

Exhibit No. _____
Issue: *Spire OFO and Curtailment Notices, System Integrity, Spire Operations During Cold Weather Event, Other Issues*
Witness: *Raymond L. Gifford*
Type of Exhibit: *Direct*
Sponsoring Party: *Constellation NewEnergy-Gas Division, LLC*
Case No: *File No. GC-2021-0315*
Date: *Dec. 20, 2021*

Raymond L. Gifford
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PROFESSIONAL EXPERIENCE

- Managing Partner, Wilkinson Barker Knauer LLP** *Denver-Colorado* 2010-present
Managing partner in firm's Denver office, leading practice focusing on communications, electricity, gas and transportation regulation and administrative litigation. Member of firm management committee.
- Partner, Kamlet Reichert LLP** *Denver, Colorado* 2006-2010
Chairman and founder of the Communications, Internet and Utility practice group. Member of the firm's management committee.
- President, The Progress & Freedom Foundation** *Washington, DC; Denver, CO* 2003-2006
President of a think tank focusing on regulatory, antitrust and intellectual property issues of the digital age. Specific focus on communications, Internet, energy and intellectual property law.
- Chairman, Colorado Public Utilities Commission** *Denver, Colorado* 1999-2003
Chief utility regulator for the State of Colorado. Chairman of three-person commission that regulates telecommunications, electric, gas, water and transportation companies in Colorado. Preside over quasi-judicial hearings, rulemaking and implementation of 1996 federal Telecommunications Act.
- First Assistant Attorney General** *Denver, Colorado* 1997-1999
Manage regulatory law attorneys in Colorado Attorney General's Office. Regulatory and litigation work involved administrative hearings, district court litigation, and appeals in state and federal courts.
- Private Law Practice** *Denver, Colorado* 1993-1996
Practiced commercial litigation with Kirkland & Ellis and Baker & Hostetler.
- Law Clerk to the Honorable Richard P. Matsch**, U.S. District Court, D. Colo. 1992-1993

EDUCATION

- Juris Doctor**, University of Chicago *Chicago, Illinois* 1992
President, The Federalist Society; Chairman, The Edmund Burke Society
Young Americans for Freedom Scholarship
- B.A.**, St. John's College *Annapolis, Maryland* 1989
Great Books (Philosophy, Mathematics)
Dow Jones Scholarship

PROFESSIONAL ACTIVITIES

- Chairman of the Advisory Committee and Executive Fellow**, *Jun 2009-present*
Silicon Flatirons Center for Law and Entrepreneurship
- Adjunct Professor**, University of Colorado Law School *2000-present*
Seminars on "Law and Economics of the Information Age" and
"Law and Economics of Utility Regulation"
- Co-Director, Institute for Regulatory Law and Economics** *2003-present*
Co-direct and teach bi-annual seminar on law and economics of network industries.

The American Law Institute , Elected Member	<i>Apr 2003-present</i>
Technology Policy Institute , Board Member	<i>Sep 2007-present</i>
National Association of Regulatory Utility Commissioners Telecommunications Committee	<i>1999-2003</i>
Qwest Regional Oversight Committee	<i>1999-2003</i>
Western Conference of Public Service Commissioners Telecommunication Committee Chair	<i>1999-2003</i> <i>2000-2003</i>
Federalist Society Telecommunications Practice Group Chairman	<i>2004-2011</i>

SELECT PUBLICATIONS

Gifford, Raymond “The Law of Holes and Electricity Market Reform” WBK White Paper (October 2021)

Gifford, Raymond and Larson, Matthew “A brighter day for distribution co-ops? FERC's Tri-State proceeding and reformation of the G&T model” UtilityDive (July 27, 2021)

Gifford, Raymond, Miller, Michael, Clark, Tony, and Larson, Matthew “At the Precipice: The Perils of Utility Restructuring” WBK White Paper (March 16, 2021)

Gifford, Raymond, “How the Texas Power Catastrophe Could Have Been Avoided” RealClearPolicy.com (March 5, 2021)

Gifford, Raymond; Clark, Tony; Larson, Matthew, “It’s time for emergent markets to take center stage in non-RTO regions of the country” (Utility Dive — July 27, 2020)

Gifford, Raymond; Clark, Tony, “One of These Things Is Not Like the Other” (Inside Sources.com — June 23, 2020)

Gifford, Raymond; Larson, Matthew; Clark, Tony “COVID-19 and Critical Infrastructure Part II: Regulatory Stability for the Future” (WBK White Paper — June 2020)

Gifford, Raymond and Matthew Larson “Got to have a code: Co-ops, The Wire’s Omar Little, and the struggle to exit G&T providers” (UtilityDive — May 22, 2020)

Clark, Tony; Gifford, Raymond; Larson, Matthew; Miller, Michael; Nelson, Michael “COVID-19 and Critical Infrastructure: An Agenda for Decisive State Regulatory Action” (WBK White Paper — April 2020)

Gifford, Raymond and Larson, Matthew “Mandatory Capacity Markets and the Need for Reform” (WBK White Paper — March 2020)

Gifford, Raymond and Larson, Matthew “FERC gets around: PJM super MOPR — an around-market solution for the around-market solutions” (UtilityDive — January 21, 2020)

Gifford, Raymond “Railroad Regulation and Communications Law Reform” (2019).

Gifford, Raymond and Larson, Matthew “For RTOs and ISOs: Don’t Call It a Market” (UtilityDive — November 12, 2018)

Gifford, Raymond and Larson, Matthew “Why Federal Regulators Shouldn’t Save the Mystic Power Plant” (The Boston Globe — June 28, 2018)

Gifford, Raymond and Larson, Matthew “ ‘Around Market,’ ‘In Market,’ and FERC at a Crossroads WBK White Paper (May 2018)

Gifford, Raymond and Larson, Matthew “Of Monopolies and Monopolies: Cost of Service ‘Markets’ Abound UtilityDive (March 28, 2018)

Gifford, Raymond “Good Riddance to Net Neutrality” The Denver Post (December 22, 2018)

Gifford, Raymond and Larson, Matthew “The DOE NOPR: Ain’t a Damn Thing Changed” UtilityDive (December 7, 2017)

Gifford, Raymond and Larson, Matthew “The DOE NOPR: An Inevitable Next Step in Power ‘Market’ Regulation” *UtilityDive* (October 6, 2017)

Gifford, Raymond and Larson, Matthew “Courts back state ‘around market’ actions; other states likely to take action” *IHSEnergy Daily* (August 23, 2017)

Gifford, Raymond “DOE Study Offers No Panaceas to Struggling Nuclear and Coal Plants” *UtilityDive* (September 11, 2017)

Gifford, Raymond, Larson, Matthew, Lunt, Robin and Power Research Group, “The Breakdown of the Merchant Generation Business Model” (WBK White Paper June 2017)

Gifford, Raymond and Larson, Matthew “Litigation is the solution to state ‘around market’ power subsidies” *UtilityDive* (May 15, 2017)

Gifford, Raymond and Larson, Matthew “Subsidies are Subsidies, Whether ‘In’ or ‘Around Market’” *UtilityDive* (April 28, 2017)

Gifford, Raymond and Larson, Matthew, “State Actions in Organized [Electric] Markets: Continued Use of ‘Around Market’ Solutions to ‘Fix’ Markets and the Natural Gas Conundrum” (WBK White Paper February 2017)

Gifford, Raymond and Larson, Matthew, “State Actions in Organized [Electric] Markets: States Strive to ‘Fix’ Markets and Retain Base Load Generation” (WBK White Paper September 2016)

Gifford, Raymond “How to keep the lights on in organized markets” *UtilityDive* (July 13, 2016)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew “The Clean Power Plan: Carbon Trading, State Legislation and the Political Economy Issue” (WBK White Paper August 2015)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew “The New EPA Building Block 3 and the Final Rule” (WBK White Paper August 2015)

Gifford, Raymond “Will EPA Make State Utility Regulation Irrelevant?” *Energy Daily* April 13, 2015.

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew “EPA’s CO₂ Rules and the Common Elements Approach” (WBK White Paper April 2015).

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "State Implementation of CO₂ Rules v.2.0" (WBK White Paper November 2014)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "EPA's CO₂ Rules and the Cooperative and Municipal Question" (WBK White Paper October 2014)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "EPA's CO₂ Rules and the State Institutional Problem" (WBK White Paper September 2014)

Gifford, Raymond, Sopkin, Gregory and Larson, Matthew "EPA's CO₂ Rule and 18 States' Resolutions and Legislation" (WBK White Paper August 2014)

Gifford, Raymond "The Continuing Case for Serious Communications Reform," George Mason University Mercatus Center Working Paper Series (Nov. 2011)

Gifford, Raymond and Gunning, Eric "The Promise and Peril of Smart Grid," *Engage* (Federalist Society Spring 2010)

Gifford, Raymond "Municipal Broadband: The Results so Far," *Engage* (Federalist Society Summer 2009)

Gifford, Raymond and Walker, Mark "Glenwood Springs Residents Should Say No to Municipal Broadband", Convergence Law Institute (April 2009), and companion editorial column in *Glenwood Springs Post Independent*, April 2009.

Gifford, Raymond "Morgan Stanley v. Public Utility District: The Supreme Court Takes Up Regulatory Takings" podcast for Federalist Society Administrative Law practice group available at http://www.fed-soc.org/publications/pubID.665/pub_detail.asp

Gifford, Raymond and Adam Peters "Sports versus Cable: Tiers of a Fan" *Engage* (Federalist Society Fall 2007)

Gifford, Raymond "Schumpeter and Electric Markets" podcast delivered at Edison Electric Institute Wall Street Dialogue (2007)

Gifford, Raymond and Adam Peters "Power Gridlock" *Rocky Mountain News* December 30, 2006 op-ed.

Gifford, Raymond, Thomas Lenard. "The FCC Asks the Right Questions on USF: Reverse Auctions a Promising Way to Distribute Funds." Progress on Point 2.20. The Progress & Freedom Foundation, August 2006.

"Legislature in the Dark about Electricity," *The Baltimore Sun*, July 7, 2006

Gifford, Raymond. "The Internet Left Gets a Case of the Vapors." Progress Snapshot 2.15 The Progress & Freedom Foundation, June 2006.

Gifford, Raymond L. "Reconsidering Our Communications Laws: Ensuring Competition and Innovation." Testimony before the U.S. Senate Committee on the Judiciary, June 16, 2006.

Dixon, Kyle, Raymond L. Gifford, Thomas M. Lenard, Randolph J. May, Adam D. Thierer. "A Skeptic's Primer on Net Neutrality." Progress on Point 13.14. The Progress & Freedom Foundation, June 2006.

Gifford L. Raymond. "Let the FTC Do It! Maybe It Already Can." Progress Snapshot 2.12. The Progress & Freedom Foundation, April 2006.

May, Randolph, James Speta, Kyle Dixon, James Gattuso, Raymond Gifford, Howard Shelanski, Douglas Sicker and Dennis Weisman. The Digital Age Communications Act's Regulatory Framework and Network Neutrality: A Statement of the DACA Regulatory Framework Working Group. The Progress & Freedom Foundation, March 20, 2006.

Thierer, Adam and Raymond Gifford. "False 'Choices'." Progress Snapshot 2.1. The Progress & Freedom Foundation, January 2006.

Gifford, Raymond. "Intellectual Property and Innovation in the Digital World." Remarks at Digital Europe 2006. January 17, 2006.

Gifford, Raymond L. "Franchising Détente: Is it Possible?" Progress Snapshot 1.25. The Progress & Freedom Foundation, December 2005.

Gifford, Raymond, Adam Peters, Michael Riordan, Robert C. Atkinson, Robert D. Atkinson, Robert Crandall, Jerry Ellig, Dale Hatfield, Philip Weiser, Simon Wilkie. *DACA Communications Act: Proposal of the Universal Service Group - Release 2.0*. The Progress & Freedom Foundation, 2005.

Gifford, Raymond L. "Start Again: Communications Reform Has Inauspicious Start in House." Progress Snapshot 1.11. The Progress & Freedom Foundation, September 2005.

Arrison, Sonia, Robert C. Atkinson, Kyle D. Dixon, Raymond L. Gifford, Kent Lassman, Douglas C. Sicker, Adam D. Thierer, Steven Titch, and Philip J. Weiser. *A Digital Age Communications Act - Preliminary Report from the Working Group on Federal-State Framework, Release 1.0*. The Progress & Freedom Foundation, July 2005.

"The Place for Property and Commons." Progress on Point 12.17. The Progress & Freedom Foundation, September 2005.

Digital Age Communications Act - Proposal of the Regulatory Framework Working Group, Release 1.0. The Progress & Freedom Foundation, June 2005. (with Kyle Dixon, James L. Gattuso, Randolph J. May, Howard A. Shelanski, Douglas C. Sicker, James B. Speta, and Dennis Weisman).

"Progress, Freedom and Regulatory Transcendence: Video Service Debate Illustrates Importance of Core Regulatory Principles." Progress on Point 12.7. The Progress & Freedom Foundation, May 2005 (with Kyle Dixon).

"Platform Envy: Don't Unbundle the iPod" Testimony before the U.S. House Judiciary Committee, Subcommittee on Courts, the Internet & Intellectual Property, April 6, 2005

"Standards in the Digital Age." Progress on Point 12.2. The Progress & Freedom Foundation, March 2005.

Testimony before the Illinois Senate Committee on Environment and Energy on communications law reform, March 15, 2005.

"Reforming Universal Service for the Digital Age" in *A Digital Age Communications Act: Essays*

on the Need for Communications Policy Reform, The Progress and Freedom Foundation, February 2005.

"A Model State Act for Communications." Progress on Point 11.21. The Progress & Freedom Foundation, December 2004 (with Adam Peters).

"Universal Service: Is It Still Relevant?" Progress on Point 11.18. The Progress & Freedom Foundation, October 2004.

"State Barriers to VoIP Deployment." Progress on Point 11.17. The Progress & Freedom Foundation, October 2004 (with Kent Lassman).

"Regulation, Competition, and Universal Service in the IP Era." Heartland IT Update, September 24, 2004.

"Just right rates." *The San Jose Mercury News*, September 22, 2004.

"The Fallacy of Predation in Wireline Communication." Progress on Point 11.13. The Progress & Freedom Foundation, August 2004. (with Adam Peters).

Gifford, Raymond L. "Telecommunications Policy: A Look Ahead." Testimony before the U.S. Senate Committee on Commerce, Science, and Transportation, April 28, 2004.

EXPERT WITNESS TESTIMONY

Grid Reliability and Resilience Pricing, Docket No. RM18-1-000 (affidavit on behalf of First Energy, Inc.)(October 2017).

In re P.J.M. Interconnection, Docket No. EL05-121-009 (Federal Energy Regulatory Commission July 2016) (Expert for settling parties in transmission cost allocation case before FERC involving multiple parties across the Pennsylvania, New Jersey and Maryland (PJM) regional transmission organization against transmission and generation interests in the New York Independent System Operator).

City of Thornton v. Verizon Wireless, Case No. 2014CV34249 (Denver County District Court)

Comcast of Colorado IX LLC v. City of Golden, Colorado, Case No. 13CV31253 (Jefferson County District Court) (Testified at bench trial; client prevailed at trial).

SG v. Gunnison Energy Corp, Arbitration (2013) (Expert for Gunnison Energy over regulability of gas pipeline under PHMSA) (summary judgment granted to client on PHMSA issue).

Qwest Corporation v. Sky-Wi, Inc., Cv. 08-1122 (D.NM 2009) (client prevailed when preliminary injunction motion withdrawn).

In the Matter of the Application of Public Service Company of New Mexico for Revision of its Retail Electric Rates Pursuant to Advice Notice No. 334, Case No. 07-00077-UT (New Mexico PRC, 2008) (expert testimony filed on behalf of Public Service Company of New Mexico).

Billiard v. Public Service Co. of Colorado, Case No. 2006 CV 1477 (El Paso Co. District Court 2007) (Expert report and disclosure submitted; case settled before trial).

Van Wyck v. Public Service Co, of Colorado, Case No. 97 CV 39 (Douglas Co. District Court) (Expert report tendered 10/2004; summary judgment granted for client).

Doe v. Qwest Corporation, Case No. 03CV 2198 (Boulder County District Court 2005) (Expert for Qwest Corporation on filed-rate doctrine; summary judgment granted for client).