

## **CURRICULUM VITAE**

### **Charles W. Augustine**

**OFFICE:** Compass Lexecon  
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#### **PROFESSIONAL EXPERIENCE:**

Compass Lexecon  
Boston, MA  
*Executive Vice President, 2017 – present*  
*Senior Vice President, 2013 – 2017*  
*Vice President 2006 – 2013*  
*Managing Consultant/Director 2004 – 2005*  
*Managing Consultant, 2003 – 2004*  
*Senior Consultant, 1999 – 2003*

Performs analysis of regulated markets, focusing on natural gas and electricity. Brings strong expertise in the organization and operation of energy markets, including the ongoing efforts by federal and state regulators to increase the role of market forces in regulated industries.

National Economic Research Associates, Inc., Cambridge, MA  
*Senior Consultant, 1999*  
*Senior Analyst, 1997 – 1998*  
*Analyst, 1995 – 1996*

Provided policy analysis for gas and electricity industry restructuring exercises. Performed supply/demand analysis for energy infrastructure projects and privatizations. Analyzed regulatory frameworks for gas and oil pipelines. Drafted testimony for regulatory proceedings, including distributor and pipeline company rate cases and prudence reviews. Performed financial/economic modeling. Provided litigation support.

Charles Augustine

Massachusetts Department of Public Utilities, Boston, MA  
*Economic Analyst*, 1994 – 1995

Worked on forecast and supply plans, contract review, and tariff implementation.

U.S. Peace Corps, Boston, MA, and Bukavu, Zaire  
*New England Area Manager*, 1989 – 1991  
*New England Area Representative*, 1986 – 1989  
*Peace Corps Volunteer/Trainer*, 1983 – 1985

## **EDUCATION**

John F. Kennedy School of Government, Harvard University, Cambridge, MA  
M.P.P., 1994  
Area of Concentration: Energy Economics  
Thesis: “Recognizing the Service Value of Utility DSM Programs”

Southern Illinois University, Carbondale, IL  
M.A. in English, 1983  
B.A. in English, 1981

## **SELECTED CONSULTING EXPERIENCE**

Radio Music License Committee

In an Arbitration before the Hon. Vaughn Walker, Kenneth R. Feinberg, Esq., and Lee A. Freeman, Jr., Esq. between: *SESAC, Inc., SESAC, LLC, and SESAC Holdings, Inc., Claimants v. Radio Music License Committee, Respondent*, Expert Report of Dr. Steven R. Peterson, December 23, 2016. Reply Expert Report of Steven R. Peterson, PhD, January 23, 2017.

Libyan Emirates Oil Refining Company

*International Court of Arbitration of the International Chamber of Commerce, ICC Case No. 19758/MCP*. Expert Report of Dr. Scott T. Jones on behalf of Claimant, August 4, 2016. Supplemental Expert Report of Dr. Scott T. Jones on behalf of Claimant, December 16, 2016. Written, Confidential.

Radio Music License Committee

*Radio Music License Committee v. Global Music Rights, LLC*. in the United States District Court for the Eastern District of Pennsylvania. Declaration of Steven R. Peterson, November 18, 2016.

Citizens for Farm Animal Protection

Charles Augustine

*Before the Joint Committee on Environment, Natural Resources and Agriculture of the General Court of the Commonwealth of Massachusetts. Economic analysis of HR3930: An Act to Prevent Cruelty to Farm Animals, February 11, 2016.*

BNSF Railway Company, CSX Transportation, Inc., Norfolk Southern Railway Company, and Union Pacific Railroad Company

*In the United States District Court for the District of Columbia, In Re: Rail Freight Fuel Surcharge Antitrust Litigation, MDL No. 1869, All Direct Purchaser Cases, Expert Report of Joseph P. Kalt on behalf of the Defendants, January 22, 2013; Declaration of Joseph P. Kalt, March 31, 2014; Sur-Reply Declaration of Joseph P. Kalt, July 21, 2014.*

Government of Israel

*Before the Honorable Arbitrators in the Matter of The State of Israel – Government of Israel, Plaintiff, versus Dead Sea Works Ltd., Company No. 520019373, Defendant. Expert Report of Scott T. Jones, July 22, 2012. Written, Confidential.*

Entergy

*Before the State of Vermont Public Service Board, Petition of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., for amendment of their certificates of public good and other approvals required under 30 V.S.A. 231(a), for authority to continue after March 21, 2012, operation of the Vermont Yankee Nuclear Power Station, including the storage of spent-nuclear fuel. Docket No. 7862. Prefiled Testimony of Jeffrey Tranen, June 28, 2012.*

El Paso Corporation

*In the Court of Chancery of the State of Delaware, Cross Country Energy LLC, Plaintiff, vs. El Paso Corporation and El Paso Citrus Holdings, Defendants., El Paso Corporation, Third Party Plaintiff, vs. Southern Union Company, Energy Transfer Equity, L.P. and Energy Transfer Partners, L.P. Third Party Defendants. Expert Report of Scott T. Jones on behalf of the Defendants and Third Party Defendants, April 4, 2012.*

Meridian Energy

*Before the Electricity Authority of New Zealand, Decision-making and economic framework for transmission pricing methodology review. Submission of Dennis Carlton, Charles Augustine and Gustavo Bamberger, February 24, 2012; Supplemental Submission of Dennis Carlton, Charles Augustine and Gustavo Bamberger, March 8, 2012.*

Motiva Enterprises, LLC

*In the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Bay Point Oil Corp., et al, Plaintiffs, vs. Motiva Enterprises,*

Charles Augustine

*LLC, Defendant, Case No. 03-03572, and Hollywood Hills Service Center, Inc., et al, Plaintiffs, vs. Motiva Enterprises, LLC, Defendant, Case No. 04-13857 CA (30). Declaration of Joseph P. Kalt on Behalf of the Defendants, July 15, 2011; Affidavit of Joseph P. Kalt, May 25, 2012.*

Dairy Farmers of America, Inc. and Dairy Marketing Services, LLC

*In the United States District Court for the District of Vermont, Alice H. Allen and Laurence E. Allen, d/b/a Al-Lens Farm, Garret Sitts and Ralph Sitts, and Jonathan and Claudia Haar on behalf of themselves and all others similarly situated, Plaintiffs, vs. Dairy Farmers of America, Inc., Dairy Marketing Services, LLC, and Dean Foods Company, Defendants, Docket No. 5:09-cv-00230-cr. Expert Report of Joseph P. Kalt on Behalf of the Defendants, April 5, 2011; Declaration of Joseph P. Kalt on Behalf of the Defendants (re: Settlement), April 12, 2011; Reply Report of Joseph P. Kalt on Behalf of Defendants, July 6, 2011; Expert Report of Joseph P. Kalt, December 16, 2011; Expert Report of Joseph P. Kalt, May 11, 2012; Reply Report of Joseph P. Kalt, July 26, 2013.*

J.M. Huber Corporation

*In the United States District Court Western Division of New York, Robbins & Myers, Inc., Plaintiff, vs. J.M. Huber Corporation and H. Milton Hoff, Defendants. Expert Report of Scott T. Jones on behalf of Defendants, February 25, 2011.*

Greka Oil & Gas, Inc.

*In the Superior Court of the State of California, for the County of Los Angeles and Related Cross-Action, Vintage Petroleum, LLC, Plaintiff (a Delaware Corporation) v. Greka Oil & Gas, Inc. (a Colorado Corporation) Defendant, Case No. BC 409473. Breach of Contract for Indemnification and Declaratory Relief involving remediation costs, contract performance terms and conditions, industry standard behavior in the operation and maintenance of heavy crude oil fields in Santa Barbara, California. Testimony of Scott T. Jones, March 26, 2010.*

Dean Foods Company, et al.

*In the US District Court for the Eastern District of Tennessee Greenville Division, Food Lion, LLC, et al., Plaintiffs, vs. Dean Foods Company, et al., Defendants, Case No. 2:07-CV-188. Expert Report of Joseph P. Kalt on Behalf of the Defendants, May 3, 2010; Declaration of Joseph P. Kalt on Behalf of the Defendants, April 16, 2015.*

*In the US District Court for the Eastern District of Tennessee Greenville Division, Sweetwater Valley Farm, Inc., et al., Plaintiffs, vs. Dean Foods Company, et al., Defendants, MDL No. 1899. Expert Report of Joseph P. Kalt on Behalf of the Defendants, May 3, 2010.*

U.S. Bank National Association

Charles Augustine

*In the United States District Court Western District of Wisconsin, U.S. Bank National Association, in its Capacity as Indenture Trustee and Not in its Individual Capacity, Plaintiff, vs. Alliant Energy Resources, Inc., a Wisconsin Corporation; and Alliant Energy Corp., a Wisconsin Corporation, Defendants.* Expert Report of Scott T. Jones on behalf of U.S. Bank National Association, September 11, 2009.

Ohio Edison Company, The Cleveland Electric Illuminating Company and  
The Toledo Edison Company

*Before the Public Utilities Commission of Ohio, In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of Rider FUEL and Related Accounting Authority and In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant To R.C. § 4928.143 in the Form of an Electric Security Plan.* Direct Testimony of Scott T. Jones on behalf of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company, February 20, 2009.

City of Los Angeles

*In the United States District Court for the District of Columbia, Federal Maritime Commission, Plaintiff, v. the City of Los Angeles California et al., Defendants, Civil Action No. 1:08-cv-01895-RJL.* Declaration of Joseph P. Kalt on behalf of the Defendant, November 26, 2008.

E.I. Du Pont de Nemours & Co.

*Before the American Arbitration Association, Johnson Matthey Inc., Claimant, v. E.I. Du Pont de Nemours & Co., Respondent, Case no. 14152Y01880 07.* Expert Rebuttal Report of Scott T. Jones on behalf of Respondent, November 21, 2008.

Mobil Cerro Negro, Ltd.

*Before the International Court of Arbitration of the International Chamber of Commerce, Mobil Cerro Negro, Ltd., Claimant, v. Petroleos de Venezuela, S.A., PDVSA Cerro Negro S.A., Respondents.* Expert Report of Scott T. Jones on behalf of Claimant, September 26, 2008.

Motiva Enterprises, LLC, et al.

*Superior Court of Connecticut, Complex Litigation Docket at Waterbury, Wyatt Energy, Inc. v Motiva Enterprises, LLC, et al..* Suppl. Report of Joseph P. Kalt, August 20, 2008.

First Energy Corp.

*Before the Public Utilities Commission of Ohio, In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Company, and the Toledo Edison Company, and the Toledo Edison Company for Authority to a Standard*

Charles Augustine

*Service Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan, Case No. 08-EL-SSO. Direct Testimony of Scott T. Jones, August 1, 2008.*

Northern Natural Gas Company

*Before the Federal Regulatory Commission, Docket No. RP08-29-000, Rockies Express Shippers, Complainants, v. Northern Natural Gas Company, Respondent. Prepared Answering Testimony of Scott T. Jones on behalf of Respondent, May 2008; prepared Surrebuttal Testimony of Scott T. Jones on behalf of Respondent, July 2008.*

Mobil Cerro Negro, Ltd.

*In the High Court of Justice, Queen's Bench Division, Commercial Court, Claim No 2008 Folio 61, Mobil Cerro Negro Ltd v. Petróleos de Venezuela, S.A., Defendants. First Affidavit of Scott T. Jones, February 26, 2008.*

Tesoro Petroleum Corporation and Subsidiaries

*Before the Office of Administrative Hearings State of Alaska, in the matter of Tesoro Petroleum Corporation and Subsidiaries, Oil and Gas Corporate Income Tax, Tax Period 1994-1998, Appellant. OAH No. 05-0155-TAX. Expert Report of Scott T. Jones, November 16, 2007.*

General Atomic Technologies Corp.

*In the United States District Court for the District of Colorado, Civil Action No. 06-CV-00848-REB-CBS, ConverDyn, Plaintiff, v. James Neal Blue, Heathgate Resources Pty., Ltd., General Atomic Technologies Corporation, and Nuclear Fuels Corporation, Defendants. Expert Report of Scott T. Jones on behalf of Defendant, September 17, 2007.*

General Atomic Technologies Corp.

*In the United States District Court for the Northern District of Illinois, Eastern Division, Case No. 06 C 5516, Exelon Generation Company, LLC, a limited liability company, Plaintiff, v. General Atomic Technologies Corp., a Delaware corporation, Defendant. Expert Report of Scott T. Jones on behalf of Defendant, September 5, 2007.*

Nuclear Fuels Corp.

*In the United States District Court for the Northern District of Illinois, Eastern Division, Case No. 06 C 5515, Exelon Generation Company, LLC, a limited liability company, Plaintiff, v. Nuclear Fuels Corp., a Delaware corporation, Defendant. Expert Report of Scott T. Jones on behalf of Defendant, September 5, 2007.*

Equilon Enterprises LLC, et al.

*In the US District Court, Eastern District of Missouri, Eastern Division, Daniels Self, et al., Plaintiffs v. Equilon Enterprises LLC, et al., Defendants, Cause No. 4*

Charles Augustine

*00CV0193 TIA*. Expert Report of Joseph P. Kalt on Behalf of Defendants, September 4, 2007.

The Hanwha Companies, ORIX Corporation, and Macquarie Life Limited  
*Before The International Court of Arbitration of the International Chamber of Commerce, Korea Deposit Insurance Corporation, Plaintiff, v. Hanwha Companies, ORIX Corporation, and Macquarie Life Limited, Defendants, ICC Case No. 14501/JB/JEM/EBS (c. 14502/JB/JEM/EBS)*. Expert Report of Joseph P. Kalt on Behalf of Defendants, July 13, 2007.

*Before The International Court of Arbitration of the International Chamber of Commerce, Korea Deposit Insurance Corporation, Plaintiff, v. Hanwha Companies and ORIX Corporation, Defendants, ICC Case No. 14501/JB/JEM/EBS/VRO (c. 14502/JB/JEM/EBS)*. Reply Expert Report of Joseph P. Kalt on Behalf of The Hanwha Companies and ORIX Corporation, September 7, 2007.

Shell Oil Company, Texaco Refining and Marketing Inc., Equilon Enterprises LLC.  
*In the United States District Court for the Central District of California, Southern Division, Case No. CV- 04-10370 JVS (JTLx), Mike Madani, et al, v. Equilon Enterprises LLC, et al.* Expert Report of Joseph P. Kalt, November 20, 2006; Rebuttal report of Joseph P. Kalt, December 22, 2006.

Peabody COALSALES Company  
*In the matter of Arbitration between Peabody COALSALES Company N/K/A Coalsales II, LLC vs Dynegy Coal Trading & Transportation, LLC Illinois.* Expert Report of Scott T. Jones, providing testimony regarding the setting of coal prices pursuant to a contract reopener clause, October 31, 2006.

Official Committee of Unsecured Creditors in the Entergy New Orleans, Inc. Bankruptcy  
*In the United States District Court for the Eastern District of Louisiana, In Re: Entergy New Orleans, Inc. Chapter 11 Section B.* Expert Report of Scott T. Jones, providing testimony in response to ENOI's petition to assume certain power purchase agreements, October 12, 2006.

Yemen Exploration & Production Company  
*Before The International Chamber of Commerce, (Case No. 14108/EC), Yemen Exploration & Production Company, Claimant, v. Republic of Yemen, Respondent.* Statement of Expert Witness Scott T. Jones, September 1, 2006; Supplemental Report of Scott T. Jones, March 9, 2007; Scott T. Jones 2<sup>nd</sup> Supplemental Report, June 16, 2007; Scott T. Jones 3<sup>rd</sup> Supplemental Report, June 29, 2007.

Valencia and Singleton

Charles Augustine

*In the United States District Court for the Southern District of Texas, Houston Division, United States of America, vs. Michelle Valencia and Greg Singleton.* Report of Scott T. Jones, testimony on behalf of the plaintiffs in this criminal matter involving allegations about prices reported to publications that list natural gas trading information, July 6, 2006.

Vermont Gas Systems, Inc.

*Before the State of Vermont Public Service Board In Re Tariff filing of Vermont Gas Systems, Inc. requesting a 16.7% rate increases to take effect April 25, 2006, and to be implemented on October 1, 2006, Docket No. 7160, and In Re Petition of Vermont Gas Systems, Inc., for approval of an alternative-regulation plan, Docket No. 7109.* Prefiled Rebuttal Testimony of Charles W. Augustine, June 7, 2006.

FirstEnergy Corp.

*Before the Pennsylvania Public Utility Commission, Petition of Metropolitan Edison Company for Approval of a Rate Transition Plan (Metropolitan Edison Company Docket No. R-00061366) and Petition of Pennsylvania Electric Company for Approval of a Rate Transition Plan (Pennsylvania Electric Company Docket No. R-00061367).* Direct Testimony of Scott T. Jones, April 10, 2006.

*Before the Pennsylvania Public Utility Commission, Petition of Metropolitan Edison Company for Approval of a Rate Transition Plan (Metropolitan Edison Company Docket No. R-00061366) and Petition of Pennsylvania Electric Company for Approval of a Rate Transition Plan (Pennsylvania Electric Company Docket No. R-00061367).* Direct Testimony of Jeffrey D. Tranen, April 10, 2006.

*Before The Pennsylvania Public Utility Commission, Petition of Metropolitan Edison Company for Approval of a Rate Transition Plan (Metropolitan Edison Company Docket No. R-00061366) and Petition of Pennsylvania Electric Company for Approval of a Rate Transition Plan (Pennsylvania Electric Company Docket No. R-00061367).* Direct Testimony of David A. Reishus, April 10, 2006.

FirstEnergy Solutions Corp.

*United States of America, Before the Federal Regulatory Commission, FirstEnergy Solutions Corp.* Prepared Direct Testimony of Scott T. Jones and A. Joseph Cavicchi confirming the auction price result of the Competitive Bidding Process carried out by the Ohio Public Utilities Commission in December 2004, and establishing that Solutions is not charging a rate greater than market prices for wholesale electricity sold to its affiliated Ohio based regulated distribution companies, March 15, 2006.

Jerry Alfred Futch, Jr.

*In the United States District Court for the Southern District of Texas, Houston Division, Criminal Action No. H-04-511, United States of America, vs. Jerry Alfred Futch, Jr., Defendant.* Expert Report of Scott T. Jones and Charles W. Augustine,



Charles Augustine

January 17, 2006; Response of Scott T. Jones and Charles W. Augustine, To Report of Matthew P. O'Loughlin, February 13, 2006.

#### ExxonMobil

*In the District Court of Bexar County, Texas, 73rd Judicial District, Cause No. 2003-CI-04424, TETCO Inc., Spot Services LP, Los Nietos de Turner LP, and TETCO Stores, Plaintiffs, vs. Exxon Corporation, Mobil Oil Corporation, ExxonMobil Corporation, and Mobil Marketing Ventures, Inc., Defendants.* Expert Report of Kenneth M. Stern, December 5, 2005.

#### NEGT Gas

*In the Matter of the Arbitration Between Mirant Americas Energy Marketing, LP, Claimant, and NEGT Energy Trading-Gas Corporation; Gas Transmission Northwest Corporation; National Energy & Gas Transmission, Inc.; NEGT Energy Trading Holdings Corporation; and NEGT Energy Trading-Power, L.P., Respondents.* Dispute involved terminated natural gas purchase and sale contracts, claimed breach of contracts, and calculation of damages. Expert Report of Scott T. Jones on behalf of Respondents, December 2005.

#### Vermont Gas Systems, Inc.

*Before the State of Vermont Public Service Board In Re Petition of Vermont Gas Systems, Inc., pursuant to 30 V.S.A. § 218d, for authority to implement an Alternative-Regulatory Plan, Docket No. 7109.* Prefiled Testimony of Charles W. Augustine, November 7, 2005; Oral testimony, June 6, 2006.

#### Calpine Corporation

*In the Court of Chancery of the State of Delaware in and for New Castle County, Calpine Corporation v. The Bank of New York and Wilmington Trust Company.* Expert Report of Scott T. Jones, November 2, 2005.

#### Travelers

*In the Matter of the Arbitration between the Travelers Indemnity Company and Travelers Casualty & Surety Company, Petitioner, and Everest Reinsurance Company, Respondent.* Rebuttal Report of Scott T. Jones on behalf of Petitioner, September 21, 2005.

#### Securities and Exchange Commission (SEC)

*In the United States District Court for the Southern District of Texas, Houston Division, Securities and Exchange Commission v. Preston Hopper, Tamela Palla, and Terry Woolley.* Provided testimony involving the behavior of trading and financial management in major electricity and natural gas companies from 1999-2002. Expert Report of Scott T. Jones, September 1, 2005.

#### L-3 Communications, Inc.

Charles Augustine

*In the United States District Court for the Southern District of New York, L-3 Communications Corporation v. OSI Systems, Inc.* Provided expert damages testimony on behalf of L-3 Communications in a failed negotiation to transfer certain business assets. Expert Report of Scott T. Jones; Deposition July 15, 2005.

Entergy Nuclear Vermont Yankee, LLC

*Entergy Nuclear Operations, Inc. Petition before the Vermont Public Service Board.* Testimony of Jeff Tranen in support of Entergy VY petition to construct a dry fuel storage facility at the Vermont Yankee Nuclear Power Station, June 16, 2005.

General Electric and Bechtel

*In an Arbitration Under an Agreement Between the Government of the Republic of Mauritius and the Government of the Republic of India for the Promotion and Protection of Investments Signed on 4 September 1998, and Under the Citral Rules, Capital India Power Mauritius I and Energy Enterprises (Mauritius) Company (Claimants) and the Government of the Republic of India (Respondent).* Expert Report of Joseph P. Kalt, David M. Newbery and Thomas E. Lumsden, May 23, 2005.

Allegheny Energy, Inc.

*In the United States District Court for the Southern District of New York, Allegheny Energy, Inc v. Merrill Lynch & Co., Inc.* Expert testimony of Scott T. Jones, January 6, 2005; oral testimony, May 17, 2005.

Shell Oil Company, Texaco Refining and Marketing Inc., Equilon Enterprises LLC.

*In the United States District Court for the Central District of California, Case No. SACV- 03-565-JVS (JTLx), Andre Van Der Valk, et al., v. Shell Oil Company, Texaco Refining and Marketing Inc., and Equilon Enterprises LLC.* Expert Report of Joseph P. Kalt, October 8, 2004; Rebuttal Report, November 8, 2004; Deposition, December 13, 2004; Second Rebuttal Report, April 4, 2005.

Vermont Department of Public Service/Vermont Gas Systems

Facilitating the development of an Alternative Regulation Plan through a series of workshops with the DPS and the gas company providing research and advice leading to a proposal for the Vermont Public Service Board, 2003-2005.

Shell Oil Company

*In the United States District Court for the Court of Massachusetts, Mac's Shell Service, Inc., et al, v. Shell Oil Company, et al.* Expert Report of Joseph P. Kalt, July 6, 2004.

Flying J, Inc.

*Flying J, Inc. v. Comdata Network, Inc., in the United States District Court of Utah (Northern Division).* Declaration, June 22, 2004; Damages Report, June 22, 2004.

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El Paso Natural Gas Company and Burlington Resources Oil & Gas Company  
*In the District Court of Washita County State of Oklahoma, Nations Bank, N.A., as Trustee of the Virginia C. Earman Trust; et al. v. El Paso Natural Gas Company and Burlington Resources Oily & Gas Company Case No. CJ-97-68.* Expert Report, March 30, 2004.

Arizona Competitive Power Alliance  
*Before the Arizona Corporation Commission, Docket No. E-01345-03.* Direct Testimony with Jeffrey D. Tranen, February 3, 2004; Direct Testimony of Joseph P. Kalt, February 3, 2004.

Shell Oil Company  
*In the Court of Common Pleas, Cuyahoga County, Ohio, Donald J. Casserlie, et al., v. Shell Oil Company, et al.* Expert Report of Joseph P. Kalt, January 30, 2004.

Massachusetts Department of Telecommunications and Energy  
Submission of comments on the investigation by the Massachusetts D.T.E. on its own motion into the Provision of Default Service, D.T.E. 02-40-B (with A. Joseph Cavicchi), May 28, 2003.

Dex Holdings, LLC  
*Before the Washington Utilities and Transportation Commission, In the Matter of the Application of Qwest Corporation Regarding the Sale and Transfer of Qwest Dex to Dex Holdings, LLC.* Rebuttal Testimony of Joseph P. Kalt, April 17, 2003.

El Paso Merchant Energy, L.P. and Calpine Energy Services, L.P.  
*Before the Federal Energy Regulatory Commission, Nevada Power Company and Sierra Pacific Power Company v. Duke Energy Trading and Marketing, LLC, Enron Power Marketing, Inc., El Paso Merchant Energy, L.P., American Electric Power Services Corp.; Nevada Power Company v. Morgan Stanley Capital Group Inc., Calpine Energy Services, L.P., Mirant Americas Energy Marketing, L.P., Reliant Energy Services, Inc., BP Energy Company, Allegheny Energy Supply Company, LLC; Southern California Water Company v. Mirant Americas Energy Marketing, L.P.; Public Utility District No. 1, Snohomish County, Washington, v. Morgan Stanley Capital Group Inc.* Prepared Direct Testimony of Joseph P. Kalt, June 28, 2002; Prepared Answering Testimony, August 27, 2002; Deposition, September 24, 2002.

El Paso Merchant Energy, L.P.  
*Before the Federal Energy Regulatory Commission, Public Utilities Commission of the State of California, California Electricity Oversight Board v. Sellers of Long-Term Contracts to the California Department of Water Resources, Sellers of Energy and Capacity Under Long-Term Contracts with the California Department of Water Resources.* Prepared Direct Testimony of Joseph P. Kalt,

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October 17, 2002; Rebuttal Testimony, November 14, 2002; Deposition, November 24, 2002; Oral Testimony, December 10, 2002.

El Paso Merchant Energy, L.P.

*Before the Federal Energy Regulatory Commission, PacifiCorp v. Reliant Energy Services, Inc., Morgan Stanley Capital Group Inc., Williams Energy Marketing & Trading Company, El Paso Merchant Energy L.P.* Prepared Direct Testimony of Joseph P. Kalt, October 8, 2002; Prepared Rebuttal Testimony, November 26, 2002; Deposition, December 5, 2002; Oral Testimony, December 18, 2002.

NESI Power Marketing, Inc.

*United States District Court, District of Connecticut, Bridgeport Division, In re: The Power Company of America, LP, Debtor; Goldin Associates, LLC, Trustee for the PCA Liquidating Trust, v. NESI Power Marketing, Inc.* Expert Testimony of Scott T. Jones regarding power market events and bankruptcy litigation. Presentation to mediator, April 12, 2001; Expert Report, August 23, 2002; Deposition, September 4, 2002; Hearings, June and July 2003.

Pacific Gas and Electric Company/PG&E Corporation

*Before the Federal United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Company, Debtor, Federal I.D. No. 94-0742640,* on the public policy concerns raised by the proposed reorganization plan of PG&E Corporation. Expert Report of Susan F. Tierney, November 8, 2002; Rebuttal Report, November 26, 2002.

Pacific Gas and Electric Company/PG&E Corporation

*Before the Federal Energy Regulatory Commission, in the Matter of Pacific Gas and Electric Company, PG&E Corporation, on behalf of its Subsidiaries Electric Generation LLC, ETrans LLC, and GTrans LLC.* Direct Testimony of Susan F. Tierney on the public benefits of the application seeking approval under Section 203 of the Federal Power Act and Section 12 of the Natural Gas Act for various actions relating to restructuring of the company to emerge from bankruptcy, November 30, 2001.

Cross-Sound Cable Company LLC

*Before the Connecticut Siting Council, on the public benefits of the proposed Cross Sound Cable Project's Application for a Certificate of Environmental Compatibility and Public Need, Docket No. 208.* Direct Testimony of Susan F. Tierney, July 23, 2001.

Sithe New England (Sithe Edgar LLC, Sithe New Boston LLC, Sithe Framingham LLC, Sithe West Medway LLC, Sithe Mystic LLC)

*Before the Federal Energy Regulatory Commission, in the Matter of NSTAR Electric & Gas Corp., v. Sithe Edgar LLC, Sithe New Boston LLC, Sithe Framingham LLC, Sithe West Medway LLC, Sithe Mystic LLC, and PG&E Energy Trading, Docket No. EL01-79-000.* Affidavit of Susan F. Tierney

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comparing historical cost recovery by Boston Edison for its portfolio of fossil generation units (pre-divestiture) under rate regulation, versus Sithe's revenue recovery for these same units (post-divestiture) under market prices, June 5, 2001.

Burlington Northern and Santa Fe Railway Company

*Before the Surface Transportation Board, STB Ex Parte No. 582 (Sub-No. 1), Public Views on Major Rail Consolidations. Verified Statement of José A. Gómez-Ibáñez and Joseph P. Kalt, November 2000.*

Maritimes & Northeast Pipeline, LLC, and Algonquin Gas Transmission Company

Report by Susan F. Tierney (with Wayne Oliver of Navigant Consulting) "The Benefits of New Gas Infrastructure in Massachusetts and New England: The Maritimes & Northeast Phase III Pipeline and the Algonquin Gas Transmission Company HubLine Projects," October 2000; Follow-up reports in 2001, 2002, 2003.

Arkansas Electric Distribution Cooperatives

*Before the Arkansas Public Service Commission, In the Matter of a Generic Proceeding to Establish Uniform Policies and Guidelines for a Standard Service Package. Prepared Joint Reply Testimony of Susan F. Tierney and Janet Gail Besser, July 2000; Prepared Joint Surreply Testimony of Susan F. Tierney and Janet Gail Besser, August 2000.*

Sithe New England Holdings, LLC

Initial and Reply Comments of Sithe before the Massachusetts Department of Telecommunications and Energy into whether (1) metering, meter maintenance and testing, customer billing, and information services should be unbundled; and (2) the service territories of distribution companies should remain exclusive (D.T.E. 00-41), August and September, 2000.

TransÉnergie U.S.

*Before the Connecticut Siting Council, on the public benefits of the proposed Cross Sound Cable Project. Written Testimony of Susan F. Tierney, July 2000.*

Sithe New England Holdings, LLC

*Before the Massachusetts Department of Telecommunications and Energy, Comments of Sithe in the Department's Investigation into Pricing and Procurement of Default Service (D.T.E. 99-60-A). June 2000.*

PP&L, Inc.

*Before the Pennsylvania Public Utilities Commission, Docket Number P-00001788, Petition of PP&L Industrial Customer Alliance for a Declaratory Order Prohibiting the Implementation of a Tariff Interpretation Change for Billing PP&L Rate Schedule IS-P and IS-T Customers. Testimony of Scott T. Jones in dispute over interruptible service tariffs for large industrial customers, in*

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support of PPL Electric Resources IS-P and IS-T tariffs and tariff policy,  
February 24, 2000.

Fitchburg Gas and Electric Light Company

*Before the Massachusetts Department of Telecommunications and Energy (D.T.E. 99-66), on gas and electric company rate design policy.* Testimony of Susan F. Tierney, January 14, 2000.

Southern Connecticut Gas Company

*In the matter of proposed recovery of Southern's pipeline construction costs (Docket No. 99-04-18).* Prefiled Testimony of Jeff D. Makhholm, July 1999.

Edison Electric Institute

*Before the New Jersey Public Utilities Board in the matter of Draft Affiliate Relations Standards (Docket No. EX99030182).* Testimony of Kenneth Gordon, May 3, 1999.

Ohio Electric Utility Institute

*Before the Ohio Senate Ways and Means Committee in the matter of Substitute Senate Bill.* Testimony of Kenneth Gordon, April 20, 1999.

Commonwealth Edison Company

*Before the Illinois Commerce Commission in the matter of Commonwealth Edison's petition for approval of delivery services tariffs and delivery services implementation plan, and for approval of certain other amendments and additions to its rates, terms, and conditions, Docket No. 99-0117.* Direct Testimony of Jeff D. Makhholm, March 1, 1999; Rebuttal and Surrebuttal filed in April and May, 1999.

Commonwealth Edison Company

*Before the Illinois Commerce Commission in the matter of Investigation Concerning the Unbundling of Delivery Services Under Section 16-108 of the Public Utilities Act, Docket No. No. 99-0013.* Direct Testimony of Jeff D. Makhholm, February 4, 1999; Reply Comments, February 17, 1999.

Public Service Company of New Mexico

*In the Matter of the Commission's Investigation of the Rates for Electric Service of Public Service Company of New Mexico.* Rebuttal Testimony of Kenneth Gordon, May 6, 1998

Tucson Electric Power Company

*In the Matter of Competition in the Provision of Electric Services throughout the State of Arizona, Docket No. U-0000-94-165.* Direct Testimony of Kenneth Gordon, January 9, 1998; Rebuttal Testimony, February 4, 1998.

Charles Augustine

#### Kansas Pipeline Partnership

*Before the State Corporation Commission of the State of Kansas, in the matter of the Partial Suspension of Western Resources' Monthly Purchased Gas Adjustment (PGA) Effective Date.* Direct Testimony of Jeff D. Makhholm, December 1, 1996; Performed prudence examination of gas commodity and gas transportation contracts, Docket No. 97-WSRG-312-PGA, May 23, 1997.

#### Consolidated Edison Company of New York, Inc., *et al.*

*Before the Federal Energy Regulatory Commission, on behalf of Consolidated Edison Company of New York, Inc., Owens Corning, PECO Energy Company, Philadelphia Gas Works, and Washington Gas Light Company opposing the roll-in of incrementally priced pipeline gas transport capacity, Docket No. RP95-197-71-001.* Answering Testimony of Jeff D. Makhholm, March 24, 1997.

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