

December 11, 2003

**VIA EMAIL ONLY**

**RE: I/M/O the Petition of the Mount Holly Water Company for an Increase  
in Rates for Water Service and Other Tariff Modifications  
BPU Docket No. WR03070509  
OAL Docket No. PUCRL 07280-2003N**

**TO SERVICE LIST MEMBERS:**

Enclosed please find electronic copies of the direct testimonies of the Division of the Ratepayer Advocate's witnesses, Robert J. Henkes, James A. Rothschild, Barbara R. Alexander, Howard J. Woods, and Brian Kalcic, in connection with the above referenced matter.

Should you require anything further, please do not hesitate to contact our office.

Very truly yours,  
SEEMA M. SINGH, ESQ.  
RATEPAYER ADVOCATE

By: \_\_\_\_\_  
Robert J. Brabston, Esq.  
Deputy Ratepayer Advocate

RJB/slc

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES  
OFFICE OF ADMINISTRATIVE LAW**

**IN THE MATTER OF THE PETITION OF )  
ELIZABETHTOWN WATER ) BPU Docket No. WR03070510  
COMPANY FOR AN INCREASE IN ) OAL Docket No. PUCRL 07281-2003N  
RATES FOR WATER SERVICE AND )  
OTHER TARIFF MODIFICATIONS )**

**IN THE MATTER OF THE PETITION OF )  
MOUNT HOLLY WATER COMPANY ) BPU Docket No. WR03070509  
FOR AN INCREASE IN RATES FOR ) OAL Docket No. PUCRL 07280-2003N  
WATER SERVICE AND OTHER )  
TARIFF MODIFICATIONS )**

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**DIRECT TESTIMONY AND EXHIBITS OF BARBARA R. ALEXANDER  
ON THE BEHALF OF THE  
NEW JERSEY DIVISION OF THE RATEPAYER ADVOCATE**

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Filed: December 1, 2003

1 **Q. PLEASE STATE YOUR NAME, ADDRESS AND OCCUPATION.**

2 A. My name is Barbara R. Alexander. I use a business title of Consumer Affairs Consultant. My  
3 address is 83 Wedgewood Dr., Winthrop, ME 04364. I appear in this case as a witness on  
4 behalf of the New Jersey Division of the Ratepayer Advocate (Ratepayer Advocate).

5 **Q. PLEASE DESCRIBE YOUR BACKGROUND AND QUALIFICATIONS FOR YOUR**  
6 **TESTIMONY IN THIS PROCEEDING.**

7 A. I opened my consulting practice in March 1996, after nearly ten years as the Director of the  
8 Consumer Assistance Division of the Maine Public Utilities Commission. While there, I testified as  
9 an expert witness on consumer protection, customer service and low-income issues in rate cases  
10 and other investigations before the Commission. My current consulting practice is directed to  
11 consumer protection, customer service, and low-income issues associated with the regulation of  
12 public utilities and the move to retail competition. My recent clients include the Pennsylvania  
13 Office of Consumer Advocate, New Jersey Division of Ratepayer Advocate, Maine Office of  
14 Public Advocate, Texas Public Utility Commission, West Virginia Office of Consumer Advocate,  
15 AARP, and the National Center for Appropriate Technology. Among my publications are: Retail  
16 Electric Competition: A Blueprint for Consumer Protection, (U.S. Department of Energy, Office of  
17 Energy Efficiency and Renewable Energy, October, 1998)<sup>1</sup>, “How to Construct a Service Quality  
18 Index in Performance Based Ratemaking,” The Electricity Journal, April, 1996, and “The

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<sup>1</sup>Available on the Internet: [http://www.eren.doe.gov/electricity\\_restructuring](http://www.eren.doe.gov/electricity_restructuring).

1 Transition to Local Telecommunications Competition: A New Challenge for Consumer Protection”  
2 (Public Counsel Section, Washington Attorney General, October, 1997). My most recent  
3 publication explores how states have implemented Default Service policies to accompany the  
4 move to retail electric competition, “Default Service for Retail Electric Competition: Can  
5 Residential and Low-Income Customers be Protected When the Experiment Goes Awry?” (April  
6 2002).

7 I have assisted the Ratepayer Advocate in its participation in restructuring activities  
8 concerning both electricity and natural gas since 1997. I submitted testimony on behalf of the  
9 Ratepayer Advocate in all the electric utility restructuring proceedings on consumer education,  
10 customer protection, and Code of Conduct issues. I submitted testimony on behalf of the  
11 Ratepayer Advocate on all the natural gas restructuring proceedings on these same issues. Most  
12 recently, I filed testimony on behalf of the Division of Ratepayer Advocate on the proposed merger  
13 of FirstEnergy and GPU Energy (Jersey Central Power and Light Co.) and the proposed merger  
14 of Conectiv with Potomac Electric Power Co.

15 Finally, I filed testimony on behalf of the Ratepayer Advocate in the Joint Petition of New  
16 Jersey-American Water Co. and Thames Water Aqua Holdings GmbH for Approval of a Change  
17 in Control of New Jersey-American Water Co. (BPU Docket No. WM01120833) in 2002. My  
18 testimony addressed service quality, customer service, and universal service issues associated with  
19 the proposed change in control.

20 I am also an attorney, and a graduate of the University of Michigan (1968) and the

1 University of Maine School of Law (1976).

2 My resume is attached as Exhibit BA-1.

3 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?**

4 A. The purpose of my testimony is to respond to the base rate case filing made by Elizabethtown  
5 Water Co. (“EWC”) and Mt. Holly Water Co. (“Mt. Holly”). EWC seeks a rate increase of  
6 \$18.4 million, an 11.6% increase for the bills of an average customer using 21,000 gallons per  
7 quarter. Mt. Holly seeks a 27.82% increase in revenues, resulting in an increase in 29.2% for  
8 residential customers using an average of 21,000 gallons per quarter. I will address issues relating  
9 to the provision of adequate and safe customer service quality for both water utilities, as well as  
10 their implementation of certain promises with respect to service quality and low-income issues it  
11 agreed to in the Stipulation that resolved the recent approval of the change in control of the  
12 ownership of the parent company of New Jersey-American Water Co., EWC and Mt. Holly. I  
13 am addressing these issues in one piece of testimony for both EWC and Mt. Holly because several  
14 aspects of these issues reflect combined management operations. However, my testimony will be  
15 filed separately in both dockets.

16 **Q. PLEASE SUMMARIZE YOUR CONCLUSIONS AND RECOMMENDATIONS.**

17 A. My key conclusions and recommendations are as follows:

18 **A. CUSTOMERS OF EWC AND MT. HOLLY HAVE NOT SEEN ANY BENEFITS**  
19 **FROM THE CHANGE IN CONTROL WITH RESPECT TO CUSTOMER**  
20 **SERVICE PERFORMANCE.**

- 21
- 22 • The Joint Petitioners and its parent promised that the Change of Control authorized by the Board  
23 in 2002 in Docket No. WM01120833 would result in improved customer service, more efficient

1 operations, and that the change in ownership would not result in any degradation of customer  
2 service quality.

- 3
- 4 • None of the three operating company nor its parent have evaluated the potential customer savings  
5 or synergies that may result from the coordinated management and oversight of the three New  
6 Jersey water utilities. As a result, EWC and Mt. Holly customers are being asked to pay higher  
7 rates without any of the benefits that may result from efficiencies associated with customer service,  
8 billing, call center operation, credit and collection, and complaint handling.
- 9
- 10 • Your Honor and the Board should not ignore the company's failure to identify cost savings and  
11 synergies that are likely to flow from an integrated operation of the three operating companies for  
12 customer service, credit and collection, the call center, billing, and complaint handling. There are  
13 several reasonable approaches that Your Honor and the Board should consider, including an  
14 imputation of an amount of savings that would reduce the pending rate increase to reflect a proxy  
15 for the cost savings and synergies, such as an amount equal to 1% of the company's 2002  
16 operation and maintenance expenses. This would reduce the EWC rate request by \$609,000 and  
17 the Mt. Holly rate request by \$20,000. Alternatively, Your Honor and the Board may want to  
18 reduce EWC's and Mt. Holly's authorized rate of return on equity for a time until the company has  
19 in fact followed through on the promises made in the Change in Control docket, similar to how the  
20 Board recently handled a failure to provide adequate and reliability service by Jersey Central  
21 Power and Light in the recent base rate case.
- 22

23 **B. EWC'S AND MT. HOLLY'S CURRENT SERVICE QUALITY**  
24 **PERFORMANCE**

- 25
- 26 • EWC is subject to a service quality performance plan, with performance targets and  
27 predetermined penalties as a result of its prior base rate case. For the most part, the service  
28 quality performance data also reflects performance delivered to Mt. Holly's customers.
- 29
- 30 • EWC's customer call center, which also serves Mt. Holly's customers, failed to meet the required  
31 performance standard in 2002, but has performed within the required standard in 2003, at least  
32 through the 3<sup>rd</sup> Quarter. Other performance standards are being met.
- 33

34 **C. PROPOSED SERVICE QUALITY PERFORMANCE PLAN FOR EWC AND**  
35 **MT. HOLLY**

- 36
- 37 • I recommend that Your Honor and the Board adopt a unified approach to the regulation of the  
38 service quality performance of the three New Jersey operating companies. In general, the  
39 approach I recommend is similar to that already in effect for EWC and Mt. Holly customers, that  
40 is, the establishment of reporting requirements, performance targets, and predetermined penalties

1 that apply when a company fails to meet its required performance target over a calendar year  
2 period.

- 3  
4 • I propose that the seven existing performance areas and performance targets remain in place for  
5 EWC and Mt. Holly. My only recommended change from the current program is that the penalty  
6 dollars, incurred as a result of an annual average performance, should be returned to customers in  
7 the form of a one-time rebate.

#### 8 • 9 **D. UNIVERSAL SERVICE PROGRAMS**

- 10  
11 • During the pendency of the litigation involving the Change in Control, NJAW announced that it had  
12 initiated a low-income assistance program known as H2O Help to Others. In the Stipulation, the  
13 Joint Petitioners recognized that an “increasing number of residential water and wastewater  
14 customers face significant financial challenges that threaten their ability to pay for basic necessities,  
15 including utility services.” [Stipulation at p. 28] NJAW committed to continue its existing low  
16 income assistance program and “further pledge to make the program available to customers of any  
17 other regulated New Jersey utility owned by the Joint Petitioners.” The Joint Petitioners also  
18 pledged to support the efforts of the Board and the Ratepayer Advocate “to make utility services  
19 affordable for all customers, including low-income and financially distressed customers.”  
20
- 21 • Neither EWC nor Mt. Holly have implemented any low-income bill payment assistance program, a  
22 clear violation of the Change in Control Stipulation.
- 23  
24 • Because NJAW’s current program has been implemented so poorly and has assisted so few  
25 customers, I propose a more robust program should be implemented for all three operating  
26 companies. This program should be targeted to customers with household income at or below  
27 175% of federal poverty guidelines. These customers should then be provided a tariffed 15%  
28 discount on the rates for consumption charges. Alternatively, these customers should be exempted  
29 from the monthly service charge.
- 30  
31 • In order to enroll eligible customers promptly, Your Honor and the Board should require the water  
32 utilities to implement an automatic enrollment program, similar to that recently approved by the  
33 Board for Verizon’s Lifeline program for reduced local exchange service and implemented for the  
34 Universal Service Fund program for all low-income electricity and natural gas customers through  
35 the Department of Human Services. Automatic enrollment should seek to rely on the eligibility of  
36 customers who have already been certified as eligible for LIHEAP, Lifeline, TANF, Social  
37 Security Disability, Food Stamps, Medicaid, and other programs that are targeted to low-income  
38 households whose household income is equal to or less than 175% of federal poverty guidelines.  
39 Under this approach, the utility and the social service agencies that deliver these programs will  
40 exchange information on the name and address of the eligible customers. The utility would then

1 enroll those names and address that match their residential customer records, notify the customer  
2 of their enrollment in the program, its benefits, and how to decline enrollment if they choose. In the  
3 following month, the discount should be reflected on the customer's bill.  
4

- 5 • EWC and Mt. Holly should be authorized to seek recovery of the "net" program costs associated  
6 with this bill payment assistance program in the rates for all customers at the company's next base  
7 rate case. Alternatively, the company could be authorized to consider the net effect of this  
8 program in the context of its future proposal to formally merge the operations of all Thames-owned  
9 operating companies in New Jersey.  
10



1 reducing the time and cost of delivery.” He stated that both corporations “will continue this  
2 commitment to have a goal of enhancing customer service by utilizing the best practices of both  
3 organizations.” [McGivern at 19-20]

4 **Q. HAS EITHER EWC OR MT. HOLLY IMPLEMENTED ANY BEST PRACTICES OR**  
5 **IDENTIFIED ANY SYNERGIES ADOPTED OR IMPLEMENTED WITH RESPECT**  
6 **TO CUSTOMER SERVICE QUALITY IN THIS RATE INCREASE FILING?**

7 A. No. The Synergy Savings Study relied upon by both EWC and Mt. Holly in this rate case has not  
8 identified best practices or savings with respect to service quality and customer service that might  
9 be achieved as a result of the integration and joint ownership of New Jersey-American, EWC and  
10 Mt. Holly. As a result, customers have not seen any benefits from the change in control that was  
11 authorized in 2002. In fact, Mr. Chapman testified that there will be no integration of the customer  
12 service function until 2007 and that the business functions of the three utilities will remain mostly  
13 separate for the near future.

14 **Q. ARE YOU ABLE TO IDENTIFY CUSTOMER SAVINGS OR IMPROVEMENTS**  
15 **THAT SHOULD BE ADOPTED OR THAT COULD REDUCE THE PROPOSED**  
16 **RATE INCREASE?**

17 A. No, I did not conduct a study or determine the amount of savings or potential customer impact due  
18 to improved customer service operations, but the three operating companies should have done so.  
19 As a result of NJAW’s failure to even look at these potential synergies, the three companies  
20 operate different billing systems, different calling centers, different customer complaint systems, and

1 different credit and collection systems. It is improper for the companies to have sought approval  
2 for the change in the control on the grounds that such an action would result in best practices and  
3 synergies for New Jersey water customers of all three utilities and then fail to even evaluate or  
4 implement any of these potential savings or synergies prior to filing for a base rate increase the  
5 following year.

6 **Q. WHAT IS YOUR RECOMMENDATION TO THE ADMINISTRATIVE LAW JUDGE**  
7 **(ALJ) AND THE BOARD WITH RESPECT TO THE PENDING RATE CASES IN**  
8 **LIGHT OF THIS FAILURE TO IDENTIFY COST SAVINGS AND SYNERGIES?**

9 A. Your Honor and the Board should not allow this failure to evaluate and identify cost savings to  
10 pass unnoticed in the context of this request for an increase in customer rates. Your Honor and the  
11 Board could reasonably adopt a variety of approaches. I propose two alternatives. First, Your  
12 Honor and the Board could impute a reasonable level of savings in the form of a reduction in the  
13 revenue requirement in this rate case and the rate case increase filed by the other two operating  
14 companies. For example, as a proxy for the reasonable level of savings that are likely to flow from  
15 the effect of synergies and combined operations of the customer service function, Your Honor and  
16 the Board could impose a reduction in the rate increase sought by each of the three water utilities  
17 equal to 1% of the 2002 operations and maintenance expenses incurred by each utility. With  
18 respect to EWC, this would amount to a \$680,000 reduction in the pending rate increase based on  
19 its operations and maintenance expenses of \$60,925,573 in 2002. With respect to Mt. Holly, this  
20 would represent a \$20,000 reduction in the pending rate increase based on its operations and

1 maintenance expenses of \$1.98 million in 2002.<sup>3</sup>

2 As an alternative, Your Honor and the Board could reduce the company's return on equity  
3 to reflect a management's failure to properly follow through on its promises in the Change in  
4 Control proceeding, similar to the Board's response to the failure of Jersey Central Power and  
5 Light to provide adequate and reliable service in its most recent base rate case. Under this  
6 approach, Your Honor and the Board could hold out the option to restore the reduction in return  
7 on equity once the required analysis and implementation of cost savings and synergies occur.

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<sup>3</sup>Exh. P-2, Schedule 2 for both EWC and Mt. Holly.

1                   **II. RECENT SERVICE QUALITY AND RELIABILITY PERFORMANCE**  
2   **OF EWC AND MT. HOLLY**

3   **Q. PLEASE DESCRIBE THE CURRENT PERFORMANCE STANDARDS AND**  
4   **REPORTING REQUIREMENTS APPLICABLE TO EWC AND MT. HOLLY.**

5   A. The Board conditioned approval of the merger of Elizabethtown Water and Thames by requiring  
6   that the headquarters of the New Jersey water utilities remain in New Jersey, that a Customer  
7   Outreach and Education Program be developed and implemented to inform customers about the  
8   transaction, that the NJ utilities file quarterly reports of customer complaints to the Board, and that  
9   quarterly reports of specified quality of service measurements be reported to the Board. The  
10   service quality reports were to continue for three years, followed by the establishment of baseline  
11   performance levels. Another condition required the New Jersey utilities to maintain a level of  
12   capital investment and “best operating practices” to “ensure long-term safe, adequate, and proper  
13   service in compliance with applicable regulations and statutes and in accordance with prudent  
14   utility practice.”<sup>4</sup> Following the merger approval, Elizabethtown Water submitted a base rate  
15   increase filing that also resulted in a Settlement approved by the Board<sup>5</sup>. This Settlement built  
16   upon the earlier service quality reporting requirements of the merger proceeding. EWC committed  
17   to implement a Customer Service performance plan with performance targets and agreed to link  
18   rate recovery of the difference between the cost of its new Customer Care System and the cost of

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<sup>4</sup>Conditions (l), (n), and (p), Decision and Order, BPU Docket No. WM99120923, October 10, 2000.

<sup>5</sup> In the Matter of the Petition of Elizabethtown Water Co. for Approval of an Increase in Rates for Service, BPU Docket No. WR01040205, Order Adopting Initial Decision/Settlement, January 23, 2002.

1 the service provided by a previous vendor. EWC agreed to report seven customer service  
2 performance measurements and, based on the achievement of certain performance targets  
3 (established so that performance will improve on a yearly basis over a 4-year period), will be  
4 subject a total of \$1.35 million at risk of nonrecovery if the performance targets are not met.

- 5 • Calls Answered in 20 seconds
- 6 • Calls Not Answered as a % of all calls received
- 7 • Actual meter reads
- 8 • Written correspondence replied to within 5 working days
- 9 • Customer appointments met within a four-hour window
- 10 • Refund credit balance by check (days)
- 11 • Turn-on after receiving payment for shut-off for non-payment (hours)

12  
13 I have prepared an Exhibit (BA-2) which sets forth the service quality performance data  
14 reported to the Board by EWC and which reflects the performance of EWC and Mt. Holly. As  
15 reflected in the Stipulation adopted in the prior rate case, EWC and Mt. Holly are subject to  
16 baseline performance standards that gradually require improvement over the 4 years in which these  
17 reporting requirements are in effect. My exhibit shows performance in 2001 (for which no  
18 penalties were in effect and which reflected a slightly different list of performance areas), 2002,  
19 and 2003 (through the 3<sup>rd</sup> Quarter).

20 **Q. DO YOU HAVE COMMENTS ON THE SERVICE QUALITY PERFORMANCE OF**  
21 **EWC AND MT. HOLLY?**

22 A. As indicated in my Exhibit BA-2, EWC and Mt. Holly met all of the 2002 performance targets,  
23 with the exception of the call center answering performance. The performance standard required  
24 EWC and Mt. Holly to answer 80% of the customer calls within 20 seconds, but on an annual

1 average only 65% of such calls were answered within that time frame. Performance to date in  
2 2003 shows compliance, but barely so for the call center standard.

3 **Q. PLEASE DISCUSS THE PERFORMANCE OF THE CUSTOMER CALL CENTER**  
4 **OPERATED BY EWC.**

5 A. EWC operates a call center located in New Jersey that serves EWC and Mt. Holly customers.  
6 While there were significant problems with the operation of EWC's customer calling performance  
7 in prior years (as indicated in 2001 in Exhibit BA-2), performance since that time has shown  
8 steady improvement, particularly in 2003. This is in marked contrast to the customer call center  
9 performance that I have described in my Direct Testimony filed in the NJAW base rate case.

10 **Q. DO YOU HAVE ANY FURTHER COMMENTS ON THE SERVICE QUALITY**  
11 **PERFORMANCE DATA REPORTED BY EWC AND MT. HOLLY IN THIS**  
12 **PROCEEDING?**

13 A. The service quality reports that are submitted to the Board contain one deficiency that I  
14 recommend be corrected. The performance standards in effect for Refund Credit Balance by  
15 Check and Turn-On After Shut-Off for Non-Payment are expressed in Days and Hours,  
16 respectively. However, EWC is reporting this information as a percentage of the events that meet  
17 the applicable performance standard. Rather, EWC should report this information as an average  
18 of Days (for the Refund Credit Balance by Check) and Hours (for Turn-ons followed by Shut-  
19 offs). This will allow a determination of whether the standard is being met. Merely reporting a  
20 percentage of events that meet the standard does not allow for a determination of whether the

1 standard has been met on average over the reporting period.

2 **Q. PLEASE PROVIDE YOUR OVERALL OPINION OF S SERVICE QUALITY**  
3 **PERFORMANCE AS REPORTED BY EWC AND THAT IMPACTS EWC AND MT.**  
4 **HOLLY CUSTOMERS.**

5 In general, the customer service performance at this call center has not been adequate in  
6 the past, but is showing signs of improvement in 2003. My overall opinion and recommendations  
7 will be greatly influenced by the 4<sup>th</sup> Quarter 2003 performance data. I have no comments on other  
8 reporting areas as applicable performance standard appears to have been met in 2002 and in 2003  
9 to date.

10

1           **III. PROPOSED REGULATORY APPROACH TO ASSURE ADEQUATE CUSTOMER**  
2           **SERVICE AND SERVICE QUALITY FOR EWC AND MT. HOLLY CUSTOMERS**

3           **Q. PLEASE GIVE AN OVERALL SUMMARY OF YOUR RECOMMENDED**  
4           **APPROACH WITH RESPECT TO HOW SERVICE QUALITY PERFORMANCE**  
5           **SHOULD BE CONSIDERED IN THE CONTEXT OF THESE REQUESTS FOR RATE**  
6           **INCREASES.**

7           A. In general, I support the approach adopted in EWC’s last base rate case, that is, the establishment  
8           of specific service quality performance areas, performance targets or standards, and  
9           predetermined penalties for the failure to achieve the performance standards during any calendar  
10          year. As a result, I have made a proposal in the NJAW base rate case to emulate the approach  
11          already adopted for EWC. Ideally, all of the Thames-owned companies should be subject to the  
12          same set of reporting requirements and performance standards. If the companies are to be subject  
13          to common management, it is not fair for some customers to enjoy a higher level of service quality  
14          than others. Furthermore, the Change in Control Stipulation made a commitment that the service  
15          quality performance of any one company would not degrade.

16          **Q. HOW SHOULD THE ALJ AND THE BOARD ENFORCE THE RESULTING**  
17          **SERVICE QUALITY PERFORMANCE STANDARDS?**

18          A. While the EWC performance mechanism contains a potential penalty for failure to comply with the  
19          annual standards, the implementation of this penalty should be changed. Rather than defer any  
20          resulting penalty to a future base rate case, Your Honor and the Board should link the failure to

1 obtain an minimum annual performance level with pre-established penalties that will reduce the  
2 Company's revenues for the annual period in question. The dollar amount at risk should reflect a  
3 reasonable percentage of each utility's regulated revenues. If any standard is not met, all  
4 ratepayers should be reimbursed for a failure to provide adequate service quality or reliability of  
5 service. The effect of these ratepayer reimbursements is to reduce the Company's revenues, thus  
6 affecting its ability to earn its authorized rate of return. In the case of Elizabethtown Water, the  
7 dollar amount at risk has been established and I do not propose to alter that decision. However,  
8 any penalty incurred in an annual period should be returned to customers in the form of a one-time  
9 rebate.

10 **Q. HOW SHOULD THE CUSTOMER RESTITUTION AMOUNT BE CALCULATED IN**  
11 **ANY YEAR IN WHICH THE COMPANY FAILS TO PERFORM AT THE BASELINE**  
12 **PERFORMANCE STANDARD?**

13 A. To calculate a reasonable, adequate and equitable customer restitution, I propose, similar to the  
14 plan already applicable to Elizabethtown Water, that a specific dollar amount should be assigned to  
15 each performance area. If annual performance falls beneath the baseline or target, the amount of  
16 revenue assigned to that measure (plus interest) should be returned to customers in the form of a  
17 one-time rebate identified on customer bills as "Penalty for Failure to Achieve Customer Service  
18 Quality Performance Standards."

19 **Q. HOW SHOULD THE AFFECTED UTILITIES REPORT THE SERVICE QUALITY**  
20 **RESULTS TO THE BOARD, THE RATEPAYER ADVOCATE, AND OTHER**

1           **INTERESTED PARTIES?**

2           A.     The Company should report the service quality performance data quarterly to the Board, the  
3           Ratepayer Advocate, and other interested parties. In addition, an annual report should be filed in  
4           April for the prior calendar year which provides the monthly performance, the annual average, the  
5           dollar amount of any penalties incurred. This annual report should be accompanied by either an  
6           independent verification by a third party or an affidavit signed by a senior officer which attests that  
7           the information is accurate and verifiable.

8           **Q.     HOW SHOULD THE COMPANY REPORT THE SERVICE QUALITY**  
9           **PERFORMANCE RESULTS TO CUSTOMERS?**

10          A.     The affected utilities should report the results of its service quality and reliability performance to its  
11          customers annually. This report should include a full report on performance in all categories, both  
12          where the Company performed better than the baseline standards and any failures, as well as any  
13          monetary restitution being returned to customers.

1 **IV. UNIVERSAL SERVICE PROGRAMS**

2 **Q. PLEASE EXPLAIN THE CONDITIONS INCLUDED IN THE CHANGE IN**  
3 **CONTROL STIPULATION CONCERNING LOW-INCOME PROGRAMS.**

4 A. During the pendency of the litigation involving the Change in Control, NJAW announced that it had  
5 initiated a low-income assistance program known as H2O Help to Others. In the Stipulation, the  
6 Joint Petitioners recognized that an “increasing number of residential water and wastewater  
7 customers face significant financial challenges that threaten their ability to pay for basic necessities,  
8 including utility services.” [Stipulation at p. 28] NJAW committed to continue its existing low  
9 income assistance program and “further pledge to make the program available to customers of any  
10 other regulated New Jersey utility owned by the Joint Petitioners.” The Joint Petitioners also  
11 pledged to support the efforts of the Board and the Ratepayer Advocate “to make utility services  
12 affordable for all customers, including low-income and financially distressed customers.”

13 **Q. DID EWC AND MT. HOLLY PROPERLY IMPLEMENT THIS PROVISION OF THE**  
14 **CHANGE IN CONTROL STIPULATION?**

15 A. No. Neither company has implemented any low-income program since the adoption of the  
16 Stipulation in November 2002.

17 **Q. DO YOU RECOMMEND THAT EWC AND MT. HOLLY IMPLEMENT THE**  
18 **PROGRAM THAT IS CURRENTLY BEING OPERATED BY NJAW?**

19 A. No, for the reasons I set forth in my Direct Testimony concerning the NJAW base rate filing, the  
20 H2O Help to Others program should not be the basis for the bill payment assistance provided to

1 low-income customers in the EWC and Mt. Holly service territories.

2 **Q. PLEASE SUMMARIZE YOUR OBJECTIONS TO THE NJAW LOW-INCOME**  
3 **PROGRAM .**

4 A. NJAW has implemented a crisis program similar to a “fuel fund” in which it solicits donations from  
5 its customers and then donates a corporation contribution that matches every dollar contributed by  
6 customers. This H2O Help to Others program is described as a source of funds to help “families  
7 and individuals who find it difficult to pay their water bills.” Customers are asked to send their  
8 contributions to Dollar Energy Fund in Pittsburgh, PA or include a donation with their regular bill  
9 payment every month. The Dollar Energy Fund in Pittsburgh, PA operates the NJAW fund,  
10 accepts applications from customers for assistance, and works with an NJAW employee in New  
11 Jersey to decide which customers will receive assistance and in what amount.

12 I have a number of concerns with the implementation of this program:

- 13 • While NJAW has solicited donations from its customers, it has never advertised to its customers  
14 how to apply for assistance for this program and the criteria for obtaining assistance. In other  
15 words, the only way that customers have evidently found their way into this program is through a  
16 personal referral from a NJAW company representative, presumably at its call center. This  
17 method of program entry is inherently discriminatory.
- 18 • The location of Dollar Energy Fund in Pittsburgh, PA is unlikely to stimulate the maximum interest  
19 and donations from New Jersey customers. Furthermore, the fact that customers who seek  
20 assistance must call the Fund in Pittsburgh (albeit on a toll free number) is also a barrier to entry.

- 1 • Neither the customer bill nor the disconnection notice inform customers about the existence of this  
2 program.
- 3 • The dollar amount raised and the dollar amount of assistance provided to NJAW customers is  
4 extremely small. Since the program's inception in September 2002, only 141 customers have  
5 been provided with a grant, an average of 13 per month. A total of \$30,074 has been provided to  
6 NJAW customers over the 12-month period September 2002-August 2003.
- 7 • The program<sup>6</sup> is designed to respond to a crisis situation for a customer who has a balance of more  
8 than \$100, but an exception may be made for a senior citizen who may have a zero balance as  
9 long as there is no credit on the account. A customer can receive only one grant per year per  
10 utility for a maximum of \$400. Furthermore, applicants must have paid at least \$50 on their  
11 account in the last 90 days.

12 **Q. WHY ARE THE NEEDS OF LOW INCOME HOUSEHOLDS OF CONCERN IN THIS**  
13 **PROCEEDING?**

14 A. An increase in rates will likely have the most adverse impact on low-income customers because  
15 their annual household income is so low and the fact that utilities as a whole comprise a very high  
16 percentage of that household income. Furthermore, low-income customers are likely to seek  
17 access to customer service centers, call centers, payment arrangement options, and trained  
18 customer service representatives more than other residential customers. When service quality  
19 declines, at it has recently in NJAW's call center, or has performed poorly in the past as at EWC's

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5. <sup>6</sup>Dollar Energy Fund Grant Program Guidelines for NJ American Water Customers, Data Response RAR-SQ-

1 call center, low-income customers are the most adversely affected.

2 **Q. HOW DOES NJAW'S LOW-INCOME PROGRAM COMPARE WITH LOW-**  
3 **INCOME PROGRAMS OPERATED BY OTHER AMERICAN WATER WORKS**  
4 **UTILITIES?**

5 A. There are several examples of other state or utility programs that provide bill payment assistance to  
6 low income customers. As documented in the Change in Control proceeding, several American  
7 Water Works subsidiaries in California, Illinois, Iowa, Kentucky, Missouri, Ohio, Pennsylvania,  
8 and West Virginia provide such assistance. The California-American Water Co. exempts low-  
9 income customers from the monthly service charge under the Program for Alternative Rates tariff.  
10 The Pennsylvania-American Water Co. provides a 20% rate discount on the prevailing service  
11 charge or minimum bill. In addition to these programs, I am familiar with the Massachusetts Low-  
12 Income Sewer and Water Assistance Program that provides eligible low-income households with  
13 bill payment assistance. In FY 1999, 6,592 households were assisted under this program.  
14 Eligibility is keyed to the criteria for LIHEAP (fuel assistance) and local Community Action  
15 Program Agencies (CAPs) provide the outreach and intake for this program. Benefit amounts are  
16 capped at 25% of the annual water and sewer bill or a maximum dollar amount.

17 **Q. PLEASE DESCRIBE THE LOW-INCOME PROGRAM THAT YOU RECOMMEND**  
18 **THAT THE ALJ AND THE BOARD ADOPT AS A CONDITION OF ANY RATE**  
19 **INCREASE IN THIS PROCEEDING?**

20 A. Because NJAW's current program has been implemented so poorly and has assisted so few

1 customers, I propose a more robust program that is targeted to customers with household income  
2 at or below 175% of federal poverty guidelines. This program should be available to NJAW,  
3 EWC, and Mt. Holly low-income customers. The program should provide a tariffed 15%  
4 discount on the rates for consumption charges. Alternatively, these customers should be exempted  
5 from the monthly service charge. EWC currently charges a fixed charge of \$16.98 per quarter for  
6 a 5/8" meter, but has proposed to increase this to \$18.95 as part of this base rate filing. Mt. Holly  
7 currently charges \$15.85 per quarter for a 5/8" meter, but has proposed to increase this charge to  
8 \$20.26 per quarter. This approach would be similar to that used in California. This discount  
9 should be coupled with a commitment to pay the resulting monthly bill on a timely basis (or a  
10 commitment to apply for additional financial assistance in a timely manner to pay the balance of the  
11 monthly bill).

12 **Q. HOW SHOULD CUSTOMERS BE ENROLLED IN THIS PROGRAM?**

13 A. Customers should be informed of the existence of this program in bill inserts (issued at least semi-  
14 annually as part of the regular monthly bill) and solicited for eligibility when the Company is  
15 contacted in response to disconnection notices or when customers call the Company to find out  
16 about payment arrangements. In order to enroll eligible customers promptly, Your Honor and the  
17 Board should require the water utilities to implement an automatic enrollment program, similar to  
18 that recently approved by the Board for Verizon's Lifeline program for reduced local exchange  
19 service and implemented for the Universal Service Fund program for all low-income electricity and  
20 natural gas customers through the Department of Human Services. Automatic enrollment should

1 seek to rely on the eligibility of customers who have already been certified as eligible for LIHEAP,  
2 Lifeline, TANF, Social Security Disability, Food Stamps, Medicaid, and other programs that are  
3 targeted to low-income households whose household income is equal to or less than 175% of  
4 federal poverty guidelines. Under this approach, the utility and the social service agencies that  
5 deliver these programs will exchange information on the name and address of the eligible  
6 customers. The utility would then enroll those names and address that match their residential  
7 customer records, notify the customer of their enrollment in the program, its benefits, and how to  
8 decline enrollment if they choose. In the following month, the discount should be reflected on the  
9 customer's bill.

10 **Q. WHAT WOULD SUCH A PROGRAM COST AND WHO SHOULD BEAR THE**  
11 **COSTS OF THE DISCOUNTED RATES?**

12 A. It is difficult to estimate costs for such a program because EWC and Mt. Holly have not studied  
13 the demographics of its customer population and have not done any analysis of its low-income  
14 customers or the impact of this proposed rate increase on its customers. However, I do  
15 recommend that the reasonable and prudent net costs of a low-income bill payment assistance  
16 program be included in rates paid by all customers.

17 The most recently available U.S. Census data for New Jersey indicates that 6.3%  
18 of the State's families live in poverty (defined as income at 100% or less of the federal  
19 poverty guidelines)<sup>7</sup> and 11.5% of the State's population has an income at or below 125%

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<sup>7</sup> U.S. Bureau of the Census, Census 2000, Table DP-3 (New Jersey).

1 of federal poverty guidelines.<sup>8</sup> While county-level data is not available for the 2000  
2 Census, the extent of poverty by county in New Jersey was most recently estimated in  
3 1998<sup>9</sup>, showing that the highest incidence of poverty occurs in Atlantic County (10.5% of  
4 population), Camden County (12.2%), Cape May County (10.7%), Essex County (16%),  
5 all of which are served by NJAW. Within the Elizabethtown Water service area, Mercer  
6 County has a 9.2% rate of poverty, and Union County, 9%.

7 It would seem reasonable for Your Honor and the Board to order the affected  
8 utilities to conduct studies to determine the potential number of eligible customers (at 175%  
9 of poverty level) and the cost of the proposed rate discount or exemption from the  
10 minimum monthly service charge within 180 days of the Board's order in this proceeding.  
11 A subsequent compliance proceeding should then establish the final structure of the  
12 program, the approval of a tariff, financial parameters of the discount program and the  
13 method of including net costs of such a program in future base rate cases.

14 **Q. HOW SHOULD EWC AND MT. HOLLY BE REIMBURSED FOR THEIR**  
15 **ADDITIONAL EXPENSES INCURRED TO IMPLEMENT THE BILL PAYMENT**  
16 **ASSISTANCE PROGRAM?**

17 A. Each utility should be authorized to seek recovery of the "net" program costs associated with this  
18 bill payment assistance program in the rates for all customers at the company's next base rate case.

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<sup>8</sup> U.S. Bureau of the Census, Census 2000, Table 25, Poverty Status by State in 2000.

<sup>9</sup> U.S. Census Bureau, County Estimates for People of All Ages in Poverty for New Jersey: 1998.

1           Alternatively, the company could be authorized to consider the net effect of this program in the  
2           context of its future proposal to formally merge the operations of all Thames-owned operating  
3           companies in New Jersey. By “net” I refer to those program expenses, both program benefits and  
4           incremental administrative costs, that are in excess of savings that the utility will almost certainly  
5           experience in its collection costs associated with serving the customers enrolled in the program. I  
6           cannot project those savings, but the Company should be required to monitor the impact of this  
7           program on its collection costs, including uncollectible expenses, collection activities, including  
8           disconnection of service, and the positive impact on its working capital due to increased customer  
9           payment behavior.

10       **Q.     DOES THIS COMPLETE YOUR DIRECT TESTIMONY?**

11       A.     Yes, it does.

ELIZABETHTOWN WATER CO. AND MT. HOLLY WATER CO.

SERVICE QUALITY PERFORMANCE

Dockets Nos. WR03070509 and WR03070510

<b>Performance Area</b>	1st Q 2001	2ndQ 2001	3rd Q 2001	4th Q 2001	2001 Avg.	1st Q 2002	2nd Q 2002	3rd Q 2002	4th Q 2002	2002 Standards	2002 Avg.	1st Q 2003	2nd Q 2003	3rd Q 2003	2003 Standards
Calls Ans. 20 seconds	80.06%	78.94%	58.40%	42.12%	64.88%	33.81%	78.00%	78.00%	73.00%	80.00%	65.70%	83.00%	86.00%	88.00%	85.00%
Abandoned Calls	5.53%	5.07%	6.74%	8.56%	6.48%	7.22%	3.00%	3.00%	3.00%	<6%	4.06%	2.00%	1.00%	1.00%	< 5%
Actual Meter Reads	86.05%	82.97%	86.00%	86.00%	85.26%	82.00%	88.00%	87.00%	87.00%	85.00%	86.00%	85.00%	88.00%	89.00%	87.00%
Written Correspondence < 5 days							78.00%	89.00%	76.00%	60.00%	81.00%	82.00%	95.00%	92.00%	80.00%
Cust. Appts. Met within 4 Hr Window	100.00%	100.00%	100.00%	94.00%	98.50%	94.66%	98.00%	99.00%	98.00%	75.00%	97.42%	99.00%	99.00%	99.00%	85.00%
Refund Credit Balance by Check							72.00%	98.00%	100.00%	8-10 Days	90.00%	100.00%	100.00%	100.00%	6-8 Days
Turn on After Shut Off for NonPayment							93.00%	98.00%	99.00%	10-12 Hours	96.67%	100.00%	98.00%	100.00%	<6 Hours
Service Renewals On time	88.28%	100.00%	100.00%	100.00%	97.07%	97.44%									
Water quality complaints per 1,000	0.1572	0.136	0.0686	0.0723	0.108525	0.015									

<b>Performance Standards</b>	Year 1-2002	Year2-2003	Year 3-2004	Year 4-2005
Calls Ans. 20 seconds	80.00%	85.00%	88.00%	90.00%
Abandoned Calls	<6%	< 5%	<4%	<4%
Actual Meter Reads	85.00%	87.00%	89.00%	90.00%
Written Correspondence < 5 days	60.00%	80.00%	85.00%	95.00%
Cust. Appts. Met within 4 Hr Window	75.00%	85.00%	90.00%	95.00%
Refund Credit Balance by Check	8-10 Days	6-8 Days	5-6 Days	5 Days
Turn on After Shut Off for NonPayment	10-12 Hours	<6 Hours	<2 Hours	<2 Hours

RAR-SQ-2 (EWC and Mt. Holly)

SRR-29 (EWC)

Prepared By:

Barbara R. Alexander

Witness for the Division of the

Ratepayer Advocate

**2003 Avg.**

85.67%  
1.33%  
87.33%  
87.25%  
99.00%  
100.00%  
99.33%

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### Recent Clients

AARP

Pennsylvania Office of Consumer Advocate

New Jersey Division of Ratepayer Advocate

Texas Legal Services Center

Colorado Office of Consumer Counsel

Texas PUC

Maine Office of Public Advocate

Maine PUC

Oak Ridge National Laboratory, DOE

West Virginia Consumer Advocate Division

Regulatory Assistance Project

Vickery and Waldner, LLP, Houston, TX [Expert Witness]

Carr, Korein, Tillery, Kunin, Montrov, Cates, Katz & Glass, LLC, St. Louis, MO [Expert Witness]

Shearman-Denenea, L.L.C., New Orleans, LA [Expert Witness]

Rosner, Law, and Mansfield, San Diego, CA [Expert Witness]

National Center for Appropriate Technology

Washington Office of Public Counsel

Vermont Department of Public Service

D.C. Office of People's Counsel

Consumer Energy Council of America

Citizens Utility Board (Illinois)

### Areas of Expertise.

- Default Service, Consumer Protection, Service Quality, and Universal Service policies and programs associated with the move to competition in the electric, natural gas, and telecommunications industries.
- Policies and programs associated with the regulation of competitive energy and telecommunications providers

- The regulatory policies associated with the development and funding of consumer education programs to accompany the move to competition for energy and telecommunications services.
- Code of Conduct and affiliated interest rules applicable to regulated utilities and their affiliates.

## Prior Employment

DIRECTOR 1986-96  
*Consumer Assistance Division*  
*Maine Public Utilities Commission* *Augusta, Maine*

One of five division directors appointed by a three-member regulatory commission and part of commission management team. Direct supervision of 10 employees, oversight of public utility consumer complaint function, appearance as an expert witness on customer services, consumer protection, service quality and low income policy issues before the PUC. Chair, NARUC Staff Subcommittee on Consumer Affairs.

SUPERINTENDENT 1979-83  
*Bureau of Consumer Credit Protection*  
*Department of Professional and Financial Regulation* *Augusta, Maine*

Director of an independent regulatory agency charged with the implementation of Maine Consumer Credit Code and Truth in Lending Act. Investigations and audits of financial institutions and retail creditors, enforcement activities, testimony before Maine Legislature and U.S. Congress.

## Education

JURIS DOCTOR 1973-76  
*University of Maine School of Law* *Portland, Maine*

Admitted to the Bar of the State of Maine, September 1976.

B.A. (WITH DISTINCTION) IN POLITICAL SCIENCE 1964-68  
*University of Michigan* *Ann Arbor, Michigan*

## Publications and Testimony

“How to Construct a Service Quality Index in Performance-Based Ratemaking”, The Electricity Journal, April, 1996

“The Consumer Protection Agenda in the Electric Restructuring Debate”, William A. Spratley & Associates, May, 1996

Direct Testimony on behalf of the Telecommunications Workers Union, Telecom Public Notice 96-8, Price Cap Regulation and Related Issues, Canadian Radio-Television and Telecommunications Commission, September, 1996. [Analysis of and recommendations concerning the need to regulate service quality in move to price cap regulation]

Direct Testimony on behalf of Public Counsel Section, Office of Attorney General, Docket No. UE-960195, Application by Puget Sound Power and Light Co. And Washington Natural Gas Co. For Approval of Merger), Washington Utilities and Transportation Commission, September, 1996 [Need for and design of a Service Quality Index for both electric and gas business units as part of a multi-year rate plan]

Consumer Protection Proposals for Retail Electric Competition: Model Legislation and Regulations”, Regulatory Assistance Project, Gardiner, ME, October, 1996

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Testimony on Proposed Interim Rules (Consumer Protection, Customer Enrollment, Code of Conduct, Supplier Licensing) on behalf of the New Jersey Division of Ratepayer Advocate before the New Jersey BPU, May, 1999.

Direct Testimony on behalf of AARP, West Virginia PUC Investigation into Retail Electric Competition (consumer protection, universal service, Code of Conduct), June 15, 1999.

Direct and Surrebuttal Testimony on behalf of the Pennsylvania OCA, Gas Restructuring proceedings (8 natural gas utilities): consumer protection; consumer education; code of conduct, before the Pennsylvania PUC, October, 1999-April, 2000.

Comments on Draft Rules addressing slamming and cramming (Docket No. RMU-99-7) on behalf of the Iowa Office of Consumer Advocate, before the Iowa Utilities Board, October, 1999.

Alexander, Barbara, "Door to Door Sales of Competitive Energy Services," LEAP Letter, January-February, 2000 [Wm. A. Spratley & Associates, Columbus, OH]

Direct Testimony on behalf of the Maine Office of Public Advocate, Central Maine Power Company Alternative Regulation Plan [Docket 99-666] on service quality issues, before the Maine PUC, May, 2000.

Direct Testimony on behalf of AARP, Universal Service Programs and Funding of low-income programs for electric and natural gas service, before the New Jersey Board of Public Utilities, Docket No. EX000200091, July, 2000.

Comments (on behalf of NASUCA and AARP) on Uniform Business Practices Reports, May and September, 2000.

Direct Testimony on behalf of the Pennsylvania OCA, Verizon-Pennsylvania Structural Separation Plan on service quality, customer service and consumer protection issues [Docket No. M-00001353] before the Pennsylvania PUC, October, 2000.

Direct and Rebuttal Testimony on behalf of the Maine Office of Public Advocate, Verizon-Maine Alternative Form of Regulation on service quality issues [Docket No. 99-851] before the Maine PUC, January and February, 2001.

Direct and Rebuttal Testimony on behalf of the Citizens Utility Board, Nicor Gas Customer Select Pilot Program, on consumer protection and regulation of competitive natural gas suppliers [Docket Nos. 00-0620 and 00-0621] before the Illinois Commerce Commission, December, 2000 and February, 2001.

Direct and Surrebuttal Testimony on behalf of the Pennsylvania Office of Consumer Advocate on consumer protection and service quality issues associated with the pending merger between GPU Energy and FirstEnergy, before the Pennsylvania PUC, Docket Nos. A-110300F0095 and A-110400F.0040 (February and March, 2001)

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- National Low Income Energy Consortium (NLIEC) Conference
- NARUC
- NASUCA
- State Legislatures: New Jersey, Texas, Kentucky, and Maine
- Commissions: Pennsylvania, Georgia, Kentucky, Illinois, New Jersey
- DOE-NARUC National Electricity Forum
- AIC Conference on Reliability of Electric Service
- Institute of Public Utilities, MSU (Camp NARUC)
- Training Programs for international regulators (India and Brazil) on behalf of Regulatory Assistance Project
- Georgia Natural Gas Deregulation Task Force [December 2001]