OCA Statement No. 4

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, *et. al.*	:	R-2016-2537349, *et al.*
	:	
v.	:	
	:	
Metropolitan Edison Company	:	
Pennsylvania Public Utility Commission, *et. al.*	:	R-2016-2537352, *et al.*
	:	
v.	:	
	:	
Pennsylvania Electric Company	:	
Pennsylvania Public Utility Commission, *et. at.*	:	R-2016-2537355, *et. al.*
	:	
v.	:	
	:	
Pennsylvania Power Company	:	
Pennsylvania Public Utility Commission, *et. al.*	:	R-2016-2537359, *et al.*
	:	
v.	:	
	:	
West Penn Power Company	:	

DIRECT TESTIMONY

OF

ROGER D. COLTON

ON BEHALF OF
OFFICE OF CONSUMER ADVOCATE

JULY 22, 2016

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Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

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

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

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

Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?

A. I am testifying on behalf of the Office of Consumer Advocate.

Q. PLEASE DESCRIBE YOUR PROFESSIONAL BACKGROUND.

A. I work primarily on low-income utility issues. This involves regulatory work on rate and customer service issues, as well as research into low-income usage, payment patterns, and affordability programs. At present, I am working on various projects in the states of New York, Maryland, Pennsylvania, Michigan, Illinois and California, as well as in the provinces of Ontario, Manitoba and British Columbia. My clients include state agencies (e.g., Pennsylvania Office of Consumer Advocate, Maryland Office of People's Counsel, Iowa Department of Human Rights), federal agencies (e.g., the U.S. Department of Health and Human Services), community-based organizations (e.g., Energy Outreach

Colorado, Natural Resources Defense Council, Advocacy Centre Tenants Ontario), and private utilities (e.g., Unitil Corporation d/b/a Fitchburg Gas and Electric Company, Entergy Services, Xcel Energy d/b/a Public Service of Colorado). In addition to state- and utility-specific work, I engage in national work throughout the United States. For example, in 2011, I worked with the U.S. Department of Health and Human Services (the federal LIHEAP office) to advance the review and utilization of the Home Energy Insecurity Scale as an outcomes measurement tool for LIHEAP. In 2007, I was part of a team that performed a multi-sponsor public/private national study of low-income energy assistance programs. At present, I have been retained by the National Coalition on Legislation for Affordable Water (NCLAWater) to write a comprehensive "water bill of rights" to be introduced in Congress. I am also currently working on a research project for the Water Research Foundation on how to reach "hard to reach" customers. A brief description of my professional background is provided in Appendix A.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.

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

Q. HAVE YOU EVER PUBLISHED ON PUBLIC UTILITY REGULATORY ISSUES?

A. Yes. I have published three books and more than 80 articles in scholarly and trade journals, primarily on low-income utility and housing issues. I have published an equal number of technical reports for various clients on energy, water, telecommunications and other associated low-income utility issues. A list of my publications is included in Appendix A.

Q. HAVE YOU EVER TESTIFIED BEFORE THIS OR OTHER UTILITY COMMISSIONS?

A. Yes. I have testified before the Pennsylvania Public Utility Commission ("PUC" or "Commission") on numerous occasions regarding utility issues affecting low-income customers and customer service. I have also testified in regulatory proceedings in more than 30 states and four Canadian provinces on a wide range of utility issues. A list of the proceedings in which I have testified is listed in Appendix A.

Q. PLEASE EXPLAIN THE PURPOSE OF YOUR DIRECT TESTIMONY.

A. The purpose of my Direct Testimony is as follows.

- First, I examine the proposed cost recovery for the FirstEnergy Customer Assistance Programs ("CAP");
- Second, I examine the impact that the fixed monthly customer charge proposed by FirstEnergy will have on low-income customers;
- Third, I examine universal service issues applicable to a general rate proceeding; and
- Finally, I examine certain customer service issues.

My testimony applies generally to all four FirstEnergy Companies. I will explain and refer to data and analysis applicable to the specific Companies as I go along.

Q. PLEASE SUMMARIZE YOUR FINDINGS AND RECOMMENDATIONS.

A. Based on the data and analysis I present below, I conclude and recommend as follows:

- The base participation rate for applying the CAP cost offset in the Companies universal service riders (Rider C) should be adjusted to reflect recent participation numbers. The base participation rate should reflect recent CAP participation upon which the Companies predicate their rates;

- The customer charges recommended by OCA witness Johnson should be adopted. Adopting this recommendation is necessary to mitigate the adverse impact that the increased rates as a whole, to which the customer charges disproportionately contribute, will have on confirmed low-income customers;

- The maximum non-heating CAP credit ceilings should be increased by a dollar amount equal to the dollar rate increase approved for the residential customer class in these proceedings. Without such an increase, the rates approved in this proceeding will substantially adversely affect CAP participants whose bills will exceed the CAP credit ceiling as a result of the rate increases and, as a result, will exceed the affordable burdens defined by the CAP programs;

- The process of requiring an annual recertification for CAP should be maintained but, no later than with the filing of their next triennial Universal Service and Energy Conservation Plan (USECP), the Companies shall except from this annual recertification process customers whose income is not likely to change on a year-to-year basis and provide, instead, for a biannual recertification. The two populations for whom a biannual recertification has been approved for other Pennsylvania CAP programs include the aged and the disabled. This is to mitigate the low, and decreasing, CAP participation by FirstEnergy Companies, which leaves an increasing number of low-income customers vulnerable to harms from the rate increases proposed in these proceedings;

- No later than with the filing of their next triennial USECPs, the Companies shall modify their USECP to provide that the process of requiring an annual recertification shall be deemed to be satisfied in those situations where a CAP participant receives a LIHEAP Cash benefit. In these situations, the CAP participant will be recertified at the same payment obligation as determined in Year 1. This is to mitigate the low, and decreasing, CAP participation by FirstEnergy Companies, which leaves an increasing number of low-income customers vulnerable to harms from the rate increases proposed in these proceedings;

- FirstEnergy should target its LIURP spending toward a specified percentage of high use, high CAP credit customers. The percentage should be set at the percentage of CAP customers that have annual CAP credits exceeding $950. This is to mitigate the adverse impacts of the increased rates proposed in these proceedings on CAP participants who would be required to bear the cost of the rate hikes even though the resulting bills exceed an affordable percentage of income;

- Each FirstEnergy Company should increase its annual LIURP budget by a percentage equal to the proportionate total bill increase to the residential class at median residential usage.[1] This is to mitigate the adverse impacts of increasing rates on confirmed low-income customers and to maintain the purchasing power of LIURP in light of the proposed rate increases;

- Each FirstEnergy Company should solicit existing community-based organizations currently providing energy efficiency services through the federal Weatherization Assistance Program (WAP) to deliver LIURP services. LIURP-funded non-space-heating electric efficiency services should be delivered in collaboration with the WAP-funded delivery of space heating services for other fuels. This is to respond to the ongoing underspending of the FirstEnergy LIURP budget and to allow LIURP to be a meaningful tool to use in mitigating the adverse impacts to confirmed low-income customers of the rate increases proposed in this proceeding;

- Each FirstEnergy Company should commit to providing a one-time increase in LIURP funding equal to the difference between the budgeted LIURP funding and the actual LIURP expenditures for the years 2010 through 2015. This is to respond to the failure of the FirstEnergy Companies to spend their respective LIURP budgets on an annual basis as a mechanism to mitigate the harms of increasingly unaffordable bills to confirmed low-income customers;

[1] For example, if Met-Ed residential customers, at median residential usage, experience a 12% bill increase as a result of the Final Order in this proceeding, the total LIURP budget shall be increased by 12%.

- Each FirstEnergy Company should commit to a process under and through which, in the event that future budgeted LIURP funds are not expended during the program year for which they were budgeted, those unspent funds will be rolled-over and carried-forward within the LIURP program to be used to deliver future LIURP services. This is to ensure that LIURP is fully used as a meaningful program to mitigate the adverse impacts on confirmed low-income customers of the rate increases proposed in this proceeding;

- Each FirstEnergy Company should enlist the use of community-based organizations ("CBOs") as part of its process to identify and confirm low-income customers. Two process changes should be made by each FirstEnergy Company. First, standard Company forms should be made widely available through non-utility access points allowing Community-Based Organizations ("CBOs") to confirm that a FirstEnergy customer is a "low-income" customer. Second, the FirstEnergy Companies should authorize and encourage CBOs to incorporate such confirmation into applications for other assistance (e.g., CAP, hardship grants). This is to ensure that PUC regulatory protections which extend to confirmed low-income customers are, in practice, extended to all customers whose income would qualify them to receive such protections.

Part 1. Customer Assistance Program ("CAP") Cost Recovery.

Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I examine one aspect of the cost recovery pursued by the FirstEnergy Companies for their respective low-income CAP programs. The Companies each recover CAP costs through a "Universal Service Rider." Through the Rider, the Companies file data with the Commission showing the reconciliation of actual revenues received under this Rider with actual recoverable costs incurred for the preceding twelve months.

Recoverable costs are subject to an offset to be applied against the actual CAP shortfall[2] and actual pre-program arrearage forgiveness credits that have been granted to CAP participants. The offset is applied as follows for Metropolitan Edison (with corresponding language for the other FirstEnergy Companies):

> In the event that the average annual CAP participation in the preceding USC Reconciliation Year exceeded 18,000 participants, actual costs recovered through Met-Ed's USC Rider shall reflect CAP Credits and actual Pre-Program Arrearage Forgiveness Credits for all customers up to the 18,000 participation level. The Company shall offset the average annual CAP Credits and Pre-Program Arrearage Forgiveness Credits by 15% per participant for the preceding USC Reconciliation Year for any and all CAP customers exceeding the 18,000 participation level.

(ME Rider C, Universal Service Cost Rider, ME Tariff, Electric PA PUC No. 52 (Supp. 15), Original Page No. 111).

Q. WHAT CHANGE DO YOU RECOMMEND?

A. I recommend that the base participation levels be reduced to reflect changes in CAP participation since the base participation rate was last determined in the 2014 FirstEnergy base rate cases. The existing base participation rates reflected in the current Universal Service riders in the Companies' tariffs are:

- Metropolitan Edison: 18,000 CAP participants;
- Penelec: 25,000 CAP participants;
- Penn Power: 5,700 CAP participants;
- West Penn Power: 22,500 CAP participants.

The revised base participation rates established for purposes of applying the CAP cost offsets should be:

[2] The CAP shortfall is the difference between the bills actually charged CAP participants and the bills that would have been charged to CAP participants at standard residential rates.

- Metropolitan Edison: 15,700 CAP participants;
- Penelec: 22,000 CAP participants;
- Penn Power: 4,700 CAP participants;
- West Penn Power: 23,300 CAP participants.

(OCA-IV-1, ME, PN, PP, WP). As can be seen, the base participation rates reflect decreased CAP participation rates of 13% (ME), 12% (PN) and 18% (PP). In contrast, West Penn Power has experienced a slight increase (3.4%) in base participation.

Q. HAVE YOU BEEN ABLE TO COMPARE THE BASE PARTICIPATION FIGURES YOU PROPOSE TO THE CAP PARTICIATION THAT THE COMPANIES HAVE USED IN SETTING RATES IN THESE PROCEEDINGS?

A. Yes. In response to OCA inquiries about the CAP participation used in these rates cases, the Company provided the total number of CAP bills by year. (OCA-V-2). When I divide those total numbers of bills by 12, I can derive the average CAP participation which the Companies have used for these rate cases.[3] As can be seen, the base participation rates I propose above reasonably reflect the CAP participation numbers which the Companies use in these rates cases.

	ME	PN	PP	WP
Proposed base CAP participation	15,700	22,000	4,700	23,300
Avg CAP bills used in rate case /a/	NA /b/	21,352	4,589	23,296

/a/ SOURCE: OCA-V-2.
/b/ While the CAP bills used by ME in this rate case were not provided in response to OCA-V-2, the actual CAP participation for ME in 2015 was 15,733. (OCA-IV-1).

[3] Metropolitan Edison figures are not available, since it appears that the Company's response to OCA discovery erroneously duplicated Penelec data for Met Ed. (Compare, OCA-V-2 (ME) to OCA-V-2 (PN)).

Q. PLEASE EXPLAIN HOW THE ADJUSTMENT YOU PROPOSE TO THE BASE CAP PARTICIPATION COMPARES TO THE EXISTING TARIFF.

A. The base participation agreed to in the settlement of the 2014 rate case, while a compromise, was nonetheless reasonably reflective of the prior year CAP participation for each Company. The change I propose to the CAP offset in this proceeding is simply to update those figures. (Had CAP participation increased, as occurred for WP, the base participation numbers should have increased as well) (as I propose should occur for WP). As I document above, however, CAP participation figures for each Company other than WP have decreased.) A comparison of the actual 2013 CAP participation figures to the base participation agreed-upon in the 2014 rate case is set forth below:

	ME	PN	PP	WP
2013 actual CAP participation /a/	17,517	24,244	5,590	20,607
2014 base CAP participation used for offset	18,000	25,000	5,700	22,500
/a/ SOURCE: OCA-IV-1.				

Q. PLEASE EXPLAIN WHY THE CHANGE IN CAP PARTICIPATION RATES IS IMPORTANT FOR PURPOSES OF THE CAP OFFSETS.

A. As CAP participation increases above the CAP base participation, a higher and higher dollar amount is categorized as a CAP credit. As the dollar amount of the CAP credit increases, the Companies are allowed to collect that increased amount of CAP credits through their USC Rider. When the USC Rider is reconciled to reflect actual CAP costs, the CAP credits passed through the USC Rider will increase as CAP participation increases, even if CAP participation increases above the base number.

Even though the recovery of CAP costs increases through the USC Rider as CAP participation increases, base rates remain the same. It is important to remember that the Companies have already set their base rates as though the unpaid bills from those customers above the CAP base number will be a part of uncollectibles. Through their base rates, the Companies continue to collect that uncollectible expense as though no net addition of CAP participants has occurred.

This is significant because revenues must be one place or another. Customers (and their associated revenue) *must* be in *either* the group of CAP non-participants *or* in the group of CAP participants. They cannot be in both.

- The Companies have agreed that for any given monthly billing, a customer is either a CAP participant or is *not* a CAP participant; they cannot be both places at once. A customer, in other words, cannot be both a participant and a non-participant in the same month for purposes of billing.

- The Companies further agreed that in any given month, the group of residential customers who receive a CAP bill and the group of customers who do not receive a CAP bill are mutually exclusive groups. No group of customers receives both a CAP bill and a non-CAP bill in the same month.

Given this interaction between base rates and the recovery of CAP credits through the USC Rider, in the absence of the offset, the FirstEnergy Companies will over-recover their bad debt expenses. Since the USC Rider is reconcilable, as CAP participation increases, the Companies collect the entire amount of increased CAP credits associated with any increased participation as though that additional shortfall is a "new" expense. Even though the Companies make an *upward* adjustment in the costs they collect through the USC Rider, they are not required to make a corresponding *downward* adjustment to base rates to remove those dollars that were already included in base rates, but are now instead being collected through the USC Rider as part of the CAP credits.

In fact, however, the participation by low-income customers in CAP does not create "new" costs. Instead, participation in CAP simply *moves* the unpaid bills out of the group of customers known as "residential" customers and into the group of customers known as "CAP participants." To allow the dollars of CAP credits to be added to the USC Rider without correspondingly adjusting for those dollars that already have been included in base rates allows the Companies to collect those dollars in *both* places, thus creating the over-collection to which I refer.

Q. PLEASE SUMMARIZE YOUR RECOMMENDATION.

A. My recommendation is simply to update the base participation figures used to determine the CAP cost offset. Those updated base participation figure are grounded in the updated actual CAP participation figures.

Part 2. The Proposed Fixed Monthly Customer Charges and Low-Income Customers.

Q. PLEASE DESCRIBE THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I assess the impact that the proposed increase to the residential fixed monthly customer charge will have on low-income customers for each of FirstEnergy's four companies. I demonstrate that a substantial portion of the rate increase is driven by the Companies' proposed fixed monthly customer charges. I then discuss how the Companies' proposed overall rate increase will have an adverse impact on low-income customers in particular.

Q. ARE LOW-INCOME CUSTOMERS PROTECTED THROUGH THEIR PARTICIPATION IN CAP FROM THE RATE INCREASES SOUGHT BY FIRSTENERGY IN THESE PROCEEDINGS?

A. No. Most FirstEnergy low-income customers are not protected against the proposed rate increase by virtue of their participation in CAP. Moreover, even to the extent that some CAP participants are protected by CAP, a substantial number of those CAP participants are threatened with harm from increased rates due to the CAP credit ceiling imposed by FirstEnergy.

Q. PLEASE EXPLAIN THE BASIS FOR YOUR CONCLUSION THAT A SUBSTANTIAL PORTION OF THE PROPOSED RATE INCREASE OCCURS FROM THE COMPANIES' PROPOSED CUSTOMER CHARGE INCREASE.

A. The disproportionate percentage increase in rates attributable to the increased customer charge can be derived from FirstEnergy witness Siedt's Exhibit KMS-4. The data shows that for someone with the median LIHEAP consumption:[4]

- For Metropolitan Edison, 41% of the total bill increase can be attributed to the customer charge. While customers would experience an overall bill increase of 12.6% under the Company's proposed rates, they would experience a 70.0% increase in their customer charge;

[4] Median consumption for LIHEAP recipients would be higher than for low-income customers generally since LIHEAP recipients would be electric space heating customers.

- For Penelec, 46% of their total bill increase can be attributed to the customer charge. While customers would experience an overall bill increase of 13.7% under the Company’s proposed rates, they would experience a 70.0% increase in their customer charge;
- For Penn Power, 41% of the total bill increase can be attributed to the customer charge. While customers would experience an overall bill increase of 12.7% under the Company’s proposed rates, they would experience a 70.0% increase in their customer charge;
- For West Penn Power, 35% of their total bill increase can be attributed to the customer charge. While customers would experience an overall bill increase 11.6% under the Company’s proposed rates, they would experience a 70.0% increase in their customer charge.

Q. CAN YOU PLACE THIS RATE INCREASE INTO SOME TYPE OF CONTEXT FOR LOW-INCOME CUSTOMERS?

A. For LIHEAP recipients, the Companies’ proposed rate increase nearly completely offsets the entirety of the LIHEAP grants received in the most recently completed LIHEAP program year. By Company, the LIHEAP grant compared to the proposed bill increase at mean LIHEAP usage in 2015 is as follows:

	ME	PN	PP	WP
2015 LIHEAP[5]	$211	$259	$245	$246
Proposed bill increase[6]	$228	$197	$226	$224

[5] Derived from data provided by the Companies in response to OCA-IV-1.
[6] Mean usage for customers receiving LIHEAP, standing alone, provided in response to CAUSE-PA-1.3.

For ME and WP, the proposed bill increase, alone, equals or exceeds the entire 2015 LIHEAP Cash grant. For PN and PP, the proposed bill increase nearly equals the LIHEAP Cash grant.

The adverse impact of the proposed rate increase can be seen for the confirmed low-income population as a whole as well. Using the mean usage of LIHEAP customers as a surrogate for the usage of confirmed low-income customers –none of the FirstEnergy companies could provide usage for confirmed low-income customers on a stand-alone basis—it is possible to compute the revenue that will be taken out of the confirmed low-income community as a whole.

	ME	PN	PP	WP
Average # of conf'd LI[7]	65,422	81,895	18,848	58,606
Per customer bill increase[8]	$228	$197	$226	$224
Cumulative bill increase	$14,917,403	$16,111,873	$4,256,001	$13,136,599
CAP Credits (2015)	$11,828,872	$14,439,900	$3,201,445	$11,131,969

As can be seen, for all four of the FirstEnergy companies, the proposed bill increase alone takes more money out of the confirmed low-income community than the respective CAP programs deliver in benefits. This is not to say that these dollars are taken from CAP participants; they are taken from the total confirmed low-income community. Nonetheless, for comparative purposes, it is necessary to realize that, when the confirmed low-income community is considered as a whole, this rate hike is imposing more harm on the low-income populations than CAP is distributing as a benefit.

[7] OCA-IV-1.
[8] This assumes mean consumption for LIHEAP customers in 2015, standing alone. CAUSE-PA-1-3.

Q. PLEASE EXPLAIN THE BASIS FOR YOUR CONCLUSION THAT CAP CUSTOMERS ARE NOT A PRIORI PROTECTED FROM THE RATE INCREASES PROPOSED IN THIS PROCEEDING.

A. While the FirstEnergy CAPs base participant bills on a percentage of income, each FirstEnergy CAP also imposes a maximum CAP credit ceiling on program participants. A "CAP Credit" is the difference between bills at standard residential rates and bills at the CAP percentage of income. To the extent that the difference exceeds the CAP credit ceiling, the CAP participant is responsible for paying the excess. Under the percentage of income plans, in other words, CAP participants are insulated from an increase in unaffordability resulting from the Companies' proposed rate increases and rate design changes only to the extent that the resulting CAP credit remains under the CAP credit ceiling.

A substantial proportion of FirstEnergy CAP participants exceed, or at least approach, the CAP credit ceiling even without the rate increases which the Companies seek in this proceeding. As the data below shows, for three of the FirstEnergy Companies, between one-quarter (PN: 26%; PP: 25%) and one-third (ME: 33%) of all CAP participants who participated in CAP for the full twelve months of 2015 had CAP credits equal to or in excess of the Companies' CAP credit ceiling, with WP just somewhat lower (19%).

2015[9]	ME	PN	PP	WP
Total (12-months)	8,176	12,795	2,872	11,031
Sum > $950	2,735	3,306	730	2,095

[9] Data derived from OCA-IV-4.

Pct >$950	33%	26%	25%	19%

When one adds the number of CAP participants who would have had CAP credits at or above the CAP credit ceiling in 2015, had the rate increases sought in these proceedings been in effect in 2015, given the median CAP consumption reported by FirstEnergy, the numbers would have been as set forth below. More than half of all Metropolitan Edison CAP participants would have exceeded the CAP credit ceiling, with 40% or more of Penelec and Penn Power CAP participants doing so. Nearly one-third of West Penn Power CAP participants would have been at or above the CAP credit ceiling. Remember, the participants being considered in the "total" for this analysis are limited to those participants who participated in CAP for the full twelve months of 2015. The fact that a CAP participant might not have reached the annual CAP credit ceiling because they had not participated in CAP for the full year provides no meaningful information.[10]

2015[11]	ME	PN	PP	WP
Total (12 months)	8,176	12,795	2,872	11,031
Sum > $950	4,215	5,540	1,161	3,258
Pct >$950	52%	43%	40%	30%

Q. DOES THE RATE AT WHICH CAP PARTICIPANTS REACH THE MAXIMUM CAP CREDIT CEILING HAVE AN INCOME-BASED ASPECT TO IT?

A. Yes. CAP participants with lower incomes are noticeably more likely to reach the CAP credit ceiling than CAP participants with higher incomes. The reason for this is that

[10] In calculating whether a CAP participant exceeds the CAP credit ceiling, I use the non-heating CAP credit ceiling. The Companies have stated that the number of electric space heating customers is minimal. "As an electric utility, Met-Ed, for the most part, only receives a LIHEAP grant for those low-income customers who have electric heat." (OCA-IV-47). FirstEnergy says that 26% of Met-Ed's CAP participants are electric heating; 14-15% of Penelec's are; 15-17% of Penn Power's are. No similar data was provided for West Penn Power.
[11] Data derived from OCA-IV-4.

matched with the lower incomes is a lower affordable percentage of income burden.[12] The CAP credit, i.e., the difference between the CAP bill and the bill at standard residential rates, will thus be greater on a monthly basis, making it more likely that the annual CAP credit ceiling will be reached. The percentage of CAP participants reaching the non-heating CAP credit ceiling of $960, by Federal Poverty Level, is set forth below. As can be seen, the proportion of CAP participants with income at 101% to 150% of Poverty reaching the CAP credit ceiling is a fraction of the proportion of CAP participants with income at or below 50% of Poverty doing so.

2015[13]	0 – 50% FPL	51-100% FPL	101 – 150% FPL
ME	53%	34%	25%
PN	39%	26%	21%
PP	22%	16%	6%
WP	38%	19%	8%

It is evident that the increased burdens imposed on CAP participants by the increased likelihood that those participants will reach the CAP credit ceiling, and cease receiving additional CAP credits, falls most heavily on those least able to afford the higher bills.

Q. PLEASE EXPLAIN THE BASIS FOR YOUR STATEMENT THAT EVEN TO THE EXTENT THAT SOME CAP CUSTOMERS MAY BE PROTECTED, MOST LOW-INCOME CUSTOMERS DO NOT PARTICIPATE IN CAP.

[12] For example, instead of having a $12,000 income multiplied by 12%, a lower income customer would have a $6,000 income multiplied by 9%. The CAP credit for the lower income customer would be larger and, accordingly, the likelihood that the customer would reach the CAP credit ceiling would be greater.

[13] Data derived from OCA-IV-5.

A. According to the most recent annual report on Universal Service Programs and Collections Performance, provided by each FirstEnergy company to the Pennsylvania PUC's Bureau of Consumer Services ("BCS"), in 2014, three of the FirstEnergy companies (ME, PN, PP) had enrolled roughly one-quarter of their respective confirmed low-income customers in CAP. West Penn Power had enrolled a somewhat higher percentage.

Moreover, the term "confirmed low-income" is a term-of-art defined in PUC regulations. It refers to those customers who a utility has a reasonable belief to be low-income. The population of "confirmed low-income" customers is much smaller than the total population of low-income customers. In 2014, for example, the last year for which data has been published, Met-Ed and Penn Power had confirmed the largest proportion of their estimated low-income population (52% and 50% respectively), while Penelec (42%) and West Penn Power (31%) were substantially lower.

For all four Companies, in other words, CAP participation is a small proportion of low-income customers. Half or less of the estimated low-income customers have been confirmed as low-income. And, then, only one-quarter of those confirmed low-income customers have been enrolled in CAP.

Q. ARE ALL LOW-INCOME CUSTOMERS ELIGIBLE TO PARTICIPATE IN CAP?

A. No. CAP eligibility extends to customers who have income at or below 150% of the Federal Poverty Level. A significant number of households in the counties served by FirstEnergy, however, live with income that just exceeds the CAP eligibility limit. Of the total number of households living with income at or below 200% of Poverty, 70% live with income below 150% of Poverty Level, while 30% live with income between 150% and 200% of Poverty. This higher income level provides inadequate income to meet basic needs, but households with these incomes do not qualify for the CAP programs offered by the FirstEnergy Companies.

Q. DOES THE EXPOSURE TO INCREASED BILL UNAFFORDABILITY FOR LOW-INCOME CUSTOMERS HAVE A FINANCIAL IMPACT ON NON-LOW-INCOME CUSTOMERS?

A. Yes. The proposed increase in the overall rates, including the proposed increase in the Companies' fixed monthly customer charges, imposes disproportionately high rate increases on low-use customers, whether low-income or non-low-income. Low-income customers in the FirstEnergy service territory, however, tend also to be low-use customers. This result is documented by the U.S. Department of Energy's Residential Consumption Survey and by the federal LIHEAP office's annual Home Energy Notebook. I have confirmed through Census data that the relationships between income and usage as reported by those two federal agencies hold true for each FirstEnergy utility in Pennsylvania. As a result, through its increased customer charge, the Companies propose to increase rates the most for those who can least afford to pay those rate increases. Not only are proportionately more confirmed low-income customers in arrears, but those who are in arrears, are ***deeper*** in arrears. The four FirstEnergy Companies propose to respond to these circumstances by ***raising*** rates the most to these customers. The resulting increase in bad debt, working capital, and credit and collection costs will be borne by all ratepayers.

Q. PLEASE EXPLAIN THE BASIS FOR YOUR CONCLUSION THAT LOW-INCOME CUSTOMERS HAVE A DISPROPORTIONATE PAYMENT-TROUBLED STATUS.

A. The PUC's Bureau of Consumer Services ("BCS") publishes an annual report on Universal Service Programs and Collections Performance. That annual BCS report differentiates collections performance based on "confirmed low-income customers" and on all residential customers.[14] According to the most recent BCS report, FirstEnergy's confirmed low-income customers exhibit greater payment difficulties than residential customers do generally. Confirmed low-income customers, among other things: (1) have a proportionately greater number of customers in arrears; (2) have a proportionately greater number of dollars in arrears; (3) have a higher dollar level of arrears; and (4) have a proportionately higher percentage of accounts terminated for nonpayment. The data is set forth below.

[14] The BCS comparison is ***not*** between confirmed low-income customers and ***non***-low-income customers. It is between confirmed low-income customers and ***all*** residential customers (a population that includes the confirmed low-income group as one of its component parts).

Confirmed Low-Income vs. All Residential[15]
(ME/PN/PP/WP) (2014)

	ME		PN		PP		WP	
	All Res.	Conf'd LI	All Res.	Conf'd LI	All Res.	Conf'd LI	All Res	Conf'd LI
Percentage accts in debt	9.8%	36.7%	9.8%	33.4%	8.1%	32.5%	7.7%	35.5%
Percentage dollars in debt	4.5%	17.8%	4.7%	16.5%	3.6%	15.7%	2.8%	13.3%
Termination rate	5.1%	20.1%	4.1%	15.1%	3.5%	14.0%	2.2%	11.9%
Average arrears	$494	$614	$432	$529	$431	$530	$302	$392

The data immediately above documents that FirstEnergy's confirmed low-income customers are in arrears at three or more times the rate of residential customers as a whole. Confirmed low-income customers have four times the rate of dollars in arrears. They are disconnected more than four times more frequently. They have an arrearage balance that, on average, is 20% higher than the residential class as a whole. There can be no question that the confirmed low-income customer populations of FirstEnergy's four companies face disproportionate payment difficulties. It is to these disproportionately payment-troubled customers to whom FirstEnergy now proposes to increase rates the most.

Q. WHAT DO YOU RECOMMEND?

A. I recommend two responses based on the data and discussion I present above:

- First, I recommend that the residential customer charges as proposed by OCA Witness Johnson be adopted.
- Second, I recommend that the maximum non-heating CAP credit ceiling for each FirstEnergy utility be increased by a dollar amount equal to the annual

[15] This comparison is not confirmed low-income to non-low-income. The confirmed low-income is a subset of the all residential.

dollar rate increase approved for the residential customer class in this proceeding, using the median CAP consumption, rounded to the nearest $10.[16] So, for example, should Metropolitan Edison be granted a rate increase yielding a $207 bill increase, the non-heating maximum CAP credit ceiling should be increased by $210; should a Penn Power rate increase yield a bill increase of $221, the non-heating maximum CAP credit should be increased by $220.

Part 3. Universal Service Issues.

Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I consider certain aspects of the Companies' universal service in light of the proposed increases in residential rates. First, I examine two aspects of the Companies' Customer Assistance Programs ("CAP"):

- Whether the FirstEnergy Companies are adequately targeting high-use, high CAP Credit participants with energy efficiency; and
- Whether the FirstEnergy Companies are adequately enrolling low-income customers in CAP. I recommend remedies to the Companies' CAP under-enrollment.

Second, I examine two aspects of the Companies' implementation of their Low-Income Usage Reduction Program (LIURP):

[16] Calculating the bill increase using the median CAP consumption would have the effect of determining an "average" bill increase (using median rather than mean as the point of central tendency).

- Whether the FirstEnergy Companies are adequately funding LIURP in light of their proposed rate increases; and
- Whether the FirstEnergy Companies are appropriately spending the LIURP dollars that have previously been budgeted.

A. The Funding and Enrollment of CAP.

Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I consider whether the FirstEnergy Companies are taking those steps necessary to make CAP reasonably accessible to the low-income customers of Metropolitan Edison, Penelec, Penn Power and West Penn Power. I consider further whether the Companies are taking those reasonable steps to control the universal service costs to be paid by non-participating ratepayers. I conclude that more should be done in both areas.

1. CAP Enrollment.

Q. PLEASE DESCRIBE THE RECENT ENROLLMENT NUMBERS IN THE CAPS OF THE FIRSTENERGY COMPANIES.

A. As I explain above, the FirstEnergy CAP enrollments have been declining over the past several years. The data below from the annual BCS report on collections performance and universal service programs shows that decline. For each Company other than WPP, the CAP participation rate by 2014 was at roughly 50% of what the participation rate had been just four years previously.

Company	2011	2012	2013	2014	2014 as pct of 2011
Met Ed	29,496	28,773	17,517	16,290	55%
Penelec	39,161	36,848	24,244	22,378	57%
Penn Power	10,104	9,246	5,590	4,872	48%
West Penn Power	21,617	21,120	20,607	22,090	102%

The decline is not because there are fewer and fewer low-income customers in the FirstEnergy service territories. Based on the annual BCS universal service reports, I find that not only is the absolute number of CAP participants declining, but the number of CAP participants as a percentage both of confirmed low-income customers and of estimated low-income customers is declining as well.[17] The CAP participation as a percentage of confirmed low-income customers is presented below. The decline for WPP has not been as substantial as for the other three FirstEnergy Companies.

CAP as % of Confirmed LI	2011	2012	2013	2014
Metropolitan Edison	52%	48%	28%	26%
Penelec	53%	48%	31%	28%
Penn Power	56%	50%	30%	26%
West Penn Power	48%	47%	46%	42%

My concern, however, is not simply that CAP participation is substantially declining. My concern, too, is that CAP has a substantial mismatch between the CAP program's participation rate and the participation of low-income customers in other programs offered by the FirstEnergy Companies. For example, for three of the four FirstEnergy Companies (PN, PP, WP), the number of confirmed low-income customers in arrears and on a payment plan (OCA-IV-1) increased from 2013 through 2015, while CAP participation decreased. For all four FirstEnergy Companies, the number of confirmed

[17] The number of confirmed low-income customers, along with the number of estimated low-income customers, by year, is reported in the annual BCS report on collections performance and universal service.

low-income customers receiving a LIHEAP Cash grant (OCA-IV-1) increased from 2013 through 2015. The Companies cannot explain why their CAP participation rates are decreasing while their participation rates in other programs requiring an affirmative customer decision to enroll and an active customer engagement are increasing.

	Confirmed LI in Arrears on Payment Plans		Received LIHEAP Cash Grant	
	2013	2015	2013	2015
Metropolitan Edison	15,331	14,722	7,511	8,525
Penelec	16,250	17,529	9,378	9,859
Penn Power	3,648	4,158	2,228	2,525
West Penn Power	10,269	12,381	11,657	11,859

An additional concern is that CAP participation levels are substantially decreasing at a time when CAP "exits" for program default have substantially decreased. At each of the three Poverty levels (with only one exception: WPP at 101-150% FPL), the number of program defaults resulting in a CAP participant being removed from the program has declined from 2013 through 2015. Nonetheless, overall program participation rates are also substantially declining.

Exits due to Default	ME			PN			PP			WP		
	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015
Below 50%	4,536	2,125	2,151	5,377	2,470	2,508	1,224	679	533	5,883	2,903	2,568
51-100%	7,230	3,545	3,512	8,949	4,866	4,476	2,307	1,207	900	3,711	4,495	4,782
101-150%	5,137	2,709	2,827	5,999	3,286	3,297	1,979	882	695	2,569	3,709	3,975
Total	16,903	8,379	8,490	20,325	10,622	10,281	5,510	2,768	2,128	12,163	11,107	11,325

Q. DO YOU HAVE A FINAL CONCERN WITH RESPECT TO CAP ENROLLMENT AMONGST THE FIRSTENERGY COMPANIES?

A. Yes. The Companies explain their decreasing CAP participation rates by referencing their change in CAP procedures to require annual recertification. According to the

Companies, the phase-in of this annual recertification began in June 2012 and was completed in December 2013. The Companies report that "when contacted to recertify, customers that did not successfully complete the recertification process were dismissed from the program. Therefore, the Companies' CAP participant rate declined. Since the initial recertification process, annual re-certifications are completed, and dismissal occurs if not completed or customer is no longer eligible." (OCA-IV-46; see also, OCA-IV-45).

The number of CAP participants who are falling off the program due to a failure to recertify, however, remains high, even after this June 2012 to December 2013 initial period. On an annual (calendar year) basis, the number of exits due to a failure to recertify is as set forth below for 2014 and 2015:

	Annual Total Exits Due to a Failure to Recertify[18]			
	ME	PN	PP	WP
2014	8,061	10,255	2,267	9,058
2015	6,571	8,293	1,693	8,121

In contrast, the number of exits due to the fact that the customer was found to have income too high to qualify the customer for CAP remains relatively low.

	Annual Total Exits Due to Income Too High[19]			
	ME	PN	PP	WP
2014	962	1,135	257	760
2015	893	903	205	906

The change in FirstEnergy's CAP procedures, as can be seen, has resulted in far more people being dismissed from the Companies CAP programs due to a failure to reapply

[18] OCA-IV-12.
[19] OCA-IV-12.

than due to the fact that the customer is found to have income that disqualifies them to receive CAP assistance.

Q. WHAT DO YOU RECOMMEND?

A. Given the adverse impacts I have identified for confirmed low-income customers flowing from the rate increases proposed in this proceeding, and the critical role of CAP in mitigating these adverse impacts, I recommend two modifications to the FirstEnergy CAP recertification process. First, I recommend that the process of requiring an annual recertification be maintained with the exception of customers whose income is not likely to change on a year-to-year basis. The two primary populations to which this exception would apply include the aged and disabled. For these two identified populations, CAP recertification would be required on a biannual basis. Second, I recommend that the process of requiring an annual recertification should be deemed to be satisfied in those situations where a CAP participant receives a LIHEAP Cash benefit. In these circumstances, the CAP participant will be recertified, and they will be continued at the same payment obligations as determined to be appropriate at the time of the Year 1 certification. Application for, and receipt of, LIHEAP, in other words, would be deemed to be sufficient verification that the CAP participant has maintained the same annual income. These two process modifications, designed to address the declining CAP participation rates, should be incorporated into the Companies triennial Universal Service and Energy Conservation Plans (USECPs) no later than at the time the Companies file their next triennial plan.

2. Targeting High CAP Credit Participants with Energy Efficiency.

Q. PLEASE EXPLAIN YOUR SECOND CONCERN WITH RESPECT TO THE OPERATION OF CAP IN LIGHT OF THE COMPANIES' PROPOSED RATE INCREASES.

A. In this section of my testimony, I explain why the FirstEnergy Companies should take greater steps toward targeting energy efficiency investments toward CAP participants with high usage and correspondingly higher CAP credits. As I explain above, "CAP Credits" represent the difference between a CAP participant's bill under the Companies' CAP programs and the bill that a customer would have received at standard residential rates. CAP credits are paid by residential CAP non-participants. Between 2013 and 2015:

- Metropolitan Edison incurred between $17.9 and $11.8 million in CAP credits;
- Penelec incurred between $20.0 and $14.4 million in CAP credits;
- Penn Power incurred between $4.8 and $3.2 million in CAP credits; and
- West Penn Power incurred by $6.9 and $11.1 million in CAP credits.[20]

	ME	PN	PP	WP
2013	$17,891,067	$20,024,230	$4,753,838	$6,937,756
2014	$13,697,338	$16,167,036	$3,408,431	$8,391,267
2015	$11,828,872	$14,439,900	$3,201,445	$11,131,369

I do not cite these CAP credit expenditures to demonstrate that they are excessive or unreasonable. Rather, I cite the figures to demonstrate that there is substantial room for savings through the proper targeting of energy efficiency investments. Such investments

[20] The decline in CAP credits is consistent with the sharp decline in the number of CAP participants that I discuss elsewhere in my Direct Testimony.

would reduce overall CAP bills, and, as a result, could reduce the CAP credits to be paid by non-participating ratepayers.

Q. HAVE YOU EXAMINED THE PREVALENCE OF HIGH CAP CREDITS ON THE FIRSTENERGY SYSTEMS?

A. Yes. The data below presents a distribution of CAP credits that exceed $950 in 2014 and 2015, disaggregated by the four FirstEnergy Companies. The data shows that in 2014, 3,015 ME CAP participants generated CAP credits exceeding $950, while 2,735 did so in 2015. In 2014, 3,306 PN CAP participant generated CAP credits greater than $950, while in 2015, 3,426 CAP participants did so. Similarly, in 2015, 559 ME CAP participants generated CAP credits exceeding $1,500, while 285 PN CAP participants did.

	ME		PN		PP		WP	
	2014	2015	2015	2014	2014	2015	2014	2015
Total w/ 12-mos	8,280	8,176	12,795	12,863	3,748	2,872	8,775	11,031
Sum >$950	3,015	2,735	3,306	3,426	581	730	644	2,095
Sum > $1,500	636	559	353	285	113	134	NA	360

Q. HAVE YOU EXAMINED THE EXTENT TO WHICH THE FIRSTENERGY COMPANIES HAVE TREATED CAP PARTICIPANTS WITH HIGH CAP CREDITS WITH ENERGY EFFICIENCY MEASURES?

A. Yes. In 2015:

- ME treated 216 of its 2,735 CAP participants with CAP credits exceeding $950 with energy efficiency (8%);

- PN treated 132 of its 3,306 CAP participants with CAP credits exceeding $950 with energy efficiency (4%);
- PP treated 65 of its 730 CAP participants with CAP credits exceeding $950 with energy efficiency (9%); and
- WP treated 894 of its 2,095 CAP participants with CAP credits exceeding $950 with energy efficiency (43%).

As can be seen, three of the four FirstEnergy utilities treated fewer than 10% of their high CAP credit program participants with energy efficiency measures in 2015.

Q. DOES ENERGY EFFICIENCY REDUCE USAGE FOR HIGH CAP CREDIT PARTICIPANTS?

A. Yes. The energy efficiency measures have an impact on the consumption of these high CAP Credit program participants. While the Companies report that adequate post-weatherization data is not available to conduct a thorough savings analysis for homes treated in 2015, for homes treated in 2014 (having CAP credits exceeding $1,000):

- ME achieved a 5.5% a year usage reduction (1,322 kWh);
- PN achieved an 8.1% a year usage reduction (1,737 kWh);
- PP achieved an 8.5% a year usage reduction (2,485 kWh); and
- WP achieved a10% a year usage reduction (2,356 kWh).

(OCA-IV-8). As can be seen from the combined percentage and kWh usage reductions reported by each Company, high CAP credit customers are also high usage customers (ME: 1,322 / 0.055 = 24,036 kWh; PN: 1,737 / 0.081 = 21,420 kWh; PP: 2,485 / 0.085 = 29,235 kWh; WP: 2,356 / 0.10 = 23,560 kWh).

Q. HAVE YOU EXAMINED THE IMPACT OF TARGETING THESE HIGH CAP CREDIT CUSTOMERS WITH ENERGY EFFICIENCY?

A. Yes. If, in targeting high CAP credit customers, the same consumption and percentage savings results would appertain as have been reported by the FirstEnergy Companies and used immediately above, such targeting would result in:

- An annual bill reduction for ME high CAP credit customers of $171 at current rates, or $185 at the proposed rates;
- An annual bill reduction for PN high CAP credit customers of $225 at current rates, or $243 at the proposed rates;
- An annual bill reduction for PP high CAP credit customers of $322 at current rates, or $348 at the proposed rates; and
- An annual bill reduction for WP high CAP credit customers of $305 at current rates, or $330 at the proposed rates.

As can be seen, whether at existing rates or at the rates proposed by the FirstEnergy Companies in these proceedings, the targeting of high CAP credit customers with energy efficiency would generate substantial positive benefits, in improved CAP affordability.

Q. WHAT DO YOU RECOMMEND?

A. I recommend that FirstEnergy target its LIURP spending toward a specific percentage of high use, high CAP Credit customers for LIURP treatment on an annual basis. The percentage should be set at the percentage of CAP participants that have annual CAP credits exceeding $950. In 2015, the targeting percentage would have ranged from 19%

(WP) to 33% (ME). In 2015, only WP would have already met this targeting decision-rule.

	ME	PN	PP	WP
Number of CAP participants (12 full months)	8,176	12,795	2,872	11,031
CAP Credits > $950	2,735	3,306	730	2,095
Percent CAP Credits > $950	33%	26%	25%	19%

Q. DO YOU PROPOSE TO ACCOMPANY THIS TARGETING WITH AN INCREASE IN THE LIURP BUDGET?

A. Yes. I propose that this improved targeting be accompanied by an increase in the LIURP budget equal to the same proportion bill increase to the residential class at median usage. This increase in LIURP funding should be used to help fund the targeting of high CAP credit customers, but not necessarily limited to this use. The 2016 LIURP budget by Company against which the bill increase percentage would be applied is:

2016 LIURP budget	Admin	Program	Total
ME	$252,845	$4,352,155	$4,605,000
PN	$323,400	$5,212,600	$5,536,000
PP	$190,460	$2,180,755	$2,371,215
WP	$546,800	$4,026,112	$4,572,912

If, for example, Metropolitan Edison overall residential bills increase by 12% in this proceeding, Met Ed's LIURP budget should be increased by 12% (from $4.605 million). If Penelec's overall residential bills increase by 10%, Penelec's LIURP budget should be increased by 10% (from $5.536 million). Overall bill increases should be determined using total rates at the median residential consumption.

B. The Funding and Implementation of LIURP.

Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I examine the under-spending by FirstEnergy on its Low-Income Usage Reduction Programs (LIURP). Since 2012, three of the four FirstEnergy Companies (ME, PN, PP) have substantially under-spent their LIURP budgets. The data is set forth in Schedule RDC-1. As can be seen, only West Penn Power has, over the course of the four year period (2012 – 2015), reported actual LIURP expenditures that equal or exceed its LIURP budget. In contrast, from 2012 through 2015:

- Metropolitan Edison under-spent its LIURP budget by $751,018;
- Penelec under-spent its LIURP budget by $1,831,746;
- Penn Power under-spent its LIURP budget by $1,961,584.

The primary source of under-spending is in the program component (rather than in the administrative component) of the budget. References to the "program" component are a term-of-art. The "program" component is that part of LIURP which actually delivers usage reduction investments to low-income customers. For Metropolitan Edison, $600,165 of its under-spending (80%) occurred in the program component; for Penelec, $1,731,244 of its under-spending (95%) occurred in the program component; for Penn Power, $1,915,506 of its under-spending (98%) occurred in the program component.

Q. HAVE YOU REVIEWED THE LIURP NEEDS ANALYSIS FOR EACH FIRSTENERGY COMPANY TO DETERMINE WHETHER THE NEED FOR ENERGY EFFICIENCY SPENDING HAS DECLINED IN EACH YEAR?

A. Yes. I have reviewed the LIURP needs analysis for each FirstEnergy Company. (CAUSE-PA-1-15; CAUSE-PA-III-7). These needs assessments do not present a rationale for reducing the Companies' LIURP spending. Moreover, there is certainly no reason presented in these needs assessments for the three FirstEnergy companies that have under-spent their LIURP budgets to fail to carry-forward their LIURP budget to be used in a future program year.

Q. IS THIS UNDER-SPENDING OCCURRING IN A PERIOD OF INCREASING OR DECREASING LIURP COSTS ON AN AVERAGE PER-JOB BASIS?

A. Heating jobs have exhibited a consistent increase in the cost per job from 2013 through 2015. For West Penn Power, average heating job costs increased the least, from $2,784 in 2013 to $3,211 in 2015 (15%). The other three FirstEnergy Companies experienced greater heating job cost increased. Average heating job costs increased:

- From $2,042 in 2013 to $2,476 in 2015 for Metropolitan Edison (21%);
- From $1,680 in 2013 to $2,062 in 2015 for Penelec (23%); and
- From $1,984 in 2013 to $2,593 in 2015 (31%) for Penn Power.

(OCA-IV-1). For each FirstEnergy Company, heating job costs were the most expensive of the three types of electric efficiency jobs (i.e., heating, hot water, baseload).[21] Despite these sharp per-job cost increases for space heating efficiency jobs, the FirstEnergy companies continued to under-spend their budget.

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[21] "There are four types of LIURP jobs: electric heating, electric water heating, electric baseload, and gas heating. Baseload jobs are defined as services performed by electric utility companies where the electricity is not used for heating." Customer Services Information Systems Project, Penn State University (2008). "Long-Term Study of Pennsylvania's Low-Income Usage Reduction Program: Results of Analyses and Discussion," at 13, prepared for Pennsylvania PUC.

Q. IS THIS UNDER-SPENDING OF THE LIURP BUDGET OCCURRING IN A PERIOD WHERE THE COMPANIES ARE EXPERIENCING INCREASED PAYMENT TROUBLES IN THEIR CONFIRMED LOW-INCOME POPULATIONS?

A. Yes. The increased payment problems of FirstEnergy's confirmed low-income customers are evident on several levels. First, according to the annual BCS report on collections performance and universal service programs, the termination rate for confirmed low-income customers is substantially increasing for the FirstEnergy utilities. Since 2010, termination rates for confirmed low-income customers have increased by 205% for ME (from 9.8% to 20.10%), by 287% for PN (from 5.26% to 15.10%), and by 260% for PP (from 5.39% to 14.00%). Since 2011, termination rates for confirmed low-income customers have increased by 254% for WP (from 4.68% to 11.90%).

Confirmed LI termination rate	2010	2011	2012	2013	2014
ME	9.80%	15.10%	14.80%	19.50%	20.10%
PN	5.26%	12.85%	9.90%	14.90%	15.10%
PP	5.39%	10.05%	9.90%	14.40%	14.00%
WP	xxx	4.68%	11.70%	15.40%	11.90%

Moreover, according to the annual BCS CARES report, a decreasing percentage of confirmed low-income customers who have their service disconnected subsequently have their service reconnected. The percentage of disconnected confirmed low-income accounts that were ultimately reconnected decreased from 2012 through 2014 (the last year for which data has yet been published) for three of the four FirstEnergy utilities. For PN, the proportion of reconnections decreased from 90% to 77%; for PP, the proportion decreased from 91% to 88%; for WP, the proportion of reconnections decreased from

82% to 78%. In contrast, the proportion of reconnections for ME remained constant at 81%.

Confirmed LI disconnects and reconnects									
	2012			2013			2014		
	Disc.	Recon	Pct	Disc	Recon	Pct	Disc	Recon	Pct
ME	17,995	14,651	81%	23,672	19,046	80%	25,071	20,185	81%
PN	13,747	10,989	90%	20,544	16,184	79%	20,657	15,959	77%
PP	3,514	3,208	91%	4,999	4,740	95%	4,482	3,925	88%
WP	11,092	9,082	82%	13,904	11,089	80%	12,133	9,472	78%

Finally, according to the PUC's annual Cold Weather Survey, an increasing number of FirstEnergy residential homes that have had service disconnected are entering the next winter heating season either without heating service or without central heating service. According to the PUC:

- The number of disconnected ME homes that entered the next heating season without any heating more than tripled, from 192 in 2010 to 626 in 2015; the number of disconnected ME homes with central heating experienced a similar increase (from 202 in 2010 to 638 in 2015);
- The number of disconnected PN homes that entered the next heating season without any heating, as well as those without central heating, tripled as well, from 235 in 2010 to 797 in 2015 (no heating), and from 240 to 802 (no central heating);
- The number of disconnected PP homes that entered the next heating season without any heating increased by 500% (from 36 in 2010 to 176 in 2015), while the number without central heating increased by more than 400% (from 41 in 2010 to 178 in 2015); and

- The number of WP homes that entered the next heating season without any central heating nearly doubled (from 251 in 2010 to 468 in 2015), while the number without central heating increased by more than 60% (from 289 in 2010 to 469 in 2015).

(OCA-4-39 and OCA-4-40). The FirstEnergy Companies could not identify any internal process or policy changes that would have yielded the results that I have identified above. (OCA-4-39). Nor have the FirstEnergy Companies done any analysis of, made any study of, or undertaken any inquiry into what happens to a customer who has service disconnected for nonpayment but never reconnected. (OCA-IV-37).

As I discuss above, these adverse outcomes are occurring during a time when CAP participation has sharply decreased for the FirstEnergy utilities, as well as during a time when the FirstEnergy Companies are routinely under-spending those dollars which the Companies have budgeted for LIURP service.

Q. ARE THESE NONPAYMENT AND COLLECTION CONSEQUENCES OCCURRING IN A TIME OF INCREASING OR DECREASING FEDERAL ASSISTANCE?

A. Federal fuel assistance is provided through the Low-Income Home Energy Assistance Program (LIHEAP). In turn, LIHEAP has two components: (1) the CASH program, designed to address current bills; and (2) the CRISIS program, designed to respond to the threat of shutoffs. LIHEAP does not provide substantial assistance to FirstEnergy’s low-income customers. LIHEAP is generally applied to home heating accounts rather than to home electric accounts. Few FirstEnergy residential accounts have electric space heating.

In any event, during the time that FirstEnergy's CAP participation has declined, overall federal LIHEAP funding has declined as well. Pennsylvania's allocation of LIHEAP funds in 2010 was $282,279,000. By 2014, the state's LIHEAP allocation had declined to $175,603,000. Even with a slight 2015 uptick to $204.1 million, the 2015 allocation was only 72% of what it was five years earlier. Pennsylvania's initial release of 2016 LIHEAP funds was only $182.2 million, less than 70% of the 2010 allocation.

Q. WHAT DO YOU RECOMMEND?

A. I make the following three recommendations (in addition to those recommendations I have previously set forth in this Direct Testimony).

- Each FirstEnergy Company should solicit existing community-based organizations currently providing energy efficiency services through the federal Weatherization Assistance Program (WAP) to deliver LIURP services. LIURP-funded non-space-heating electric efficiency services (those services defined by the LIURP program as "baseload" services) should be delivered in collaboration with the WAP-funded delivery of space heating services for other fuels.
- Each FirstEnergy Company should commit to providing a one-time influx of LIURP funding equal to the difference between the budgeted LIURP funding and the actual LIURP expenditures for the years 2010 through 2015. The

purpose of this one-time influx of money is to return those dollars to LIURP that were budgeted but not expended.

- Each FirstEnergy Company should commit to a process under and through which, in the event that future budgeted LIURP funds are not expended during the program year for which they were budgeted, those unspent funds will be rolled-over and carried-forward within the LIURP program to be used to deliver future LIURP services.

Part 4. Customer Service: Confirming Low-Income Status.

Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I consider customer service issues involving actions and/or policies that either appear to be contrary to PUC regulations or that fail to achieve the outcomes sought by PUC regulations. I will examine each of these issues separately below.

Q. PLEASE EXPLAIN THE PURPOSE OF THIS SECTION OF YOUR TESTIMONY.

A. In this section of my testimony, I examine whether the FirstEnergy Companies can improve the extent to which they are identifying low-income customers as "confirmed low-income" for purposes not only of CAP and LIURP enrollment, but for purposes of providing other regulatory protections that are limited to the "confirmed low-income" population.

Q. WHAT IS THE RELEVANT PUC REGULATION GOVERNING "CONFIRMED LOW-INCOME" CUSTOMERS?

A. While no PUC regulation imposes an explicit obligation on a Pennsylvania utility to proactively seek to identify and "confirm" low-income customers, the PUC's regulations, 52 Pa. Code Section 54.72, define a "confirmed low-income residential account" as "accounts where the EDC has obtained information that would reasonably place the customer in a low-income designation." A "low-income" customer is defined by the PUC to be any customer whose household income would place it at or below 150% of the Federal Poverty Level.

The PUC regulation does not limit the "information" establishing low-income status to information obtained through a limited number of processes identified by the utility. The FirstEnergy Companies acknowledge that they have not set forth a process for determining how to solicit, identify or obtain "information that would reasonably place [a] customer in a low-income designation" in any tariff. (OCA-IV-19(e)).

Other than a tariff, the Companies identify the following policies, procedures or practices as establishing how and whether to identify a residential customer as a "confirmed low-income customer."

> A Financial Summary must be obtained for any situation requiring credit determinations. It establishes the customer's ability to pay (income level) and helps to negotiate the payment agreement terms. The income level obtained during this process is used to set the confirmed low income indicator. Additionally, the Department of Human Services sends grant files which also is used to set the confirmed low income indicator.

(OCA-IV-20(e)). The FirstEnergy Companies have not changed their practices for confirming low-income customers for many years. Between 2010 and 2015, for example, the Companies state that "over this time period, [FirstEnergy's] practice of confirming accounts as low-income has remained consistent and is a result of income information the customer provides when calling regarding inability to pay or the need for assistance." (OCA-IV-41). I note that in both descriptions of its policies, practices and procedures, the FirstEnergy Companies are not proactive in seeking to confirm low-income status, but rather are simply the passive acceptor of information offered by a customer.

Q. WHAT PROBLEM DO YOU SEE WITH USING THE PASSIVE ACCEPTANCE OF INCOME DATA AT A TIME THAT CUSTOMERS SEEK DEFERRED PAYMENT PLANS AS THE MEANS TO CONFIRM LOW-INCOME STATUS?

A. The problem is two-fold. First, a high proportion of residential customers as a whole in arrears do not contact the Companies to negotiate payment plans (OCA-IV-1, Attachment A). Under the Companies' current passive approach, without such contacts, even when customers are low-income and in payment trouble, the Companies would have no basis upon which to extend them low-income regulatory protections. Second, to exacerbate the problem, the Companies do not know, and have not inquired or studied, why customers do not make contact with the utilities "when, in response to bill nonpayment, those nonpaying customers receive a request or notice to contact a utility to avoid the disconnection of service." (OCA-IV-29).

Q. WHAT GIVES YOU CAUSE FOR CONCERN WITH THE MANNER AND EXTENT TO WHICH THE FIRSTENERGY COMPANIES CONFIRM CUSTOMERS AS LOW-INCOME?

A. None of the FirstEnergy Companies have confirmed a substantial proportion of the estimated low-income customers in their respective service territories. Indeed, three of the four FirstEnergy Companies have confirmed fewer than half of their estimated number of low-income customers. West Penn Power has confirmed fewer than one-third.

Confirmed LI as % of Estimated LI	2010	2011	2012	2013	2014	2015
ME	53.2%	64.0%	53.1%	51.9%	52.0%	NA
PN	45.9%	46.3%	46.9%	46.5%	42.3%	NA
PP	49.6%	52.4%	46.8%	49.0%	49.7%	NA
WP	NA	28.1%	26.4%	26.2%	31.0%	NA

The low rate at which the FirstEnergy Companies confirm their low-income customers occurs at a time when, as discussed in detail above, CAP participation is declining but the payment problems of confirmed low-income customers are increasing. The regulatory protections available to confirmed low-income customers are thus of particular importance.

Q. WHY IS IT APPROPRIATE TO ADDRESS THIS FAILURE TO CONFIRM LOW-INCOME CUSTOMER STATUS IN THIS RATE CASE?

A. Extending low-income regulatory protections to all customers who are entitled to receive such protections is an important element of customer service. It is thus reasonable to examine whether these regulatory protections are being reasonably pursued.

Q. WHAT DO YOU RECOMMEND?

A. I recommend that each FirstEnergy Company enlist the use of community-based organizations ("CBOs") as part of its process to identify and confirm low-income customers. Several reasons support this conclusion.

1) First, CBOs are more likely to have staff specifically trained in, and skilled with, Company processes and procedures than customers acting on their own. It is far more likely that customers working with a CBO will be able to recognize the advantages from accessing the full suite of services and benefits available to a confirmed low-income customer than would customers working alone.

2) Second, research by the National Regulatory Research Institute ("NRRI"), when NRRI was the research arm of the National Association of Regulatory Utility Commissioners ("NARUC"), found that entire sub-populations of residential customers in payment trouble rely more on trusted community organizations for advice and assistance in responding to nonpayment than on either friends/family or on the utility itself.[22] The FirstEnergy Companies should take advantage of these community-based partnerships.

3) Third, in research that I am currently doing for the Water Research Foundation, the research arm of the American Water Works Association ("AWWA"), on "hard to reach" customers, I have repeatedly heard that enlisting community-based partners is one of the most critical steps in

[22] NRRI (April 2003). Where Customers go for Help Paying Utility Bills.

> reaching these persons.[23] The FirstEnergy Companies should take advantage of this information. While the FirstEnergy Companies concede that they do not know, and have not inquired, into why low-income households do not respond to written notices (OCA-IV-29), or into why households do not complete deferred payment arrangement (OCA-IV-30), CBOs are more likely to know this information from their institutional experience.

More specifically, to address the lack of performance of the FirstEnergy Companies in confirming their low-income customers, I recommend two process changes by each FirstEnergy Company. First, I recommend that standard forms be made widely available through non-utility access points, which forms can be used by CBOs to confirm low-income status for each respective Company. For example, the same CBOs that serve as access points for enrolling in CAP, or to apply for LIHEAP or hardship grants, should not only be allowed, but should be aggressively encouraged, to maintain their own inventory of "low-income confirmation" forms.

This process of confirming low-income customers is the same process commonly referred to as "adjunctive eligibility" or "express lane eligibility" for public assistance programs. The federal General Accounting Office ("GAO") notes with respect to the Children's Health Insurance program that "Express Lane Eligibility. . .accelerates enrollment for the hundreds of thousands of uninsured children already enrolled in other income-comparable publicly funded programs such as Head Start or school lunch. The simple notion is that children who have met the income test for these income-comparable

[23] Perhaps the best study I have read in the past 25 years on how to reach hard-to-reach customers was the following: Natasha Cortas, et al. (2009). *Engaging Hard to Reach Families and Children*, Australia Department of Families, Housing, Community Services and Indigenous Affairs: New South Wales.

programs should have their eligibility expedited and do not need to provide duplicative income information to qualify for health care coverage.[24] According to The Children's Partnership "the greatest potential for reaching large numbers of children most simply is to allow eligibility for one program to be used to fulfill some or all of the eligibility requirements for health care."[25]

Extending this reasoning, the FirstEnergy Companies should authorize and encourage CBOs to incorporate low-income confirmation forms into applications for other assistance, whether that assistance involves energy (hardship grants) or non-energy programs (e.g., employment training, Food Stamps). A customer would not be ***required*** to provide such authorization at that time, but should be ***allowed*** (indeed, encouraged) to do so at the same time the customer is otherwise working with the CBO to provide income verification for some other public assistance purpose.[26]

The PUC regulation regarding low-income confirmation does not address the use of a standard form to confirm customers as being "low-income customers." Nonetheless, the use of standard forms have been provided in other circumstances (e.g., third party receipt of "reminder notices, past due notices, delinquent account notices or termination notices of whatever kind", 52 Pa. Code § 56.131). For the FirstEnergy Companies to promulgate such a standard form for use by CBOs, and making such standard forms "available"

[24] GAO (April 2000). Medicaid and SCHIP: Comparisons of Outreach, Enrollment Practices, and Benefits, Report No. GAO/HEHS-00-86, at n. 10, General Accounting Office: Washington D.C.
[25] The Children's Partnership, Express Lane Eligibility: How to Enroll Large Groups of Uninsured Children in Medicaid and CHIP, Children's Partnership: Washington D.C.
[26] I provided a detailed analysis of this type of dual use of income certification when I described "express lane eligibility" in my review of LIHEAP outreach for the Iowa Department of Human Rights, the Iowa LIHEAP agency. Colton (2000). Outreach Strategies for Iowa's LIHEAP Program: Innovations in Targeting," prepared for Iowa Department of Human Rights.

through their distribution to, and use by, CBOs who otherwise work with low-income customers, is entirely consistent with the language of the PUC Regulation defining a "confirmed low-income customer" as one for whom the Companies have "information that would reasonably place [a] customer in a low-income designation." The use of such standard forms would allow the FirstEnergy Companies to address the declining rate at which they are identifying their low-income customers and the declining rate of CAP participation. It would allow the FirstEnergy Companies to extend the regulatory protections available to "confirmed low-income customers" to all customers for whom the protections are intended.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes it does.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, *et. al.*	:	R-2016-2537349, *et al.*
	:	
v.	:	
	:	
Metropolitan Edison Company	:	

Pennsylvania Public Utility Commission, *et. al.*	:	R-2016-2537352, *et al.*
	:	
v.	:	
	:	
Pennsylvania Electric Company	:	

Pennsylvania Public Utility Commission, *et. at.*	:	R-2016-2537355, *et. al.*
	:	
v.	:	
	:	
Pennsylvania Power Company	:	

Pennsylvania Public Utility Commission, *et. al.*	:	R-2016-2537359, *et al.*
	:	
v.	:	
	:	
West Penn Power Company	:	

SCHEDULES ACCOMPANYING THE

DIRECT TESTIMONY

OF

ROGER D. COLTON

ON BEHALF OF
OFFICE OF CONSUMER ADVOCATE

JULY 22, 2016

Schedule RDC-1

LIURP Budgets and Expenditures: FirstEnergy Companies (PA)
(2012 – 2015)

	2012			2013			2014			2015			4-Year Total	
Expenditures	Admin	Program	Total	Admin	Program	Total	Admin	Program	Total	Admin	Program	Total	Program	Total
ME	$215,119	$3,109,564	$3,324,683	$252,231	$3,108,476	$3,360,707	$197,496	$3,638,786	$3,836,282	$230,894	$3,916,640	$4,147,534		
PN	$300,194	$3,725,717	$4,025,911	$321,359	$3,683,427	$4,004,786	$211,688	$3,962,562	$4,174,250	$246,007	$4,322,723	$4,568,730		
PP	$139,948	$1,297,070	$1,437,018	$152,182	$1,382,386	$1,534,568	$145,189	$1,831,445	$1,976,634	$182,296	$1,612,617	$1,794,913		
WP	$243,294	$2,303,757	$2,547,051	$361,476	$2,315,168	$2,676,644	$404,120	$3,003,090	$3,407,210	$462,948	$3,985,276	$4,448,224		
	2012			2013			2014			2015				
Budget	Admin	Program	Total	Admin	Program	Total	Admin	Program	Total	Admin	Program	Total		
ME	$211,690	$3,193,932	$3,405,622	$269,003	$3,477,182	$3,746,185	$286,250	$3,722,167	$4,008,417	$279,650	$3,980,350	$4,260,000		
PN	$241,900	$3,874,992	$4,116,892	$329,130	$4,199,440	$4,528,570	$344,310	$4,501,260	$4,845,570	$264,410	$4,849,981	$5,114,391		
PP	$109,530	$1,885,501	$1,995,031	$173,143	$2,021,391	$2,194,534	$200,910	$2,147,242	$2,348,152	$182,110	$1,984,890	$2,167,000		
WP	$222,734	$2,329,266	$2,552,000	$556,696	$2,150,253	$2,706,949	$453,314	$2,978,991	$3,432,305	$464,435	$3,537,565	$4,002,000		
Over/Under /a/														
ME		$84,368	$80,939		$368,706	$385,478		$83,381	$172,135		$63,710	$112,466	$600,165	$751,018
PN		$149,275	$90,981		$516,013	$523,784		$538,698	$671,320		$527,258	$545,661	$1,731,244	$1,831,746
PP		$588,431	$558,013		$639,005	$659,966		$315,797	$371,518		$372,273	$372,087	$1,915,506	$1,961,584
WP		$25,509	$4,949		($164,915)	$30,305		($24,099)	$25,095		($447,711)	($446,224)	($611,216)	($385,875)

NOTES:
/a/ Expenditures greater than budget = negative number; expenditures less than budget = positive number.

SOURCE:
Budget: OCA-IV-10
Expenditures: OCA-IV-09

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, *et. al.* v. Metropolitan Edison Company	: : : : :	R-2016-2537349, *et al.*
Pennsylvania Public Utility Commission, *et. al.* v. Pennsylvania Electric Company	: : : : :	R-2016-2537352, *et al.*
Pennsylvania Public Utility Commission, *et. at.* v. Pennsylvania Power Company	: : : : :	R-2016-2537355, *et. al.*
Pennsylvania Public Utility Commission, *et. al.* v. West Penn Power Company	: : : : :	R-2016-2537359, *et al.*

APPENDIX A ACCOMPANYING THE

DIRECT TESTIMONY

OF

ROGER D. COLTON

ON BEHALF OF
OFFICE OF CONSUMER ADVOCATE

JULY 22, 2016

ROGER D. COLTON

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EDUCATION:

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

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

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

PROFESSIONAL EXPERIENCE:

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

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

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

National Consumer Law Center (NCLC): 1986 - 1994

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

<u>Community Action Research Group (CARG)</u>: 1981 - 1985

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

PROFESSIONAL AFFILIATIONS:

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

PROFESSIONAL ASSOCIATIONS:

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

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COLTON EXPERIENCE AS EXPERT WITNESS

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CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O Pacific Gas and Electric Company	TURN	15-09-001	Electric bill affordability	California	16
I/M/O Columbia Gas of Pennsylvania	Office of Consumer Advocate	R-2016-2529660	Rate deisgn / customer service / Low-income program cost recovery	Pennsylvania	16
I/M/O Philadelphia Water Department	Public Advocate, City of Philadelphia	N/A	Low-income program design	Philadelphia	16
I/M/O UGI Gas	Office of Consumer Advocate	M-2015-2518438	Rate design, energy efficiency, customer service	Pennsylvania	16
Keener v. Consumers Energy	Keener (plaintiff)	15-146908-NO	Collections	State District Ct--MI	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, PECO Energy	Office of Consumer Advocate	M-2015-2515691	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, Duquesne Light Company	Office of Consumer Advocate	M-2015-2515375	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, FirstEnergy Companies (Metropolitan Edison, Penelec, Penn Power, West Penn Power)	Office of Consumer Advocate	M-2015-2514767; M-2015-2514768; M-2015-2514769; M-2015-2514772	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O Energy Efficiency and Conservation Plan, Phase III, PPL Electric Corporation	Office of Consumer Advocate	M-2015-251-2515642	Multi-Family Energy Efficiency	Pennsylvania	16
I/M/O BC Hydro	Public Interest Action Centre	N/A	Rate design / terms and conditions / energy efficiency	British Columbia	15 - 16

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Augustin v. Philadelphia Gas Works	Augustin (Plaintiffs)	2:14—cv-04238	Constitutional notice issues	U.S. District Court (E.D. PA)	15
I/M/O PPL Utilities	Office of Consumer Advocate	R-2015-2469275	Rate design / customer service	Pennsylvania	15
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2015-2468056	Rate design / customer service	Pennsylvania	15
I/M/O PECO Energy Company	Office of Consumer Advocate	R-2015-2468981	Rate design / customer service	Pennsylvania	15
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	P-2014-2459362	Demand Side Management	Pennsylvania	15
I/M/O SBG Management v. Philadelphia Gas Works	SBG Management	C-2012-2308454	Customer service	Pennsylvania	15
I/M/O Manitoba Hydro	Resource Action Centre		Low-income affordability	Manitoba	15
I/M/O FirstEnergy Companies (Met Ed, WPP, Penelec, Penn Power)	Office of Consumer Advocate	R-2014-2428742 (8743, 8744, 8745)	Rate design / customer service / storm communications	Pennsylvania	14
I/M/O Xcel Energy Company	Energy CENTS Coalition	E002/GR-13-868	Rate design / energy conservation	Minnesota	14
I/M/O Peoples Gas Light and Coke Company / North Shore Gas	Office of Attorney General	14-0224 / 14--0225	Rate design / customer service	Illinois	14
I/M/O Columbia Gas of Pennsylvania	Office of Consumer Advocate	R-2014-2406274	Rate design / customer service	Pennsylvania	14
I/M/O Duquesne Light Company Rates	Office of Consumer Advocate	R-2013-2372129	Rate design / customer service / storm communications	Pennsylvania	13
I/M/O Duquesne Light Company Universal Service	Office of Consumer Advocate	M-2013-2350946	Low-income program design	Pennsylvania	13
I/M/O Peoples-TWP	Office of Consumer Advocate	P-2013-2355886	Low-income program design / rate design	Pennsylvania	13
I/M/O PECO CAP Shopping Plan	Office of Consumer Advocate	P-2013-2283641	Retail shopping	Pennsylvania	13
I/M/O PECO Universal Service Programs	Office of Consumer Advocate	M-201202290911	Low-income program design	Pennsylvania	13

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I/M/O Privacy of Consumer Information	Legal Services Advocacy Project	CI-12-1344	Privacy of SSNs & consumer information	Minnesota	13
I/M/O Atlantic City Electric Company	Division of Rate Counsel	BPU-12121071	Customer service / Storm communications	New Jersey	13
I/M/O Jersey Central Power and Light Company	Division of Rate counsel	BPU-12111052	Customer service / Storm communications	New Jersey	13
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2012-2321748	Universal service	Pennsylvania	13
I/M/O Public Service Company of Colorado Low-Income Program Design	Xcel Energy d/b/a PSCo	12A--EG	Low-income program design / cost recovery	Colorado	12
I/M/O Philadelphia Water Department.	Philadelphia Public Advocate	No. Docket No.	Customer service	Philadelphia	12
I/M/O PPL Electric Power Corporation	Office of Consumer Advocate	R-2012-2290597	Rate design / low-income programs	Pennsylvania	12
I/M/O Peoples Natural Gas Company	Office of Consumer Advocate	R-2012-2285985	Rate design / low-income programs	Pennsylvania	12
I/M/O Merger of Constellation/Exelon	Office of Peoples Counsel	CASE 9271	Customer Service	Maryland	11
I/M/O Duke Energy Carolinas	North Carolina Justice Center	E-7, SUB-989	Customer service/low-income rates	North Carolina	11
Re. Duke Energy/Progress Energy merger	NC Equal Justice foundation	E-2, SUB 998	Low-income merger impacts	North Carolina	11
Re. Atlantic City Electric Company	Division of Rate Counsel	ER1186469	Customer Service	New Jersey	11
Re. Camelot Utilities	Office of Attorney General	11-0549	Rate shock	Illinois	11
Re. UGI—Central Penn Gas	Office of Consumer Advocate	R-2010-2214415	Low-income program design/cost recovery	Pennsylvania	11
Re. National Fuel Gas	Office of Consumer Advocate	M-2010-2192210	Low-income program cost recovery	Pennsylvania	11
Re. Philadelphia Gas Works	Office of Consumer Advocate	P-2010-2178610	Program design	Pennsylvania	11
Re. PPL	Office of Consumer Advocate	M-2010-2179796	Low-income program cost recovery	Pennsylvania	11
Re. Columbia Gas Company	Office of Consumer Advocate	R-2010-2215623	Rate design/Low-income program cost recovery	Pennsylvania	11
Crowder et al. v. Village of Kauffman	Crowder (plaintiffs)	3:09-CV-02181-M	Section 8 utility allowances	Texas Fed Court	11
I/M/O Peoples Natural Gas Company.	Office of Consumer Advocate	T-2010-220172	Low-income program design/cost recovery	Pennsylvania	11

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O Commonwealth Edison	Office of Attorney General	10-0467	Rate design/revenue requirement	Illinois	10
I/M/O National Grid d/b/a Energy North	NH Legal Assistance	DG-10-017	Rate design/revenue requirement	New Hampshire	10
I/M/O Duquesne Light Company	Office of Consumer Advocate	R-2010-2179522	Low-income program cost recovery	Pennsylvania	10
I/M/O Avista Natural Gas Corporation	The Opportunity Council	UE-100467	Low-income assistance/rate design	Washington	10
I/M/O Manitoba Hydro	Resource Conservation Manitoba (RCM)	CASE NO. 17/10	Low-income program design	Manitoba	10
I/M/O TW Phillips	Office of Consumer Advocate	R-2010-2167797	Low-income program cost recovery	Pennsylvania	10
I/M/O PECO Energy—Gas Division	Office of Consumer Advocate	R-2010-2161592	Low-income program cost recovery	Pennsylvania	10
I/M/O PECO Energy—Electric Division	Office of Consumer Advocate	R-2010-2161575	Low-income program cost recovery	Pennsylvania	10
I/M/O PPL Energy	Office of Consumer Advocate	R-2010-2161694	Low-income program cost recovery	Pennsylvania	10
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2009-2149262	Low-income program design/cost recovery	Pennsylvania	10
I/M/O Atlantic City Electric Company	Office of Rate Council	R09080664	Customer service	New Jersey	10
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	R-2009-2139884	Low-income program cost recovery	Pennsylvania	10
I/M/O Philadelphia Gas Works	Office of Consumer Advocates	R-2009-2097639	Low-income program design	Pennsylvania	10
I/M/O Xcel Energy Company	Xcel Energy Company (PSCo)	085-146G	Low-income program design	Colorado	09
I/M/O Atmos Energy Company	Atmos Energy Company	09AL-507G	Low-income program funding	Colorado	09
I/M/O New Hampshire CORE Energy Efficiency Programs	New Hampshire Legal Assistance	D-09-170	Low-income efficiency funding	New Hampshire	09
I/M/O Public Service Company of New Mexico (electric)	Community Action of New Mexico	08-00273-UT	Rate Design	New Mexico	09
I/M/O UGI Pennsylvania Natural Gas Company (PNG)	Office of Consumer Advocate	R-2008-2079675	Low-income program	Pennsylvania	09
I/M/O UGI Central Penn Gas Company (CPG)	Office of Consumer Advocate	R-2008-2079660	Low-income program	Pennsylvania	09
I/M/O PECO Electric (provider of last resort)	Office of Consumer Advocate	R-2008-2028394	Low-income program	Pennsylvania	08

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O Equitable Gas Company	Office of Consumer Advocate	R-2008-2029325	Low-income program	Pennsylvania	08
I/M/O Columbia Gas Company	Office of Ohio Consumers' Counsel	08-072-GA-AIR	Rate design	Ohio	08
I/M/O Dominion East Ohio Gas Company	Office of Ohio Consumers' Counsel	07-829-GA-AIR	Rate design	Ohio	08
I/M/O Vectren Energy Delivery Company	Office of Ohio Consumers' Counsel	07-1080-GA-AIR	Rate design	Ohio	08
I/M/O Public Service Company of North Carolina	NC Department of Justice	G-5, SUB 495	Rate design	North Carolina	08
I/M/O Piedmont Natural Gas Company	NC Department of Justice	G-9, SUB 550	Rate design	North Carolina	08
I/M/O National Grid	New Hampshire Legal Assistance	DG-08-009	Low-income rate assistance	New Hampshire	08
I/M/O EmPower Maryland	Office of Peoples Counsel	PC-12	Low-income energy efficiency	Maryland	08
I/M/O Duke Energy Carolinas Save-a-Watt Program	NC Equal Justice Foundation	E-7, SUB 831	Low-income energy efficiency	North Carolina	08
I/M/O Zia Natural Gas Company	Community Action New Mexico	08-00036-UT	Low-income/low-use rate design	New Mexico	08
I/M/O Universal Service Fund Support for the Affordability of Local Rural Telecomm Service	Office of Consumer Advocate	I-0004010	Telecomm service affordability	Pennsylvania	08
I/M/O Philadelphia Water Department	Public Advocate	No Docket No.	Credit and Collections	Philadelphia	08
I/M/O Portland General Electric Company	Community Action--Oregon	UE-197	General rate case	Oregon	08
I/M/O Philadelphia Electric Company (electric)	Office of Consumer Advocate	M-00061945	Low-income program	Pennsylvania	08
I/M/O Philadelphia Electric Company (gas)	Office of Consumer Advocate	R-2008-2028394	Low-income program	Pennsylvania	08
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-2008-2011621	Low-income program	Pennsylvania	08
I/M/O Public Service Company of New Mexico	Community Action New Mexico	08-00092-UT	Fuel adjustment clause	New Mexico	08
I/M/O Petition of Direct Energy for Low-Income Aggregation	Office of Peoples Counsel	CASE 9117	Low-income electricity aggregation	Maryland	07
I/M/O Office of Consumer Advocate et al. v. Verizon and Verizon North	Office of Consumer Advocate	C-20077197	Lifeline telecommunications rates	Pennsylvania	07
I/M/O Pennsylvania Power Company	Office of Consumer Advocate	P-00072437	Low-income program	Pennsylvania	07

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O National Fuel Gas Distribution Corporation	Office of Consumer Advocate	M-00072019	Low-income program	Pennsylvania	07
I/M/O Public Service of New Mexico--Electric	Community Action New Mexico	07-00077-UT	Low-income programs	New Mexico	07
I/M/O Citizens Gas/NIPSCO/Vectren for Universal Service Program	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	CASE 43077	Low-income program design	Indiana	07
I/M/O PPL Electric	Office of Consumer Advocate	R-00072155	Low-income program	Pennsylvania	07
I/M/O Section 15 Challenge to NSPI Rates	Energy Affordability Coalition	P-886	Discrimination in utility regulation	Nova Scotia	07
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	R-00049157	Low-income and residential collections	Pennsylvania	07
I/M/O Equitable Gas Company	Office of Consumer Advocate	M-00061959	Low-income program	Pennsylvania	07
I/M/O Public Service Company of New Mexico	Community Action of New Mexico	Case No. 06-000210-UT	Late charges / winter moratorium / decoupling	New Mexico	06
I/M?O Verizon Massachusetts	ABCD	Case NO. DTE 06-26	Late charges	Massachusetts	06
I/M/O Section 11 Proceeding, Energy Restructuring	Office of Peoples Counsel	PC9074	Low-income needs and responses	Maryland	06
I/M/O Citizens Gas/NIPSCO/Vectren for Univ. Svc. Program	Citizens Gas & Coke Utility/Northern Indiana Public Service/Vectren Energy	Case No. 43077	Low-income program design	Indiana	06
I/M/O Public Service Co. of North Carolina	North Carolina Attorney General/Dept. of Justice	G-5, Sub 481	Low-income energy usage	North Carolina	06
I/M/O Electric Assistance Program	New Hampshire Legal Assistance	DE 06-079	Electric low-income program design	New Hampshire	06
I/M/O Verizon Petition for Alternative Regulation	New Hampshire Legal Assistance	DM-06-072	Basic local telephone service	New Hampshire	06
I/M/O Pennsylvania Electric Co/Metropolitan Edison Co.	Office of Consumer Advocate	N/A	Universal service cost recovery	Pennsylvania	06
I/M/O Duquesne Light Company	Office of Consumer Advocates	R-00061346	Universal service cost recovery	Pennsylvania	06
I/M/O Natural Gas DSM Planning	Low-Income Energy Network	EB-2006-0021	Low-income gas DSM program.	Ontario	06
I/M/O Union Gas Co.	Action Centre for Tenants Ontario (ACTO)	EB-2005-0520	Low-income program design	Ontario	06

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O Public Service of New Mexico merchant plant	Community Action New Mexico	05-00275-UT	Low-income energy usage	New Mexico	06
I/M/O Customer Assistance Program design and cost recovery	Office of Consumer Advocate	M-00051923	Low-income program design	Pennsylvania	06
I/M/O NIPSCO Proposal to Extend Winter Warmth Program	Northern Indiana Public Service Company	Case 42927	Low-income energy program evaluation	Indiana	05
I/M/O Piedmont Natural Gas	North Carolina Attorney General/Dept. of Justice	G-9, Sub 499	Low-income energy usage	North Carolina	05
I/M/O PSEG merger with Exelon Corp.	Division of Ratepayer Advocate	EM05020106	Low-income issues	New Jersey	05
Re. Philadelphia Water Department	Public Advocate	No docket number	Water collection factors	Philadelphia	05
I/M/O statewide natural gas universal service program	New Hampshire Legal Assistance	N/A	Universal service	New Hampshire	05
I/M/O Sub-metering requirements for residential rental properties	Tenants Advocacy Centre of Ontario	EB-2005-0252	Sub-metering consumer protections	Ontario	05
I/M/O National Fuel Gas Distribution Corp.	Office of Consumer Advocate	R-00049656	Universal service	Pennsylvania	05
I/M/O Nova Scotia Power, Inc.	Dalhousie Legal Aid Service	NSUARB-P-881	Universal service	Nova Scotia	04
I/M/O Lifeline Telephone Service	National Ass'n State Consumer Advocates (NASUCA)	WC 03-109	Lifeline rate eligibility	FCC	04
Mackay v. Verizon North	Office of Consumer Advocate	C20042544	Lifeline rates—vertical services	Pennsylvania	04
I/M/O PECO Energy	Office of Consumer Advocate	N/A	Low-income rates	Pennsylvania	04
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	P00042090	Credit and collections	Pennsylvania	04
I/M/O Citizens Gas & Coke/Vectren	Citizens Action Coalition of Indiana	Case 42590	Universal service	Indiana	04
I/M/O PPL Electric Corporation	Office of Consumer Advocate	R00049255	Universal service	Pennsylvania	04
I/M/O Consumers New Jersey Water Company	Division of Ratepayer Advocate	N/A	Low-income water rate	New Jersey	04
I/M/O Washington Gas Light Company	Office of Peoples Counsel	Case 8982	Low-income gas rate	Maryland	04
I/M/O National Fuel Gas	Office of Consumer Advocate	R-00038168	Low-income program design	Pennsylvania	03

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O Washington Gas Light Company	Office of Peoples Counsel	Case 8959	Low-income gas rate	Maryland	03
Golden v. City of Columbus	Helen Golden	C2-01-710	ECOA disparate impacts	Ohio	02
Huegel v. City of Easton	Phyllis Huegel	00-CV-5077	Credit and collection	Pennsylvania	02
I/M/O Universal Service Fund	Public Utility Commission staff	N/A	Universal service funding	New Hampshire	02
I/M/O Philadelphia Gas Works	Office of Consumer Advocate	M-00021612	Universal service	Pennsylvania	02
I/M/O Washington Gas Light Company	Office of Peoples Counsel	Case 8920	Rate design	Maryland	02
I/M/O Consumers Illinois Water Company	Illinois Citizens Utility Board	02-155	Credit and collection	Illinois	02
I/M/O Public Service Electric & Gas Rates	Division of Ratepayer Advocate	GR01050328	Universal service	New Jersey	01
I/M/O Pennsylvania-American Water Company	Office of Consumer Advocate	R-00016339	Low-income rates and water conservation	Pennsylvania	01
I/M/O Louisville Gas & Electric Prepayment Meters	Kentucky Community Action Association	200-548	Low-income energy	Kentucky	01
I/M/O NICOR Budget Billing Plan Interest Charge	Cook County State's Attorney	01-0175	Rate Design	Illinois	01
I/M/O Rules Re. Payment Plans for High Natural Gas Prices	Cook County State's Attorney	01-0789	Budget Billing Plans	Illinois	01
I/M/O Philadelphia Water Department	Office of Public Advocate	No docket number	Credit and collections	Philadelphia	01
I/M/O Missouri Gas Energy	Office of Peoples Counsel	GR-2001-292	Low-income rate relief	Missouri	01
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Division of Ratepayer Advocate	T001020095	Telecommunications universal service	New Jersey	01
I/M/O Entergy Merger	Low-Income Intervenors	2000-UA925	Consumer protections	Mississippi	01
I/M/O T.W. Phillips Gas and Oil Co.	Office of Consumer Advocate	R00994790	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O Peoples Natural Gas Company	Office of Consumer Advocate	R-00994782	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O UGI Gas Company	Office of Consumer Advocate	R-00994786	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O PFG Gas Company	Office of Consumer Advocate	R00994788	Ratemaking of universal service costs.	Pennsylvania	00

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
Armstrong v. Gallia Metropolitan Housing Authority	Equal Justice Foundation	2:98-CV-373	Public housing utility allowances	Ohio	00
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Division of Ratepayer Advocate	T099120934	Telecommunications universal service	New Jersey	00
I/M/O Universal Service Fund for Gas and Electric Utilities	Division of Ratepayer Advocate	EX00200091	Design and funding of low-income programs	New Jersey	00
I/M/O Consolidated Edison Merger with Northeast Utilities	Save Our Homes Organization	DE 00-009	Merger impacts on low-income	New Hampshire	00
I/M/O UtiliCorp Merger with St. Joseph Light & Power	Missouri Dept. of Natural Resources	EM2000-292	Merger impacts on low-income	Missouri	00
I/M/O UtiliCorp Merger with Empire District Electric	Missouri Dept. of Natural Resources	EM2000-369	Merger impacts on low-income	Missouri	00
I/M/O PacifiCorp	The Opportunity Council	UE-991832	Low-income energy affordability	Washington	00
I/M/O Public Service Co. of Colorado	Colorado Energy Assistance Foundation	99S-609G	Natural gas rate design	Colorado	00
I/M/O Avista Energy Corp.	Spokane Neighborhood Action Program	UE9911606	Low-income energy affordability	Washington	00
I/M/O TW Phillips Energy Co.	Office of Consumer Advocate	R-00994790	Universal service	Pennsylvania	00
I/M/O PECO Energy Company	Office of Consumer Advocate	R-00994787	Universal service	Pennsylvania	00
I/M/O National Fuel Gas Distribution Corp.	Office of Consumer Advocate	R-00994785	Universal service	Pennsylvania	00
I/M/O PFG Gas Company/Northern Penn Gas	Office of Consumer Advocate	R-00005277	Universal service	Pennsylvania	00
I/M/O UGI Energy Company	Office of Consumer Advocate	R-00994786	Universal service	Pennsylvania	00
Re. PSCO/NSP Merger	Colorado Energy Assistance Foundation	99A-377EG	Merger impacts on low-income	Colorado	99 - 00
I/M/O Peoples Gas Company	Office of Consumer Advocate	R-00994782	Universal service	Pennsylvania	99
I/M/O Columbia Gas Company	Office of Consumer Advocate	R-00994781	Universal service	Pennsylvania	99
I/M/O PG Energy Company	Office of Consumer Advocate	R-00994783	Universal service	Pennsylvania	99

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
I/M/O Equitable Gas Company	Office of Consumer Advocate	R-00994784	Universal service	Pennsylvania	99
Allerruzzo v. Klarchek	Barlow Allerruzzo	N/A	Mobile home fees and sales	Illinois	99
I/M/O Restructuring New Jersey's Natural Gas Industry	Division of Ratepayer Advocate	GO99030123	Universal service	New Jersey	99
I/M/O Bell Atlantic Local Competition	Public Utility Law Project	P-00991648	Lifeline telecommunications rates	Pennsylvania	99
I/M/O Merger Application for SBC and Ameritech Ohio	Edgemont Neighborhood Association	N/A	Merger impacts on low-income consumers	Ohio	98 - 99
Davis v. American General Finance	Thomas Davis	N/A	Damages in "loan flipping" case	Ohio	98 - 99
Griffin v. Associates Financial Service Corp.	Earlie Griffin	N/A	Damages in "loan flipping" case	Ohio	98 - 99
I/M/O Baltimore Gas and Electric Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8794	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Delmarva Power and Light Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8795	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Electric Power Co. Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8796	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Edison Restructuring Plan	Maryland Office of Peoples Counsel	Case No. 8797	Consumer protection/basic generation service	Maryland	98 - 99
VMHOA v. LaPierre	Vermont Mobile Home Owners Association	N/A	Mobile home tying	Vermont	98
Re. Restructuring Plan of Virginia Electric Power	VMH Energy Services, Inc.	PUE960296	Consumer protection/basic generation service	Virginia	98
Mackey v. Spring Lake Mobile Home Estates	Timothy Mackey	N/A	Mobile home fees	State ct: Illinois	98
Re. Restructuring Plan of Atlantic City Electric	New Jersey Division of Ratepayer Advocate	E097070457	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Jersey Central Power & Light	New Jersey Division of Ratepayer Advocate	E097070466	Low-income issues	New Jersey	97-98

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
Re. Restructuring Plan of Public Service Electric & Gas	New Jersey Division of Ratepayer Advocate	E097070463	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Rockland Electric	New Jersey Division of Ratepayer Advocate	E09707466	Low-income issues	New Jersey	97-98
Appleby v. Metropolitan Dade County Housing Agency	Legal Services of Greater Miami	N/A	HUD utility allowances	Fed. court: So. Florida	97 - 98
Re. Restructuring Plan of PECO Energy Company	Energy Coordinating Agency of Philadelphia	R-00973953	Universal service	Pennsylvania	97
Re. IES Industries Merger	Iowa Community Action Association	SPU-96-6	Low-income issues	Iowa	97
Re. New Hampshire Electric Restructuring	NH Comm. Action Ass'n	N/A	Wires charge	New Hampshire	97
Re. Merger of Atlantic City Electric and Connectiv	Division of Ratepayer Advocate	EM97020103	Low-income	New Jersey	97
Re. Connecticut Power and Light	City of Hartford	92-11-11	Low-income	Connecticut	97
Re. Comprehensive Review of RI Telecomm Industry	Consumer Intervenors	1997	Consumer protections	Rhode Island	97
Re. Natural Gas Competition in Wisconsin	Wisconsin Community Action Association	N/A	Universal service	Wisconsin	96
Re. Baltimore Gas and Electric Merger	Maryland Office of Peoples Counsel	CASE NO. 8725	Low-income issues	Maryland	96
Re. Northern States Power Merger	Energy Cents Coalition	E-002/PA-95-500	Low-income issues	Minnesota	96
Re. Public Service Co. of Colorado Merger	Colorado Energy Assistance Foundation	N/A	Low-income issues	Colorado	96
Re. Massachusetts Restructuring Regulations	Fisher, Sheehan & Colton	DPU-96-100	Low-income issues/energy efficiency	Massachusetts	96
I/M/O PGW FY1996 Tariff Revisions	Philadelphia Public Advocate	No Docket No.	Credit and collection / customer service	Philadelphia	96
Re. FERC Merger Guidelines	National Coalition of Low-Income Groups	RM-96-6-000	Low-income interests in mergers	Washington D.C.	96

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
Re. Joseph Keliikuli III	Joseph Keliikuli III	N/A	Damages from lack of homestead	Honolulu	96
Re. Theresa Mahaulu	Theresa Mahaulu	N/A	Damages from lack of homestead	Honolulu	95
Re. Joseph Ching, Sr.	Re. Joseph Ching, Sr.	N/A	Damages from lack of homestead	Honolulu	95
Joseph Keaulana, Jr.	Joseph Keaulana, Jr.	N/A	Damages from lack of homestead	Honolulu	95
Re. Utility Allowances for Section 8 Housing	National Coalition of Low-Income Groups	N/A	Fair Market Rent Setting	Washington D.C.	95
Re. PGW Customer Service Tariff Revisions	Philadelphia Public Advocate	No Docket No.	Credit and collection	Philadelphia	95
Re. Customer Responsibility Program	Philadelphia Public Advocate	No Docket No.	Low-income rates	Philadelphia	95
Re. Houston Lighting and Power Co.	Gulf Coast Legal Services	12065	Low-Income Rates	Texas	95
I/M/O Petition to Stay PGW's Suspension of CRP customers who did Not Assign LIHEAP Grant to PGW	Philadelphia Public Advocate	No Docket No.	Low-Income rates	Philadelphia	95
Re. PGW Tariff Changes, Programs and Information Systems	Philadelphia Public Advocate	No Docket No.	Credit and collection	Philadelphia	95
Re. Request for Modification of Winter Moratorium	Philadelphia Public Advocate	No Docket No.	Credit and collection	Philadelphia	95
Re. Dept of Hawaii Homelands Trust Homestead Production	Native Hawaiian Legal Corporation	N/A	Prudence of trust management	Honolulu	94
Re. SNET Request for Modified Shutoff Procedures	Office of Consumer Counsel	94-06-73	Credit and collection	Connecticut	94
Re. Central Light and Power Co.	United Farm Workers	128280	Low-income rates/DSM	Texas	94
Blackwell v. Philadelphia Electric Co.	Gloria Blackwell	N/A	Role of shutoff regulations	Penn. courts	94
U.S. West Request for Waiver of Rules	Wash. Util. & Transp. Comm'n Staff	UT-930482	Telecommunications regulation	Washington	94
Re. U.S. West Request for Full Toll Denial	Colorado Office of Consumer Counsel	93A-6113	Telecommunications regulation	Colorado	94
Washington Gas Light Company	Community Family Life Services	Case 934	Low-income rates & energy efficiency	Washington D.C.	94

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
Clark v. Peterborough Electric Utility	Peterborough Community Legal Centre	6900/91	Discrimination of tenant deposits	Ontario, Canada	94
Dorsey v. Housing Auth. of Baltimore	Baltimore Legal Aide	N/A	Public housing utility allowances	Federal district court	93
Penn Bell Telephone Co.	Penn. Utility Law Project	P00930715	Low-income phone rates	Pennsylvania	93
Philadelphia Gas Works	Philadelphia Public Advocate	No Docket No.	Low-income rates	Philadelphia	93
Central Maine Power Co.	Maine Assn Ind. Neighborhoods	Docket No. 91-151-C	Low-income rates	Maine	92
New England Telephone Company	Mass Attorney General	92-100	Low-income phone rates	Massachusetts	92
Philadelphia Gas Works	Philadelphia Public Advocate	No Docket No.	Low-income DSM	Philadelphia	92
Philadelphia Water Dept.	Philadelphia Public Advocate	No Docket No.	Low-income rates	Philadelphia	92
Public Service Co. of Colorado	Land and Water Fund	91A-783EG	Low-income DSM	Colorado	92
Sierra Pacific Power Co.	Washoe Legal Services	N/A	Low-income DSM	Nevada	92
Consumers Power Co.	Michigan Legal Services	No Docket No.	Low-income rates	Michigan	92
Columbia Gas	Office of Consumer Advocate (OCA)	R9013873	Energy Assurance Program	Pennsylvania	91
Mass. Elec. Co.	Mass Elec Co.	N/A	Percentage of Income Plan	Massachusetts	91
AT&T	TURN	90-07-5015	Inter-LATA competition	California	91
Generic Investigation into Uncollectibles	Office of Consumer Advocate	I-900002	Controlling uncollectibles	Pennsylvania	91
Union Heat Light & Power	Kentucky Legal Services (KLS)	90-041	Energy Assurance Program	Kentucky	90
Philadelphia Water	Philadelphia Public Advocate (PPA)	No Docket No.	Controlling accounts receivable	Philadelphia	90
Philadelphia Gas Works	PPA	No Docket No.	Controlling accounts receivable	Philadelphia	90
Mississippi Power Co.	Southeast Mississippi Legal Services Corp.	90-UN-0287	Formula ratemaking	Mississippi	90

CASE NAME	CLIENT NAME	Docket No. (if available)	TOPIC	JURIS.	YEAR
West Kentucky Gas	KLS	90-013	Energy Assurance Program	Kentucky	90
Philadelphia Electric Co.	PPA	N/A	Low-income rate program	Philadelphia	90
Montana Power Co.	Montana Ass'n of Human Res. Council Directors	N/A	Low-income rate proposals	Montana	90
Columbia Gas Co.	Office of Consumer Advocate	R-891468	Energy Assurance Program	Pennsylvania	90
Philadelphia Gas Works	PPA	No Docket No.	Energy Assurance Program	Philadelphia	89
Southwestern Bell Telephone Co.	SEMLSC	NF-89749	Formula ratemaking	Mississippi	90
Generic Investigation into Low-income Programs	Vermont State Department of Public Service	Case No. 5308	Low-income rate proposals	Vermont	89
Generic Investigation into Dmnd Side Management Measures	Vermont DPS	N/A	Low-income conservation programs	Vermont	89
National Fuel Gas	Office of Consumer Advocate	N/A	Low-income fuel funds	Pennsylvania	89
Montana Power Co.	Human Resource Develop. Council District XI	N/A	Low-income conservation	Montana	88
Washington Water Power Co.	Idaho Legal Service Corp.	N/A	Rate base, rate design, cost-allocations	Idaho	88

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, *et. al.*	:	R-2016-2537349, *et al.*
v.	:	
Metropolitan Edison Company	:	
Pennsylvania Public Utility Commission, *et. al.*	:	R-2016-2537352, *et al.*
v.	:	
Pennsylvania Electric Company	:	
Pennsylvania Public Utility Commission, *et. at.*	:	R-2016-2537355, *et. al.*
v.	:	
Pennsylvania Power Company	:	
Pennsylvania Public Utility Commission, *et. al.*	:	R-2016-2537359, *et al.*
v.	:	
West Penn Power Company	:	

VERIFICATION

I, Roger D. Colton, hereby state that the facts above set forth in my Direct Testimony, OCA Statement No. 4, are true and correct and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Signature: ______________________
Roger D. Colton

Consultant Address: Fisher, Sheehan, and Colton
34 Warwick Road
Belmont, Ma 02478

DATED: July 22, 2016