

CCIF

Critical Consumer Issues Forum

The Challenges of a Changing Regulatory Environment

Focus on the Regulatory Process



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I. INTRODUCTION

Following its successful initiative on grid modernization, the Critical Consumer Issues Forum (CCIF) again brought state regulators, consumer advocates, and electric utilities together for candid, productive dialogue. While focused on a new topic, CCIF used its signature process, including:

- (1) a large, open kickoff event to introduce a topic and initiate discussion among the three groups;
- (2) a series of smaller, invitation-only summits where the three groups engage in facilitated dialogue; and
- (3) a report to share takeaways with the broad stakeholder community.

CCIF's Fall 2011 Kickoff Forum in St. Louis was based on a recognition of the challenges of the changing regulatory environment and the increasing pressure on electric rates that have occurred during a prolonged economic downturn. The focus was on mitigating rate impacts to consumers while preserving reliability, complying with applicable federal and state mandates (environmental, transmission, efficiency, renewables, etc.), responding to other federal and state initiatives (cybersecurity, grid modernization, demand response, economic development, etc.), and investing in new and replacement infrastructure. Initially, CCIF expected panelists to identify and debate innovative approaches and tools to address the impacts of these numerous challenges on rates. However, as the discussion progressed, it became clear that there was considerable angst among the participants regarding the underlying regulatory process and that foundational issues with respect to the process needed to be examined before addressing alternative regulatory tools. To be responsive to this critical need and because CCIF initiatives are shaped by participants from the three communities, we adjusted the topic accordingly, focusing on four recurring themes from the kickoff discussion – transparency, communication, prioritization, and collaboration – within the regulatory process.

In the spring summits, participants drilled down into these four themes, and it was evident that they were indeed ripe for discussion, of considerable interest to all three communities, and critical to success of the regulatory process. With respect to each theme, participants identified initiatives already underway (that could be duplicated) and additional ideas for improvement. It was generally agreed that many of these ideas, if implemented, would strengthen the regulatory process, better enabling that process to deal with the current challenges and with alternative regulatory approaches that may be necessary in the future. Not only were the discussions valuable to the participants in real time, suggestions memorialized in this report may lead to regulatory process improvements in a number of states.

This report includes a section dedicated to each of the four key themes – transparency, communication, prioritization, and collaboration. It also incorporates a section highlighting selected priority issues that may be overlooked as we focus on other challenges and priorities. Finally, this report includes a number of existing initiatives put in place to improve one or more of the key themes in some way, as identified by participants (see Appendix A). While many of the suggestions within may seem obvious, participants believe that there is value in sharing even the simplest approaches and new ideas with each other and the broader stakeholder community. Based on the discussion at the kickoff forum and in the summits that followed, challenges with the regulatory process clearly remain, and perhaps the ideas shared here will contribute to mitigating them.

II. KEY THEME 1: TRANSPARENCY

A. Meaning & Value of Transparency

Transparency involves making information both available and reasonably accessible to those interested. Participants overwhelmingly held that transparency is critical to providing consumers and other stakeholders with trust in the regulatory process and decisions rendered.

Although some cautioned about overloading consumers with information in the name of transparency, others countered that it is better to err on the side of too much information to avoid the appearance of impropriety. Transparency serves to allay mistrust and highlight the differences between perception and reality. Regardless of whether the public reads or absorbs the information, said participants, providing it is inherently valuable. Some went as far as to suggest that the existence of transparency may be more valuable to consumers than the underlying substantive information made available. Finally, transparency may contribute to consumer acceptance that their interests are being adequately represented.

Participants stressed that transparency alone is insufficient and must be paired with communication. Consumers need to generally understand that this information is available to them and other stakeholders *and* how such information is used in the regulatory process to identify issues and reach decisions in the public interest.

B. Challenges & Barriers

Participants candidly discussed the following challenges and barriers associated with providing and improving transparency in the regulatory process – for consumers and stakeholders:

- Overwhelming consumers with the complexity of the process, the issues, and the sheer amount of detailed information;
- Providing for easier navigation of websites and access to information of interest;
- Gauging the level of interest in access to the information;
- Giving the wrong impression to the public about a state commission's authority due to filings or other information made available that may concern subjects or seek remedies the commission lacks authority to address;
- Obtaining necessary resources, such as information technology (IT) expertise and equipment and ongoing training for customer service reps;
- Providing accessibility to consumers without access to or uncomfortable with computers or the Internet;
- Making available, presenting, and organizing similar information more consistently with similar organizations across state boundaries;
- Protecting sensitive data; and
- Being transparent with the public while avoiding misperceptions about regulator pre-judgment.

C. Ideas for Improving Transparency

Recognizing that transparency is critical to the regulatory process despite the challenges, participants discussed both existing initiatives to improve transparency (see Appendix A) and ideas for further improvement as noted below:

Website-Related Improvements

Noting websites are the primary vehicle used by almost all the stakeholders for providing transparency, participants discussed the following potential website-related improvements:

- Providing access to more information on key items and the process itself;
- Developing content based on value to consumers;
- Highlighting important issues, cases, and frequently requested information;
- Linking to other credible websites on key issues; and
- Posting summaries of certain pleadings.

Perhaps using association resources or other collaborative efforts, participants suggested identifying web design best practices, models, and simple fixes to improve availability, accessibility, navigation, and uniformity. Such an undertaking would be particularly valuable for stakeholders who work across state boundaries, saving them time and resources by better knowing where to find needed information. Additionally, the organizations responsible for the websites might avoid some IT expense associated with reviewing other models and proposing solutions. Participants suggested this may be a suitable project for the appropriate committees or subcommittees of the National Association of Regulatory Utility Commissioners (NARUC), the National Association of State Utility Consumer Advocates (NASUCA), the Edison Electric Institute (EEI), or perhaps some collaboration of these and other stakeholder representatives, such as CCIF. Other options mentioned for entities with limited IT capabilities were pooling resources of multiple organizations or seeking federal grants (if available) to fund website improvements.

Improvements for those without Computer Access or Ability

Providing transparency to those without or uncomfortable with computers remains a challenge. However, participants suggested improvements that may address the needs of these consumers, while likewise appealing to the broader population:

- Using mobile and smart phone applications;
- Making certain information and events accessible by phone;
- Sharing information at public meetings; and
- Using other communication channels to make the public aware of available information, specifically through publications by media, legislators, and government agencies.

Stakeholder-Focused Improvements

The following suggestions center on providing greater transparency via improved stakeholder communications:

- Making stakeholders aware of planned company actions as early as possible;
- Being open and consistent in all communications; and
- Communicating to better determine and respond to precise discovery needs.

Because many ideas for improving transparency are inextricably linked to ideas for effective communication, please refer to the ideas for improving communication in the following section.

III. KEY THEME 2: COMMUNICATION

A. Meaning & Value of Communication

Perhaps the greatest challenge is going beyond transparency (making information available and accessible) and proactively reaching out to consumers as well as stakeholders, policymakers, and the media. Effective communication involves two-way interaction – conveying information in a way that is intended to reach the target audience and also listening to their input.

Acknowledging that the benefits of improved communication are difficult to quantify, participants nonetheless believed that communication is an integral part of the regulatory process. Some commissioners stressed the obligation of state commissions to provide for full and fair litigation, including consideration of the consumer impacts. Thus, hearing from consumers – in addition to other parties – is a requirement. It also helps to satisfy consumers if they believe that their concerns are being heard and provides an opportunity for commissions, consumer advocates, and utilities to learn about and respond to things that they may not have otherwise known (e.g., local office closures, vegetation management issues, misperceptions about utilities and government). In addition to listening to consumers, consumer outreach by all three groups is likewise important and should result in more knowledgeable, empowered consumers and quicker, more satisfying resolution of consumer concerns. Not only is there a duty to provide better communication, it is expected in today's information-rich environment.

Participants also stressed the value of good communication among the three communities represented, other stakeholders, legislators, the media, and federal officials. Experts from all three groups seemed to agree that frequent and open stakeholder communication (consistent with applicable rules) serves to strengthen the regulatory process and reinforced that belief with suggestions for improving those communications.

B. Challenges & Barriers

Effective communication with consumers and stakeholders presents a continuous challenge, particularly as the electric sector faces near constant change. Given our propensity to use industry jargon and acronyms, it can be a struggle to respectfully communicate with the public so that they can understand what is at stake and what can be done about it. If they don't fully understand the issue, or don't see how it impacts them directly, they tend to tune out. Compounding that, there is no one-size-fits-all solution that addresses the constantly varying levels of consumer knowledge and interest. Therefore, targeting what a consumer needs and/or wants to know at the optimal time without overloading them or causing them to tune out is especially challenging. At the same time, consumers may receive misinformation or inconsistent messages from a number of sources over a number of different media, are less likely to have personal relationships with utility employees in their communities or to speak with a live representative when they call the utility, and may have developed mistrust or misperceptions of utilities or government or both. Even when accurate information makes it past those barriers, it often takes time for the message to be absorbed, and progress is difficult to measure. Probably due to a combination of these challenges, resources (including time, staff, and expertise) to devote to communication efforts may be scarce, and in leaner budget times, consumer outreach is often one of the first items cut.

Participants also identified barriers with respect to communicating with legislators, commissioners, and stakeholders. Regarding legislators, high turnover due to either election turnovers or term limits makes it increasingly difficult to provide continuing education on the basics of regulation as well as on more current issues. For commissioners who have a quasi-judicial role, a

number of rules aimed to provide transparency and prevent ex parte communications may limit open communication to some extent. They may be prevented from public comments related to pending matters, discussions without all parties present or without proper advance noticing, and discussions with legislators that may be viewed as “lobbying,” etc. Additionally, stakeholders may be barred from sharing information due to some of these same rules or may be unwilling to share because of the adversarial nature of their relationship with other parties.

C. Ideas for Improving Communication

More effective communication, particularly with consumers, is a goal for which all three groups strive. As you can see in Appendix A, a plethora of initiatives are underway to improve communication. Participants also shared a host of ideas for further improving communication with consumers, each other (stakeholders), legislators, and the media, which are included here:

Improving Communication with Consumers – Listening

To create more successful opportunities to hear from consumers, participants suggested:

- Taking public comments in proceedings;
- Providing means for consumers to appear by phone;
- Holding regular consumer forums (generic or topic-specific);
- Attending or organizing community events; and
- Being clear about an event’s purpose, the game rules, and how input will be used.

Improving Communication with Consumers – Outreach & Education

On the consumer outreach and education side, participants suggested:

- Recognizing the shared responsibility of the three groups to educate consumers once a need is identified;
- Collaborating with stakeholders to develop and share consistent messages on complicated subjects while being cautious about public perception;
- Organizing or participating in community events for public outreach;
- Holding webcasts and webinars about the process and key issues;
- Relaying brief and precise messages directly on utility bills (instead of inserts);
- Framing messages so that consumers understand what is at stake, what can be done, and what their rates pay for and why, avoiding utility brand messaging;
- Developing consumer-focused fact sheets or frequently asked questions (FAQs) on the regulatory process, the limitations on information that may be shared or considered, and on key issues and cases, avoiding confusing industry jargon;
- Identifying the best communicator for a given message;
- Linking to existing electronic networks of municipalities, townships, and associations to share information on the process;
- Customizing messages for different consumer segments;
- Providing options so consumers can choose how to receive communications;
- Building trust by communicating about issues not immediately impacting rates;
- Ensuring call centers are giving accurate restoration information;
- Producing videos on such topics as “how rates are set” that can be used at public comment hearings in rate cases and in public presentations and made available online;
- Expanding the use of social media (Twitter, YouTube), smartphone apps, and podcasts;

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- Ensuring websites are empowering customers to self-select issues of interest;
- Developing a method for measuring the benefits of outreach activities; and
- Pooling resources to develop a repository of educational materials on the regulatory process, best communication practices, and reference materials on key issues.

Improving Communication with Stakeholders

Regarding communication with stakeholders, participants suggested:

- Providing opportunities for adversaries to talk in non-adversarial settings;
- Providing opportunities for others to join the “club” of regulatory stakeholders; and
- Reaching out to stakeholders or holding webinars on potential issues of interest in order to educate and gather feedback in advance of future filings.

Improving Communication with Legislators

Despite restrictions on commissioners “lobbying” legislators in some jurisdictions, participants suggested approaches for improving the lines of communication with legislators, including:

- Holding educational forums on utility regulation basics and key issues in the off-season with House and Senate members in leadership and on energy committees;
- Inviting legislators and key staff to issue discussions as appropriate;
- Speaking to their constituents or providing information for constituent newsletters;
- Assisting with constituent complaints about utility service;
- Giving key legislators a heads up regarding major or controversial decisions, reports, or announcements as permitted and appropriate;
- Providing reports on specific issues and feedback on impacts of passed legislation; and
- Communicating positions on pending bills directly to legislators if allowed.

Improving Communication with the Media

With respect to the media, participants suggested:

- Establishing a relationship with them;
- Becoming a source as appropriate;
- Educating them on the process and the issues to better inform stories and add value to the process; and
- Hiring media expertise if possible.

IV. KEY THEME 3: PRIORITIZATION

A. Meaning & Value of Prioritization

Prioritization involves arranging or dealing with things in order of importance. It requires a holistic and strategic approach – starting broad and working through a series of levels before finalizing a plan that will guide the allocation of limited resources. Recognizing that consumers have limits on how many more “priorities” they can fund, panelists at the kickoff forum suggested that prioritization had to become a priority.

While voicing agreement that prioritization is a valuable exercise, summit participants recognized that it is increasingly challenging for electric sector experts to set or influence priorities because of mandates enacted or initiatives promoted by the legislative and executive branches of both state and federal government.

B. Challenges & Barriers

Participants expressed frustration that most priorities are dictated by forces largely outside their control – whether by state legislatures, federal actions (see Section VII), or current circumstances (e.g., storm damage). While opportunities to influence these forces may be limited, the three groups ultimately must adjust as priorities are reordered.

Well-intentioned legislators may not understand the impacts of proposed legislation on the industry and consumers, and educating them is challenging, particularly because of high turnover due to elections and/or term limits. Utilities should not be the only ones raising concerns; however, some state commissioners and consumer advocates may resist offering input due to legislative roles in their appointment and oversight. In some cases, commissions are explicitly prohibited from lobbying, while others may be limited to providing input when asked.

Finally, while prioritization is important, utilities are expected to manage all aspects of their operations well at all times. If not, the consequences may go well beyond a particular utility’s territory and impact other utilities and consumers across the country.

C. Ideas for Improving Prioritization

To the extent opportunities to set or influence priorities arise in spite of these challenges, participants suggested several ideas, including:

- Assigning the highest priority to safe and reliable service at affordable prices;
- Doing the best possible job of balancing costs, environmental issues, and reliability concerns;
- Considering consumer wants and expectations in addition to public policy goals;
- Developing a framework to determine cost impacts of mandates and initiatives;
- Not skipping the low-hanging fruit (e.g., energy efficiency, weatherization, caulking);
- Using carrots and sticks to bring utility programs in line with public priorities;
- Expecting utilities to engage in advanced planning to identify a vision, set priorities, collaborate with stakeholders before making investments, and implement the vision;
- Building flexibility into plans and regularly evaluating them for potential adjustments;
- Considering new technologies from diverse market participants;

- Identifying different and less costly ways to meet public policy objectives and effectively communicating those to policymakers;
- Trying to help shape legal mandates in light of all relevant policy goals and mandates;
- Building relationships and discussing with legislators the impacts of legislative proposals in conjunction with existing priorities; and
- Forming stakeholder groups to deeply consider these issues and propose alternatives.

Existing approaches on prioritization are captured in Appendix A.

V. KEY THEME 4: COLLABORATION

A. Meaning & Value of Collaboration

Collaboration is working together to achieve a goal. While effective communication among stakeholders is both a precursor to and an integral part of collaboration, communication and collaboration are distinguishable concepts.

Participants deem collaboration a valuable tool in the regulatory process, recognizing that it may reduce costs, narrow issues, and result in negotiated settlements. However, settlements are not always considered to be the product of true collaboration (where stakeholders meaningfully contribute), and collaboration is valuable even if it does not result in settlement of all issues.

B. Challenges & Barriers

Given the nature of the regulatory process, collaboration involving regulators and utilities can be challenging because it potentially decreases transparency and thus increases public suspicion. In fact, the appearance of being “too cozy” with utilities can limit opportunities for collaboration by both state commissions and consumer advocates. Because of certain legal restrictions and prohibitions (e.g., ex parte laws) or concerns about the appearance, commissioners (and in some cases, the commission staff) may be unable to participate in collaboration related to adversarial issues or matters that are likely to come before them for resolution. However, commissioners are usually able to participate in collaboratives with utilities, consumer advocates, and other stakeholders pertaining to non-adversarial matters.

While participants expressed concern with labeling settlements in contested cases as collaboration, they acknowledged that stakeholders with opposing positions may work together to find a middle ground to settle rate cases and other adversarial proceedings. Therefore, the challenges identified with this type of collaboration are included here:

- Settlements that are presented to commissions as black boxes (i.e., with settled parameters but no indication as to how those parameters were arrived at), which provide the appearance of less transparency;
- Backlash from peers and or the public over settlements if rate increases result;
- State processes and circumstances that may not be conducive to settlements;
- Settlements timed early in the process, making it tougher for regulators and parties to demonstrate full examination of a case, especially in the context of rate increases;
- Intervention by politicians not in agreement with the outcome; and
- The threat of pursuit of legislative alternatives if parties are unable to satisfy their concerns via the settlement negotiations.

Identifying the right representatives to participate in a collaborative effort can make or break it. Organizers do not always know all groups affected and may leave them out unintentionally. However, it may be necessary to purposely limit participation to be effective. Whether or not all parties are represented, some will not perceive it as true collaboration if participant input does not appear to be equally valued or represented.

Collaboration also may be hindered by a lack of resources. Collaboration often requires one or more parties to travel to others, and particularly in lean budget times, travel prohibitions may limit full participation. In addition, invited participants may not be able to allocate scarce resources to the collaborative effort because of the time lost on other priorities.

C. Ideas for Improving Collaboration

The specific approaches that participants identified as having been employed in some of their states and organizations (see Appendix A) may serve as good models to improve collaboration but are not repeated here. Instead, this section focuses on ideas for improving collaborative efforts more generally, including:

- Clearly defining the subject, goals, and scope of the collaboration;
- Identifying the incentives for collaboration;
- Building opportunities for collaboration into a hearing schedule;
- Identifying whether the collaboration is to be procedural or substantive and formal or informal (which impacts the level of participation and role of the state commission);
- Using less formal, legislative-type procedures, as permitted and appropriate, to work toward policy statements or other guidance documents issued by the state commission to clarify its views on certain policy issues that can later be presented in more formal proceedings;
- Establishing a finite timeline for accomplishing the collaborative's purpose;
- Developing procedures for collaboration in advance to outline the rules of engagement;
- Defining who should be at the table given the subject, applicable statutes and rules, and market structure, erring generally toward more inclusion;
- Making sure key stakeholders are represented fairly and on an "equal" playing field;
- Determining whether legislative and/or federal participation is valuable;
- Determining the appropriate level of public involvement;
- Encouraging collaboration (particularly state commissions, even if not participating);
- Building trust through regularly-scheduled stakeholder meetings; and
- Considering use of an independent facilitator, alternative dispute resolution, mediation, or similar techniques as appropriate.

Collaborative efforts may be used to address a wide range of topics, such as the impacts of rate increases generally, plans for or responses to federal regulations, or other generic issues. Because participants consider the three communities to have a shared responsibility in communicating with and educating consumers, collaborative efforts aimed at consumer outreach and education appeared to be an area of particular interest. The need to educate state legislators, federal officials, and perhaps other stakeholder groups regarding state processes and concerns may also be ripe for future collaboration. Finally, in response to vibrant discussion at the summits, participants specifically suggested a future session for commissioners, advocates, and utilities to discuss how different states handle their rate cases and associated settlement proposals.

VI. SELECTED PRIORITY ISSUES

While discussing how to prioritize the numerous issues facing the industry and consumers, participants identified a number of priority issues that may need further consideration. They also shared information about efforts related to these issues and their thoughts about what more might be done:

A. Cybersecurity

Participants discussed the need to ensure that existing cybersecurity standards are being met and that there are adequate plans in place at the state level in the event of an attack or breach. Concerns raised include:

- How to deal with sensitive information given public records requirements;
- How to justify rate recovery with little or no documentation;
- The lack of resources and expertise to address issues; and
- State/federal jurisdiction.

Since the summits concluded, NARUC issued a report containing sample questions for state commissions to ask utilities within their jurisdiction about cybersecurity plans and calling for state commissions to:

- Create expertise within their own organizations;
- Ask the right questions of utilities;
- Assess their own cybersecurity and information protection capabilities; and
- Engage with other efforts led by the private sector, State agencies or federal officials, as well as engaging with processes that link these sectors.

See “Cybersecurity for State Regulators with Sample Questions for Regulators to Ask Utilities” at: <http://www.naruc.org/Grants/Documents/NARUC%20Cybersecurity%20Primer%20June%202012.pdf>.

Additionally, some state commissions have asked utilities to certify that they have met basic cybersecurity standards by the North American Electric Reliability Corporation (NERC) or government agencies. For example, all Missouri’s investor-owned utilities certified compliance with Federal Energy Regulatory Commission (FERC) Order 706 (<http://www.ferc.gov/whats-new/comm-meet/2008/011708/e-2.pdf>) in response to a request by the Missouri Public Service Commission.

Still, further discussion of a cybersecurity framework that connects all the pieces – threat scenarios, guideline development, risk mitigation plans, jurisdictional issues, possible public records exemptions, and collaboration with NERC, the Department of Energy (DOE), the Department of Homeland Security (DHS), etc. – is needed.

B. Environmental Protection Agency (EPA) Rules

State commissions and stakeholders are struggling with proper investment decisions to ensure reliable service at affordable rates given the significant uncertainty about impacts of EPA rules on existing and planned generation sources. Regardless of individual opinions about EPA rules, participants appeared to agree that policymakers and the public should be informed about the potential cost impacts to consumers and the potential impacts on reliability. The lack of a framework for determining the cost impact of these and other mandates was mentioned repeatedly. To that end, one suggestion posed was the use of modeling

tools to show a range of potential impacts of the EPA rules (e.g., Duke University's Nicholas Institute model scenario planning tool).

Efforts to begin addressing some of these concerns include policy statements by NARUC and NASUCA as well as educational and collaborative efforts spearheaded by NARUC, as referenced here.

Building on its "Resolution on Increased Flexibility for the Implementation of EPA Rulemakings" (<http://www.naruc.org/Resolutions/Resolution%20on%20Increased%20Flexibility%20for%20the%20Implementation%20of%20EPA%20Rulemakings.pdf>) passed in July 2011, NARUC established the Task Force on Environmental Regulation and Generation in February 2012 (see <http://www.naruc.org/committees.cfm?c=58>) to assist in responses to EPA proposed regulations and education of NARUC members, EPA officials, and others about potential cost and reliability impacts. The Task Force also works with the FERC to plan future joint meetings through the FERC-NARUC Forum on Reliability and the Environment.

Since the summits concluded, NASUCA also passed a "Resolution Urging the Environmental Protection Agency to Establish Compliance Timelines that Provide Sufficient Time to Consider Appropriate Least Cost Responses so as to Avoid Rate Shock to Electric Utility Customers" (<http://www.nasuca.org/archive/Electric%20Committee%20Resolution%202012%20-05%20FINAL.doc>) at its June 2012 meeting.

C. Energy Efficiency

Still identified as low-hanging fruit in helping to address today's challenges, energy efficiency generally entails utilities asking their customers to use less of their product, which is a somewhat challenging concept. To address this, participants suggested:

- Going back to the drawing board to figure out how to make energy efficiency work for customers, consumer advocates, commissioners, and utilities;
- Evaluating carrot and stick approaches as well as use of third party providers that manufacture a competitive environment;
- Promoting the value of energy efficiency by showing positive impacts from weatherization efforts through the Low-Income Home Energy Assistance Program (LIHEAP) and other low-income programs; and
- Promoting the broader system benefits from partnering together on energy efficiency.

D. Other Issues

Other priority issues identified and discussed to a lesser extent were storm restoration issues, generation and transmission needs of the future (for which the Electric Power Research Institute was identified as a valuable resource), and cost allocation issues.

VII. FEDERAL ISSUES

Although federal level actions directly impact utility consumers, participants suggested that the cooperation between the state and federal levels is below par and that confidence in the existing processes is lacking. Recognizing that it may have been better had federal agencies been included in the discussion, participants candidly shared their thoughts about the regulatory processes at the federal level in light of the four key themes and suggested certain improvements. Commissioners, consumer advocates, and utility representatives seemed eager to explore ways to work together with federal counterparts for the good of the consumer on issues of mutual concern and overlapping jurisdiction.

A. Transparency

A range of concerns were expressed with respect to transparency at the federal level. Some participants characterized it more as a lack of clarity than lack of transparency, others cited the opacity of the federal process and the lack of cooperation, and still others referenced certain processes as merely providing a “guise of transparency.” Specifically, they explained that some federal processes do not necessarily give stakeholders a voice despite opportunities to watch and listen. Participants also shared that some federal processes are overly cumbersome and resource-intensive. Finally, they suggested that some transparency concerns may be tied to the size of the agencies and their interaction (or lack thereof) with each other. The level of coordination among EPA, NERC, FERC, regional transmission organizations (RTOs), and states with respect to EPA’s development of utility emissions rules was noted as a concern by some participants.

There were a number of suggestions about improving transparency at the federal level. Notably, participants supported including federal agencies, as well as RTOs and independent system operators (ISOs), in the transparency discussion going forward. They also called for clarifying the roles and responsibilities between the state and federal levels, identifying common interests and ways to work together, and ensuring that the process is more inclusive, honest, and open. Another suggestion for improving transparency was to remove the need to file certain service complaints at the federal level by providing more support and availability for consumers to lodge complaints at the state or local levels. Finally, participants stressed the need for additional resources (time, staff, and expertise) to adequately focus on federal issues, and along those lines, some consumer advocates expressed support for a consumer advocate office at FERC, a greater consumer presence at RTOs, and resources to support that presence.

B. Communication

Participants expressed concern about effective communication with federal officials and the need to form or strengthen lines of communication with many agencies. Although acknowledging that NARUC collaboratives and initiatives with FERC, DOE, EPA, and others provide for better communication between state commissions and their federal counterparts and stakeholders, they suggested more be done.

Specifically, participants suggested communicating more with state energy offices and air regulators. One such effort, dubbed the “3N Meeting,” was held shortly after the CCIF summits concluded and brought together representatives of NARUC, the National Association of Clean Air Agencies (NACAA), and the National Association of State Energy Officials (NASEO) to coordinate efforts on environmental protection, energy and utility policy (<http://www.naruc.org/News/default.cfm?pr=323>).

C. Prioritization

Federal level mandates and initiatives present significant obstacles to successful prioritization. Not only is state participation in the federal arena constrained by limited resources, federal mandates and directives may be issued without consideration and input from stakeholders at the state level (e.g., ARRA funding). When that occurs, state- and utility-level priorities suddenly must be re-examined and adjusted in light of new federal priorities. Also, the inability to determine the cost impacts of proposed federal actions is an ongoing concern.

To address these concerns, participants suggested open discussions with key federal officials about the impacts of federal mandates and initiatives in conjunction with existing priorities as well as those selected priority issues identified in the previous section. In addition, an appropriate framework to determine cost impacts of mandates and initiatives over the short, mid, and long term should be developed.

D. Collaboration

For reasons previously identified, collaboration among federal agencies as well as collaboration among state commissions, consumer advocates, utilities, and federal agencies is needed to improve regulatory processes at the state and federal levels. Participants suggested collaborating with federal counterparts to address issues that reach across federal/state jurisdictional lines. NARUC and FERC have established a number of collaboratives to facilitate state/federal collaboration. Though seemingly not favored by FERC, the idea of joint boards was identified as another option that is used in the telecommunications arena on a number of issues of overlapping federal and state interest.

VIII. CONCLUSION

This report captures the essence of the dialogue among the participants in this series examining the regulatory process and four key elements – transparency, communications, prioritization, and collaboration. While not designed to serve as a consensus document, participants in the kickoff and all three summits had an opportunity for review and input. They may not agree with every statement but recognize that other points of view are represented. Statements within are not intended to override individual or collective policies or positions developed by a participant’s organization or by NARUC, NASUCA, AARP, or EEI. Instead, the report is an outcome of the robust discussion spurred by the process and is solely meant to complement efforts of participants and their organizations and associations.

CCIF hopes this report will be a valuable resource and thanks the participants (acknowledged in Appendix G) for their dedication and contributions to the important topics addressed within. We trust that other stakeholders will benefit from the input of those state commissioners, consumer advocates, and utility representatives who play an integral part in the regulatory process. Finally, CCIF encourages the constructive debate that has begun on these issues to continue.

APPENDIX A: EXISTING INITIATIVES REGARDING 4 KEY THEMES

As raised at CCIF's Fall 2011 Kickoff Forum and reinforced during the summits, challenges with the regulatory process remain. Participants from the state commission, consumer advocate, and utility communities identified numerous existing initiatives aimed at improving four key elements of the regulatory process – transparency, communication, prioritization, and collaboration. By sharing those initiatives here, participants hope that they will serve as useful models for others, contribute to mitigating the challenges identified, and improve the regulatory process upon which the participants, other stakeholders, and consumers across the country rely.

Within each section, the initiatives are categorized based on whether they are employed by state commissions, consumer advocates, utilities, or some combination, in which case they are labeled as “general initiatives.” For ideas to further improve the regulatory process in the context of each of the four key themes, please refer to Subsection C of Sections II – V of the report.

A. Transparency

Participants highlighted initiatives underway to provide greater transparency.

General Initiatives

- Maintaining websites with public access to relevant documents and information; and
- Employing and training consumer service representatives to be prepared to provide information on a range of topics in response to consumer inquiries.

State Commission Initiatives – General

- Broadcasting meetings via the web or television;
- Establishing electronic filing capabilities;
- Making decisions available to searchable case law databases; and
- Using dissenting or concurring opinions to provide transparency about individual views.

State Commission & Consumer Advocate Initiatives – Specific

- Michigan Public Service Commission:
 - Invested in IT to provide information electronically and found it saved money over time by avoiding the printing and postage expenses of the past.
- Pennsylvania Public Utility Commission and Pennsylvania Office of Consumer Advocate:
 - Provide links for consumers and stakeholders to access electricity provider switching information and shopping guides on the Pennsylvania Public Utility Commission's website (<http://www.papowerswitch.com>) and the Pennsylvania Office of Consumer Advocate's website (<http://www.oca.state.pa.us/Industry/Electric/elecomp/ElectricGuides.htm>), both of which Pennsylvania utility providers link to from their websites.

Utility Initiatives

- Several utilities:
 - Afford access to consumers about their individual electricity usage data.

APPENDIX A: EXISTING INITIATIVES REGARDING 4 KEY THEMES (CONT.)

B. Communication

Communication with Consumers

General Initiatives

- Communications during significant outages;
- Social media (Twitter, Facebook, YouTube);
- Newsletters/magazines; and
- Community public outreach events (e.g., Montana electric cooperative community events and Florida Lifeline Rally events about telecommunications bill assistance program).

State Commission Initiatives

- Arizona Corporation Commission:
 - Allows people to appear before the commission telephonically for open meetings.
- Florida Public Service Commission:
 - Initiated “Super Tuesday Consumer Forum” to share information (on making wise spending choices, avoiding scams, saving energy, getting help with utility bills, etc.) from numerous state agencies with state consumer group leaders and to learn how agencies can better address consumer group needs and raise consumer awareness.
- Illinois Commerce Commission:
 - Built a curriculum around LIHEAP and low-income assistance programs;
 - Provided relevant information on ICC website when utility-related referenda on Illinois ballots; and
 - Takes consumer comments online.
 - Provides “Plug In Illinois” website with information for consumers to choose a competitive electric supplier and learn about electric competition, utility rates, real-time electricity pricing, and energy conservation (www.pluginillinois.org/)
- Kentucky Public Service Commission:
 - Staff Public Information Officer conducts hour-long question and answer session at a public meeting before the commissioners come into the process.
- Michigan Public Service Commission:
 - Produces 10-15 minute cable public broadcast slots; and
 - Conducts interactive consumer forums across the state in which commissioners, staff, and utilities discuss the PSC’s role and issues impacting the region.
- Minnesota Public Utilities Commission:
 - Holds public hearings and posts outcomes on commission website;
 - Has extensive public notification policies in statute; and
 - Conducts an annual hearing that is webcast to discuss the process and relevant state issues, giving citizens the opportunity to talk about how the process has worked.
- Missouri Public Service Commission:
 - Established a Speakers Bureau (http://psc.mo.gov/General/Request_for_Speaker) and periodic “Utility Days” (<http://psc.mo.gov/General/PR-12-34%20--%20PSC%20To%20Hold%20'Utility%20Days'%20Oct.%2014%20At%20Chesterfield%20Mall>) to educate the public about utility regulation;

APPENDIX A: EXISTING INITIATIVES REGARDING 4 KEY THEMES (CONT.)

- Webcasts agendas and hearings;
- Publishes PSConnection magazine and distributes them at local hearings (<http://psc.mo.gov/General/PSConnectionMagazine>);
- Uses continuing education to introduce more people to the regulatory process; and
- In public hearings, conducts Q&A before the testimony phase, resulting in better information on the record for Commissioners (similar to town hall meetings with utility and consumer advocate reps).
- Public Utility Commission of Texas:
 - Works with Texas educational agencies on grade and high school curricula; and
 - Provides applications through I-Tunes.
- Washington Utilities and Transportation Commission:
 - Produced a video titled “About Energy Rates” for use at public comment hearings in rate cases and in public presentations and made available online (<http://www.utc.wa.gov/consumers/energy/Pages/aboutenergyrates.aspx>).

Consumer Advocate Initiatives

- AARP:
 - Provides volunteer training, tele-town hall meetings, and webcasts.
- DC Office of People’s Counsel:
 - Uses email blasts and list serves;
 - Participates in community meetings and City Council meetings; and
 - Produces public service messages for DC cable channel.
- Maryland Office of People’s Counsel:
 - Arranges webinars on consumer protections through legal services, including information on related state commission rules; and
 - Experimenting with podcasts to communicate consumer protection information.
- Texas Office of Public Utility Counsel:
 - Provides outreach to military bases;
 - Informs the public about energy efficiency initiatives;
 - Collaborates with state workforce agencies; and
 - Produces brochures and business cards for consumers with contact and website information.

Utility Initiatives

- Ameren Illinois:
 - Holds public meetings to educate the public on utility transmission siting plans.
- Duke Energy Corporation:
 - Produced web tool and related video for reporting street light outages.
- National Grid:
 - Worked with a city to get information from a variety of consumers using “appreciative inquiry” method.
- Oncor:
 - Conducts road shows;
 - Sets up “Ask Oncor” kiosks at malls/stores with a kids’ area; and

APPENDIX A: EXISTING INITIATIVES REGARDING 4 KEY THEMES (CONT.)

- Conducts customer contests associated with smart meters.

Communication with Stakeholders

General Initiatives

- CCIF:
 - Facilitates communication among state commissioners, consumer advocates, and utilities.

State Commission Initiatives

- Missouri Public Service Commission:
 - Holds open meetings at law schools to spark interest in the field.

Consumer Advocate Initiatives

- Georgia Watch:
 - Provides speakers for college classes and arranges state commission tours.

Utility Initiatives

- Consolidated Edison Company of New York, Inc.:
 - Hosted webinar on distributed generation (DG) to explain a tariff filing, an effective way to communicate to a targeted audience, including commission staff.
- Missouri utilities:
 - Reach out to consumer advocates in advance when something unusual comes up.

Communication with Legislators

State Commission Initiatives

- Kentucky Public Service Commission:
 - Provides a heads up to key legislators simultaneous with the release of Commission decisions on major or controversial cases.
- Maryland Public Service Commission and New Jersey Board of Public Utilities:
 - Provide verbal and written testimony on pending bills, much of it informational.
- Michigan Public Service Commission:
 - Reports on specific issues that are sent to the legislators; and
 - Conducts a one-day Michigan Forum out of session, focusing on one or two key utility issues with legislators (includes utilities and consumer advocates).
- Minnesota Public Utilities Commission:
 - Invites legislators to planning meetings (open to public) and issue discussions; and
 - Shares the effects of the previous year's legislation (not lobbying but focused more on general information).
- Missouri Public Service Commission:
 - Provides PSC/Regulation 101 to legislators on utility committees during off-season that explains the basics of regulation.

APPENDIX A: EXISTING INITIATIVES REGARDING 4 KEY THEMES (CONT.)

- Several states:
 - Track legislation that have impact on utility regulation but more likely to communicate through orders.

Consumer Advocate Initiatives

- Maryland Office of People's Counsel:
 - Discuss specific bills with legislators.

C. Prioritization

Utility participants shared that they set priorities that factor in mandates and current circumstances. With respect to state legislative initiatives, utilities, some consumer advocates, and some state commissions regularly provide information and feedback to their legislatures on utility-related measures and the impacts on consumers and limited resources. Regarding federal level actions, utilities, some consumer advocates, some state commissions, NARUC, NASUCA, and EEI regularly provide information and feedback to Congress and federal agencies regarding utility-related measures and their impacts on consumers.

D. Collaboration

Collaboration Identified by Participants

Participants identified a number of collaboratives for which they have been involved or are aware:

Collaboratives with a State or Local Scope

- Montana Public Service Commission:
 - Conducted roundtable with EPA regional director and stakeholders regarding pending EPA regulations.
- North Carolina Utilities Commission:
 - Collaborative working group developed legislative proposals for both a renewable portfolio standard (RPS) and construction work in progress (CWIP).
- Kentucky Attorney General Office of Rate Intervention:
 - Participated in a collaborative approach on energy efficiency funding that used a third-party facilitator (Midwest Energy Efficiency Association).
- Duke Energy Corporation:
 - Participated in a hydro relicensing collaborative process with 70 stakeholders; and
 - Participated in a collaborative process with stakeholders on energy efficiency and demand side management (DSM) in which new programs are vetted and defined.
- NorthWestern Energy:
 - Conducted a public meeting before publishing distribution infrastructure plan and report to state commission and others quarterly.
- Washington Utilities and Transportation Commission:
 - Used less formal, legislative-type procedures, with a goal toward issuing policy statements or other guidance documents

APPENDIX A: EXISTING INITIATIVES REGARDING 4 KEY THEMES (CONT.)

that clarify the Commission's views on certain policy issues that can later be presented in more formal proceedings.

Collaboratives with a Multi-State or National Scope

- Collaborative workgroup, including NARUC, NASUCA, and EEI, regarding LIHEAP;
- Regional State Committees (e.g., Southwest Power Pool RSC, Entergy RSC, etc.);
- Interconnection transmission planning collaborative processes, including the Eastern Interconnection Planning Collaborative (<http://www.eipconline.com/>) and the Committee on Regional Electric Power Cooperation (<http://www.westgov.org/wieb/site/crepcpage/>); and
- FERC-NARUC Collaboratives, including the FERC-NARUC Forum on Reliability and the Environment (<http://www.naruc.org/News/default.cfm?pr=291>) and the FERC-NARUC Collaborative on Smart Response (<http://www.naruc.org/Policy/Ferc/default.cfm?c=3>).

Collaboration in Adversarial Cases

While participants were more comfortable with the types of collaboration identified above, collaboration in the context of adversarial cases was also discussed. Participants highlighted the following types, largely differentiated by the timing with respect to the case:

- Pre-filing case collaboration between utility and potential parties other than the state commission – can help shape the case and reduce number of contested issues;
- Collaboration during the case on procedural, discovery, or confidentiality matters;
- Post-case collaboration to follow up on items ordered in the decision, such as further study of issues; and
- Settlement negotiations on specific issues or the entire case which may occur before, during, or after the case is heard.

Some participants questioned whether settlements should be considered a form of collaboration and had strongest concerns with settlements that preceded testimony and discovery. Participants also noted that negotiation can be built into the hearing schedule but that set deadlines may limit collaboration.

* * * * *

CCIF participants hope the initiatives identified in this appendix will serve as useful models or spur new ideas for state commissions, consumer advocates, utilities, and other stakeholders who share the commitment to improving the regulatory process. You may also refer to Subsection C of Sections II – V of the CCIF report, “The Challenges of a Changing Regulatory Environment: Focus on the Regulatory Process,” for additional ideas generated during the summits.

APPENDIX B: CCIF EXECUTIVE COMMITTEE



David A. Wright

South Carolina PSC Chairman
& NARUC President



Paula M. Carmody

Maryland People's Counsel
& NASUCA President



David K. Owens

EEl Executive Vice President
of Business Operations

APPENDIX C: CCIF ADVISORY COMMITTEE



Maureen F. Harris
Commissioner
New York State Public Service Commission



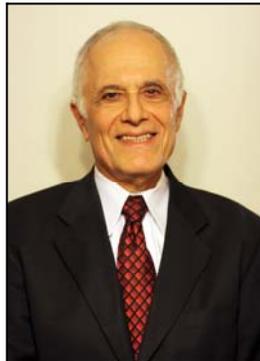
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Illinois Commerce Commission



Betsy Wergin
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Wayne Harbaugh
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Phillip R. May
VP of Regulatory Services
Entergy Services, Inc.



Diane Munns
VP of Reg. Relations & Energy Efficiency
MidAmerican Energy Company

APPENDIX D: CCIF EVENTS ON REGULATORY PROCESS

Fall Kickoff Forum:

- Collocated with the NARUC and NASUCA Annual Meetings in St. Louis
- November 15, 2011 ♦ 2:30 pm – 5:30 pm
Renaissance St. Louis Grand Hotel ♦ St. Louis, MO
- Approximately 200 participants

Spring Summit 1:

- March 29-30, 2012
Dallas/ Fort Worth Airport Marriott North ♦ Dallas, TX

Spring Summit 2:

- April 25-26, 2012
Atlanta Airport Marriott Gateway ♦ Atlanta, GA

Spring Summit 3:

- May 9-10, 2012
Renaissance Chicago O'Hare Suites Hotel ♦ Chicago, IL

APPENDIX E: CCIF KICKOFF AGENDA



Presents...

THE CHALLENGES OF A CHANGING REGULATORY ENVIRONMENT

Tuesday, November 15, 2011 ♦ 2:30 pm – 5:30 pm

Renaissance St. Louis Grand Hotel ♦ 800 Washington Avenue ♦ St. Louis, MO 63101
Majestic D (2nd Floor)

AGENDA

- 2:30-2:35** **Welcome & Overview of CCIF**
CCIF Executive Director Katrina McMurrian
- 2:35-2:40** **Introduction of Topic**
CCIF Executive Committee Member Paula Carmody, NASUCA President & Maryland People's Counsel
- 2:40-3:00** **Keynote: Challenges of Today's Changing Regulatory Environment**
Mark Jamison, Director, Public Utility Research Center at University of Florida
- 3:00-3:30** **Panel 1: Impacts of Challenges on Regulators, Consumers, and Utilities**

Moderator: *CCIF Executive Director Katrina McMurrian*

Panelists:
 - *Susan Ackerman, Commissioner, Oregon Public Utility Commission*
 - *Lewis R. Mills, Jr., Public Counsel, Missouri Office of Public Counsel*
 - *Scott A. Cisel, President and Chief Executive Officer, Ameren Illinois*
- 3:30-3:45** **Break**
- 3:45-5:25** **Panel 2: Potential Solutions**

Moderator: *CCIF Executive Committee Member David K. Owens, EEI Executive Vice President*

Panelists:
 - *Jeffrey D. Goltz, Chairman, Washington Utilities & Transportation Commission*
 - *Robert S. Kenney, Commissioner, Missouri Public Service Commission*
 - *Sandra Mattavous-Frye, People's Counsel, District of Columbia Office of the People's Counsel*
 - *David Springe, Consumer Counsel, Kansas Citizens' Utility Ratepayer Board*
 - *Diane Munns, VP-Regulatory Relations & Energy Efficiency, MidAmerican Energy Company*
 - *Richard T. Thigpen, VP-State Governmental Affairs, PSEG Services Corporation*
- 5:25-5:30** **Closing & Next Steps**
CCIF Executive Committee Member Tony Clark, NARUC President & North Dakota PSC Chairman

APPENDIX F: CCIF SAMPLE SUMMIT AGENDA



Presents...

The Challenges of a Changing Regulatory Environment: *Focus on the Regulatory Process*

May 9-10, 2012

Renaissance Chicago O'Hare Suites Hotel
Jazz I & II (2nd Floor)

Agenda

State commissioners, consumer advocates, and electric utilities continuously grapple with the challenges of today's changing regulatory environment and the increasing pressure on electric rates during a prolonged economic downturn. In recognition, CCIF's 2011 forum focused on mitigating rate impacts to consumers while preserving reliability, complying with applicable federal and state mandates (environmental, transmission, efficiency, renewables, etc.), responding to other federal and state initiatives (cybersecurity, grid modernization, demand response, economic development, etc.), and investing in new and replacement infrastructure. In the course of that dynamic discussion, a number of recurring themes were expressed by the commissioner, consumer advocate, and utility panelists – transparency, communication, prioritization, and collaboration. During CCIF's 2012 summit series, participants will thoroughly explore whether and how these four recurring themes pertaining to the regulatory process may be used to address the challenges of today's regulatory environment and the impacts on electric consumers.

Wednesday, May 9th

- 9:00** **Registration Open** (*Meeting begins at 10:00*)
- 10:00 – 10:30** **Welcome & Opening Remarks**
Katrina McMurrin, CCIF Executive Director
- CCIF Purpose, Signature Elements, and Goals for Summit Series
 - Introduction of Topic
 - Expectations for Post-Summit Series Deliverable
 - Introduction of Participants
- 10:30 – 12:00** **Key Theme 1: Transparency**
- Availability and accessibility of relevant information by consumers and other stakeholders
 - Types of information that should be available and accessible
 - How and when that information should be made available and accessible
 - New ideas and recommendations for providing increased transparency
 - Identification of action items and potential strategies for implementing recommendations for transparency
- 12:00 – 1:00** **Lunch** (*Provided*)
- 1:00 – 3:00** **Key Theme 2: Communication**
- Conveying information verbally or in writing to consumers, stakeholders, and state and federal policymakers
 - Different communications approaches, communicators, and message recipients for different purposes

APPENDIX F: CCIF SAMPLE SUMMIT AGENDA (CONT.)

- Communication with consumers, stakeholders, and policymakers – identify purpose (to educate/inform, to persuade, or to elicit feedback or otherwise induce action), clear message, credible communicator, and optimal timing and amount of communication
- Ongoing generic communications efforts and issue-specific outreach
- Existing, trusted, and cost-effective channels to reach consumers and stakeholders
- New ideas and approaches to reach consumers and stakeholders
- Ideas for communicating more effectively with federal policymakers
- Identification of action items and potential strategies for implementing recommendations for communication

3:00 – 3:15

Break

3:15 – 5:15

Key Theme 3: Prioritization & Identification of Gaps

- How to determine and focus on what's most important given limited consumer resources (and limited flexibility due to state and federal mandated priorities)
- Identification of issues within our control or subject to our influence at the state and federal policy levels and how to positively influence the outcome
- New ideas for incorporating more prioritization (formal processes, etc.)
- Identification of potential “high-priority” issues (such as cybersecurity) that may be overlooked as we focus on other priorities
- How to initiate necessary action on such “gaps” and/or remove barriers to action (without trying to resolve the issues)

5:30 – 6:30

Networking Reception (Mezzanine)

6:30 – 8:30

Dinner and Continued Issue Discussion (Swing Room, 2nd Floor)

Thursday, May 10th

8:00 – 8:30

Breakfast (Provided)

8:30 – 9:00

Welcome & Overview of Progress

Katrina McMurrian, CCIF Executive Director

9:00 – 10:15

Key Theme 4: Collaboration

- Working together to address the challenges of today's changing regulatory environment and to mitigate negative impacts on consumers
- Different approaches for different purposes: collaboration in adversarial cases versus on topics of mutual interest/concern – participants, issues, timing, barriers
- Existing, innovative models and new ideas for collaboration with colleagues (both within and beyond your organizations), consumers and their representatives, other stakeholders, and state and federal policymakers
- How to collaborate to address recommendations identified in previous key themes discussions
- How to collaborate to address “high-priority gaps” identified in previous section
- Ideas for removing barriers to effective collaboration with federal policymakers
- Identification of action items and potential strategies for implementing recommendations for collaboration

10:15 – 10:30

Break

10:30 – 11:45

Key Theme 4: Collaboration (Continued)

11:45 – 12:15

Break (Boxed Lunches Provided)

12:15 – 2:00

Review & Next Steps

Participants will recap progress on the 4 themes, share final thoughts, develop action items, and discuss plans for a work product to memorialize the discussion and ideas generated throughout the summit series.

APPENDIX G: ACKNOWLEDGMENT OF CCIF PARTICIPANTS

The Critical Consumer Issues Forum Executive Committee and Advisory Committee would like to acknowledge the valuable contributions of the following individuals and organizations:

- NARUC, NASUCA, AARP, and EEI, particularly the guidance of their respective leaders and the valuable input and hard work of their respective teams.
- All state commissioners, consumer advocates, and investor-owned utility participants in the CCIF Spring Summits in Dallas, Atlanta, and Chicago.
- All speakers, panelists, and attendees participating in the November 2011 Kickoff in St. Louis, where many issues addressed within this report were first introduced.

Due to the nature of the collaborative process and the extensive degree of participation, specific statements within this report should not be attributed to specific individuals or to the organizations that he or she represents. With that understanding, CCIF would like to acknowledge the following individuals who participated in CCIF events focused on the regulatory process:

Charlie Acquard
NASUCA

Commissioner Nicholas Asselta
New Jersey Board of Public Utilities

Noel W. Black
Southern Company

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Charles Elk
Oncor

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Regulatory Process



APPENDIX G: ACKNOWLEDGMENT OF CCIF PARTICIPANTS (CONT.)

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Commissioner John E. “Butch” Howard
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Jodi Jerich, Director
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Chairman Travis Kavulla
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Florida Office of Public Counsel



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D.C. Office of the People's Counsel

Phillip R. May
Entergy Services, Inc.

Lewis Mills, Public Counsel
Missouri Office of the Public Counsel

Willette Morman
Duke Energy (formerly Progress Energy)

Diane Munns
MidAmerican Energy Company

Kristin Munsch
Illinois Citizens Utility Board

Bob Nelson, Consumer Counsel
Montana Consumer Counsel

Chairman Donna L. Nelson
Public Utility Commission of Texas

Commissioner Erin M. O'Connell-Diaz
Illinois Commerce Commission

David K. Owens
Edison Electric Institute

James Padgett
DTE Energy

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Jackie Voiles
Ameren Missouri

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Timika Shafeek-Horton
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Karen Sistrunk
D.C. Office of the People's Counsel

Commissioner Betsy Wergin
Minnesota Public Utilities Commission



APPENDIX H: CCIF EXECUTIVE DIRECTOR BIO



MCMURRIAN

- Executive Director, CCIF
- Former Commissioner, Florida PSC (2006-2009)
- MBA, Florida State University
- B.S. in Finance, Florida State University

Katrina J. McMurrian, Executive Director Critical Consumer Issues Forum (CCIF)

A former Florida Public Service Commissioner, Katrina McMurrian has drawn on fifteen years of government service to become a recognized expert on policy issues involving the energy, water, and advanced communications sectors.

Currently, McMurrian organizes and facilitates policy forums and advises an array of entities on key regulatory and public policy matters. She manages the Critical Consumer Issues Forum (CCIF), a unique opportunity for state commissioners, consumer advocates, and electric industry representatives to collectively address issues of importance to electric consumers through a series of interactive dialogues.

As a Commissioner on the Florida PSC, McMurrian decided numerous multi-million dollar cases, appeared before Congress, worked with other state and federal agencies, and participated on a number of influential national policy boards. She served on several National Association of Regulatory Utility Commissioners (NARUC) committees, including Electricity, Nuclear Issues (Vice Chair), Consumer Affairs, and Education & Research, as well as on collaboratives with FERC, including Demand Response (Co-Chair), Smart Grid, and Competitive Procurement. She also served on the Executive Committee of the Nuclear Waste Strategy Coalition, Advisory Council to the EPRI Board, EPRI Energy Efficiency/Smart Grid Group, Keystone Energy Board, Eastern Interconnect States Planning Council, and SEARUC. Additionally, McMurrian Co-Chaired the 2009 NARUC/DOE National Electricity Delivery Forum.

Prior to her appointment, McMurrian used interdisciplinary core competencies in leadership roles on numerous matters at the Florida Commission. She received a Bachelor's degree in finance from Florida State University in 1994 and an MBA from FSU in 1998.



