

FOR CONSIDERATION

May 23, 2018

TO: The Board of Trustees

FROM: Thomas Falcone

SUBJECT: Approval of Resolution Appointing General Counsel

Requested Action

The Trustees are requested to approve a resolution appointing Anna Chacko as General Counsel of the Authority and its wholly-owned subsidiary, Long Island Lighting Company d/b/a LIPA (collectively “LIPA”), effective July 5, 2018.

Background

In late 2017, Jon Mostel, LIPA’s current General Counsel, informed the Board of his desire to retire upon the appointment of his successor. The Chair of the Personnel and Compensation Committee, Tom McAteer, asked staff to lead the search for the next General Counsel.

LIPA used Mycoff Fry & Prouse (“Mycoff”), an executive search firm that serves many publicly-owned utilities across the country, to lead a search. Mycoff is under a multi-year Board-approved contract, which was procured to address the concerns of the Trustees about the limited pool of qualified applicants for LIPA’s most senior positions in past searches. Mycoff has no financial interest in the outcome of the search.

Mycoff advertised the position and conducted targeted outreach to over 100 industry contacts. These efforts resulted in 14 potential candidates submitting resumes for consideration. Mycoff conducted 13 phone interviews with these individuals before recommending eight candidates to LIPA for in-person interviews. In addition, LIPA identified two candidates independent of Mycoff’s process. In total, seven candidates were interviewed by a panel of 14 LIPA staff members, including LIPA’s CEO, CFO, and current General Counsel.

Based on those interviews, I recommend that Anna Chacko be appointed to the position of General Counsel of LIPA. Ms. Chacko has 20 years of utility, energy, and regulatory law experience, beginning as an Assistant General Counsel in the energy regulatory practice of National Grid in 1997. Her responsibilities included electric rate cases before the Federal Energy Regulatory Commission (“FERC”) and the New York Public Service Commission (“PSC”), electric transmission siting projects, negotiation of power plant and commercial contracts, energy deregulation issues, wholesale market rules, and advising energy trading subsidiaries on federal and state compliance.

After 13 years with National Grid, Anna joined Noble Americas, a natural gas and power market trading firm, and managed regulatory compliance for generation, transmission, and energy markets including FERC, NYISO, ISO-NE, PJM, NERC, CFTC, and DOE.

Ms. Chacko then joined Con Edison as their most senior regulatory counsel. She managed 10 attorneys, filed three major rate proceedings with the PSC, and handled all state regulatory initiatives, including REV and the Clean Energy Standard. In 2017, Anna returned to National Grid as a regulatory and legal consultant.

Prior to her utility and energy career, Anna trained as a litigator for 12 years and was a litigation partner in a New York law firm handling general commercial litigation. Anna completed her undergraduate and legal training in the United Kingdom and has a Master of Laws (LL.M.) from Duke University. Anna currently resides on Long Island, and serves on the Boards of Hands Together NY and the Jeremiah Program.

Comments of the LIPA staff about Ms. Chacko included:

• “best internal manager [of the candidates]”	• “very personable, good with the Board”
• “has the utility IQ for the position”	• “will be up and running Day 1”
• “knows how to deal with difficult people”	• “thoughtful and collected”
• “industry experience and the best-New York experience [of the candidates]”	• “will coach people”
• “knows LIPA and New York”	• “New York rate case experience”
• “would be good with the Board”	• “experience with LIPA and knows people”

I believe Ms. Chacko’s prior legal and utility experience make her well-suited to take over the daily management of LIPA’s Office of General Counsel with an annual salary of \$260,000. This is significantly below the level of compensation Ms. Chacko can earn in the private sector.

In addition, a recent survey of the top 20 largest publicly-owned electric utilities indicated an average base salary for General Counsel of \$280,000, with most utilities in the survey providing performance-based compensation in addition to salary. LIPA does not offer a performance-compensation program and has a significantly higher cost of living than nearly all the utilities in the survey.

LIPA staff believes the salary request of \$260,000 is well-supported for a professional of Ms. Chacko’s caliber, and is below average for similar publicly-owned utilities.

Recommendation

Based on the foregoing, I recommend approval of the above-requested action.

Attachment

Resolution

APPOINTMENT OF GENERAL COUNSEL

WHEREAS, the Personnel and Compensation Committee of the Long Island Power Authority (“Authority”) Board of Trustees has recommended that Anna Chacko be appointed by the Trustees to the office of General Counsel of the Authority and its subsidiary, LIPA, with an annual salary of \$260,000; now therefore be it

RESOLVED, that Anna Chacko be, and hereby is, appointed General Counsel, effective on or about July 5, 2018 with an annual salary of \$260,000, until the earlier of her resignation or removal; and be it further

RESOLVED, that the incumbent of the position of General Counsel shall be an officer of the Authority and its subsidiary, LIPA, within the meaning of the Authority’s enabling legislation (Chapter 517 of the Laws of 1986), as amended, including Section 1020-bb of the Public Authorities Law, and all other applicable laws.

Dated: May 23, 2018