

Position Code 1. ADMSPLAA52N
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State of Michigan
Civil Service Commission
Capitol Commons Center, P.O. Box 30002
Lansing, MI 48909
POSITION DESCRIPTION

This position description serves as the official classification document of record for this position. Please complete this form as accurately as you can as the position description is used to determine the proper classification of the position.

2.Employee's Name (Last, First, M.I.)	8.Department/Agency
	Licensing & Regulatory Affairs
3.Employee Identification Number	9.Bureau (Institution, Board, or Commission)
	Michigan Public Service Commission
4.Civil Service Position Code Description	10.Division
Administrative Law Specialist 13-16	Regulatory Affairs
5.Working Title (What the agency calls the position)	11.Section
Attorney	
6.Name and Position Code Description of Direct Supervisor	12.Unit
Ryan Wilson, State Office Administrator 17	
7.Name and Position Code Description of Second Level Supervisor	13.Work Location (City and Address)/Hours of Work
Gary Kitts, State Bureau Administrator 18	7109 W. Saginaw Hwy, Lansing, MI 48917 Monday - Friday 8:00 am - 5:00 pm

14. General Summary of Function/Purpose of Position

A senior-level Administrative Law Specialist [a/k/a ALS 16] is responsible for drafting very complex proposed opinions and orders after detailed analysis of the record, policy, and law. This work includes preparation of draft orders for multi-million dollar public utility cases and complex matters affecting large segments of the state's population. A majority of an ALS 16's work time involves cases having significantly greater complexity than those assigned at the experienced-level. Tasks are performed with minimal supervision and often must be completed under strict time constraints. An ALS 16 must have a thorough knowledge of fundamental subjects in law; legal research procedures; preparation of memorandum of law; legal writing techniques, jargon and terms; and statutory and regulatory authority of the Commission, including rules and procedures associated with programs adjudicated by the Commission. An ALS 16 must also be able to quickly prepare written draft orders and interpret complex statutes and rules. The businesses regulated by the Commission include electric utilities, natural gas distribution utilities, oil and natural gas pipelines, alternative electric and gas suppliers, telecommunication providers, natural gas producers, steam distribution companies, and video franchising activities.

15. Please describe the assigned duties, percent of time spent performing each duty, and what is done to complete each duty.

List the duties from most important to least important. The total percentage of all duties performed must equal 100 percent.

Duty 1

General Summary of Duty 1 **% of Time** 75

Draft very complex proposed opinions and orders after very difficult and complex research and analysis of the statutes, case decisions, attorney general opinions, the record and policy with minimal supervision--frequently under extremely urgent circumstances and under strict time constraints. Includes the preparation of draft orders for multi-million dollar public utility cases and complex matters affecting large segments of the State's population. Cases involve unique and/or extraordinary multi-layered issues involving such industries as telecommunications, gas & electric utilities, etc.

Individual tasks related to the duty.

- Research and analyze statutes and case decisions for precedent and application to current issue.
- Review and analyze the records of hearings after oral and written arguments and case presentations.
- Determine the appropriate legal and policy applications.
- Draft orders using knowledge of the law, expertise in the regulation of public utilities, and information gained from research.
- Finalize opinions and orders for Commission review and signature.
- Orally defend the rationale for a proposed order to members of the Public Service Commission.
- Work with the Commission's Technical Staff to ensure the accuracy of factual findings and policy determinations made in draft orders.
- The ability to perform the above tasks under extremely urgent circumstances and strict time constraints.

Duty 2

General Summary of Duty 2 **% of Time** 5

Lead contact person for interaction with the Customer Assistance Division with regard to all forms of customer complaints.

Individual tasks related to the duty.

- Reviewing formal customer complaints to determine if the complaint properly pleads a prima facie case.
- Sending letters informing unsuccessful complaint filers of the deficiencies that caused their complaints to be rejected, and how the deficiencies might be remedied.
- Working with the Staff to gather information regarding all customer complaints.
- Drafting final orders in complaint cases for consideration by the Commission.

Duty 3

General Summary of Duty 3

% of Time 5

Serve as the Commission's lead coordinator for the preparation of the statutorily-mandated Annual Report to the Governor and the Legislature.

Individual tasks related to the duty.

- Initiate the preparation of the Annual Report process in December of each year.
- Inform the MPSC Division Directors of the requirements for submission of their portions of the Annual Report.
- Compilation of drafts from each division director into a single report.
- Track all submissions from the individual divisions to make sure the draft of the Annual Report reaches the Commissioners in a timely manner for their review, editing, and approvals.
- Work with the Commission's Executive Office and Executive Secretary to ensure that the Annual Report is filed with the Governor's Office and the Legislature in a timely manner.

Duty 4

General Summary of Duty 4

% of Time 5

Analyze and review both proposed and existing legislation for application to and impact of state policy.

Individual tasks related to the duty.

- Meet with officials of federal, state and local agencies, legislators, governor's aides and interested groups regarding proposed legislation.
- Analyze proposals and consider impacts on current environment. Write up findings for, or discuss orally with, supervisor, the MPSC and its legislative specialist.
- Testify on behalf of the Commission before Legislative Committees with respect to the MPSC's position on pending legislation.
- Draft proposed legislation or amendments to existing legislation and present such information to appropriate parties during the legislative process.
- Be able to grasp the nuances that seemingly minor language changes may have on the Commission's statutory authority.

Duty 5

General Summary of Duty 5

% of Time 5

Research and recommend new and revised policies, regulations or administrative rules and guidelines for the Commission. Must be sufficiently knowledgeable in public utility accounting, financial analysis and consumer protection to provide useful analysis of issues facing the Commission. Must be adept at moving proposed administrative rules through the rule promulgation process outlined in the Administrative Procedures Act.

Individual tasks related to the duty.

- Research existing state and federal policy, regulations and administrative rules and guidelines.
- Write recommendations for change and support documentation for making the change.
- Present recommendations to supervisor or other appropriate parties for discussion and decision.
- Write final documents, incorporating changes, to be moved through the appropriate approval process.
- As experience is gained, give presentations to support documents through the approval process.
- Deal with the DLARA Rulemaking Coordinator, the Office of Regulatory Reinvention, and the Legislative Service Bureau during the lengthy rulemaking process.
- Testify on behalf of the Commission before the Joint Committee of Administrative Rules with respect to the MPSC's position on pending rulemakings, if necessary.
- Give presentations to support documents throughout the approval process.
- Give legal interpretations regarding the meaning of newly-adopted rule sets to the affected industry and/or the general public.

Duty 6

General Summary of Duty 6

% of Time 5

Other duties as assigned. Includes preparing detailed summaries and analyses of highly complex cases highlighting the legal, policy and factual issues. Required to advise the Commission on alternative resolutions.

Individual tasks related to the duty.

- Legal research regarding the handling of regulatory matters by other state regulatory commissions.
- Determining historical approaches for resolving regulatory issues.
- Studying new trends for innovative solutions to regulatory treatment of public utilities in a changing and challenging economic climate.
- Serve as the back-up Freedom of Information Act coordinator.
- Various and sundry other duties as assigned.

16. Describe the types of decisions made independently in this position and tell who or what is affected by those decisions.

This ALS 16 level position recommends to the Commission which of two or more complex arguments on an issue is more persuasive. Most complex cases have multiple complex issues. In some cases, the effect of a Commission order is limited to the litigants. In other cases, the effect of a Commission order is on an individual public utility and all of that utility's industrial, commercial, and residential customers in the form of revised rates or regulations. Many of the Commission's decisions have an effect on large segments of the state's population.

17. Describe the types of decisions that require the supervisor's review.

When the Commission may have indicated a policy preference that it has not yet been communicated in an order or when the supervisor's knowledge of the history of utility regulation in Michigan lends insight to analysis of the issue.

18. What kind of physical effort is used to perform this job? What environmental conditions is this position physically exposed to on the job? Indicate the amount of time and intensity of each activity and condition. Refer to instructions.

Responsibilities are performed in an office setting.

19. List the names and position code descriptions of each classified employee whom this position immediately supervises or oversees on a full-time, on-going basis. (If more than 10, list only classification titles and the number of employees in each classification.)

<u>NAME</u>	<u>CLASS TITLE</u>	<u>NAME</u>	<u>CLASS TITLE</u>

20. This position's responsibilities for the above-listed employees includes the following (check as many as apply):

- | | |
|---|--|
| <input type="checkbox"/> Complete and sign service ratings. | <input type="checkbox"/> Assign work. |
| <input type="checkbox"/> Provide formal written counseling. | <input type="checkbox"/> Approve work. |
| <input type="checkbox"/> Approve leave requests. | <input type="checkbox"/> Review work. |
| <input type="checkbox"/> Approve time and attendance. | <input type="checkbox"/> Provide guidance on work methods. |
| <input type="checkbox"/> Orally reprimand. | <input type="checkbox"/> Train employees in the work. |

22. Do you agree with the responses for Items 1 through 20? If not, which items do you disagree with and why?

Yes.

23. What are the essential functions of this position?

See Item # 15.

24. Indicate specifically how the position's duties and responsibilities have changed since the position was last reviewed.

Updated for back fill. Percentages for duties 1 & 2 updated to reflect more accurately the time spent on them. Removed language pertaining to MAE from the PD.

25. What is the function of the work area and how does this position fit into that function?

The Regulatory Affairs Division is responsible for the preparation of contested Commission case orders and opinions. It also assists in the preparation of legislative bill analyses, rulemaking proposals and policy recommendations for the Commission. This position handles many of these responsibilities.

26. What are the minimum education and experience qualifications needed to perform the essential functions of this position?

EDUCATION:

Graduation from accredited law school.

EXPERIENCE:

ALS 13 - No specific type or amount is required.

ALS 14 - One year of professional experience in legal work equivalent to an Administrative Law Specialist 13 or Administrative Law Examiner 13, or as an attorney.

ALS 15 - Two years of professional experience in legal work, including one year equivalent to an Administrative Law Specialist 14 or Administrative Law Examiner 14; or, two years of experience as an attorney.

ALS 16 - Three years of professional experience in legal work, including one year equivalent to an Administrative Law Specialist P15 or an Administrative Law Examiner P15; or, three years of experience as an attorney.

KNOWLEDGE, SKILLS, AND ABILITIES:

Knowledge of: Administrative Procedures Act; all public utility, and telecommunications regulatory statutes; legal writing techniques; legal research procedures. Ability to: present ideas clearly and concisely; write and speak effectively; analyze facts and draw logical conclusions; prepare and draft logical and concise written decisions, opinions and orders of law; make presentations to support recommendations; input and retrieve data using a computer, with experience using Microsoft Word; perform all these tasks under tight time constraints. Knowledge of and past experience with public utility regulation is highly desirable.

CERTIFICATES, LICENSES, REGISTRATIONS:

Employee must be a member in good standing with the State Bar of Michigan.

NOTE: Civil Service approval of this position does not constitute agreement with or acceptance of the desirable qualifications for this position.

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Supervisor's Signature

Date

TO BE FILLED OUT BY APPOINTING AUTHORITY

Indicate any exceptions or additions to statements of the employee(s) or supervisors.

I certify that the entries on these pages are accurate and complete.

Appointing Authority Signature

Date

TO BE FILLED OUT BY EMPLOYEE

I certify that the information presented in this position description provides a complete and accurate depiction of the duties and responsibilities assigned to this position.

Employee's Signature

Date

NOTE: Make a copy of this form for your records.