

FEDERAL INTERVENTION BY  
STATE PUBLIC SERVICE COMMISSIONS AND CONSUMER ADVOCATES

Robert E. Burns, Esq.  
Senior Research Associate

Mark Eifert  
Graduate Research Associate

THE NATIONAL REGULATORY RESEARCH INSTITUTE  
1080 Carmack Road  
Columbus, Ohio 43210

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## EXECUTIVE SUMMARY

Regulation is evolving along with the industries regulated and this evolution will continue to alter the relations between federal and state regulatory commissions. Federal regulators have taken the lead in revamping the regulatory regime, in some cases to the dismay of state regulators. For state regulators to help shape the future of regulation, they must know how to intervene effectively at the federal level.

In the fall of 1987, the National Association of State Utility Commissioners (NARUC) through its Subcommittee on Law, began a study of federal intervention programs. A survey was crafted to collect information about the programs of state public service commissions and consumer counsels. This report presents an analysis of the responses to that survey. The analysis is both descriptive and statistical focusing on the general characteristics of federal intervention programs as well as on factors that influence the level and cost of intervention activity.

### Descriptive Analysis of Federal Intervention Programs

State public service commissions (PSCs) and state consumer counsels (CCs) intervene primarily to protect ratepayers and the states' positions and to affect federal decisions. One-half of the state PSCs surveyed intervened ten or more times each year and, as a group, averaged twenty federal interventions per year. Only one-quarter of state CCs intervened ten or more times each year, although, as a group, they averaged eighteen federal interventions a year. Most intervention activities occurred at the Federal Energy Regulatory Commission (FERC) and at the Federal Communications Commission (FCC). The study suggests that two-thirds of state PSCs and state CCs will intervene at three or more federal agencies within the next three to five years over issues dealing primarily with natural gas, electricity, and telecommunication. As a group, state PSCs expected to intervene just as often in the near future while state CCs--by an almost two-to-one margin--expected to intervene less often.

State PSCs and CCs both cited the lack of resources, expertise, and timely information as the main weaknesses of their federal intervention programs. Problems with coordinating resources were frequently cited as a hindrance to effective intervention also. About one-half of state PSCs and one-third of state CCs thought their programs were less effective than those of public utilities. The chief reason for their relative lack of effectiveness was a lack of sufficient resources, according to them.

As stated, many PSCs and CCs think the lack of timely information constrains their effectiveness. This is due in part to their heavy reliance on government or federal agency publications to stay informed. Both information sources typically involve time lags reducing the time available for PSCs and CCs to react to federal commission orders or notices. Information problems were noticeably less acute for programs that employed a

staff or Washington attorney, or that coordinated intervention activities with other agencies.

### Statistical Analysis of Federal Intervention Programs

For state PSCs only, the influence of program resources on the level and cost of intervention activities was studied. The resource composition of state PSCs with above-average levels of activity ("high-active" programs) was compared to those with below-average levels ("low-active" programs). The terms "above" and "below" average are used in a statistical context and not in a normative context that would suggest good or bad performance. The influence of individual resources on the level and cost of intervention activity was studied also.

#### Federal Intervention Activity

Resource composition differed between high- and low-active federal intervention programs. High-active programs were more likely to employ a staff and Washington attorney, to use a federal in-house division, and to be legally intensive, that is, employ attorneys more than other technical staff. Low-active programs were more likely to coordinate activities with other agencies and state PSCs. Low-active intervention programs probably coordinate activities to overcome their resource limitations, however, opportunities to coordinate depend on the congruency of the two agencies' goals. Such congruency in practice is likely to be limited across a large number of issues.

Federal intervention programs employing a staff attorney or having a federal in-house division show higher levels of intervention activity. State PSCs with a Washington attorney, state PSCs with legally intensive programs, and state PSCs engaging in interstate coordination had no change in the level of federal intervention activity. The influence of interagency coordination is inconclusive.

#### Federal Intervention Costs

In 1987, the cost of a single intervention at the federal level averaged around \$5,400 for state PSCs as a group, although one-half had costs averaging less than \$3,500. The largest cost was salary expenses (76 percent), followed by overhead expenses (10 percent), travel expenses (8 percent) and miscellaneous expenses (6 percent). High- and low-active programs generally mirrored this cost pattern, although salary expenses accounted for a relatively larger share in high-active programs. We tested for scale economies and found some present.

Federal intervention programs with a staff attorney, a federal in-house division, or that coordinated interventions with other state PSCs had lower costs. Legally intensive intervention programs also had lower costs. Interagency coordination, by contrast, had higher intervention costs. This is probably due to the nature of the federal intervention. Coordination with other in-state agencies probably occurs most often when the federal action is of great importance and likely to be expensive anyway. No cost differences were found when using a Washington attorney.

This study marks a first attempt to understand the cost and structure of federal interventions. Unfortunately, many questions--such as how to intervene successfully or how to design a cost effective program tailored to a commission's needs--were beyond the scope of this report. The results of this survey cannot be used as the basis for budgetary decisions regarding the cost of different intervention approaches because the survey questions did not distinguish among degrees of participation in and complexity of cases. To address such relevant questions requires additional study. A stratified survey reporting information for each intervention separately could be undertaken, and could enable a more refined and complete analysis of federal intervention activity.



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## FOREWORD

In 1988 the NRRI analyzed the results of a survey conducted by NARUC through the Subcommittee on Law on federal intervention programs. The survey was intended to collect information about the programs of state public service commissions and consumer counsels. The NRRI analysis of the results of that survey marked the first attempt to collectively appraise the cost and effectiveness of federal interventions.

At the request of the NARUC Committee on Administration and the Staff Subcommittee on Law the NRRI is issuing that study to commissioners and commission general counsels. I believe that you will find the information contained in this report to still be relevant and timely.

Douglas N. Jones  
Director, NRRI  
Columbus, Ohio  
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## CHAPTER 1

### INTRODUCTION

In fall of 1987, the NARUC Subcommittee on Law began a detailed study on the federal intervention programs of state public service commissions (PSCs) and state consumer counsels (CCs). A survey was crafted by Steven Schur, chief counsel of the Wisconsin Public Service Commission, to gather information. The survey was distributed by The National Regulatory Research Institute (NRRI) to state PSCs and state CCs in October 1987, was compiled initially by the NRRI in May 1988, and was updated by a follow-up questionnaire in June 1988. Overall, forty-two state PSCs and fourteen state CCs responded to the survey yielding information on 969 federal interventions.

#### The Survey

The survey posed nineteen questions asking respondents to discuss many aspects of their federal intervention programs. The areas explored by the survey included the breadth and extent of intervention activity, the cost and resources expended, and the goals and overall effectiveness of federal intervention programs.

Two questions focused on the breadth of intervention activity and two more focused on the extent of federal interventions. Respondents were asked to list separately the federal agencies and the regulatory areas they had intervened in over the last three years to understand more fully the breadth of intervention activity. Respondents were also asked to estimate both the average number of ongoing interventions per year and the number of new interventions they expect per year.

The survey asked respondents about the costs and resources expended to intervene with federal agencies. They were asked to estimate annual travel expenses, salaries, attorneys fees, overhead costs, and other costs. One question required estimating the time spent per year by the legal staff and

other agency staff. Respondents were asked to explain the method of representation; that is, the use of staff counsel, Washington counsel, private local counsel, and the Attorney General's office. The survey asked about coordination efforts with other in-state agencies and with agencies from other states. Respondents were asked about in-house coordination, that is, if they had a separate office assigned to federal interventions, and whether they represented their agency in court appeals of federal decisions. One question asked respondents to list their primary sources of information on federal agency activities.

The survey posed several questions to determine the goals and overall effectiveness of federal intervention programs. One simply asked respondents to list the three main goals of their federal intervention programs. Others asked respondents to list their program's three main strengths and three main weaknesses. One question required each respondent to compare the agency's intervention program with that of other interveners', and in particular, to utility intervention programs. Finally, the survey asked respondents to describe what would constitute the ideal federal intervention program for their organization.

#### Organization of the Report

In addition to the background information just provided, chapter 1 discusses the complete and the reduced data sets used to study federal intervention activity. Both data sets contain information on state PSCs only. The complete data set has eight variables describing the intervention activities of thirty-five state PSCs and is used to determine which variables influence the level of federal intervention activity. The reduced data set contains the same eight variables but has information on just twenty state PSCs. The reduced data set is used to determine which variables influence the cost of federal intervention activity.

Chapter 1 also covers the statistical methods used to examine state PSC intervention activity and cost. The statistical methods are means analysis, correlation analysis, and regression analysis. Each method, its rationale, and its limitations is described briefly.

We did not create a data set for state CCs due to the smaller number of observations. Instead, tables compiled by the NRRI in September 1988 that

summarize state CC responses are relied upon to examine state CC intervention programs.

Chapter 2 is largely descriptive in nature. It focuses on the current status of federal intervention activity by state PSCs and CCs. The distribution of intervention activity is displayed for each organization. Their reasons for intervening are explored, as are the similarities and differences in their overall levels of intervention activity, both at federal agencies and within regulatory areas. Chapter 2 concludes with a discussion about the short-term beliefs held by state PSCs and state CCs on the short-term future of federal intervention activity.

Chapter 3 contains our statistical analyses and examines how the use of various resources influence both the cost and extent of intervention activity. Only state PSC intervention activity and costs are examined statistically because of the lack of information on state CCs. Chapter 3 concludes with a discussion of the potential problems and limitations with the information comprising both data sets that could affect some of our findings.

Chapter 4 reports on the drawbacks to current programs mentioned by state PSCs and state CCs. Many respondents stated that information delays were a major impediment to intervening successfully, and so we discuss the information sources relied upon by state PSCs and state CCs. We also present several information services available that monitor the daily actions of many federal agencies. We briefly describe each service, its cost, and where to obtain more information about the service. Chapter 4 concludes with a discussion of ways to extend the present analysis to better understand federal intervention activity.

### The Data Sets

The complete and reduced data sets are used to study the influence program resources have on the cost and extent of state PSCs' federal interventions. To be clear, by federal intervention activity we mean the number of interventions pending each year, not the quality, success, or failure of federal interventions.

The list of variables includes total cost, intervention activity, staff attorney, Washington counsel, interstate coordination, interagency coordination, federal in-house division, and legal intensity.

The total cost variable measures all annual intervention costs. It is the sum of travel expenses, salaries, attorneys fees, overhead costs, and other costs borne as a result of intervening at the federal level. It is worth emphasizing that we do not have separate cost information for each intervention; rather, we have an aggregate measure of total annual cost for each state PSC. The intervention activity variable equals the average number of ongoing interventions pending each year as reported by state PSCs.

The remaining six variables represent program resources and assume one of two values: either the value one or the value zero. We consider a state PSC to have a staff attorney if there is an attorney who works solely for the commission. If the Attorney General's office serves as the attorney, we classified them differently. A value of one is assigned to state PSCs with a staff attorney, the value zero is assigned otherwise. The Washington counsel variable is valued at one if the state PSC regularly uses an attorney in Washington D.C.; otherwise, the value zero is assigned. The interstate and interagency coordination variables each receive the value one if coordination occasionally occurs; if not the value zero is assigned. For the federal in-house division variable, we assign the value one if the state PSC has such a division; otherwise, the variable receives the value zero. The legal intensity variable compares the estimated time spent by the legal staff and by other agency staff each year for federal intervention. If the estimated time spent by the legal staff exceeds or equals the time spent by other agency staff, we assign this variable the value one. If the converse holds, legal intensity receives the value zero. Table 1-1 summarizes the complete data set by listing for each variable its coding and number of missing observations.

The complete data set contains information on thirty-five of the forty-two state PSCs responding to the survey. Not all are included because some state PSCs did not supply enough information on program resources. Most of those PSCs not included in the complete data set supplied information on their level of intervention activity and on the regulatory areas they affect, so we included them in our descriptive analysis contained in chapter 2.

TABLE 1-1

## THE COMPLETE DATA SET

Variable	Coding	Number of Missing Obs.
Total Cost	Annual Dollars Spent	15
Intervention Activity	Aver. No. of Interventions	0
Staff Attorney	1=Yes : 0=No	1
Wash. Counsel	1=Yes : 0=No	0
Interstate Coord.	1=Yes : 0=No	0
Interagency Coord.	1=Yes : 0=No	2
In-House Fed. Div.	1=Yes : 0=No	0
Legal Intensity	1=Intense : 0=Not Intense	11

Source: Compiled from NARUC Subcommittee on Law's 1988 Federal Intervention Survey.

As it is a subset, the reduced data set contains the same variables as the complete data set. The reason for the smaller sample size is clear by looking at the total cost variable in table 1-1. In all, it has fifteen missing observations. Some of the missing observations occurred because state PSCs did not report any cost information. In other cases, state PSCs reported only a portion of total cost incurred from intervention activity. Because incomplete information can be misleading, we chose to treat it as a missing observation.

#### Statistical Method

Throughout this report, we use two statistical methods to analyze the relations between program resources, intervention activity, and intervention cost. The two methods are means analysis and correlation analysis. Our explanation of each method here is neither rigorous nor exhaustive. Rather, we merely explain how each method works, how findings are tested, and what limitations each has. All statistical findings are computed by SAS which is a commercially available statistical software package.

## Means Analysis

In means analysis, observations are grouped according to the values taken by some variable. The mean (average) value of the grouping variable is computed for each group and then compared. To judge whether a staff attorney affects intervention activity, for example, we group state PSCs according to the presence of a staff attorney. The average number of interventions for each group is computed and compared to see whether they differ. To determine whether the difference is statistically significant or just a sampling phenomena, SAS computes the probability that the difference is actually zero. A high probability implies no difference in intervention activity.

If it is found, for example, that the state PSCs with a staff attorney intervene more often than those without, we cannot conclude a staff attorney increases intervention activity. The evidence though supports this claim, but it could be other variables besides staff attorney causing the apparent difference in activity levels. For example, state PSCs with a staff attorney may typically have a federal in-house division, or perhaps a Washington attorney. Those without may typically have neither and it could be these variables creating the apparent difference in intervention activity.

This is the primary drawback of means analysis; although a difference may exist the difference cannot conclusively be said to be caused by the variable grouping the observations. However, a significant difference in mean values supports the claim that the variable is relevant. When discussing the effect a resource has on intervention activity and costs, we state the mean value for each group and the probability the measured difference is zero in value.

## Correlation Analysis

Correlation analysis examines whether the values taken by two variables vary in a systematic way. When they do, the variables are correlated. A positive correlation implies a similar pattern in variation, that is, when one variable takes values above its mean value so will the other variable. A negative correlation implies the opposite, that is, when one variable

takes values above its mean value the other variable systematically takes values below its mean value.

A positive correlation between staff attorney and intervention activity, for example, implies state PSCs with a staff attorney generally report above average levels of intervention activity whereas those without a staff attorney generally report below average levels. By average, we mean the average level of intervention activity for state PSCs as a group. Of course, if the correlation is negative it is state PSCs with a staff attorney that would generally report below average levels of intervention activity. The SAS statistical package computes the correlation coefficient and the probability its value is zero. A high probability implies no correlation.

Correlation analysis is not an analysis of causation, but one of association. A strong correlation between two variables supports the notion of a causal relation but there are several drawbacks. One is that correlation analysis cannot determine the direction of causation even when one exists. Is it the presence of a staff attorney which creates more intervention activity, for example, or is it the other way around? Another drawback is that two variables can be correlated yet not causally related. The correlation may be the work of a common factor, for example, a strong correlation between staff attorney and intervention activity may be due to the strong correlation each may have with another variable, such as the presence of a Washington attorney.

We use correlation analysis to help find meaningful relations between program resources, intervention activity, and intervention cost, but any claim to causality extends beyond correlation analysis. When discussing the influence each resource has, we state whether the correlation is positive or negative and the probability its value is zero.



CHAPTER 2

ANALYSIS OF INTERVENTION ACTIVITY OF  
STATE PUBLIC SERVICE COMMISSIONS AND STATE CONSUMER COUNSELS

A logical precursor to describing federal intervention activity is to discuss the goals sought by state PSCs and state CCs. The survey posed this question, asking respondents to list the three most important goals of their intervention programs. The goals stated most frequently were to protect ratepayers, to protect the state's position, to influence federal decisions, to stop federal preemption, and to acquire information. Table 2-1 and table 2-2 summarize the reported goals for state PSCs and state CCs, respectively.

TABLE 2-1

SUMMARY OF STATE PUBLIC SERVICE COMMISSION INTERVENTION GOALS

Goals	Number of PSCs	Percent of Sample
Protect Ratepayers	25	66
Protect State Position	22	58
Affect Federal Decisions	11	29
Acquire Information	10	26
Stop Federal Preemption	8	21
Other	6	16

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey.  
Based on the responses of 38 state PSCs.

N= 38

TABLE 2-2

SUMMARY OF STATE CONSUMER COUNSEL INTERVENTION GOALS

Goals	Number of PSCs	Percent of Sample
Protect Ratepayers	12	86
Protect State Position	2	14
Affect Federal Decision	4	29
Acquire Information	0	0
Stop Federal Preemption	1	7
Other	1	7

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey.  
Based on the responses of 14 state CCs.

Distribution of Intervention Activity

Figure 2-1 shows the distribution of average levels of yearly federal intervention activity for state PSCs. Each dot represents one PSC. Federal intervention activities range from a low of zero, reported by three state PSCs, to the high of 148 reported by one commission. The median is ten. About one-half of state PSCs average less than ten federal interventions each year. The mean number of yearly interventions is around twenty. The distribution has four modes, that is, values which occur most often, and they are one, ten, fifteen, and thirty interventions per year. About 40 percent of state PSC intervention activity occurs at the modes.

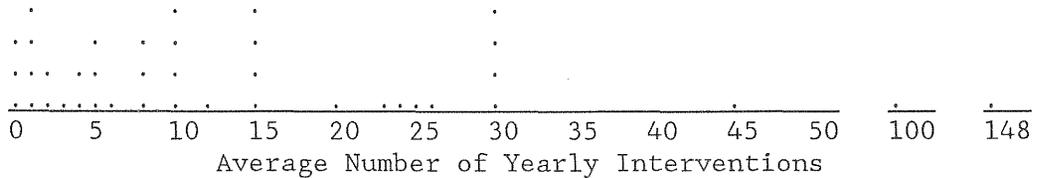


Fig. 2-1. Distribution of average levels of federal intervention activity for state PSCs in last three years

Figure 2-2 displays the distribution of average levels of yearly federal intervention activity for state CCs. Each dot represents one CC. Federal intervention activities range from a low of one, reported by two state CCs, to a high of seventy-five, reported by one state CC. The median value is four. The mean number of yearly interventions is about eighteen.

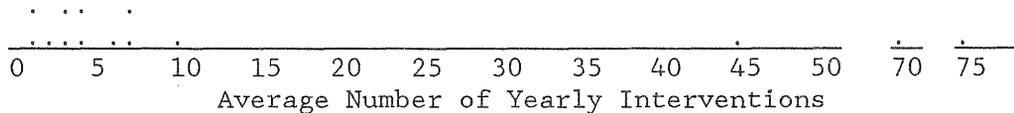


Fig. 2-2. Distribution of average levels of federal intervention activity for state CCs in the last three years

Federal intervention activities of state PSCs and CCs were compared using information from the fourteen states having both organizations. In eight states, the PSCs averaged more yearly federal interventions. The yearly intervention levels were the same in one state, and in five states CCs averaged more yearly interventions. State PSCs averaged seventeen yearly federal interventions in this smaller sample whereas state CCs averaged eighteen.

State Public Service Commission and Consumer Counsel  
Intervention Activities by Federal Agency

The majority of federal intervention activity reported by PSCs occurs with the Federal Energy Regulatory Commission (FERC) and with the Federal Communication Commission (FCC). For PSCs, 61 percent of federal interventions were with these two commissions. For the 42 state PSCs answering our survey, about 86 percent intervened both at the FERC and the FCC at least once in the last three years. State CCs showed similar levels of intensity with 64 percent of federal interventions occurring at the FERC and the FCC. For the fourteen state CCs answering our survey, 79 percent

intervened at both the FERC and the FCC at least once in the last three years.

State Public Service Commission Intervention Activity  
with Federal Agencies

About 98 percent of state PSCs intervened at the FERC and about 86 percent intervened at the FCC. The federal agency with the third highest frequency of intervention was the Interstate Commerce Commission (ICC) where about 36 percent of state PSCs intervened at least once in the last three years. Table 2-3 summarizes federal intervention activity for state PSCs by listing the percent and number of state PSCs to intervene at each federal agency.

Most state PSCs intervened either at two, three, or four federal agencies in the last three years. Overall, 26 percent of state PSCs intervened at four federal agencies; 24 percent intervened at three agencies; and, 24 percent intervened at two federal agencies. About 12 percent of the state PSCs intervened at one federal agency and about 14 percent intervened at five or more federal agencies. The largest number of federal agencies was ten. The number of federal agencies where interventions occurred and state PSC intervention activity are shown in table 2-4.

TABLE 2-3

STATE PUBLIC SERVICE COMMISSION INTERVENTIONS  
IN LAST THREE YEARS BY FEDERAL AGENCY

	Federal Agency						
	FERC	FCC	ICC	NRC	DOT	DOE	Other
Percent of Sample	98	86	38	17	17	14	31
Number of State PSCs	41	36	16	7	7	6	13

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey. Based on the responses of 42 state PSCs.

TABLE 2-4

THE NUMBER OF FEDERAL AGENCIES SUBJECT TO  
STATE PUBLIC SERVICE COMMISSION INTERVENTION ACTIVITY

	Number of Federal Agencies					
	1	2	3	4	5	6/more
Percent of Sample	12	24	24	26	7	7
Number of State PSCs	5	10	10	11	3	3

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey. Based on the responses of 42 state PSCs.

State Consumer Counsel Intervention Activity with Federal Agencies

As with state PSCs, state CCs intervened most at the FERC and the FCC. For the fourteen state CCs answering our survey, thirteen intervened at the FERC and twelve at the FCC. In the past three years, 28 percent of state CCs intervened at the United States Department of Energy (DOE) making it the third most intervened federal agency. State CC intervention activity and the various federal agencies where interventions occurred are summarized in table 2-5.

TABLE 2-5

STATE CONSUMER COUNSEL INTERVENTIONS IN LAST THREE  
YEARS BY FEDERAL AGENCY

	Federal Agency						
	FERC	FCC	ICC	NRC	DOT	DOE	OTHER
Percent of Sample	93	86	0	21	7	28	42
Number of State CCs	13	12	0	3	1	4	6

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey. Based on the responses of 14 state CCs.

N=14.

Most state CCs intervened at two or three federal agencies in the last three years. Overall, about 36 percent of state CCs intervened at two federal agencies and about 29 percent intervened at three federal agencies. Close to 28 percent of state CCs intervened at four or more federal agencies, and only 7 percent intervened at one federal agency. The largest number of federal agencies where intervention took place was five. The number of federal agencies subject to state CC intervention activity are summarized in table 2-6.

TABLE 2-6

THE NUMBER OF FEDERAL AGENCIES SUBJECT TO  
STATE CONSUMER COUNSEL INTERVENTION ACTIVITY

	Number of Federal Agencies				
	1	2	3	4	5
Percent of Sample	7	36	29	14	14
Number of State CCs	1	5	4	2	2

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey. Based on the responses of 14 state CCs.

State Public Service Commission and Consumer Counsel  
Intervention Activities by Regulatory Area

The focus of most federal intervention activity by state PSCs and state CCs occurs in the electric, gas, and telecommunication areas. For state PSCs, 74 percent of PSCs intervened in all three regulatory areas at least once during the last three years. For state CCs, 71 percent intervened in all three areas at least once during the same time period. If the degree of intervention activity across regulatory areas implies relative importance, then the electric, gas, and telecommunication areas appear equally important. Both state PSCs and state CCs show considerable symmetry in the distribution of intervention activity across these regulatory areas.

State Public Service Commissions  
Intervention Activity by Regulatory Area

Overall, about 88 percent of state PSCs intervened in the gas and telecommunication areas. About 85 percent of state PSCs reported federal interventions in the electric area. The regulatory area with the next most interventions was transportation with 48 percent of state PSCs reporting interventions. Table 2-7 shows by regulatory area the percent and number of state PSCs to intervene each in the last three years.

TABLE 2-7

STATE PUBLIC SERVICE COMMISSION INTERVENTIONS  
IN LAST THREE YEARS BY REGULATORY AREA

	Regulatory Areas					
	Gas	Electric	Telecomm.	Transp.	Safety	Other
Percent of Sample	88	85	88	48	24	17
Number of State PSCs	37	36	37	19	10	7

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey.  
Based on the responses of 42 state PSCs.

As shown in table 2-8, most state PSCs (62 percent) intervene in three or four regulatory areas. About 19 percent intervened in five or more regulatory areas and about 19 percent of state PSCs intervened in one or two regulatory areas. The largest number of regulatory areas was seven.

TABLE 2-8

THE NUMBER OF REGULATORY AREAS SUBJECT TO  
STATE PUBLIC SERVICE COMMISSION INTERVENTION IN THE LAST THREE YEARS

	Number of Regulatory Areas					
	1	2	3	4	5	6/more
Percent of Sample	9	9	31	31	12	7
Number of State PSCs	4	4	13	13	5	3

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey.  
Based on the responses of 42 state PSCs.

## State Consumer Counsel Intervention Activity by Regulatory Area

Like state PSCs, state CCs intervene mostly in the electric, gas, and telecommunication areas. Of the fourteen state CCs answering our survey, thirteen intervened in the area of natural gas. The levels of intervention activity in the electric and telecommunication regulatory areas were equal with twelve of state CCs intervening in each area. Like state PSCs, state CCs intervened equally across regulatory areas. Unlike state PSCs, the next area of importance was safety with two of state CCs reporting federal interventions in that area. Table 2-9 summarizes state CC intervention activities in various regulatory areas.

TABLE 2-9

STATE CONSUMER COUNSEL INTERVENTIONS IN LAST THREE  
YEARS BY REGULATORY AREA

	Regulatory Areas					
	Gas	Electric	Telecomm.	Transp.	Safety	Other
Percent of Sample	93	86	86	7	14	7
Number of State CCs	13	12	12	1	2	1

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey. Based on the responses of 14 state CCs.

Overall, seven of state CCs intervened in three regulatory areas. Four intervened in two regulatory areas, whereas three intervened in four regulatory areas. The largest number of regulatory areas was four. The number of regulatory areas subject to state CC intervention during the last three years is summarized in table 2-10.

TABLE 2-10

THE NUMBER OF REGULATORY AREAS SUBJECT TO  
STATE CONSUMER COUNSEL INTERVENTION IN THE LAST THREE YEARS

	Number of Regulatory Areas				
	1	2	3	4	5
Percent of Sample	0	29	50	21	0
Number of State CCs	0	4	7	3	0

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey. Based on the responses of 14 state CCs.

Expectations on Future Levels of Intervention Activity

The survey asked respondents to make two estimates: the number of new federal interventions they expect per year, and the number of federal interventions pending per year. Total state PSCs estimates for new interventions totaled 706 whereas the average number of federal interventions pending per year was 731. However, views differed across state PSCs. For the forty state PSCs making both estimates, about 28 percent expected their intervention activity to remain the same, about 30 percent expected their intervention activity to increase and about 42 percent expected their intervention activity to decrease.

State CCs, by contrast, expect new federal interventions each year to be below present levels. State CC estimates of new interventions was 146 a year whereas the average number of federal interventions pending was 238 a year. For the fourteen state CCs making both estimates, 14 percent expect their intervention activity to remain the same, 21 percent expect their intervention activity to increase, and 65 percent expect their intervention activity to decrease.

Chapter Summary

The purpose of this summary is to provide an overview of the main findings of this chapter. It has two sections. The first section lists the

similarities we found in state PSC and state CC federal intervention activities. The second section lists the differences. However, one point needs emphasizing, and that is it is possible that the similarities, and in particular the differences, occur because of the unequal amounts of information. It should be noted that we have three times more information on state PSCs than on state CCs, that is, there was information on just fourteen state CCs to draw inferences and comparisons.

### The Similarities

Both federal intervention programs have similar goals: to protect ratepayers, to influence federal agency decisions, and to protect the state's position. The distribution of intervention activity is quite similar. State PSCs averaged twenty federal interventions each year, whereas state CCs averaged seventeen. About 75 percent of state CCs and 50 percent of state PSCs average ten interventions or fewer each year. Most intervention activities occur at the FERC and the FCC. Lastly, both intervene most often in the electric, gas, and telecommunications areas of regulation.

### The Differences

State PSCs intervene at more federal agencies each year than state CCs. About 40 percent of state PSCs intervene with at least four federal agencies each year whereas only 28 percent of state CCs intervene with this many. The same relation holds with respect to areas of regulation. About 50 percent of state PSCs intervene in four or more regulatory areas each year whereas only 21 percent of state CCs intervene in this many.

## CHAPTER 3

### STATISTICAL ANALYSIS OF STATE PUBLIC SERVICE COMMISSION INTERVENTION ACTIVITY AND COST

This chapter has four sections. Section 1 contains a discussion of the resource composition of state PSC federal intervention programs. By resource composition we mean the use of a staff attorney, a Washington attorney, a federal in-house division, as well as the level of legal intensity, and the presence of interstate and interagency coordinations. We present first the resource composition for all thirty-five state PSCs comprising the complete data set. We present next a comparison in resource composition between "high-active" and "low-active" federal intervention programs.

Section 2 contains a statistical analysis of federal intervention activities by state PSCs. The means analysis is used to examine how each resource influences the level of intervention. Section 3 contains a descriptive account and statistical analysis of federal intervention costs. We begin by presenting the distribution of average intervention costs for state PSCs. We discuss next the breakdown of cost into various accounts such as travel expenses, salaries, and other. We show separately the breakdown of costs for state PSCs with high- and low-active intervention programs and for state PSCs as a group. We present next our statistical findings on the effect each resource has on intervention cost.

Section 4 contains a discussion elaborating our statistical findings. We explain why some findings may be misleading and inaccurate, and in particular, discuss some limitations in the data sets that may have distorted the true relation between resource composition, intervention activity, and intervention costs.

State Public Service Commission Intervention Programs  
and Resource Composition

Overall, about 70 percent of state PSCs had a staff attorney, about 40 percent had a Washington attorney, and about 26 percent had a federal in-house division. About 77 percent of state PSCs had coordinated interventions with agencies from other states and about 52 percent had coordinated interventions with other in-state agencies. About 54 percent of state PSCs' federal interventions were "legally intensive".

Many differences in resource composition appear between what we subsequently identify as "high-active" and "low-active" federal intervention programs. The terms high-active and low-active are relative terms. After ranking state PSCs by their levels of intervention activity, we separated the sample into three groups of approximate size, that is, with relatively equal numbers of observations. We compare the resource composition of the top group ("high-active" programs) to the bottom group ("low-active" programs) to determine whether differences in composition exist. We are not implying that low-active programs are inactive or that high-active programs are overactive. We make this grouping solely to facilitate our analysis on whether the extent of intervention activity influences resource composition.

We found that high-active programs show a higher propensity to have a staff attorney, a Washington attorney, a federal in-house division, and to be legally intensive. Low-active intervention programs show a higher propensity to coordinate interventions with other in-state agencies. They show a slightly higher propensity to coordinate interventions with agencies from other states too, but the difference is small. Table 3-1 shows the percentage of state PSCs using each resource.

Several relations are noticeable in table 3-1. The use of both legal and technical resources increases with increased intervention activity, but legal resources increase at a faster rate. Also, the level of interstate coordination rises with increased intervention activity but only up to a point, after which commissions rely more on their own initiatives and resources to intervene. This is evident by noticing that the overall level of interstate coordination is 77 percent but is only 73 percent for low-active programs and 60 percent for high-active programs.

TABLE 3-1

RESOURCE COMPOSITION FOR ALL, HIGH-ACTIVE,  
AND LOW-ACTIVE STATE PUBLIC SERVICE COMMISSION  
FEDERAL INTERVENTION PROGRAMS

Resource	Intervention Groups		
	All	High-Active	Low-Active
Staff Attorney	70%	90%	60%
Washington Attorney	40%	60%	18%
Federal In-House Division	26%	30%	9%
Interstate Coordination	77%	60%	73%
Interagency Coordination	52%	30%	89%
Legal Intensive	54%	56%	0%

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey.

Resource Effects on Federal Intervention Activity  
for State Public Service Commissions

Staff Attorney

State PSCs with a staff attorney have higher levels of federal intervention activity, averaging twenty-five yearly interventions whereas remaining states average only twelve. There is only a 15 percent probability the difference is zero suggesting there is a difference in activity levels. Conversely, this also implies that states using Offices of Attorney General have lower levels of federal intervention activity.

Washington Attorney

State PSCs with Washington attorneys average twenty-three yearly interventions whereas remaining states average nineteen. There is a 60

percent probability the difference is zero which suggests no difference in levels of intervention activity.

#### Federal In-House Division

State PSCs with a federal in-house division have higher levels of federal intervention activity, averaging thirty-three yearly interventions whereas remaining states average only sixteen. There is only a 5 percent probability of no difference in activity levels.

#### Interstate Coordination

State PSCs that coordinate interventions average twenty-one yearly interventions whereas remaining states average eighteen. There is a 65 percent probability the difference is zero, which suggests no differences in levels of intervention activity.

#### Interagency Coordination

State PSCs that coordinate with other in-state agencies average eighteen yearly interventions whereas remaining states average twenty-five. This suggests interagency coordination reduces federal intervention activity. The difference, while large, has a 50 percent probability of being zero, which suggests no certain effect on intervention activity.

#### Legal Intensity

Legally intensive state PSCs average twenty-nine yearly interventions whereas remaining states average twenty-three. There is a 60 percent probability the difference is actually zero suggesting no difference in activity levels.

Table 3-2 summarizes the preceding discussion. We list by resource the findings from the means analysis, the probability the finding is zero in value (found in the parenthesis), and our conclusion as to whether the resource affects federal intervention activity.

TABLE 3-2

SUMMARY OF RESOURCE EFFECTS ON STATE PUBLIC SERVICE COMMISSION  
FEDERAL INTERVENTION ACTIVITY

Variable	Means Analysis
Staff Attorney	Higher Levels (15%)
Washington Attorney	No Change (60%)
Fed. In-House Division	Higher Levels ( 5%)
Interstate Coordination	No Change (65%)
Interagency Coordination	Uncertain (50%)
Legal Intensity	No Change (60%)

Source: NRRI Statistical Analysis of the  
Complete Data Set.

Analysis of Federal Intervention Costs  
for State Public Service Commissions

We begin by presenting the distribution of federal intervention costs for state PSCs along with descriptive statistics. Intervention cost means the cost per federal intervention. This is computed for each state PSC by dividing its estimated total annual intervention costs in 1987 by its estimated average number of ongoing interventions pending each year. We discuss the breakdown of federal intervention cost into travel expenses, salaries, overhead, and miscellaneous expenses. We do this for state PSCs as a group and for state PSCs with high-active and low-active intervention programs. The purpose of this analysis is to determine whether the level of intervention activity affects costs, and if so, in what manner. We compare next the resource composition of high-cost and low-cost intervention programs to see whether differences in cost are tied to differences in

resource composition. We conclude the section by presenting the statistical findings on how each resource affects federal intervention costs.

The Distribution of State Public Service Commission  
Federal Intervention Costs

The average cost per federal intervention is around \$5,400. The median cost is around \$3,500 per intervention, with half the state PSCs (ten) reported lower intervention costs. Federal intervention costs range from the low of \$600 per intervention to a high of \$31,500. Figure 3-1 shows, using thousand-dollar intervals, the distribution of federal intervention costs for state PSCs surveyed. Each dot represents one state PSC. The distribution has two modes which occur at the \$0 to \$1,000 and at the \$3,000 to \$4,000 intervals. About 40 percent of state PSCs reported costs which fell in one of these two intervals.

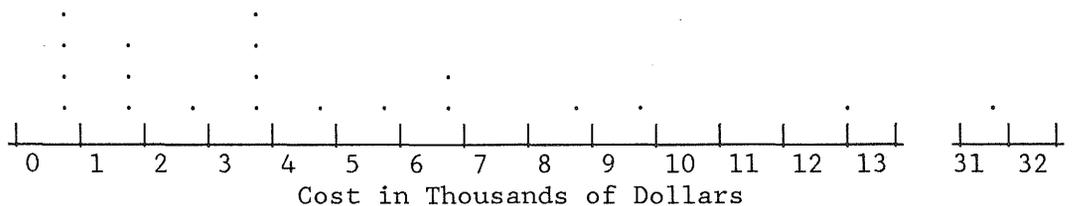


Fig. 3-1. Distribution of federal intervention costs for state PSCs in reduced data set

N=20

Analysis of Cost Composition for State Public Service Commissions

For state PSCs as a group, the cost of federal intervention is comprised of about 8 percent of costs are travel expenses, about 76 percent salary expenses, about 10 percent overhead expenses, and about 6 percent are miscellaneous expenses.

The cost for state PSCs with high-active intervention programs averages around \$4,800 per federal intervention. About 6 percent of costs are travel expenses, 83 percent salary expenses, 7 percent overhead expenses, and 4 percent are miscellaneous expenses.

The cost for state PSCs with low-active federal programs averages around \$6,900 per federal intervention. About 9 percent are travel expenses, 75 percent salary expenses, 13 percent overhead expenses, and about 3 percent are miscellaneous expenses.

The cost composition of high-active and low-active programs differ in several respects. Salaries account for a slightly larger share of costs in high-active programs whereas overhead accounts for a somewhat greater share in low-active programs. The ratio of salary to overhead for high-active programs is double the ratio for low-active programs. Table 3-3 summarizes this information by listing the cost-per-intervention for each group and the percentage of costs accounted for by travel, salaries, overhead, and miscellaneous items.

TABLE 3-3

COST COMPOSITION FOR STATE PUBLIC SERVICE COMMISSIONS AS A GROUP  
AND FOR HIGH- AND LOW-ACTIVE FEDERAL INTERVENTION PROGRAMS

Group	Cost on Average	Percent Travel	Percent Salary	Percent Overhead	Percent Misc.
All	\$5,400	8%	76%	10%	6%
High-Active	\$4,800	6%	83%	7%	4%
Low-Active	\$6,900	9%	75%	13%	3%

Source: The Reduced Data Set.

Resource Composition for High-Cost and Low-Cost Intervention Programs

We separated state PSCs into three equal groups based on intervention cost and compared the resource compositions of the top group (high-cost

programs) to the bottom group (low-cost programs). The groups had seven observations each with the high-cost group averaging around \$10,400 per federal intervention and the low-cost group averaging around \$1,200. The average number of yearly interventions for state PSCs in each group was twenty-eight and thirty-three, respectively.

Overall, resource composition is largely the same. State PSCs from high- and low-cost programs show no real difference in the use of a staff attorney, a Washington attorney, a federal in-house division, or in the level of legal intensity and interagency coordination. The only real difference occurs with interstate coordinations. About 83 percent of state PSCs with low-cost programs coordinate interventions with state PSCs from other states whereas the percentage drops to 63 percent for state PSCs with high-cost programs. There is a 75 percent probability the extent of interstate coordination differs between programs.

Table 3-4 summarizes our comparison of resource compositions by listing for state PSCs with high-cost and low-cost programs the percentage using each resource.

TABLE 3-4

SUMMARY OF RESOURCE COMPOSITION FOR HIGH- AND  
LOW-COST FEDERAL INTERVENTION PROGRAMS

Resource	High-Cost Programs	Low-Cost Programs
Staff Attorney	75%	75%
Washington Attorney	38%	50%
Federal In-House Division	25%	38%
Legal Intensive	38%	29%
Interagency Coordination	38%	38%
Interstate Coordination	63%	83%

Source: The Reduced Data Set.

## Statistical Findings on Resource Effects

### Staff Attorney

State PSCs with a staff attorney average \$4,300 per intervention whereas remaining states average \$8,900. There is only a 10 percent probability the difference is zero, which suggests lower costs for PSCs using staff attorneys. Conversely, state PSCs using Offices of Attorney General have higher costs.

### Washington Attorney

State PSCs with a Washington attorney average \$4,400 per intervention whereas remaining states average \$6,300. Although the difference appears large there is a 65 percent probability the difference is zero suggesting costs do not differ.

### Federal In-House Division

State PSCs with federal in-house divisions average \$3,600 per intervention whereas remaining states average \$6,000. There is a 20 percent probability the difference is zero, which suggests that costs are lower for state PSCs with a federal in-house division.

### Interstate Coordination

State PSCs that coordinate interventions average \$5,000 per intervention whereas states that do not average \$7,200. The difference has a 30 percent probability of being zero, which suggests that state PSCs that engage in interstate coordination of federal intervention efforts have lower costs.

### Interagency Coordination

States PSCs involved in interagency coordinations average \$7,000 per intervention whereas remaining states average only \$4,400. There is a 25

percent probability the difference is zero, which suggests that state PSCs engaging in interagency coordination of intervention efforts have higher costs.

Legal Intensity

State PSCs that are legally intensive average \$4,600 per intervention whereas remaining states average \$6,500. There is a 40 percent probability the difference is zero, which suggests that state PSCs with legally intensive federal intervention programs have lower costs.

Table 3-5 summarizes the preceding discussion. We list by resource the findings from the means analysis method, the probability the finding is zero (shown in parenthesis), and our conclusion on how each resource influences federal intervention costs.

TABLE 3-5  
SUMMARY OF RESOURCE EFFECTS ON FEDERAL  
INTERVENTION COST FOR STATE PUBLIC SERVICE COMMISSIONS

Variable	Means Analysis
Staff Attorney	Lower Cost (10%)
Washington Attorney	No Difference (65%)
Fed. In-House Division	Lower Cost (20%)
Interstate Coordination	Lower Cost (30%)
Interagency Coordination	Higher Cost (25%)
Legal Intensive	Lower Cost (40%)

Source: NRRI Statistical Analysis  
of Reduced Data Set.

## Federal Intervention Activity and Economies of Scale

In addition to studying resource effects, we studied whether the level of intervention activity affects cost. The purpose is to determine whether scale economies exist, that is, whether increases in intervention activity reduces federal intervention cost. For the means analysis, we compare the federal intervention costs of state PSCs with high- and low-active intervention programs.

State PSCs with high-active programs average \$4,800 per federal intervention whereas low-active programs average \$6,900. The difference has a 40 percent probability of being zero, suggesting some presence of scale economics.

### Summary of Resource Effects

Only two resources seem to have a strong association with the level of federal intervention activity, and these are staff attorney and federal in-house division resources. Both are associated with higher levels of federal intervention activity. There was no difference in the level of federal intervention activity for state PSCs with a Washington attorney, state PSCs engaging in interstate coordination, and state PSCs with legally intensive intervention programs. For state PSCs engaging in interagency coordination, we cannot determine if there is a difference in the level of federal intervention activity.

The costs for federal intervention were lower for state PSCs with a staff attorney, state PSCs with a federal in-house division, state PSCs with legally intensive programs, and state PSCs engaging in interstate coordination. The federal intervention cost were higher for state PSCs engaging in interagency coordination. We were unable to determine whether costs were higher or lower for state PSCs with a Washington attorney.

### Critical Comments about Findings

In this section we discuss some potential problems in our data sets that could have influenced our findings. The two main problems are incomplete information and double counting. Incomplete information extends

beyond missing observations and includes distortions due to incomplete measurement, aggregation, and the inability to differentiate between federal interventions.

Federal interventions were treated as a homogeneous item in our analysis even though they vary substantially in content, and, therefore, in resource usage. The problem is most noticeable when comparing the resource compositions of high- and low-cost intervention programs. The resource compositions are essentially the same although the cost difference is substantial. This seems to suggest the difference in cost is not due to differences in resource composition; however, this may be misleading for several reasons. First, resources may exist that were not considered in our analysis but influence cost nonetheless. With a more complete list of resources the differences in resource composition could manifest and account for some of the difference in costs. Another problem is our inability to measure differences in resource usage. High-cost interventions are more likely to be resource intensive, possibly because of their greater importance. Even though the resource composition is the same as with low-cost interventions, resource usage could differ substantially. Until there is better information on resource usage we can not explain fully the variation in federal intervention costs.

The problem of incomplete information is due partly to aggregated data. As a group, state PSCs and state CCs average 969 yearly federal interventions; unfortunately, we do not have separate information on each intervention. Instead, we have aggregate information on each state PSC and state CC. We know the average number of federal interventions each year for each organization as well as their total annual costs, but we do not know how costs are distributed across interventions. The same is true for resources. We know what resources each organization has at its disposal but not the allocation of resources across interventions. If a state PSC or state CC has a staff attorney, for example, we assume the attorney is used for all federal interventions which may or may not be true. The same assumption is made for the other resources. If these assumptions fail to hold true, our findings may fail to hold true also. The only way to resolve this problem is by having detailed information for each federal intervention.

Another dimension of incomplete information is the inability to differentiate among federal interventions. As alluded to, federal interventions are not homogeneous events. Some may be of great importance to the state while others are only of minor importance. Our inability to account for these differences may explain our finding that interagency coordination increases intervention costs. It may very well be that interagency coordination occurs mainly when the federal intervention is of great state importance, and as a result, is likely to consume more resources and be more expensive anyway. Of course, if this is true then interagency coordination is not necessarily an inefficient practice that creates higher intervention costs. However, until we can account for differences in intervention characteristics we will not be able to measure properly the effect of interagency coordination on intervention activity and costs.

The problem of double counting would affect most our findings about interstate coordinations. The analyses suggest that interstate coordination decreases cost although the support for this conclusion is weak. Suppose, for example, two state PSCs coordinate activities each paying one-half of total intervention costs. The cost per intervention reported by state PSCs would be one-half the true cost making it appear that interstate coordination decreases costs. Since our statistical findings offer only weak support for this, the problem is probably small in scale.

As this section brings forth, there are several limitations in the information collected that could distort our findings. In the next chapter, we include a discussion of ways to enhance the quality and quantity of information received to better understand federal intervention activity.



## CHAPTER 4

### REPORTED DRAWBACKS OF STATE PUBLIC SERVICE COMMISSION AND STATE CONSUMER COUNSEL FEDERAL INTERVENTION PROGRAMS

In this chapter we discuss the limitations and drawbacks of current federal intervention programs. The information for our analysis comes from responses to question sixteen on the survey. The question asked respondents to list the three main drawbacks or weaknesses of their current intervention programs.

The first section presents an organized summary of replies on the drawbacks to current federal intervention programs. For convenience, replies from both state PSCs and state CCs are grouped into six categories. These categories are lack of expertise, lack of resources, lack of timely information, lack of presence in Washington D.C., distance and travel expenses, and coordination problems. For state PSCs only, we discuss the influence resources have on the type of drawbacks reported to determine which resources seem to mitigate which drawbacks.

The second section reports the survey results on how attorneys at the state PSCs and state CCs keep informed about federal agency activities. To address this issue we organized the replies to question eleven of the survey which asked respondents to describe their methods of receiving information about federal agencies. We group the responses into seven categories delineating the breadth of information sources used as well as the relative importance of each source. We then present three available information services that monitor the daily activities of many federal agencies. We discuss for each service the type of information offered, the cost involved, and how to obtain more information.

We conclude chapter 4 by suggesting ways to better understand federal intervention activity. Basically, we suggest conducting a follow-on survey that is stratified in design, yielding information on each intervention separately.

## Drawbacks and Limitations of Current Federal Intervention Programs

The drawback reported most often by state PSCs and state CCs is the lack of sufficient resources. This category includes comments such as insufficient funds, the lack of time, or not enough staff to effectively intervene. Around 67 percent of state PSCs listed this as a program drawback whereas around 82 percent of state CCs did so.

The lack of expertise is the second most reported drawback with around 35 percent of state PSCs and 36 percent of state CCs making this claim. Besides the explicit need for more expertise, the category includes any comment expressing a lack of understanding about federal protocol.

The lack of timely information is another commonly cited drawback of federal intervention programs. Around 31 percent of state PSCs and 36 percent of state CCs report this drawback. (In a section to follow, we explore in greater depth the sources state PSCs and state CCs use to stay abreast of federal agency activities.)

Around 28 percent of state PSCs and 27 percent of state CCs report coordination problems. Most comments mention internal coordination problems including problems with Washington attorneys and with the Attorney General's office. However, in a few cases the coordination problem was external and involved an inability to properly coordinate intervention activities with other state agencies or with agencies from other states.

About 17 percent of state PSCs and 9 percent of state CCs report travel expenses as a drawback to their federal intervention programs. This category includes comments that the distance from Washington D.C. limits the ability to intervene effectively.

Approximately 9 percent of state PSCs and 18 percent of state CCs stated the lack of presence in Washington D.C. as a drawback. For the sample of state PSCs and state CCs currently without a Washington attorney, 66 percent and 30 percent reported this as a program drawback.

Table 4-1 summarizes these results and lists for each type of drawback the percentage of state PSCs and state CCs affected.

TABLE 4-1

THE PERCENTAGE OF STATE PUBLIC SERVICE COMMISSIONS  
AND CONSUMER COUNSELS TO REPORT EACH DRAWBACK

Drawback Cited	State PSCs	State CCs
Lack of Resources	66%	82%
Lack of Expertise	35%	36%
Lack of Timely Information	31%	36%
Coordination Problems	28%	27%
Travel Expenses	17%	9%
Lack of Presence in Washington D.C.	9%	18%

Source: NARUC Subcommittee on Law's 1988 Federal  
Intervention Survey.

We examined whether the level of intervention activity influenced the distribution of drawbacks reported by state PSCs. To accomplish this, the drawbacks reported by high-active programs were compared with those reported by low-active programs. We found the response rates similar except in the areas of coordination problems and travel expenses. State PSCs with high-active programs show a higher propensity to report each drawback. About 50 percent of state PSCs with high-active programs list coordination problems as a program drawback compared to only 10 percent for state PSCs with low-active programs. About 40 percent of state PSCs with high-active programs report travel expenses as a program drawback whereas only 10 percent of state PSCs with low-active programs do so. Table 4-2 summarizes our findings by stating the percentage of high-active and low-active programs reporting each drawback.

TABLE 4-2

THE PERCENTAGE OF HIGH-ACTIVE AND LOW-ACTIVE  
INTERVENTION PROGRAMS REPORTING EACH DRAWBACK

Drawback Cited	Programs	
	High-Active	Low-Active
Lack of Resources	70%	70%
Lack of Expertise	30%	30%
Lack of Timely Information	30%	20%
Coordination Problems	50%	10%
Travel Expenses	40%	10%
Lack of Presence in Washington D.C.	10%	20%

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey.

Another question posed by the survey, question eighteen, asked respondents whether their intervention program was as effective as those of utilities. Almost 50 percent of state PSCs said "no," around 10 percent said it depends on the case or issue, and around 41 percent said their program is as effective as those of utilities. The main explanation offered for why utility programs are more effective is the relative lack of commission resources. For state CCs, around 67 percent said no, around 13 percent said it depends, and around 20 percent said yes to the same question. Again, the relative lack of resources is the main reason state CCs felt that utility programs are more effective.

Program Resources and Their Association with Program Drawbacks

In this section we examine the association between the resources used by state PSC intervention programs and the drawbacks they mention. To accomplish this, we apply correlation analysis to measure how each resource correlates with each drawback. For convenience we present only those correlations that have a 33 percent or less probability of being zero in

value. That is, we present correlations whose odds of not being zero are at least two to one.

Before proceeding it is important to recall that correlation analysis is not an analysis of causation, but one of association. As such, we are not asserting that a particular resource causes a particular drawback to increase or decrease in likelihood or severity. Instead, we use correlations to indicate associations and state whether it is programs with, or those without the resource that generally report the drawback.

#### Staff Attorney

The only drawback strongly correlated with staff attorney is lack of presence in Washington D.C. The correlation coefficient is negative implying that state PSCs without staff attorneys generally report this as a program drawback. The negative correlation also implies that state PSCs with staff attorneys generally do not report lack of presence in Washington D.C. as a program drawback.

#### Washington Attorney

The Washington attorney resource has a positive correlation with lack of expertise and coordination problems, and a negative correlation with lack of presence in Washington D.C. and lack of timely information. The positive correlations imply it is state PSCs with a Washington attorney who generally report lack of expertise and coordination problems as drawbacks to their intervention programs. State PSCs without a Washington attorney generally do not report similar problems. The negative correlations imply that state PSCs without a Washington attorney typically report a lack of presence in Washington D.C. and lack of timely information as program drawbacks whereas state PSCs with a Washington attorney typically do not.

#### Federal In-House Division

The federal in-house division resource has a positive correlation with travel expenses and lack of timely information, and a negative correlation with lack of presence in Washington D.C. and coordination problems. The

positive correlations imply that state PSCs with an in-house division generally report travel expenses and lack of timely information as program drawbacks whereas state PSCs without such a division generally do not. The negative correlations imply it is state PSCs without federal in-house divisions who generally report a lack of presence in Washington D.C. and coordination problems as program drawbacks whereas commissions without a federal in-house division generally do not.

#### Interstate Coordination

The interstate coordination resource has a positive correlation with lack of expertise and lack of presence in Washington D.C., and a negative correlation with lack of resources and travel expenses. As before, the positive correlation implies it is state PSCs that coordinate interventions with other state PSCs that frequently report lack of expertise and lack of presence in Washington D.C. as program drawbacks. The negative correlations imply it is state PSCs that do not coordinate interventions with other state PSCs that typically report travel expenses and lack of timely information as program drawbacks.

#### Interagency Coordination

The interagency coordination resource has a positive correlation with lack of expertise and a negative correlation with the lack of presence in Washington D.C., coordination problems, and the lack of timely information. The positive correlation implies it is state PSCs that coordinate interventions with other in-state agencies that frequently report lack of expertise as a program drawback. The negative correlations imply it is state PSCs that do not coordinate interventions with other in-state agencies that generally report a lack of presence in Washington D.C., coordination problems, and lack of timely information as program drawbacks.

#### Legal Intensity

The legal intensity resource has a positive correlation with travel expenses and a negative correlation with lack of presence in Washington D.C.

The positive correlation implies that legally intensive state PSCs frequently report travel expenses as a program drawback whereas state PSCs that are not legally intensive generally do not. The negative correlation implies it is state PSCs not legally intensive who typically report a lack of presence in Washington D.C. as a program drawback.

For convenience, table 4-3 summarizes our findings. It lists for each resource the associated drawbacks and the direction of the association; that is, whether the correlation is positive or negative. We use a plus sign (+) to indicate a positive correlation and a minus sign (-) to indicate a negative correlation.

TABLE 4-3

THE ASSOCIATIONS BETWEEN PROGRAM RESOURCES  
AND PROGRAM DRAWBACKS

<u>Drawback</u>	<u>Program Resource</u>					
	<u>Staff</u> <u>Atty.</u>	<u>Wash.</u> <u>Atty.</u>	<u>Federal</u> <u>Div.</u>	<u>State</u> <u>Coord.</u>	<u>Agency</u> <u>Coord.</u>	<u>Legal</u> <u>Int.</u>
Lack of Expertise		+		+	+	
Lack of Resources				-		
Lack of Timely Information		-	+		-	
Lack of Presence in Washington D.C	-	-	-	+	-	-
Coordination Problems		+	-		-	
<u>Travel Expenses</u>			+	-		+

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey.

Note : The plus sign (+) denotes a positive correlation and the minus sign (-) denotes a negative correlation.

Information Sources

A problem common to many state PSCs and state CCs is the inability to receive timely information about federal agency activities. Question eleven of the survey asked respondents to list the various mediums used to stay

informed. In this section we examine the replies given by state PSCs and state CCs. To structure the discussion, responses are grouped into the following information categories: the federal government, trade reports, the utilities, and a "Washington attorney." The categories particular to state PSCs are the National Association of Regulatory Utility Commissioners (NARUC) and state Consumer Counsels. The categories particular to state CCs are the National Association of State Utility Consumer Advocates (NASUCA) and state public service commissions.

Of course, the initial source of information about federal agency activity is the agency itself. But what we are focusing upon is the medium by which this information flows to state PSCs and state CCs. The category federal government implies the information is obtained either directly from the federal agency or from some federal government publication or information service. This category includes information sources such as the Federal Register, the FCC Daily Digest, and the Commission Issuance Posting System (CIPS) service provided by FERC as well as any other publication or service routinely provided by the federal government. The category trade reports includes newsletters such as Inside FERC, Electric Utility Weekly, Telecommunications Reports, as well as all newsletters or bulletins monitoring the activity of federal agencies but made available by non-government organizations. The remaining information mediums (Washington attorney, NARUC, NASUCA) are assumed to be obvious requiring no further description.

#### Analysis of State Public Service Commission Information Sources

By far, the information source most used by state PSCs is the federal government. Around 75 percent of state PSCs responding to the survey question indicated the use of this source. The particular government publication cited most often is the Federal Register. Many state PSCs also rely on direct mailings from federal agencies to keep informed.

The second most reported source of information, with a response rate of around 25 percent, is trade publications. The use of a Washington attorney as an information medium has a response rate of 22 percent, making it the third source most mentioned.

The response rates for the remaining information mediums are around 13 percent for both NARUC and public utilities, around 9 percent for the Attorney General's offices, and around 3 percent for state CCs. Table 4-4 summarizes our findings by stating the percentage of state PSCs using each information source.

TABLE 4-4  
THE PERCENTAGE OF STATE PUBLIC SERVICE COMMISSIONS  
REPORTING EACH INFORMATION SOURCE

	Information Source					
	Federal Govern.	Trade Report	Washington Attorney	NARUC	Utility	Consumer Counsels
Percentage	75	25	22	13	13	3

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey.

#### Analysis of State Consumer Counsel Information Sources

The federal government and NASUCA are the two information mediums reported most by state CCs, both having been cited by 64 percent of the respondents. The government publication most referenced is the Federal Register but state CCs rely on federal agency reports and publications to a large extent also. The publications and information networks of NASUCA also play an indispensable role in keeping state CCs informed about federal agency activities.

Around 27 percent of state CCs report using trade reports, making it the third most reported information source. The response rates for remaining information sources are around 18 percent for both Washington attorney and state Public Service Commissions, and around 9 percent for public utilities. Table 4-5 summarizes our findings by stating the percentage of state CCs reporting each information source.

TABLE 4-5

THE PERCENTAGE OF STATE CONSUMER COUNSELS REPORTING  
EACH INFORMATION SOURCE

	Information Source					
	Federal Govern.	Trade Report	Washington Attorney	NASUCA	Utility	Service Commiss.
Percentage	64	64	27	18	9	18

Source: NARUC Subcommittee on Law's 1988 Federal Intervention Survey.

Information Services

In this section we discuss three information services available to the public that monitor the daily activities of federal agencies. The three services are the FERC CIPS, the Washington Service Bureau, and Berry Best Services. The FERC CIPS covers only the daily activities of the FERC. The other information services are more comprehensive and cover the activities of many federal agencies. For each, we briefly discuss the nature of services rendered, the type of costs involved, and where to obtain more information. In doing this, we are not trying to promote any particular information service, nor is this an exhaustive list of available services. Rather, we merely wish to provide a starting point for state PSCs interested in obtaining more timely information about federal agency activities.

The FERC CIPS

The FERC electronic bulletin board is called CIPS, which stands for Commission Issuance Posting System. The CIPS is a menu-driven system that allows users to read bulletins and download files. The user cannot use CIPS to send or receive messages, or to upload files.

The CIPS provides timely information on daily issuances, press releases, and the Commission agenda. The daily issuances include formal documents such as proposed, interim, and final rules as well as initial

decisions, opinions, and orders. The Commission agenda informs users of actions scheduled for a public meeting.

There is no charge for using CIPS. It is available twenty-four hours a day and may be used for up to sixty minutes for each phone call and information remains on CIPS for ten days.

#### The Washington Service Bureau

The Washington Service Bureau offers both a daily information service covering many federal agencies and a research service. They have a daily release service for the FERC and FCC as well as other federal agencies that provides the full text of daily happenings including a daily summary sheet. The full text reports on opinions, orders, notices, such as rulemakings and certifications, and meeting agendas. The summary sheet is indexed to the full text allowing the user to scan quickly and identify releases of interest. The information is released twice daily and the user pays a charge for each page of material sent plus shipping costs.

The research service offers watch services and filing services. The watch service flags any document the user is waiting for and forwards the information by mail, telecopier, or courier. The filing service aids users by delivering documents to their appropriate destinations. The Washington Service Bureau also maintains computer databases, microfiche, and files on federal agencies.

#### Berry Best Services

Berry Best Services offer both a daily information service and a research service. Information of federal issuances can be obtained daily, weekly, or over the phone. In general, the user pays a monthly subscription charge for each service desired, a page charge on material sent, and shipping costs. Berry's on-line service allows users to scan databases on federal agency activities.

The research service offers watch service, which flags desired documents, with a one-week, next-day, or same-day turnaround. The user pays an hourly rate for research assistance, a turnaround rate, and a delivery charge.

## Ways to Further Improve Our Understanding of Federal Interventions

The survey contained nineteen questions covering many relevant issues such as the extent of intervention activity, the costs, the federal agencies and regulatory areas involved, the strengths and weaknesses of current intervention programs, and the various resources used. The survey provided a good base for understanding federal intervention activity. However, the information obtained from the survey did not fully address two important issues.

The first issue was understanding what affects the success or failure of federal intervention programs. We could not address this issue due to the lack of necessary information. The only questions that in some way dealt with success and failure were questions seventeen and eighteen, which asked respondents about the effectiveness of their programs relative to other interveners and to utilities. What is needed, though, is information on each intervention that somehow measured the level of success or failure. With such information we can examine how various factors affect success and suggest how best to approach certain types of federal issues. Another suggestion is to record the type of case involved. For example, is it a rate case, a jurisdictional dispute, or perhaps something else? This would allow us to determine which federal agencies and regulatory areas and in what types of cases a state PSC could expect a higher success rate.

The second issue concerns the effect resources have on intervention activity and cost. We addressed this issue as best we could but we feel our understanding would increase if we had had information on each federal intervention instead of aggregate information on each state PSC and state CC. The results of this survey cannot be used as the basis for budgetary decisions regarding the cost of different intervention approaches because the survey questions did not distinguish among degrees of participation in and complexity of cases. What is needed is a stratified approach in which information is recorded for each intervention. This would enable a more accurate measurement of how resources influence intervention activity and cost, as well as permit a more thorough understanding on how resources can complement or substitute for one another. We recommend a follow-on survey to accomplish this.

## APPENDIX

### SURVEY RESPONSES

The appendix contains the responses to a survey of the state PSCs and CCs, which was conducted by the NRRI in 1987 and 1988, concerning their federal intervention programs. The data received covered a three year period.

1. Federal Agency Interventions\* in the Last Three Years.  
 (Please check all agencies where you've intervened or filed comments)

	FERC	FCC	DOE	DOT	ICC	NRC	Other (Please List)
Alabama PSC	x	x		x	x		
Alaska PUC <sup>1</sup>							
Arizona CC	x	x					
Arkansas PSC	x	x					SEC
California PUC	x	x	x	x	x	x	BPA, ERA, FASB, FRB
Colorado PUC	x	x		x			IRS, NTIA
Connecticut DPUC	x	x					FTC (Motor Carrier Rate Bureau Anti-trust) NISB (gas distribution pipeline explosion)
Delaware PSC	x						
Washington, DC PSC	x	x					NTIA, GSA
Florida PSC	x	x					
Georgia PSC	x	x			x		
Hawaii PUC	-	-	-	-	-	-	-
Idaho PUC	x	x			x		
Illinois CC	x	x			x		
Indianas UC	x	x					
Iowa SUB	x	x		x			GSA, Congress
Kansas CC	x	x			x	x	
Maine PUC	x	x					ERA
Maryland PSC	x	x			x		

1. The Alaska Public Utilities Commission (APUC) responded that it has not technically been an "intervenor" in any federal proceeding. Rather, its involvement has taken the following two forms: (1) concurrent hearing with the APUC and the Federal Energy Regulatory Commission where the APUC staff is a party, and (2) rulemaking proceedings before the Federal Communications Commission where the APUC as a commenter is a party. There is no other relevant information for the questionnaire.

1. Federal Agency Interventions\* in the Last Three Years. (Cont'd.)  
 (Please check all agencies where you've intervened or filed comments)

	FERC	FCC	DOE	DOT	ICC	NRC	Other (Please List)
Minnesota PUC	x	x					
Minnesota AG	x	x					IRS
Mississippi PSC	x	x					
Mississippi AG	x		x			x	
Missouri PSC	x	x			x		SEC
Montana PSC	x				x		
Nebraska PSC					x		
Nevada PSC	x	x		x	x		
New Hampshire PUC	x	x					
New Jersey BPU	x	x					
New Mexico PSC	x						
New York DPS	x	x					
North Carolina UC - Public Staff	x						
North Dakota PSC	x	x	x		x		
Ohio PUC (AG)	x	x			x	x	GAO
Pa. PUC - Federal <sup>2</sup>	x	x				x	SEC
"    Rail Div.				x	x		
"    Motor Carr.					x		
Rhode Island PUC	x	x					
South Carolina PSC	x	x					
South Dakota PUC	x	x	x				
Tennessee PSC	x	x			x		
Utah PSC	x						

2. The Law Bureau of the Pennsylvania PUC completed three surveys, one for each of their separate legal divisions. The bulk of the federal intervention work is handled by their Federal Division, although their Rail and Motor Carrier Divisions intervene on occasion.

1. Federal Agency Interventions\* in the Last Three Years. (Cont'd.)  
 (Please check all agencies where you've intervened or filed comments)

	FERC	FCC	DOE	DOT	ICC	NRC	Other (Please List)
Vermont PSB	x	x				3	SEC
Virginia SCC	x	x					GSA
Washington UTC	x	x	x		x		
West Virginia PSC	x	x	x			x	
Wisconsin PSC	x	x					
Wyoming PSC	x	x		x			
Arizona RUCC	-	-	-	-	-	-	-
Arkansas AG	x						
Colorado CC	x	x					
Connecticut CC	x	x	x				
Delaware OPA <sup>4</sup>	-	-	-	-	-	-	-
Washington, DC OPC	x	x					
Hawaii DCA Commission		x		x			Federal Maritime
Indiana OUCC	x		x				GSA
Maine PA	x	x	x				
Maryland OPC	x	x					
Michigan AG <sup>5</sup>							
Nevada AG, OACFU	x						SEC
New York Dept. Law	x	x	x			x	

3. The Vermont Department of Public Service (the Vermont public advocate, power planner, and power purchaser) has intervened before the NIC.

4. The federal interventions of the Delaware Office of the Public Advocate are exclusively via NASUCA joint interventions. See NASUCA for details.

5. The Special Litigation Division of the Michigan Attorney General does not do federal interventions. We can, but we have chosen not to do so to date. The Michigan PSC's interventions are handled through their attorney, an Assistant Attorney General, PSC Division.

1. Federal Agency Interventions\* in the Last Three Years. (Cont'd.)  
 (Please check all agencies where you've intervened or filed comments)

	FERC	FCC	DOE	DOT	ICC	NRC	Other (Please List)
New York SCPB	x	x				x	Postal Rate Commission
Ohio OCC	x	x					IRS, SEC, NTIA
South Carolina DCA	x	x				x	GSA
Vermont DPS	x	x				x	
Virginia AG, DCC	x	x					

2. Regulatory Areas

	Gas	Electric	Telecomm- unications	Transport- ation	Safety	Other (List)
Alabama PSC		x	x	x	x	
Alaska PUC						
Arizona CC	x	x	x			
Arkansas PSC	x	x	x			
California PUC	x	x	x	x	x	
Colorado PUC	x	x	x	x	x	Tax Issues
Connecticut DPUC	x	x	x		x	
Delaware PSC	x	x				
Washington, DC PSC	x	x	x			Federal Procurement of Utility Services
Florida PSC	x	x	x			
Georgia PSC	x		x	x		
Hawaii PUC	-	-	-	-	-	-
Idaho PUC	x	x	x	x		
Illinois CC	x	x	x	x		
Iowa SUB	x	x	x		x	Acquisition Regs.
Indiana URC	x	x	x			
Kansas SCC	x	x	x	x	x	
Maine PUC	x	x	x			
Maryland PSC	x	x	x	x		
Minnesota PUC	x	x	x			
Minnesota AG	x	x	x			
Mississippi PSC		x	x			
Mississippi AG		x			x	Oil Overcharge
Missouri PSC	x	x	x	x		

2. Regulatory Areas (Cont'd)

	Gas	Electric	Telecomm- unications	Transport- ation	Safety	Other (List)
Montana PSC	x	x	x	x		Security Issues
Nebraska PSC				x		
Nevada PSC	x	x	x	x		
New Hampshire PUC		x	x			
New Jersey BPU	x		x			
New Mexico PSC		x				
New York DPS	x	x	x			
North Carolina UC - Public Staff	x					
North Dakota PSC	x	x	x	x		
Ohio PUC (AG)	x	x	x	x	x	Water and Sewer
Pa. PUC - Federal	x	x	x			Lifespan of Nuclear Plants; PUHCA
" Rail				x	x	
" Motor Carr.				x		
Rhode Island PUC	x	x	x			
South Carolina PSC	x	x	x			
South Dakota PUC	x	x	x			
Tennessee PSC	x	x	x	x		
Utah PSC	x					
Vermont PSB	x		x			
Virginia SCC	x	x	x			
Washington UTC	x	x	x	x	x	
West Virginia PSC	x	x	x	x		
Wisconsin PSC	x	x	x			
Wyoming PSC	x	x	x	x		

2. Regulatory Areas (Cont'd)

	Gas	Electric	Telecomm- unications	Transport- ation	Safety	Other (List)
Arizona RUOO	x	x	x			
Arkansas AG	x	x				
Colorado CC	x		x			
Connecticut CC	x	x	x			
Delaware OPA	-	-	-	-	-	-
Washington, DC OPC	x	x	x			Insurance
Hawaii DCA			x	x		
Indiana OUCC	x	x	x			
Maine PA	x	x	x			
Maryland OPC	x	x	x			
Michigan AG	-	-	-	-	-	-
Nevada AG, OACFU	x	x				
New York Dept. Law	x	x	x			
New York SCPB	x	x	x		x	
Ohio OCC	x	x	x			
South Carolina DCA	x	x	x		x	
Vermont DPS	x	x	x			
Virginia AG DCC	x	x	x			

3. Estimated Number of New Interventions Per Year

4. Estimated Average Number of Ongoing Interventions Pending Per Year

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	3. Estimated Number of New Interventions Per Year	4. Estimated Average Number of Ongoing Interventions Pending Per Year
Alabama PSC	3-5	3-5
Alaska PUC	-	-
Arizona CC	10	30
Arkansas PSC	12	24
California PUC	136	148
Colorado PUC	6-8	6-8
Connecticut DPUC	5-6	5
Delaware PSC	0	0
Washington, DC PSC	15	10
Florida PSC	50	15
Georgia PSC	2	2
Hawaii PUC	0	0
Idaho PUC	1-5	1-5
Illinois CC	45	45
Iowa SUB	50	100
Indiana URC	5+	2+
	Depends on number of fed. NOPRs.	
Kansas CC	25	15
Maine PUC	6	8
Maryland PSC	5	12
Minnesota PUC	FERC 10+, FCC 1-2	
Minnesota AG	1	1
Mississippi PSC	3	3-5
Mississippi AG	6-10	6-10
Missouri PSC	25	35

3. Estimated Number of New Interventions Per Year

4. Estimated Average Number of Ongoing Interventions Pending Per Year

(Cont'd)

Montana PSC	6	8
Nebraska PSC	3	0
Nevada PSC	25	30
New Hampshire PUC	6	6
New Jersey BPU	3	1
New Mexico PSC	0	0
New York DPS	FERC 57, FCC 15	FERC 15, FCC 15
North Carolina UC - Public Staff	-	-
North Dakota PSC	0-4	1
Ohio PUC	12-15	15-20
Pa. PUC	22	17
"    Rail	5-10	5
"    Motor Carrier	1	1
Rhode Island PUC	2	10
South Carolina PSC	5	4
South Dakota PUC	4	10
Tennessee PSC	2-3	-
Utah PSC	1	1
Vermont PSB	8-10	6-10
Virginia SCC	4	4
Washington UTC	6	3
West Virginia PSC	15	30
Wisconsin PSC	10	25
Wyoming PSC	10	15

3. Estimated Number of New Interventions Per Year

4. Estimated Average Number of Ongoing Interventions Pending Per Year

(Cont'd)

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Arizona RUCC	12-18	20
Arkansas AG	2	4
Colorado CC	1-2	1
Connecticut CC	5	7
Delaware OPA	-	-
Washington, DC OPC	10-15	8-10
Hawaii DCA	3	6
Indiana OUCC	30	45
Maine PA	2	2
Maryland OPC	50	75
Michigan AG	-	-
Nevada AG, OACPU	4	7
New York Dept. Law	4	3
New York SCPB	-	-
Ohio OCC	15	60-70
South Carolina DCA	5-10	3
Vermont DPS	3	4
Virginia AG DCC	1	1

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5. What Are The Major Goals Of Your Agency's Federal Interventions?

	1.	2.	3.
Alabama PSC	Protect the State's Position on Regulation	-	-
Alaska PUC	-	-	-
Arizona CC	Information	Affect federal agency decision	
Arkansas PSC	Minimize wholesale electric rates to be passed on to retail customers	Minimize Arkansas' allocation of costs of Grand Gulf power plant	Minimize wholesale natural gas rates to be passed on to retail customers
California PUC	Ratepayer protection	Protection of state regulatory jurisdiction	Protection of federal regulatory jurisdiction
Colorado PUC	State position	Approve Colorado position	Stop Federal preemption
Connecticut DFUC	Protect our state's rate and regulatory policy	Express the state's position on the appropriate direction of federal policy	
Delaware PSC	1	2	-
Washington, DC PSC	Preserve state jurisdiction in preemptory federalism issues	Represent local ratepayers	Represent unique interests D.C.
Florida PSC	3	4	5
Georgia PSC	To insure state jurisdictional concerns are recognized	To monitor federal activity with respect to jurisdictional utilities	
Hawaii PUC	-	-	-
Idaho PUC	To state positions on the formulation of Federal policies with state ratemaking implications		

1. To comment upon or present views concerning significant issues which affect Delaware to the extent of limited resources.

2. Occasional comments on Federal Rule make up one intervention, limited within the last ten years.

3. To attempt to change or modify positions of regulatory agencies to reflect what this Commission believes is a more appropriate position.

4. To make known to the respective regulatory agencies the position of this Commission on various issues before those agencies.

5. Provide information to regulatory agencies even though this Commission may not have a position on an issue in order that the regulatory agency can make a better informed decision.

5. What Are The Major Goals Of Your Agency's Federal Interventions? (Cont'd)

	1.	2.	3.
Illinois CC	6	7	8
Indiana URC	To create and/or maintain favorable regulatory policies for the State of Indiana	-	-Maine PU
Iowa SUB	To advance the policy objectives of the Board	To assure effective participation by Iowa utilities	To avoid or minimize burdens of Iowa utilities and consumers
Kansas CC	To represent Kansas ratepayers and consumers in matters that federal agencies have exclusive jurisdiction over	To monitor federal proceedings which have a direct effect on utility proceedings before the Kansas SCC	-
Maine PSC	Protect the interests of utility customers in the state	Protect the regulatory jurisdiction of our state over matters before Federal agencies	Acquire knowledge and facility in federal administrative process
Maryland PSC	Protect the Public Interest	Avoid preemption by federal agencies on matters which should be state concerns	Prevent transfer of expenses from federal to state areas
Minnesota PUC	-	-	-
Minnesota AG	Keep rates low for residential and small business customers	-	-
Mississippi PSC	Exert influence in certain company system agreements	Protect state regulator's prerogative	To keep informed of ongoing regulatory matters
Mississippi AG	Protect the consumers	Maximize state revenues	-
Missouri PSC	Influence Federal agency decisions	Protect against unwarranted or unlawful preemption of state	Become a party on service lots merely to track the progress cases
Montana PSC	Insure availability of low cost utility service to state consumers	Protect state commission jurisdiction	Encourage federal/state regulatory consistency
Nebraska PSC	Retain bus service	-	-

6. Influence Federal Regulatory Policy to be consistent with state policy and thus insure that inconsistencies don't cause economic harm to Illinois consumers or utilities.

7. Apply Illinois policies in specific FERC cases where Illinois interests are affected.

8. Protect the legitimate interests of Illinois consumers and utilities.

5. What Are The Major Goals Of Your Agency's Federal Interventions? (Cont'd)

	1.	2.	3.
Nevada PSC	Protect the interests of rate-payers before the FERC-FCC	Retention of state jurisdiction	Protection of local distribution company
New Hampshire PUC	9	10	-
New Jersey BPU	Informational	Support of state utility positions	Opposition to state utility positions
New Mexico PSC	Monitoring proceedings relevant to PSC-regulated utilities		
New York DPS	Reduce costs to N.Y. Consumers	Assure reliability of service and energy supply to meet existing and future customer needs	Influence federal policy <sup>11</sup>
North Carolina UC - Public Staff	Reduce gas costs for N.C. customers	-	-
North Dakota PSC	Protect jurisdictional rate-payers	Stop federal preemption	-
Ohio PUC	12	13	14
Pa. PUC - Federal	To promote federal policies that lead to adequate utility services of a reasonable cost in Pa.	To protect state commission jurisdiction over communications and energy matters	15
" Rail	Preserve state jurisdiction to maximum extent possible	Establish and implement the highest level of safety regulations possible and practical	16

9. At the FERC, the NHPUC's active interventions have generally been focussed on issues that are specific to the state and its utilities. Thus, we have generally not been involved in aggregate revenue requirement type issues.

10. At the FCC, the NHPUC has been active in both N.H.-specific and more general policy issues.

11. Resist federal encroachment on state jurisdiction.

12. To protect the interests of the citizens of Ohio (including Ohio utility companies) as those interests may be affected by federal actions.

13. To protect the interests of the State of Ohio, including the jurisdiction of the PUCO as those interests may be affected by federal actions.

14. To insure that the need for individual state diversity is not compromised unduly by efforts to improve federal uniformity.

15. To become informed on communication and energy matters so that the state commission is independently advised on federal regulatory matters.

16. Insure that regulated carriers provide safe, adequate, and efficient service and facilities.

5. What Are The Major Goals Of Your Agency's Federal Interventions? (Cont'd)

	1.	2.	3.
PA PUC Motor Carr.	Protect PUC jurisdiction over intrastate transportation from encroachment by ICC	-	-
Rhode Island PUC	Reduce rates	Argue policy issues	Keep informed
South Carolina PSC	To present the interests of the S.C. customer to the agency	-	-
South Dakota PUC	17	To prevent preemptive practices of federal agencies	-
Tennessee PSC	-	-	-
Utah PSC	To try to not give up our state jurisdiction in several areas	-	-
Vermont PSB	Better federal decision-making	Benefit Vermont ratepayers	
Virginia SCC	Protect state's right to regulate	Protect consumer and regulated utility	Prevent shift of cost to intrastate jurisdiction
Washington UTC	To represent the public interest	Promote state views at the federal level	
West Virginia PSC	Specific-result oriented	Direct influence upon federal agency's decision-making	Become better informed of issues affecting the state's interests
Wisconsin PSC	18	19	20
Wyoming PSC	To protect Wyoming consumers and service	Participate in establishment of wholesale utility rates	To represent Wyoming public interest in federal rulemaking
Arizona RUCO	-	-	-

17. To uphold statutory responsibility to assure that only fair and reasonable rates and practice will impact South Dakota ratepayers.

18. Protect the interests of state ratepayers by advocating their interests in rate cases, rulemaking, and other federal proceedings where their interests are at risk.

19. Defend our state's authority to regulate against preemptive encroachment by federal agencies and courts.

20. Represent generally the interests of the state and its consumers at the federal level, where appropriate, through advocacy, and by providing an informed viewpoint from a state commission.

5. What Are The Major Goals Of Your Agency's Federal Interventions? (Cont'd)

	1.	2.	3.
Arkansas AG	Protect retail ratepayers by influencing wholesale rate decisions at FERC	-	-
Colorado CC	Impact rates paid by Colorado consumers	Impact federal policies & procedures that affect Colorado ratepayers short- & long-term	-
Connecticut CC	To reduce rate impacts on Connecticut consumers	-	-
Delaware OPA	-	-	-
Washington, DC OPC	21		
Hawaii DCA	22		
Indiana OUCC	Positive rate impact	Protection of state jurisdiction	Focus regulatory attention on ratepayer issues
Maine PA	23	24	25
Maryland OPC	26	-	-
Michigan AG	-	-	-
Nevada AG, QACPU	Keep rates least cost	Prevent federal preemption	Insure consistent state and federal regulation
New York Dept. Law	Protect residential consumers	-	-
New York SCPB	-	-	-

21. Represent the District of Columbia ratepayers in accordance with D.C. Code Ann. Section 43-406(d)1-5 (1985) before federal agencies.

22. To ensure that Hawaii is served essential services in the most economic and efficient manner with a sufficient choice of services to meet various user demands.

23. Reducing costs of electric, gas, and telephone service to Maine retail ratepayers.

24. Promoting access to low-cost power supplies (Canadian gas or electricity).

25. Ensuring adequate and workable federal policies (nuclear decommissioning, FCC access charges, NEPOOL regulation)

26. Since most federal agencies have no consumer entity designed to appear before them, we attempt to provide consumer input to balance the ongoing pressure of industry representation before these agencies.

5. What Are The Major Goals Of Your Agency's Federal Interventions? (Cont'd)

	1.	2.	3.
Ohio OCC	Reducing costs to Ohio's residential utility consumers	Protecting other interests of Ohio's residential utility consumers	-
South Carolina DCA	Provide legal representation for consumer interests	-	-
Vermont DPS	27	-	-
Virginia AG DCC	Protection of retail ratepayer		

27. Represent state interests in particular proceedings; we have no agenda for broad issues.

6. Method of Representation (check if applicable)

	Staff Counsel	Washington Counsel	Private Local Counsel	Attorney General	Attorney General Is Also Agency Staff Counsel	Other (Please Describe)
Alabama PSC	x		x			
Alaska PUC						
Arizona CC	x					
Arkansas PSC	x	x				
California PUC	x					
Colorado PUC				x	x	
Connecticut DPUC	x			x		
Delaware PSC	x					
Washington, DC PSC	x		x			
Florida PSC	x					
Georgia PSC				x		
Hawaii PUC				x	x	
Idaho PUC	x				x	
Illinois CC				x	x	
Indiana URC		x				Technical Staff
Iowa SUB	x	x limited-- mostly para- legal				Our program office, the Bureau of Rate & Safety Evaluation, conducts re- presentation with consul- tation of staff counsel
Kansas CC	x	x				
Maine PUC	x most often	x once				Joint participation with Office of Public Advocate
Maryland PSC						Agency's General Counsel
Minnesota PUC				x	x	
Minnesota AG					x	

6. Method of Representation (check if applicable) (Cont'd)

	Staff Counsel	Washington Counsel	Private Local Counsel	Attorney General	Attorney General Is Also Agency Staff Counsel	Other (Please Describe)
Mississippi PSC	x		x			
Mississippi AG		x		x	x	
Missouri PSC	x	x				
Montana PSC	x	x				
Nebraska PSC	x					
Nevada PSC						General Counsel
New Hampshire PUC	x			x		
New Jersey BPU				x	x	
New Mexico PSC		x				Commission Counsel
New York DPS	x	x				
North Carolina UC Public Staff		x				
North Dakota PSC	x	x				
Ohio PUC (AG)	x				x	
Pa. PUC	x					
" Rail	x					
" Motor Carr.	x					
Rhode Island PUC				x		
South Carolina PSC	x					
South Dakota PUC	x	x			x	Coordinate with other states in Midwest to jointly retain counsel
Tennessee PSC	x					
Utah PSC				x	x	
Vermont PSB	x	The Dept. of Public Serv. often was Wash. counsel				

6. Method of Representation (check if applicable) (Cont'd)

	Staff Counsel	Washington Counsel	Private Local Counsel	Attorney General	Attorney General Is Also Agency Staff Counsel	Other (Please Describe)
Virginia SCC	x					
West Virginia PSC	x					
Wisconsin PSC	x	x				
Wyoming UTC				x	x	
Arizona RUOC	x					
Arkansas AG				x		
Colorado CC	x					
Connecticut CC	x		x			
Delaware OPA	-	-	-	-	-	-
Washington, DC OPC	x					
Hawaii DCA	x	x	x	x		1
Indiana CUCC	x					
Maine PA	x					
Maryland OPC	x		x			
Michigan AG	-	-	-	-	-	-
Nevada AG, QACFU				x		
New York, Dept. Law				x		
New York SCPB	x	x				NASUCA Coalitions
Ohio OCC	x					
South Carolina DCA	x					
Vermont DPS	x	x				
Virginia AG, DCC	x			x		

1. Sometimes we rely on NASUCA or NARUC to address the "mega-issues."

7. Interagency Coordination of your State Done

Are interventions on behalf of more than one agency?      If yes, please describe who intervenes where, and how the interventions are coordinated

Alabama PSC	Y	-
Alaska PUC		-
Arizona CC	N	-
Arkansas PSC	Y	Arkansas Attorney General intervention in electric wholesale rate cases; informal coordination
California PUC	Y	1
Colorado PUC	N	-
Connecticut DPUC	Y	More recently, the DPUC and the Office of Consumer Counsel collaborate
Delaware PSC	N	-
Washington DC PSC	N	-
Florida PSC	N	-
Georgia PSC	N	-
Hawaii PUC	N	Division of Consumer Advocacy, Department of Commerce and Consumer Affairs intervenes in most federal matters, i.e., FERC, FCC, ICC, FMC
Idaho PUC	Y, but rarely	Idaho Department of Water Resources often intervenes before the FERC. There is no coordination because they address much different issues
Illinois CC	N	2

1. The CPUC is the primary intervenor for the people of the state in federal regulatory proceedings. Very infrequently, the California Energy Commission and the State Attorney General have intervened in such matters. Where multiple state agency interventions have occurred, efforts to coordinate are ordinarily made as a matter of cooperation among the agencies. In such cases a unified state position could conceivably emerge; however, each agency is free to assert and pursue its own position.

2. The policy staff of the Commission assesses dockets and proposed interventions to the Commission which decides to intervene or not in the Policy Subcommittees. Pro-forma interventions might, however, be activated by policy staff without further Commission action. All interventions are then transmitted to the AG staff which prepares or redrafts the document and files it at the appropriate agency. Decisions to intervene often can be reached on the basis of "blanket policies" of the Commission, arrived at by frequent meetings (13/year) between Policy Subcommittees and cognizant staff. Most often the issues in a docket have therefore been anticipated in advance of the docket filing.

7. Interagency Coordination of your State Done (Cont'd)

Are interventions on behalf by more than one agency?	If yes, please describe who intervenes where, and how the interventions are coordinated
Indiana URC	Y The Office of the Indiana Utility Consumer Counselor is mandated by Indiana statutes to represent Indiana ratepayers. The Consumer Counselor frequently intervenes in federal proceedings on their behalf
Iowa SUB	N -
Kansas CC	N -
Maine PUC	Y The Office of the Public Advocate intervenes in regulatory proceedings at the federal level. Often the OPA intervenes in the same proceeding or the MPUC. About half of the interventions are conducted jointly
Maryland PSC	N -
Minnesota PUC	Y Department of Public Service, through the Energy Issues Intervention Office (see Minn. Stat. 216A.085)
Minnesota AG	Y The Department of Public Service does most intervention. Our department does so only when we have a conflict with DPS or if the DPS is not involved
Mississippi PSC	Y Attorney General intervenes in essentially the same cases; there is little coordination
Mississippi AG	Y PSC before FERC
Missouri PSC	N -
Montana PSC	Y/N The PSC participates with Consumer Counsel on some cases. Expenses are shared and management of consultants, etc., is by consensus. Each agency enters its own appearance and retains flexibility to split on certain issues
Nebraska PSC	N -
Nevada PSC	Y Consumer Advocate
New Hampshire PUC	Y Sometimes the Attorney General intervenes at the FERC on behalf of the State of N.H., instead of, or in addition to the NHPUC
New Jersey BPU	Y/N In various situations, the NJ DOC has taken positions before the FERC. They are represented by the NJ Attorney General
New Mexico PSC	Y No formal coordination. The Attorney General and the Oil & Conservation Division intervene at the FERC

7. Interagency Coordination of your State Done (Cont'd)

Are interventions on behalf by more than one agency?	If yes, please describe who intervenes where, and how the interventions are coordinated
New York DPS	N
North Carolina UC - Public Staff	Y
North Dakota PSC	Y
Ohio PUC (AG)	Y
Pa. PUC	Y
" Rail	Y
" Motor Carrier	N
Rhode Island PUC	Y
South Carolina PSC	-
South Dakota PUC	N
Tennessee PSC	N
Utah PSC	Y
Vermont PSB	N
Virginia SCC	Y
Washington UTC	Unknown

3. The Ohio Federal Utility Energy Intervention Team was established in April 1983 to coordinate Ohio's representation in energy and utility matters under federal jurisdiction. The team, comprised of representatives of the Governor, the Attorney General, the PUCO, and the Office of Consumers' Counsel, meets every month to discuss and coordinate intervention efforts on behalf of the state. A report is available entitled "Ohio Federal Utility/Energy Intervention Team Report: The First Three Years."

7. Interagency Coordination of your State Done (Cont'd)

	Are interventions on behalf by more than one agency?	If yes, please describe who intervenes where, and how the interventions are coordinated
West Virginia PSC	N	-
Wisconsin PSC	N	-
Wyoming PSC	N	-
Arizona RUCC	N	-
Arkansas AG	Y	Both Ark. AG and Ark. PSC often intervene in FERC proceedings. No formal coordination, however, we generally take compatible positions and engage in an informal exchange of information. Infrequently, the Ark. PSC and AG engage in joint efforts
Colorado CC	Y	Colo. PUC also intervenes in FERC cases, but to date only monitored two cases and did not sponsor a witness or actively participate
Connecticut CC	Y	Dept. of Public Utility Control and the Attorney General may intervene in certain proceedings
Delaware OPA	-	-
Washington, DC OPC	-	4
Hawaii DCA	Y <sup>5</sup>	6
Indiana OUCC	N	-
Maine PA	Y	7

4. Interventions are not coordinated. The District of Columbia Public Service Commission and the Office of the People's Counsel are the only ones for the state. The Office of the Peoples Counsel are for the consumers.

5. Sometimes, but usually not.

6. The Hawaii Division of Consumer Advocacy has the primary responsibility. Informal discussions among the chief administrators of various state agencies, e.g., the State AG, Dept. of Transportation, the Hawaii PUC, the Division of Consumer Advocacy, and the Governor's Office.

7. The Public Advocate's statute permits our office to determine if our federal interventions will duplicate the efforts of another state agency and to intervene if we will represent any additional state interests not represented by the PUC or AG. We consult informally to make this determination.

7. Interagency Coordination of your State Done (Cont'd)

Are interventions on behalf by more than one agency?	If yes, please describe who intervenes where, and how the interventions are coordinated
Maryland OPC	Y Occasionally, the Maryland PSC also intervenes. Coordination is handled by personal contact with that agency
Michigan AG	-
Nevada AG, QACPU	Y The PSC and our office coordinate
New York, Dept. Law	Y AG and PSC not coordinated
New York SCPB	Y Often the CPB and the PSC will appear in the same proceedings. There is no coordination
Ohio OCC	Y 8
South Carolina DCA	Y 9
Vermont DPS	Y Ad hoc; uncoordinated, except by serendipity, except this department is explicitly authorized by statute to represent the state re natural gas
Virginia AG, DCC	Y Virginia State Corporation Commission by its own Office of General Counsel. Coordination is informal

8. This office intervenes, as noted above, on behalf of residential consumers. The Ohio Commission (PUO) intervenes primarily at the FERC in a more limited number of cases. Coordination usually takes place after intervention through a monthly meeting of a "federal intervention team." There are also informal contacts and information hearings.

9. Occasionally this office and the Public Service Commission will both intervene in FERC proceedings or comment on FCC proposals. Both agencies attempt to coordinate by providing copies of each others comments and/or news releases.

8. Interstate Coordination. How frequently do you intervene as part of a coalition among states?  
If you do intervene as part of a coalition, please describe how the interventions are coordinated, and how are costs shared.

	Frequently	Occasionally	Never
Alabama PSC		x	
Alaska FUC			
Arizona CC		x	Determined on a case-by-case basis
Arkansas PSC			x
California FUC		x	1
Colorado FUC		x	At request of NARUC. Costs not shared--merely a coordinated effort
Connecticut DPUC		x	Usually by invitation by a state with a compelling interest, on a case-by-case basis. Some interventions are pursued by the New England Conference of Public Utility Commissioners
Delaware PSC			x
Washington, DC PSC		x	Contact with other DC counsel who represent states and contact with state PUC general counsel. Costs equally divided
Florida PSC		x	2
Georgia PSC			x That I can recall
Hawaii FUC		x	
Idaho FUC		x	Ad hoc determinations
Illinois CC		x	

1. Interventions are coordinated by the various counsel assigned to such cases. Where joint briefs are required, brief writing may be divided among counsel. Where a court requires that one counsel present oral argument on behalf of a group of states, the selection of that counsel is made pursuant to negotiations and agreement among counsel involved. Costs are shared on the basis of agreement among counsel.

2. Interventions are usually coordinated by meetings with follow-up conference calls. Costs such as printing memorandums or briefs are usually shared equally among the parties. Travel expenses, etc., are paid by the party incurring the costs.

8. Interstate Coordination. How frequently do you intervene as part of a coalition among states?  
 If you do intervene as part of a coalition, please describe how the interventions are coordinated, and how are costs shared. (Cont'd)

Frequently    Occasionally    Never

	Frequently	Occasionally	Never	
Indiana URC		x		The IURC occasionally makes joint comments as part of a coalition; we do not participate in official legal interventions as part of a coalition
Iowa SUB		x		Completely ad hoc
Kansas CC		x		3
Maine PUC		x		Through NARUC. We also have conducted joint intervention with the NECPUC, in which states select a lead commissioner. The Executive Director of the NEPUC has coordination responsibilities. No significant activities or costs have arisen in this context
Maryland PSC		x		Generally, meetings are held with decisions made concerning sharing of costs and coordination of positions
Minnesota PUC		x		Coordinated effort with shared labor on joint filings
Minnesota AG			x	
Mississippi PSC		x		
Mississippi AG	x			With other AGs. Usually with cost sharing arrangements
Missouri PSC		x		Usually coordination through NARUC or with specific state commissions involved through assigned attorneys. Method of cost sharing negotiated on a case-by-case basis
Montana PSC	x			We strive to split costs by number of participants although the split is frequently determined by ability or willingness to pay. Management is by consensus.
Nebraska PSC		x		
Nevada PSC		x		Interventions of this nature are very infrequent. Costs are not shared

3. When the Kansas Corporation Commission joins forces with another intervenor, it is usually the Missouri Public Service Commission in proceedings before the Federal Energy Regulatory Commission. We have, in the past, shared the costs of hiring an outside consultant to testify.

8. Interstate Coordination. How frequently do you intervene as part of a coalition among states?  
 If you do intervene as part of a coalition, please describe how the interventions are coordinated, and how are costs shared. (Cont'd)

	Frequently	Occasionally	Never	
New Hampshire PUC		x		4
New Jersey BPU		x		Through DAGs and staff contacts
New Mexico PSC			x	
New York DPS			x <sup>5</sup>	6
North Carolina UC - Public Staff			x	
North Dakota PSC		x		Coordination is informal. Costs are shared under contracts that state the formula for allocation
Ohio PUC (AG)		x		7
Pa. PUC		x		8
" Rail			x	
" Motor Carr.			x	
Rhode Island PUC	x			The coalition is informal. Costs are not shared but and issues are distributed between intervenors
South Carolina PSC			x	

4. Varies. Generally the General Counsel coordinates as the commissioners coordinate with other commissioner directly or via the executive director. At times, the NECPUC organization is used for communications. The state Attorney General's Office has the overall authority to represent the PUC in other jurisdictions.

5. We jointly participate with other states occasionally, but each party intervenes independently. And, of course, we are active at NARUC.

6. While we do not intervene as part of a coalition, joint participations occur through divert communication involved attorneys. Attorneys' fees are assumed by each individual state, but out-of-pocket costs may be shared equally.

7. The method at coordination and cost allocation depends upon the type of proceeding. If at the agency level the PUCO attempts to coordinate with states having similar interests, reviewing and commenting on the proposed filings of others and allowing others the opportunity to do the same with filings by Ohio. The most recent example of multistate cooperation and coordination was the U.S. Supreme Court case on depreciation in the telecommunications industry. Louisiana Public Service Commission v. FCC. Costs on that case were equally divided among participating states.

8. Interventions are sent in separately unless, for example, a Petition for a Rulemaking is jointly submitted. Costs of expert witnesses are shared, with non-agency intervenors paying the bulk of expenses, e.g., IDCs.

8. Interstate Coordination. How frequently do you intervene as part of a coalition among states?  
 If you do intervene as part of a coalition, please describe how the interventions are coordinated, and how are costs shared. (Cont'd)

Frequently    Occasionally    Never

	Frequently	Occasionally	Never
South Dakota PUC	x		
Tennessee PSC			x
Utah PSC		x	Writing letters
Vermont PSB	x		FCC filings on behalf of NECPUC occur 2 to 4 times per year. Joint filings before the FCC with NARUC have occurred at least 4 times in 4 years. Pooled staff efforts, with approval by the NECPUC Telecommunications Subcommittee
Virginia SCC		x	Sometimes coordinated through lead state, and sometimes through NARUC. Costs are split ratably
Washington UTC			x
West Virginia PSC			x
Wyoming PSB		x	Coordination is through designated contact persons in the states and any outside consultants or attorneys used. Costs are shared roughly pro rata based upon each state's share of the utility business
Wisconsin PSC			x
Arizona RUOO			x
Alabama AG			x
Colorado CC		x	
Connecticut CC		x	Interventions are often handled through NASUCA
Delaware OPA	-	-	-

9

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9. Lead attorneys in Wyoming, Montana, North Dakota, and South Dakota PUC and Montana Consumer Counsel discuss FERC filings for utilities operating in all states. A joint contract is written to divide costs. South Dakota also has joint interventions with Minnesota and Iowa. Sometimes a state will assign an attorney to assist the outside counsel with the case; then the state will pay a reduced share of the joint contract.

10. Interventions are generally coordinated by National Association of State Utility Consumer Advocates (NASUCA) or through individual NASUCA member states. Costs may be shared (for consultants) or borne entirely by the state which takes the lead in preparing the comments.

8. Interstate Coordination. How frequently do you intervene as part of a coalition among states?  
 If you do intervene as part of a coalition, please describe how the interventions are coordinated, and how are costs shared. (Cont'd)

	Frequently	Occasionally	Never	
Washington, DC OPC	x			11
Hawaii DCA			12	An agency chief in Hawaii is designated and he coordinates and negotiates. Usually Hawaii's problems are sufficiently unique that we go it alone
Indiana OJCC	x			Interventions coordinated through NASUCA. Costs shared on a pro rata basis or by informal agreement
Maine PA		x		In the case of joint comments to the FCC, we participate in conference calls with out-of-state coalition members and, in effect, take turns in drafting filings and pleadings
Maryland OPC	x			Frequently we join with NASUCA. Costs are shared largely according to ability. Coordination is on an ad hoc basis
Michigan AG	-	-	-	-
Nevada AG, OACPU			x	
New York, Dept. Law		x		
New York SCPB	x			Generally one member performs most of the work and receives no compensation. When consultants are retained, the costs are generally shared
Ohio OCC	x			Ad hoc, or through NASUCA. Consultant costs shared on a by-case basis
South Carolina DCA	x			13
Vermont DPS		x		Ad hoc, again. I know of no sharing arrangements
Virginia AG, DCC		x		National Association of Attorney General (NASUCA)

11. Interventions which we coordinate with more than one state is done by NASUCA filings. Interventions are coordinated through telephone conference calls. The costs are shared through voluntary joint funds.

12. Rarely.

13. The Department may intervene as part of NASUCA or individually. If the Department files a pleading or brief on its own behalf as well as NASUCA's, then the two may share costs. At other times the lead state agency in NASUCA will bear the costs.

9. In-House Coordination. Is there a separate office or staff within your agency assigned to do federal interventions? 10. Court Appeals. Do you represent your agency in court appeals of federal agency decisions? If not, please indicate who does represent your agency in such appeals

Agency	9. In-House Coordination	10. Court Appeals	Notes
Alabama PSC	N	Y	
Alaska PUC			
Arizona CC	N	Y	
California PUC	Y	Y	
Colorado PUC	N <sup>1</sup>	N	Attorney General
Connecticut DPUC	N	X	
Delaware PSC	N	N	
Washington, DC PSC	N	Y	
Florida PSC	Y	Y	
Georgia PSC	N	Y	
Hawaii PUC	N	Y	
Idaho PUC	N	Y	
Illinois CC	N <sup>2</sup>	Y	
Indiana URC	N <sup>3</sup>	N	No one
Iowa SUB	N	Y	
Kansas CC	N	Y	Our Washington counsel also assists us
Maine PUC	N	Y	
Maryland PSC	Y	Y	
Minnesota PUC	N/A	Y	
Minnesota AG	N	Y	
Mississippi PSC	N	Y	
Mississippi AG	N	Y	

1. A task force monitors for federal matters.

2. For FERC, the Commission has designated its Policy Analysis and Research Division to do our intervention work. Legal support is provided by our Office of General Counsel.

3. However, one staff position is used to coordinate the responsibilities of all staff divisions.

9. In-House Coordination. Is there a separate office or staff within your agency assigned to do federal interventions?

10. Court Appeals. Do you represent your agency in court appeals of federal agency decisions?

If not, please indicate who does represent your agency in such appeals

(Cont'd)

Agency	9. In-House Coordination	10. Court Appeals	Who represents your agency in such appeals
Missouri PSC	N	Y	
Montana PSC	N	Y	
Nebraska PSC	N	N	Attorney General
Nevada PSC	N	Y	
New Hampshire PUC	N	N	New Hampshire Attorney General's Office
New Jersey BPU	N	N	DAG's
New Mexico PSC	N	X	
New York DPS	N	Y	
North Carolina UC - Public Staff	N	Y	The North Carolina Utilities Commission represents the state through Washington counsel
North Dakota PSC	N	N	
Ohio PUC (AG)	Y	N	Ohio Attorney General's Office
Pa. PUC	Y <sup>4</sup>	Y	
" Rail	Y <sup>5</sup>	Y	
" Motor Carr.	Y <sup>5</sup>	Y	
Rhode Island PUC	N	N	Attorney General
South Carolina PSC	N	Y	
South Dakota PUC	N	Y	
Tennessee PSC	N	Y <sup>6</sup>	
Utah PSC	N	N	Assistant Attorney General who represents the Division of Public Utilities
Vermont PSB	N <sup>7</sup>	Y	
Virginia SCC	N	Y	

4. Except for transportation and rail matters which are handled by divisions primarily involved in state jurisdictional work.

5. Not for transportation matters.

6. With the permission of the Attorney General.

7. Technically, no. In practice, one attorney handles 70% of the federal appeals. Two attorneys handle 100%.

9. In-House Coordination.  
Is there a separate office  
or staff within your agency  
assigned to do federal  
interventions?

10. Court Appeals. Do you  
represent your agency in  
court appeals of federal  
agency decisions?

If not, please indicate who does  
represent your agency in such  
appeals

(Cont'd)

Washington UTC	N	X	
West Virginia PSC	Y	Y	
Wisconsin PSC	N	Y	
Wyoming PSC	N	N	Attorney General's Office
Arizona RUOC	N	N	Such appeals are not authorized for RUOC
Arkansas AG	N	Y	
Colorado CC	N	N/A	There have been no appeals to date
Connecticut CC	N	Y	
Delaware OPA	-	-	-
Washington, DC OPC	-	Y	8
Hawaii DCA	N	Y	
Indiana OJCC	Y	Y	
Maine PA	N	Y	
Maryland OPC	N	Y	
Michigan AG	-	-	-
Nevada AG, QACPU	N	Y	
New York, Dept. Law	N	Y	
New York SCPB	N	Y	
Ohio OCC	Y	Y	
South Carolina DCA	N	Y	
Vermont DPS	N	Y	
Virginia DCC	N	Y	

8. Office of the People's Counsel has appeared through NASUCA in court appeals of FCC and FERC decisions, but never on their own.

11. Please Describe the Mechanics of Receiving Information and Notices, and of Making Filings Under Your Program

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Alabama PSC	Federal Register Service Lists
Alaska PUC	
Arizona CC	
Arkansas PSC	
California PUC	1
Colorado PUC	<u>Federal Register</u> , NARUC publications, trade publications, word-of-mouth at conventions, seminars, etc.
Connecticut DPUC	Each division (gas, electric) or the research and policy division monitor federal issues. Additionally, the prosecutorial division, an autonomous department, selects issues worthy of pursuit. [Note: The Connecticut DPUC has recently been reorganized and federal intervention mechanisms may be significantly restructured]
Delaware PSC	
Washington, DC PSC	Office of General Counsel reviews FERC and FCC notices and shares information with utilities. subscribes to the <u>Federal Register</u> and <u>FCC Daily Digest</u>
Florida PSC	2
Georgia PSC	3
Hawaii PUC	The inquiry is unclear
Idaho PUC	Notice comes via Telecommunication Reports, Phone Link, Federal Register and divest mail from FCC, FERC, etc. Filings are usually by overnight mail

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1. The CPUC relies on a number of sources for information regarding federal regulatory proceedings. We use the Federal Register, trade journals, official notices received directly from agencies, and information received from California public utilities. The great distance between California and Washington, D.C. severely dilutes the use of the Federal Register as the basic source of notices of federal proceedings, inasmuch as it is received in California at least seven days after publication. Our method of intervention is administered by the Federal Section within the Legal Division of the CPUC. The Federal Section is responsible for the conduct of the litigation and derivative appeals.

2. Information regarding dockets before, or actions by, regulatory agencies in which this Commission would be interested is received from a reporting service, utility contacts, or contact with the regulatory agency. Information, at times, is also received from NARUC. Legal findings are developed by the Commission's Division of Appeals. Technical filings are a coordinated effort between the respective technical department and the Division of Appeals. All filings are approved by the Commission.

3. Information and notices are provided through normal federal agency - state agency channels. In many instances the jurisdictional utility notifies and keeps commission staff apprised of filings and status of federal activity. When formal interventions are required, they are prepared by this office (the Attorney General) or by the commission staff to be filed by this office as counsel for the Commission.

11. Please Describe the Mechanics of Receiving Information and Notices, and of Making Filings Under Your Program (Cont'd)

Illinois CC

4

Indiana URC

We receive notices through the Federal Register, the FERC's CIPS Electronic Bulletin Board, "Inside FERC," "Electric Utility Week," and other publications. After determining whether the IURC wishes to file comments on a federal rulemaking, the appropriate staff divisions prepare analyses of the rulemaking. These comments are then consolidated into formal Commission comments, circulated, and formally approved by the Commissioners

Iowa SUB

We aim at multiple and redundant intelligence networks: (1) filings by companies, (2) agency notices, (3) scans by D.C. law firm paralegal, (4) trade press, and (5) individual contacts. Draft filings are prepared by program office and reviewed with Board and other senior staff, then filed.

Kansas CC

We monitor the Federal Register and when we are on a short time deadline, such as a seven day deadline from the time of notice on a tariff filing, our Washington counsel telecopies the notice to us and we prepare the notice of intervention here at the KCC

Maine PUC

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Maryland PSC

The Maryland PSC receives notices of filings and other federal information as a matter of course with delivery of the U.S. Postal Service. Filings at federal agencies are sent by next-day delivery or hand-delivered

Minnesota PUC

Federal Register and federal agency releases through the mails. EIIO receives, reviews, and plans activity, then notifies the Commission

Minnesota AG

Mississippi PSC

Receive notice by mail; make recommendation to Commission for intervention; upon authorization, begin process

Mississippi PA

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Missouri PSC

Information coming in is received directly from FERC, FCC, IOC, NRC, or SEC

Montana PSC

Receiving notice of filings is a problem with federal agency proceedings and time frames. The Commission authorizes intervention. The Chief Counsel assigns staff attorneys who are then responsible for receiving and making filings in the matter

4. FERC daily orders and initial filings by FERC jurisdictional companies are routed to Commission policy staff for evaluation as per mechanism noted in answer to question above. Persons receiving information (as from the industry press, personal knowledge, calls from other parties, etc.) on a specific case would normally also route this information to the policy staff for treatment similar to question 7. Documents for other than pro-forma notices are often drafted by policy staff, then approved in substance (and sometimes by word in detail) by the Commission, then transmitted and, when needed, redrafted by AF staff. AG staff may also contribute at earlier stages.

5. All initial notices received by the Maine PUC regarding federal proceedings are circulated to all division heads (legal, finance, technical, and consumer assistance), who review and make recommendations to the Commissioners on whether to intervene. Intervention is filed by an attorney in the legal division who is then placed on the federal agency service list and is responsible for following the case. Non-legal staff who will receive copies of all incoming and outgoing correspondence may also be assigned.

11. Please Describe the Mechanics of Receiving Information and Notices, and of Making Filings Under Your Program (Cont'd)

Nebraska PSC	-
Nevada PSC	Federal Register. General Counsel decides if intervention is appropriate. Notice is sometimes directly received from federal agencies
New Hampshire PUC	FERC and FCC mailings and regulatory publications. Filings are made via the Attorney General's Office. No formal mechanism in place for filing other than commission directive and notification to AG for action in conjunction with the PUC General Counsel
New Jersey BPU	-
New Mexico PSC	Information on FERC cases was received through Washington counsel trade publications.
New York DPS	Washington counsel receives daily FERC orders, notices, etc. and intervenes in cases after consultation with staff. We also subscribe to publications such as the FCC Daily Digest Telecommunications Reports
North Carolina UC - Public Staff	Through Washington counsel who is on the FERC service list
North Dakota PSC	Review the Federal Register; read individual notices; filings are made after the Commission directs action
Ohio PUC	6
Pa. PUC - Federal	7
" Rail	8
" Motor Carr.	9
Rhode Island PUC	The Attorney General receives notices and decides what cases to intervene in. Filings are discussed with other affected states before they are commenced by the Attorney General
South Carolina PSC	From notices received by the agency, consumers, or industry

6. Both PUCO staff and its counsel review the Federal Register and various publications, i.e., Inside FERC, for information on activities of federal agencies. Recommendations are made to the Commissioners of the Ohio PUC of those matters which merit intervention or comment. Upon direction, appropriate pleadings are drafted, received by the Commissioners, and then filed on behalf of the PUCO by the Attorney General's Office.

7. Notice is received for FERC rate cases by the pipelines filing with the Commission as the filings are made at the FERC. Certificate proceeding notices are obtained by review in the Federal Register. Notice of FCC proceedings is received usually by receipt of the Notice of Proposed Rulemaking by mail. Trade papers such as Inside FERC, Foster Natural Gas Report, Electric Weekly, or Telecommunications Report, also provide notice of interesting cases. Interventions are filed by individual attorneys on behalf of the Commission, hopefully on time. Late filings of intervention at FERC can be burdensome due to the need to obtain service lists and their length.

8. Information and notices are received at various staff levels and are coordinated, along with the various filings, by the Law Department representative.

9. Deputy Chief Counsel reviews the Federal Register for cases of interest. Appropriate cases are assigned to staff counsel for intervention. Upon receipt of petitions, etc., from the agency or petitioner, a decision is made whether to file comments. Comments are filed very rarely.

11. Please Describe the Mechanics of Receiving Information and Notices, and of Making Filings Under Your Program (Cont'd)

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South Dakota PUC	10
Tennessee PSC	Very haphazardly - usually we learn of thing through NARUC or by word-of-mouth. We make filings in accordance with the rules of the federal agencies or court
Utah PSC	The Division of Public Utilities briefs the Commission as it becomes necessary
Vermont PSB	"Information" is reviewed as part of routine maintenance of expertise in relevant fields, i.e., journal, newsletter, Federal Register reviews. "Notices" are received by Clerk of the Board, distributed to relevant attorney. Filings are prepared by relevant attorney (subject to polic directives of PSB) reviewed with Chainman, and filed by relevant attorney.
Virginia SCC	(1) Federal Register, (2) through <u>Inside FERC</u> , <u>Telecommunications Reports</u> , (3) filings with notices from Federal Register and divest mailing from FERC. Filings are made through next day delivery service from Charleston
Washington UTC	Federal Register or notice from the federal agency. Commissioners vote in an open public meetin whether to file a petition to intervene in any federal action.
Wisconsin PSC	11
Wyoming PSC	Information, notices and filings are generally the responsibility of the assigned Assistant Attorney General in proceedings where that office represents the Commission. Assigned Commission staff has responsibility in other cases

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Arizona RUOO	-
Arkansas AG	Information is received from Federal Register, newspapers, trade publications, and word-of-mouth Filings are generally made in the form of motions to intervene at the FERC
Colorado CC	Federal Register is monitored and NASUCA notifies member states and asks if anyone wishes to intervene or file comments
Connecticut CC	-
Delaware OPA	-

10. In the coalition filings, the outside counsel is listed as the attorney-of-record for all states. Also, each state lists an attorney-of-record. The outside counsel receives notice and will call the lead attorney for each state, when necessary. Regarding filings, the outside counsel submits copies to the state lead attorneys who review the filings and suggest changes. For filings other than coalition filings, the general counsel is the attorney-of-record. The General Counsel is responsible for routing of notices, etc.

11. FERC notices are received and screened by the Washington Counsel using a twice-a-day FERC service. Washington Counsel then notifies the Chief Counsel of important cases requiring Commission intervention. In addition, the Commission's Chief Counsel independently screens all federal agency mail and court mail and the Federal Register when received. On important cases to be litigated, interventions are made by Washington Counsel and the Commission Chief Counsel as attorneys-of-record. On less important interventions, only Commission Chief Counsel appears (although the intervention pleading may be prepared and filed by Washington Counsel's office when intervention deadlines are very short).

11. Please Describe the Mechanics of Receiving Information and Notices, and of Making Filings Under Your Program (Cont'd)

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Washington, DC OPC	The mechanics of receiving information and notices and of notices and information in regard filing comes from publications the Office of the People's Counsel receive on a weekly or basis. Information is shared through NASUCA membership
Hawaii DCA	An informal network of Washington, DC-based law firms, national consulting firms, CFR, Congressional delegations, etc.
Indiana OUCC	Information received via: (1) Federal Register, (2) agency notices, (3) trade press, and (4) NASUCA. Filings are made by overnight mail service
Maine PA	FERC: Federal Register notice, or, most often, notice from the utility; FCC: Telecommunications Report articles; Both: Mailings from NASUCA
Maryland OPC	Sometimes we do it ourselves. Sometimes we use local counsel in the District of Columbia
Michigan AG	-
Nevada AG, OACPU	Maintain name on service lists of major utilities who intervene. File applications at federal level
New York Dept. Law	-
New York SCPB	-
Ohio OCC	12
South Carolina DCA	13
Vermont DPS	Ad hoc
Virginia AG, DOC	Public Notice, Federal Register Notice, Communication from other interested organizations

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12. We monitor the Federal Register, Inside FERC, and Telephone News. We receive Daily Docket from a private service providing FCC documents. Three major pipelines serving Ohio routinely serve us with rate and PGA filings. We obtain information frequently from other intervenors, primarily those with whom we have worked with in other cases. The D.C. People's Counsel sometimes assists us with information. We send filings to the agency by overnight courier.

13. NASUCA members receive newsletters and correspond with each other. This office also receives publications advising of certain upcoming issues, including releases and correspondence from the Public Service Commission and regulated utilities. If a filing is made on behalf of NASUCA and the Department, then a draft of it is sent to appropriate NASUCA committee members, e.g., the Electric Committee. Otherwise, a draft may, on occasion, be sent to a regulatory consultant for review and comment.

12. Estimated Total Annual Costs. (If intervention is done by more than one method, please estimate costs for each. Also, if representation is provided by an agency other than your own, please try to estimate the costs to that agency)

	Travel Costs	Salaries	Overheads	Attorneys Fees	Other
Alabama PSC	Varies Greatly	Varies Greatly	Varies Greatly	Varies Greatly	Varies Greatly
Alaska PUC					
Arizona CC	\$5,000	\$15,000	\$3,000	-	-
Arkansas PSC	\$31,473.25 <sup>1</sup>	\$36,776.91 <sup>1</sup>			
California PUC	\$46,600	\$599,160	\$109,570	N/A	\$100,000
Colorado PUC <sup>2</sup>	\$500	\$2,500	\$1,000	\$3,000	
Connecticut DPUC	\$2,500	\$1,500	\$500		
Delaware PSC					
Washington DC PSC		\$60,000 (3 attys x 1/3)	\$11,000	\$5,000	\$16,000 Senior Accountant \$5,000 Technical Consultant
Florida PSC	\$6,101	\$52,754	\$13,188		
Georgia PSC	3				
Hawaii PUC					No previous records kept
Idaho PUC		\$2-10,000			
Illinois CC	\$17,000 <sup>4</sup>	\$70,000 <sup>5</sup>		\$15,000	\$5,000 Transcript Costs
Indiana URC	6				
Iowa SUB	\$25,000	\$80,000	\$40,000	\$5,000	
Kansas CC	\$6,200	\$20,000			FERC Consultant Fees--in- cludes travel and per diem -\$25,000

1. Costs for staff counsel only. Totals for 3-year period, 1985, 1986, and 1987.

2. Rough guesses.

3. So few interventions are made, it is difficult to estimate. Salaries and attorneys' fees are not calculated, since this office (A.G.) represents the Commission with one full-time attorney for all matters. Travel costs would only be incurred to the extent it was necessitated by an appearance before the agency or for discovery, depositions, etc.

4. \$15,000 Policy Analysis Research Division staff only; \$2,000 A.G. staff

5. Policy Analysis and Research Division staff only.

6. The IRUC is just beginning to become active in federal rulemaking. Therefore, it is not possible at this time to estimate the related costs.

## 12. Estimated Total Annual Costs (Cont'd)

	Travel Costs	Salaries	Overheads	Attorneys Fees	Other
Maine PUC	\$10,000	\$15,000	\$2,000		
Maryland PSC	7				
Minnesota PUC	8				
Minnesota AG	N/A				
Mississippi PSC	\$3,500				
Mississippi AG	Depends on cases				
Missouri PSC	\$12,000 <sup>9</sup>	\$180,000 <sup>10</sup>	\$8,000 <sup>11</sup>	\$120,000 <sup>12</sup>	
Montana PSC	\$5,000	\$5,000	\$1,000	\$7,000	\$10,000 Consultants
Nebraska PSC	-	-	-	-	-
Nevada PSC	\$10,000	-	\$10,000	-	-
New Hampshire PUC	\$1,500 <sup>13</sup>	-	\$2,000	-	-
New Jersey BPU	Unknown				
New Mexico PSC <sup>14</sup>					
New York DPS	\$10,000	\$93,000	\$10,000	\$232,000 <sup>15</sup>	\$28,000 Employee Fringe Benefits
North Carolina UC - Public Staff	\$4,000	-	-	\$50,000	-
North Dakota PSC	Not available				
Ohio PUC (AG)	\$8,000	-	-	-	\$1,000 misc., e.g., Fees Expenses

7. Federal interventions are handled as part of the routine operations of the Office of General Counsel and are not funded by a separate budget mechanism. Therefore, specific costs are not identifiable.

8. \$150,000 for travel costs, salaries, and overhead.

9. Average of last two fiscal years.

10. Includes two full-time technical staff (FCC and FERC) and salary allocation of Commissioners, legal and technical staff who work a portion of time on federal agency interventions.

11. Printing, postage, and delivery charges.

12. Washington Counsel.

13. Based on limited intervention experiences to date. As the frequency of intervention increases, more accurate information will be available.

14. Minimal amounts. In our EPE intervention, we probably spent only \$300 to \$400 in all. Only Joann Reuter was involved with that.

15. Washington, DC attorney - 2000 hours.

12. Estimated Total Annual Costs (Cont'd)

	Travel Costs	Salaries	Overheads	Attorneys Fees	Other
Pa. FUC	\$1,950	\$200,000 <sup>16</sup>	\$700	-	-
" Rail	\$500	-	-	-	-
" Motor Carr.	-	\$250	\$100	-	-
Rhode Island FUC	\$3,000				\$150,000 Expert advice and testimony
South Carolina PSC					Has not been calculated
South Dakota FUC	17			\$4,000	
Tennessee PSC	De Minimis <sup>18</sup>				
Utah PSC	\$1,500	\$10,000	\$5,000	\$15,000	
Vermont PSB <sup>19</sup>	\$1,000 <sup>20</sup>	\$4,000 <sup>21</sup>	\$500 <sup>22</sup>		\$500 <sup>23</sup>
Virginia SCC	\$800	\$4,500	\$500		
Washington UTC	\$1,500	\$6,000	-	\$10,000	
West Virginia PSC	-	-	-	-	-
Wisconsin PSC		\$3,668 <sup>24</sup>	\$440 <sup>17</sup>	\$175,000	
Wyoming PSC <sup>25</sup>	\$5,000	\$40,000	26		
Arizona RUOC	-	-	-	-	-
Arkansas AG					No records kept

16. At least one-third of the time is devoted to state matters. Also, the figure reflects recent addition of three technical staff members to the Federal Division.

17. In addition, the coalition intervention total contracts for last year were \$50,500. The individual intervention of hiring out-of-state counsel resulted in total payments of \$200,000 for last year.

18. All filings are done through the mail. We rarely (maybe once a year) make personal appearances.

19. Very rough.

20. Limited travel to coordinate with other states or for rare appellate appearances.

21. 1/12 x \$40,000 attorney fees and some clerical allocations.

22. Rent, light, phone, etc.

23. Copying and express mail services.

24. Paralegal.

25. Attorney General's Office only.

26. Attorney and consultant fees paid by PSC have been as high as \$50,000/year.

## 12. Estimated Total Annual Costs (Cont'd)

	Travel Costs	Salaries	Overheads	Attorneys Fees	Other
Colorado CC	27	-	-	-	-
Connecticut CC	\$2,000	\$5,000	\$2,000	-	\$10,000 - Experts
Delaware OPA	-	-	-	-	-
Washington, DC OPC	\$24,000	\$735,160.89	\$1,270,844.79 <sup>28</sup>	-	-
Hawaii DCA	\$10,000	\$40,000	\$20,000	\$80,000	\$20,000
Indiana OUCG	\$8,000	\$35,000	-	-	\$100,000 - Consultants
Maine PA	\$500	\$2,000	\$500	-	-
Maryland OPC	\$5,000	\$100,000	\$50,000	\$350,000	-
Michigan AG	-	-	-	-	-
Nevada AG, OACPU	\$10,000	\$25,000	\$5,000	-	-
New York Dept. Law	\$1,000	\$10,000	\$1,000	-	-
New York SCPB <sup>29</sup>	\$25,000	\$1,126,300	-	-	\$302,000 - Fringe Bene
Ohio OCC	\$22,000	\$107,000 <sup>30</sup>	-	-	\$106,400 - Consultants \$1,875 - Transcripts
South Carolina DCA	32	-	-	-	-
Vermont DPS	-	\$5,000	\$5,000	\$25,000	-
Virginia AG,DCC	Minimal	-	-	-	-

27. We cannot easily break out our expenditures by category. The following are estimated total expenditures (salaries, travel, other expenses, etc.); intervention in FERC Case I (using outside consultants) - \$100,000 (over a three-year period); intervention in FERC Case II (using OCC staff) - \$36,000; and FCC Comments (using outside consultants and OCC staff) - \$5,000.

28. For technical and legal support. Technical: \$739,250.94; Legal: \$531,593.85.

29. Total budget of utility intervention at state and federal levels.

30. Combined salaries and overhead.

31. Four-year averages.

32. Between \$5-10,000 for a combination of travel costs, salaries, and overhead.

13. Estimated Amount of Time Spent Annually on Federal Interventions by:

	1. Legal Staff (days)	2. Other Agency Staff (days)
Alabama PSC	No estimate available	No estimate available
Alaska PUC		
Arizona CC	30	10
Arkansas PSC		
California PUC	2,072	984
Colorado PUC	6	10
Connecticut DPUC	20-30 person days	50-100 person days
Delaware PSC	0	0
Washington, DC PSC	244	36
Florida PSC	217	276
Georgia PSC	1	

1. In the last two years this office has been involved in the following federal agency matters on behalf of the Georgia Public Service Commission (GPSC):

1. FERC: A major industrial customer of the jurisdictional natural gas company filed an application to receive service from an interstate natural gas pipeline. The GPSC filed an application to intervene. It took approximately 1.5 days of attorney's time to prepare and file the application. The matter was ultimately resolved by a rate design proposal in the jurisdictional rate case and the large customer dismissed its FERC application.
2. FCC: FCC issued a proposed rule on radio common carriers which would have had the effect of preempting state jurisdiction. The GPSC staff prepared comments which this office then reviewed and filed with the FCC. Review and filing of these comments took approximately one day of attorney's time. This rule was later declared invalid by the federal courts in a proceeding in which the GPSC did not intervene.
3. ICC: An interstate railroad filed an application with the ICC to abandon a rail line in the state of Georgia. The initial comment period was handled exclusively by the GPSC staff. As a result of these efforts, as well as the efforts of the local community organizations, the ICC set the matter down for a hearing before a hearing officer, at which point this office became involved. This office interviewed witnesses and prepared prefiled testimony as well as other pleadings. This activity took approximately 6 days of attorney's time. Prior to the hearing, and apparently in recognition of the local and state opposition, the railroad withdrew its application.
4. FERC: While the GPSC did not formally intervene, this office participated in a settlement conference at FERC between a natural gas pipeline and its customers, including the jurisdictional natural gas company. This involved one day of travel to Washington, D.C. and approximately two days of attorney's time.

(Footnote continues on next page)

13. Estimated Amount of Time Spent Annually on Federal Interventions by: (Cont'd)

	1. Legal Staff (days)	2. Other Agency Staff (days)
Hawaii PUC	0	
Idaho PUC	5-25	Unknown
Illinois CC	100	280
Indiana URC <sup>2</sup>		
Iowa SUB	5	437
Kansas CC	180	45
Maine PUC	60	20
Maryland PSC	3	
Minnesota PUC	1.5 man-years	4.5 man-years
Minnesota AG	3	1
Mississippi PSC	84	
Mississippi AG	Depends on cases	
Missouri PSC	288 <sup>4</sup>	600 <sup>5</sup>
Montana PSC	50	50
Nebraska PSC	-	-
Nevada PSC	150	100
New Hampshire PUC	25	25
New Jersey BPU	2	10

(Footnote continued from previous page)

5. FCC: This office assisted the GPSC in filing with the FCC a petition concerning inter- and intrastate WATS service. This took approximately 2 days of attorney's time.
6. NRC: Neither this office nor the GPSC has formally intervened in the licensing case of a jurisdictional electric utility's nuclear plant. However, this office has received pleadings and material in the case as if GPSC had intervened. Review of this material takes approximately 6 days per year of attorney's time.
2. The IRUC is just beginning to become active in federal rulemaking. Therefore, at this time it is not possible to make this estimate.
3. Federal interventions are handled as part of the routine operations of the Office of the General Counsel and are not funded by a separate budget mechanism. Therefore, specific costs are not identifiable.
4. Eight attorneys an average of 3 days per month. Includes Commissioners, Hearing Examiner, and General Counsel staff.
5. Two full-time plus 4 at 3-days per month.

13. Estimated Amount of Time Spent Annually on Federal Interventions by: (Cont'd)

	1. Legal Staff (days)	2. Other Agency Staff (days)
New Mexico PSC <sup>6</sup>	10	2
New York DPS	76	432 <sup>7</sup>
North Carolina Public Staff		40
North Dakota PSC	20	20
Ohio PUC (AG)	100	52
Pa. PUC	52	52
" Rail	5-10	-
" Motor Carrier	5	0
Rhode Island PUC	50	0
South Carolina PSC	5	5
South Dakota PUC	30	
Tennessee PSC	7	14 (accounting staff)
Utah PSC	5	10
Vermont PSB	30	12 <sup>8</sup>
Virginia SCC	15	20
Washington UTC	15	20
West Virginia PSC	25	5
Wisconsin PSC	200 <sup>9</sup>	50-75
Wyoming PSC <sup>10</sup>		
Arizona RUCC	0	0
Arkansas AG	90	60
Colorado CC	20	10
Connecticut CC	20	10

6. We intervened only once. We spent 2 or 3 days monitoring it.  
7. D.C. Counsel, an additional 250 days.  
8. Primarily secretarial support.  
9. Includes Washington Counsel.  
10. Attorney General's Office only.

13. Estimated Amount of Time Spent Annually on Federal Interventions by: (Cont'd)

	1. Legal Staff (days)	2. Other Agency Staff (days)
Delaware OPA	-	-
Washington, DC, OPC	107 (average for two years)	42 (average for two years)
Hawaii DCA	11	-
Indiana OUCC	230	-
Maine PA	26	
Maryland OPC	400	400
Michigan AG	-	-
Nevada AG, OACPU	30	-
New York Dept. Law	30	-
New York SCPB	25-35	25-35
Ohio OCC	850 <sup>12</sup>	
South Carolina DCA	25-50	
Vermont DPS	10	
Virginia AG, DCC	10	

11. 15% legal staff, 60% other agency staff, 25% outside legal counsel.

12. Combined legal staff and other agency staff.

EVALUATION

14. Would you recommend this method of intervention to other state commissions?

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Alabama PSC	Y
Alaska PUC	
Arizona CC	Y
Arkansas PSC	Y
California PUC	Y
Colorado PUC	Y
Connecticut DPUC	No opinion
Delaware PSC	
Washington, DC PSC	Y
Florida PSC	Y
Georgia PSC	
Hawaii PUC	N
Idaho PUC	Y - Works fine for a small state where all members of legal staff have direct access to commissioners
Illinois CC	Y & N - Method depends strongly on willingness of the Commission to delegate certain duties to staff
Indiana URC	Y
Iowa SUB	N
Kansas CC	Y
Maine PUC	Y
Maryland PSC	Y
Minnesota PUC	Y
Minnesota AG	N/A - We intervene so infrequently, we can't answer these questions
Mississippi PSC	Y
Mississippi AG	-
Missouri PSC	Y
Montana PSC	Y - Depends on resources

EVALUATION (Cont'd)

14. Would you recommend this method of intervention to other state commissions?

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Nebraska PSC	Y
Nevada PSC	-
New Hampshire PUC	N
New Jersey BPU	Y
New Mexico PSC	N
New York DPS	Y
North Carolina UC - Public Staff	Y
North Dakota PSC	Y
Ohio PUC (AG)	Y
Pa. PUC	Y
" Rail	Y
" Motor Carrier	Y
Rhode Island PUC	Y
South Carolina PSC	-
South Dakota PUC	Y
Tennessee PSC	Y
Utah PSC	N
Vermont PSB	Y
Virginia SCC	N
Washington UTC	Y
West Virginia PSC	Y
Wisconsin PSC	Y
Wyoming PSC	Y

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Arizona RUCC	-
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Arkansas AG	Y
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Colorado CC	Y - As one way to have some impact
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EVALUATION (Cont'd)

14. Would you recommend this method of intervention to other state commissions?

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Connecticut CC	Y
Delaware OPA	-
Washington, DC, OPC	Y
Hawaii DCA	Y <sup>1</sup>
Indiana OUCC	Y
Maine PA	N
Maryland OPC	Y
Michigan AG	-
Nevada AG, OACPU	Y
New York Dept. Law	-
New York SCPB	-
Ohio OCC	Y
South Carolina DCA	Y
Vermont DPS	-
Virginia AG, DCC	N

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1. It works for us, but because of our geographic location, Hawaii has unique regulatory problems.

15. Please list the three greatest strengths of your method of intervention.

	1.	2.	3.
Alabama PSC			
Alaska PUC			
Arizona CC	Inexpensive	Flexible	
Arkansas PSC	Use of staff attorneys gives the Commission more information and control over cases	Less expensive than private counsel	
California PUC	Active participation throughout the proceeding including appellate review	Very competent and motivated counsel and support staff	Strong interest at Commission level
Colorado PUC	Presents our viewpoint	Keeps us aware of federal matters	Minimal expense to the state
Connecticut DPUC	It maximizes the limited time of staff	Tailored to fit budget constraints	A careful approach before involving the agency in a federal matter
Delaware PSC			
Washington, DC PSC	Integrity and consistency in pleadings	Economical	Improves in-house understanding of current issues
Florida PSC	1	2	
Georgia PSC	-	-	
Hawaii PUC	-	-	
Idaho PUC	Direct access to state Commissioners for policy input		
Illinois CC	3	4	-
Indiana URC	Utilizes the technical expertise of the various staff disciplines	Is fairly inexpensive in funds and resources	-

1. All necessary departments within the Commission have, in a coordinated effort, worked on and reviewed the comments or intervention prior to it being filed.

2. The well-established steps in the process for developing and filing interventions avoid confusion, cut down on redundant work efforts, and allow individuals not normally associated with the process to assist if needed.

3. Inadequate skilled resources (and \$) to deal even with a limited number of cases in best manner.

4. Geographic isolation from D.C. can cause at times severe losses of information or errors in filing or communication.

15. Please list the three greatest strengths of your method of intervention (Cont'd)

	1.	2.	3.
Iowa SUB	Forces coordination of retail ratemaking and federal intervention	Minimizes fixed expenditures	Maximizes staff awareness of federal issues
Kansas CC	By handling the bulk of interventions here at the KCC, we are able to coordinate policy and participation	This method seems to be cost effective	-
Maine PUC	Manageability	Reasonable costs	Provides coordination with activities at local levels
Maryland PSC	Avoids duplication	Inexpensive	Zeros in on important matters only
Minnesota PUC	Dedicated staff	Line item budget	Legislative commitment
Minnesota AG	-	-	-
Mississippi PSC	More economical	First-hand knowledge	Better coordination with action at state level
Mississippi AG	-	-	-
Missouri PSC	Organized flow of document control with trained clerical or paralegal sorting of cases of interest v. non-interest	Direct assignment to appropriate technical and legal resources with areas of responsibility	Computerized docket control and follow-on capability
Montana PSC	Low cost, efficient	Direct Commission supervision	Internal continuity
Nebraska PSC			
Nevada PSC	Direct representation of the appropriate state agency	Least cost method	Best method to keep agency continually informed on general developments
New Hampshire PUC	Low cost and use of resources	The Commission and its most knowledgeable people are in control of all actions	-
New Jersey BPU	-	-	-
New Mexico PSC	-	-	-
New York DPS	We have excellent representation at FERC because we use a firm that specializes in gas utility work	We can react quickly to settlement proposals in FERC proceedings because of our D.C. counsel	In our FCC intervention, a wider range of staff experts can work closely with our Albany-based counsel and advisors
North Carolina UC - Public Staff	We have the expertise of a FERC specialist	Washington counsel is before FERC every day and is current on all issues	Washington counsel has backup from NCUC staff

15. Please list the three greatest strengths of your method of intervention (Cont'd)

	1.	2.	3.
North Dakota PSC	Commission is informed	The work is performed well	Work is timely
Ohio PUC (AG)	Control by Commissioners	Ability to involve Commission staff from a variety of disciplines	Not an outrageous expense to participate
Pa. PUC	5	6	7
" Rail	Speed	Efficiency	Cost effective
" Motor Carr.	-	-	-
Rhode Island PUC	Presents states interests to the federal agency	-	-
South Carolina PSC	-	-	-
South Dakota PUC	8	9	-
Tennessee PSC	It's better to intervene with in-house staff so that the staff can learn first hand about the issues		
Utah PSC	-	-	-
Vermont PSB	Brings greater expertise, creativity, and range of concerns before the federal agency	Benefits Vermont ratepayers	Increases bargaining power with utilities
Virginia SCC	Maintains awareness of issues	Does not require extra staff	Presents intrastate perspective at federal level
Washington UTC	Direct representation of the agency	-	-
West Virginia PSC	Relatively inexpensive	Timely exchange of information in-house	Ability to transfer knowledge learned at federal level to state level

- 
5. A separate federal unit allows expertise on federal issues to be built up over time.
  6. An in-house effort leads to dispersal of information to many segments of Commission staff.
  7. Intervention allows the Commission to shape federal outcomes in a way that is advantageous to Pennsylvania.
  8. Coalition Intervention: Optimal utilization of budget due to sharing costs with three other states.
  9. Coalition Intervention: Filing carries greater weight when four states file the same brief and take the same positions.

15. Please list the three greatest strengths of your method of intervention (Cont'd)

	1.	2.	3.
Wisconsin PSC	10	11	12
Wyoming PSC	Relatively cost effective	Effective representation of our State's specific positions on issues	Permits cost-sharing between state when positions on issues coincide
Arizona RUCC	-	-	-
Arkansas AG	Least expensive	Educates in-house staff	Greater accountability
Colorado CC	Low cost compared to Washington Counsel for full-time federal intervention staff	Builds staff expertise in federal matters	
Connecticut CC	-	-	-
Delaware OPA	-	-	-
Washington, DC OPC	13	14	15
Hawaii DCA	Its focused on particular problems	Its well done	-
Indiana OJCC	Maximization of control and effectiveness by having one person direct	Opportunity to coordinate with rate issues	-
Maine PA	Simplicity	Economy	Non-redundancy
Maryland OPC	Consumer interests are represented	Sometimes we win or at least affect the process	-
Michigan AG	-	-	-
Nevada AG, OACPO	Selective - chose only important cases	Limited - develop only issue important to the state	Economical - use limited resources to the fullest extent

10. Flexibility of response, ranging from the ability to mount a full-scale agency intervention or federal lawsuit to a minimal cost timely intervention for informational purposes only.
11. Capability to establish and maintain an effective state commission voice in federal agency rulemaking and in important FERC rate cases.
12. Improved strategic decision making regarding our federal interventions resulting from input from Washington Counsel.
13. OPC's method of intervention provides an opportunity for the office to combine its resources with other Consumer Advocates to represent the interests of the ratepayers at the federal level.
14. OPC's practice at the federal level provides an opportunity for its legal and technical staff to become directly involved in issues pending before federal regulatory agencies that specifically affect the interests of D.C. utility consumers.
15. On occasion, the office and the D.C. PSC have found themselves in agreement on issues being deliberated at the federal level.

15. Please list the three greatest strengths of your method of intervention (Cont'd)

	1.	2.	3.
New York Dept. Law	-	-	-
New York SCPB	-	-	-
Ohio OCC	Flexibility	In-house control; consistency of policy	Little conflict of interests
South Carolina DCA	Ability to develop in-depth positions on major issues	Affiliation with a national organization that has credibility	-
Vermont DPS	-	-	-
Virginia AG, DCC	-	-	-

16. Please list the three greatest drawbacks or weaknesses of your method of intervention.

	1.	2.	3.
Alabama PSC			
Alaska PUC			
Arizona CC	Lack of timeliness	Low profile before agencies	
Arkansas PSC	Informal information networks are less available to non-DC counsel	Travel time	
California PUC	Geographic distances between Calif. and D.C.	Insufficient number of attorneys in the program	Insufficient technical resources devoted to the program
Colorado PSC	Can't devote enough time to intervene thoroughly	No physical presence in D.C.	Delay in notice so we can file comments
Connecticut DPUC	Limits the ability of staff to be versed in federal agency practices and nuances	Sometimes relegates federal participation to a secondary status	Diminishes the ability to maximize a state's voice in many issues
Delaware PSC			
Washington, DC PSC	Lack of resources	Diverts resources from state proceedings and issues	
Florida PSC	1	2	3
Georgia PSC	-	-	-
Hawaii PUC	-	-	-
Idaho PUC	Insufficient staff for a full case		
Illinois CC	4	5	6

1. This type of intervention format tends to be reactionary rather than anticipatory of agency action or new policy direction.
2. Occasionally there is not enough time between notice of action and the filing date to develop as detailed an intervention or comments as we would like.
3. In dockets without service lists, it is at times difficult to get copies of all the comments filed in order that we can comprehensively respond.
4. Ability to respond quickly to most filings.
5. Flexibility in dealing with matters once filed as broad consensus and understanding of issues and purposes already exists.
6. Coherence in policy direction among diverse dockets.

16. Please list the three greatest drawbacks or weaknesses of your method of intervention (Cont'd)

	1.	2.	3.
Indiana URC	Difficult to commit staff resources, particularly given the generally short time in which to submit responses	Currently the review and approval process necessary for formal Commission approval takes up a disproportionate amount of time, leaving less time for the staff to conduct their analysis	-
Iowa SUB	Depends on an individual with extensive federal experience to oversee	Difficulty to maintain continuity	Often conflicts between federal schedules/commitments and local domestic schedules/commitments
Kansas CC	We rely on our Washington counsel for assistance with filing with short notice deadlines	We are out of the mainstream of FERC news, although the <u>Inside FERC</u> publication is helpful	-
Maine PUC	Need for greater expertise and familiarity with federal agency substantive & procedural matters		
Maryland PSC	Insufficient technical staff	Lack of adequate staffing	
Minnesota PUC	Not directly accountable to Commissioners	Limited to energy, excludes telecommunications	Distance from D.C.
Minnesota AG	-	-	-
Mississippi PSC	Time factor reduces state regulatory opportunities	Less expertise than Washington Counsel	
Mississippi AG	-	-	-
Missouri PSC	Lack of technical and legal resources	Turnover of key personnel	Too much reliance on outside counsel
Montana PSC	Limited time devoted to projects	Lack of particularized expertise	
Nebraska PSC	-	-	-
Nevada PSC	Lack of sufficient staff	Lack of D.C. Counsel	Lack of sufficient resources
New Hampshire PUC	Long delays in receiving notices from FERC and other agencies result in wasted time and missed deadlines	A lack of resources applied results in weak or non-existent position	
New Jersey BPU	Lack of ongoing presence in cases	-	-
New Mexico PSC	-	-	-

16. Please list the three greatest drawbacks or weaknesses of your method of intervention (Cont'd)

	1.	2.	3.
New York DPS	It is difficult at times to coordinate our intervention with DC counsel because of the need of quick response to FERC actions	The amount of FCC work diverts a significant amount of staff and legal resources from state matters	We lose precious time in our FCC intervention because we do not use DC-based counsel
North Carolina UC - Public Staff	None	-	-
North Dakota PSC	Hands-on understanding may be lacking	-	-
Ohio PUC (AG)	Timing--we don't receive information quickly enough	Lack of specific expertise in innerworking of federal agencies	Often results in compromise approach rather than consistent policy-directed approach
Pa. PUC	Small numbers of staff involved makes dealing with turnover difficult	Lack of local counsel leads to some inefficiencies and reduction in contacts with federal staff	
" Rail	None	-	-
" Motor Carr.	-	-	-
Rhode Island PUC	-	-	-
South Carolina PSC	-	-	-
South Dakota PUC	7	8	-
Tennessee PSC	Not enough time		
Utah PSC	-	-	-
Vermont PSB	Major time demands on limited staff	Limited resources for pursuit of appellate review of arbitrary and capricious agency actions	Slow pace of federal considerations
Virginia SCC	Ad hoc and sporadic, difficult to stay current	Overworked staff	Federal agencies give little weight to interventions by states
Washington UTC	Delay in receiving documents and information from Washington, DC	-	-

7. Coalition Intervention: Differing issue and budget priorities between states result in some states paying a greater share of the costs.

8. Coalition Intervention: Less control due to the involvement of four other states.

16. Please list the three greatest drawbacks or weaknesses of your method of intervention (Cont'd)

	1.	2.	3.
West Virginia PSC	Inability to get timely notices	Inability to review filings in other cases	Inability to attend FERC agency meetings
Wisconsin PSC	9	10	11
Wyoming PSC	Difficult to coordinate multi-state interventions	Difficult to track proceedings on a timely basis without local counsel in Washington, DC	-
Arizona RUCC	-	-	-
Arkansas AG	Less experienced personnel	Lack of presence in D.C. (delay)	-
Colorado CC	Insufficient expertise developed without full-time federal intervention staff	Tends to be sporadic intervention which may lessen impact on decision	-
Connecticut CC	-	-	-
Delaware OPA	-	-	-
Washington, DC OPC	12	13	-
Hawaii DCA	14	-	-
Indiana OJCC	Lack of access to time-sensitive material	Lack of constant presence in Washington, DC	Lack of sufficient funding for technical assistance
Maine PA	Tiny budget. To date no consulting contracts for federal intervention	No staff (total attorney staff is 4)	-
Maryland OPC	Expensive	Time consuming	Difficult to coordinate
Michigan AG	-	-	-

9. Coordination between Washington Counsel, staff counsel, and other key staff and commissioners is complicated and communication is sometimes difficult to maintain at a uniformly high level.

10. Contracting for outside professional services is more time-consuming than administering staff positions, all things being equal. I do not believe this drawback comes close to the administrative difficulties of arranging frequent travel to Washington by staff counsel to provide an equivalent presence.

11. Budgeting for Washington Counsel always needs to be justified in each new budget, while staff attorney positions, once approved, generally are not required to be rejustified.

12. OPC's inability to use assessment funds to retain experts in federal proceedings continues to hinder the office in representing D.C. consumer interests before federal forums.

13. Due to its limited resources, the office must rely on federal publications as its primary source of information in order to identify those proceedings pending before federal forums that affect the interests of D.C. utility consumers.

14. The Division of Consumer Advocacy would like more cooperation and input from the Hawaii PUC and other agencies

16. Please list the three greatest drawbacks or weaknesses of your method of intervention (Cont'd)

	1.	2.	3.
Nevada AG, QACPU	Some issues not covered	Utilities can and do outspend our office which can limit our effectiveness	Broad policy issues of national implication cannot be completely covered
New York Dept. Law	-	-	-
New York SCPB	-	-	-
Ohio OCC	Travel time and expense	Access to FERC and FCC orders on a timely basis	Access to services (copying, secretarial, etc.) when in D.C.
South Carolina DCA	Inability to monitor/participate in all or most dockets affecting S.C. consumers	Inability to become aware of all dockets affecting S.C. consumers	
Vermont DPS	Uncoordinated internally and inter-agency	Heavy reliance on outside counsel	
Virginia AG, DCC	-	-	-

17. Do you believe your interventions are as effective as those of other intervenors before the federal agencies?

18. Do you believe your interventions are as effective as those of the utilities before the federal agencies?

	17. Do you believe your interventions are as effective as those of <u>other intervenors</u> before the federal agencies?	18. Do you believe your interventions are as effective as those of the utilities before the federal agencies?
Alabama PSC	Y	N
Alaska PUC		
Arizona CC	Y (most)	N
Arkansas PSC	Y	Depends on the case
California PUC	Y	Y for effectiveness, N for resources
Colorado PUC	Y	N
Connecticut DPUC	No Opinion	N
Delaware PSC		
Washington, DC PSC	Y	1
Florida PSC	Y	Y
Georgia PSC	N	N
Hawaii PUC	N	N
Idaho PUC	N	Y
Illinois CC	Y	Y - depends on issue
Indiana URC	Y	N - utilities have significantly greater internal and external resources upon which to draw for their interventions
Iowa SUB	Y	N - It is not realistic to expect any intervenor to be as effective as the proponent
Kansas CC	Y	Y
Maine PUC	Y	Y
Maryland PSC	Y	Y
Minnesota PUC	Y	Y
Minnesota AG	-	-

1. The DCPSC strongly believes that federal interventions is effective for state commissions, but there is no doubt that those with greater resources (utilities) can have great influence.

17. Do you believe your interventions are as effective as those of other intervenors before the federal agencies?

18. Do you believe your interventions are as effective as those of the utilities before the federal agencies?

(Cont'd)

	17. Do you believe your interventions are as effective as those of <u>other intervenors</u> before the federal agencies?	18. Do you believe your interventions are as effective as those of the utilities before the federal agencies?
Mississippi PSC	Y	Y
Mississippi AG	Y	Y
Missouri PSC	Depends on case or issue	Depends on case or issue
Montana PSC	N	N
Nebraska PSC	Y	
Nevada PSC	Y	In certain situations
New Hampshire PUC	N	N
New Jersey BPU	N	N
New Mexico PSC	N	N
New York DPS	Y	Y
North Carolina UC - Public Staff	Y	Y
North Dakota PSC	N	N
Ohio PUC (AG)	N	No idea
Pa. PUC	Y/N - average effectiveness	Y/N - average effectiveness
" Rail	Y	Y
" Motor Carrier	Y	Y
Rhode Island PUC	-	-
South Carolina PSC	Y	Y
South Dakota PUC	Y for coalition / N for individual state	Y for coalition / N for individual state
Tennessee PSC	N	N
Utah PSC	Sometimes	Y
Vermont PSB	Y	N
Virginia SCC	N	N
Washington UTC	Y	Y
West Virginia PSC	N	N
Wisconsin PSC	Y	Y

17. Do you believe your interventions are as effective as those of other intervenors before the federal agencies?

18. Do you believe your interventions are as effective as those of the utilities before the federal agencies?

(Cont'd)

	Y - depending upon the resources committed	Y - depending upon the resources committed
Wyoming PSC		
Arizona RUCO	-	-
Arkansas AG	Y <sup>2</sup>	Varies from case to case
Colorado CC	Y	N
Connecticut CC	Y	N
Delaware OPA	-	-
Washington, DC, OPC	Y	N <sup>3</sup>
Hawaii DCA	Y	N
Indiana OUCC	Y	Y - per dollar spent
Maine PA	Y <sup>4</sup>	Y <sup>5</sup>
Maryland OPC	Y	N
Michigan AG	-	-
Nevada AG, OACPU	Y	N
New York Dept. Law	-	N
New York SCPB	Y	Sometimes
Ohio OCC	Y	Y
South Carolina DCA	Y	N
Vermont DPS	N	N
Virginia AG, DCC	Y	N

2. For those intervenors of similar limited resources. PSCs with larger staffs and budgets may be more effective in some cases.

3. Because OPC does not have the unlimited resources available to utilities.

4. In the case in which we choose to be active.

5. Because we negotiate settlements.



19. What would you recommend as an ideal program for federal interventions by your agency? (Cont'd)

Maine PUC	I have recommended, and the Maine PUC has accepted a program of increased activity at the federal level by Maine PUC, using its own resources
Maryland PSC	Our current method for interventions is a good program if staffed adequately
Minnesota PUC	-
Minnesota AG	-
Mississippi PSC	Coordination with other state agencies
Mississippi AG	-
Missouri PSC	
Montana PSC	"Intervention-dedicated" staff with a large travel and consultant budget
Nebraska PSC	
Nevada PSC	The same intervention as currently utilized but with a separate department just for federal issues
New Hampshire PUC	Increased resources and attention to these matters in N.H. and the hiring of local D.C. counsel to deal with notices, filings, and representation responsibilities as needed would provide an optimal arrangement. Agency personnel should also be available beyond normal business hours to deal with litigation deadlines
New Jersey BFU	-
New Mexico PSC	Only plant prudence case required an intervention in EPE's case. As a policy, no intervention recommended
New York DPS	Staff counsel and Washington counsel work jointly on every case with technical staff located in Washington as well as Albany. (Infinite resources a prerequisite.)
North Carolina UC - Public Staff	-
North Dakota PSC	
Ohio PUC (AG)	5
Pa. PUC	The present program is adequate (3 attorneys, 1 supervising attorney, 1 secretary devoted 2/3 federal work) although improvement is expected due to the addition of 3 technical staff men
" Rail	The current in-house program coordinated and implemented by designated staff personnel.
" Motor Carrier	-
Rhode Island PUC	-

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5. Interdisciplinary team headed by one individual with overall responsibility in the Ohio Commission with close connected Washington, DC counsel to provide both early/timely advice as to issues on federal agendas and insight to best approach for dealing with individual federal agencies.

19. What would you recommend as an ideal program for federal interventions by your agency? (Cont'd)

---

South Carolina PSC	-
South Dakota PUC	The present program is best. The state can optimize its budget through utilizing coalition intervention which allows more flexibility than individual interventions. There is not a problem regarding routing of filings, etc., due to our small staff
Tennessee PSC	-
Utah PSC	-
Vermont PSB	-
Virginia SCC	(1) Separate staff devoted to federal intervention, (2) having a Washington office to track FCC and FERC matters directly
Washington UTC	-
West Virginia PSC	Someone, either staff or retained attorney, must be based in Washington, D.C. in order to be aware of agency actions in a timely fashion and to review other pending cases with similar issues
Wisconsin PSC	Current program
Wyoming PSC	Separate staff dedicated to such matters, if affordable

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Arizona RUOO	
Arkansas AG	Intervene with local staff but associate Washington counsel. Use local staff for expert witnesses where possible but retain expert consultants where necessary. Intervene in as many cases affecting the state as is possible. FERC cases are often settled, and parties not represented sometimes tend to get the "short end of the stick"
Colorado CC	The ideal way to intervene in federal matters is to have full-time staff and attorneys who intervene only in federal matters, thus building expertise
Connecticut CC	More funding and personnel to coordinate these efforts
Delaware OPA	-
Washington, DC OPA	An ideal program for federal interventions by OPC would include the authority to assess the local utilities for expenses associated with the office's representation of the interests of the D.C. consumers before federal agencies
Hawaii DCA	6
Indiana OUCC	Program in place with increased technical staff and legal consultants

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6. We are no longer going to fund it all ourselves. Other agencies of interest, e.g., transportation, telecommunications, etc., have to assist in funding in order to enable the state to more fairly "compete" with utilities and transportation companies.

19. What would you recommend as an ideal program for federal interventions by your agency? (Cont'd)

---

Maine PA	Creation of a separate staff position with a \$70,000 budget for this purpose, either at the P or at our office	
Maryland OPC	Absent the creation of a full-time office to represent consumer interest at FERC, FCC, etc. not sure an ideal program exists	
Michigan AG		-
Nevada AG, OACPU		-
New York Dept. Law	Separate D.C. office	
New York SCPB		-
Ohio OCC		7
South Carolina DCA		8
Vermont DPS		-
Virginia AG, DCC		-

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7. We have a very effective program, however, because federal actions affect Ohio so much, it would be ideal to have more resources so that we could do some more intervention and have an agent of some sort in Washington, DC enhance our access to timely information.

8. Increased cooperation of utilities whereby they would file copies of all federal pleadings with this office also advise us consistently of instances when we may have common positions on issues. Increased funding for this department to monitor/intervene.



State of Wisconsin \ PUBLIC SERVICE COMMISSION

CHARLES H. THOMPSON, CHAIRMAN  
MARY LOU MUNTS, COMMISSIONER  
GEORGE R. EDGAR, COMMISSIONER

4802 Sheboygan Avenue  
P. O. Box 7854  
Madison, Wisconsin 53707

September 1, 1987

Mr. Robert Burns  
The National Regulatory Research Institute  
The Ohio State University  
1080 Carmack Road  
Columbus, Ohio 43210-1002

Dear Bob:

As per our telephone conversation of last week, I have decided to use your services in connection with the NARUC Subcommittee on Law Federal Intervention Survey. Enclosed is the survey which I have prepared for you to mail out and to collate the responses.

We did not discuss specifically the time frame for response. I did hope to have the survey completed in time to make use of it at next years NCRA conference, possibly as part of the program or at least as material for a report. I believe there is ample time to accomplish this goal. I will, therefore, leave it at your discretion of how long you want to allow for response from the date of the mailing. If you want to discuss it with me before you decide, give me a call at 608/266-1264.

Thank you for providing the service of NRRI in furtherance of our subcommittee research.

Sincerely yours,

Steven M. Schur  
Chief Counsel

SMS:vm109018703

Enclosure

NARUC STAFF SUBCOMMITTEE ON LAW

Federal Interventions by State Agencies

SURVEY

INTRODUCTION

The NARUC is an important voice before Federal regulatory agencies on behalf of its member state commissions. In addition, the Staff Subcommittee on Law is aware that there is a significant amount of federal interventions by individual state commissions and state consumer advocates. Members of the Staff Subcommittee on Law are often required to advise their commissions on what is the most effective means of intervening before federal agencies. In order to better advise its member commissions, the Staff Subcommittee on Law has decided to conduct a survey to determine the ways in which federal interventions are being conducted, and the advantages and disadvantages of the various methods.

This survey was written in short-answer style to minimize the time required for response while providing us with comparable information for analysis. If the survey seems to you to be too superficial, please feel free to provide any additional information not specifically asked for. Use additional sheets wherever there is not enough space to write an answer. Any further comments, explanations or expansions of short answers will be appreciated. Even if your agency doesn't do federal interventions, please answer whatever questions may apply.

Please mail your responses to the address shown on the cover sheet. If you have any questions regarding this survey, please call Steven M. Schur at (608) 266 - 1264.

SURVEY

1. Federal Agency Interventions\* in the last three years.  
(Please Check All Agencies Where You've Intervened or Filed Comments)

\_\_\_\_\_ FERC  
\_\_\_\_\_ FCC  
\_\_\_\_\_ DOE  
\_\_\_\_\_ DOT  
\_\_\_\_\_ ICC  
\_\_\_\_\_ NRC  
\_\_\_\_\_ Other (Please list)

\* "Interventions" means participation as a formal intervenor, or as a commentor in rulemaking proceedings.

2. Regulatory Areas

- Gas
- Electric
- Telecommunications
- Transportation
- Safety
- Other (Please specify)

3. Estimated number of new interventions per year \_\_\_\_\_.

4. Estimated average number of ongoing interventions pending per year \_\_\_\_\_.

5. What are the major goals of your agency's federal interventions?

- 1.
- 2.
- 3.

6. Method of Representation (check if applicable)

- Staff Counsel
- Washington Counsel
- Private Local Counsel
- Attorney General
- (If agency staff counsel is also provided by Attorney General, please check here )
- Other (Please describe arrangement)

7. Interagency Coordination. Are interventions on behalf of your state done by more than one agency?

Yes  No

If so, please describe who intervenes where, and how the interventions are coordinated?

8. Interstate Coordination. How frequently do you intervene as part of a coalition among states?

- Frequently
- Occasionally
- Never

If you do intervene as part of a coalition, please describe how the interventions are coordinated, and how are costs shared.

9. In House Coordination. Is there a separate office or staff within your agency assigned to do federal interventions?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

10. Court Appeals. Do you represent your agency in court appeals of federal agency decisions?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If not, please indicate who does represent your agency in such appeals.

11. Please describe the mechanics of receiving information and notices, and of making filings under your program.

12. Estimated Total Annual Costs. (If intervention is done by more than one method, please estimate costs for each. Also, if representation is provided by an agency other than your own, please try to estimate the costs to that agency.)

\$ \_\_\_\_\_ Travel Costs  
\$ \_\_\_\_\_ Salaries  
\$ \_\_\_\_\_ Overheads  
\$ \_\_\_\_\_ Attorneys Fees  
\$ \_\_\_\_\_ Other

13. Estimated amount of time spent annually on federal interventions by:

- 1. Legal staff \_\_\_\_\_ (days)
- 2. Other agency staff \_\_\_\_\_ (days)

EVALUATION

14. Would you recommend this method of intervention to other state commissions?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

15. Please list the three greatest strengths of your method of intervention.

- 1.
- 2.
- 3.

16. Please list the three greatest drawbacks or weaknesses of your method of intervention.

- 1.
- 2.
- 3.

17. Do you believe your interventions are as effective as those of other intervenors before the federal agencies?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

18. Do you believe your interventions are as effective as those of the utilities before the federal agencies?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

19. What would you recommend as an ideal program for federal interventions by your agency?

This survey was filled out by:

Name: \_\_\_\_\_

Position or Title: \_\_\_\_\_

State Commission or Consumer Agency \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Date: \_\_\_\_\_

LIST OF SURVEY RESPONDENTS

Gary A. Tomlin  
Administrative Law Judge  
Alabama Public Service Commission  
P.O. Box 991  
Montgomery, AL 36101  
(205) 261-5200

Kathi Launius  
Administrative Assistant  
Alaska Public Utilities Commission  
420 "L" Street, Suite 100  
Anchorage, AK 99501

Christopher C. Kempley  
Assistant Chief Counsel  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007  
(602) 255-3402

Mary Cochran, Staff Counsel  
David Smith, Research Analyst  
Martha Starks, Administrative Assistant  
Arkansas Public Service Commission  
Box C-400  
1000 Center Street  
Little Rock, AR 72203  
(501) 371-5059

J. Calvin Simpson  
Assistant General Counsel  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 557-2403

Thomas F. Dixon  
Federal Matters Task Force Coordinator  
Hearing Examiner  
Colorado Public Utilities Commission  
1580 Logan Street, OL-2  
Denver, CO 80203  
(303) 894-2020

Robert S. Golden, Jr.  
Assistant Attorney General  
Connecticut Department of Utility Control  
One Central Park Plaza  
New Britain, CT 06051  
(203) 827-1553

Michael M. Tischer  
Deputy Attorney General and  
General Counsel  
Delaware Public Service Commission  
1560 South DuPont Hwy.  
Dover, DE 19903  
(302) 736-4247

Jacqueline A. Reed, Esq.  
Technical Assistant  
Public Service Commission of the  
District of Columbia  
Washington, DC 20001  
(202) 626-5100

Gregory J. Krasowsky  
Assistant General Counsel  
Florida Public Service Commission  
Fletcher Building  
101 East Gaines Street  
Tallahassee, FL 32399-0850  
(904) 488-7464

Michael J. Henry  
Assistant Attorney General and Counsel to  
the Georgia Public Service Commission  
132 State Judicial Bldg.  
Atlanta, GA 30303  
(404) 656-3352

Melvin S. Ishihara  
Administrative Director  
Hawaii Public Utilities Commission  
463 South King St., 1st Floor  
Honolulu, HI 96813  
(808) 548-3990

Michael S. Gilmore  
Deputy Attorney General  
Idaho Public Utilities Commission  
State House  
Boise, ID 83720  
(208) 334-2267

John P. Kelliher  
Special Assistant Attorney General  
Illinois Commerce Commission  
180 North LaSalle Street  
Chicago, IL 60601  
(312) 793-2877

Kerry A. Herd  
Special Projects Analyst  
Indiana Utility Regulatory Commission

916 State Office Bldg.  
Indianapolis, IN 46204  
(317) 232-6735

William H. Smith, Jr.  
Chief, Bureau of Rate and Safety Evaluation  
Iowa State Utilities Board  
Lucas Office Bldg.  
Des Moines, IA 50319  
(515) 281-5469

Frank A. Caro, Jr.  
General Counsel  
Kansas Corporation Commission  
Fourth Floor  
Docking State Office Bldg.  
Topeka, KS 66612  
(913) 296-2549

Joseph G. Donahue  
General Counsel  
Maine Public Utilities Commission  
State House Station 18  
Augusta, ME 04333  
(207) 289-3831

Bryan G. Moorhouse  
General Counsel  
Maryland Public Service Commission  
231 East Baltimore Street  
Baltimore, MD 21202-3486  
(301) 333-6011

Karl W. Sonneman  
Special Assistant Attorney General  
Minnesota Public Utilities Commission  
150 East Kellogg Blvd.  
St. Paul, MN 55101  
(612) 296-0410

Dennis D. Ahlers  
Special Assistant Attorney General  
Minnesota Attorney General's Office  
340 Bremer Tower  
St. Paul, MN 55101  
(612) 297-4616

Dennis W. Miller  
Commission Attorney  
Mississippi Public Service Commission  
P.O. Box 1174  
Jackson, MS 39215-1174  
(601) 961-5438

Frank Spencer  
Assistant Attorney General  
State of Mississippi Attorney General  
Carroll Gartin Justice Bldg.  
P.O. Box 220  
Jackson, MS 39205  
(601) 359-3680

William C. Harrelson  
General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
(314) 751-2481

Robert Nelson  
Chief Counsel  
Montana Public Service Commission  
2701 Prospect Avenue  
Helena, MT 59620  
(406) 444-6377

Hal Hasselbalch  
Staff Attorney  
Nebraska Public Service Commission  
300 The Atrium  
Lincoln, NE 68508  
(402) 471-3101

Bill Kockenmeister  
General Counsel  
Nevada Public Service Commission  
505 East King Street  
Carson City, NV 89710  
(702) 885-5057

Martin C. Rothfelder  
General Counsel  
New Hampshire Public Utilities Commission  
8 Old Suncook Rd., Bldg. 1  
Concord, NH 03301-5185  
(603) 271-2431

Louis G. McAfoos, III  
Assistant Chief Regulatory Officer  
New Jersey Board of Public Utilities  
2 Gateway Center  
Newark, NJ 07102  
(201) 648-2297

Bill R. Garcia  
Chief Staff Counsel  
New Mexico Public Service Commission  
P.O. Box 2205

Santa Fe, NM 87504-2205  
(505) 827-6969

Sigrid J. Hammond  
Assistant Counsel  
New York Department of Public Service  
Three Empire State Plaza  
Albany, NY 12223  
(518) 474-6513

Robert P. Gruber  
Executive Director, Public Staff  
North Carolina Utilities Commission  
P.O. Box 29520  
Raleigh, NC 27626-0520  
(919) 733-2735

Lynn Schloesser  
Commerce Counsel  
North Dakota Public Service Commission  
12th Floor, Capitol  
Bismarck, ND 58505  
(701) 224-2400

Robert S. Tongren  
Chief Counsel  
Ohio Public Utilities Commission  
180 East Broad St.  
Columbus, OH 43266-0573  
(614) 466-4397

John Povilaitis  
Deputy Chief Counsel, Federal Division  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120  
(717) 787-4945

John B. Wilson  
Deputy Chief Counsel, Rail Division  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120  
(717) 783-2840

Michael C. Schnierle  
Deputy Chief Counsel, Motor Carrier  
Division  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120  
(717) 783-3713

Doug Hartley  
Regulatory Research Analyst  
Rhode Island Public Utility Commission  
100 Orange Street  
Providence, RI 02903  
(401) 277-3500

Dukes Scott  
General Counsel  
South Carolina Public Service Commission  
P.O. Drawer 11649  
Columbia, SC 29211  
(803) 731-5133

Mary Vanderpan  
Executive Director and General Counsel  
South Dakota Public Utilities Commission  
500 East Capitol Avenue  
Pierre, SD 57501-5072  
(605) 773-3201

Henry Walker  
General Counsel  
Tennessee Public Service Commission  
460 James Robertson Parkway  
Nashville, TN 37219  
(615) 741-3191

Stephen C. Hewlett  
Commission Secretary  
Utah Public Service Commission  
P.O. Box 45585  
Salt Lake City, UT 84145  
(801) 530-6716

Michael Dworkin  
Communications Counsel  
Vermont Public Service Board  
120 State Street  
Montpelier, VT 05602  
(802) 828-2358

Stewart E. Farrar  
Deputy General Counsel  
Virginia State Corporation Commission  
P.O. Box 1197  
Richmond, VA 23209  
(804) 786-8671

Robert E. Simpson  
Assistant Attorney General  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive, SW  
Olympia, WA 98504  
(206) 753-6443

Richard E. Hitt  
Associate General Counsel  
Public Service Commission of West Virginia  
P.O. Box 812  
Charleston, WV 25323  
(304) 340-0341

Steven M. Schur  
Chief Counsel  
Public Service Commission of Wisconsin  
P.O. Box 7854  
Madison, WI 53707  
(608) 266-1264

Roger Fransen  
Special Assistant Attorney General  
Wyoming Public Service Commission  
Herschler Bldg.  
122 West 25th St.  
Cheyenne, WY 82002  
(302) 777-7427

---

Michael J. Hughes  
Staff Attorney  
Arizona Residential Utility Consumer Office  
34 West Monroe, Suite 1016  
Phoenix, AZ 85253  
(602) 255-1431

Mary B. Stallcup  
Deputy Attorney General  
Arkansas Attorney General's Office  
Little Rock, AR 72201  
(501) 371-1967

Diane P. Callaghan  
Director of Administration  
Colorado Office of Consumer Counsel  
1580 Logan Street, Suite 700  
Denver, CO 80203  
(303) 894-2121

James F. Meehan  
Consumer Counsel  
Connecticut Division of Consumer Counsel  
136 Main Street  
New Britain, CT 06051  
(203) 827-7887

Evan Wilner  
Delaware Office of the Public Advocate  
4th Floor Carvel State Office Bldg.  
820 North French Street  
Wilmington, DE 19801

Dawn K. Martin  
Assistant People's Counsel  
District of Columbia Office of the  
People's Counsel  
1101 - 14th St., NW, Suite 900  
Washington, DC 20005  
(202) 727-3071

William W. Milks  
Executive Director  
Hawaii Division of Consumer Advocacy  
P.O. Box 541  
Honolulu, HI 96809  
(808) 548-7550

Robert K. Johnson  
Deputy Consumer Counsel for Federal Affairs  
Office of Indiana Utility Consumer Counsel  
807 State Office Bldg.  
Indianapolis, IN 46204-2275  
(317) 232-2494

Stephen Ward  
Public Advocate  
Maine Public Advocate  
State House Station 112  
Augusta, ME 04333  
(207) 289-2445

John M. Glynn  
People's Counsel  
Maryland Office of People's Counsel  
231 East Baltimore Street  
Baltimore, MD 21202  
(301) 333-6046

Alan J. Barak  
Assistant Attorney General  
Michigan Attorney General, Special  
Litigation Division  
630 Law Bldg.  
Lansing, MI 48913  
(517) 335-0813

Jon Wellinghoff  
Consumer Advocate  
Attorney General's Office of Advocate  
for Consumers  
1931 Sutro Street, Suite 203A  
Reno, NV 89512  
(702) 789-0220

Alfred L. Nardelli  
Assistant Attorney General, Energy  
and Utilities Section, Dept. of Law  
220 Broadway, Suite 3-118  
New York, NY 10271  
(212) 341-2334

Philip S. Shapiro  
Intervenor Attorney  
New York State Consumer Protection  
Board  
99 Washington Avenue  
Albany, NY 12210  
(518) 474-5015

Margaret Ann Samuels  
Federal Counsel  
Ohio Office of the Consumers' Counsel  
137 East State Street  
Columbus, OH 43266-0550  
(614) 466-8574

Raymon E. Lark, Jr.  
Division Head, Consumer Advocacy  
South Carolina Department of Consumer Affairs  
2801 Devine Street  
P.O. Box 5757  
Columbia, SC 29250  
(803) 734-9464

Samuel Press  
Director for Public Advocacy  
Vermont Department of Public Service  
120 State Street  
Montpelier, VT 05602  
(802) 828-2383

Anthony Gambardella  
Senior Assistant Attorney General  
Division of Consumer Counsel  
Office of the Attorney General  
101 North Eighth Street  
Richmond, VA 23219  
(804) 786-3433

