

**STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW  
BEFORE HONORABLE RICHARD MCGILL, ALJ**

<b>I/M/O the Verified Petition of JCP&amp;L</b>	)	
<b>for Review and Approval of Increases in</b>	)	
<b>and Other Adjustments to its Rates and</b>	)	<b>OAL Docket No. PUC 16310-12N</b>
<b>Charges for Electric Service, and For</b>	)	
<b>Approval of Other Proposed Tariff</b>	)	<b>BPU Docket No. ER12111052</b>
<b>Revisions in Connection Therewith; and</b>	)	
<b>for Approval of an Accelerated</b>	)	
<b>Reliability Enhancement Program</b>	)	
<b>(“2012 Base Rate Filing”)</b>	)	

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**DIRECT TESTIMONY OF ROGER D. COLTON  
ON BEHALF OF THE  
DIVISION OF RATE COUNSEL**

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**Dated: June 14, 2013**

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1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Roger Colton. My business address is 34 Warwick Road, Belmont, MA  
3 02478.

4  
5 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT POSITION?**

6 A. I am a principal in the firm of Fisher Sheehan & Colton, Public Finance and General  
7 Economics of Belmont, Massachusetts. In that capacity, I provide technical assistance to  
8 a variety of federal and state agencies, consumer organizations and public utilities on rate  
9 and customer service issues involving telephone, water/sewer, natural gas and electric  
10 utilities.

11  
12 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THE PROCEEDING?**

13 A. I am testifying on behalf of the New Jersey Division of Rate Counsel.  
14

15 **Q. PLEASE DESCRIBE YOUR PROFESSIONAL BACKGROUND.**

16 A. I work primarily on low-income utility issues. This involves regulatory work on rate and  
17 customer service issues, as well as research into low-income usage, payment patterns,  
18 and affordability programs. At present, I am working on various projects in the states of  
19 New Jersey, Maryland, Pennsylvania, Virginia, Minnesota and Hawaii. My clients  
20 include state agencies (e.g., Pennsylvania Office of Consumer Advocate, Maryland  
21 Office of People's Counsel, Iowa Department of Human Rights), federal agencies (e.g.,  
22 the U.S. Department of Health and Human Services), community-based organizations  
23 (e.g., Energy Outreach Colorado, Community Action Partnership Association of Idaho),

1 and private utilities (e.g., Unutil Corporation d/b/a Fitchburg Gas and Electric Company,  
2 Entergy Services, Xcel Energy d/b/a Public Service of Colorado). In addition to state-  
3 and utility-specific work, I engage in national work throughout the United States. For  
4 example, in 2011, I worked with the U.S. Department of Health and Human Services (the  
5 federal LIHEAP office) to advance the review and utilization of the Home Energy  
6 Insecurity Scale as an outcomes measurement tool for LIHEAP. In 2010, I completed (as  
7 one member of a team) work on a national study of the responses of water utilities to the  
8 payment troubles of residential customers for the U.S. Environmental Protection Agency  
9 and the American Water Works Association Research Foundation. In 2007, I was part of  
10 a team that performed a multi-sponsor public/private national study of low-income  
11 energy assistance programs.

12  
13 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.**

14 A. After receiving my undergraduate degree in 1975 (Iowa State University), I obtained  
15 further training in both law and economics. I received my law degree in 1981 (University  
16 of Florida). I received my Master's Degree (economics) from the MacGregor School in  
17 1993.

18  
19 **Q. HAVE YOU EVER PUBLISHED ON PUBLIC UTILITY REGULATORY**  
20 **ISSUES?**

21 A. Yes. I have published more than 80 articles in scholarly and trade journals, primarily on  
22 low-income utility and housing issues. I have published an equal number of technical  
23 reports for various clients on energy, water, telecommunications and other associated

1 low-income utility issues. A list of my publications is included in Appendix A to this  
2 Direct Testimony.

3  
4 **Q. HAVE YOU EVER TESTIFIED BEFORE THIS OR OTHER UTILITY**  
5 **COMMISSIONS?**

6 A. Yes. I have testified before the New Jersey Board of Public Utilities (“BPU” or “Board”)  
7 on numerous occasions regarding utility issues affecting low-income customers and  
8 residential customer service. I have also testified in regulatory proceedings in more than  
9 30 states and various Canadian provinces on a wide range of utility issues. A list of  
10 proceedings in which I have testified is included in Appendix A to this Direct Testimony.

11  
12 **Q. PLEASE EXPLAIN THE PURPOSE OF YOUR DIRECT TESTIMONY.**

13 A. The purpose of my Direct Testimony relating to Jersey Central Power and Light  
14 (hereafter “JCP&L” or “Company”) is two-fold:

- 15 ➤ To assess the reasonableness of the Company’s current performance and planning for  
16 communications during storm events resulting in service outages and the ensuing  
17 service restoration period and to recommend improvements where appropriate;
- 18 ➤ To evaluate the Company’s performance on specified customer service processes  
19 responding to its growing credit and collection problems.

1 **I. REVIEW OF STORM-RELATED PUBLIC COMMUNICATIONS.**

2 **A. Overview.**

3 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**  
4 **TESTIMONY.**

5 A. In this section of my testimony, I consider the public communications actions (and lack  
6 of actions) by the Company associated with major storm events. When I refer to the  
7 “public communications” actions and inactions by the Company, I intend the term  
8 “public” to encompass multiple stakeholders, including without limitation the Company’s  
9 direct customer base; the residents of the geographic region contained within the  
10 Company’s service territory; public officials (both elected and otherwise); local First  
11 Responders (including, without limitation, fire, police, and emergency management  
12 agencies (“EMAs”); and special needs populations.

13

14 **Q. PLEASE EXPLAIN HOW YOUR DISCUSSION BELOW INTER-RELATES**  
15 **WITH THE BOARD’S REVIEW OF THE REASONABLENESS OF THE**  
16 **COMPANY’S SPECIFIC ACTIONS IN RESPONDING EITHER TO**  
17 **HURRICANE SANDY OR TO THE THREE STORM EVENTS COVERED BY**  
18 **THE STAFF’S DECEMBER 2011 STORM PREPAREDNESS REVIEW.**

19 A. The purpose of my testimony today is to identify ways in which the Company can  
20 improve its storm response and storm preparedness actions specifically as those actions  
21 relate to public communication. The Board’s January 23, 2013 Order Accepting  
22 Consultant’s Report and Additional Staff Recommendations and Requiring Electric  
23 Utilities to Implement Recommendations in Docket EO11090543 (“Storm Order”)  
24 specifically states that “it is clear that communications is an area where much

1 improvement is still needed.” (Storm Order, at 2). The Board stated in its Storm Order  
2 that “[e]ven at this early stage of review, it is clear that communications continues to be  
3 an issue, and that improvement must take place. . .[B]y being better prepared for major  
4 events and providing more accurate and timely communications about restoration efforts,  
5 the EDCs will provide customers with the tools needed to deal with events of this  
6 magnitude.” (Storm Order, at 43).

7  
8 My purpose, therefore, is to make recommendations in areas that I believe have not yet  
9 been well-covered in the conversations and inquiries previously occurring before the  
10 Board. To the extent that actions have been covered by the Board, the Staff<sup>1</sup> and/or the  
11 EPP report,<sup>2</sup> I seek not to duplicate those discussions.

12  
13 **Q. PLEASE EXPLAIN THE BASIS FOR PRESENTING YOUR CUSTOMER**  
14 **SERVICE TESTIMONY IN A RATE CASE.**

15 A. Providing adequate communication during storm events is clearly a customer service  
16 obligation of New Jersey utilities. The Board’s regulations, under a section labeled  
17 “service,” specifically state: “If a customer’s service is likely to be affected by peculiar or  
18 unusual circumstances, the public utility shall inform the customer as to how the  
19 customer can minimize the effect of such circumstances in order to secure sufficient and  
20 satisfactory service from the utility’s system.” (N.J.A.C. 14:3-3.3(c)). One reason that  
21 storm communications should be an issue in a rate case, therefore, is because customers  
22 have paid for reasonable customer service, of which storm communication is one part. It

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<sup>1</sup> Board of Public Utilities (December 14, 2011). *Hurricane Irene Electric Response Report*.

<sup>2</sup> Emergency Preparedness Partnership (September 2012). *Performance Review of EDCs in 2011 Major Storms*.

1 is appropriate to determine whether customers are receiving the reasonable service for  
2 which they have paid.

3  
4 **Q. WHAT REMEDIES DO YOU PROPOSE IN ORDER TO ADDRESS AREAS IN**  
5 **WHICH YOU FIND A NEED FOR IMPROVEMENT?**

6 A. In those circumstances where I find a specific need for improvement, I outline the  
7 specific new or substituted activity (or activities) I recommend that the Company pursue.  
8 I do not associate a specific revenue requirement with any particular recommendation.  
9 The Company did not associate a revenue requirement with its acceptance of Staff or EPP  
10 recommendations in this rate case. (RCR-CS-106). Moreover, neither the Staff nor EPP  
11 were called upon to include revenue requirement impacts with the storm-response  
12 communication recommendations included in their respective evaluations. It would thus  
13 be unreasonable to require the Rate Counsel, in my testimony, to provide what has not  
14 been previously required by others in similar circumstances.

15  
16 **B. Communicating with local municipal officials.**

17 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**  
18 **TESTIMONY.**

19 A. One of the disturbing sources of communication breakdown(s) on the part of the  
20 Company in responding to recent storm events, as documented by both the December  
21 2011 Staff report and the subsequent September 2012 EPP report on storm preparedness,  
22 was with respect to the Company's communication with local government officials.  
23 Local government officials reported that they were unable to gain local-specific

1 information on outages and estimated restoration times. Local government officials  
2 further reported that they were unable to personally access Company staff either to report  
3 problems or to obtain information on the resolution of problems. Clearly, storm-related  
4 communications with local governments is of concern throughout the state, including in  
5 the Company's service territory. As the Board noted in its January 23, 2013 Storm  
6 Order, the ability of electric utilities to communicate accurate information affects the  
7 ability of local governments to provide information and services to residents. (Id., at 15 –  
8 16).

9  
10 The Company did not have a well-developed, well-documented protocol for  
11 communicating with local officials during storm events prior to "late 2011." (RCR-CS-  
12 102; RCR-CS-107). In late 2011, the Company implemented a "Storm Restoration  
13 Communication Plan," which it submitted to the Board. (RCR-CS-107, RCR-CS-114).  
14 The communications "enhancements" outlined in that Plan "have been incorporated as  
15 part of the Company's current emergency communications processes," and "are expected  
16 to be reflected in the Company's Emergency Communications Plan as such document is  
17 updated." According to the Company, components of its Storm Restoration  
18 Communication Plan included "daily conference calls by JCP&L senior management  
19 representatives with elected officials, mayors and others on storm restoration progress;  
20 augmentation of local staff to directly communicate with mayors and local officials  
21 during major events and activation and staffing of the 24x7 Emergency Response Phone  
22 Center to provide municipal leaders a dedicated center to contact with concerns." (RCR-  
23 CS-107(a), Attachment 1).

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**Q. HAS THE COMPANY MADE COMMITMENTS TO IMPROVE ITS COMMUNICATIONS WITH LOCAL GOVERNMENT OFFICIALS SUBSEQUENT TO THE RELEASE OF THE STAFF AND EPP REPORTS?**

A. Yes. The Company agreed with the Board’s order to improve its communication with local officials. The primary recommendation “accepted” was to hold daily conference calls with “municipal officials” of “affected municipalities” if it is expected that the storm event outage is going to last longer than three days.

**Q. HOW CAN THE COMPANY FURTHER IMPROVE ITS COMMUNICATIONS WITH LOCAL OFFICIALS FOR FUTURE STORM EVENTS?**

A. The commitments that the Company has made to improve communications with local officials should be further refined, first, by defining the “local officials” (or “municipal officials” in the terms of the Board’s Storm Order) with whom it will directly communicate and on which issues. Four levels of officials are important links between the local government and the residential customer base.

- The first level of local officials represents First Responders. Contact with First Responders should be directed to leadership of three primary local agencies: the local police force; the fire department; and the local EMA.
- The second level of local officials represents Infrastructure Agencies. Infrastructure Agencies are those municipal officials, such as the local Department of Public Works (“DPW”); local utility (e.g., water) providers; and related local agencies, who are charged with restoring the fundamental services

1 (e.g., streets, water service) to operating conditions in a reasonably timely fashion.

2 Contact with Infrastructure Agencies should be directed toward the leadership of  
3 those agencies.

4 ➤ The third level of local officials represents local Management and Resource Staff.  
5 Management and Resource Staff are those municipal officials who are charged  
6 with communicating, as local officials, with local community residents, along  
7 with deploying municipal staff and funds to address storm-related issues (e.g.,  
8 Mayor, Town Manager, local School Superintendent). Management and  
9 Resource Staff are also those staff charged with necessary internal municipal  
10 communications.

11 ➤ The final level of local officials represents local Elected Officials. Elected  
12 Officials include not only state legislators, but municipal council members and  
13 county freeholders as well. Elected Officials are frequently viewed by residents  
14 as the first point of contact for resolving local problems, whether involving  
15 downed trees or electric utility outages. Elected Officials will be expected by  
16 local residents to be knowledgeable about what has happened in a community and  
17 what the immediate prospects are for recovery.

18  
19 **Q. WHY IS IT IMPORTANT TO SEPARATELY IDENTIFY THE LOCAL**  
20 **MUNICIPAL OFFICIALS WITH WHOM THE UTILITY WILL**  
21 **COMMUNICATE DURING A STORM EVENT?**

22 A. The need to separately identify the specific types of local officials with whom the utility  
23 will communicate is critical for several reasons. First, the “message” to each type of

1 municipal officials will differ. The information needed by a local DPW in order to  
2 restore local infrastructure, for example, is not the same as the information needed by  
3 local elected officials to further communicate with municipal residents. The priority of  
4 communications will differ as well. An elected official needing to respond to constituent  
5 inquiries, for example, will differ from the Fire Chief needing to get emergency vehicles  
6 through roads clogged by down wires.

7  
8 Recognizing the different information needs up-front helps a utility to engage in the best  
9 practice of communicating storm responses through pre-prepared communication  
10 templates. The information needs of each type of local official should not be decided  
11 only at the time of a storm event. Virtually all storm preparedness reviews have  
12 recognized the advantage of pre-planning the structure of communication content to local  
13 officials. It is not only the form and content of a communication that will differ by type  
14 of official; it is the timing and frequency of communication that will differ as well.  
15 Emergency management agency personnel will need more frequent information updates.  
16 Infrastructure Agencies will need updates on an as-needed basis (e.g., as particular  
17 intersections are operationalized; as major rights-of-way are cleared).

18  
19 Finally, specifically identifying the different municipal officials allows the Company to  
20 more adequately keep its list of municipal officials up-to-date. At least twice a year, the  
21 Company should inquire of each local government what the appropriate staff name and  
22 contact information is for each position needing to receive storm-related information.

23

1 **Q. IS THERE AN ADDITIONAL IMPROVEMENT THAT THE COMPANY**  
2 **SHOULD MAKE TO ITS COMMUNICATIONS PLAN FOR LOCAL**  
3 **MUNICIPAL OFFICIALS?**

4 A. Yes. The best communications practices of local utilities regarding local municipal  
5 officials should include a specific documentation of the responsibilities and processes  
6 that will be exercised during a storm event (and subsequent outage restoration). For  
7 example, each municipality should sign a specific memorandum of agreement (“MOA”)  
8 with its local utility specifying the reciprocal obligations of the utility and the  
9 municipality, including responsibilities involving communications. This would include,  
10 for example, receiving and acting upon communications from municipal officials about  
11 local emergency conditions. Not only would this MOA document the expectations going  
12 each way between the utility and the municipality, but in addition, a signed written MOA  
13 could also then be used as a benchmark for whether the actual performance by both the  
14 municipality and the utility was reasonable. Municipal MOAs like this would reflect  
15 “emergency coordination agreements” negotiated between EMAs and utilities. Entering  
16 into MOAs with local municipal governments not only has sound precedent, it represents  
17 reasonable policy.

18  
19 **Q. IS THERE A FINAL RECOMMENDATION THAT YOU MAKE WITH**  
20 **RESPECT TO THE COMPANY’S COMMUNICATIONS WITH LOCAL**  
21 **OFFICIALS?**

22 A. Yes. I recommend that the Company expand and enhance its storm preparedness  
23 communications with local officials outside the context of an impending storm event.

1 The Company, for example, was asked to provide all outbound communications to EMAs  
2 during Calendar Year 2012. All such communications revolved around specific  
3 impending storm events. (RCR-CS-151). It is generally recognized, however, that  
4 ongoing communications in a non-crisis situation will improve the communication  
5 process during a storm event. Sponsoring training events and drills, for example, and  
6 incorporating the participation of local officials, is one such type of communication.  
7 When asked to provide, for the 12 months ending December 31, 2012, all joint training  
8 courses and/or exercises in which the Company and local officials, other than local  
9 EMAs, participated to improve communications, the Company could cite only to four  
10 “First Responder training sessions [which] were held during the 1<sup>st</sup> quarter 2012 with the  
11 Company and various Morris County first responders.” (RCR-CS-119(b)). No discussion  
12 occurs in the Company’s Communications Plan about information provision, trainings,  
13 drills, or other communication to local officials outside the context of a specifically-  
14 identified storm.

15  
16 Training and the exercise of emergency processes with affected local agencies is critical  
17 to the smooth implementation of communication protocols during actual storm events.  
18 The Company, for example, should undertake annual storm response drills with the  
19 participation of local governments. It should also provide training to municipal officials  
20 “on request.” These trainings should be tailored to the specific type of public official  
21 involved (e.g., DPW, police, fire) as I described above. Not only should the training be  
22 provided “on request,” but the Company should also engage in an active outreach  
23 encouraging such training by local officials. Sound communication practice would have

1 the Company engage in “pre-event communications” and meetings with local officials to  
2 ensure: that mutual contacts have been identified; that communications processes operate  
3 in practice as they are written on paper; and that channels of communication are  
4 adequately and appropriately in place before a storm event presents itself.  
5

6 **Q. WOULD IMPLEMENTING THESE RECOMMENDATIONS IMPROVE THE**  
7 **ACCURACY OF COMMUNICATIONS WITH LOCAL OFFICIALS?**

8 A. Yes. By focusing on the specific information needed by specific types of officials, the  
9 Company will not be providing unrelated, unhelpful or irrelevant information. A police  
10 chief or fire chief needing to open up specific roads would not be receiving ETRs too  
11 generic to be helpful. By using state data collection templates from local officials, and  
12 data dissemination to local officials, agreed upon ahead of time, for each type of official,  
13 the two-way transfer of information between the Company and the local official becomes  
14 more accurate and more immediately helpful. By specifying mutual reciprocal  
15 obligations in advance, the ability of local officials to make necessary contact with the  
16 Company (and vice versa), as well as the ability of local officials to know that the  
17 Company recognizes agreed-upon tasks as being within its purview of storm-related  
18 obligations, is enhanced.  
19

20 **Q. WHAT DO YOU CONCLUDE?**

21 A. In sum, I recommend that the local municipal officials who can expect to receive storm-  
22 related communications be identified; that uniform communication templates be  
23 developed for reporting storm-related information to municipal officials and receiving

1 storm-related information from municipal officials; and that a written communications  
2 MOA be executed between the Company and each municipal government seeking such  
3 an MOA. Finally, I recommend that the Company expand and enhance its  
4 communications with local officials outside the context of specific storm events,  
5 including the exchange of information, the implementation of trainings, and the exercise  
6 of drills to ensure that storm processes work as expected and planned.  
7

8 **C. Communicating Estimated Times of Restoration (ETRs)**

9 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**  
10 **TESTIMONY.**

11 A. One of, if not the single most, critical communications tasks for an electric utility during  
12 a storm event involving major outages is to communicate to customers not only when  
13 they can expect to have their service fully-restored, but also to communicate the fact of  
14 restoration when it occurs.

15  
16 The Company provides a basic call-back service to deliver service restoration  
17 information. When a customer calls the Company to report an outage, a “job ticket” is  
18 opened in the Company’s Outage Management System (“OMS”). At the time the  
19 customer reports the outage, the customer is given the option to receive a call-back from  
20 the Company’s Interactive Voice Recognition (“IVR”) system to: (1) provide updates  
21 regarding restoration; and (2) inform the customer that electric service has been restored.  
22 This option is given to every customer reporting an outage notification. (RCR-CS-118).  
23

1 Not only are call-backs generated if there are updates to ETRs involving a change of  
2 more than one hour, but a call-back will also occur when the Company believes that  
3 electric service has been restored. At that time, the Company will call to indicate that the  
4 Company believes service has been restored. In that call, the customer is given the  
5 opportunity to confirm that service has been restored. If the customer indicates that  
6 service remains off, the Company OMS job ticket is re-opened indicating that additional  
7 issues exist that need to be addressed. (RCR-CS-118).

8  
9 The Company has the capacity to generate automated outbound calls during a storm  
10 event. It does so for the Critical Care and Well Water customer population. (RCR-CS-  
11 133). The IVR is also used to notify customers facing credit and collection activity that  
12 the credit and collection department is closed. (RCR-CS-120(a)).

13  
14 The Company does not typically generate customer-specific ETRs. (RCR-CS-138(d)).  
15 Nor is information made available on a neighborhood basis, though street-level estimates  
16 might be generated toward the end of the restoration process when the Company can  
17 know exactly when specific work orders will be dispatched for specific streets when the  
18 remaining number of affected streets is small. (RCR-CS-138(c)). On a community basis,  
19 ETRs for complete restoration of service to a community are based on, inter alia, the  
20 number of outages, available resources, historic trend information, work efficiency rates,  
21 and the current work plan. The resulting report, however, is limited to the estimated  
22 number of customers that are expected to be restored in a community by day for each  
23 community until restoration is complete. (RCR-CS-138(a) – 138(b)).

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**Q. COULD THE COMPANY REASONABLY ENHANCE OR IMPROVE ITS COMMUNICATION OF SERVICE RESTORATION INFORMATION TO CUSTOMERS?**

A. Yes. It would be reasonable for the Company to take a more active role in communicating the restoration of service to all residential customers, whether or not those customers have called the Company to report an outage. JCP&L should put its outbound auto-dialers (“reverse 911” capability) to greater use to communicate with their respective customer bases. The Company, for example, should develop and operate a system that would automatically call customers as service to geographic areas is restored. That call is to verify that the customers the utilities expect to have restored are, in fact, restored.

**Q. IS THERE A RECOMMENDATION YOU HAVE WITH THE WAY IN WHICH THESE AUTOMATED OUTBOUND MESSAGES ARE COMMUNICATED?**

A. Yes. In making automated outbound phone calls such as I recommend, it is important for the Company to be careful with the language it uses. Customer messages should be prescreened to ensure that the messages are clear for the widest range of demographics possible. Restoration information should be communicated in “universal language of physical addresses” (e.g., streets, towns, buildings). Customers should not have to learn technical utility and equipment terminology during an emergency.

1 **Q. IS THERE A FINAL RECOMMENDATION YOU HAVE WITH RESPECT TO**  
2 **AUTOMATED OUTBOUND PHONE MESSAGING AS A MEANS OF**  
3 **COMMUNICATION BEFORE, DURING AND AFTER STORM EVENTS?**

4 A. Given the expectation that electric service outages will frequently be associated with  
5 customers leaving their homes, additional efforts must be made to reach customers other  
6 than through landline telephones.<sup>3</sup> I recommend the Company undertake two initiatives.  
7 First, the Company should increase its efforts to obtain, in the usual course of contacts  
8 with customers, secondary contact information with customers. Secondary contacts  
9 include primarily mobile phone numbers; the utility should commit to use these numbers  
10 only in emergency situations where the customer is likely to be unavailable at a land-line  
11 telephone at his or her residence.

12  
13 Second, it is not sufficient for the Company merely to note that many customers are  
14 unwilling to provide secondary contact information because of their (legitimate) concerns  
15 over losing control over access to such personal information. Instead, the Company  
16 should implement mechanisms to facilitate and encourage the collection of such  
17 secondary contact information to the maximum extent possible. JCP&L should, for  
18 example, promote a customer pre-registration process on a web-site. Through this pre-  
19 registration process, not only can customers gain easy access to outage information  
20 during emergency storm events via a dedicated web page, but customers can provide the

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<sup>3</sup> I discuss below the Company's commendable efforts to expand its use of social media such as Twitter in reaching customers and its recent efforts to expand its use of "smart phone" applications and other mobile applications as a communications mechanism. My comments in this regard are restricted to out-bound auto-dialing ("reverse 911") programs.

1 Company with secondary contact information that it can use, in the event of a storm  
2 emergency, should the customer not be at home to receive contacts on a landline.  
3

4 **D. Planning and follow-up on storm-related communications.**

5 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**  
6 **TESTIMONY.**

7 A. In this section of my testimony, I consider the actions (or inactions) of the Company to  
8 apply basic planning processes to its communications activities. As with any other  
9 program or process, planning and management principles can and should be applied to  
10 measure the operational efficiency and effectiveness of severe weather communications.  
11 The measurement of communications, again as with any other administrative program or  
12 process, should be subject to the ability of the Company to measure “outcomes.”  
13 “Communication” is a process that is particularly subject to measurable outcomes,  
14 determining whether the information/message that the Company has sought to  
15 communicate has actually been received.

16  
17 The Company’s storm communications plan (RCR-CS-107, RCR-CS-114) contains no  
18 provision for measuring communications outcomes. To this extent, the Company falls  
19 short of storm preparedness planning standards that represent sound planning and  
20 management practices. The Company should develop “performance metrics” that rate in-  
21 bound calls as to “media messaging effectiveness.” This information gathering would  
22 help the Company determine whether the information that the Company was intending to  
23 impart through public communications was actually being received and understood by

1 the public. These performance metrics should measure both the effectiveness of the  
2 medium and the efficacy of the message.

3  
4 **E. Communications with vulnerable residential populations.**

5 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**  
6 **TESTIMONY.**

7 A. There are special needs residential populations for whom the Company should take  
8 special care in ensuring adequate communications before, during and after a storm event.  
9 Special needs residential populations extend well beyond customers who have medically-  
10 necessary electric equipment. Special needs populations include, also, the aged, the  
11 disabled, the infirm, and others for whom traditional communications may not be  
12 adequate and who can reasonably be expected to exhibit particular identified or  
13 reasonably foreseeable vulnerabilities during a storm event.

14  
15 **Q. PLEASE EXPLAIN THE EXTENT TO WHICH THE COMPANY DIRECTS**  
16 **SPECIAL STORM-RELATED COMMUNICATIONS TOWARD VULNERABLE**  
17 **CUSTOMERS.**

18 A. The Company provides a list of “critical care” customers to County and Municipal Office  
19 of Emergency Management offices on a semi-annual basis. According to the Company,  
20 “the Critical Care Program is the only program that JCP&L has that might address the  
21 kind of customers that this request describes as medically vulnerable.” (RCR-CS-124).  
22 “Critical care” customers are limited to those residential customers who enroll in a  
23 program as having electrically-operated life-support equipment. (RCR-CS-123, RCR-CS-

1 124). The Company states that it will use its list of Critical Care Customers “during a  
2 power outage to contact all Critical Care customers by telephone if the outage may affect  
3 their electric service for more than 24 hours.” (RCR-CS-124, attachment 3).

4  
5 **Q. DOES THE COMPANY HAVE SPECIAL NOTICE PROVISIONS FOR OTHER**  
6 **VULNERABLE CUSTOMERS AKIN TO THE NOTICE PROVIDED TO**  
7 **CUSTOMERS WITH LIFE-SUSTAINING EQUIPMENT, BEFORE, DURING OR**  
8 **AFTER A STORM EVENT?**

9 A. No. (RCR-CS-124). The Company only provides special storm-related communications  
10 to customers who have been identified as having “life-sustaining equipment” on the  
11 customer’s premises. (N.J.A.C. 14:3-3A.4(d)).

12  
13 **Q. EVEN FOR ITS “CRITICAL CARE” CUSTOMERS, DOES THE COMPANY**  
14 **ENGAGE IN REASONABLY ADEQUATE STORM AND STORM**  
15 **PREPAREDNESS COMMUNICATIONS?**

16 A. No. At no time does the Company take proactive efforts to inform its critical care  
17 customers about the location of emergency shelters. (RCR-CS-125(b)). At no time does  
18 the Company make proactive inquiries on the status of reconnection or restoration of  
19 service subsequent to a storm. (RCR-CS-125(d)).

20  
21 The Company’s communication failure pre-dates actual storm events as well. It may well  
22 be reasonable for a customer with life-sustaining electric equipment to believe that their  
23 participation in the utility’s Critical Care program might gain them access to priority

1 status in decisions regarding the restoration of service during outages. At no time does  
2 the Company seek to educate or inform these customers that their critical care status does  
3 not play a role in scheduling or prioritizing service outage restoration. (RCR-CS-125(c)).  
4

5 **Q. PLEASE IDENTIFY THE STORM PREPAREDNESS ACTIONS YOU**  
6 **RECOMMEND THAT THE COMPANY TAKE WITH RESPECT TO**  
7 **COMMUNICATIONS WITH SPECIAL NEEDS CUSTOMERS.**

8 A. I first recommend that the Company expand its communications with special needs  
9 customers to include three populations that have already been recognized in the Board’s  
10 Regulations, and the Company’s own non-storm-related processes, as meriting special  
11 communications efforts. The process for identifying these three additional sets of  
12 customers (i.e., third party notice, aging, medical emergency) is already prescribed (and  
13 mandated) by the Board. The Company need not engage in any new or incremental effort  
14 to identify customers.  
15

16 The three additional sets of customers are as follows: First, Board regulations establish a  
17 process for providing specified notices to third parties other than the customer. (N.J.A.C.  
18 14:3-3A.4(b)). This regulation specifically provides that “each public utility shall  
19 annually notify all residential customers that, upon request, notice of discontinuance of  
20 service will be sent to a designated third party, as well as to the customer.” The Board’s  
21 regulation allows a self-identification of such a special need; no particular documentation  
22 or demonstration is required. Second, Board regulations establish a process for providing  
23 special notices to aging customers, with the demarcation of the need for such notice set at

1 “over 65 years of age.” (N.J.A.C. 14:3-3A.4(c)). This Board regulation specifically  
2 provides that: “each public utility shall make good faith efforts to determine which of  
3 their residential customers are over 65 years of age, and shall make good faith efforts to  
4 notify such customers of discontinuance of service by telephone in addition to notice by  
5 regular mail.” A third population of customers the BPU has recognized as meriting  
6 special communications needs prior to the loss of service involves those customers who,  
7 while perhaps not using medically-necessary life-sustaining equipment, nonetheless have  
8 critical medical needs. The Board’s regulations specifically recognize the dangers posed  
9 by the loss of electric service to a customer with an identified “medical emergency.”  
10 (N.J.A.C. 14:3-3A.2(e)(4), -3A.2(i)). The Company is required to maintain records that  
11 identify those residential customers presenting such a “medical emergency.”  
12

13 Second, the Company should expand its storm-related communications with these special  
14 needs customers beyond that which is undertaken today. The communications should  
15 involve the following steps:

- 16 ❖ In the time period prior to when a storm event arrives in the Company’s service  
17 territory, the Company should engage in a proactive outbound calling campaign.  
18 The outbound calling should focus on the following messages: (1) an imminent  
19 storm event is expected; (2) outages resulting from the event are possible/likely;  
20 (3) the maintenance of service during the storm event cannot be ensured and  
21 preparations for a service outage should be made and checked; (4) the customer’s  
22 status as an identified vulnerable customer will not be taken into account in  
23 establishing outage restoration priorities; and (5) assistive services are available  
24 through [contacts designated in the message].  
25

1           ❖ In the time period during the storm event, proactive outbound phone calls should  
2           be directed to all identified vulnerable customers or their designated third-party  
3           contact person. These outbound phone calls should both inter-actively inquire  
4           into whether the customer’s service has been disrupted and into whether the  
5           customer is currently without service. The outbound calling campaign should  
6           leave a clear “Plain English” message, in the event that personal contact is not  
7           achieved, providing directions on how to report a service outage and how to  
8           access supportive emergency services in the event of an outage.

9  
10          ❖ Immediately subsequent to the storm event, and during the period of restoration,  
11          unless and until individual restoration has been personally confirmed, these  
12          proactive outbound phone calls should continue with the interactive inquiry as to  
13          whether service is on or off; directions on how to report an outage (if any) should  
14          be provided; and directions on how to access assistive services should be  
15          included.

16  
17          ❖ Finally, for an identified vulnerable customer with a reported or otherwise  
18          confirmed outage, the Company should engage in a proactive outbound calling  
19          campaign when service to the particular customer appears to have been restored to  
20          inter-actively report such restoration to the customer and to allow the customer to  
21          confirm the accuracy (or not) of the restoration. These outbound phone calls  
22          should continue for a reasonable number of non-contacts until the service  
23          restoration has been confirmed.

24  
25          Third, the Company should take those steps necessary to allow it to report the names and  
26          addresses of its identified vulnerable customers to local social service providers, whether  
27          those providers are the local Red Cross or a local Community Action Agency or some  
28          other similarly-situated service provider. According to the Company, it currently lacks  
29          the authority to report the names and addresses (and other contact information) to local  
30          emergency management officials. (RCR-CS-123). According to the Company, with the

1 exception of “critical care” customers, it is prohibited from providing information on  
2 vulnerable customers to local officials, or EMA personnel, by statute, N.J.S.A. 48:3-  
3 85.b(1). In fact, that statute provides that the Company *may* transfer such information to  
4 a third party, if in no other circumstances, upon “the consent of the customer.” Given  
5 that the expanded nature of the vulnerable customers I have identified above all require  
6 the affirmative enrollment of the customer, the Company could seek customer consent, as  
7 part of its enrollment process, to allow the Company to transfer customer contact  
8 information during storm emergencies to appropriate personnel providing social and  
9 emergency response services. This would not require additional substantive outreach by  
10 the Company, but rather would simply involve changes to the Company administrative  
11 forms and enrollment processes.  
12

13 **F. Controlling storm-related messaging.**

14 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**  
15 **TESTIMONY.**

16 A. The Company’s communications plan for storm-related emergencies (RCR-CS-92, RCR-  
17 CS-110, RCR-CS-114) devotes considerable attention to the means of communication,  
18 the content of communications, and the lines of communication responsibility. What the  
19 Company’s communications plan does *not* do is to consider those efforts that are needed  
20 to control the content of the message the Company seeks to deliver to the public during a  
21 storm event. In this section of my testimony, I consider the reasonable actions that the  
22 Company can and should take to ensure that the content of the message the Company  
23 releases is, in fact, the message that is delivered to the public.

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**Q. WHAT GIVES RISE TO CONCERNS ABOUT THE EXTENT TO WHICH THE COMPANY’S STORM-RELATED MESSAGES ARE ACTUALLY DELIVERED TO THE PUBLIC?**

A. The delivery of the information content that the Company seeks to release to the public during storm events can only be ensured when the Company controls the delivery mechanism. Direct delivery of communication content, for example, occurs through the posting of information on the Company’s web site; through the direct delivery of information through e-mails, text messages, and “social media” (such as Twitter); through direct conversations with customers, either through call center contacts or through IVR messaging; through proactive automated (auto-dialer) messages; and the like. In each of these instances, the information being delivered to the public has no filtering process to which it is subject before being delivered to the public.

Problems may arise when the communication content is not delivered directly to the public, but rather through public media (e.g., television, radio, print media). When information is delivered through the public media, the propensity exists for the media to serve as a “filter” or “interpreter” of the Company’s information, rather than as the delivery mechanism for the Company’s information. In addition, the public media will frequently (if not generally) include Company outage and restoration information merely as one component of total storm-related coverage, thus diluting the utility’s effort to deliver outage and restoration information and data. Specific outage and restoration data

1 often does not lend itself to media reporting, either in the time/space devoted to such  
2 reporting or in the simplified and distilled format in which information is presented.

3  
4 **Q. WHAT DO YOU RECOMMEND?**

5 A. In New Jersey, including with the Company, there is a commendable increase of attention  
6 in communicating directly with the public. I find no fault with the efforts that the  
7 Company has committed to expand in its use of web-based communications; in its  
8 expansion of the use of social media (such as Twitter); through direct e-mails and text  
9 messages; and through smart phone applications. Each of these steps allows the  
10 Company to operationalize the Board’s directive in its Storm Order to “provide clear,  
11 timely and accurate pre and post event information through a variety of methods. . .”  
12 (Storm Order, at 46). As the Board noted in its Storm Order, however, “well-designed  
13 external communications must occur in all mediums with customers, media, local  
14 officials and employees.” (Id., at 15). These direct communications with the public will  
15 only be useful if they are constantly updated with accurate information before, during and  
16 after the emergency event.

17  
18 None of these recommendations stand in contrast to other recommendations made by the  
19 Staff, by the EPP Report, or by the Board, as to increasing and enhancing public  
20 communications. Nor do my recommendations stand in derogation of the efforts of the  
21 Company, as outlined in its public communications plan developed in collaboration with  
22 the Staff (RCR-CS-114), to ensure the continuity and uniformity of its public messaging.  
23 Rather, the need to develop and constantly expand the ability to communicate directly

1 with the public, in an unfiltered fashion, has been consistently recognized in utility storm  
2 preparedness reviews.

3  
4 **II. The Growing Credit and Collection Problem on the JCP&L System.**

5 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**  
6 **TESTIMONY.**

7 A. In this section of my testimony, I consider a range of customer service issues not related  
8 to storm crisis communications. I find that the Company has a growing credit and  
9 collection problem. I then examine certain Company customer service practices that  
10 have the effect of contributing to, rather than helping to resolve, that growing problem.

11  
12 **Q. PLEASE DESCRIBE THE GROWING COLLECTIONS PROBLEM THAT YOU**  
13 **FIND ON THE JCP&L SYSTEM.**

14 A. JCP&L has a growing collection problem in its oldest arrears. The BPU's 2011  
15 management audit report of the Company reported that a deteriorating "write-off  
16 experience" by the Company "was paralleled by a deterioration in accounts receivable  
17 aging as well." (Schumaker, at 425). The Schumaker Report documented that dollars  
18 from 61 – 90 days in arrears increased from \$5.371 million in 2006 to \$7.531 million in  
19 2009; dollars 91 – 120 days in arrears increased from \$4.850 million in 2006 to \$6.110  
20 million in 2009; and that dollars more than 120 days in arrears increased from \$6.449  
21 million in 2006 to \$9.347 million in 2009. (Schumaker, Exhibit X-34, at 426).<sup>4</sup>

22  

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<sup>4</sup> These numbers are end-of-year (December) figures, not monthly averages.

1 The Company's collection performance has continued to deteriorate since the 2009 data  
2 reported by Schumaker. While the amount of the "youngest" arrears (31 – 60 days) has  
3 decreased from 2009 to 2012, the Company reports that the arrears have increased in  
4 each of its older aging "buckets." Arrears 61 – 90 days old have increased from \$7.532  
5 million in 2009 to \$11.753 million in 2012; arrears 91 – 120 days old have increased  
6 from \$6.113 million in 2009 to \$8.507 million in 2012; arrears more than 120 days old  
7 have increased from \$9.354 million in 2009 to \$17.360 million in 2012. (RCR-CS-160,  
8 attachment 2).

9  
10 The \$7.6 million increase in arrears more than 120 days old from 2009 to 2012 is  
11 particularly problematic. The older an arrearage becomes, the less likely it is ultimately  
12 to be collected. While in 2009, only 25% of the Company's arrears were more than 120  
13 days old, by 2011 that proportion had increased to 37%, while staying at 34% in 2012.  
14 More than one-third of the Company's arrears, in other words, falls into its oldest aging  
15 bucket today (and is thus least likely to be collected).

16  
17 As discussed in detail below, three actions by the Company itself contribute to this  
18 problem. The first is the Company's failure to provide an effective mechanism to allow  
19 customers to retire arrearages through deferred payment agreements; the second is the  
20 failure of the Company to provide clear and believable shutoff notices. Finally, the  
21 Company fails to adequately provide basic customer services to customers trying to  
22 contact the Company.

23

1 **A. The failure to offer reasonable deferred payment agreements.**

2 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**  
3 **TESTIMONY.**

4 A. In this section of my testimony, I review the Company’s administration of Deferred  
5 Payment Agreement (“DPA”) protections. My review of the offer of DPAs was  
6 undertaken given the standards set forth in N.J.A.C. 14:3-7.7.

7

8 **Q. PLEASE EXPLAIN THE STRUCTURE OF DEFERRED PAYMENT**  
9 **AGREEMENTS AS MANDATED BY BPU REGULATION.**

10 A. Deferred Payment Agreements are to be offered “whenever a residential customer advises  
11 the utility that the customer wishes to discuss a deferred payment agreement because said  
12 customer is presently unable to pay a total outstanding bill and/or deposit. . .” (N.J.A.C.  
13 14:3-7.7(A)). In such circumstances, “the utility shall make a good faith effort to provide  
14 the customer with an opportunity to enter into a fair and reasonable deferred payment  
15 agreement(s), which takes into consideration the customer's financial circumstances.” (Id.).  
16 Specific standards regarding the offer of DPAs are contained in the Board’s regulations. I  
17 will refer to those standards as they are relevant throughout my discussion below.

18

19 **Q. PLEASE EXPLAIN THE OFFER OF DPAs AS EXPLAINED BY THE COMPANY.**

20 A. The Company offers DPAs to a residential customer under the following circumstances:  
21 (1) prior to or after termination for nonpayment; and (2) whenever a residential customer  
22 advises the Company that the customer wishes to discuss a DPA because of an inability

1 to pay. (RCR-CS-1). The Company states that it offers a single standard DPA.

2 According to the Company:

3 For the first installment plan during the non-winter season the residential  
4 customer is required to pay 25% of the total outstanding bill as a down payment  
5 with twelve months to pay the balance.

6  
7 (RCR-CS-1).

8  
9 **Q. DOES THE COMPANY’S DPA PROCESS GENERATE SUBSTANTIAL**  
10 **CUSTOMER DISSATISFACTION?**

11 A. Yes. Customers frequently object to the down payment requirements imposed for DPAs  
12 by the Company. Since October 2009, the Company has responded to 2,432 “collection  
13 related complaints” filed with the Board. “Most of these cases were related to payment  
14 arrangements and the negotiation of a down payment.” (RCR-CS-60). The Company  
15 does not, however, “separately track the results of each negotiation.” (Id.)

16  
17 **Q. ARE THERE WAYS IN WHICH THE COMPANY’S DPA PROCESS FAILS TO**  
18 **COMPLY WITH THE BOARD’S PAYMENT PLAN REGULATION?**

19 A. Yes. The following processes appear to be in direct conflict with the Board’s Deferred  
20 Payment Agreements regulation:

- 21 ➤ First, the Board’s regulation states that the Company is to “provide the customer with  
22 an opportunity to enter into a fair and reasonable deferred payment agreement(s), *which*  
23 *takes into consideration the customer's financial circumstances.*” N.J.A.C. 14:3-7.7(a)  
24 (emphasis added). The Company, however, is quite up-front that “[i]n the non-winter,  
25 the requirements for the down payment and number of installment plans with payback  
26 lengths are based on the number of installment plans the customer has had previously

1 and not based upon financial information gathered from the customer.” (RCR-CS-1)  
2 (emphasis added).

- 3 ➤ Second, the Board’s regulation states that a down payment is not to exceed 25% of the  
4 “total outstanding bill.” N.J.A.C. 14:3-7.7(b)(1) (emphasis added). In contrast, the  
5 Company’s procedures provide that “only the electric amounts can be deferred; deposits  
6 and other charges, such as return check charges or reconnection fees, cannot be included  
7 in the total amount deferred.” (RCR-CS-2, attachment 4, at 5-3). These “non-electric  
8 amounts” can be required “up front” or can be added to the first installment payment.  
9 Either way, to exclude these charges from the “total outstanding bill” is, in essence, to  
10 violate both the 25% maximum down payment requirement and the requirement that the  
11 down payment is to be based on the total outstanding charges. The Board’s regulation  
12 does not provide for excluding specific elements of a customer’s bill. In other words,  
13 the Board’s regulation does not provide that the down payment is based on the “total  
14 outstanding bill with the following exceptions. . .”
- 15 ➤ Third, the Board’s regulation requires that a payment plan down payment is not to  
16 exceed 25% of the total outstanding bill. In contrast, however, the Company requires a  
17 downpayment of 25% of the total outstanding bill. The “not to exceed” language  
18 indicates that a down payment is to be “up to” 25%. Just as it would be unreasonable,  
19 and unlawful, to impose a mandatory payment plan length set at the minimum required  
20 by a state regulation, it is unreasonable (and unlawful) for the Company to set a  
21 mandatory down payment amount at the maximum allowed by the Board’s regulation.  
22

23 **Q. DOES THE COMPANY’S DPA PROCEDURE RESULT IN CUSTOMERS**  
24 **SUCCESSFULLY ENTERING INTO PAYMENT AGREEMENTS?**

- 25 A. No. The Company experiences almost as many defaulted payment plans each year as it  
26 enters into new payment plans. In 2010, for example, while the Company entered into  
27 74,352 new payment plans, it experienced 62,253 payment plan defaults. In 2011, while  
28 the Company entered into 67,509 new payment plans, it experienced 63,343 defaulted  
29 payment plans. Indeed, in 2012, there were more defaults than there were new plans,

1 with 52,420 new plans and 53,337 defaults. (RCR-CS-67). The Board’s DPA regulation  
2 requires that the Company “provide the customer with an opportunity to enter into a fair  
3 and reasonable deferred payment agreement(s). . .” N.J.A.C. 14:3-7.7(a). When the  
4 Company only offers plans that result in as many defaults as result in new plans in total, the  
5 Company cannot be found to be in compliance with that regulation.  
6

7 **Q. WHAT ARE THE CONSEQUENCES OF DEFAULTING ON A DPA?**

8 A. For the customer, a defaulted payment plan will often lead to the loss of service, either  
9 through a nonpayment utility disconnection or through forced mobility (as the customer  
10 leaves the premises for a new housing unit). Once a customer defaults on a payment  
11 plan, the utility is under no obligation to offer a “second” payment plan. In addition, to  
12 the extent that a customer fails to maintain a payment plan, the likelihood that that  
13 customer will face collection activity in the future increases. Each point of payment  
14 failure, in other words, makes a future point of failure more likely to occur. This spiral of  
15 failure not only has an impact on the customer, but also has an impact on the Company  
16 and all other ratepayers. The Company’s working capital needs increase.<sup>5</sup> Bad debt  
17 increases. Lost sales occur.  
18

19 **Q. WHAT DO YOU CONCLUDE?**

20 A. The Company delivers unreasonable customer service with respect to the offer of  
21 deferred payment agreements. The Company’s down payment requirements are

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<sup>5</sup> As either the number of accounts in arrears, or the actual dollar level of arrears increases, the number of days that the Company goes without converting its billings into revenue increases. Increased uncollectibles also increase the burden on other ratepayers by increasing the amount of the Societal Benefit Charge needed to recoup that lost revenue.

1 excessive; the Company fails to take into account a customer's financial circumstances as  
2 required by Board regulation; the Company effectively increases a down payment  
3 requirement by excluding certain charges from the down payment, rather than applying  
4 the down payment to the "total outstanding charges." In addition, the Company does not  
5 provide for renegotiating a payment plan in the event of a change in the customer's  
6 circumstances. As a result of these shortcomings, the Company routinely enters into  
7 unsuccessful DPAs, thus denying customers the opportunity to retire their arrears  
8 reasonably over time as allowed by Board regulation. To this extent, the Company  
9 contributes to its own collection problems.  
10

11 **B. The failure to provide clear and believable disconnect notices.**

12 **Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR**  
13 **TESTIMONY.**

14 A. In this section of my testimony, I consider the failure of the Company to provide clear  
15 and believable notices that, in the absence of customer payment, service will be  
16 disconnected as a result. JCP&L fails to provide clear and believable disconnect notices  
17 when it repeatedly issues disconnect notices when it has no intention of following up  
18 those notices with the actual disconnection of service.  
19

20 **Q. UPON WHAT DO YOU BASE YOUR CONCLUSION THAT THE COMPANY**  
21 **FAILS TO PROVIDE CLEAR AND BELIEVABLE NOTICES WARNING OF**  
22 **THE DISCONNECTION OF SERVICE FOR NONPAYMENT?**

1 A. A shutoff notice is to provide a clear and believable warning of the impending  
2 disconnection of service due to nonpayment. When the Company routinely issues notices  
3 of an impending disconnection of service to residential customers when it has no  
4 intention to follow through on its threat, customers are “taught” that they may ignore  
5 shutoff notices, and continue their nonpayment, with no collection consequence.

6  
7 The Company does precisely that. In 2011, more than 98.8% of the Company-issued  
8 shutoff notices did *not* result in a subsequent shutoff, irrespective of whether a customer  
9 paid his or her bill. In 2011, the Company issued 880,539 residential disconnect notices  
10 and actually disconnected service to 10,414 accounts (RCR-CS-13); only 1.2% of shutoff  
11 notices, in other words, resulted in actual shutoffs. The numbers were similar in 2012. In  
12 2012, the Company issued 707,084 shutoff notices, yet disconnected only 9,761 accounts,  
13 i.e. 1.4% resulted in shutoffs.

14

15 **Q. HOW DOES THE COMPANY DECIDE WHEN AND TO WHOM TO SEND A**  
16 **SHUTOFF NOTICE AND WHEN AND WHO TO ACTUALLY DISCONNECT**  
17 **FOR NONPAYMENT?**

18 A. The Company states that it will send a disconnect notice if a customer is one day past due  
19 and has an arrearage of \$100 or more; if a customer is more than 90 days past due and  
20 has an arrearage of \$50 or greater; or if a customer defaults on his or her deferred  
21 payment plan. (RCR-CS-12). The Company concedes that issuing disconnect notices is  
22 simply an automated computer process, not a process to warn customers of an impending  
23 service disconnection. (RCR-CS-12). The Company issues its automatic, computer-

1 generated shutoff notices, without any intention of following up those notices with an  
2 actual disconnection of service. The “warning” contained in the Company’s shutoff  
3 notice of an impending disconnection if payment is not made by a date certain is  
4 unrelated to whether the Company actually intends to disconnect that customer.  
5

6 **Q. ISN’T IT LIKELY THAT THE HIGH RATIO OF DISCONNECT NOTICES**  
7 **SENT TO ACTUAL DISCONNECTIONS SIMPLY INDICATES THAT PEOPLE**  
8 **RECEIVING DISCONNECT NOTICES PAY THEIR BILLS IN FULL PRIOR TO**  
9 **THE NEXT MONTH?**

10 A. No. The Company was asked to provide the number of accounts having received a  
11 disconnect notice in the month that: (1) paid their bill in full before their next bill; (2)  
12 paid 75% or more of their bill before their next bill; (3) paid 0% of their bill before their  
13 next bill; or (4) voluntarily left the Company system before their next bill. The Company  
14 could provide no such data. (RCR-CS-20). Moreover, the Company could not provide  
15 the total number of accounts having received a disconnect notice, but who were not  
16 disconnected: (1) who paid their bills in full before their next bill; (2) who made a  
17 payment, albeit less than a full payment; (3) even though they retained an arrearage  
18 sufficiently large, or sufficient old, to trigger a disconnection; or (4) even though they  
19 made \$0 of payments prior to their next bill. (RCR-CS-22).  
20

1 **Q. WHAT IS THE HARM OF SENDING OUT NOTICES THAT FALSELY WARN**  
2 **OF AN IMPENDING DISCONNECTION OF SERVICE?**

3 A. Three business harms arise from falsely “warning” of an impending service disconnection.  
4 First, providing disconnect notices that are not clear and believable conveys the message  
5 that customers may ignore the shutoff notice with no adverse result arising. In behavioral  
6 science, this impact is referred to as “psychological habituation” (becoming inured to a  
7 stimulus after repeated exposure with a resulting decrease in response). When a utility  
8 sends out 50 or more “false” shutoff notices on which it has no intention of following  
9 through, for every one shutoff notice that it expects to result in a shutoff, people learn to  
10 ignore those notices. Second, creating the false impression of a “drop-dead” shutoff date  
11 unless the customer pays in full discourages partial payments. Inviting partial payment  
12 could encourage customers to pay down their debt and decrease both the Company’s  
13 uncollectibles and the burden on other ratepayers through the Societal Benefit Charge.  
14 Customers who make payments toward their bills, even when their payments do not result in  
15 a \$0 balance, are an important source of revenue for the utility.  
16  
17 Third, placing customers in the position where they face a perceived immediate drop-dead  
18 payment-in-full date also discourages customers from taking longer-term constructive  
19 actions in response to their bill nonpayment. For example, customers will not engage in  
20 energy usage reduction, a long-term mechanism to reduce bills to bring them more within  
21 their ability to pay. When a customer faces a nonpayment disconnect notice, the customer is  
22 faced with an immediate need (*i.e.*, bill payment by a date certain) with limited available  
23 constructive responses. The few responses available to a customer who is unable to pay are

1           unable to deliver assistance in the form, the time period, or the magnitude necessary to meet  
2           that need. Constructive responses such as usage reduction strategies and partial payments  
3           effectively have been taken off-the-table by shutoff notices requiring full payment by a date-  
4           certain to retain service.

5  
6           Each of these “business problems” results in a greater, not lesser, collection problem  
7           accompanied by higher costs to all remaining ratepayers. In short, the Company  
8           contributes to its own long-term collection problem by providing notices of service  
9           disconnections for nonpayment that are not clear and believable. In the long run,  
10          providing more believable disconnect notices and inviting partial payment should result  
11          in the Company collecting more revenue.

12  
13   **Q.    WHAT DO YOU RECOMMEND?**

14   A.    To fulfill the standard that a shutoff notice be provided at a meaningful time and in a  
15          meaningful manner, the notice should give a clear and believable warning that termination is  
16          about to occur. JCP&L should modify its internal business practices to ensure that it issues  
17          nonpayment disconnect notices that provide a clear and believable warning of an impending  
18          disconnection of service in a meaningful time and manner. To do so, the Company should  
19          align when it issues a nonpayment disconnect notice with when it will actually pursue a  
20          nonpayment disconnection of service.

1 **III. Access to Company personnel and accurate bills.**

2 **Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR**  
3 **TESTIMONY.**

4 A. In this section of my testimony, I note areas where the Company is failing to provide  
5 adequate customer service to customers seeking to contact the Company. For those  
6 customers seeking to contact the Company to resolve payment troubles, their inability to  
7 make timely contact contributes to their future payment troubles. In addition, for  
8 customers having difficulty in making full and timely payments, the inability to receive a  
9 correct bill with which to begin contributes to their payment troubles. In these ways, the  
10 Company contributes to its own collection problems. However, the inability to timely  
11 access the Company’s call center, and to receive an accurate bill based on an actual meter  
12 reading, is not limited to payment-troubled customers.

13  
14 As discussed below, the shortcomings of the Company that I note in this section were  
15 first identified in the Company’s June 2011 management audit. The Company’s  
16 performance has declined even further since that time.

17  
18 **Q. PLEASE EXPLAIN YOUR FIRST AREA OF CONCERN.**

19 A. In the BPU’s June 2011 management audit of the Company, Schumaker & Company  
20 reported that “[t]he regulatory customer service standards reported to the BPU—average  
21 speed of answer, average time to reach a Customer Service Representative (“CSR”), and  
22 percentage of calls handled by a CSR—have all deteriorated in recent years.”  
23 (Schumaker, Finding X-5, at 411). According to Schumaker, “[a]verage speed of answer  
24 has increased steadily from 30 seconds in 2006 to 66 seconds in 2009. Average time to

1 reach a CSR has increased from 41 seconds in 2006 to 99 seconds in 2009. The  
2 percentage of calls handled by a CSR has decreased from 72% in 2006 to 67% in 2009.”  
3 (Id., at 412). Schumaker found that “[t]he [FirstEnergy] average speed of answer is  
4 slower and the average hold time is longer for NJ customers than the average experienced  
5 by Ohio and Pennsylvania customers.” (Id., at 412, data tables omitted).

6  
7 The call center performance metrics have continued to deteriorate for JCP&L since the  
8 2009 data about which Schumaker expressed concern. The Company’s Average Speed  
9 of Answer deteriorated from 66 seconds in 2009 to 81 seconds in 2012 and to 127  
10 seconds in 2013 (YTD March). The average time to reach a CSR deteriorated from 99  
11 seconds in 2009 to 136 seconds in 2012 and 198 seconds in 2013 (YTD March). The  
12 percentage of calls handled by a CSR declined from 67.06% in 2009 to 59.95% in 2012,  
13 before rebounding somewhat to 64.28% in 2013 (YTD 2013), still noticeably below the  
14 2009 level. (RCR-CS-157, attachment 1).

15  
16 **Q. PLEASE IDENTIFY YOUR SECOND CONCERN.**

17 A. The Schumaker Report found that “[t]he rate of meters not read improved from 2005  
18 through 2008, but reversed to a relatively high 9.7% in 2009.” (Schumaker, Finding X-  
19 12, at 419). Since 2009, however, the percentage of meters not read increased  
20 dramatically, moving to 21.0% in 2010; 30.9% in 2011; 28.4% in 2012; and 27.9% in  
21 2013 (YTD March). (RCR-CS-159, attachment 1). While, in other words, the Schumaker  
22 audit reported that the percentage of meters not read in 2009 was “relatively high” at

1 9.7%, that percentage had more than tripled to more than 30% in 2011, and remained at  
2 nearly three times more than that “relatively high” 2009 rate in 2012 and 2013.

3

4 **Q. WHAT DO YOU RECOMMEND?**

5 A. In addition to offering reasonable payment plans, and providing clear and believable  
6 shutoff notices, the Company should take those actions necessary to resolve the  
7 problems, first identified by Schumaker and since continuing as I document above, that  
8 Company customers have in being able to contact the Company and receive an accurate  
9 bill in the first instance.

10

11 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

12 A. Yes, it does.

13

# **APPENDIX A**

## ROGER D. COLTON

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### **EDUCATION:**

J.D. (Order of the Coif), University of Florida (1981)

M.A. (Economics), McGregor School, Antioch University (1993)

B.A. Iowa State University (1975) (journalism, political science, speech)

### **PROFESSIONAL EXPERIENCE:**

#### **Fisher, Sheehan and Colton, Public Finance and General Economics:** 1985 - present.

As a co-founder of this economics consulting partnership, Colton provides services in a variety of areas, including: regulatory economics, poverty law and economics, public benefits, fair housing, community development, energy efficiency, utility law and economics (energy, telecommunications, water/sewer), government budgeting, and planning and zoning.

Colton has testified in state and federal courts in the United States and Canada, as well as before regulatory and legislative bodies in more than three dozen states. He is particularly noted for creative program design and implementation within tight budget constraints.

#### **National Consumer Law Center (NCLC):** 1986 - 1994

As a staff attorney with NCLC, Colton worked on low-income energy and utility issues. He pioneered cost-justifications for low-income affordable energy rates, as well as developing models to quantify the non-energy benefits (e.g., reduced credit and collection costs, reduced working capital) of low-income energy efficiency. He designed and implemented low-income affordable rate and fuel assistance programs across the country. Colton was charged with developing new practical and theoretical underpinnings for solutions to low-income energy problems.

### **Community Action Research Group (CARG): 1981 - 1985**

As staff attorney for this non-profit research and consulting organization, Colton worked primarily on energy and utility issues. He provided legal representation to low-income persons on public utility issues; provided legal and technical assistance to consumer and labor organizations; and provided legal and technical assistance to a variety of state and local governments nationwide on natural gas, electric, and telecommunications issues. He routinely appeared as an expert witness before regulatory agencies and legislative committees regarding energy and telecommunications issues.

### **PROFESSIONAL AFFILIATIONS:**

Chair: Belmont (MA) Solar Advisory Committee  
Chair: Belmont (MA) Energy Committee  
Coordinator: BelmontBudget.org (Belmont's Community Budget Forum)  
Coordinator: Belmont Affordable Shelter Fund (BASF)  
Member: Board of Directors, Belmont Housing Trust, Inc.  
Chair: Housing Work Group, Belmont (MA) Comprehensive Planning Process  
Past Chair: Waverley Square Fire Station Re-use Study Committee (Belmont MA)  
Past Member: Belmont (MA) Energy and Facilities Work Group  
Past Member: Belmont (MA) Uplands Advisory Committee  
Past Member: Advisory Board: Fair Housing Center of Greater Boston.  
Past Member: Fair Housing Committee, Town of Belmont (MA)  
Past Member: Aggregation Advisory Committee, New York State Energy Research and Development Authority.  
Past Member: Board of Directors, Vermont Energy Investment Corporation.  
Past Member: Board of Directors, National Fuel Funds Network  
Past Member: National Advisory Committee, U.S. Department of Health and Human Services, Administration for Children and Families, Performance Goals for Low-Income Home Energy Assistance.  
Past Member: Editorial Advisory Board, International Library, *Public Utility Law Anthology*.  
Past Member: ASHRAE Guidelines Committee, GPC-8, *Energy Cost Allocation of Comfort HVAC Systems for Multiple Occupancy Buildings*  
Past Member: National Advisory Committee, U.S. Department of Housing and Urban Development, Calculation of Utility Allowances for Public Housing.  
Past Member: National Advisory Board: Energy Financing Alternatives for Subsidized Housing, New York State Energy Research and Development Authority.

### **PROFESSIONAL ASSOCIATIONS:**

National Association of Housing and Redevelopment Officials (NAHRO)  
Association for Enterprise Opportunity (AEO)  
Iowa State Bar Association  
Energy Bar Association  
Association for Institutional Thought (AFIT)  
Association for Evolutionary Economics (AEE)  
Society for the Study of Social Problems (SSSO)

International Society for Policy Studies  
Association for Social Economics

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CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
I/M/O PECO Energy—Electric Division	Witness	Office of Consumer Advocate	Low-income program cost recovery	Pennsylvania	10
I/M/O PPL Energy	Witness	Office of Consumer Advocate	Low-income program cost recovery	Pennsylvania	10
I/M/O Columbia Gas Company	Witness	Office of Consumer Advocate	Low-income program design/cost recovery	Pennsylvania	10
I/M/O Atlantic City Electric Company	Witness	Office of Rate Council	Customer service	New Jersey	10
I/M/O Philadelphia Gas Works	Witness	Office of Consumer Advocate	Low-income program cost recovery	Pennsylvania	10
I/M/O Philadelphia Gas Works	Witness	Office of Consumer Advocates	Low-income program design	Pennsylvania	10
I/M/O Xcel Energy Company	Witness	Xcel Energy Company (PSCo)	Low-income program design	Colorado	09
I/M/O Atmos Energy Company	Witness	Atmos Energy Company	Low-income program funding	Colorado	09
I/M/O New Hampshire CORE Energy Efficiency Programs	Witness	New Hampshire Legal Assistance	Low-income efficiency funding	New Hampshire	09
I/M/O Public Service Company of New Mexico (electric)	Witness	Community Action of New Mexico	Rate Design	New Mexico	09
I/M/O UGI Pennsylvania Natural Gas Company (PNG)	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	09
I/M/O UGI Central Penn Gas Company (CPG)	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	09
I/M/O PECO Electric (provider of last resort)	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	08
I/M/O Equitable Gas Company	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	08
I/M/O Columbia Gas Company	Witness	Office of Ohio Consumers' Counsel	Rate design	Ohio	08
I/M/O Dominion East Ohio Gas Company	Witness	Office of Ohio Consumers' Counsel	Rate design	Ohio	08
I/M/O Vectren Energy Delivery Company	Witness	Office of Ohio Consumers' Counsel	Rate design	Ohio	08
I/M/O Public Service Company of North Carolina	Witness	NC Department of Justice	Rate design	North Carolina	08
I/M/O Piedmont Natural Gas Company	Witness	NC Department of Justice	Rate design	North Carolina	08
I/M/O National Grid	Witness	New Hampshire Legal Assistance	Low-income rate assistance	New Hampshire	08
I/M/O EmPower Maryland	Witness	Office of Peoples Counsel	Low-income energy efficiency	Maryland	08
I/M/O Duke Energy Carolinas Save-a-Watt Program	Witness	NC Equal Justice Foundation	Low-income energy efficiency	North Carolina	08

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I/M/O Zia Natural Gas Company	Witness	Community Action New Mexico	Low-income/low-use rate design	New Mexico	08
I/M/O Universal Service Fund Support for the Affordability of Local Rural Telecomm Service	Witness	Office of Consumer Advocate	Telecomm service affordability	Pennsylvania	08
I/M/O Philadelphia Water Department	Witness	Public Advocate	Credit and Collections	Philadelphia	08
I/M/O Portland General Electric Company	Witness	Community Action—Oregon	General rate case	Oregon	08
I/M/O Philadelphia Electric Company (electric)	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	08
I/M/O Philadelphia Electric Company (gas)	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	08
I/M/O Columbia Gas Company	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	08
I/M/O Public Service Company of New Mexico	Witness	Community Action New Mexico	Fuel adjustment clause	New Mexico	08
I/M/O Petition of Direct Energy for Low-Income Aggregation	Witness	Office of Peoples Counsel	Low-income electricity aggregation	Maryland	07
I/M/O Office of Consumer Advocate et al. v. Verizon and Verizon North	Witness	Office of Consumer Advocate	Lifeline telecommunications rates	Pennsylvania	07
I/M/O Pennsylvania Power Company	Consultant	Office of Consumer Advocate	Low-income program	Pennsylvania	07
I/M/O National Fuel Gas Distribution Corporation	Consultant	Office of Consumer Advocate	Low-income program	Pennsylvania	07
I/M/O Public Service of New Mexico—Electric	Witness	Community Action New Mexico	Low-income programs	New Mexico	07
I/M/O Citizens Gas/NIPSCO/Vectren for Universal Service Program	Witness	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	Low-income program design	Indiana	07
I/M/O PPL Electric	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	07
I/M/O Section 15 Challenge to NSPI Rates	Witness	Energy Affordability Coalition	Discrimination in utility regulation	Nova Scotia	07
I/M/O Philadelphia Gas Works	Witness	Office of Consumer Advocate	Low-income and residential collections	Pennsylvania	07
I/M/O Equitable Gas Company	Witness	Office of Consumer Advocate	Low-income program	Pennsylvania	07
I/M/O Section 11 Proceeding, Energy Restructuring	Witness	Office of Peoples Counsel	Low-income needs and responses	Maryland	06
I/M/O Citizens Gas/NIPSCO/Vectren for Universal Service Program	Witness	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	Low-income program design	Indiana	06
I/M/O Public Service Co. of North Carolina	Witness	North Carolina Attorney General/Dept. of	Low-income energy usage	North Carolina	06

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I/M/O Electric Assistance Program	Witness	New Hampshire Legal Assistance	Electric low-income program design	New Hampshire	06
I/M/O Verizon Petition for Alternative Regulation	Witness	New Hampshire Legal Assistance	Basic local telephone service	New Hampshire	06
I/M/O Pennsylvania Electric Co./Metropolitan Edison Co.	Witness	Office of Consumer Advocate	Universal service cost recovery	Pennsylvania	06
I/M/O Duquesne Light Company	Witness	Office of Consumer Advocates	Universal service cost recovery	Pennsylvania	06
I/M/O Natural Gas DSM Planning	Witness	Low-Income Energy Network	Low-income DSM program.	Ontario	06
I/M/O Union Gas Co.	Witness	Action Centre for Tenants Ontario (ACTO)	Low-income program design	Ontario	06
I/M/O Public Service of New Mexico merchant plant	Witness	Community Action New Mexico	Low-income energy usage	New Mexico	06
I/M/O Customer Assistance Program design and cost recovery	Witness	Office of Consumer Advocate	Low-income program design	Pennsylvania	06
I/M/O NIPSCO Proposal to Extend Winter Warmth Program	Witness	Northern Indiana Public Service Company	Low-income energy program evaluation	Indiana	05
I/M/O Piedmont Natural Gas	Witness	North Carolina Attorney General/Dept. of Justice	Low-income energy usage	North Carolina	05
I/M/O PSEG merger with Exelon Corp.	Witness	Division of Ratepayer Advocate	Low-income issues	New Jersey	05
Re. Philadelphia Water Department	Witness	Public Advocate	Water collection factors	Philadelphia	05
I/M/O statewide natural gas universal service program	Witness	New Hampshire Legal Assistance	Universal service	New Hampshire	05
I/M/O Sub-metering requirements for residential rental properties	Witness	Tenants Advocacy Centre of Ontario	Sub-metering consumer protections	Ontario	05
I/M/O National Fuel Gas Distribution Corp.	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	05
I/M/O Nova Scotia Power, Inc.	Witness	Dalhousie Legal Aid Service	Universal service	Nova Scotia	04
I/M/O Lifeline Telephone Service	Witness	National Ass'n State Consumer Advocates (NASUCA)	Lifeline rate eligibility	FCC	04
Mackay v. Verizon North	Witness	Office of Consumer Advocate	Lifeline rates—vertical services	Pennsylvania	04
I/M/O PECO Energy	Witness	Office of Consumer Advocate	Low-income rates	Pennsylvania	04
I/M/O Philadelphia Gas Works	Witness	Office of Consumer Advocate	Credit and collections	Pennsylvania	04

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I/M/O Citizens Gas & Coke/Vectren	Witness	Citizens Action Coalition of Indiana	Universal service	Indiana	04
I/M/O PPL Electric Corporation	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	04
I/M/O Consumers New Jersey Water Company	Witness	Division of Ratepayer Advocate	Low-income water rate	New Jersey	04
I/M/O Washington Gas Light Company	Witness	Office of Peoples Counsel	Low-income gas rate	Maryland	04
I/M/O Washington Gas Light Company	Witness	Office of Peoples Counsel	Low-income gas rate	Maryland	03
Golden v. City of Columbus	Witness	Helen Golden	ECOA disparate impacts	Ohio	02
Huegel v. City of Easton	Witness	Phyllis Huegel	Credit and collection	Pennsylvania	02
I/M/O Universal Service Fund	Witness	Public Utility Commission staff	Universal service funding	New Hampshire	02
I/M/O Philadelphia Gas Works	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	02
I/M/O Washington Gas Light Company	Witness	Office of Peoples Counsel	Rate design	Maryland	02
I/M/O Consumers Illinois Water Company	Witness	Illinois Citizens Utility Board	Credit and collection	Illinois	02
I/M/O Public Service Electric & Gas Rates	Witness	Division of Ratepayer Advocate	Universal service	New Jersey	01
I/M/O Pennsylvania-American Water Company	Witness	Office of Consumer Advocate	Low-income rates and water conservation	Pennsylvania	01
I/M/O Louisville Gas & Electric Prepayment Meters	Witness	Kentucky Community Action Association	Low-income energy	Kentucky	01
I/M/O NICOR Budget Billing Plan Interest Charge	Witness	Cook County State's Attorney	Rate Design	Illinois	01
I/M/O Rules Re. Payment Plans for High Natural Gas Prices	Witness	Cook County State's Attorney	Budget Billing Plans	Illinois	01
I/M/O Philadelphia Water Department	Witness	Office of Public Advocate	Credit and collections	Philadelphia	01
I/M/O Missouri Gas Energy	Witness	Office of Peoples Counsel	Low-income rate relief	Missouri	01
I/M/O Bell Atlantic—New Jersey Alternative Regulation	Witness	Division of Ratepayer Advocate	Telecommunications universal service	New Jersey	01
I/M/O T.W. Phillips Gas and Oil Co.	Witness	Office of Consumer Advocate	Rate-making of universal service costs.	Pennsylvania	00
I/M/O Peoples Natural Gas Company	Witness	Office of Consumer Advocate	Rate-making of universal service costs.	Pennsylvania	00
I/M/O UGI Gas Company	Witness	Office of Consumer Advocate	Rate-making of universal service costs.	Pennsylvania	00

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I/M/O PFG Gas Company	Witness	Office of Consumer Advocate	Ratemaking of universal service costs.	Pennsylvania	00
Armstrong v. Gallia Metropolitan Housing Authority	Witness	Equal Justice Foundation	Public housing utility allowances	Ohio	00
I/M/O Bell Atlantic—New Jersey Alternative Regulation	Witness	Division of Ratepayer Advocate	Telecommunications universal service	New Jersey	00
I/M/O Universal Service Fund for Gas and Electric Utilities	Witness	Division of Ratepayer Advocate	Design and funding of low-income programs	New Jersey	00
I/M/O Consolidated Edison Merger with Northeast Utilities	Witness	Save Our Homes Organization	Merger impacts on low-income	New Hampshire	00
I/M/O UtiliCorp Merger with St. Joseph Light & Power	Witness	Missouri Dept. of Natural Resources	Merger impacts on low-income	Missouri	00
I/M/O UtiliCorp Merger with Empire District Electric	Witness	Missouri Dept. of Natural Resources	Merger impacts on low-income	Missouri	00
I/M/O PacifiCorp	Witness	The Opportunity Council	Low-income energy affordability	Washington	00
I/M/O Public Service Co. of Colorado	Witness	Colorado Energy Assistance Foundation	Natural gas rate design	Colorado	00
I/M/O Avista Energy Corp.	Witness	Spokane Neighborhood Action Program	Low-income energy affordability	Washington	00
I/M/O TW Phillips Energy Co.	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O PECO Energy Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O National Fuel Gas Distribution Corp.	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O PFG Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O UGI Energy Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
Re. PSCO/NSP Merger	Witness	Colorado Energy Assistance Foundation	Merger impacts on low-income	Colorado	99 - 00
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I/M/O Columbia Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
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I/M/O Equitable Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
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I/M/O Restructuring New Jersey's Natural Gas Industry	Witness	Division of Ratepayer Advocate	Universal service	Pennsylvania	99

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I/M/O Bell Atlantic Local Competition	Witness	Public Utility Law Project	Lifeline telecommunications rates	New Jersey	99
I/M/O Merger Application for SBC and Ameritech Ohio	Witness	Edgemont Neighborhood Association	Merger impacts on low-income consumers	Ohio	98 - 99
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Griffin v. Associates Financial Service Corp.	Witness	Earlie Griffin	Damages in "loan flipping" case	Ohio	98 - 99
I/M/O Baltimore Gas and Electric Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Delmarva Power and Light Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Electric Power Co. Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Edison Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
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Re. Restructuring Plan of Virginia Electric Power	Witness	VMH Energy Services, Inc.	Consumer protection/basic generation service	Virginia	98
Mackey v. Spring Lake Mobile Home Estates	Witness	Timothy Mackey	Mobile home fees	State ct: Illinois	98
Re. Restructuring Plan of Atlantic City Electric	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Jersey Central Power & Light	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Public Service Electric & Gas	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Rockland Electric	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Appleby v. Metropolitan Dade County Housing Agency	Witness	Legal Services of Greater Miami	HUD utility allowances	Fed. court: So. Florida	97 - 98
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Re. Atlantic City Electric Merger	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97
Re. IES Industries Merger	Witness	Iowa Community Action Association	Low-income issues	Iowa	97
Re. New Hampshire Electric Restructuring	Witness	NH Comm. Action Ass'n	Wires charge	New Hampshire	97
Re. Natural Gas Competition in Wisconsin	Witness	Wisconsin Community Action Association	Universal service	Wisconsin	96
Re. Baltimore Gas and Electric Merger	Witness	Maryland Office of Peoples Counsel	Low-income issues	Maryland	96

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Re. Northern States Power Merger	Witness	Energy Cents Coalition	Low-income Issues	Minnesota	96
Re. Public Service Co. of Colorado Merger	Witness	Colorado Energy Assistance Foundation	Low-income issues	Colorado	96
Re. Massachusetts Restructuring Regulations	Witness	Fisher, Sheehan & Colton	Low-income issues/energy efficiency	Massachusetts	96
Re. FERC Merger Guidelines	Witness	National Coalition of Low-Income Groups	Low-income interests in mergers	Washington D.C.	96
Re. Joseph Keliikuli III	Witness	Joseph Keliikuli III	Damages from lack of homestead	Honolulu	96
Re. Theresa Mahaulu	Witness	Theresa Mahaulu	Damages from lack of homestead	Honolulu	95
Re. Joseph Ching, Sr.	Witness	Re. Joseph Ching, Sr.	Damages from lack of homestead	Honolulu	95
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Re. Utility Allowances for Section 8 Housing	Witness	National Coalition of Low-Income Groups	Fair Market Rent Setting	Washington D.C.	95
Re. PGW Customer Service Tariff Revisions	Witness	Philadelphia Public Advocate	Credit and collection	Philadelphia	95
Re. Customer Responsibility Program	Witness	Philadelphia Public Advocate	Low-income rates	Philadelphia	95
Re. Houston Lighting and Power Co.	Witness	Gulf Coast Legal Services	Low-Income Rates	Texas	95
Re. Request for Modification of Winter Moratorium	Witness	Philadelphia Public Advocate	Credit and collection	Philadelphia	95
Re. Dept of Hawaii Homelands Trust Homestead Production	Witness	Native Hawaiian Legal Corporation	Prudence of trust management	Honolulu	94
Re. SNET Request for Modified Shutoff Procedures	Witness	Office of Consumer Counsel	Credit and collection	Connecticut	94
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Philadelphia Gas Works	Witness	Philadelphia Public Advocate	Low-income rates	Philadelphia	93
Central Maine Power Co.	Witness	Maine Assn Ind. Neighborhoods	Low-income rates	Maine	92
New England Telephone Company	Witness	Mass Attorney General	Low-income phone rates	Massachusetts	92
Philadelphia Gas Co.	Witness	Philadelphia Public Advocate	Low-income DSM	Philadelphia	92
Philadelphia Water Dept.	Witness	Philadelphia Public Advocate	Low-income rates	Philadelphia	92
Public Service Co. of Colorado	Witness	Land and Water Fund	Low-income DSM	Colorado	92
Sierra Pacific Power Co.	Witness	Washoe Legal Services	Low-income DSM	Nevada	92
Consumers Power Co.	Witness	Michigan Legal Services	Low-income rates	Michigan	92
Columbia Gas	Witness	Office of Consumer Advocate (OCA)	Energy Assurance Program	Pennsylvania	91
Mass. Elec. Co.	Witness	Mass Elec Co.	Percentage of Income Plan	Massachusetts	91
AT&T	Witness	TURN	Inter-LATA competition	California	91
Generic Investigation into Uncollectibles	Witness	Office of Consumer Advocate	Controlling uncollectibles	Pennsylvania	91
Union Heat Light & Power	Witness	Kentucky Legal Services (KLS)	Energy Assurance Program	Kentucky	90
Philadelphia Water	Witness	Philadelphia Public Advocate (PPA)	Controlling accounts receivable	Philadelphia	90
Philadelphia Gas Works	Witness	PPA	Controlling accounts receivable	Philadelphia	90
Mississippi Power Co.	Witness	Southeast Mississippi Legal Services Corp.	Formula ratemaking	Mississippi	90
Kentucky Power & Light	Witness	KLS	Energy Assurance Program	Kentucky	90
Philadelphia Electric Co.	Witness	PPA	Low-income rate program	Philadelphia	90
Montana Power Co.	Witness	Montana Ass'n of Human Res. Council Directors	Low-income rate proposals	Montana	90
Columbia Gas Co.	Witness	Office of Consumer Advocate	Energy Assurance Program	Pennsylvania	90
Philadelphia Gas Works	Witness	PPA	Energy Assurance Program	Philadelphia	89

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
Southwestern Bell Telephone Co.	Witness	SEMLSC	Formula ratemaking	Mississippi	90
Generic Investigation into Low-income Programs	Witness	Vermont State Department of Public Service	Low-income rate proposals	Vermont	89
Generic Investigation into Dmnd Side Management Measures	Consultant	Vermont DPS	Low-income conservation programs	Vermont	89
National Fuel Gas	Witness	Office of Consumer Advocate	Low-income fuel funds	Pennsylvania	89
Montana Power Co.	Witness	Human Resource Develop. Council District XI	Low-income conservation	Montana	88
Washington Water Power Co.	Witness	Idaho Legal Service Corp.	Rate base, rate design, cost-allocations	Idaho	88