



## John R. Morris, Ph.D.

### Managing Director

#### Current Position

Dr. Morris is a Managing Director with Secretariat Economists.

#### Professional Experience

Dr. Morris is a recognized expert in studying competition and price formation in energy industries. He began his research of competition in energy industries in 1985 while working for the Federal Trade Commission. Since joining Secretariat Economists in 1992, he has consulted on many mergers and acquisitions involving energy companies, examined competitive issues relating to rates, assessed allegations of price manipulation, examined allegation of affiliate abuse, and studied issues in state restructuring proceedings. He has published articles on competition and energy matters, and he has spoken on numerous occasions concerning competition in natural gas, electric power and other industries. He formally was Chair of the Antitrust Committee of the Energy Bar Association, and he has been accepted as an expert witness on energy matters before the Federal Energy Regulatory Commission, state regulatory commissions, and in federal court.

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#### Professional History

- Secretariat Economists
- Stanford University, Washington
- Dept. of Business Economics and Public Policy, School of Business, Indiana University
- Bureau of Economics, Federal Trade Commission
- Office of Commissioner, Federal Trade Commission
- Division of Anti-Trust, Bureau of Economics
- Office of Policy Analysis, Office of the Asst. Secretary for Policy, US Dept. of Labor
- University of Washington

#### Education

- Ph.D., University of Washington
- M.A., University of Washington
- A.B., Georgetown University, Cum Laude

#### Professional Associations

- Energy Bar Association, Associate
- American Bar Association, Associate
- American Economic Association, Member
- Western Economic Association International, Member

## Representative Engagements

### Testimony

- Prepared Testimony, Louisiana Public Service Commission et al., v. System Energy Resources, Inc., et al., FERC Docket No. EL21-56 (2024). If specific outages or derates are found to be due to imprudent operations at Grand Gulf Nuclear Station, then the economic damages from the outage or derate would be the lost net revenue that would have been received for energy sales at Grand Gulf.
- Affidavit (with Jeffrey Opgrand), Elliott Associates, L.P., et al., FERC Docket No. EC23-112 (2023). Acquisition of 20% of NRG will not give Elliott market power in coal or electric power markets.
- Affidavit, Tampa Electric Company, FERC Docket No. ER10-1437 (2023). Triennial update for authority for market-based rates and Simultaneous Import Limit (SIL) study.
- Report and Deposition, CPS Energy v. Houston Pipe Line Company, LP and Oasis Pipeline, LP, Cause No. 2021-CI-05138, District Court of Bexar County, Texas, 407th Judicial District (2023, 2024). Natural gas prices during Winter Storm Uri were consistent with the supply and demand conditions.
- Report, Deposition, and Bench Trial, Entergy Arkansas, LLC, vs. Ted J. Thomas, in his official capacity as Chairman of the Arkansas Public Service Commission et al., Civil Action No. 4:20-cv-01088-KGB, U.S. Dist. Court, Dist. of Eastern Arkansas (2022, 2023). Entergy Arkansas entered into settlement agreements to split costs between retail and wholesale customers, and an Arkansas Public Service Commission decision resulted in Entergy Arkansas not receiving the benefits of low variable cost generation assets for which it was paying the fixed costs.
- Affidavits (2), NextEra Energy Resources, LLC, et al., FERC Docket No. EC23-36-000 (2022, 2023). Simultaneous Import Limit (SIL) calculations for balancing authority areas in Florida.
- Affidavits, Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection, FERC Docket No. RM21-17-000 (2022). Competition for transmission projects reduces costs and completion times.
- Reports and Deposition, Duke Energy Carolinas, LLC, vs. NTE Carolinas II, LLC, NTE Carolinas II Holdings, LLC, NTE Energy LLC, NTE Southeast Electric Company, LLC, NTE Energy Services Co., LLC, and Castillo Investment Holdings II, LLC, vs. Duke Energy Progress, LLC and Duke Energy Corporation, Civil Action No. 3:19-cv-515, U.S. Dist. Court, Dist. of Western North Carolina Charlotte Div. (2022). Duke has market power in wholesale power sales on its systems in the Carolinas, and alleged anticompetitive actions would produce antitrust injuries.
- Affidavit, Investigation of Resource Adequacy Alternatives, New Jersey Board of Public Utilities Docket No. EO20030203 (2020). HHI and Pivotal Supplier analyses indicate the no company would have market power in a fixed resource auction to serve the JCPL load zone.
- Affidavit, NRG Energy, Inc., FERC Docket No. EC20-96-000 (2020). NRG Energy's acquisition of Direct Energy does not create or enhance market power in New York.

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- Affidavit, Energy Texas, Inc., FERC Docket No. EC20-85-000 (2020). Entergy Texas' proposed acquisition of the Hardin County Peaking Power facility does not create or enhance market power.
- Affidavit, Tampa Electric Company, FERC Docket No. ER10-1437-011 (2020). Triennial update for authority for market-based rates and Simultaneous Import Limit (SIL) study.
- Affidavits, American Transmission System, Inc., FERC Docket No. ER20-1740-000 (2020). American Transmission System, Inc. (ATSI) moving from MISO to PJM produced net benefits for ATSI transmission customers.
- Affidavit, NRG Wholesale Generation LP and Entergy Mississippi, LLC, FERC Docket No. EC19-63-000 (2019). Entergy Mississippi's proposed acquisition of the Choctaw Generating Station does not create or enhance market power.
- Affidavits, Louisville Gas and Electric Co. and Kentucky Utilities Co., FERC Docket Nos. EC98-2-001, ER18-2162-000 (2018). Market changes since the LG&E/KU merger in 1998 obviate the need for continued generation market power mitigation.
- Affidavit, Upper Peninsula Power Company, FERC Docket No. ER10-1901-011 (2018). Triennial update for authority for market-based rates.
- Affidavit, NRG Cottonwood Tenant LLC, FERC Docket No. ER18-1160-001 (2018). MISO South and WOTAB should not be considered separate relevant markets for market- rate authority.
- Affidavit, PSEG Energy Resources & Trade LLC, FERC Docket No. ER10-1789-005 (2018). Addition of new Sewaren unit does not materially change PSEG's market position in PJM.
- Affidavit, Southern Indiana Gas and Electric Co. d/b/a Vectren Energy Delivery of Indiana, Inc., FERC Docket No. ER10-1338-002 (2017). Triennial update for authority for market- based rates.
- Affidavit, PSEG Keys Energy Center LLC, Docket No. ER17-2426-000 (2017). Addition of new PSEG Keys facility in Maryland does not materially change PSEG's market position in PJM.
- Prepared Answering Testimony, Supplemental Testimony, and Cross-Examination, In the Matter of Eligibility Criteria for Energy Service Companies, Case 15-M-0127, New York Public Service Commission (2017). Competitive retail access in New York benefits electric and natural gas consumers by providing opportunities for lower prices, greater price assurance, and other service enhancements.
- Affidavit, Tampa Electric Company, FERC Docket No. ER10-1437-006 (2017). Triennial update for authority for market-based rates in the Southeast Region, and SIL Study for the FRCC.
- Prepared Answering Testimony, Deposition, and Hearing, People of the State of California, ex rel; Bill Lockyer, Attorney General of the State of California v. British Columbia Power Exchange Corporation., et al., EL02-71-000, Federal Energy Regulatory Commission (2017). TransCanada initial quarterly transactions filings did not mask market power because TransCanada had no market power in the

western United States power markets in 2000 and 2001; TransCanada's filing did not mask market power by others; and TransCanada did not benefit from alleged manipulations and market power of others.

- Affidavit, Alabama Power Company, Docket No. ER17-514-000 (2016). Proposed tariff revisions will enhance the Southern Energy Auction.
- Affidavits (2), Alabama Power Company, et al., EL15-39-000 (2016). Steps outlined by the Commission are not sufficient to replicate results reported by the Commission; and alleged market power metric relied on by the Commission is not an indicator of market power.
- Affidavit, Retail Energy Supply Association, et al. v. Public Service Commission of the State of New York, et al., Index No. 870-16, State of New York, Supreme Court, County of Albany (2016). Energy retail supply is workably competitive in New York.
- Affidavit, Alabama Power Company, et al., EL15-39-000 (2016). Southern Companies' Energy Auction contains the most common short-term products and adding products of longer durations will not substantially increase utilization.
- Affidavit, Combined Locks Energy Center, LLC, et al., ER10-3042-004 (2015). Triennial update for market-based rates.
- Affidavit, Alabama Power Company, et al., EL15-39-000 (2015). Southeast wholesale electric power markets are competitive, Southern Companies do not have market power in Southeast wholesale power markets, and Southern Companies' Energy Auction serves as an effective recourse rate to mitigate any potential market power.
- Affidavit, PJM Interconnection, L.L.C., ER15-623-000 (2015). Recommendation not to decrease a proposed offer cap in capacity auctions to less than the net cost of new entry.
- Affidavit, Southern Indiana Gas and Electric Co. d/b/a Vectren Energy Delivery of Indiana, Inc., ER10-1338-000 (2014). Triennial update for market-based rates.
- Affidavit, Quantum Lake Power, LP, ER13-1489-000 (2014). Triennial update for market-based rates.
- Affidavit, Seaway Crude Pipeline Company LLC, OR15-6-000 (2014). Seaway pipeline may have market power in transportation of crude oil from Cushing, OK.
- Affidavit, Quantum Choctaw Power, LLC et al., FERC Docket Nos. ER12-458-007 et al. (2014). Triennial update for authority for market-based rates in the Southeast Region.
- Affidavit, NRG Power Marketing LLC, et al., FERC Docket Nos. ER10-2265-004 et al. (2014). Triennial update for authority for market-based rates in the Southeast Region.

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- Prepared Direct Testimony, In re: Petition for Determination of Cost Effective Generation Alternative to Meet Need Prior to 2018, by Duke Energy Florida, Inc., FPSC Docket No. 140111-EI (2014). Duke acquisition of the Osceola facility would not create market power issues in the Duke Energy Florida balancing authority area.
- Affidavit, TransCanada Entities, FERC Docket Nos. ER10-2870-004 et al. (2014). Triennial update for authority for market-based rates in the Northeast Region.
- Affidavit, Tampa Electric Company, FERC Docket No. ER10-1437-002 (2014). Triennial update for authority for market-based rates in the Southeast Region, and SIL Study for the FRCC.
- Affidavit, Kendall Green Energy LLC, FERC Docket No. ER14-1363-003 (2014). Triennial update for authority for market-based rates in the Northeast Region.
- Affidavit, NRG Power Marketing LLC, et al. FERC Docket No. ER10-2265-002 (2014). Triennial update for authority for market-based rates in the Northeast Region
- Affidavit, NRG Yield, Inc., et al., FERC Docket No. EC14-101-000 (2014). NRG Yield's proposed acquisition of Alta Wind projects would not create or enhance market power in California.
- Affidavit, Community Wind Farm 1 et al., FERC ER14-1668-000 (2014). Application for authority to market electric power at market-based rates.
- Affidavit, Public Service Electric and Gas Company et al., FERC Docket No. ER10-1789-003 (2013). Triennial update for authority for market-based rates.
- Affidavits, NRG Energy Holdings, Inc., Edison Mission Energy, FERC Docket No. EC14-14- 00 (2013). NRG Energy's proposed acquisition of assets of Edison Mission Energy does not create or enhance market power.
- Affidavit, Silver Merger Sub, Inc., et al., FERC Docket No. EC13-128-000 (2012). Merger of MidAmerican Energy Holdings Company and NV Energy, Inc. would not result in higher delivered fuel prices for electric generators.
- Prepared Answering Testimony, Deposition, and Hearing, Puget Sound Energy, Inc., et al., FERC Docket No. EL01-10-085 (2012). TransCanada did not exercise market power in the Pacific Northwest in 2001, discriminate against the California Energy Resources Scheduling division of the California Department of Water Resources, sell non-firm energy as firm, or harm the public interest.
- Affidavit, Wisconsin Public Service Corporation, et al., FERC Docket No. ER10-1894-004 (2012). Triennial update for authority for market-based rates.
- Affidavit, PSEG New Haven LLC, FERC Docket No. ER12-1250-000 (2012). PSEG does not have operation control of the PSEG New Haven facility.

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- Affidavit, Enterprise Product Partners L.P. and Enbridge, Inc., OR12-4-000 (2012). Testimony on behalf of Canadian Association of Petroleum Producers demonstrating that Seaway pipeline would likely have market power in transporting crude oil from Cushing, Oklahoma to the Gulf Coast.
- Affidavit, Southern Indiana Gas and Electric Co., FERC Docket No. ER10-1338-001 (2011). Triennial update for authority for market-based rates.
- Affidavit, TransCanada Power Marketing Ltd. et al., FERC Docket No. ER10-2780-001 (2011). Triennial update for authority for market-based rates.
- Affidavit, Tampa Electric Company, FERC Docket No. ER99-2342-012 (2011). Triennial update for authority for market-based rates.
- Affidavit, TransCanada Power Marketing Ltd. et al., FERC Docket No. ER98-564-001 (2011). Triennial update for authority for market-based rates.
- Affidavit, Cedar Creek Wind Energy, LLC, FERC Docket No. ER11-2577-000 (2010). Triennial update for authority for market-based rates.
- Affidavit, Public Service Electric and Gas Company et al., FERC Docket No. ER97-837-014 (2010). Triennial update for authority for market-based rates.
- Affidavit, Morris Energy Group, LLC v. PSEG Energy Resources & Trade LLC; PSEG Fossil LLC; and PSEG Power LLC, FERC Docket No. EL10-79-000 (2010). Testimony on behalf of Public Service Electric and Gas Company indicating that gas distribution rates to electric generation companies are not unduly discriminatory.
- Affidavit and Prepared Testimony, In The Matter of the Petition of Public Service Electric and Gas Company for Approval of an Increase in Electric and Gas Rates and for Changes in the Tariffs for Electric and Gas Service, B.P.U.N.J. No. 14 Electric and B.P.U.N.J. No. 14 Gas Pursuant to N.J.S.A. 48:2-21 and N.J.S.A. 48:2-21.1 and for Approval of a Gas Weather Normalization Clause; A Pension Expense Tracker; and for Other Appropriate Relief, BPU Docket No. GR09050422, New Jersey Board of Public Utilities (2010). (1) Refunds sufficient to remedy proposed rate increase if the increase is later found to be unjust or unreasonable; (2) PSE&G's gas distribution rates to electric generation companies are not unduly discriminatory.
- Affidavit, UGI Storage Company and UGI Central Penn Gas, Inc., CP10-23-000, Federal Energy Regulatory Commission (2010). Market-based rates would result in substantial rate increase for incumbent customers.
- Prepared Answering Testimony, People of the State of California, ex rel; Bill Lockyer, Attorney General of the State of California v. Powerex Corp., et al., EL02-71-000, Federal Energy Regulatory Commission (2009). TransCanada initial quarterly transactions filings did not mask market power because TransCanada had no market power in the western United States power markets in 2000 and 2001.

- Affidavit, Integrys Energy Services, Inc. v. New Brunswick Power Generation Corporation, EL09-32-002, Federal Energy Regulatory Commission (2009). New Brunswick Power Generation did not submit a proper market power study for market-based rates.
- Affidavit, People of the State of California, ex rel; Edmund G. Brown Jr. Attorney General of the State of California v. Powerex Corp., et al., EL09-56-000, Federal Energy Regulatory Commission (2009). TransCanada had no market power in the western United States power markets in 2001.
- Affidavit, San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services, EL00-95-000, Federal Energy Regulatory Commission (2009). Various proceedings at FERC contain different issues of fact. TransCanada had no market power in the western United States power markets in 2000 and 2001.
- Affidavit, Troy Energy, LLC, et al., ER02-25-010, Federal Energy Regulatory Commission (2009). Triennial update for market based rates. International Power Plc does not have market power in central United States electric energy markets.
- Affidavit, Combined Locks Energy Center, LLC, et al., ER01-2659-015, Federal Energy Regulatory Commission (2009). Triennial update for market based rates. Integrys Energy Group does not have market power in central United States electric energy markets.
- Prepared Direct Testimony and Deposition, Energy Transfer Partners, L.P., et al., IN06-3- 003, Federal Energy Regulatory Commission (2009). FERC Enforcement Staff witness overstated potential unjust profits from allegedly selling natural gas at artificially-low prices.
- Prepared Direct Testimony and Cross Examination, Mobil Pipe Line Company, OR07-21- 000, Federal Energy Regulatory Commission (2009). FERC Litigation Staff improperly concluded that Pegasus crude oil pipeline does not have market power.
- Idaho Power Company, ER06-787-002, Federal Energy Regulatory Commission (2009). Certain Idaho Power Company legacy transmission agreements have discounted rates.
- Affidavit, Southern Indiana Gas and Electric Company d/b/a Vectren Energy Delivery of Indiana, Inc., ER96-2734-007, Federal Energy Regulatory Commission (2008). Updated market power analysis for market rate authority.
- Affidavit, Choctaw Gas Generation, LLC, et al., ER08-1332-002, Federal Energy Regulatory Commission (2008). Triennial update for authority for market-based rates.
- Affidavit, TransCanada Energy Sales Ltd., ER09-328-001, Federal Energy Regulatory Commission, (2008). TransCanada does not have market power in electric energy sales in the Northeast region or elsewhere in the United States.

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- Prepared Direct Testimony and Deposition, Oasis Pipeline, L.P. et al., IN06-3-004, Federal Energy Regulatory Commission (2008). FERC Enforcement Staff witness did not produce information showing undue discrimination, overcharges, or improper update of a statement of operating conditions.
- Affidavit, Tampa Electric Company, ER99-2342-012, Federal Energy Regulatory Commission (2008). Triennial update for authority for market-based rates.
- Affidavit, ANP Bellingham Energy Company, LLC, et al., ER00-2117-005, Federal Energy Regulatory Commission (2008). Triennial update for authority for market-based rates.
- Affidavit, SUEZ Energy Marketing, NA, et al., ER06-169-003, Federal Energy Regulatory Commission (2008). Triennial update for authority for market-based rates.
- Affidavit, TransCanada Energy Marketing ULC, et al., ER07-1274-001, Federal Energy Regulatory Commission (2008). Triennial update for authority for market-based rates.
- Affidavit, Georgia-Pacific Brewton LLC, et al., ER08-1126-000, Federal Energy Regulatory Commission (2008). Application for authority to market electric power at market-based rates.
- Prepared Direct Testimony, Application of Wisconsin Power and Light Company for Issuance of a Certificate of Public Convenience and Necessity for Construction and Placement in Operation of an Approximately 300 MW Coal-Fired Baseload Facility and an Application for Approval of Fixed Financial Parameters and Capital Cost Rate-Making Principles for the Baseload Facility, Docket No. 6680-CE-170, Public Service Commission of Wisconsin (2008). Construction of a 300-MW coal unit will not adversely affect wholesale competition in eastern Wisconsin.
- Affidavit, Montgomery L'Energia Power Partners LP, ER08-864-000, Federal Energy Regulatory Commission (2008). Application for authority to market electric power at market-based rates.
- Affidavit (with Joseph P. Kalt), Energy Transfer Partners, et al., IN06-3-002, Federal Energy Regulatory Commission (2008). Energy Transfer Partners sold natural gas at competitive prices, and FERC proposed unreliable methods to detect artificially low natural gas prices.
- Affidavit, Energy Transfer Partners, et al., IN06-3-002, Federal Energy Regulatory Commission (2008). Evidence does not show that the Oasis Pipeline gave undue preferences to an affiliate.
- Affidavit, TransCanada Maine Wind Development Inc., ER08-685-000, Federal Energy Regulatory Commission (2008). Application for authority to market electric power at market-based rates.
- Affidavit, O'Connor & Hewitt, LTD, RP08-30-000, Federal Energy Regulatory Commission (2007). Energy Transfer Partners did not make substantial sales of natural gas at Houston Ship Channel after 2005.



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- Affidavit (with Joseph P. Kalt), Energy Transfer Partners, et al., EN06-3-000, Federal Energy Regulatory Commission (2007). Energy Transfer Partners sold natural gas at competitive prices, and FERC proposed unreliable methods to detect artificially low natural gas prices.
- Affidavit, Energy Transfer Partners, et al., EN06-3-000, Federal Energy Regulatory Commission (2007). Evidence does not show that the Oasis Pipeline gave undue preferences to an affiliate.
- Affidavit, The People of the State of Illinois, ex rel. Illinois Attorney General Lisa Madigan v. Exelon Generation Co., LLC, et al., EL07-47-000, Federal Energy Regulatory Commission (2007). The results of a power auction in Illinois in 2006 are just and reasonable.
- Affidavit, Baltimore Gas and Electric Company, ER07-576-000, Federal Energy Regulatory Commission (2007). Proposed increase in ROE for existing transmission facilities reduces the incentive to upgrade transmission facilities.
- Affidavit, Trans-Allegheny Interstate Line Company, ER07-562-000, Federal Energy Regulatory Commission (2007). Proposed ROE for TrAILCo is above the zone of reasonableness.
- Affidavit, TransCanada Energy Marketing Ltd., et al., ER07-331-000, Federal Energy Regulatory Commission (2006). Application for authority to market electric power at market-based rates.
- Affidavit, Tampa Electric Company, ER99-2342-000, ER07-173-000, Federal Energy Regulatory Commission (2006). Updated market power analysis for market-based rate authority.
- Affidavit, Koch Supply & Trading, LP, ER07-100-000, Federal Energy Regulatory Commission (2006). Application for authority to market electric power at market-based rates.
- WPS Resources Corporation and Peoples Energy Corporation, EC06-152-000, Federal Energy Regulatory Commission (2006). Merger will not result in increased market power in electric power and natural gas markets.
- Affidavit, Sabine Cogen, LP, ER06-744-000, Federal Energy Regulatory Commission (2006). Application for authority to market electric power at market-based rates.
- Affidavit, Air Liquide Large Industries U.S. LP, ER06-743-000, Federal Energy Regulatory Commission (2006). Application for authority to market electric power at market-based rates.
- Prepared Rebuttal Testimony and Hearing, In the Matter of the Joint Petition of Public Service Electric and Gas Company and Exelon Corporation for Approval of a Change in Control of Public Service Electric and Gas Company, and Related Authorizations, BPU Docket No. EM05020106, OAL Docket No. PUC-01874-05, New Jersey Board of Public Utilities (2005, 2006). Combination of Exelon and PSEG would not create or enhance market power in sales of natural gas.
- Affidavit, ANP Bellingham Energy Company, LLC, et al., ER00-2117-000, Federal Energy Regulatory Commission (2005). Triennial update for authority for market-based rates.

- Affidavit, Duke Energy Corporation and Cinergy Corp., EC05-103-000, Federal Energy Regulatory Commission (2005). Corrections to transmission data produce additional market power screen failures.
- Affidavit, Application of Duke Energy Corporation for Authorization to Enter Into a Business Combination Transaction with Cinergy Corp., Docket No. 2005-210-E, Public Service Commission of South Carolina (2005). Firm transmission path from Cinergy to Duke control area may reduce generation costs.
- Prepared Rebuttal Testimony and Hearing, Joint Application of PECO Energy Company and Public Service Electric and Gas Company for Approval of the Merger of Public Service Enterprise Group Incorporated with and into Exelon Corporation, Docket No. A- 110550F0160, Pennsylvania Public Utility Commission (2005). Combination of Exelon and PSEG would not create or enhance market power in sales of natural gas.
- Affidavit, El Paso Marketing, L.P., et al., ER95-428-000, Federal Energy Regulatory Commission (2005). Triennial update for authority for market-based rates.
- Affidavit, TransCanada Energy Ltd., et al., ER95-692-000, Federal Energy Regulatory Commission (2005). Triennial update for authority for market-based rates.
- Affidavit, Granite Ridge Energy, LLC, ER00-1147-000, ER05-287-001, Federal Energy Regulatory Commission (2005). Application for authority to market electric power at market-based rates.
- Report, Metromedia Energy, Inc. v. Mirant Americas Energy Marketing, RE: 18 198 Y 18484 03 (2005). Improperly reported natural gas trades could increase price indices.
- Affidavit, TransCanada Power (Castleton) LLC, ER05-743-000, Federal Energy Regulatory Commission (2005). Application for authority to market electric power at market-based rates.
- Affidavit, Tampa Electric Company, et al., ER99-2342-003, Federal Energy Regulatory Commission (2005). Updated market power analysis for market-based rate authority.
- Prepared Direct Testimony and Hearing, Application of Washington Gas Light Company for amendments to Rate Schedule No. 9, Firm Delivery Gas Supplier Agreement of its Gas Tariff, Docket No. PUE-2004-00085, Virginia State Corporation Commission (2005). Washington Gas Light security requirements are unreasonable and anticompetitive.
- Affidavit, Wisconsin Public Service Corporation, WPS Energy Services, Inc., and WPS Power Development, Inc., ER96-1088-033 and Wisconsin Public Service Corporation, ER95-1528-008, Federal Energy Regulatory Commission (2005). WPS Resources subsidiaries pass FERC market power screens for the Midwest Independent Transmission System Operator, Inc. Day-2 energy markets.
- Affidavit, Wisconsin River Power Company, ER05-453-000, Federal Energy Regulatory Commission (2005). Application for authority to market electric power at market-based rates.

- Affidavit, Upper Peninsula Power Company, ER05-89-001, Federal Energy Regulatory Commission (2005). Application for authority to market electric power at market-based rates.
- Affidavit, Southern Indiana Gas and Electric Company, ER96-2734-003, Federal Energy Regulatory Commission (2004). Updated market power analysis for market rate authority.
- Affidavit, Tampa Electric Company, et al., ER99-2342-003, Federal Energy Regulatory Commission (2004). Updated market power analysis for market-based rate authority.
- Affidavits, TransCanada Hydro Northeast, Inc., et al., EC05-12-000, ER05-111-000, Federal Energy Regulatory Commission (2004). TransCanada Hydro Northeast, Inc. acquisition of hydroelectric generation assets of USGen New England does not create market power concern in New England and New York electric power markets.
- Affidavits, Dominion Energy New England, Inc., et al., EC05-4-000, ER05-34-000, Federal Energy Regulatory Commission (2004). Dominion Resources, Inc. acquisition of fossil generation assets of USGen New England does not create market power concern in New England electric power markets.
- Affidavit, Wisconsin Public Service Corporation, WPS Energy Services, Inc., and WPS Power Development, Inc., ER96-1088-033 and Wisconsin Public Service Corporation, ER95-1528-008, Federal Energy Regulatory Commission (2004). Updated market power analysis for authority for market-based rates.
- Affidavit, NorthPoint Energy Solutions Inc. ER04-1244-000, Federal Energy Regulatory Commission (2004). Application for authority to sell power in the United States at market- based rates.
- Report, Deposition, and Bench Trial, FTC v. Arch Coal, Inc., et al., Civil Action 04-0534 (JDB), U.S. Dist. Court, Dist. of Columbia (2004). Testimony that Southern Powder River Basin coal is a relevant market and Arch's acquisition of Triton is likely to raise prices.
- Prepared Direct Testimony, Application of Wisconsin Public Service Corporation for a Certificate of Public Convenience and Necessity for Construction of A Large Electric Generating Plant with Associated Facilities, known as Weston 4, at Its Existing Weston Generating Station Located in Marathon County, Docket No. 6690-CE-187, Public Service Commission of Wisconsin (2004). Construction of Weston 4 unit will not adversely affect wholesale competition in eastern Wisconsin.
- Affidavit, Union Power Partners, L.P., ER01-930-004, Federal Energy Regulatory Commission (2004). Triennial update for authority for market-based rates.
- Affidavit, Panda Gila River, L.P., ER01-931-004, Federal Energy Regulatory Commission (2004). Triennial update for authority for market-based rates.
- Prepared Direct Testimony, Metromedia Energy, Inc. - Regarding Washington Gas Light Company's Plan to Return Customers to Sales Service Effective December 1, 2003, Docket No. PUE-2003-00536, Virginia State Corporation Commission (2004). WGL security requirements are unreasonable.

- Affidavit, Dominion Energy Kewaunee, Inc., ER04-318-000, Federal Energy Regulatory Commission (2003). Application for authority to market electric power at market-based rates.
- Affidavit, TPS GP, Inc., TPG LP, Inc., Panda GS V, LLC & Panda GS VI, LLC, EC03-90- 000, Federal Energy Regulatory Commission (2003). TPS acquisition of Panda ownership interest in Gila River and Union Power plants does not raise market power issues.
- Affidavit, Berkshire Power Company, L.L.C. et al., ER99-3502-001, Federal Energy Regulatory Commission (2002). Triennial update for authority for market-based rates.
- Affidavit, El Paso Merchant Energy, L.P., ER95-428-024, Federal Energy Regulatory Commission (2002). Triennial update for authority for market-based rates.
- Affidavit, Tampa Electric Company, ER99-2342-001, Federal Energy Regulatory Commission (2002). Triennial update for authority for market-based rates.
- Affidavit, Hardee Power Partners Limited, ER99-2341-001, Federal Energy Regulatory Commission (2002). Triennial update for authority for market-based rates.
- Affidavit, TECO-PANDA Generating Company, L.P., ER02-1000-000, Federal Energy Regulatory Commission (2002). Application for authority to market electric power at market-based rates.
- Affidavit, Commonwealth Chesapeake Company, LLC, ER99-415-004, Federal Energy Regulatory Commission (2002). Triennial update for authority for market-based rates.
- Affidavit, Wisconsin Public Service Corporation, WPS Energy Services, Inc., and WPS Power Development, Inc., ER96-1088-031 and Wisconsin Public Service Corporation, ER95-1528-006, Federal Energy Regulatory Commission (2001). Triennial update for authority for market-based rates.
- Affidavit, TPS McAdams, LLC and TPS Dell, LLC, ER02-507-000 and ER02-510-000, Federal Energy Regulatory Commission (2001). Application for authority to market electric power at market-based rates.
- Affidavits, Prepared Testimony, and Hearing, El Paso Merchant Energy Company, RP00- 241-000, Federal Energy Regulatory Commission (2000-2001). Market concentration of holders of gas transportation capacity to California is not high and El Paso Merchant Energy ownership of electric power assets is insignificant for competition in delivered gas market.
- Affidavit, El Paso Energy Corporation and The Coastal Corporation, EC00-73-000, Federal Energy Regulatory Commission (2000). Merger of El Paso Energy Corporation and The Coastal Corporation. Relevant gas markets are not highly concentrated.
- Report and Testimony (with Mark Frankena), Analysis of Competitive Implications: An investigation into whether electric industry restructuring and competition in the provision of retail electric service is in the public interest, Docket No. U-21453, U-20925 (SC), U-22092 (SC) (Subdocket A), Louisiana

Public Service Commission (2000). Southwestern Electric Power Company does not have generation market power within Louisiana.

- Affidavit, El Paso Energy Corporation and Sonat Inc., EC99-73-000, Federal Energy Regulatory Commission (1999). For merger of El Paso Energy Corporation and Sonat Inc. Relevant gas markets are not highly concentrated.
- Report, Deposition and Jury Trial, Trigen v. OG&E, CIV-96-1595L, U.S. Dist. Court, Western Dist. of Oklahoma (1998). OG&E misrepresented its real-time pricing rate and offered financing below its weighted average cost of capital.
- Report and Hearing, Atlantic City Electric Company: Audit of Restructuring, New Jersey Board of Public Utilities, Docket No. EA97060395 (1998). Atlantic City Electric Company had not adequately demonstrated that it cannot exercise market power.
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- “Advertising Restrictions as Rent Increasing Costs,” FTC Bureau of Economics Working Paper No. 196, May 1992.

- “Rent Increasing Costs: The Antitrust Implications from a Paradox in Value Theory,” FTC Bureau of Economics Working Paper No. 182, November 1990.
- “The Relationship Between Industrial Sales Prices and Concentration of Natural Gas Pipelines,” FTC Bureau of Economics Working Paper No. 168, November 1988.
- “Deregulation by Vertical Integration?” FTC Bureau of Economics Working Paper No. 166, November 1988.

### **Presentations & Professional Activities**

- “Finding ‘representative market prices’ for calculating concentration in electric power markets,” presentation to staff of the Federal Energy Regulatory Commission, March 4, 2020
- Comments (with Lona Fowdur) to the Antitrust Division of the U.S. Department of Justice and the Federal Trade Commission Concerning U.S. Department of Justice and the Federal Trade Commission Draft Vertical Merger Guidelines Released for Public Comment on January 10, 2020, February 25, 2020.
- Comments (with others), Notice of Inquiry: Modifications to Commission Requirements for Review of Transactions under Section 203 of the Federal Power Act and Market-Based Rate Applications under Section 205 of the Federal Power Act, Docket No. RM16-21-000, Federal Energy Regulatory Commission, November 28, 2016.
- Report on Behalf of NRG Energy, PJM Interconnection, L.L.C., Docket No. ER15-623-000, Federal Energy Regulatory Commission, January 20, 2015
- Contributor, “Chapter 12: Applying Econometrics to Estimate Damages,” in ABA Antitrust Section, *Econometrics: Legal, Practical, and Technical Issues* (2d ed. 2014), with Gregory Leonard, James Langenfeld, and Wenqing Li.
- Referee, *Research in Law & Economics*, 2013.
- “The Relationship between Spot and Forward Electric Power Prices,” presentation at the Western Economics Association International Annual Conference, San Francisco, California, June 30, 2012.
- Contributor, “Chapter 6: Transportation Markets (Pipeline Industry),” in ABA Antitrust Section, *Market Definition in Antitrust: Theory and Case Studies* (2012).
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- “Efficacy of Vertical Integration in Energy Industries with Applications to Proposed Standards of Conduct for Transmission Providers,” submitted to FERC by Santee Cooper in Docket No. RM07-1-000, Federal Energy Regulatory Commission, March 30, 2007.
- Reviewer, “Information Exchange, Market Transparency, and Dynamic Oligopoly,” by Per Baltzer Overgaard and Peter Møllgaard, Chapter 63 of *Issues in Competition Law and Policy*, Wayne Dale Collins (Ed.), *forthcoming*.
- “New Wisconsin Power and Light Company Coal Unit Effect on Wholesale Competition in WUMS,” submitted to the Public Service Commission of Wisconsin by Wisconsin Power and Light Company in Docket No. 6680-CE-170, February 7, 2007.
- “U.S. Department of Justice Economic Analyses of Electric Utility Mergers,” presentation to the EUCI Conference on Electric Utility Mergers, Pointe Hilton Tapatio Cliffs Resort, Phoenix, Arizona, December 12, 2006.
- Chair, Antitrust Committee, Energy Bar Association, 2004 — 2005.
- “Competition in the Natural Gas Industry: An Antitrust Perspective,” presentation to staff of the Federal Energy Regulatory Commission,” March 28, 2005.
- Vice Chair, Antitrust Committee, Energy Bar Association, 2003–2004.



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- “Finding Market Power in Power Markets,” presented to staff of the Federal Trade Commission, Washington, DC, June 20, 2001.
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- “Market Power Analysis: An Economic Perspective,” (with Mark Frankena), presented at the Strategic Research Institute Conference on The Legal Challenges of Restructuring, Arlington, Virginia, April 16, 1997.
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- Expert Witness, Federal American Inn of Court, Washington, DC, Winter 1993.
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- “Advertising Restrictions as Rent Increasing Costs,” Seminar, Department of Business Economics, Indiana University, October 1991.
- “International Trade and Antitrust: Comments,” presented at a *Contemporary Policy Issues* Session of the Western Economics Association’s 66th Annual Conference, July 1991. Discussant, Western Economics Association’s 66th Annual Conference, July 1991.
- “Horizontal Restraints Cases at the Federal Trade Commission: From *American Medical Association* through the Present,” with Jim Langenfeld, presented at the 60th Annual Conference of the Southern Economics Association, November 1990.
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- “Deregulation by Vertical Integration?” Seminar, Department of Business Economics, Indiana University, January 1989.
- Discussant, Industrial Organization Society Session, Annual Meeting of the American Economics Association, December 1988.
- “Concentration and Price in the Natural Gas Industry,” Seminar, Federal Trade Commission, July 1988.
- “Relevant Measures of Concentration for Antitrust Policy,” presented at an Industrial Organization Society Session of the 57th Annual Conference of the Southern Economics Association, November 1987.