

Nos. 11-9552, 11-9557 & 11-9567

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

WILDEARTH GUARDIANS,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and
Lisa Jackson, Administrator, United States Environmental Protection Agency,
Respondents.

PUBLIC SERVICE COMPANY OF NEW MEXICO,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and
Lisa Jackson, Administrator, United States Environmental Protection Agency,
Respondents.

SUSANA MARTINEZ, GOVERNOR OF THE STATE OF NEW MEXICO, and
NEW MEXICO ENVIRONMENT DEPARTMENT,
Petitioner,

v.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and
Lisa Jackson, Administrator, United States Environmental Protection Agency,
Respondents.

ON PETITIONS FOR REVIEW OF FINAL ACTION OF THE UNITED
STATES ENVIRONMENTAL PROTECTION AGENCY IN THE UNITED
STATES DISTRICT COURT OF APPEALS FOR THE TENTH CIRCUIT

BRIEF OF THE NAVAJO NATION AS AMICUS CURIAE
In Support of Petitioners Public Service Company of New Mexico, New
Mexico Governor Martinez and New Mexico Environment Department

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Interest of Amicus Curiae the Navajo Nation

The San Juan Generating Station (“SJGS”), a coal-fired electric power plant adjacent to the Navajo Nation, is of critical economic importance to the Navajo Nation and the Navajo people. The SJGS provides jobs to a significant number of Navajo people, both at the power plant and at the coal mine associated with the plant, as discussed further below. A recent rulemaking by the United States Environmental Protection Agency (“EPA”) imposes excessively stringent and expensive “best available retrofit technology” (“BART”) on the SJGS and jeopardizes the continued viability of the power plant.

Accordingly, the Navajo Nation is filing this brief in support of the Public Service Company of New Mexico (“PNM”) and of New Mexico Governor Martinez and the New Mexico Environment Department (“NMED”) (collectively “New Mexico”), in their petitions for review of the BART rulemaking for the SJGS.¹

The rulemaking at issue is entitled “Approval and Promulgation of Implementation Plans; New Mexico; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determination,” 76 Fed. Reg. 52,388 (Aug. 22, 2011) (hereinafter “FIP”). In addition

¹ The Nation hereby adopts and incorporates the respective “statement of issues,” “statement of the case,” and “statement of facts,” of the opening briefs of both PNM and New Mexico.

to implementing interstate transport requirements, the FIP determines BART for the SJGS in order to meet emissions requirements for nitrogen oxides (NO_x) under the Clean Air Act Regional Haze Rule. 40 C.F.R. Part 51, 64 Fed. Reg. 35,714 (July 1, 1999).

The Navajo Nation (“Nation”) is the largest sovereign Indian Nation both in terms of population and land area in the United States. (Cicchetti Decl. ¶ 6, Ex. 1.) The Nation is the homeland of approximately 300,000 Navajo people, covers more than 27,000 square miles, and shares territory with the states of Arizona, New Mexico, and Utah. *Id.* Much of the Nation is in close proximity to areas covered by the Regional Haze Rule (known as “Class I” areas under the Clean Air Act, *see* 42 U.S.C. § 7472(a)).

The Nation is extremely poor in terms of income and material things, and has been economically depressed for many generations. *Id.* at ¶ 7. In economic terms, it is one of the two poorest areas in the United States, with an unemployment rate that has increased from 42.16% in 2001 to 50.52% in 2007. *Id.* Since the current national recession hit in late 2008, the Nation has suffered even more unemployment, particularly for younger Navajo people, who are often forced to move elsewhere. *Id.* The average annual Navajo family income is about \$20,000. *Id.* According to the American Community Survey (ACS) of the U.S. Census Bureau, 36.76% of the

Navajo population lives below the poverty level. *Id.*

The SJGS is a four-unit coal-fired electric generating facility located in Waterflow, New Mexico, and has a generating capacity of 1800 megawatts. *Id.* at ¶ 8. The SJGS is located approximately 17 miles east of Shiprock, New Mexico, a town of approximately 10,000 residents and the largest population center on the Navajo Nation. *Id.* Coal for the SJGS is mined at the San Juan Mine, located about 18 miles east of Shiprock. *Id.*

While both the SJGS and the San Juan Mine are located outside the jurisdiction of the Navajo Nation, as discussed in greater detail, *infra*, the plant and the mine have a significant positive economic impact on the Nation and on the regional economy of which the Nation is part. *Id.*

The SJGS is a major employer in the northeastern portion of the Navajo Nation. *Id.* at ¶ 9. Approximately 88 of the 400 employees (22%) at the plant are Native American, most being Navajo. *Id.* About 230 of the San Juan Mine 500-person workforce (approximately 46%) are Native American, with most also being Navajo. *Id.* In addition, many of the temporary workers hired during times of scheduled maintenance at the SJGS and the major contractors to the SJGS are comprised of mostly Navajo employees. *Id.*

JURISDICTION AND STANDARD OF REVIEW

This Court has jurisdiction to review EPA's promulgation of a FIP, 42 U.S.C. §§ 7607(b), (d)(1)(B), and may reverse the agency if it finds the promulgation of the FIP was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; or . . . without observance of procedure required by law," *id.* at § 7607(d)(9).

ARGUMENT

I. EPA FAILED TO FULLY ANALYZE ALL FIVE BART FACTORS FOR ALL AVAILABLE RETROFIT CONTROL TECHNOLOGIES THAT ARE TECHNICALLY FEASIBLE, AND ALSO FAILED TO CONSIDER CRITICAL ECONOMIC IMPACTS TO THE NAVAJO NATION AND REGION.

A. The BART Guidelines Require EPA to Identify and Analyze All Available Retrofit Technologies that Are Technically Feasible.

EPA violated the Clean Air Act ("CAA"), 42 U.S.C. §§ 7401-7671q, by not following its own guidelines for BART determinations under the Regional Haze Rule. These guidelines are found at 70 Fed. Reg. 39,156 (July 6, 2005), 40 C.F.R. Part 51, App. Y (hereinafter "BART Guidelines"). Use of the BART Guidelines is mandatory for any coal-fired power plant above 750 MW, and thus is mandatory for the SJGS.²

² The SJGS Boiler Units 1 and 2 have a unit capacity of 350 and 360 MW, respectively. Units 3 and 4 each have a unit capacity of 544 MW. 76 Fed. Reg.

See 42 U.S.C. § 7491(b)(2)(B) (“In the case of a fossil-fuel fired generating powerplant having a total generating capacity in excess of 750 megawatts, the emission limitations required under this paragraph shall be determined pursuant to guidelines”); see also 40 C.F.R. § 51.308(e)(1)(ii)(B); see also BART Guidelines, § I.F.1.

As discussed in detail below, EPA “stands in the shoes” of the state for the purpose of promulgating BART for the SJGS. See *Central Ariz. Water Conservation Dist. v. United States Env'tl. Prot. Agency*, 990 F.2d 1531, 1541 (9th Cir.), cert. denied, 510 U.S. 828 (1993). Following the BART Guidelines is therefore mandatory for EPA in its promulgation of a BART FIP for the SJGS. 40 C.F.R. § 51.308(e)(1)(ii)(B); BART Guidelines, § I.F.1. Only for “other than 750 MW power plants” is there “discretion to adopt approaches that differ from the guidelines.” BART Guidelines, § I.H.

The BART Guidelines lay out a series of five steps that EPA was required to take in determining BART for the SJGS. *Id.* § IV.D. They are, first, to identify “all available retrofit control technologies”; second, to eliminate technically “infeasible” options; third, to evaluate “control effectiveness” of the remaining technologies; fourth, to “*evaluate impacts [of each technology] and document the results*”; and,

491, 497 (Jan. 5, 2011)

five, to evaluate visibility impacts. *Id.* (emphasis added). “In identifying ‘all’ options, [EPA] must identify the most stringent option *and a reasonable set of options for analysis that reflects a comprehensive list of available technologies.*” *Id.* at n.12 (emphasis added).

EPA ignored its own requirements and only evaluated a single, excessively stringent technology, *i.e.*, selective catalytic reduction (“SCR”). EPA entirely ignored all other available technologies, including selective *non*-catalytic reduction (“SNCR”).³ New Mexico’s favored approach in its 2011 state implementation plan (“SIP”) submission, SNCR, was ignored.

EPA claims, in a response to comments from the Utility Air Regulatory Group, that it performed a five-factor BART analysis for multiple feasible technologies, before determining that SCR was BART for the SJGS. 76 Fed. Reg. at 52,393. This assertion is not supported by the administrative record. Instead, it appears that EPA not only “drew heavily upon the NO_x BART portion” of an earlier NMED *draft* BART evaluation that was never adopted by New Mexico or submitted to EPA for approval, but also that it relied completely on that unofficial document for selecting a technology that was expressly rejected by the current New Mexico state policy

³ SCR uses equipment added post-combustion to chemically process gases emitted from the source, while SNCR uses the existing combustion chamber by injecting a chemical to reduce NO_x as it leaves the combustion chamber.

makers in submitting the 2011 New Mexico SIP to EPA. *See* 76 Fed. Reg. 491, 498 (Jan. 5, 2011).

In fact, for its own analysis, EPA assessed only the cost and visibility factors, just two of five BART factors, and only for SCR. *See* 76 Fed. Reg. at 52,393; *see also* 76 Fed. Reg. at 499 (in doing its own BART analysis EPA “hired a consultant to undertake an accurate assessment of the cost of SCR and the emission limits that SCR is capable of attaining”). By assessing only two of five BART factors, for only one of multiple viable NO_x control technologies, in determining BART for the SJGS, EPA clearly violated the BART Guidelines. *See American Corn Growers Ass’n v. Environmental Prot. Agency*, 291 F.3d 1, 6-7 (D.C. Cir. 2002); *see also* 42 U.S.C. § 7491(g)(2); *see also* 40 C.F.R. § 51.308(e)(1)(ii)(A).

Moreover, when EPA promulgated the BART Guidelines, EPA found SCR to be cost-effective for only for one type of high NO_x emitting unit (a cyclone unit). BART Guidelines, § IV.E.5. The SJGS has no cyclone units. On the other hand, EPA found that year-round use of SNCR technology, the technology that New Mexico recommended in its 2011 SIP, for plants with capacities of greater than 750 MW *should be presumed to be BART for such plants.*⁴ *Id.*

⁴ The New Mexico 2011 SIP also requires a NO_x limit of .23 lb/mmbtu using SNCR technology, which is the presumptive BART emission limit for wall-fired EGUs like those at SJGS burning sub-bituminous coal. *See* BART

EPA never identified a comprehensive set of available technologies in its analysis nor did it evaluate all five BART factors for each such technology as it was required to do under the CAA and its own regulations. *See* 42 U.S.C. §§ 7491(b)(2)(A), (g)(2); 40 C.F.R. § 51.308(e)(1)(ii)(A). EPA's failure to follow the mandatory BART Guidelines and the CAA renders EPA's actions arbitrary and capricious, not in accordance with the law, and not in accordance with the agency's own procedures. Accordingly, EPA's FIP for the SJGS should be vacated by the Court.

B. EPA "Stands in the Shoes" of a State or Tribe When Promulgating a FIP for BART and Must Act in the Interests of the State or Tribe.

1. *State Policy Considerations Trump EPA's Policy Choices Regardless of Whether EPA Promulgates a FIP in Lieu of a SIP.*

As PNM and New Mexico explain in detail in their opening briefs, in enacting the CAA, Congress intended that visibility emissions limits under the CAA for specific sources within states would be a local policy decision, that could not be trumped by federal policy makers at EPA, so long as those state policy decisions comply with the CAA.⁵ *See Train v. Natural Res. Def. Council*, 421 U.S. 60, 79

Guidelines, Table 1.

⁵ The Nation hereby adopts and incorporates the opening briefs of PNM and New Mexico on this issue.

(1975) (holding that EPA has “no authority to question the wisdom of a State’s choices of emission limitations” if the state’s policy decision complies with the CAA). *See also American Corn Growers Ass’n*, 291 F.3d at 8-9 (finding that the text, structure and history of the CAA place BART determinations clearly under the purview of the states).

Congress’ decision to leave BART determinations to local policy makers makes good sense. BART determinations concern visibility and not health effects from fossil fuel plants, and these determinations are particularly critical where they may affect the viability of aging coal-fired plants and their associated mines, which are vital economic engines of local and regional economies. As discussed *infra*, such is the case for the SJGS and the San Juan Mine, located in the heart of Indian country just off the Navajo Reservation.

Congress thus directed states to inquire into multiple factors when making a BART determination for a state source,⁶ 42 U.S.C. § 7491(b)(2)(A), none of which are to be ignored or treated differently from any other factor. *See American Corn Growers Ass’n*, 291 F.3d at 6-7 (vacating the Regional Haze Rule where EPA

⁶ The five BART factors are: compliance costs; energy and non-air quality environmental impacts of compliance; the source’s existing pollution controls; the source’s remaining useful life; and the degree of visibility improvement expected from BART. 42 U.S.C. § 7491(g)(2); 40 C.F.R. Part 51, App. Y, Section I.C.2.

accorded differential treatment to one of the five BART factors and thereby distorted Congress' direction to the states to consider all five factors together).

Although the EPA may be obliged to step in and promulgate a FIP when a state fails to promulgate a SIP within a statutory deadline, *see* 42 U.S.C. § 7410(k), (c), nothing in the language of the CAA provides that EPA may stray from the approach taken by a state in determining BART.⁷ On the contrary, EPA merely “steps into the state’s shoes” and thereby takes on “all of the rights *and duties* that would otherwise fall to the State.” *Central Arizona Water*, 990 F.2d at 1541 (emphasis added). In other words, when EPA is promulgating a FIP in lieu of a SIP, so long as it is in compliance with the BART Guidelines and the CAA, EPA has the duty to carry out the BART analysis as the current state policy makers would, in regard for the interests of their state and local constituents. EPA is not entitled to carry out the BART analysis pursuant to a national policy agenda, disregarding regional economic impacts.

⁷ The Nation agrees with PNM and New Mexico that EPA was neither obligated nor permitted under the federalist scheme of the CAA to promulgate a FIP for BART in this case, where a SIP was filed and pending with the agency prior to promulgation of the final FIP. The Nation hereby adopts and incorporates the opening briefs of PNM and New Mexico on this issue.

2. *EPA Has the Same Obligation to Tribes and Must Also Consider the Federal Trust Responsibility When Promulgating a FIP on Tribal Lands.*

EPA's decision-making for the SJGS BART has adverse implications for two pending BART FIPs for coal-fired power plants on the Navajo Nation. As for states, *see Train*, 421 U.S. at 79, EPA should defer to tribal governmental policy decisions when EPA is promulgating a FIP on tribal lands, so long as the tribe's recommendation for BART complies with the CAA and BART Guidelines.

This is true even where a tribe has not yet assumed tribal implementation authority pursuant to the "Tribal Authority Rule," 40 C.F.R. §§ 49.1-49.11, based on tribal sovereignty and the government-to-government relationship of the EPA to tribal governments under the U.S. Constitution. *See* EPA Policy for the Administration of Environmental Programs on Indian Reservations (Nov. 8, 1984), Principles 2, 3, *reaffirmed by* Memo of Lisa Jackson, EPA Administrator (July 22, 2009) ("In keeping with the principle of Indian self-government, the Agency will view Tribal Governments as the appropriate non-Federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA's deliberations and activities have traditionally involved the interests and/or participation of State Governments, EPA will look directly to Tribal Governments to

play this lead role for matters affecting reservation environments.” Until a tribe takes on a delegable program, “the [EPA] will encourage the Tribe to participate in policy-making.”).

Certainly nothing within the CAA or the government-to-government relationship of EPA to tribes permits EPA to impose burdens on tribes, including a national policy agenda, which would be unacceptable to impose on states under the federalism regime of the CAA. The EPA has a trust obligation to the Nation which requires EPA to give special consideration to the Nation’s sovereign policy choices, and to meaningfully engage the Nation in consultation whenever EPA’s actions may affect Navajo Indian Country or the Nation’s interests. *See, e.g., id.; see also* E.O. 13175, 65 Fed. Reg. 67,249 (Nov. 6, 2000); *see also* EPA Policy on Consultation and Coordination with Indian Tribes, § 4 “Guiding Principles” (May 4, 2011).

C. EPA Failed to Consider Potential Regional Economic Impacts and Impacts to Local Indian Tribes, Including the Navajo Nation, if the SJGS and the San Juan Mine Were Forced to Close as a Result of Imposition of Costly SCR Technology.

In spite of the obligation for EPA to make its FIP decision “in the state’s shoes,” EPA selected the most stringent technology available and required a NO_x emission limit over four times as stringent as the presumptive limit under the BART

Guidelines,⁸ while performing no analysis of potential regional economic impacts.⁹ See 76 Fed. Reg. at 500-501, 505 (response to comments); *see also* 76 Fed. Reg. at 52,412 (same). Pursuant to the BART Guidelines, EPA was required to conduct an energy impacts analysis, but failed to do so. In that analysis, EPA should have considered “whether [the choice of SCR] would result in significant economic disruption or unemployment,” BART Guidelines, section IV.D.4.h.5, as the Nation, and others, commented.¹⁰ *See also* 76 Fed. Reg. At 52,412.

In spite of its trust responsibility and its own consultation policy, *see* EPA Policy on Consultation and Coordination with Indian Tribes, EPA also failed to meaningfully consult with the Nation prior to promulgating the proposed BART FIP. EPA also failed to consider potential economic impacts on the Navajo Nation

⁸ The FIP requires a NO_x emission limit of .05 lb/mmbtu versus the presumptive limit of .23 under the BART Guidelines. *See* 76 Fed. Reg. at 52,388; *see also* fn 4.

⁹ In the Regulatory Impact Analysis (RIA) performed for the Regional Haze Rule, EPA anticipated that states would “take steps to minimize significant impacts as part of their . . . emission management strategy development process.” Regional Haze Rule, Regional Impact Statement, section 2.3, 2-4, *available at* <http://yosemite1.epa.gov/EE/EPA/ria.nsf/vwRMAT2/E36667EFD2FFBOFO85256762003F478C>. EPA, “in the shoes of the state,” should have done that here.

¹⁰ EPA “certified” that no small communities would be affected. *See* 76 Fed. Reg. at 505; *but see* Resolutions of Nenahnezad Chapter (March 13, 2011), San Juan Chapter (March 13, 2011), and the Northern Navajo Agency (March 17, 2012), Ex. 2.

resulting from imposition of SCR at the SJGS. Instead, EPA concluded “that this final rule does not have tribal implications.” 76 Fed. Reg. 52,422.

Contrary to EPA’s convenient conclusion, the FIP in fact may result in the shut-down or curbing of activities at the SJGS and San Juan Mine. (Cicchetti Decl. ¶ 10, Ex. 1.) The direct loss of employment and income would be devastating both for members of the Navajo Nation and the Navajo Nation economy as a whole, especially on top of an already highly depressed economy, exacerbating the Nation’s economic woes. *Id.*

Indeed, the SJGS, the San Juan Mine, subcontractors, and seasonal workers represent about 318 households of the Navajo Nation in highly paid jobs that are about 2.75 times the average Navajo Nation Household Income of about \$20,000. *Id.* at ¶ 11. Regionally, coal mine jobs pay an average annual income of more than \$55,000, and loss of comparable paying jobs at the SJGS would be devastating, both directly and indirectly, to many Navajo people. *Id.*

Closure of the SJGS and the San Juan Mine would also affect the Navajo Nation’s tax base. *Id.* at ¶ 12. Approximately 318 workers from the SJGS, the San Juan Mine, and related activities reside on the Navajo Nation. *Id.* These individuals purchase goods and services produced, processed or extracted from the Navajo Nation, and 4% sales tax is assessed on all sales of goods and services within the

Navajo Nation. *Id.* In the event that the SJGS and the San Juan Mine are closed and workers are laid off, these individuals will have less money to spend. *Id.* This would reduce sales tax revenue collected by the Navajo Nation and place additional social safety net obligations on the Navajo Nation. *Id.*

Additionally, the Navajo Tribal Utility Authority, a wholly owned enterprise of the Navajo Nation government that provides electricity and other essential utilities to residents on the Navajo reservation, has a power purchase agreement with Tucson Electric Power, one of the owners of the SJGS. *Id.* at ¶ 13.

If the SJGS closes as a result of EPA's BART FIP, a conservative estimate is that 318 Navajo jobs would be lost, representing an annual loss of about \$17.7 million. *Id.* at ¶ 15. This would reduce spending by about \$25 million per year after adjusting for an income multiplier and a loss of nearly \$1 million annually in sales tax receipts for the Navajo Nation, which is a significant loss for the Navajo Nation's Internal Fund. *Id.*

An increase in the number of unemployed on the Navajo Nation caused by the closure of the SJGS or the San Juan Mine would result in increased demands for social services provided by the Navajo Nation. *Id.* at ¶ 16. At a time when other EPA

rulemakings are threatening to diminish the Nation's coffers,¹¹ these increased demands for services would necessitate the Navajo Nation diverting an increased percentage of its already stressed budget to provide for the social needs of the unemployed. *Id.* This would divert funding that could be spent on economic development and thereby stunt future economic growth on the Navajo Nation. *Id.*

In addition, where economic opportunities for the Navajo are severely limited on the Navajo Nation, any job or income losses from closure of the SJGS and the San Juan Mine are likely permanent. *Id.* The expected present value of the lost income for the Navajo people from closure of the SJGS and the San Juan Mine would be about \$177 million and the subsequent lost sales tax receipts for the Navajo Nation would be about \$10 million. *Id.*

Examples of the significant effect that closure of coal mining and electric generating facilities have had on the Navajo Nation are dramatically illustrated by the cessation of mining operations at Peabody Western Coal Company's Black Mesa Mine in 2006 and the closure of Chevron Mining, Inc.'s McKinley Mine in 2008. *Id.* at ¶ 17. When Southern California Edison ("SCE") decided to shut down Mohave

¹¹ Under the likely adoption of "Better than BART" for Four Corner's Power Plant, 3 of 5 units will be shut down, with a concomitant loss of revenues to the Nation.

Generating Station (“MGS”),¹² the need for coal from Peabody’s Black Mesa Mine was eliminated. *Id.* When the MGS closed in 2006, Peabody’s Black Mesa Mine went from producing between 4 and 5 million tons of coal annually to zero production. *Id.* In addition, the Navajo Nation lost rights-of-way and water revenue, taxes and jobs when the owners closed the MGS. *Id.* Coal revenue also declined again in 2008 when Chevron Mining, Inc. closed the McKinley Mine. *Id.*

II. EPA’S ARBITRARY BART DETERMINATION IMPOSING SCR IS INSUPPORTABLE FOR REASONS BRIEFED BY PNM AND NEW MEXICO AND SHOULD NOT STAND AS PRECEDENT FOR FOUR CORNERS POWER PLANT AND NAVAJO GENERATING STATION.

The Nation hereby adopts and incorporates the briefs of PNM and New Mexico regarding EPA’s use of faulty data, outdated modeling,¹³ inaccurate cost estimates, and EPA’s general failure to comply with its own BART Guidelines and the CAA in promulgating the FIP for the SJGS.

¹² Mohave Generating Station was shuttered by SCE as a result of an SO₂ BART rulemaking by EPA in 2002. *See* 67 Fed. Reg. 6,129 (Feb. 8, 2002).

¹³ In a recent study published in *Atmospheric Environment*, the authors concluded that there was no visibility improvement in Grand Canyon National Park after closure of the Mohave Generating Station, or that Mohave ever degraded visibility at the park. Jonathan Terhorst and Mark Berkman, *Effect of Coal-fired Power Generation on Visibility in a Nearby National Park*, 44 *Atmospheric Environment* 2524, 2530 (2010). Terhorst and Berkman specifically raise questions about the reliability of the CALPUFF model, the very same outdated CALPUFF model that EPA used in its BART FIP for the SJGS.

The Navajo Nation is facing two impending BART rulemakings by EPA for the Four Corners Power Plant and Navajo Generating Station, both located on Navajo trust lands within the Navajo Nation and both utilizing Navajo owned coal from associated mines. This unlawfully promulgated BART FIP for the SJGS should not be permitted to stand and become precedent for these upcoming rulemakings.

CONCLUSION

EPA failed to comply with the CAA and its own guidelines and regulations in promulgating the BART FIP for the SJGS, and EPA's decision should be vacated as arbitrary, capricious, and not in accordance with the law or applicable EPA procedures for BART determinations. EPA must not be allowed to invert the intent of Congress for local governments, including tribes, to make discretionary policy decisions consistent with the needs of their constituents and regional economies, so long as they meet the requirements of the CAA and further the national goal of pristine conditions at Class I areas under the Regional Haze Rule.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to Fed. R. App. P. 32(a)(7)(C) and Circuit Rule 32(b), that this brief contains 4,179 words as counted by a word processing system that includes headings, footnotes, quotations, and citations in the count, and excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii), and therefore is within the 7,000-word limit set forth by Federal Rule of Appellate Procedure 29(d).

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**CERTIFICATE OF DIGITAL SUBMISSION
AND PRIVACY REDACTIONS**

The undersigned certified that:

- (1) All required privacy redactions have been made;
- (2) The hard copies of this filing to be submitted to the Clerk's office will be exact copies of the ECF filing; and
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Dated: May 22, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on this 22d day of May, 2012, the foregoing Brief of the Navajo Nation as Amicus Curiae in Support of Petitioners Public Service Company of New Mexico, New Mexico Governor Martinez and New Mexico Environment Department, was served electronically on all counsel of record through the Court's CM/ECF system.

/s/ David A. Taylor

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EXHIBIT 1

NOS. 11-9552, 11-9557 & 11-9567

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

**WILDEARTH GUARDIANS,
Petitioner,**

v.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and
Lisa Jackson, Administrator, United States Environmental Protection Agency,
Respondents.**

**PUBLIC SERVICE COMPANY OF NEW MEXICO,
Petitioner,**

v.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and
Lisa Jackson, Administrator, United States Environmental Protection Agency,
Respondents.**

**SUSANA MARTINEZ, GOVERNOR OF THE STATE OF NEW MEXICO, AND NEW
MEXICO
ENVIRONMENT DEPARTMENT,
Petitioners,**

v.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY and
Lisa Jackson, Administrator, United States Environmental Protection Agency,
Respondents.**

**ON PETITIONS FOR REVIEW OF FINAL ACTION OF THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
IN THE UNITED STATES DISTRICT COURT OF APPEALS
FOR THE TENTH CIRCUIT**

**DECLARATION OF CHARLES J. CICCHETTI, Ph.D.
IN SUPPORT OF THE NAVAJO NATION'S AMICUS BRIEF**

I, CHARLES J. CICHETTI, Ph.D., declare the following:

1. My name is Charles J. Cicchetti, Ph.D.

2. I am an economist and the former Chair of the Public Service Commission of Wisconsin. I have been a tenured Full Professor of Economics and Environmental Studies at the University of Wisconsin and Deputy Director of the Energy and Environmental Policy Center at the John F. Kennedy School of Government at Harvard University, where I directed the Harvard Utility and Natural Gas Forums. Previously, I held the Jeffrey J. and Paula Miller Chair in Government, Business, and the Economy at the University of Southern California. My resume is attached as Exhibit 1-A to this Declaration.

3. I am aware that on August 22, 2011, the United States Environmental Protection Agency issued a Final Rule imposing obligations on Public Service of New Mexico ("PNM") to further control emissions at the San Juan Generating Station ("SJGS").

4. Over the past ten years, the Navajo Nation, through its various branches and offices, has consulted with me several times concerning its economy and how to improve it. During my consultations and research, I have come to know that the Navajo Nation has substantial interests that this litigation could negatively affect, and that the current parties of record will not adequately represent the Navajo Nation's interests or have the same incentive and purpose to represent the Navajo people to the degree the Nation itself would.

5. I am aware that the Navajo Nation is filing an amicus brief in this action pursuant to Rule 29 of the Federal Rules of Civil Procedure. In recognition of the above, the Navajo Nation has asked me to file this Declaration.

THE NAVAJO NATION

6. The Navajo Nation is the largest Native American nation, both in terms of

population and land area in the United States. The Navajo Nation is the homeland of approximately 300,000 Navajo people, covers more than 27,000 square miles, and shares territory with the states of Arizona, New Mexico, and Utah.

7. The Navajo Nation is extremely poor in terms of income and material things, and the Navajo Nation has been economically depressed for many generations. In fact, it is in economic terms one of the two poorest areas in the United States, with an unemployment rate that has increased from 42.16% in 2001 to 50.52% in 2007.¹ Since the current national recession hit in late 2008, the Navajo Nation has suffered even more unemployment, particularly for younger Navajo people, who are often forced to move elsewhere. The average annual Navajo Nation household income is about \$20,000.² The American Community Survey (ACS) of the U.S. Census Bureau for 2007 states 36.76% of the population of the Navajo Nation lives below the poverty level.³

THE SJGS AND SAN JUAN MINE

8. The SJGS is a four-unit coal fired electric generating facility with a generating capacity of 1800 megawatts located in Waterflow, New Mexico. The SJGS is located approximately about 17 miles east of Shiprock, New Mexico, a town of more than 10,000 residents and the largest population center on the Navajo Nation.⁴ The fuel supply for the SJGS is coal mined at the San Juan Mine, also located in Waterflow, and approximately 18 miles east of Shiprock, New Mexico. While both the SJGS and the San Juan Mine are located outside the jurisdiction of the Navajo Nation, they both have significant positive economic effects on the Navajo Nation and the regional economy.

9. The SJGS is a major employer in the northeastern portion of the Navajo Nation. Approximately 88 of the SJGS 400 employees (22%) are Native American, most being

¹ 2009-2010 Comprehensive Economic Development Strategy of the Navajo Nation, page 20.

² See Extract from the 2000 U.S. Census, page. 1, Table 1, The Navajo Nation Division of Economic Development (<http://www.navajobusiness.com/fastFacts/Index.html>).

³ 2009-2010 Comprehensive Economic Development Strategy of the Navajo Nation, page 23.

⁴ 2009-2010 Comprehensive Economic Development Strategy of the Navajo Nation, Table 3, page 76.

Navajo. About 230 of the San Juan Mine 500-person work force (approximately 46%) are Native American, with most also being Navajo. In addition, many of the temporary work force hired during times of scheduled maintenance at SJGS and the major contractors to SJGS are comprised of mostly Navajo employees.

IMPACT ON THE NAVAJO NATION

10. If this litigation is decided adverse to the Navajo Nation interests, it may result in shutting down or curbing activity at the SJGS and San Juan Mine. The direct lost employment and income losses for members of the Navajo Nation and the Navajo Nation economy would be devastating on top of an already highly depressed economy, exacerbating the Navajo Nation's economic woes.

11. The SJGS, San Juan Mine, subcontractors, and seasonal workers represent about 318 households of the Navajo Nation in highly paid jobs that are about 2.75 times the average Navajo Nation Household Income of about \$20,000.⁵ According to a 2002 University of Nevada Report,⁶ comparable jobs at a coal mine in the region are paid an average annual income of more than \$55,000. The SJGS is likely to have comparable pay. The loss of these jobs would be devastating, both directly and indirectly, to many Navajo people.

12. Closure of the SJGS and San Juan Mine would affect the Navajo Nation's tax base. As stated above, it is reasonable to estimate that approximately 318 workers from SJGS, San Juan Mine, and related activities reside on the Navajo Nation. These individuals purchase goods and services produced, processed or extracted from the Navajo Nation. A 4% sales tax is assessed on all sales of goods and services within the Navajo Nation. In the event, the SJGS and San Juan Mine are closed and workers

⁵ See Extract from the 2000 U.S. Census, page 1, Table 1, The Navajo Nation Division of Economic Development (<http://www.navajobusiness.com/fastFacts/Index.html>).

⁶ Contributions of the Mohave Generating Station to Local Economies University Center for Economic Development in the Department of Applied Economics at the University of Nevada Reno, Technical Report UCED 2002/03-07. Table 6 (May 2002) (UCED 2002 Technical Report).

are laid off, these individuals will have less money to spend. This would reduce the sales taxes revenue collected by the Navajo Nation and place additional social safety net obligations on the Navajo Nation.

13. The Navajo Tribal Utility Authority ("NTUA") is a wholly owned enterprise of the Navajo Nation. NTUA receives a portion of the electricity it provides to residents of the Navajo Nation through a Power Purchase Agreement with Tucson Electric Power, a utility with an ownership interest in the SJGS.

14. The adverse economic effects on the Navajo and surrounding communities start with lost jobs and income. I will assume that 318 employees at the SJGS and San Juan Mine live on or interact with the Navajo Nation. These mine workers earn an average of approximately \$55,530 in combined salary and benefits each year.

Consider the following.

I. Jobs	
(A) Lost Navajo Jobs at SJGS	88
Additional Lost Jobs based on the RIMS II, Type II (Electric Utility) Multiplier ⁷	<u>x 3.0130</u> <u>265 Jobs</u>
(B) Lost Navajo Jobs at the SJ Mine	230
Additional Lost Jobs based on the RIMS II, Type II (Coal Mining) Multiplier ⁸	<u>x 2.9651</u> <u>682 Jobs</u>
(C) Total Lost Jobs	
Navajo	318 Jobs
Combined Navajo and Others	947

⁷ Bureau of Economic Analysis, RIMS II Total Multipliers for Output, Employment, and Value Added for Electric Utility.

⁸ Bureau of Economic Analysis, RIMS II Total Multipliers for Output, Employment, and Value Added for Coal Mining.

ii. Income	
Assume Lost Income based on \$55,530 per job at the San Juan Generating Station (2002) ⁹ and San Juan Mine	
Navajo	318 Jobs x <u>\$55,530</u> <u>\$17,658,540</u>
Combined Navajo District and Other Jobs	947 Jobs x <u>\$55,530</u> <u>\$52,586,910</u>
iii. Sales Tax	
Lost Navajo Income	\$17,658,540
Plus Lost Income Multiplier of .42 ¹⁰	<u>\$7,416,586</u>
	\$25,075,127
iv. Lost Sales Tax @4%	
Lost Navajo Income and Multiplier for this income	\$25,075,127 x <u>.04</u> <u>\$1,003,005</u>
v. Present Value in Perpetuity @10%	
Lost Income	\$250,075,127
Lost Sales Tax	\$10,030,050

15. The estimated losses are very conservative. First, I do not increase workers' salaries from their 2002 levels for inflation. Second, I ignore seasonal workers. Third, I do not include any job losses outside the mine or SJGS. Nevertheless, the conservative 318 Navajo job losses would be an annual loss of about \$17.7 million. This would reduce spending by about \$25 million per year after adjusting for an income multiplier

⁹ Contributions of the Mohave Generating Station to Local Economies" University Center for Economic Development in the Department of Applied Economics at the University of Nevada Reno, Technical Report UCED 2002/03-07. Table 6 (May 2002) (UCED 2002 Technical Report").

¹⁰ This is the approximate average of .4197 for coal mining and .4254 for electric generation, transmission and distribution.

and a loss of nearly \$1 million annually in sales tax receipts for the Navajo Nation, which is a significant loss for the Navajo Nation's Internal Fund that is typically less than \$200 million per year. If I relax the conservative assumptions the losses for the Navajo Nation would mount.

16. An increase in the number of unemployed on the Navajo Nation caused by the closure of SJGS or San Juan Mine would result in increased demands for social services provided by the Navajo Nation. These increased demands for services would necessitate the Navajo Nation diverting an increased percentage of its already stressed budget to provide for the social needs of the unemployed. Diverting funding that could be spent on economic development and thereby, stunting future economic growth on the Navajo Nation. In addition, economic opportunities for the Navajo are severely limited on the Navajo Nation. Therefore, any job or income losses are likely permanent. I use a present value estimate with a ten percent discount rate, which is very conservative; to determine the expected present value of the lost income for the Navajo would be about \$250 million and the subsequent lost sales tax receipts for the Navajo Nation would be about \$10 million.

17. Examples of the significant effect closure of coal mining and electric generating facilities have had on the Navajo Nation are dramatically illustrated by the cessation of mining operations at Peabody Western Coal Company's ("Peabody's") Black Mesa Mine in 2006 and the closure of Chevron Mining, Inc.'s McKinley Mine in 2008. Shutting these mine pushed the Navajo economy deeper into economic depression. When Southern California Edison decided to shut down the Mohave Generating Station (MGS), the need for coal from Peabody's Black Mesa mine was eliminated. Until the MGS closed in 2006, Peabody's Black Mesa mine went from producing between 4 and 5 million tons of coal annually¹¹ to zero production. In addition, the Navajo Nation lost

¹¹2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, page 37.

rights-of-way and water revenue, taxes and jobs when the owners closed the MGS. Coal revenue also declined again in 2008 when Chevron Mining, Inc. closed the McKinley Mine.¹²

CONCLUSION

18 The Navajo would be severely harmed if the San Juan Generating Station and the San Juan Mine that fuels the plant were shuttered. This is unfortunately an old story of using Navajo resources and people to achieve economic benefits that the Navajo at best share as secondary participants and at returns that are often below market values. Increasingly, armchair environmentalists that do not derive their incomes or wealth directly from the land and natural resources seek to protect the natural environment from natural resource based economic activities. These outside environmentalists mostly give short shrift to the consequences of their often-misplaced zeal on the people who live and occupy the same natural environment. Native people often benefit in just a small way from the use of these natural resources when viewed from outside. However,

¹²Chevron Mining, Inc.'s McKinley Mine produced between 6.5 million and 7.5 million tons of coal per year prior to its closure in 2008. 2000-2010 Comprehensive Economic Development Strategy of The Navajo Nation, page 37.

this small share derived is very important for the native people that live their lives in communion with that same natural environment. The Navajo respect their quality of life and seek to engage in the continued use of nature's bounty. The opportunities are few and each time development halts the costs mount and the losses compound.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 18, 2012

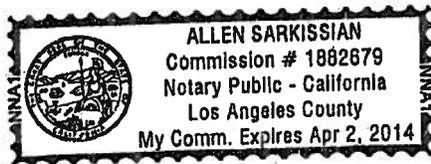

Charles J. Cicchetti, Ph.D.

State of California

County of Los Angeles

Subscribed and sworn (or affirmed) before me on this 18th day of May, 2012, Charles J. Cicchetti, proved to me on the basis of satisfactory evidence to be the person who appeared before me. ALLEN SARKISSIAN, NOTARY PUBLIC.





2012

CHARLES J. CICHETTI

PROFESSIONAL EXPERIENCE

2011-present Senior Advisor to Rothstein, Kass & Co., Inc
2008-present Senior Advisor to Navigant Consulting, Inc.;
1996-present Co-Founder, Pacific Economics Group, a California LLC;
1998-2006 Jeffrey J. Miller Professor in Government, Business, and the
Economy, University of Southern California;
1992-1996 Managing Director, Arthur Andersen Economic Consulting;
1991-2008 Adjunct Professor, University of Southern California
1991-1992 Co-Chairman, Putnam, Hayes & Bartlett, Inc.;
1988-1991 Managing Director, Putnam, Hayes & Bartlett, Inc.;
1987-1990 Deputy Director, Energy and Environmental Policy Center,
John F. Kennedy School of Government, Harvard University;
1984-1987 Senior Vice President, National Economic Research
Associates;
1980-1984 Co-Founder and Partner, Madison Consulting Group;
1979-1986 Professor of Economics and Environmental Studies, University
of Wisconsin-Madison;
1977-1979 Chairman, Public Service Commission of Wisconsin, Appointed
by Governor Patrick J. Lucey (member until 1980);
1975-1976 Director, Wisconsin Energy Office and Special Energy
Counselor for Governor Patrick J. Lucey, State of Wisconsin;
1974-1979 Associate Professor, Economics and Environmental Studies,
University of Wisconsin-Madison;
1972-1974 Visiting Associate Professor, Economics and Environmental
Studies, University of Wisconsin-Madison;
1972 Associate Lecturer, School of Natural Resources of the
University of Michigan;
1969-1972 Resources for the Future, Washington, D.C.;
1969 Post Doctoral Research: Ph.D., Economics, Rutgers University;
1968-1969 Instructor, Rutgers University;
1965 B.A., Economics, Colorado College;
1961-1964 Attended United States Air Force Academy.

ADVISORY BOARDS

Faculty Advisor to Campus Republicans at USC, 2002 to 2005
Alliance for Energy Security; Former Member;
Association of Environmental and Resource Economics, Former Executive
Committee, Former Member;

California ISO Market Advisory Group –Former Member appointed by Governor Gray Davis;
Center for Public Policy Advisory Committee, Former Member;
Department of Energy, Fuel Oil Marketing Advisory Committee, Former Member;
Graduate School of Public Policy at the University of California, Berkeley; Former Board Member;
National Association of Regulatory Utility Commissioners, Executive Committee and Chairman of the Ad Hoc Committee on the National Energy Act, Former Member;
Public Interest Economics Center, Board of Directors, Former Member;
Rutgers University, Energy Research Advisory Board;
U.S. Chamber of Commerce Energy and Natural Resources Committee, Former Member.

EDITORIAL BOARDS

Journal of Environmental Economics and Management, Former Member
Energy Systems and Policy, Former Member;
Land Economics, Former Editor.

PUBLICATIONS

Books and Monographs

Going Green and Getting Regulation Right: "A Primer for Energy Efficiency", PUR Publishers, March 2009.

Natural Gas: the Other California Energy Crisis, Pacific Economics Group Working Paper with Colin M. Long, November 2006.

The California Electricity Crisis: What, Why, and What's Next, with Jeffrey A. Dubin and Colin M. Long, Kluwer Academic Publishers, July 2004

A Tarnished Golden State: Why California Needs a Public/Private Partnership for its Electricity Supply System, with Colin M. Long, August 2003.

Restructuring Electricity Markets: A World Perspective Post-California and Enron, with Colin M. Long and Kristina M. Sepety, May 2003.

Energy Deregulation: The Benefits of Competition Were Undermined by Structural Flaws in the Market, Unsuccessful Oversight and Uncontrollable Competitive Forces, with Jeffrey A. Dubin, Jon Hockenyos, Colin M. Long and J.A. Wright. California State Auditor, Bureau of State Audits, Sacramento, California, March 2001.

PUBLICATIONS (Cont.)

Restructuring Electricity Markets: A World Perspective, with Kristina M. Sepetys, January 1996.

The Economic Consequence of Independent Film Making, Prepared for the American Film Marketing Association, with W.E. Peale, Stefan Boedeker, Jeffrey Dubin, Jeff Truitt, January 1995.

The Application of U.S. Regulatory Techniques to Spain's Electric Power Industry, with Irwin M. Stelzer, prepared for Unidad Electrica, S.A., Cambridge: Energy and Environmental Policy Center, Harvard University, March 1988.

The Economic Theory of Enhanced Natural Gas Service to the Industrial Sector: An Applied Approach, Vol. II with L.D. Kirsch, for the Gas Research Institute, Contract No. 5080-380-0349, February 1982.

The Economic Theory of Enhanced Natural Gas Service to the Industrial Sector: An Applied Approach, Vol. I with L.D. Kirsch and R. Shaughnessy, for the Gas Research Institute, Contract No. 5080-380-0349, May, 1981.

The Economic Effects of Deregulating Natural Gas, with R.H. Haveman, M. Lowry, M. Post and R. Schmidt, prepared for the Northeast Coalition for Energy Equity, Madison: MCG Monograph, 1981.

The Marginal Cost and Pricing of Electricity: An Applied Approach, with W. Gillen and P. Smolensky, Cambridge: Ballinger Publishing Company, 1977.

The Costs of Congestion: An Econometric Analysis of Wilderness Recreation, with V.K. Smith, Cambridge: Ballinger Publishing Company, 1976.

Energy System Forecasting, Planning and Pricing, ed. with W. Foell for the National Science Foundation, Madison: University of Wisconsin Monograph, 1975.

Studies in Electric Utility Regulation, ed. with J. Jurewitz for the Ford Foundation Energy Policy Project, Cambridge: Ballinger Publishing Company, 1975.

Perspective on Power: A Study of the Regulation and Pricing of Electric Power, with E. Berlin and W. Gillen for the Ford Foundation Energy Policy Project, Cambridge: Ballinger Publishing Company, 1974.

A Primer for Environmental Preservation: The Economics of Wild Rivers and Other Natural Wonders, New York: MSS Modular Publication, 1973.

Forecasting Recreation in the United States: An Economic Review of Methods and Applications to Plan for the Required Environmental Resources, Lexington: Lexington Books, June 1973.

Alaskan Oil: Alternative Routes and Markets, for Resources for the Future, Baltimore: Johns Hopkins University Press, December 1972.

The Demand and Supply of Outdoor Recreation: An Econometric Analysis, Ph.D. Thesis: Rutgers University, 1969. Also, with J.J. Seneca and P. Davidson, Washington, D.C.: U.S. Department of Interior, Bureau of Outdoor Recreation, Contract No. 7-14-07-4, 1969.

A Neo Keynesian Equilibrium Analysis For an Open Economy, A.B. Thesis, Colorado College, Colorado, Springs, Colorado, May, 1965.

PUBLICATIONS

Journal Articles

"Duke's Fifth Fuel", Public Utilities Fortnightly, January 2008.

"Public Service Commission of Wisconsin, 1977-1980" Charles J. Cicchetti, The NRRI Journal of Applied Regulation, Volume 4, December 2006

"A Brief History of Rate Base: Necessary Foundation of Regulatory Misfit" with Charles J. Cicchetti, Public Utility Fortnightly, July 2006.

"ISOs and Transcos: What's at Stake?" with Gary D. Bachman and Colin M. Long, The Electricity Journal, December 2000.

"Politics as Usual: A Roadmap to Backlash, Backtracking and Re-regulation," with Colin M. Long, Public Utilities Fortnightly, Vol. 138, No. 18. October 1, 2000.

"Transmission Products and Pricing: Hidden Agendas in the ISO/Transco Debate," with Colin M. Long, Public Utilities Fortnightly, Vol. 137, No. 12. June 15, 1999

"Mergers and the Convergence of the Electric and Natural Gas Industries," Natural Gas, March 1997.

- "Been There, Done That: Sunk Costs, Access Charges and the Transmission Pricing Debate," Energy, Vol. XXI, No. 4. September, 1996.
- "Regulating Competition: Transition or Travesty?" with Kristina M. Sepetys, The Electricity Journal, May 1996.
- "California Model Sets the Standard for Other States," with Kristina M. Sepetys, World Power Yearbook 1996.
- "Measuring the Effects of Natural Resource Damage and Environmental Stigma on Property Value," Environmental Law, September/October, 1995.
- "The Route Not Taken: The Decision to Build the Trans-Alaska Pipeline and the Aftermath," The American Enterprise, Volume 4, Number 5, September/October 1993.
- "A Micro-Econometric Analysis of Risk-Aversion and the Decision to Self-Insure," with Jeffrey Dubin, in Journal of Political Economy, Revised, July 1993. (Volume 102, No. 1, February 1994.)
- "Energy Utilities, Conservation, Efficiency," with Vinayak Bhattacharjee and William Rankin, Contemporary Policy Issues, Volume XI, Number 1, January 1993.
- "Uniqueness, Irreversibility, and the Theory of Nonuse Values," with Louis L. Wilde, American Agricultural Economics Association, December 1992.
- "Utility Energy Services," with Ellen K. Moran, Regulatory Incentives for Demand-Side Management, Chapter 9, American Council for an Energy-Efficient Economy, December 1992.
- "A Micro-Econometric Analysis of Risk Aversion and the Decision to Self-Insure," California Institute of Technology, with Jeffrey A. Dubin, January 1992.
- "The Use and Misuse of Surveys in Economic Analysis: Natural Resource Damage Assessment Under CERCLA," California Institute of Technology, with Jeffrey Dubin and Louis Wilde, July 1991.
- "The Federal Energy Regulatory Commission's Proposed Policy Statement on Gas Inventory Charges (PL-89-1-1000), Energy and Environmental Policy Center, Harvard University, Discussion Paper E-89-11, July 1989.
- "Incentive Regulation: Some Conceptual and Policy Thoughts," Energy and Environmental Policy Center, Harvard University, Discussion Paper E-89-09, June 1989.

"Including Unbundled Demand-Side Options in Electricity Utility Bidding Programs," with William Hogan, Public Utilities Fortnightly, June 8, 1989. (Also a Discussion Paper E-88-07).

"Assessing Natural Resource Damages Under Superfund: The Case Against the Use of Contingent Value Survey Methods," with Neil Peck, Natural Resources & Environment, Vol. 4, No. 1, Spring 1989.

"Pareto Optimality Through Non-Collusive Bilateral Monopoly with Cost-of-Service Regulation (or: Economic Efficiency in Strange Places)," with Jeff D. Makhholm, Energy and Environmental Policy Center, Harvard University, Working Paper, 1988.

"The FERC's Discounted Cash Flow: A Compromise in the Wrong Direction," with Jeff Makhholm, Public Utilities Fortnightly, July 9, 1987.

"Conservation Subsidies: The Economist's Perspective," with Suellen Curkendall, Electric Potential, Vol. 2, No. 3, May/June 1986.

"Our Nation's Gas and Electric Utilities: Time to Decide," with R. Shaughnessy, Public Utilities Fortnightly, December 3, 1981.

"Is There a Free Lunch in the Northwest? (Utility-Sponsored Energy Conservation Programs)," with R. Shaughnessy, Public Utilities Fortnightly, December 18, 1980.

"Opportunities for Canadian Energy Policy," with M. Reinbergs, Journal of Business Administration, Vol. 10, Fall 1978/Spring 1979.

"Energy Regulation: When Federal and State Regulatory Commissions Meet," with J. Williams, American University Law Review, 1978.

"The End-User Pricing of Natural Gas," with Don Wiener, Public Utilities Fortnightly, March 16, 1978.

"An Econometric Evaluation of a Generalized Consumer Surplus Measure: The Mineral King Controversy," with V.K. Smith and A.C. Fisher, Econometrica, Vol. 44, No. 6, 1976.

"Alternative Price Measures and the Residential Demand for Electricity: A Specification Analysis," with V.K. Smith, Regional Science and Urban Economics, 1975.

"An Economic Analysis of Water Resource Investments and Regional Economic Growth," with V.K. Smith and J. Carston, Water Resources Research, Vol. 12, No. 1, 1975.

"A Note on Fitting Log Linear Regressions with Some Zero Observations for the Regressand," with V.K. Smith, Metroeconomica, Vol. 26, 1975.

"The Design of Electricity Tariffs," Public Utilities Fortnightly, August 28, 1975.

"The Economics of Environmental Preservations: Further Discussion," with A.C. Fisher and J.V. Krutilla, American Economic Review, Vol. 64, No. 6, December 1974.

"Electricity Price Regulation: Critical Crossroads or New Group Participation Sport," Public Utilities Fortnightly, August 29, 1974.

"Interdependent Consumer Decisions: A Production Function Approach," with V.K. Smith, Australian Economic Papers, December 1973.

"Economic Models and Planning Outdoor Recreation," with A.C. Fisher and V.K. Smith, Operations Research, Vol. 21, No. 5, September/October 1973.

"Evaluating Federal Water Projects: A Critique of Proposed Standards," with R.K. Davis, S.H. Hanke and R.H. Haveman, Science, Vol. 181, August 1973.

"The Mandatory Oil Import Quota Program: A Consideration of Economic Efficiency and Equity," with W. Gillen, Natural Resources Journal, Vol. 13, No. 3, July 1973.

"Congestion, Quality Deterioration and Optimal Use: Wilderness Recreation in the Spanish Peaks Primitive Area," with V.K. Smith, Social Sciences Research, Vol. 2, 1, March 1973 (reprinted July 1973).

"The Economics of Environmental Preservation: A Theoretical and Empirical Analysis," with A.C. Fisher and J.V. Krutilla, American Economic Review, Vol. 62, No. 4, September 1972.

"Recreation Benefit Estimation and Forecasting: Implications of the Identification Problem," with V.K. Smith, J.L. Knetsch and R. Patton, Water Resources Research, Vol. 8, No. 4, August 1972.

"Evaluating Benefits of Environmental Resources with Special Application to the Hells Canyon," with J.V. Krutilla, Natural Resources Journal, Vol. 12, No. 1, January 1972. (Also published in Benefit-Cost and Policy Analysis, 1972.)

"On the Economics of Mass Demonstrations: A Case Study of the November 1969 March on Washington," with A.M. Freeman, R.H. Haveman and J.L. Knetsch, American Economic Review, Vol. 61, No. 4, September 1971.

"Option Demand and Consumer Surplus: Further Comment," with A.M. Freeman III, Quarterly Journal of Economics, Vol. 85, August 1971.

"Some Economic Issues Involved in Planning Urban Recreation Facilities," Land Economics, February 1971.

"A Note on Jointly Supplied Mixed Goods," with V.K. Smith, Quarterly Review of Economics and Business, Vol. 10, No. 3, Autumn 1970.

"A Gravity Model Analysis of the Demand for Public Communication," with J.J. Seneca, Journal of Regional Science, Vol. 9, No. 3, Winter 1969.

Articles Appearing in Other Volumes

"Including Unbundled Demand-Side Options in Electric Utility Bidding Programs," in *Competition in Electricity: New Markets & New Structures*, with William Hogan and edited by James L. Plummer and Susan Troppmann, (Public Utilities Reports and QED Research Inc: Arlington, Virginia) March 1990.

"Meeting the Nation's Future Electricity Needs: Cogeneration, Competition and Conservation," in 1989 Electricity Yearbook, New York: Executive Enterprises, 1989.

"Environmental Litigation and Economic Efficiency: Two Case Studies," with R. Haveman in Environmental Resources and Applied Welfare Economics: Essays in Honor of John F. Krutilla, V.K. Smith ed., Washington, DC: Resources for the Future, 1988.

"Electricity and Natural Gas Rate Issues," with M. Reinbergs, in The Annual Energy Review, Palo Alto: Annual Reviews Inc., Vol. 4, 1979.

"The Measurement of Individual Congestion Costs: An Econometric Application to Wilderness Recreation," with V.K. Smith, in Theory and Measurement of Economic Externalities, ed. S.A. Lin, New York: Academic Press, 1976.

"Implementing Diurnal Electricity Pricing in the U.S.: A Pragmatic Approach," in Energy System Forecasting, Planning and Pricing, ed. C.J. Cicchetti and W. Foell, Madison: University of Wisconsin Press, February 1975.

"Measuring the Price Elasticity of Demand for Electricity: The U.S. Experience," with V.K. Smith, in Energy System Forecasting, Planning and Pricing, ed. C.J. Cicchetti and W. Foell, Madison: University of Wisconsin Press, 1975.

"Public Utility Pricing: A Synthesis of Marginal Cost, Regulatory Constraints, Averch-Johnson Bias, Peak Load and Block Pricing," with J. Jurewitz, in

Studies in Electric Utility Regulation, ed. C.J. Cicchetti and J. Jurewitz, Cambridge: Ballinger Publishing Company, 1975.

"Congestion, Optimal Use and Benefit Estimation: A Case Study of Wilderness Recreation," with V.K. Smith, in Social Experiments and Social Program Evaluation, ed. J.G. Albert and M. Kamrass, Cambridge: Ballinger Publishing Company, 1974.

"Electricity Growth: Economic Incentives and Environmental Quality," with W. Gillen, in Energy: Demand, Conservation and Institutional Problems, ed. M. Macrakis, Cambridge: MIT Press, 1974.

"Some Institutional and Conceptual Thoughts on the Measurement of Indirect and Intangible Benefits and Costs," with John Bishop, in Cost-Benefit Analysis and Water Pollution Policy, ed. H. Peskin and E. Seskin, Washington, D.C.: Urban Institute, 1974.

"The Trans-Alaska Pipeline: An Economic Analysis of Alternatives," with A.M. Freeman III, in Pollution, Resources and the Environment, ed. A.C. Enthoven and A.M. Freeman III, New York: W.W. Norton and Co., 1973.

"Alternative Uses of Natural Environments: The Economics of Environmental Modification," with A.C. Fisher and J.V. Krutilla, in Natural Environments: Studies in Theoretical and Applied Analysis, ed. J.V. Krutilla, Baltimore: Johns Hopkins University Press, 1972.

"A Multivariate Statistical Analysis of Wilderness Users in the United States," in Natural Environments: Studies in Theoretical and Applied Analysis, ed. J.V. Krutilla, Baltimore: Johns Hopkins University press, 1972.

"Benefits or Costs? An Assessment of the Water Resources Council's Proposed Principles in Standards," with R.K. Davis, S.H. Hanke, R.H. Haveman and L. Knetsch, in Benefit-Cost and Policy Analysis, ed. W. Nishkanen, *et al*, Chicago: Aldine Publishing Company, 1972.

"Observations on the Economics of Irreplaceable Assets: Theory and Method in the Social Sciences," with J.V. Krutilla, A.M. Freeman III and C. Russell, in Environmental Quality Analysis, ed. A. Kneese and B.T. Bower, Baltimore: Johns Hopkins University Press, 1972.

"Outdoor Recreation and Congestion in the United States," in Population, Resources and the Environment, ed. R. Ridker, Washington, D.C.: U.S. Government Printing Office, 1972.

Less Technical Articles

- "Still the Wrong Route," Environment, Vol. 19, No. 1, January/February, 1977.
- "National Energy Policy Plans: A Critique," Transportation Journal, Winter 1976.
- "The Mandatory Oil Import Program: A Consideration of Economic Efficiency and Equity," with W. Gillen, Joint Economic Committee of the U.S. Congress, 1974.
- "The Political Economy of the Energy Crisis," with R. Haveman in Carroll Business Review, Winter 1974.
- "The Wrong Route," Environment, Volume 15, No. 5, June 1973.
- "Benefit-Cost Analysis and Technologically Induced Relative Price Changes: The Case of Environmental Irreversibilities," with J.V. Krutilla, Natural Resources Journal, 1972.
- "A Review of the Empirical Analyses that Have Been Based Upon the National Recreation Surveys," Journal of Leisure Research, Vol. 4, Spring 1972.
- "How the War in Indochina is Being Paid for by the American Public: An Economic Comparison of the Periods Before and After Escalation," Public Forum, July 1970, (reprinted in the Congressional Record, August 13, 1970).
- "User Response in Outdoor Recreation: A Reply," with J.J. Seneca, Journal of Leisure Research, Vol. 2, No. 2, Spring 1970.
- "User Response in Outdoor Recreation: A Production Analysis," with J.J. Seneca, Journal of Leisure Research, Vol. 1, No. 3, Summer 1969.

Miscellaneous Articles

- "Competitive Battlefield: A View from the Trenches," Northeast Utilities 1987 Annual Report, Competition: A Matter of Choices, 1987.

SPEECHES

Speeches Since 1984

- "California: Going Green and Getting Regulation Right", Law Seminars International 11th Annual Conference on Energy in California, San Francisco, California, September 15, 2009.

"The Business Case For Energy Efficiency", CS Week Conference, Washington, D.C., May 21, 2009.

"Back to The Future: Energy Planning and Lessons for the 1970's", Third Annual Nelson Institute Earth Day Conference, Madison, Wisconsin, April 22, 2009.

"Energy Efficiency and Regulatory Incentives," EUEC 11th Annual Energy and Environment Conference, Tucson, Arizona, January 27-30th, 2008.

"Conservation Reconsidered: A First Row Seat," Reconsidering "Conservation Reconsidered": A 40-Year Legacy, Resources for the Future, October 3, 2007.

"Market Issues: Power Procurement & Contracts," Law Seminars International, San Francisco, California, September 17-18th, 2007.

"Economists as Appraisers, Threats or Compliments?" Appraisal Institute Seminar, Los Angeles, California, March 26, 2007.

"The Economic Health of California's Energy Markets", An Economist's Perspective on the Electronic Health of CA Energy Markets, San Francisco, California, September 26, 2006.

"Lessons From California to Russia," Edison Electric Institute's US/Russia Electricity Markets Conference, Washington, District of Columbia, February 25, 2003.

"State Regulation Is Here to Stay: Financing the Future," NARUC 113th Annual Convention, Philadelphia, Pennsylvania, November, 2001.

"Deregulation Revisited: The Power Crisis in California," New York University's Energy Forum, New York, New York, 26 February 2001.

"The Changing Face of Utilities," Author Anderson's 21st Annual Energy Symposium, Houston, Texas, 28 November 2000.

"Lessons for Bangladesh: Thinking Globally While Acting Locally," The World Bank's Bangladesh Power Sector Reforms Workshop, Dhaka, Bangladesh, 1 October 2000.

"Diversification and Shareholder Value," The Energy Daily's 27th Annual Conference: Lighting the World, Williamsburg, Virginia, 2 December 1999.

"Challenges for Government-Owned Utilities," The Bond Buyer Public Power Conference, Santa Monica, California, 7 October 1999.

"Restructuring America's Electricity Industry and Public Power or Customer Owned Utilities," APPA's CEO Roundtable, Scottsdale, Arizona, 3 March 1998.

"Electricity Restructuring: The Future Role of Regulation (Woulda, Shoulda, Coulda)' American Bar Association's Annual Electricity Conference, Denver, Colorado, 13 February 1998.

"Mergers in the Utility Industry," Arthur Anderson's 18th Annual Energy Symposium, Houston, Texas, 9 December 1997.

"Convergence, Competition, Mergers and Marketing: Are You Getting Ready for the Millennium?" California Foundation on the Environment and the Economy, Santa Cruz, California, 4 December 1997.

"Electric Utility Strategy: Regulation, Restructuring and Competition," The Fourth Annual Power Industry Forum: "A View Toward the New Energy Corporation," San Diego, California, 7 March 1997.

"Restructuring Energy Markets: A World Perspective," The Energy Daily's 22nd Annual Conference: The One-Stop Energy Stop, Williamsburg, Virginia, 12 December 1996.

"Mergers in the Utility Industry," Arthur Anderson's Energy Symposium, Houston, Texas, 10 December 1996.

"Political, Economic, and Regulatory Challenges when Transforming Privately-Owned Utilities to Competitive Enterprises," Presentation at the Economist Conferences, Bilbao, Spain, 12 November 1996.

"Transmission, Divestiture, and the Future," Panelist at the EEI Strategic Planning Conference, Seattle, Washington, 14 October 1996.

"Cost-of-Service Regulation: The Old Dog Won't Hunt, and Recently, It Wasn't Very Good," Presentation to the Board of Wisconsin Electric Power Company, Belize, Central America, 3 April 1996.

"Primary Mergers: An Insider's Guide," Presented at Electricity Utility Week Conference, March 15, 1996.

"Merger Policy Issues—When is a Proposed Electric Utility Merger in the Public Interest?" Panelist at the 3rd Annual DOE-NARUC National Electricity Forum, 5 December 1995.

- "Measuring the Effects of Natural Resources Damage and Environmental Stigma on Property Value," Presented to Morgan, Lewis & Bockius, 29 November 1995.
- "Strategy for a Natural Gas Distributor: Competition, Consolidation, Cost Cutting," for Washington Gas Light, 23 October 1995.
- "Strategic Issues Facing the Electric Utility Industry," AIS Symposium, St. Charles, IL, 9 October 1995.
- "Worldwide Electricity Restructuring: Regulation, Competition or Both?" presented at the 4th World Economic Development Congress, Washington, DC, 6 October 1995.
- "Competition, Consolidation, Restructuring: A Program for Expanding Utility Consulting," Western Region Utility Presentation, 28 September 1995.
- "North/South Estimated Savings Compared to Recent Merger Claimed Savings," for PSCo information only, July 28, 1995.
- "California PUC Plans for Restructuring the Electric Industry," Utilities Overheads, 3 July 1995.
- "Public Utility Holding Company Act (PUHCA) Current Issues," Utilities Overheads, 3 July 1995.
- "Power Industry Restructuring: Competition and Deregulation are Not Synonyms," Utilities Overheads, 3 July 1995.
- "The FERC's Role in Electric Utility Industry Restructuring," Utilities Overheads 3 July 1995.
- "Whereto Regulation? Slice and Dice Supplants Command and Control," HARC Presentation, 8 August 1995/
- "Strategic Issues Facing the Electric Utility Industry," US West Presentation, 1 August 1995.
- "Proposal to Provide Consulting Services to Assist with An Alternative Ratemaking Proposal," Boston Gas Presentation, 27 July 1995.
- "Strategic Issues Facing the Electric Utility Industry," ConEd Presentation, 26 July 1995. (Also "Power Thinking")
- "Generic NU Slides"

"Strategic Issues Facing the Electric Utility Industry," NU Board of Trustee Presentation, 25 July 1995.

"Public Utility Holding Company Act (PUHCA)" Presentation to Southwest Gas Corporation, 19 June 1995.

"FERC Activity-Gas Industry Update," Presentation to Southwest Gas Corporation, 19 June 1995.

"Electric Industry Restructuring Recent FERC and CPUC Developments," Presentation to Southwest Gas Corporation, 19 June 1995.

"Power Marketing and Bulk Power Markets: Power Marketing and its Impact on the Electric Power Industry," Infocast's Power Marketing and Bulk Power Markets, 8 June 1995.

"Energy Industry in Transition," Yankee Energy Systems presentation, 23 May 1995.

"State Regulation in an Era of Regulated Competition," American Enterprise Energy Policy Forum, 16 May 1995.

"Natural Resource Damages Latest Developments and Future Focus," The CVM Controversy. Executive Enterprises NRDA Conference, 5 May 1995, San Francisco.

"Restructuring the Electric Industry," Prepared for Georgia Power Company, 28 March 1995.

"Electric, Gas and Telephone Industry Insights and Outlooks," Prepared for Peoples Energy Corporation Officers' Planning Retreat, 12 March 1995.

"The Driving Forces Reshaping the Electric Power Industry," Presentation to Northeast Utilities Management, 27 February 1995.

"Electricity Markets: Yesterday, Today, and Tomorrow," and "The Driving Forces Reshaping the Electric Power Industry," Presentation to General Electric, 13 February 1995.

"Power Marketing and Its Role in the Competitive Energy Industry: Projecting Future and International Power Needs," EEI Conference, 27 January 1995.

"Evolution or Revolution: Whoever Gets the Customers Wins!" Energy Daily Conference, 1 December 1994.

- "Natural Resource Damages Latest Developments and Trends: CVM Controversy," Executive Enterprise's NRDA Conference, 15 November 1994.
- "The Current Natural Gas Transportation Issues that Affect the North American Market," IGUA/ACIG Natural Gas Conference, 15 November 1994.
- "Power Marketing and Its Role in the Competitive Energy Industry: Projecting Future and International Power Needs," Infocast-New York, 28 October 1994.
- "FERC and State Regulatory Incentives: Restructuring the Electric Utility Industry," Arthur Andersen's Financial Symposium, 27 September 1994.
- "Restructuring the Electric Utility Industry," Arthur Andersen's Financial Symposium, 27 September 1994.
- "What Do We Want to Get Out of the CPUC Restructuring Process," Aspen Institute Presentation Materials, 6 July 1994.
- "The Debate over Retail Competition in California: A Prescriptive Suggestion," Aspen Institute Presentation Materials, 6 July 1994.
- "A Review and Critique of Internal Revenue Service Economist Report Regarding Electricity Conservation Program Expenditures and Related Tax Deductions," EEI Taxation Committee Meeting, 14 June 1994.
- "The Expanding Competition in Power Markets," Environmental Law, Liability & Litigation Director's Roundtable, 18 May 1994.
- "Paul Keglevic's Group Presentation to The Gas Company: Customer Values Initiative."
- "NRDA and Property Valuation Analysis," presented to Fennemore Craig, P.C., 28 February 1994.
- "Commentary on the Future of Regulation: Pro or Kahn?" (To Regulate or Not to Regulate: That is the Question," NARUC/DOE presentation, 15 February 1994.
- "Latin America Assertion of Membership in Pacific Basin," Aspen Institute, Pac Rim Workshop, 31 January 1994.
- "Utility Rate Regulation in the 1990s and Beyond," 1993 Utilities Financial Symposium, 14 September 1993.
- "Natural Resource Damages: An Economic Critique," Presented to Beveridge & Diamond (w/J. Dubin), 8 September 1993.

- "Understanding Economic Damage Valuations Under NRDA," Presented to Occidental USA, (w/L/ Wilde), 17 August 1993.
- "Allocating Costs in Superfund Cases," Presented to Waste Management, July 1993.
- "Understanding Economic Damage Valuations Under NRDA," Presented to Sidley & Austin, 29 June 1993.
- "Allocating Cost in Superfund Cases," Presented to Keck, Mahin & Cate, 23 June 1993.
- "Draft RCRA Corrective Action Regulatory Impact Analysis (RIA)," Presented to Beveridge & Diamond, 18 June 1993.
- Chicago Energy Economic Association Speech, (CJC used notes/speech from UC Berkeley/RFF speech of 10 May 1993), 10 June 1993.
- "Understanding Economic Damage Valuations Under NRDA," AAEC Corporate Counsel Symposium Series (Dallas & Houston), May 18-19, 1993.
- "The Regulatory Triad for the 90s: Integrated Resource Planning, Incentive, Regulation and Social Costing," UC Berkeley/RFF Briefing, 10 May 1993
- "Understanding Economic Damage Valuation Under NRDA," AA/Perkins Coie Presentation, 4 May 1993.
- "DSM & Shareholder Incentive," 1993 Rate Symposium, April 25-27, 1993.
- "Twenty Yeats Since Earth-Day I: What Have We Learned?" USC Economic Honor Society Omicron, Delta Epsilon, 15 April 1993.
- "The Clinton Economic Plan," USC Panel Discussion, 26 February 1993.
- "The Good, The Bad & The Ugly," USC, 25 February 1993.
- "Incorporating Externalities in Utility Least-Cost Planning," Edison Electric Institute, 10 February 1993.
- "Incorporating Externalities in Utility Least-Cost Planning," A Presentation to the ABA Mid-Year Meeting, 7 February 1993.
- "Understanding Economic Damage Valuations Under NRDA," Presented at "OPA-On the Gulf Coast," Seminar, sponsored by Haight, Gardner, Poor & Havens, 27 January 1993.

"DSM and Shareholders Incentives," Prepared for Southern California Edison, January 1993.

"DSM and Shareholders Incentives," Prepared for the Allied Social Science Association 1993 Annual Meetings, 5 January 1993.

"The Economic Effect of the Clean Air Act on the US Economy: Tradable Emissions Allowances," National Clean Air Conference, Houston, Texas, May 20, 1992.

"Where Do We Go From Here: Bush or Clinton?" Presented at the Corporate Recovery Conference sponsored by Arthur Andersen & Co., Scottsdale, Arizona, September 17, 1992.

"Social Cost of Electricity," Panel Discussant, Anaheim, California, January 5 & 6, 1993.

"Environmental Externalities: Are There Any Left?" American Bar Association's Winter Meeting, Boston, Massachusetts, February 7, 1993.

"Incorporating Externalities in Utility Least-Cost Planning," Edison Electric Institute Energy and Environmental Committee, San Francisco, California, February 10, 1993.

"Environmental Policy: The Good, The Bad, The Ugly," University of Southern California, Los Angeles, February 25, 1993.

"Incorporating Environmental Strategies into Your Corporation's Overall Strategy to Improve the Bottom Line," moderator, Arthur Anderson & Co's Energy 1993 Expo, Pittsburgh, Pennsylvania, March 2-3, 1993.

"Resource Planning, Incentives, and Pricing for Electric, Natural Gas, and Telecommunications Services: New Products and Regulations," University of Missouri's 1993 Rate Symposium, Kansas City, Missouri, April 26, 1993.

"Understanding Economic Damage Valuations Under Natural Resource Damage Assessments," Environmental Presentation Series with Perkins Coie, Seattle, Washington, May 4, 1993.

"The Regulatory Triad for the 90's," Resources for the Future/UC Berkeley Briefing, Berkeley, California, May 10, 1993.

"Understanding Economic Damage Valuations Under Natural Resource Damage Assessments," Arthur Andersen & Co. Corporate Counsel Symposium Series, Dallas, Texas, May 18, 1993.

"Understanding Economic Damage Valuations Under Natural Resource Damage Assessments," Arthur Andersen & Co. Corporate Counsel Symposium Series, Houston, Texas, May 19, 1993.

"An Economist's View of Demand Side Management," Chicago Energy Economists Association, Chicago, Illinois, June 10, 1993.

"Presentation to the Board of Southwest Gas," Las Vegas, Nevada, June 14, 1993.

"Draft RCRA Corrective Action Regulatory Impact Analysis (RIA)," Beveridge & Diamond, June 18, 1993-Charlie Cicchetti.

"Relative Economic Benefit as a Factor in Cost Allocation," Keck, Mahin & Cate Cost Recovery and Contribution Litigation Seminar, Chicago, Illinois, June 23, 1993.

"Where Do We Go From Here: Bush or Clinton?" Presented at the Corporate Recovery Conference sponsored by Arthur Andersen & Co., Scottsdale, Arizona, September 17, 1992.

"The Economic Effect of the Clean Air Act on the U.S. Economy: Tradable Emissions Allowances," National Clean Air Conference, Houston, Texas, May 20, 1992.

"National Resource Damages: What Does the Proposed Final DOI Rule Mean?," Presented at the Workshop on Natural Resource Damages, Washington, DC, May 30, 1991.

"When Green Turns Mean: Pollution as a Crime", Presented at the Third Annual Law and Economics Seminar of Putnam, Hayes & Bartlett, Inc., The Arizona Biltmore Hotel, Phoenix, Arizona, November 7-11, 1990.

"The Legal and Economic Consequences of 1992." Presented at the Second Workshop on Post Keynesian Economics, Knoxville, Tennessee, July 3, 1990.

"Environment: A Green Gimmick or a New Game Plan?," Presented at Pacific Gas & Electric Company's Managers Meeting, San Francisco, California, May 31, 1990.

"Can the Gas Business Fulfill Its New Promise?" Presented at "Inside F.E.R.C.", San Francisco, California, April 20, 1990.

- "Energy Firms and Global Environmental Policy." Presented at Pacific Gas & Electric's Management Committee Retreat, Santa Cruz, California, March 17-26, 1990.
- "Electric Utility Mergers and Reorganization: Antitrust Meets Regulation." Presented at the Third Annual Conference on Electric Law and Regulation, Denver, Colorado, March 9, 1990.
- "Infrastructure, Regulatory, Risk/Reward Issues." Presented at the Portland General Symposium, Portland, Oregon, November 6, 1989.
- "Belated and Expensive: How Utilities Have Reacted to New Economic Imperatives in the Last Two Decades," Conference Sponsored by the Energy Daily, The Watergate Hotel, Washington, D.C., November 3, 1989.
- "Competitive Building: Price, Time, Location and Uncertainties." Presented at the Coopers & Lybrand Annual Electric & Gas Conference, Crystal Gateway Marriot, Arlington, VA, November 2, 1989.
- "Electric Utilities: New Markets, New Challenges," Speech before the Interstate Natural Gas Association of America Seminar, The Greenbrier, White Sulphur Springs, West Virginia, October 17, 1989.
- "Sweetening the Pot: Plaintiff Devices to Maximize Claims" (Contingent Value Surveys Hedonic Price Measures), Second Annual Law and Economics Seminar a Putnam, Hayes & Bartlett, Inc, The Arizona Biltmore Hotel, Phoenix, Arizona, October 11-14, 1989.
- "Incentive Regulation and Conservation Policy," Presented at the New England Conference of Public Utility Commissioners, Kennebunkport, Maine, September 2, 1989.
- "Incentive Regulation and Conservation Policy," Presented at the New England Conference of Public Utility Commissioners (NARUC) Least-Cost Planning Conference, Charleston, South Carolina, September 11, 1989.
- "The Role of Rate Reform: The Bundling of Services," International Association of Energy Economists, North American Gas Supply and Markets Conference, The Hyatt Regency, Denver, Colorado, September 7, 1989.
- "Incentive Regulation: What Works and What Doesn't." Presented at the Great Lakes Conference of Public Utility Commissioners, The Greenbrier, White Sulphur Springs, West Virginia, July 11, 1989.

- "New Proposals for Incentive Regulation in the Electric Utility Industry," Chief Executives' Forum, Key Largo, Florida, Sponsored by the First Boston Corporation and Putnam, Hayes & Bartlett, Inc., February 9-12, 1989.
- "Current Trends in Regulation and Some New Proposals to Alter Incentives in the Electric Utility Industry," Harvard Utility Forum Meeting, Cambridge, MA, February 1, 1989.
- "Some New Proposals to Introduce Incentive Tariffs in the Electric and Natural Gas Industries," Utility Discussion Group, Held by Putnam, Hayes & Bartlett, Inc., Capital Hilton, Washington, D.C., January 5, 1989.
- "Privatization in Developing Countries: Case Studies of Electricity in Turkey and Pakistan," EESIG Brown-Bag Lunch, December 14, 1988.
- "Some New Proposals to Introduce Incentive Tariffs in the Electric and Natural Gas Industries," Harvard Utility Forum – Harvard Gas Forum Demand-Side Bidding/Alternatives to Rate Base Regulation Workshop, Cambridge, MA, December 13, 1988.
- "The March Towards a Competitive Gas Industry: Obligation to Serve, Incentive Regulation, and Risk Allocation," The Interstate Natural Gas Association of America Seminar, Washington, D.C., December 2, 1988.
- "Pricing and Contracting Issues and Experience." Presented at the AIT/ASEAN Senior Executive Seminar, Hua Hin, Thailand, November 9-11, 1988.
- "Meeting the Nation's Future Electricity Needs: Cogeneration, Competition and Conservation." Presented at the 100th Annual Convention and Regulatory Symposium of the National Association of Regulatory Utility Commissioners, San Francisco, California, November 2, 1988.
- Speech before the New Dimensions in Pricing Electricity Conference of Niagara Mohawk Power Corporation and the Electric Power Research Institute, "Cogeneration and Competition", Syracuse, New York, September 30, 1988.
- Speech before the Second Annual Conference of the American Cogeneration Association, "Cogeneration and Competition," Chicago, Illinois, September 26, 1988.
- Presentation before the American Bar Association Annual Meeting, Toronto, Ontario, Canada, August 8, 1988.
- Comments Before the American Bar Association First Annual Conference on Electricity Law and Regulation, Denver, Colorado, April 7-8, 1988.

Speech at Inside F.E.R.C.'s Eight Annual Conference, "After the Chaos: Gas Strategies for the Long Term," New Orleans, Louisiana, March 21-22, 1988.

"Wholesale Electricity, Old Scar-Tissue: New Wounds Versus New Solutions," before the National Governors' Association, Washington, D.C., December 10, 1987.

"U.S. Economic Regulation of Electricity," with Miles Bidwell, NERA Seminar, London, England, June 26, 1987.

"State Regulation in the Natural Gas Revolution," presented at Proceeding of Gas Mart '87, The First National Trade Fair for Natural Gas, sponsored by Natural Gas Intelligence, Washington, D.C., May 3-5, 1987.

"Can Natural Gas Deregulation be a Model for the Electric Industry?" Speech given at the First Rutgers/New Jersey Department of Commerce Annual Conference on Energy Policy in the Middle Atlantic States, February 20, 1987 (also published in Energy Deregulation and Economic Growth).

"Marketing Strategies for Natural Gas Distributors in the 1900s," before the Gas Utility Managers Conference Sponsored by the New England Gas Association, September 7-9, 1986.

"Conservation and Cogeneration: The Utilities' Friends or Foes?" with M. Berkman, S. Curkendall and H. Parmesano, before the NERA Electric Utility Conference, Scottsdale, Arizona, February 12-15, 1986.

"The Future Competitive Environment for Utilities," remarks prepared for Dayton Power & Light Company 1985 Interdivisional Meeting, December 9, 1985.

Presentation before the Ohio Electric Association, Cincinnati, Ohio, October 23, 1985.

"The FERC's Recent Interest in Wheeling and Carriage," co-authored by Robert D. Obeiter, before the Ninth Annual News Media Seminar, Columbus, Ohio, and the Third NARUC Electric Research and Development Seminar, St. Charles, Illinois, October 22, 1985.

"The Regulatory World of Natural Gas: Are We Quitting the Game or Changing the Rules?" before the Natural Gas Supply Association 1985 Annual Meeting, Miami, Florida, October 10, 1985.

"Marginal Cost and Competition: Unbundling Natural Gas Carriage," before the Advanced Seminar in Gas Pricing Policies, Sponsored by the American Gas Association, College Park, Maryland, October 8, 1985.

"Commingling Competition with Regulation: Closing the Circle or Quitting the Game," before the Iowa Investor-Owned Utilities Management Conference, Waterloo, Iowa, October 7, 1985.

"The State Regulator in a Free Gas Market," Comments Presented at a Conference Sponsored by The Gas Daily, Chicago, Illinois, August 1985.

"Grafting Competition Onto Regulation: The Problems and The Promise," before the Iowa State Regulatory Conference, Ames, Iowa, May 1985.

"Comments Before The Workshop on Current Antitrust Issues in Public Utility Industries, sponsored by the American Bar Association, Washington, D.C., March 1985.

"Yesterday, Today and Tomorrow," Comments before the IEEE Winter Power Meeting, New York, New York, February 5, 1985.

"Natural Gas: The Eggs Have Been Scrambled, Now What?" Before the National Association for Regulatory Utility Commissioners Annual Meeting, Los Angeles, California, November 1984.

"The Performance of the Regulation of Public Utilities in the U.S., "A NERA Seminar: Is American-Style Regulation Appropriate to the UK?," London, England, October 1984.

The At Rann II Symposium, Prepared Summary of NSF Study to Provide a Practical Guide for the Analysis of the Marginal Cost Structure of Electric Utilities for the Purpose of Designing Electricity Tariffs, Washington, D.C., November, 1976.

Prepared Remarks "Non-Waste Technology and Production," presented at the NWT Seminar, Seminar on the Principles and Creation of Non-Waste Technology, Paris, France, November, 1976

The Advest Seminar comments entitled "Meeting Experiments," at New York, New York, October, 1976.

The Annual Meeting of American Economics Association, "Nixon-Ford National Policy Plans: A Critique." Atlantic City, New Jersey, September, 1976.

The NARUC annual Regulatory Studies Program, Prepared Remarks "Excerpt from the Marginal Cost and Pricing of Electricity: An applied Approach," East Lansing, Michigan, August, 1976.

Prepared Remarks before the 1976 Symposium on Rate Design Problems of Regulated Industries, "The Marginal Cost of Electricity and Continuing Rate Controversies," Kansas City, Missouri, February, 1976.

Prepared Remarks before the Wisconsin Manufacturing Association in Stevens Point, Wisconsin, September, 1975.

Prepared remarks "The Time has Come to Speak Out On Our Energy and Economic Crisis," Madison, Wisconsin, March, 1975.

Prepared Remarks before The American Association for the Advancement of Science at the Minnesota Energy Agency Conference, 1975. "Energy Pricing in the United States: A Critique," 1975

CIVIL PROCEEDINGS AND RELATED LEGISLATIVE TESTIMONY

Before the United States District Court for the District of Colorado, Civil Action No. 1:11-cv-002243-REB-CBS, Center for Biological Diversity, et al v. Joseph Pizarchik, Affidavit of Charles J. Cicchetti on behalf of the Navajo Nation, in support of Limited Motion to Intervene and Motion to Dismiss; June 13, 2011,

Before the Superior Court for the State of Alaska, Third Judicial District of Anchorage, in BP Pipelines (Alaska), et al. v. Alaska Department of Revenue et al., Videotaped Deposition of Charles J. Cicchetti, June 8, 2011.

Before the Superior Court for the State of Alaska, Third Judicial District of Anchorage, in BP Pipelines (Alaska), et al. v. Alaska Department of Revenue et al., Rebuttal Expert Report of Charles J. Cicchetti, May 11, 2011.

Before the Circuit Court of the State of Oregon, County of Lin; Trial Testimony of Charles J. Cicchetti on behalf of PacifiCorp in the matter of Wah Chang v. PacifiCorp, Case No. 002578, April 24, 2011.

Before the Superior Court for the State of Alaska, Third Judicial District of Anchorage, in BP Pipelines (Alaska), et al. v. Alaska Department of Revenue et al., Expert Report of Charles J. Cicchetti, March 3, 2011.

Before the Superior Court of New Jersey Law Division – Essex County, New Jersey Department of Environmental Protection et al. v. Occidental Chemical Corporation, et al. Docket No. ESX-L-9868-05, Expert Report of Charles J. Cicchetti on Damages Related to Lister Avenue, December 2010.\

Before the Superior Court for the State of California, County of San Diego, City of Oceanside v. Dow Chemical, Docket No. 05-439807, Expert Report of Charles J. Cicchetti on behalf of the City of Oceanside, July 2010.

Before the U.S. Bankruptcy Court for the District of Delaware, In re Semcrude, Case No. 08-11525 BLS, on behalf of the Unsecured Creditors of Semcrude L.P. Charles J. Cicchetti Expert Analysis of Trading Data, February 2010.

Before the District Court of Chambers County, Texas, Oral Videotaped Deposition of Charles J. Cicchetti, Ph.D., In re: David Jenkins, et al. vs. Entergy Jenkins Corporation, et.al., Cause No. 20666, December 15, 2009.

Before the District Court of Chambers County, Texas, Expert Report of Charles J. Cicchetti, Ph.D. on Behalf of Defendants, In re: David Jenkins, George W. Strong, Francis N. Gans and Gary M. Gans vs. Entergy Corporation, Entergy Services, Inc., Entergy Power, Inc., Entergy Power Marketing Corporation, Entergy Arkansas, Inc., and Entergy Gulf States, Inc., Cause No. 20666, October 16, 2009.

Before the Superior Court for the State of Alaska, Third Judicial District at Anchorage, Affidavit of Charles J. Cicchetti, Ph.D., In re: Tesoro Alaska Company v. Union Oil Company of California, Unocal Pipeline Company, Unocal Corporation, Case No. 3AN-05-5877 Civ, September 9, 2009.

Before the Supreme Court of the United States, NRG Power Marketing, LLC, et al., Petitioners, v Main Public Utilities Commission, et.al, Respondents, On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit, Brief of Charles J. Cicchetti, as *Amici Curiae* in Support of Petitioners, July 14, 2009.

Before the Superior Court of New Jersey Law Division – Essex County, New Jersey Department of Environmental Protection et al. v. Occidental Chemical Corporation, et al. Docket No. ESX-L-9868-05, Expert Report of Charles J. Cicchetti on a Comparison of Damage Theories, June 15, 2009.

Before the Superior Court for the State of Alaska, Third Judicial District at Anchorage, Rebuttal Report of Charles J. Cicchetti, Ph.D., In re: BP Pipelines (Alaska) Inc., Exxon Mobil Pipeline Company, Unocal Pipeline Company, Conoco Phillips Transportation Alaska, Inc. and Koch Alaska Pipeline Company, Owners, and Alyeska Pipeline Service Company, as Agent for the Owners, Fairbanks North Star Borough and City of Valdez v. State of Alaska Department of Revenue, State Assessment Review Board, and North Slope Borough, Case No. 3AN-06-08446 CI, May 15, 2009. Deposition taken on May 28, 2009.

Before the United States District Court Southern District of Mississippi Jackson Division, Declaration of Charles J. Cicchetti, Ph.D., In re: The State of Mississippi, ex rel. Jim Hood, Attorney General for the State of Mississippi, v. Entergy Mississippi, Inc., et al. No 3:08cv780-HTW-LRA, May 4, 2009.

Before the United States District Court Southern District of Mississippi Jackson Division, Supplemental Declaration of Charles J. Cicchetti, Ph.D., In re: The State of Mississippi, ex rel. Jim Hood, Attorney General for the State of Mississippi, v. Entergy Mississippi, Inc., et al. No 3:08cv780-HTW-LRA, May 15, 2009.

Before the United States District Court for the District of Nevada, Reply Declaration of Charles J. Cicchetti, Ph.D., In re: Western States Wholesale Natural Gas Antitrust Litigation (McGraw Hill), MDL Docket No. 1566, Base Case No. 2:03-cv-01431-PMP-PAL, April 28, 2009.

Before the Superior Court for the State of Alaska, Third Judicial District at Anchorage, Expert Report of Charles J. Cicchetti, Ph.D., In re: BP Pipelines (Alaska) Inc., Exxon Mobil Pipeline Company, Unocal Pipeline Company, Conoco Phillips Transportation Alaska, Inc. and Koch Alaska Pipeline Company, Owners, and Alyeska Pipeline Service Company, as Agent for the Owners, Fairbanks North Star Borough and City of Valdez v. State of Alaska Department of Revenue, State Assessment Review Board, and North Slope Borough, Case No. 3AN-06-08446 CI, April 8, 2009.

Before the United States District Court for the District of Nevada, Declaration of Charles J. Cicchetti, Ph.D. in re: Western States Wholesale Natural Gas Antitrust Litigation (McGraw Hill), Base Case No, 2:03-cv-01431-PMP-PAL, MDL Docket No. 1566, April 9, 2009.

Before the Superior Court of California, County of Los Angeles, Declaration of Charles J. Cicchetti, Ph.D. in re: Joseph Ward-Wallace v. City of Los Angeles, Dennis Ellement, Jim Digrado, Randall Judd and Does 1 thorough 100, Inclusive, Case No.: BC 358255, February 4, 2009. Deposition on January 26, 2009.

Before the Chancery Court of Hinds County, Mississippi, First Judicial District, Affidavit of Charles J. Cicchetti, Ph.D. in re: State of Mississippi v. Entergy Corporation, Cause No. G2008-1540, November 6, 2008.

Before the United States District Court Southern District of Mississippi Jackson District, Declaration of Charles J. Cicchetti, Ph.D., In Re: Entergy Corporation, Entergy Mississippi, Inc. and Entergy Services, Inc. v. Jim Hood, Attorney General of Mississippi, Scott A. Johnson, Special Assistant Attorney General of Mississippi, and Lee McDivitt, Investigator, Mississippi Attorney General's Office, Consumer Protection Division, Civil Action No. 3:08-CV-541-WHB-LRA, September 12, 2008.

In the United States District Court for the Central District of Illinois Springfield

Division, Expert Report of Charles J. Cicchetti, Ph.D. on Behalf of Enbridge Pipelines (Illinois) LLC, In re: Carlisle Kelly and Deanna Kelly v. Enbridge (US) Inc, January 22, 2008.

Before the Supreme Court of the United States, Morgan Stanley Capital Group Inc., Petitioner, v. Public Utility District No. 1 of Snohomish County, Washington, et al., Respondents, On Writ Certiorari to the United States Court of Appeals for the Ninth Circuit, Brief of Charles J. Cicchetti as *Amici Curiae* in Support of Petitioners, September 12, 2007.

Before the State Assessment Review Board, State of Alaska, Report in the Matter of Trans-Alaska Pipeline System, v. Oil and Gas Property Tax (AS 43.46) 2007 Assessment Year, Appeal of Revenue Decisions, No. 07-56-06 & No. 07-56-07, May 17, 2007.

Before the Superior Court of California County of Placer, Expert Report of Charles J. Cicchetti, Ph.D., In People of The State of California, ex rel. Edmund G. Brown, Jr., Attorney General of California, State Air Resources Board and The Placer County Air Pollution Control District v. Sierra Pacific Industries, Inc, No. SCV 17449, March 19, 2007.

Before the United States Bankruptcy Court for the Southern District of New York, Expert Report of Charles J. Cicchetti, Ph.D., in Enron Power Marketing, Inc. vs. Virginia Electric and Power Co. d/b/a Dominion Virginia Power, Case No. 01-16034 (AJG), November 6, 2006.

Before the Circuit Court of Holmes Mississippi, Expert Report of Charles J. Cicchetti, Ph.D. In Re: Charles U. Donald, Virginia Donald and Mary Snowden Newton, vs. Entergy Corporation, Entergy Mississippi Inc., Entergy Services, Inc., Entergy Technology Holding Company, and Entergy Technology Company, Civil Action No. 2004-340, September 1, 2006.

Before the State Assessment Review Board, State of Alaska, Report in the Matter of the Trans-Alaska Pipeline System, v. Oil and Gas Property Tax (AS 43.46) 2006 Assessment Year, Appeal of Revenue Decision, No.06-56-17, May 16, 2006.

Before the United States District Court of Idaho, Expert Report of Charles J. Cicchetti, Ph.D. in Powerex Corp v. IDACORP Energy, L.P., Civil Case No.CV-04-441-S-EJL, October 28, 2005.

Before the United States District Court, District of Washington, Expert Reply Report of Charles J. Cicchetti, Ph.D., In re Calpine Corporation Securities Litigation, August 24, 2005.

Before the United States District Court, District of Nevada, Declaration of Charles J. Cicchetti, Ph.D., In the Matter of the Nevada Power Company, v. El Paso Corporation, No. CV-S-03-0875-RLH-RJJ, August 15, 2005.

Before the United States District Court, District of Nevada, Expert Report of Charles J. Cicchetti, Ph.D., In the Calpine Corporation Securities Litigation, Master File No. C02-1200 SBA, August 3, 2005.

Before the State Assessment Review Board, State of Alaska, Report of Charles J. Cicchetti, Ph.D., In the Matter of the Trans-Alaska Pipeline System, v. Oil and Gas Property Tax (AS 43.46) 2005 Assessment Year, OAI No. 05-0307-TAX, Appeal of Revenue Decisions, No. 05-56-12 & No. 05-56-13, May 9, 2005.

Before the United States District Court, District of Nevada, Reply of Charles J. Cicchetti, Ph.D., To Reports of Brett Friedman and Craig Berg in Nevada Power Company, v. El Paso Corporation, et al., Civil Case No. CV-S-03-0875-RLH-RJJ, February 9, 2005.

Before the Court of Chancery of the State of Delaware, in and for New Castle County, Report of Charles J. Cicchetti in VLIW Technology, L.L.C. v. Hewlett Packard Company, and STMIICROELECTRONICS, Civil Case No. 20069-NC, January 21, 2005

Before the United States District Court, District of Nevada, Report of Charles J. Cicchetti, Ph.D., in Nevada Power Company, v. El Paso Corporation, et al., Civil Case No. CV-S-03-0875-RLH-RJJ, January 10, 2005.

Before the United States District Court, District of New Hampshire. Expert Report of Charles J. Cicchetti, Ph.D., in Enterasys Networks, Inc., v. Gulf Insurance Company, Civil Action No. 1:04-CV-27-SM, October 2004.

Expert Report of Charles J. Cicchetti, Ph.D., In the Matter of Idacorp Energy L.P. v. Overton Power District No. 5, CV OC 0107870D, March 4, 2003.

Before the American Arbitration Association, Expert Affidavit of Charles J. Cicchetti, Ph.D., on behalf of Vulcan Geothermal Power Company, Del Ranch, L.P., and CE Turbo LLC, October 2, 2002.

Before the United States District Court for the Western District of Wisconsin, Second Affidavit in Support of Plaintiffs' Motion for Summary Judgment and in Opposition to Defendants' Motion For Summary Judgment on behalf of Alliant Energy Corporation and Wisconsin Power and Light Corporation, Docket No. 00-C-0611-S, April 23, 2002.

Before the United States District Court for the Western District of Wisconsin, Expert Affidavit on behalf of Alliant Energy Corporation and Wisconsin Power and Light Corporation, Docket No. 00-C-0611-S, February 12, 2002.

Before the United States District Court for the Western District of Wisconsin, Expert Affidavit on behalf of Alliant Energy Corporation and Wisconsin Power and Light Corporation, No. 00-C-0611-S, February 1, 2001.

Trial testimony on behalf of KN Energy of KN Energy vs. Cities of Alliance, District Court of Lancaster County, Nebraska, Case Nos. CI 00:1309, CI 00:1310, CI 00:1311, CI 00:1312 (Consolidated), January 22, 2001.

Deposition testimony on behalf of Tosco Corporation of Tosco Corporation vs. The Los Angeles Water and Power, County of Los Angeles Superior Court Case No. BC 215396, January 17, 2001.

Deposition testimony on behalf of KN Energy of KN Energy vs. Cities of Alliance, District Court of Lancaster County, Nebraska, Case Nos. CI 00:1309, CI 00:1310, CI 00:1311, CI 00:1312 (Consolidated), November 1, 2000.

Before the United States District Court for the Central District of California, Affidavit in the Matter of United States of America v. Montrose Chemical Corporation of California, *et.al.*, Civil Action No. CV 90 3122-R, 21 August 2000.

Before the United States District Court for the Central District of California, Expert Report in the Matter of United States of America v. Montrose Chemical Corporation of California, *et.al.*, Civil Action No. CV 90 3122-AAH (JRx), 15 April 2000.

Deposition testimony on behalf of Raybestos-Manhattan of Whiteley vs. Raybestos-Manhattan, County of San Francisco Superior Court Case No. 303184, November 30, 1999.

Deposition testimony on behalf of F&M Trust of In Re: The Conservatorship of Leroy and Estelle Strader, Los Angeles County Superior Court. September 8 and 9, 1999.

Expert Report in the Matter of Atlantic Richfield Company v. Darwin Smallwood, *et.al.*, Civil Action No. 95-Z-1767, June 16, 1997.

Before the United States District Court for the Western District of Missouri, Western Division, Expert Rebuttal Affidavit on behalf of Western Resources, Inc., No. 94-0509-CV-W-1, March 8, 1996.

Before the United States District Court for the Western District of Missouri, Western Division, Expert Affidavit on behalf of Western Resources, Inc., No. 94-0509-CV-W-1, June 15, 1995.

Before the United States District Court for the Central District of California, Affidavit on behalf of Montrose Chemical Corporation of California, *et.al.*, No. CV90-3122-AAH (JRx), March 1, 1995.

Before the National Oceanic and Atmospheric Administration, Comments on the Advance Notice of Proposed Rulemaking (57 Federal Register 8964) of Natural Resource Damage Assessment Regulations (Oil Pollution Act, Section 1006), October 1, 1992.

Before The United States District Court for the District of Utah. Testimony on behalf of Kennecott Corporation, Docket No. 86-C-902C, March 26, 1992.

Before the American Arbitration Association, Testimony on behalf of Hard Rock Cafe International, January 22, 1992.

G&H Landfill. Prepared analysis of the statistical effect of landfill location and neighborhood property values (early 1990s).

Bouchier v. MacHoward Leasing (Honda). Prepared an economic and stigma analysis related to environmental damages related to groundwater contamination (early 1990s).

State of Washington v. Nestucca (Sause Brothers). Prepared an economic analysis of sea bird losses related to an oil spill in the Pacific Ocean off the coast of Washington (early 1990s).

Before the Department of Interior, Comments on Notice of Proposed Rulemaking for Natural Resource Damage Assessment Regulations, Type B Rule (43 CFR Part 11), July 12, 1991.

Before the Massachusetts Appellate Tax Board, Analysis of the Fair Market Value of Boston Edison's Mystic Generating Station, Prepared for Boston Edison Company, December 10, 1990.

Before the U.S. Department of Interior, Comments on the U.S. Department of Interior's Advanced Notice of Proposed Rulemaking re: Natural Resource Damage Assessments (43 CFR Part 11), November 13, 1989.

Before the Senate Committee on Energy and Natural Resources, Prepared Statement related to the Demand-Side Provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA) Contained in Subtitle B of Title III of S-324, The National Energy Policy Act of 1989, November 7, 1989

- U.S. v. Motorola. Prepared statistical analyses of property values and ground water for Phoenix metropolitan area (early 1990s).
- French Limited. Prepared an analysis of environmental damages (late 1980s).
- Commonwealth of Massachusetts v. Charles George Trucking Company. Prepared a damages analysis for environmental damages (late 1980s)
- U.S. v. Aerovox (New Bedford Harbor. Prepared numerous economic damage calculations, conducted surveys, and analyzed property data for several different clients in the late 1980s.
- Before the House Subcommittee on Energy Conservation and Power of the Committee on Energy and Commerce, Comments on Hydroelectric Relicensing, June 5, 1985
- Before the Nuclear Regulatory Commission, Affidavit of Charles J. Cicchetti on behalf of Alabama Power Company, October, 1984. (Antitrust)
- U.S. v. Gulf Western (Eagle Mine). Prepared expert report related to State of Colorado and Federal Natural Resource Damages Claims (early to mid 1980s)
- Before the Department of Health and Social Services, Testimony on behalf of Madison General Hospital, In Application for Certificate of Need for Open Heart Surgery, CON 82-026, November, 1982. (Antitrust)
- Before the Senate Committee on Energy and Natural Resources, Prepared Statement related to the Implementation of Title I of the Natural Gas Policy Act of 1978, November 5 and 6, 1981.
- Before the Postal Rate Commission, Testimony on behalf of the National Association of Greeting Card Publishers, Docket No. R80-1, August 13, 1980.
- Before the House Ways and Means Committee, Washington, D.C., Testimony on Utility Tax Reform, March 8, 1978.
- Before the Senate Subcommittee on Energy Conservation and Regulation of the Senate Committee on Energy and Natural Resources, Comments on Utility Tax Reform, July, 1977.
- Before the Subcommittee on Energy and Power of the U.S. House of Representatives Interstate and Foreign Commerce, comment with respect to Synthetic Fuel Loans, May, 1976.

Prepared comments on "H.R. 12461, Summary of Major Provisions of Electric Utility Rate Reform and Regulatory Improvement Act (formerly H.R. 10100), March, 1976.

Before the Subcommittee on Energy and Power of the U.S. House of Representatives Interstate and Foreign Commerce, Comments with respect to Electric Utility Reform, March, 1976.

Before the Senate and House Interior Committees, comments on Trans-Alaska Pipeline; Energy Conservation and Pricing; and the Optimum Transportation System for Alaskan Natural Gas, March, 1976

Before the Federal Energy Administration, "Amendments of Entitlements Program," February, 1976.

Before the Wisconsin State Legislature, Environmental Quality Commission Testimony, January, 1976.

Before the Wisconsin State Legislature, Testimony on the Governor's transportation Program before the Senate Committee on commerce, Joint Committee on Highways, 1975.

State of Florida v. U.S. Army Corps of Engineers. Prepared an economic analysis for the State of Florida related to damages on the Kissimmee River related to stream channelization (mid 1970s).

U.S. Forest Service v. Disney. Prepared an economic analysis of preservation versus development of Mineral King Ski development (early 1970s).

Before the Federal Power Commission, A Testimony with respect to The Economics Preservation versus Development of Hell's Canyon, 1969

Before the Joint Economic Committee, comments on Trans-Alaska Pipeline; Mandatory Oil Import Quotas; Hell's Canyon; Energy Policy; Electricity Pricing;

Before the US Senate Commerce Committee, comments with respect to Natural Gas De-Regulation.

Before the Subcommittee on Energy and Power of the U.S. House of Representatives Interstate and Foreign Commerce, Comments with respect to Energy and Power, Electricity and Natural Gas Utility Policy.

Before the Subcommittee on Energy and Power of the U.S. House of Representatives Interstate and Foreign Commerce, comment with respect to Electricity and Natural Gas Utility Policy.

Before the Department of the Interior, Comments with respect to the Trans-Alaska Pipeline.

Before the New York and New Jersey Environmental Protection Agencies and Civil Proceedings, Testimony With Respect to Tocks Island Dam and Delaware River Development.

Before the Energy Council of the Federal Government, Critique of the Project Independence Report and Critique of Oil and Natural Gas Policy.

Before the Joint Economics Committee, Testimony on the Trans Alaska Pipeline, Mandatory Oil Import Quotas, Hell's Canyon, Energy Policy, and Electricity Pricing.

Before the Florida Federal Courts on Kissimmee River Channelization.

Before Tennessee Federal Courts on Tennessee Tombigbee River Development.

REGULATORY PROCEEDINGS AND RELATED LEGISLATIVE TESTIMONY

Expert Report in the Matter of Arbitration Proceedings Concerning Disputes with Respect to Units 1& 2 at Sundance Generating Station among TransAlta Generation Partnership, TransCanada Entergy LTD and Balancing Pool, February 3, 2012.

Before the Alberta Utility Commission, Written Evidence of Charles J. Cicchetti on behalf of EPCOR Distribution and Transmission Inc., Performance Based Ratemaking Proceeding, Appendix C, Application No. ____; Proceeding ____; July 22, 2011.

Expert Report in Support of the Formation of the Energy Interchange Natural Gas Network Hub in Central Louisiana, on behalf of Energy Interchange Joint Application for Certificates of Public Convenience and Necessity, Abandonment Authority, and for Authority to Offer New Market Based Rates; Docket No. CP11-____; June 2011.;

The Results in Context: A Peer Review of EEI's "Potential Impacts of Environmental Regulation in the U.S. Generation Fleet.": May 11, 2011.

Before the Alberta Utility Commission, Written Rebuttal Evidence of Charles J. Cicchetti, Ph.D., on behalf of ATCO Gas 2011-2012 General rate application, Section 4.4 Appendix A, May 18, 2010.

Expensive Neighbors: The Hidden Cost of Harmful Pollution to Downwind Employers and Businesses; by Charles J. Cicchetti, Ph.D., prepared for Exelon in response to EPA's proposed Transport Rule under the Clean Air Act; January 2011.

Before the Alberta Handling Commission, Written Report of Charles J. Cicchetti on behalf of the Beverage Container Management Board re Appropriate Margin; November 9, 2010.

Before the Alberta Utility Commission, Written Evidence of Charles J. Cicchetti, Ph.D., on behalf of ATCO Gas 2011-2012 General rate application, Section 4.4 Appendix A, November 8, 2010.

"The True Cost of Harmful Pollution to Downwind Families and Business", written by Charles J. Cicchetti, Ph.D., prepared for Exelon in response to EPA's proposed Transport Rule under the Clean Air Act, November, 2010.

Before the Federal Energy Regulatory Commission, Prepared Testimony of Charles J. Cicchetti on Behalf of Puget Sound Energy's Proposed amendment to its Open Access Transmission Tariff to add Schedule 12, Wind Integration-Within Hour Generation Following Service; Docket No. ER10-____000, June 14, 2010.

Before the Federal Energy Regulatory Commission, Comments of Charles J. Cicchetti, Ph.D., on behalf of PJM Interconnection, LLC in re: Demand Response Compensation in Organized Wholesale Energy Markets, Docket RM 10-17-00, April 27, 2010.

Before the Alberta Utility Commission, Written Evidence of Charles J. Cicchetti, Ph.D., on behalf of EPCOR Distribution and Transmission Inc., In Re: 2010-2011 Phase I Distribution Tariff and 2010-2011 Transmission Facility Owner Tariff, Appendix G-10, December 22, 2009.

Retail Margin Evidence of Charles J. Cicchetti, Ph.D., on behalf of EPCOR Energy Alberta Inc., In Re: 2010-2011 Regulated Tariff Application, AppendixE-5, December 22, 2009.

Before the Alberta Utilities Commission, Written Rebuttal Evidence of Charles J. Cicchetti, Ph.D. for EPCOR Energy Alberta, Inc., Review Hearing on the AEUB Decision 2008-031, 2007-2009 Regulated Rate Tariff Non-Energy Return, Application No. 1577836 Proceeding Id. 174, September 28, 2009.

Before the Public Utilities Commission of the State of California, Supplemental Rebuttal Testimony of Charles J. Cicchetti, Ph.D., on Behalf of the Navajo Nation, In re: Application of Southern California Edison Company Regarding the Distribution of SO2 Allowance Sales Proceeds Related to the Suspended

Operation of Mohave Generating Station, Application 06-12-022, August 19, 2009.

Before the Alberta Utilities Commission, Rebuttal Testimony in Support of AltaLink Management LTD 2009-2010 General Tariff Application, April 16, 2009.

Before the Alberta Utilities Commission, Written Evidence of Charles J. Cicchetti, Ph.D., In Support of EPCOR Energy Alberta Inc. Review Hearing on AEUB Decision 2008-031 2007-2009 Regulated Rate Tariff (RRT) Non-Energy Return, Appendix T, Application No. 1577836, Proceeding ID 174, April 9, 2008.

Before the Alberta Utilities Commission, Rebuttal Evidence of Charles J. Cicchetti, Ph.D., on Behalf of ATCO Electric, Application No. 1578371, February 4, 2009.

Before the Alberta Utilities Commission, Testimony in Support of AltaLink Management LTD 2009-2010 General, Tariff Application, September 16, 2008.

Before the Public Utilities Commission of the State of California, Direct Testimony of Charles J. Cicchetti, Ph.D. on Behalf of the Navajo Nation, In Re: Application of Southern California Edison Company (U 338-E) Regarding the Distribution of SO2 Allowance Sale Proceeds Related to the Suspended Operation of Mohave Generating Station, Application 06-12-022, August 1, 2008.

Before the North Carolina Utilities Commission, Rebuttal Testimony of Charles J. Cicchetti, Ph.D., for Duke Energy Carolinas, In re: Application of Duke Energy Carolinas, LLC for Approval of Save-a-Watt Approach, Energy Efficiency Rider, and Portfolio of Energy Efficiency Programs, Docket No. E-7, SUB 831, July 21, 2008

Before the Nebraska Public Service Commission, Prefiled Direct Testimony of Charles J. Cicchetti, Ph.D., On Behalf of SourceGas Distribution, LLC and Kinder Morgan, Inc., Docket No. FC-1327, July 9, 2008.

Before the Alberta Utility Commission, Direct Evidence of Charles J. Cicchetti, Ph.D., on Behalf of ATCO Electric, Application No. 1578371, July 4, 2008.

Before the Indiana Utility Regulatory Commission, Rebuttal Testimony of Charles J. Cicchetti, Ph.D., on Behalf of Duke Energy Indiana, Inc. Case No. 43373, July 2, 2008.

Before the Arizona Corporation Commission, Affidavit of Charles J. Cicchetti, Ph.D. in Support of Arizona Public Service Company's Motion for Interim Rate, Docket No. E-01345A008-0172, June 4, 2008.

Before the Illinois Commerce Commission, Sur-rebuttal Testimony of Charles J. Cicchetti, Ph.D., on Behalf of Enbridge Pipelines (Illinois) LLC, Docket No. 07-0446, May 21, 2008.

Before the North Carolina Utilities Commission, Direct Testimony of Charles J. Cicchetti, Ph.D., In Re: Application of Duke Energy Carolinas, LLC for Approval of Save-a-Watt Approach, Energy Efficiency Rider, and Portfolio of Energy Efficiency Programs, Docket No. E-7, SUB 831, April 3, 2008.

Before the Illinois Commerce Commission, Reply Testimony of Charles J. Cicchetti, Ph.D., on Behalf of Enbridge Pipelines (Illinois) LLC, Docket No. 07-0446, February 4, 2008.

Before the Public Service Commission of South Carolina, Rebuttal Testimony of Charles J. Cicchetti for Duke Energy Carolinas, In re: Application of Duke Energy Carolinas, LLC For Approval of Energy Efficiency Plan Including Energy Efficiency Rider and Portfolio of Energy Efficiency Programs, January 2008.

Before the Public Utility Commission of Oregon, Declaration of Charles J. Cicchetti and Jeffrey A. Dubin in Response to Wah Chang's Renewed, Supplemental and Alternative Motions to Compel Compliance with DR 203, In Wah Chang v PacifiCorp, UM 1002, November 19, 2007.

Before the Public Utility Commission of Oregon, Declaration of Charles J. Cicchetti in Support of PacifiCorp's Post Hearing Brief, In Wah Chang v. PacifiCorp, UM 1002, November 12, 2007.

Before the Illinois Commerce Commission, Testimony of Charles J. Cicchetti, Ph.D., On Behalf of Enbridge Pipelines (Illinois) LLC, Docket No. 07-0446, October 5, 2007.

Before the Public Utility Commission for the State of Oregon, Supplemental Reply Testimony of Charles J. Cicchetti, Ph.D. and Jeffrey A. Dubin, Ph.D., In Wah Chang v. PacifiCorp, Docket No. UM 1002, July 31, 2007.

Before the Oregon Public Utility Commission, Deposition of Charles J. Cicchetti, Ph.D., In Wah Chang v. PacifiCorp, UM 1002, June 14, 2007.

Before the Oregon Public Utility Commission, Reply Testimony of Charles J. Cicchetti, Ph.D., In Wah Chang v. PacifiCorp, UM 1002, May 24, 2007.

Before the Illinois Commerce Commission, Expert Testimony of Charles J. Cicchetti, Ph.D., On Behalf of Enbridge Energy Partners, L.P. and Enbridge Energy, Limited Partnership, Docket No. 06-0470, December 21, 2006.

Before the Alberta Energy and Utility Board, Expert Testimony of Charles J. Cicchetti, Ph.D., In Support of The Direct Energy Regulated Services Default Rate Tariff and Regulated Rate Tariff Application in 2007 and 2008, December 15, 2006.

Before the Alberta Energy and Utility Board, Expert Testimony of Charles J. Cicchetti, Ph.D., In Support of The Enmax Energy Corporation Application for Approval of a Regulated Rate Tariff (RRT) to take effect July 1, 2006, Pursuant to Section 103 of the Electric Utilities Act and Section 23 of the Regulated Rate Option Regulation, April 4, 2006.

Before the Alberta Energy and Utility Board, Expert Testimony of Charles J. Cicchetti, Ph.D., In Support of The Direct Energy Regulated Services Application for Approval of a Regulated Rate Tariff (RRT) to take effect July 1, 2006, Pursuant to Section 103 of the Electric Utilities Act and Section 26 of the Regulated Rate Option Regulation, March 21, 2006.

Before the FERC, Prepared Reply Testimony of Charles J. Cicchetti, Ph.D., On behalf of Idacorp Energy L.P. and Idaho Power Company, Docket No. EL00-95-147, EL00-98-134, October 17, 2005.

Before the FERC, Prepared Reply Testimony of Charles J. Cicchetti, Ph.D., On behalf of Avista Energy Inc., Docket No. EL 00-95-000, EL00-98-000, October 17, 2005.

Before the FERC, Prepared Supplemental Testimony of Charles J. Cicchetti, Ph.D., On behalf of Avista Energy Inc., Docket No. EL00-95-000, EL00-98-000, September 30, 2005.

Before the FERC, Prepared Testimony of Charles J. Cicchetti, Ph.D., On behalf of Idacorp Energy L.P. and Idaho Power Company, Docket No. EL00-95-000, EL00-98-000, September 14, 2005.

Before the FERC, Prepared Testimony of Charles J. Cicchetti, Ph.D., On behalf of Avista Energy Inc., Docket No. EL00-95-000, EL00-98-000, September 14, 2005.

Before the Florida Public Service Commission, Rebuttal Testimony of Charles J. Cicchetti, Ph.D., on behalf of Progress Energy Florida, Docket No. 050078-EI, August 5, 2005.

Before the Florida Public Service Commission, Direct Testimony of Charles J. Cicchetti, Ph.D., on behalf of Progress Energy Florida, Review of Progress Energy Florida's Rate Case Filing, Docket No. 050078, April 29, 2005.

Before the FERC, Direct Testimony of Charles J. Cicchetti, Ph.D., for Pepco Holdings, Inc., Docket No. EC05-43-000, April 11, 2005.

Before the FERC, Affidavit of Charles J. Cicchetti, Ph.D., to Comment on Order Granting Motion and Requesting Comments in San Diego Gas & Electric Company, v. Sellers Of Energy and Ancillary Service Into Markets Operated by the California Independent System Operator Corporation And the California Power Exchange, Docket No. EL00-95-045, EL00-98-042, January 10, 2005.

Before the Washington Utilities and Transportation Commission, Prefiled Rebuttal Testimony of Charles J. Cicchetti, Ph.D., on behalf of Puget Sound Energy, Inc., Docket No. UE-04/UG-04, November 2004.

Before the National Energy Board, Direct Evidence of Charles J. Cicchetti, Ph.D., In the Matter of TransCanada Pipelines, RH-3-2004, June 21, 2004.

Before the California Public Utilities Commission, Rebuttal Testimony of Charles J. Cicchetti, Ph.D., on behalf of The Navajo Nation, Application No. 02-05-046, June 4, 2004.

Before the California Public Utilities Commission, Superseding Testimony of Charles J. Cicchetti, Ph.D., on behalf of The Navajo Nation, Application No. 02-05-046, May 14, 2004.

Before the California Public Utilities Commission, Reply Testimony of Charles J. Cicchetti, Ph.D., on behalf of Cal-CLERA, Docket No. R03-10-003, May 7, 2004.

Before the California Public Utilities Commission, Prepared Testimony of Charles J. Cicchetti, Ph.D., on behalf of Cal-CLERA and the City of Victorville, Docket No. R03-10-003, April 15, 2004.

Before the Washington Utilities and Transportation Commission, Prefiled Direct Testimony of Charles J. Cicchetti, Ph.D., on behalf of Puget Sound Energy, Inc., Docket No. UE-04/UG-04, April 5, 2004.

Before the FERC, Affidavit of Charles J. Cicchetti, Ph.D., for the Independent Energy Producers, on Behalf of Mountainview Power, January 8, 2004.

On Behalf of VENCorp (Australia), Initial Report on Stage 1 Definition of Market Design Packages, December 8, 2003.

Before the Public Utilities Commission of the State of California, Prepared Rebuttal Testimony of Charles J. Cicchetti, Ph.D., on behalf of The Navajo Nation, Application No. 02-05-046, October 29, 2003.

Before the Public Utilities Commission of the State of California, Comments of Charles J. Cicchetti, Ph.D., on behalf of The California Clean Energy Resources Authority (Cal-CLERA), October 22, 2003.

Before the Public Utilities Commission of California, Prepared Direct Testimony of Charles J. Cicchetti, Ph.D., on behalf of The Navajo Nation, Application No. 02-5-046, October 10, 2003.

Before the Public Utilities Commission of California, Prepared Rebuttal Testimony of Charles J. Cicchetti, Ph.D., on behalf of the Independent Energy Producers Association, Docket No. A-03-03-032, October 6, 2003.

Before the California Public Utilities Commission, Prepared Direct Testimony of Charles J. Cicchetti, Ph.D., on behalf of the Independent Energy Producers Association (IEP), Docket No. A.03-07-032, September 29, 2003.

Before the FERC, Testimony of Charles J. Cicchetti, Ph.D., on behalf of BP Energy, Docket No. EL03-60-000, April 16, 2003.

Before the FERC, Testimony of Charles J. Cicchetti, Ph.D., on behalf of Idacorp Energy L.P. and Idaho Power Company, Docket No. EL01-10-007, March 20, 2003.

Before the FERC, Testimony of Charles J. Cicchetti, Ph.D., on Behalf of Avista Energy, Inc., BP Energy Company, Idacorp Energy L.P., Puget Sound Energy Inc., TransAlta Energy Marketing (U.S.) Inc., TransAlta Energy Marketing (California) Inc., and TransCanada Energy, Ltd., Docket No. EL00-95-075, EL00-98-063, March 3, 2003.

Before the FERC, Affidavit of Charles J. Cicchetti, Ph.D., to Comment on FERC Staff's Recommendations Related to Natural Gas Prices in California's Electric Markets During the Refund Period, Docket No. EL00-95-045, EL00-98-042, October 14, 2002.

Before the FERC, Prepared Reply Testimony of Charles J. Cicchetti, Ph.D., on Behalf of Avista and Accompanying Exhibits, Docket No. EL00-95-045, EL00-98-042, August 9, 2002.

Before the FERC, Prepared Rebuttal Testimony of Charles J. Cicchetti, Ph.D., Issues II and III, Docket No. EL00-95-045, EL00-98-042, July 26, 2002.

Before the FERC, Prepared Responsive Testimony of Charles J. Cicchetti, Ph.D., Issues II and III, Docket No. EL00-95-045, EL00-98-042, July 3, 2002.

Before the US House of Representatives Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, Comments in the Matter of "California's Electricity Markets: The Case of Enron and Perot Systems," on behalf of Perot Systems Corporation, July 22, 2002.

Before the Arizona Corporation Commission, Rebuttal Testimony on behalf of Arizona Public Service Company, Docket No. E-00000A-02-0051, et al., June 11, 2002.

Before the Alberta Energy and Utilities Board, In the Matter of An Application By NOVA Gas Transmission Ltd. For Fort Saskatchewan Extension & Scotford Sales Meter Station & Josephburg Sales Meter Station & Astotin Sales Meter Station, Supplemental Evidence of Charles J. Cicchetti, Ph.D., May 7, 2002.

Before the Arizona Corporation Commission, Rebuttal Testimony on behalf of Arizona Public Service Company, Docket No. E-01345A-01-0822, April 22, 2002.

Before the Alberta Energy Board, In the Matter of An Application by NOVA Gas Transmission Ltd. for Fort Saskatchewan Extension & Scotford Sales Meter Station & Josephburg Sales Meter Station & Astotin Sales Meter Station, Evidence of Charles J. Cicchetti, Ph.D., March 26, 2002.

Before the Florida Public Service Commission, Rebuttal Testimony on behalf of Florida Power Corporation, Docket No. 000824-EI, February 11, 2002.

Before the Federal Energy Regulatory Commission, Prepared Supplemental Testimony of Charles J. Cicchetti, Ph.D., on behalf of Avista Energy Inc., BP Energy Company, Coral Power, LLC, IDACORP Energy, LP, Puget Sound Energy and Sempra Energy Trading Corp (Competitive Supplier Group), Docket No. EL00-95-045 – EL00-98-042, January 31, 2002.

Deposition testimony on behalf of Competitive Suppliers Group, Docket Nos. EL00-95-045 and EL00-98-042, November 28, 2001. (FERC)

Before the Federal Energy Regulatory Commission, Issue I Prepared Testimony of Charles J. Cicchetti, Ph.D., on behalf of the Competitive Suppliers Group (Cal Refund), Docket No. EL00-95-045 – EL00-98-042, November 6, 2001.

Before the Florida Public Service Commission, Direct Testimony on behalf of Florida Power Corporation, Docket No. 000824-EI, September 14, 2001.

Before the Federal Energy Regulatory Commission, prepared Direct Testimony and Exhibits on behalf of Idacorp Energy, L.P., Docket Nos. EL01-10-000 and EL01-10-001, August 27, 2001.

Before the State Corporation Commission of the State of Kansas, Rebuttal Testimony on behalf of Western Resources, Inc., Docket No. 01-WRSE-949-GIE, June 2001.

Before the State Corporation Commission of the State of Kansas, Direct Testimony on behalf of Western Resources, Inc., Docket No. 01-WRSE-949-GIE, June 2001.

Before the State Corporation Commission of the State of Kansas, Surrebuttal Testimony on behalf of Western Resources, Inc., Docket No. 01-WRSE-436-RTS, May 2001.

Before the State Corporation Commission of the State of Kansas, Rebuttal Testimony on behalf of Western Resources, Inc., Docket No. 01-WRSE-436-RTS, April 2001.

Before the State Corporation Commission of the State of Kansas, Direct Testimony on behalf of Western Resources, Inc., Docket No. 01-WRSE-436-RTS, January 2001.

Before the Federal Energy Regulatory Commission, Affidavit on behalf of Entergy Power Marketing Corp. and Koch Energy Trading, Inc., Docket No. EC00-106, 20 June 2000.

Before the Federal Energy Regulatory Commission, Affidavit on behalf of Western Resources, Inc., Docket No. ER00-00-000, 28 April 2000.

Before the Public Service Commission of Florida, Intervenor Testimony on behalf of Florida Power Corporation, Docket No. 991462, 7 March 2000.

Before the Public Service Commission of Wisconsin, Direct Testimony on behalf of ANR Pipeline Company, Docket No. 6650-CG-194, 6 March 2000.

Before the Federal Energy Regulatory Commission, Rebuttal Testimony on behalf of Duke Energy South Bay, LLC, Docket Nos. ER98-496-000 and ER98-2160-000, 1 March 2000.

Before the Federal Energy Regulatory Commission, Affidavit on behalf of ANR Pipeline Company, Docket Nos. CP00-36-000, CP00-37-000, and CP00-38-000, 28 December 1999.

Before the Federal Energy Regulatory Commission, Direct Testimony on behalf of Duke Energy South Bay, LLC, Docket Nos. ER98-496-000 and ER98-2160-000, 22 December 1999.

Before the Public Service Commission of Wisconsin, Rebuttal Testimony on behalf of Alliant Energy Corporation, Docket Nos. 9403-YI-100 and 6680-UM-100, 23 September 1999.

Before the Public Service Commission of Wisconsin, Direct Testimony on behalf of Alliant Energy Corporation, Docket Nos. 9403-YI-100 and 6680-UM-100, 1 July 1999.

Before the Public Service Commission of the State of Missouri, Surrebuttal Testimony on behalf of Western Resources, Inc. and Kansas City Power & Light, Case No. EM-97-515, 10 June 1999.

Before the State Corporation Commission of the State of Kansas, Rebuttal Testimony on behalf of Western Resources, Inc., Docket No. 97-WSRE-676-MER, 18 March 1999.

Before the Federal Energy Regulatory Commission, Affidavit on behalf of Duke Energy South Bay LLC, Docket No. ER98-496-000 and ER98-2160-000, February 1999.

Before the Georgia Public Service Commission, Rebuttal Testimony on behalf of Georgia Power Company, GPSC Docket No. 9355-U, 27 October 1998.

Before the Public Service Commission of the State of Missouri, Direct Testimony on behalf of Western Resources, Inc. and Kansas City Power & Light Company, Case No. EM-97-515, Volume III, June 1998.

Before the State Corporation Commission of the State of Kansas, Direct Testimony on behalf of Western Resources, Inc., Docket No. 97-WSRE-676-MER, 17 June 1998.

Before the Georgia Public Service Commission, Direct Testimony on behalf of Georgia Power Company, GPSC Docket No. 9355-U, 3 June 1998.

Before the Federal Energy Regulatory Commission, Direct Testimony on behalf of Duke Energy, Docket No. ER98-496-000 and ER98-2160-000 24 April 1998.

Before the Public Service Commission of Wisconsin, Surrebuttal Testimony on behalf of Wisconsin Electric Power Company, Docket No. 05-BE-100, ___ March 1998.

Before the Public Service Commission of Wisconsin, Rebuttal Testimony on behalf of Wisconsin Electric Power Company, Docket No. 05-BE-100, 23 March 1998.

Before the Public Service Commission of Wisconsin, Testimony on behalf of Wisconsin Electric Power Company, Docket No. 05-BE-100, 9 March 1998.

Before the Pennsylvania Public Utilities Commission, Rebuttal Testimony on behalf of Pennsylvania Power Company, Docket No. R-00974149, 19 February 1998.

Before the State Corporation Commission of Kansas, Prepared Statement on behalf of Western Resources, Inc., 28 October 1997

Before the Federal Energy Regulatory Commission, Testimony on behalf of Wisconsin Energy Corporation and ESELCO, Inc., Docket No. EC97-____-000, 22 October 1997.

Before the Pennsylvania Public Utilities Commission, Direct Testimony on behalf of Pennsylvania Power Company, Docket No. R-00974149, 26 September 1997.

Before the Public Utilities Commission of the State of California, Testimony on behalf of Southern California Edison Company, Docket No. U-338-E, September 15, 1997.

Before the Federal Energy Regulatory Commission, Affidavit on behalf of The Power Company of America, L.P., Docket No. ER95-111-000, November 1, 1996.

Before the Public Service Commission of Wisconsin, Rebuttal Testimony on behalf of Wisconsin Energy Corporation, Wisconsin Electric Power Company, *et.al.* (Applicants), Docket Nos. 6630-UM-100, 4220-UM-101, October 23, 1996.

Before the Public Utilities Commission of the State of California, Rebuttal Testimony on behalf of Pacific Telesis Group, No. 96-04-038, October 15, 1996.

Before the Commonwealth of Massachusetts Department of Public Utilities, Rebuttal Testimony on behalf of Boston Gas Company, Docket No. D.P.U. 96-50, Exhibit BGC-117, August 16, 1996.

Before the State Corporation Commission of the State of Kansas, Supplemental Direct Testimony on behalf of Western Resources, Inc. and Kansas Gas and Electric, Docket Nos. 193,306-U and 193,307-U, July 11, 1996.

Before the Federal Energy Regulatory Commission, Prepared Rebuttal Testimony on behalf of Koch Gateway, Docket No. RP95-362-000, June 18, 1996.

Before the Federal Energy Regulatory Commission, Rebuttal Testimony on behalf of Wisconsin Electric Power Company, Northern States Power Company (Minnesota and Wisconsin), and Cenerprise, Docket Nos. EC95-16-000, ER95-1357-000, and ER95-1358-000, May 28, 1996.

Before the New Mexico Public Utility Commission, Direct Testimony on behalf of Southwestern Public Service Company, Case No. _____, November 1995.

Before the State Corporation Commission of the State of Kansas, Direct Testimony on behalf of Kansas Gas and Electric Company, August 11, 1995.

Before the Federal Energy Regulatory Commission, Direct Testimony on behalf of Koch Gateway Pipeline Company, Docket No. RP-95- -000, June 28, 1995.

Before the National Energy Board of Canada, Evidence in the Matter of Fort St. John and Grizzly Valley Expansion Projects, British Columbia Gas, January 1995.

Before the Federal Energy Regulatory Commission, Rebuttal Comments in the Matter of Pricing Policy for New and Existing Facilities Constructed by Interstate Natural Gas Pipelines on behalf of Cascade Natural Gas Corporation, *et.al.*, Docket No. PL94-4-000, December 5, 1994.

Before the Federal Energy Regulatory Commission, Comments Related to Pricing Policy for New and Existing Facilities Constructed by Interstate Natural Gas Pipelines on behalf of Cascade Natural Gas Corporation, LFC Gas Company, Northwest Natural Gas Company, and Washington Natural Gas Company, Docket No. PL94-4-000, November 4, 1994.

Affidavit on behalf of Barr Devlin, October 1994. (FERC)

Before the Federal Energy Regulatory Commission, Comments and Responses Related to Pricing Policy for New and Existing Facilities Constructed by Interstate Natural Gas Pipelines on behalf of Cascade Natural Gas Corporation, LFC Gas Company, Northwest Natural Gas Company, and Washington Natural Gas Company, Docket No. PL94-4-000, September 26, 1994

Before the Federal Energy Regulatory Commission, Statement on behalf of Buckeye Pipe Line Company, L.P., Docket Nos. OR94-6-000 and IS87-14-000, February 22, 1994.

Before the Federal Energy Regulatory Commission, Surrebuttal Testimony on behalf of Koch Gateway Pipeline Company, Docket No. RP93-205-000, November 29, 1993

Before the Federal Energy Regulatory Commission, Direct Testimony on behalf of Koch Gateway Pipeline Company, Docket No. RP93-205-000, September 30, 1993.

Before the Indiana Utility Regulatory Commission, Direct Testimony on behalf of PSI Energy, Inc., Cause Nos. 39646, 39584-S1, June 23, 1993.

Before the Minnesota Public Utilities Commission, Rebuttal Testimony on behalf of Northern States Power Company, Docket Nos. E002/GR-92-1185, G002/GR-92-1186, March 23, 1993.

Before the State of Maine Public Utilities Commission, Direct Testimony on behalf of Central Maine Power, Docket No. 90-085-A, January 7, 1993.

Before the Pennsylvania Public Utility Commission, Rebuttal Testimony on behalf of Pennsylvania Gas and Water Company, Docket No. R-22482, March 9, 1993.

Before the Federal Energy Regulatory Commission, Affidavit regarding Order 636-A Compliance Filing Proposed Restructuring on behalf of United Gas Pipe Line Company, Docket No. RS92-26-000, October 29, 1992.

Before the Federal Energy Regulatory Commission, Rebuttal and Cross Answering Testimony on behalf of Exxon Pipeline Company, Docket Nos. IS92-3-000, *et.al.*, August 10, 1992.

Before the Arizona Corporation Commission Task Force on Externalities, Comments in Response to Shortcomings and Pitfalls in Attempts to Incorporate Environmental Externalities into Electric Utility Least-cost Planning, Docket No. U-000-92-035, March 20, 1992.

Before the Federal Energy Regulatory Commission, Rebuttal Testimony on behalf of Texas Eastern Transmission Corporation, Docket Nos. CP90-2154-000, RP85-177-008, RP88-67-039, *et.al.*, RP90--119-001, *et.al.*, RP91-4-000, RP91-119, and RP90-15-000, January 30, 1992.

Before the Federal Energy Regulatory Commission, Rebuttal Testimony on behalf of Washington Gas Light Company, Docket Nos. RP90-108-000, *et.al.*, RP90-107-000, January 17, 1992.

Before the Federal Energy Regulatory Commission, Comments in Response to Notice of Proposed Rulemaking on behalf of United Gas Pipe Line Company, Docket No. RM92-11-000, October 15, 1991.

Before the Federal Energy Regulatory Commission, Direct Testimony on behalf of Washington Gas Light Company, Docket Nos. RP91-82-000, *et.al.*, August 27, 1991.

Before the Arizona Corporation Commission, Rejoinder Testimony on behalf of Arizona Public Service Company, Docket Nos. U-1345-90-007 and U-1345-89-162, June 18, 1991.

Before the Federal Energy Regulatory Commission, Comments submitted in Response to Notice of Public Conference and Request for Comments on Electricity Issues, Docket No. PL91-1-000, June 10, 1991.

Before the Arizona Corporation Commission, Rebuttal Testimony on behalf of Arizona Public Service Company, Phase II, Docket Nos. U-1345-90-007 and U-1345-89-162, May 3, 1991.

Before the Federal Energy Regulatory Commission, Direct Testimony on behalf of United Gas Pipe Line Company, Docket Nos. RP91-126-000, CP91-1669-000, CP91-1670-000, CP91-1671-000, CP91-1672-000, and CP91-1673-000, April 15, 1991.

Before the Arizona Corporation Commission, Rebuttal Testimony on behalf of Arizona Public Service Company, Docket No. U-0000-90-088, November 26, 1990.

Before the State of Maine Public Utilities Commission, Rebuttal Testimony and Exhibits on behalf of Central Maine Power, Docket No. 90-076, November 16, 1990.

Before the State Corporation Commission of Virginia, Direct Testimony on behalf of Historic Manassas, Inc., SCC Case No. PUE 890057, VEPCO Application 154, November 2, 1990.

Before the Iowa Utilities Board, Comments Prepared at the Request of Iowa Electric Light and Power Company on Iowa's Proposed Rulemaking Related to Utility Energy Efficiency Programs, Docket No. RMU90-27, October 15, 1990.

Before the Arkansas Public Service Commission, Testimony on behalf of Arkla, Inc., Docket no. 90-036-U, August 31, 1990.

Before the Federal Energy Regulatory Commission, Rebuttal Testimony on behalf of Northeast Utilities Service Company, Docket Nos. EC90-10-000, ER90-143-000, ER90-144-000, ER90-145-000 and EL90-9-000, July 20, 1990.

Before the Illinois Commerce Commission, Testimony on behalf of Commonwealth Edison, Docket No. 90-0169, July 17, 1990.

Before the Federal Energy Regulatory Commission, Rebuttal Testimony on behalf of New York State Customer Group (Niagara Mohawk Power Corporation; Rochester Gas & Electric Corporation; New York State Electric & Gas Corporation), Docket Nos. RP88-211-000, RP88-10-000, RP90-27-000, June 1, 1990.

Before the Federal Energy Regulatory Commission, Statement on behalf of Public Service Company of Indiana, Docket Nos. ER89-672-000, February 15, 1990.

Before the Federal Energy Regulatory Commission, Prepared Direct Testimony submitted on behalf of The New York State Customer Group, which includes Niagara Mohawk Power Corporation, Rochester Gas and Electric Corporation and New York State Electric & Gas Corporation, Docket Nos. RP88-211-000, RP88-10-000, RP88-215-000 and RP90-27-000, January 23, 1990.

Before the Arkansas Public Service Commission, Rebuttal Testimony on behalf of Arkansas Power & Light Company, Docket No. 89-128-U, January 12, 1990.

Before the Federal Energy Regulatory Commission, Prepared Answering Testimony Sponsored by Texas Eastern Transmission Corporation, Docket Nos. RP88-67-000 and RP88-81-000, January 10, 1990.

Before the Federal Energy Regulatory Commission, Comments on the Federal Energy Regulatory Commission's Proposed Policy Statement on Gas Inventory Charges, Docket No. PL89-10999, July 1989.

Before the Public Utilities Commission of Texas, Direct Testimony on behalf of Enron-Dominion Cogen Corporation, Docket No. 8636, June 12, 1989.

Before the Maine Public Utilities Commission, Direct Testimony on behalf of Central Maine Power Company, Docket No. 88-310, March 1, 1989.

- Before the Public Utilities Commission of Ohio, Comments Submitted on behalf of Dayton Power and Light Company, In the Matter of the Revision and Promulgation of Rules for Long Term Forecast reports and Integrated Resource Plans of Electric Light Companies, Case no. 88-816-EL-OR, November 21, 1988.
- Before the Federal Energy Regulatory Commission, Comments of the Energy and Environmental Policy Center, RE: Regulations Governing Independent Power Producers, Docket No. RM88-4-000, July 18, 1988.
- Before the Federal Energy Regulatory Commission, Comments of the Energy and Environmental Policy Center, RE: Regulations Governing Bidding Programs, Docket No. RM88-5-000, July 18, 1988.
- Before the Federal Energy Regulatory Commission, Comments of the Energy and Environmental Policy Center, Re: Administrative Determination of Full Avoided Costs, Sales of Power to Qualifying Facilities, and Interconnection Facilities, Docket No. RM88-66-000, July 18, 1988.
- Before the Maine Public Utilities Commission, Testimony on behalf of Central Maine Power Company, Docket No. 88-111, June 22, 1988.
- Before the Federal Energy Regulatory Commission, Comments of the Energy and Environmental Policy Center, Re: Brokering of Interstate Natural Gas Pipeline Capacity, Docket No. RM88-13-000, June 17, 1988.
- Before the Federal Energy Regulatory Commission, Comments of the Energy and Environmental Policy Center, Re: Administrative Determination of Full Avoided Costs, Sales of Power to Qualifying Facilities, and Interconnection Facilities, Docket No. RM88-6-000, June 16, 1988.
- Before the Federal Energy Regulatory Commission, Rebuttal Testimony on behalf of Public Service Company of New Mexico, April 12, 1988.
- Before the Federal Energy Regulatory Commission, Oral Comments, Re: Order No. 500, Docket No. RM87-34-000 *et.al.*, March, 1988.
- Before the Federal Energy Regulatory Commission, Statement on behalf of Transwestern Pipeline Company, Docket No. CP88-143-000, March, 1988.
- Before the Ontario Energy Board, Testimony on behalf of ICG Utilities (Ontario) LTD, The 1987 Amended Gas Pricing Agreement, E.B.R.O. 411-III *et.al.*, November, 1987.
- Before the New Hampshire Public Utility Commission, Technical Statement on behalf of Public Service Company of New Hampshire, Filing of special

Contract No. NHPUC-54 Between Nashua Corporation and Public Service Company of New Hampshire, October 30, 1987.

Before the Federal Energy Regulatory Commission, Statement on behalf of Arkla, Inc., included as an exhibit in Arkla, Inc.'s Comments on Notice of Proposed Rulemaking, Docket No. RM87-34-000, October 13, 1987.

Before the Pennsylvania Public Utility Commission, Rebuttal Testimony on behalf of West Penn Power Company, Docket No. R-850220, September 28, 1987.

Before the Public Service Commission of New York, Prepared Rebuttal Testimony on behalf of National Fuel Gas Distribution Company, September 14, 1987.

Before the New Hampshire Public Utilities Commission, Prefiled Direct Testimony on behalf of Public Service Company of New Hampshire, Docket No. DR87-151, August 28, 1987.

Before the Pennsylvania Public Utility Commission, Direct Testimony on behalf of West Penn Power Company, Docket No. R-850220, Reconsideration, July 27, 1987.

Before the Commonwealth of Massachusetts Department of Public Utilities, Statement on behalf of Boston Edison Company, Docket Nos. 86-36, June 12, 1987.

Before the State of Illinois Commerce Commission, Rebuttal Testimony on behalf of Commonwealth Edison Company, Docket Nos. 87-0043, 87-0044, 8700096, May 4, 1987.

Before the Federal Energy Regulatory Commission, Comments on behalf of Tennessee Gas Pipeline Company, In the Matter of Iroquois Gas Transmission System, Docket No. CP86-523-001, March 9, 1987.

Before the New Hampshire Public Utility Commission, Direct Testimony on behalf of Public Service Company of New Hampshire, NHPUC Docket No. DR86-122, March 3, 1987.

Before the Federal Energy Regulatory Commission, Comments on behalf of Transwestern Pipeline Company, In the Matter of Notice of Inquiry into alleged anticompetitive Practices Related to Marketing Affiliates of Interstate Pipelines, Docket No. RM87-5-000, December 29, 1986.

Before the Maine Public Utilities Commission, Testimony on behalf of Central Maine Power Company, Docket No. 86-215, Re: Proposed Amendments to Chapter 36, December 18, 1986.

Before the Utah Public Service Commission, Surrebuttal Testimony on behalf of NUCOR Steel Corporation, In the Matter of the Investigation of Cost of Service Issues for Utah Power & Light Company, Case No. 85-035-06, December 5, 1986.

Before the Public Service Commission of New York, Prepared Direct Testimony on behalf of National Fuel Gas Distribution Corporation, Case Nos. 38947 and 28954, November 21, 1986.

Before the Federal Energy Regulatory Commission, Prepared Rebuttal Testimony on behalf of Transwestern Pipeline Company, Docket No. RP86-126, November 13, 1986.

Before the Federal Energy Regulatory Commission, Prepared Cross-Answering Testimony on behalf of Members of the New England Customer Group, Docket No. RP86-119, October 28, 1986.

Before the Federal Energy Regulatory Commission, Prepared Testimony on behalf of Members of the New England Customer Group, Docket No. RP86-119, October 14, 1986.

Before the Utah Public Service Commission, Rebuttal Testimony on behalf of NUCOR Steel Corporation, Docket No. 85-035-04, September 30, 1986.

Before the State of New Jersey Department of Energy, Board of Public Utilities, Rebuttal Testimony on behalf of Elizabethtown Gas Company, September, 1986.

Before the State of Illinois Commerce Commission, Testimony on behalf of Commonwealth Edison Company, Docket No. 86-0249, August 25, 1986.

Before the Public Utilities Commission of Ohio, Rebuttal Testimony on behalf of Ohio Power Company, Case No. 85-726-EL-AIR, April, 1986.

Before the State of New Jersey Department on Energy, Board of Public Utilities, Testimony on behalf of Elizabethtown Gas Company, Docket No. 8112-1039, March, 1986.

Before the Maine Public Utilities Commission, Rebuttal Testimony on behalf of Central Maine Power Company, Docket No. 85-132, March, 1986.

Before the Federal Energy Regulatory Commission, Comments on behalf of National Economic Research Associates, Inc., Notice of Inquiry Re: Regulation of Electricity Sales-for-Resale and Transmission Service, 18

C.F.R. Parts 35 and 290, Issued June 28, 1985, Docket No. RM85-17-000 (Phase II), January 23, 1986.

Before the Alaska Public Utilities Commission, Rebuttal Testimony on behalf of Seagull, Enstar Corporation, and Enstar Natural Gas Company, U-84-67, December, 1985.

Before the Virginia State Corporation Commission, Rebuttal Testimony on behalf of Dominion Resources, Inc. and Virginia Electric and Power Company, Case No. PUE 830060, November 26, 1985.

Before the Federal Energy Regulatory Commission, Comments on behalf of National Economic Research Associates, Inc., Notice Requesting Supplemental Comments Re: Regulation of Natural Gas Pipeline After Partial Wellhead Decontrol, Docket No. RM85-1-000 (Part D), November 18, 1985.

Before the Public Service Commission of Wisconsin, Rebuttal Testimony on behalf of Eastern Wisconsin Utilities, Docket No. 05-EP-4, November, 1985.

Before the Federal Energy Regulatory Commission, Oral Comments on behalf of National Economic Research Associates, Inc., Notice of Inquiry Re: Regulation of Electricity Sales-for-Resale and Transmission Services (Phase I), Docket No. RM85-17-000, August 9, 1985.

Before the Maine Public Utilities Commission, Direct Testimony on behalf of Central Maine Power Company, Docket No. 85-132, August, 1985.

Before the Public Utilities Commission of Ohio, Direct Testimony on behalf of Ohio Power Company, Docket No. 85-726-EL-AIR, July, 1985.

Before the Public Service Commission of Wisconsin, Direct Testimony on behalf of Wisconsin Gas Company, Docket Nos. 05-UI-18 and 6650-DR-2, June, 1985.

Before the Ontario Energy Board, Testimony on behalf of Unicorp of Canada Corporation, In the Matter of Union Enterprises Ltd. and Unicorp of Canada Utilities Corporation, E.B.R.L.G. 28, Exhibit 10.4, April, 1985.

Before the Utah Public Utilities Commission, Testimony on behalf of NUCOR Steel, Docket No. 84-035-01 (Rate Spread Phase), January, 1985.

Before the Federal Energy Regulatory Commission, Prepared Direct Testimony on behalf of Consolidated Gas Supply Corporation, Application of Consolidated Gas Supply Corporation for Rate Relief, Docket No. RP82-115, April, 1984.

Before the Public Utilities Commission of Ohio, Rebuttal Testimony on behalf of East Ohio Gas Company, *et.al.*, In the Matter of the Investigation into Long Term Solutions Concerning Disconnection of Gas and Electric Service During Winter Emergencies, Case No. 83-303-GE-COI, March, 1984.

Before the Federal Energy Regulatory Commission, Testimony on behalf of Florida Power and Light Company, Docket Nos. ER82-793 and EL83-24, February, 1984.

Before the Public Utilities Commission of Ohio, Direct Testimony on behalf of East Ohio Gas Company, *et.al.*, In the Matter of the Investigation into Long Term Solutions Concerning Disconnection of Gas and Electric Service During Winter Emergencies, Case No. 83-303-COI, January, 1984.

Before the Federal Energy Regulatory Commission, Supplemental Direct Testimony on behalf of Consolidated Gas Supply Corporation, Docket No. RP81-80, September, 1983.

Before the Arkansas Public Service Commission, Direct Testimony on behalf of Arkansas Louisiana Gas Company, Docket No. 83-161-U, August, 1983.

Before the New Mexico Public Service Commission, Testimony on behalf of Public Service Company of New Mexico, Case No. 1811, July 17, 1983.

Before the Federal Communications Commission, Rebuttal Case Testimony on behalf of Interstate Mobile Phone Company, in American Mobile Commission of Washington and Oregon, CC Docket No. 83-445, June, 1983.

Before the Public Service Commission of Indiana, Prepared Rebuttal Testimony on behalf of Northern Indiana Public Service Company, Case No. 37023, May, 1983.

Before the Public Service Commission of New York, Testimony on behalf of the Industrial Energy Users Association, in Procedure to Inquire into the Benefits to Ratepayers and Utilities from Implementation of Conservation Programs that will Reduce Electric Use, Case No. 28223, May, 1983.

Before the Public Utilities Commission of Maryland, Testimony on behalf of the Mid-Atlantic Petroleum Distributors Association, the Oil Heat Association of Washington, and Steuart Petroleum Company, Case No. 7649, May, 1983.

Before the Connecticut Department of Public Utility Control, Testimony on behalf of the Independent Petroleum Association, Docket No. 83-01-01, April, 1983.

Before the State Corporation Commission of Virginia, Testimony on behalf of the Mid-Atlantic Petroleum Distributors Association, the Oil Heat Association of

Washington, and Steuart Petroleum Company, Case No. PUE 830008, March, 1983.

Before the Federal Energy Regulatory Commission, Rebuttal Testimony on behalf of Arkansas Louisiana Gas Company, Docket Nos. RP82-75-000 *et.al.*, February 1983.

Before the Federal Communications Commission, Rebuttal Case Testimony on behalf of Interstate Mobile Phone Company, in American Mobile Communications of Washington and Oregon, CC Docket No. 83-3, February, 1983.

Before the Federal Energy Regulatory Commission, Prepared Testimony on behalf of Consolidated Gas Supply Corporation, in Application of Consolidated Gas Supply Corporation for Rate Relief, Docket No. RP82-115, July, 1982.

Before the Federal Energy Regulatory Commission, Rebuttal Testimony on behalf of Consolidated Gas Supply Corporation, Docket No. RP81-80, April, 1982.

Before the Florida Public Service Commission, Testimony on behalf of Florida Power & Light Company, Docket No. 820097-EU, April, 1982.

Before the Massachusetts Department of Public Utilities, Direct Testimony on behalf of Boston Edison Company, Docket No. 906, January, 1982.

Before the New Mexico Public Service Commission, Testimony on behalf of Public Service Company of New Mexico, In the Matter of New Mexico Public Service Commission Authorization for Southern Union Company to Transfer Certain Property to Western Gas Company, NMPSC Case 1689, January, 1982.

Before the Connecticut Department of Public Utility Control Authority, Testimony on behalf of Southern Connecticut Gas Works, DPUC Investigation Into Utility Financing of Conservation and Efficiency Improvements, Docket No. 810707, August, 1981.

Before the Connecticut Public Utility Control Authority, Prepared Testimony on behalf of Connecticut Natural Gas Corporation, July, 1981.

Before the Philadelphia Gas Commission, Testimony on behalf of Philadelphia Gas Works, in PGW Rate Investigations, July, 1981.

Before the California Public Utility Commission, Prepared Testimony on behalf of Pacific Gas and Electric Company, In Application of Pacific Gas and Electric Company for Rate Relief, Application No. 68153, June, 1981.

Before the Federal Energy Regulatory Commission, Prepared Testimony on behalf of Consolidated Gas Supply Corporation, Docket No. RP81-80, June, 1981.

Before the Tennessee Valley Authority Board, Comments on Tennessee Valley Authority Proposed Determinations on Ratemaking Standards, Contract TV-53565A, October, 1980.

Before the Federal Energy Regulatory Commission, Testimony on behalf of Pennsylvania Power and Light Company, Split-Savings and Emergency Tariffs, August, 1980.

Final Report of Consultants' Activities Submitted to Tennessee Valley Authority Division of Energy Conservation and Rates, in Consideration of Ratemaking Standards Pursuant to the Public Utility Regulatory Policy Act of 1978 (P.L. 95-617) and One Additional Standard, Contract No. TV-53575A, May, 1980.

Before the Utah Public Service Commission, Direct Testimony on behalf of NUCOR Steel, PSCU Case No. 83-035-06, 1980.

Before the Council on Environmental Quality, Washington, D.C., statement on "Alaskan Natural Gas, May, 1980.

Presentation entitled "An Analysis of the Proposed Building Energy Performance Standards (BEPS)," Washington, D.C. in March, 1980.

Before the Federal Power Commission/Federal Energy Regulatory Commission, Testimony with respect to Cogeneration Pricing Rules, 1979.

Before the Federal Energy Administration, "The Effects of Middle Distillate Decontrol on the American Consumer: A Critique of the Decontrol Monitoring and Price Index Actions of the FEA with Michael McNamara and Rod Shaughnessy, Washington, D.C., August, 1977.

Statements before the Council on Environmental Quality, Washington D.C., May 1977

Before the Federal Energy Administration, "Analysis and Recommendations of Northern Tier Pipeline Proposals," July, 1976.

Before the Energy Council of the Federal Government, "Third State of EPCA: Additional Incentives," June, 1976.

Before the Wisconsin Public Service Commission, Testimony with respect to Electric Rate Structures; Price Elasticity of Demand for Electricity; and Application for WEPCO for Authority to Construct and Place in Operation a Coal Fired Power Plant and Related Facilities in the Town of Pleasant Prairie, Kenosha County and Certain Related Transmission and Substation Additions, CA-5489, June, 1976.

Before the Federal Power Commission/Federal Energy Regulatory Commission, Testimony with respect to Alaskan Natural Gas, March, 1976.

Before the Federal Power Commission/Federal Energy Regulatory Commission, Testimony with respect to Natural Gas Pricing, March, 1976.

Before the Federal Energy Administration, "Allocation of Canadian Crude Oil," December, 1975.

Before the Federal Energy Administration, "Establish Energy Administration to Establish Mandatory Allocation of Canadian Crude Oil," December 1975.

Comments before the U.S. Department of Interior on its Study: Alaskan Natural Gas Transportation Systems, October 29, 1975.

Before the Federal Energy Administration, "Rate Design and Its Relationship to Loan Management," June, 1975.

Comments before the Federal Power Commission on Proposed Rulemaking RM 75-19 on end Use Rate Schedules, May 30, 1975.

Before the Federal Energy Administration, "Modification or Termination of the State Set-Aside Program," 1975.

Before the Federal Power Commission/Federal Energy Regulatory Commission Testimony With Respect to El Paso Natural Gas Coal Gasification.

Before the Federal Power Commission/Federal Energy Regulatory Commission Testimony With Respect to El Paso Natural Gas Pricing.

Comments before various Utility Regulatory Commissions (Maryland, New York, Michigan, New Jersey, Arkansas, Maine, California, Florida, Rhode Islands, Minnesota, Connecticut, Massachusetts, Missouri, Nevada, New Hampshire, Vermont, Virginia, Wisconsin, Texas, Ontario, Philadelphia, New Mexico, Pennsylvania, TVA, Indiana) on Marginal Cost Pricing of Electricity; Conservation; Rate of Return; Diversification; Nuclear Cancellation; Sale of Utility Property; and Public Policy.

Before various Canadian Regulatory Commissions, Testimony on Energy and Telephone Pricing.

Before the U.S. Postal Rate Commission, Testimony on Marginal Cost Pricing of Postal Rates.

Before the Federal Communications Commission, Testimony on Telegraph Price Elasticity and Cellular Mobile Telephone Pricing.

EXHIBIT 2



SAN JUAN CHAPTER

SANJ-2011- 059

- Lorenzo Bates
Council Delegate
- Rickie Nez
President
- Robert C. Begay
Vice President
- Esther Keeswood-Begay
Secretary/Treasurer
- Grace J. Chavez
Farm Board Member
- Ramie Nelson
Grazing Member

RESOLUTION OF SAN JUAN CHAPTER

SUPPORTING SAN JUAN GENERATING STATION OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S (EPA) PROPOSED FEDERAL IMPLEMENTATION PLAN (FIP) TO REQUIRE SELECTIVE CATALYTIC REDUCTION (SCR) EMISSION CONTROL SYSTEMS AT THE SAN JUAN GENERATING STATION (SJGS)

WHEREAS:

1. San Juan Chapter is a duly certified Chapter under the Navajo Nation Government pursuant to Resolution No. CD-86-82 and pursuant to 26 NNC §103 and they are delegated and authorized to review all matters affecting its community people; and
2. The U.S. Environmental Protection Agency (EPA) has recently proposed a Federal Implementation Plan for reducing visibility impacts from manmade pollution on nearby national parks and wilderness area; and
3. The EPA's proposed Federal Implementation Plan includes a Best Available Retrofit Technology determination for the San Juan Generating Station requiring Selective Catalytic Reduction (SCR) technology at all four of the plant's coal-fired electric generating units; and
4. PNM, the majority owner and operator of San Juan Generating Station, estimates SCR technology on all four units would cost in excess of \$750 million; and
5. PNM, and the other owners of San Juan Generating Station have recently completed a \$320 million upgrade of the facility that lowered emissions of No_x, SO₂, particulate matter and included an activated carbon injection technology to reduce mercury emissions; and
6. That an analysis performed by a reputable 3rd party engineering firm concluded that the recently installed environmental controls at the San Juan Generating Station met EPA's Best Available Control Technology guidelines for reducing visibility impacts. Visibility is not a human health issue; and
7. EPA's proposed Federal Implementation Plan, in addition to requiring high cost also requires a three-year deadline for the installation of the technology. The EPA's proposed Federal Implementation Plan requires installation of this technology within three years and the regional has regulations allow up to five years; and
8. The San Juan Generating Station and San Juan Coal Mine that supplies the plant are major employers and revenue sources for the Four Corners economy; and

9. The San Juan Generating Station employs a 22 percent Navajo Workforce, the BHP San Juan Coal Mine employs a 45 percent Navajo Workforce and two major contractors at the San Juan Generating Station employ an 80 percent Navajo Workforce; and

10. The requirement to invest \$750 million or more into a generating facility that is approximately 40 years old could make the energy it produces uneconomic compared to power from other existing resources or even potentially new resources not yet built; and

11. The full economic impact of the EPA's proposed Federal Implementation Plan is now known; and

NOW THEREFORE BE IT RESOLVED THAT:

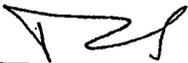
1. San Juan Chapter and its community people hereby opposed the EPA's proposed Federal Implementation Plan and calls upon the EPA to consider amendments that will be more cost-effective while still being protective of the environment, such as accepting the newly installed pollution control technology at San Juan as Best Available Retrofit Technology.

2. San Juan Chapter and its community people beseeches New Mexico's federal Congressional delegation to intervene in this issue and encourage the EPA to consider amendments that will be more cost-effective while still being protective of the environment, such as accepting the newly installed pollution control technology at San Juan as Best Available Retrofit Technology.

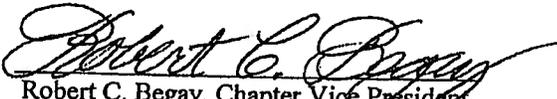
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by San Juan Chapter at a duly called meeting at San Juan Chapter, (New Mexico) Navajo Nation, at which a quorum was present and that same was passed by a vote of 22 in favor, 2 opposed and 1 abstained on this 13th day of March, 2011.

Motion by: Juanita Ayze
Second by: Lavina Crosby



Rickie Nez, Chapter President



Robert C. Begay, Chapter Vice President



Esther Keeswood-Begay, Chap. Sec/Treas

Lorenzo Bates, Council Delegate



Lorenzo Bates
Council Delegate

NENAHNEZAD CHAPTER

P.O. BOX 438
FRUITLAND, NEW MEXICO 87416
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Lucinda Yellowman-Bennalley
President

Howell Pete
Vice President

Juanita Begay
Secretary/Treasurer

Harold Dodge
Grazing Committee Member

Philbert Johnson
Farm Board Member

NZC-028-11

OPPOSING THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED FEDERAL IMPLEMENTATION PLAN AND REQUESTS OF THE EPA TO CONSIDER AMENDMENTS THAT WILL BE MORE COST-EFFECTIVE WHILE STILL BEING PROTECTIVE OF THE ENVIRONMENT, I.E. ACCEPTANCE OF THE NEWLY INSTALLED POLLUTION CONTROL TECHNOLOGY AT SAN JUAN POWER PLANT AS BEST AVAILABLE RETROFIT TECHNOLOGY

WHEREAS:

- 1 Pursuant to 26 N.N.C. §(A), the Nenahnezad Chapter was certified on November 10, 1955 as a chapter of the Navajo Nation as listed under 11 N.N.C. Part 2 §(B), the Nenahnezad Chapter is delegated the governmental authority to make decisions over local matters consistent with Navajo Law, customs, and tradition; and under 11 N.N.C. Part 1, §10 the Nenahnezad Chapter is also delegated to make local decisions in the best interests and welfare of the community members; and
- 2 The Nenahnezad Chapter has been informed that the U.S. Environmental Protection Agency (EPA) has recently proposed a Federal Implementation Plan for reducing visibility impacts from manmade pollution on nearby national parks and wilderness areas; and
- 3 That the EPA's proposed Federal Implementation Plan includes a Best Available Retrofit Technology determination for the San Juan Generating Station requiring Selective Catalytic Reduction (SCR) Technology at all four of the plant's coal-fired electric generating units; and
- 4 That Public Service Company of New Mexico, the majority owner and operator of San Juan Generating Station, estimates SCR technology on all four units would cost in excess of \$750 million. PNM and the other owners of San Juan Generating Station have recently completed a \$320 million upgrade of the facility that lowered emissions of NOx, SO2, particulate matter and included an activated carbon injection technology to reduce mercury emissions; and
- 5 That an analysis performed by a reputable 3rd party engineering firm concluded that the recently installed environmental controls at the San Juan Generating Station met EPA's Best Available Control Technology guidelines for reducing visibility impacts; and
- 6 That EPA's proposed Federal Implementation Plan, in addition to requiring high-cost technology also requires a three-year deadline for installation of the technology, the Plan requires installation technology within three years and the regional haze regulations allow up to five years; and
- 7 That Nenahnezad Chapter is aware that San Juan Generating Station and San Juan Coal Mine that supplies the plant are major employers and revenue sources for the Four Corners economy, San Juan Generating Station employs a 22% Navajo Workforce; the BHP San Juan Coal Mine employs a 45% Navajo Workforce and two major contractors at the San Juan Generating Station employ an 80% Navajo Workforce; and
- 8 That a requirement to invest \$750 million or more into a generating facility that is approximately 40 Years old could make the energy it produces un-economic compared to power from other existing resources or even potentially new resources not yet built; and
- 9 That the full economic impact of the EPA's proposed Federal Implementation Plan is not known.

NZC 028-11

Page 2

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Nenahnezad Chapter opposes the U.S. Environmental Protection Agency's proposed Federal Implementation Plan and requests of the EPA to consider amendments that will be more cost-effective while still being protective of the environment, such as accepting the newly installed pollution control technology at San Juan as Best Available Retrofit Technology.
2. The Nenahnezad Chapter also requests of the New Mexico's federal Congressional to Intervene in this issue and encourage the EPA to consider amendments that will be more cost-effective while still being protective of the environment, such accepting the newly installed pollution control technology at San Juan as Best Available Retrofit Technology.
3. The Nenahnezad Chapter directs the Community Coordinator, Chapter Officials, and Council Delegate to carry out the full intent of this resolution.

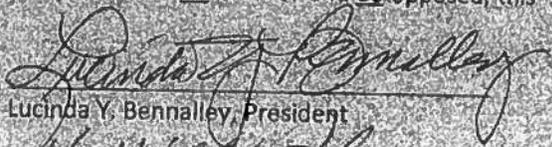
CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Nenahnezad Chapter at a duly called at Nenahnezad (Ne Mexico) Navajo Nation. A motion was made by Mae Atcitty and seconded by Morris V. Johnson and the same was passed by a vote of 33 in favor and 00 opposed, this 13th day of March 2011.

CONCURRED:



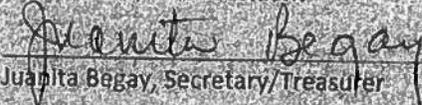
Lorenzo Bates, Council Delegate



Lucinda Y. Bernalley, President



Howell Pete, Vice President



Juanita Begay, Secretary/Treasurer

NORTHERN NAVAJO AGENCY COUNCIL RESOLUTION

NNAC-12-12

SUPPORTING NEW MEXICO'S PROPOSED STATE IMPLEMENTATION PLAN AND REQUESTS OF USEPATO RECONSIDER AND ULTIMATELY ADOPT THE STATE PLAN IN FAVOR OF THE FEDERAL IMPLEMENTATION PLAN AND REQUESTS OF THE NEW MEXICO FEDERAL CONGRESSIONAL DELEGATION TO ENCOURAGE THE USEPA TO GRANT AN ADMINISTRATIVE STAY IN THE MATTER TO ALLOW FOR THE COURTS TO CONSIDER USEPA 'S DETERMINATION OF REGIONAL HAZE BART FOR SAN JUAN

WHEREAS:

1. Pursuant to Navajo Nation, Title 26, Chapter 26, Chapter 1, Section 18, the Northern Navajo Agency Council is a political subdivision of the Navajo Nation, has the authority to advocate for twenty (20) chapters of the Northern Navajo Agency and make appropriate recommendations to the Navajo Nation Government, Federal, State, and local entities for appropriate actions; and
2. The Northern Navajo Agency Council has been informed that the U.S. Environmental Protection Agency (EPA) has issued a Federal Implementation Plan for reducing visibility impacts from manmade pollution on nearby national parks and wilderness areas and the Plan includes a Best Available Retrofit Technology determination for the San Juan Generation Station near Farmington requiring Selective Catalytic Reduction (SCR) technology at all four of the plant's coal-fired electric generating units; and
3. The Public Service Co. of New Mexico (PNM), the majority owner and operator of San Juan Generating Station estimates SCR technology on all four units would cost an excess of \$750 million; and
4. The New Mexico Environment Department has a State Implementation Plan with the EPA that would require Selective Non-Catalytic Reduction technology (SNCR) at all four of the plant's coal-fired electric generating units and the Plan meets all federal Regional Haze standards while requiring new technology costing an estimated \$77 million to install at San Juan Generating Station that is approximately one-tenth the cost of the Federal Implementation Plan; and
5. The courts have made clear that states, and not EPA, have broad authority for determining the best approach for meeting regional haze reduction requirements;
6. The PNM San Juan Generating Station and BHP San Juan Coal Mine, supplier, are major employers and revenue sources for the Four Corners area and New Mexico economy. San Juan Generating Station employs a 22% Navajo Workforce, the BHP San Juan Coal Mine employs a 45% Navajo Workforce and two major contractors at the San Juan Generating Station employ 80% Navajo Workforce; and
7. The full economic impact of the EPA's proposed Federal Implementation Plan if not known.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Northern Navajo Agency Council supports New Mexico's proposed State Implementation Plan and Requests of the EPA to reconsider and ultimately adopt the state plan in favor of the Federal Implementation Plan and Requests of the New Mexico federal Congressional delegation to encourage the EPA to grant an administrative stay in the matter to allow for the courts to consider EPA's determination of regional haze BART for San Juan Generating Station.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Northern Agency Council at a duly called meeting in Menahnezad Chapter, New Mexico at which a quorum was present and the same was passed by a vote of 45 in favor, 0 opposed, and 2 abstained, this 17th day of March 2012.

Motion: Ricky Nez
Second: Esther Koombed Begay

Donald Benally
Donald Benally, Chairperson

David John
David John, Vice Chairperson

Lucinda Yellowman Bernalley
Lucinda Yellowman Bernalley, Secretary

Leibowitz, Laurie, NMENV

From: ca10_cmecf_notify@ca10.uscourts.gov
Sent: Wednesday, May 30, 2012 3:28 PM
To: Leibowitz, Laurie, NMENV
Subject: 11-9552 WildEarth Guardians v. EPA, et al "Amicus Curiae Brief Filed"

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Tenth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was entered on 05/30/2012 at 3:28:09 PM MDT and filed on 05/30/2012

Case Name: WildEarth Guardians v. EPA, et al

Case Number: 11-9552

Document(s): Document(s)

Docket Text:

[9971313] Amicus Curiae brief filed by Navajo Nation in 11-9552, 11-9557, 11-9567. Original and 7 copies.. Served on 05/22/2012. Manner of Service: ECF/NDA. [11-9552, 11-9557, 11-9567]

Notice will be electronically mailed to:

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Mr. Norman William Fichthorn: nfichthorn@hunton.com, flynna@hunton.com

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Mr. Ryan Flynn: ryan.flynn@state.nm.us, karen.thomas1@state.nm.us, laurie.leibowitz@state.nm.us

Mr. William Gregory Grantham: bill.grantham@state.nm.us, karen.thomas1@state.nm.us, laurie.leibowitz@state.nm.us, felicia.orth@state.nm.us

Ms. Jessica M. Hernandez: jessica.hernandez@state.nm.us

Mr. Michael G. Jenkins: michael.jenkins@pacificorp.com

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