

Resolution Honoring Sam "Jimmy" Ervin, IV of North Carolina

WHEREAS, Fifty three years ago today, on November 18, 1955, Sam "Jimmy" Ervin, IV was allegedly born in Morganton, North Carolina; *and*

WHEREAS, Commissioner Ervin, given his distinguished namesake, begin at an early age to prepare for a lifetime of public service, attending public schools in Burke County, North Carolina, graduating from Freedom High School in 1974, Davidson College in 1978 (with an A. B., magna cum laude), and Harvard Law School in 1981 (with a J.D., cum laude); *and*

WHEREAS, Ervin practiced law in Morganton from 1981 until 1999, handling a wide range of civil, criminal, and administrative matters, including many appeals to the North Carolina Court of Appeals and the Supreme Court of North Carolina, *and*

WHEREAS, As a practicing lawyer, Ervin developed a reputation as a thorough, careful, knowledgeable, and ethical advocate who was devoted to the best interests of his clients; *and*

WHEREAS, In 1999, Ervin was appointed to the North Carolina Utilities Commission by Governor Jim Hunt and reappointed by Governor Mike Easley in 2007; *and*

WHEREAS, At the NCUC, Ervin participated in many important decisions, including the Utilities Commission's decisions to require rate reductions for Dominion North Carolina Power and Duke and to implement the energy legislation enacted by the General Assembly in 2007; *and*

WHEREAS, Ervin has also been active in national energy policy debates – serving from 2004 until 2007 as Chairman of the Committee on Electricity of the National Association of Regulatory Utility Commissioners (NARUC), from 2002 through 2007 as Chairman of NARUC's Subcommittee on Nuclear Issues and Waste Disposal and as a current member of both the NARUC Electricity and Consumer Affairs Committees and the NARUC Task Force on Climate Policy; *and*

WHEREAS, As chairman of the Electricity Committee, Ervin led NARUC's response to the enactment of the Energy Policy Act of 2005 and helped developed NARUC's policies addressing climate change issues; *and*

WHEREAS, Ervin's work as a member of the Utilities Commission has been characterized (inexplicably to those who know him best) by his in-depth knowledge of the issues, his devotion to a thorough understanding of the law, and his insistence on fair treatment for all parties; *and*

WHEREAS, Commissioner Ervin, to the surprise of many of his closest colleagues – given his notoriously tight-fisted “Presbyterian Pessimism” and difficulty communicating in colloquial English, recently managed to get enough people in North Carolina to vote for him to garner a place on the North Carolina Court of Appeals; *and*

WHEREAS, Friends have noted Commissioner Ervin is well suited to move to this new job given his compulsion to rewrite (and rewrite and rewrite) any draft pleading presented for his

review – frequently even when the draft presented – includes almost verbatim arguments he previously edited, his standard rule to never use one word when a paragraph or two will do, and his reputed secret desire to be an Italian guy from South Philly; *and*

WHEREAS, While Jimmy was in private practice, the Court of Appeals instituted a rule – called the ERVIN rule, limiting the number of pages lawyers could include in their briefs and it is anticipated, that shortly after Mr. Ervin’s rise to the bench, sometime in January, a similar page limitation will be imposed on Court opinions; *and*

WHEREAS, Commissioner Ervin has been a constant in the ever changing faces of NARUC and represents all the best in public service and has set an ethical and intellectual standard to which we all should aspire, *now therefore, be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners (NARUC), assembled in the November 2008 Annual Convention in New Orleans, Louisiana extend -

Congratulations to Commissioner Ervin upon his completion of almost 9 years of dedicated and productive service to the citizens of North Carolina and the United States of America,

Heartfelt thanks for his multiple and willing contributions to the success of the NARUC organization through service at every level,

Appreciation for his candor, guidance, and good humor in tackling the many formidable political and policy problems that have arisen during his service, and

Warmest wishes for every continued success in his new endeavors

Sponsored by the Committee on Electricity

Recommended by the NARUC Board of Directors, November 18, 2008

Adopted by the Committee of the Whole, November 19, 2008