURER(S)</u>	<u>POLICY YEAR</u>
LWS0000181	Scottsdale Insurance Company and Various Insurance Companies	12:01 a.m. January 1, 2014 To 12:01 a.m. January 1, 2015

LIMITS: At least \$1,000,000 each claim/\$2,000,000 aggregate
(As provided for policy wording)

This document is furnished as a matter of information only. The issuance of this document does not make the person or organization to which it is issued an additional Insured, nor does it modify in any manner the contract of insurance between the Insured and the Underwriter. Any amendment, change or extension of such contract can only be effected by specific endorsement attached thereto.

By: Stephanie Hurwitz
Stephanie Hurwitz
Vice President

Date: 1/7/14

Appendix G: Drug Free Workplace Form

DRUG-FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that

ENERVISION, INC.

does:

(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for the drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.



ELAINE JOHNS

Bidder's Signature

MAY 7, 2014

Date