

## **THOMAS C. GORAK**

### **Curriculum Vitae**

#### **Professional Experience:**

Mr. Gorak has practiced law since 1977. For the past 37 years, he has specialized in matters pertaining to public utility regulation at both the federal and state levels. In September of 2013, he was asked to become Chief Counsel to the Public Utilities Commission of Hawaii. In this capacity, he serves as chief legal and regulatory advisor to the Commission. He oversees a staff of nine lawyers, and works closely with the Commission's Office of Policy and Research. Among his responsibilities are the drafting of major policy statements and orders, representation of the Commission in appeals and other challenges to Commission orders and policies, review of pending legislation, and mentoring attorneys who are new to the area of public utility regulation.

Mr. Gorak's focus on utility regulatory matters began in 1980, when he became a staff attorney with Maryland People's Counsel, a state agency that represents the interests of Maryland residential utility service customers in matters before state and federal agencies and courts. During his eight years at Maryland People's Counsel, he was co-counsel in two major federal court cases which led to the restructuring of federal regulation of the natural gas industry. The successful appeal of these cases gave residential consumers, on a nationwide basis, access to competitively-priced natural gas supplies.

Thereafter, in 1988, Mr. Gorak became an Associate, and later Partner, with the Washington, D.C., law firm of Miller, Balis & O'Neil, P.C. As an attorney in private practice, he represented municipalities, cooperatives, distribution companies, commercial customers, trade associations, natural gas and electricity purchasing consortiums, and others in gas, electric, nuclear, and other utility matters. Mr. Gorak not only provided direct legal representation to his clients, he also provided a range of services designed to assist them in analyzing and addressing their positions in public utility matters.

In 1995, Mr. Gorak began a solo law practice and, in 1998, he formed the law firm of Gorak & Bay, L.L.C. After moving to Hawaii in 2003, the firm continued its representation of clients in utility matters, both on the mainland and before the Hawaii Public Utilities Commission. When the then-current Chief Counsel left the Hawaii Commission in 2013, Mr. Gorak was asked to assume that position, in which he currently serves.

Over the years, Mr. Gorak has gained national recognition for his expertise in matters concerning the utility industry. For seventeen years, Mr. Gorak served as an instructor at regulatory courses for the National Association of Regulatory Utility Commissioners (NARUC). He has been a frequent speaker at a variety of NARUC programs and has presented speeches for groups such as the Department of Energy, the American Bar Association, the Federal Energy Bar Association, and the Hawaii State Bar Association. He has also published a number of articles concerning utility restructuring issues.

In the international arena, Mr. Gorak has been a consultant to ENARGAS, an agency of the Argentinean government charged with overseeing the privatization of natural gas transmission and distribution systems in Argentina. Among his contributions, he drafted an extensive review of capacity and supply contracting practices in the United States as a potential template for Argentina's newly privatized natural gas industry. Two years later, he returned to Argentina to participate in a conference on Argentina's emerging gas industry; his presentation addressed the unbundling and restructuring of local distribution company services at the retail level.

In his current role as Chief Counsel, Mr. Gorak has been intimately involved in a variety of cases which have posed significant issues for the Commission's consideration. Among these are matters pertaining to the proposed merger between Hawaiian Electric Industries, Inc. and NextEra Energy, Inc., grid modernization, distributed energy resources, demand response, power supply improvement plans, and the achievement of Hawaii's renewable energy goals. With respect to the merger, among other things, Mr. Gorak conducted the cross examination of witnesses on behalf of the Commission during the formal hearings. In addition, he attended the informal "Listening Sessions" on the other Islands served by the Hawaiian Electric Companies.

**Contact Information:**

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## **PUBLICATIONS AND APPEARANCES**

**THOMAS C. GOFtAK**

- Speaker, "Renewable Electricity: State Level Issues And Perspectives," U.S. Energy Information Administration, July, 2016 (invited).
- Speaker, "Advancing Renewables," Emerging Issues Policy Forum, October, 2015.
- Instructor, "Public Utility Law 101," Hawaii State Bar Association, June, 2015.
- Instructor, "Fundamentals of Utility Regulation," Richardson School Of Law, Environmental Law Program, Colloquium Edition, October, 2014.
- Speaker, "Operational Excellence - Powering The Grid," Emerging Issues Policy Forum, October, 2014.
- Moderator, "Consumer Protection - Who Is Looking Out For The Customer?" Maui Energy Conference, March, 2014.
- Publication: Gorak, "Taking the Road Less Traveled: Harry Trebing and the Mythology of Deregulation," published in "An Institutional Approach to Public Utilities Regulation," Michigan State University Press (Miller & Samuels eds. 2002).
- Instructor, "Current Level Of Regulation: History, Status & Future Issues," Wisconsin Public Utilities Institute, University of Wisconsin, October, 2001.
- Instructor, "Overview Of Federal Restructuring," Annual Regulatory Studies Program, National Association Of Regulatory Utility Commissioners, August, 2001.
- Speaker, "Developments In The Natural Gas Industry," Minnesota Municipal Utilities Association, June 2001.
- Speaker, "Local Distribution Companies: Market Power At The City-Gate," NARUC Staff Subcommittee on Gas, February, 2001.
- Instructor, "Gas Regulation: Past, Present, And Future," Wisconsin Public Utilities Institute, University of Wisconsin, November, 2000.
- Instructor, "Recent Trends In Natural Gas Regulation," Advanced Regulatory Studies Program, National Association Of Regulatory Utility Commissioners, October, 2000.
- Instructor, "Legal Foundations Of Energy Regulation," Annual Regulatory Studies Program, National Association Of Regulatory Utility Commissioners, August, 2000.

- Speaker, "Neoclassical Economics And The Mythology Of Deregulation," American Association Of Law Schools, National Convention, January, 2000.
- Instructor, "Gas Regulation: Past, Present, And Future," Wisconsin Public Utilities Institute, University of Wisconsin, November, 1999.
- Instructor, "Legal Foundations Of Energy Regulation," Annual Regulatory Studies Program, National Association Of Regulatory Utility Commissioners, August, 1999.
- Speaker, 30th Annual Williamsburg Conference, Institute Of Public Utilities, "Competitive Pipeline Projects," December, 1998.
- Instructor, Public Utility Law, "New FERC Initiatives Concerning Short-Term And Long-Term Pipeline Services And Complaint Procedures," Pennsylvania Bar Institute, October, 1998.
- Speaker, Seventh Annual DOE-NARUC Natural Gas Conference, "Gas Price Volatility," October, 1998.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1998.
- Speaker, 29th Annual Williamsburg Conference, Institute Of Public Utilities, "Reconciling Competition And Regulation -- Creating A Level Playing Field Between Energy Marketers And Utilities: Defining The Obligations Of Incumbents And Newcomers," December, 1997.
- Instructor, "The Development Of Natural Gas Regulation In The United States," CRUSAR '97, Joint Regulatory Studies Program, Michigan State University and University of Belgrano, Argentina, September, 1997.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1997.
- Speaker, 20th Annual National Conference Of Regulatory Attorneys, "Surviving Regulatory Change," April, 1997.
- Speaker, National Consumer Law Center Washington, D.C. Conference, "Gas Competition/Unbundling: Parallels To Electric Industry Restructuring And Implications For Low Income Customers," February, 1997.
- Speaker, 28th Annual Williamsburg Conference, Institute Of Public Utilities, "Surviving Regulatory Change and Competition -- Structural Separation And Code Of Conduct Rules: Detour Towards Efficient Diversification?," December, 1996.

- Instructor, Public Utility Law, "The Changing Face Of State And Federal Public Utility Regulation," Pennsylvania Bar Institute, October, 1996.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1996.
- Speaker, "Competition And Regulation In The Gas Industry," Ente Nacional Regulador del Gas, Buenos Aires, Argentina, May, 1996.
- Speaker, "Natural Gas Regulation," American Bar Association, April, 1996.
- Speaker, "Lessons Learned From Natural Gas Regulation," National Association of State Utility Consumer Advocates, March, 1996.
- Instructor, "Natural Gas Regulation," Regulatory Studies Program, Louisiana Public Service Commission, February, 1996.
- Instructor, "State Approaches to Local Distribution Company Restructuring," Advanced Regulatory Studies Course, National Association of Regulatory Utility Commissioners, January, 1996.
- Speaker, 27th Annual Williamsburg Conference, Institute Of Public Utilities, "Restructuring Local Distribution Companies For A Competitive Environment," December, 1995.
- Witness, Docket No. U-199997, Treatment Of Take-Or-Pay Buy-Out And Buy-Down Costs and Related Issues, before the Public Service Commission Of Louisiana, September, 1995.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1995.
- Publication: Gorak and Ray, "Efficiency and Equity in the Transition to a New Natural Gas Market," *Land Economics*, Volume 71, Number 3 (August, 1995).
- Speaker, Fourth Annual DOE-NARUC Natural Gas Conference, "Strategic Issues Facing Small LDCs And Municipalities In The Post-Order 636 World," February, 1995.

- Speaker, 26th Annual Williamsburg Conference, Institute Of Public Utilities, "Toward A New Regulatory Paradigm: Innovative Regulation As A Prerequisite For Competition," December, 1994.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1994.
- Speaker, TEC Program, NARUC Technical Education Conference For Commissioners, "Strategic Issues Facing State Regulators After Order No. 636" February, 1994.
- Consultant, Ente Nacional Regulador del Gas, "Natural Gas Contracting Practices in the United States," February, 1994.
- Speaker, NARUC-DOE Conference on Natural Gas Use, "Supply Purchasing for Local Distribution Companies in the Post-Order No. 636 World," February, 1994.
- Instructor, "Impact of Order No. 636 on Captive Consumers," Advanced Regulatory Studies Course, National Association of Regulatory Utility Commissioners, Jan., 1994.
- Speaker, 25th Annual Williamsburg Conference, Institute Of Public Utilities, "Utility Industries in Transition -- Winners and Losers in the New Gas Markets," Dec., 1993.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1993.
- Instructor, "Returning to Regulation: A Seminar on the Impact of the 1992 Cable Act on Regulation of Cable Rates and Service," May, 1993.
- Speaker, National Association Of State Utility Consumer Advocates, 1992 Annual Meeting, "Will Efforts to Increase Gas Use Increase Consumer's Bills?," November, 1992.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1992.
- Witness, Docket No. 91-057-11 & 91-057-17, "FERC Treatment Of Take-Or-Pay Buy-Out And Buy-Down Costs," Before The Public Service Commission Of Utah, May, 1992.
- Speaker, Roundtable on Trends in the Natural Gas Industry and Directions for State Regulatory Policies," University of Wisconsin-Madison, March, 1992.
- Speaker, 23rd Annual Williamsburg Conference, Institute Of Public Utilities, "Regulatory Responses to Continuously Changing Industry Structures -- The Impact of the Mega-NOPR on Residential and Small Commercial Consumers," December, 1991.

- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1991.
- Speaker, The Missouri Public Service Commission, et al., Seventeenth Annual Rate Symposium, "The Role of the Regulated Public Service Company in Today's Market Based Competitive Energy and Telecommunications Industries," April, 1991.
- Speaker, 22nd Annual Williamsburg Conference, Institute Of Public Utilities, "Adapting Regulation to Public Policy Changes and Emerging Industry Structures," December, 1990.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1990.
- Instructor, "Impact of FERC Pricing and GIC Reforms," Advanced Regulatory Studies Course, National Association of Regulatory Utility Commissioners, February, 1990.
- Speaker, 21st Annual Williamsburg Conference, Institute Of Public Utilities, "Incentive Regulation, Pricing Reforms, Gas Inventory Charges, and the Attainment of Efficiency Objectives," December, 1989.
- Speaker, National Association Of State Utility Consumer Advocates, 1989 Annual Meeting, "FERC's Rate Design Policy And Its Implications For Natural Gas Consumers," November, 1989.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1989.
- Speaker, Federal Energy Bar Association, Annual Meeting, "Cross Currents In Energy Regulation -- Gas Inventory Charges And The Utilities Obligation To Serve," May, 1989.
- Publication: Gorak, "Pricing And Costing As Barriers To Competition In The Post Order 436/500 World," in *New Regulatory Concepts, Issues, and Controversies*, 1988 MSU Public Utilities Papers (Trebing & Mann eds. expected 1989).
- Speaker, 20th Annual Williamsburg Conference, Institute Of Public Utilities, "New Regulatory Concepts, Issues, and Controversies," December, 1988.
- Instructor, "Natural Gas Regulation," Annual Regulatory Studies Program, National Association of Regulatory Utility Commissioners, August, 1988.
- Speaker, "Current Issues In The Gas Industry," 11th Annual Convention of the National Conference of Regulatory Attorneys, May, 1988.
- Speaker, American Bar Association Public Utility Law Section, Seventh Institute On Ratemaking Fundamentals, April, 1988.

- Instructor, Advanced Regulatory Studies Course, National Association of Regulatory Utility Commissioners, February, 1988.
- Publication: Gorak, "The Changing Roles Of Local Distribution Companies And State Regulators -- A Consumer Advocate's Perspective," published in conjunction with the Fourteenth Annual Rate Symposium.
- Speaker, The Missouri Public Service Commission, et al., Fourteenth Annual Rate Symposium, "The Changing Role Of Local Distribution Companies And State Regulators," February, 1988.
- Publication: Gorak, "Continuing Potential For Price Discrimination In The Context Of Open-Access And Transportation," in Alternatives To Traditional Regulation: Options For Reform, 1987 MSU Public Utilities Papers (Trebing & Mann eds. 1988).
- Speaker, 19th Annual Williamsburg Conference, Institute Of Public Utilities, "Alternatives To Traditional Regulation: Options For Reform," December, 1987.
- Speaker, National Association Of State Utility Consumer Advocates, 1987 Annual Meeting, "Current Issues At FERC, A Consumer's Perspective," November, 1987.
- Speaker, Executive Enterprises, Inc., The 10th Natural Gas Purchasing Strategies Conference, "Current Issues At FERC, The Impact Of AGD v. FERC And Interim Order No. 500," November, 1987.
- Speaker, The Center For Regulatory Studies, "Wrestling With Transition: Least-Cost Planning In The Natural Gas Industry -- Overview Of The Changing Relationships In Natural Gas Supply, Transport And Distribution," October, 1987.
- Speaker, Executive Enterprises, Inc., Marketing Appalachian Natural Gas Conference, "Current FERC Issues," October, 1987.
- Speaker, American Gas Association, Washington Representatives Conference, "Gas Market Restructuring, Gas Users Views," September, 1987.
- Speaker, The Energy Daily, "Natural Gas: The Regulatory Crisis Now," July, 1987.
- Speaker, American Bar Association Conference, "What Are The Pros And Cons Of LDC Affiliated Marketers From Regulators And Public Advocates Perspectives," May, 1987.



- Speaker, TEC-12 Program, NARUC Technical Education Conference For Commissioners, "Pipeline Pricing And Transportation Practices Under Order No. 436 -- Are There Opportunities For Discrimination?" February, 1987.
- Publication: Gorak, "Transportation Pursuant To Traditional Section 7(c) Certificates Versus FERC Order No. 436: New Potential For Discrimination Against Captive Customers," in *New Regulatory And Management Strategies In A Changing Market Environment*, MSU Public Utilities Papers (Trebing & Mann eds. 1987).
- Speaker, 18th Annual Williamsburg Conference, Institute Of Public Utilities, "New Regulatory And Management Strategies In A Changing Market Environment," December, 1986.
- Speaker, Federal Energy Bar Association, Mid-Year Meeting, "Energy Issues In A Changing Environment: State Implementation Of Gas Transportation Programs," November, 1986.
- Speaker, University Of Utah, Conferences And Institutes And The Utah Division Of Public Utilities Conference, "Natural Gas Regulation -- What's Ahead In The New Competitive Environment," October, 1986.
- Witness, Case No. 7962, "Concerning The Intrastate Effects Of The Changes In The Interstate Sale And Transportation Of Gas," Before The Public Service Commission Of Maryland, August, 1986.
- Publication: Gorak, "Does The FERC Rulemaking Address The D.C. Appellate Court Decisions Regarding Price Discrimination?" *Public Utility Regulation In An Environment Of Change*, MSU Public Utilities Papers (Trebing & Mann eds. 1986).
- Speaker, 17th Annual Williamsburg Conference, Institute Of Public Utilities, "Public Utility Regulation In An Environment Of Change," December, 1985.