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Personal Information

Born 1958, Moses Lake, Washington. Married to Debra DeBolt Morris. Children: Richard (1989), Ryan (1992), and Taylor (1992).

Education

Ph.D., University of Washington, August 1985
Dissertation: Intellectual Property: Creating, Pricing, Copying
Scholarship for Outstanding Performance, 1984

M.A., University of Washington, December 1983

A.B., Georgetown University, May 1981
Major: Economics
Graduated Cum Laude
Senior Comprehensive Passed with Distinction

Employment Experience

Managing Director, Secretariat Economists
July 2021 – Present

Principal, Economists Incorporated
January 2003 — July 2021

Senior Vice President, Economists Incorporated
December 2001 — December 2002

Employment Experience (continued)

Vice President, Economists Incorporated
December 1995 – December 2001

Senior Economist, Economists Incorporated
June 1992 – December 1995

Economic Tutorial Leader, Stanford University (Stanford in Washington)
April 1993 – June 1995

Visiting Assistant Professor, Department of Business Economics and Public Policy,
School of Business, Indiana University
September 1991 – May 1992

Assistant to the Director for Antitrust, Bureau of Economics, Federal Trade
Commission
November 1989 – August 1991

Economic Advisor, Office of Commissioner Machol, Federal Trade Commission
December 1988 – October 1989

Economist, Division of Antitrust, Bureau of Economics, Federal Trade
Commission
October 1985 – December 1988

Economist, Office of Policy Analysis, Office of the Assistant Secretary for Policy,
U.S. Department of Labor
June 1983 – September 1983, June 1984 – September 1984

Instructor, University of Washington
September 1983 – June 1985

Memberships

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

Awards & Honors

Award for Excellence in Law Enforcement, Federal Trade Commission, 1988

Testimony

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.

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.

Testimony (continued)

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.

Testimony (continued)

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.

Testimony (continued)

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.

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.

Testimony (continued)

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.

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.

Testimony (continued)

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.

Testimony (continued)

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.

Testimony (continued)

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.

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.

Testimony (continued)

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'Ennergia 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.

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.

Testimony (continued)

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.

Testimony (continued)

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.

Testimony (continued)

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.

Testimony (continued)

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.

Testimony (continued)

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.

Testimony (continued)

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.

Testimony (continued)

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.

Affidavit, City Public Service Board of San Antonio vs. Public Utility Commission of Texas, et al., No. 97-02917, District Court of Travis County, Texas, 200th Judicial District (1997). PUCT mandated transmission rate did not provide comparable rates, terms, and conditions of service.

Prepared Testimony, San Diego Gas & Electric Company and Enova Energy, Inc., EC97-12-000, Federal Energy Regulatory Commission (1997). Merger of Pacific Enterprises and Enova without mitigation may have had anticompetitive effects.

Prepared Testimony, Deposition, and Hearing, Wisconsin Electric Power Co., Northern States Power Co. (Minnesota), Northern States Power Co. (Wisconsin), and Cenerprise, Inc., EC95-16-000, Federal Energy Regulatory Commission (1996). Applicants' ad-hoc computer simulation model failed to prove the merger was not anticompetitive.

Prepared Testimony and Hearing, Proceeding on Motion of the Commission to Redesign Niagara Mohawk Power Corporation's Current SC-7 Service Classification and Implement a New SC-7-A Service Classification, Case 94-E-0172, New York Public Service Commission (1995). Proposed back-up service tariff would not result in anticompetitive tying.

Report and Deposition, King Provision Corporation v. Burger King Corporation and Grand Metropolitan PLC, 90-05718-CA, 4th Cir., Duval Co., Florida (1992). Burger King did not have market power in the distribution of supplies to fast-food restaurants.

Deposition, West Texas Transmission L.P. v. Enron Corp. et al., SA 88 CA 0638, W.D. Texas, San Antonio Division (1988). Divestiture to Valero would have increased concentration above Merger Guidelines' thresholds in West Texas and Bexar County.

Publications

“Alternative Measures of ‘Representative Market Prices’ for FERC Delivered Price Tests,” *Energy Law Journal* 42 (2021): 191-235.

“Should Market Power Still Be a Concern in the U.S. Electric Power Industry?” *Electricity Journal* 33 (2020): 106725-28 (with Jéssica Dutra and Tristan Snow Cobb).

“Geographic Market Delineation in LMP Electric Power Markets,” *Electricity Journal* 23(3) (April 2010): 49-60 (with Megan H. Accordino).

“The Likely Effect of the Proposed Exelon-PSEG Merger on Wholesale Electricity Prices,” *Electricity Journal* 21(1) (Jan./Feb. 2008): 45-54 (with Matt Wolf).

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