

Appendix A

**Qualifications**

***Present Occupation***

**Q. What is your present occupation?**

A. I am a consulting economist and President of Ben Johnson Associates, Inc.®, a firm of economic and analytic consultants specializing in the area of public utility regulation.

***Educational Background***

**Q. What is your educational background?**

A. I graduated with honors from the University of South Florida with a Bachelor of Arts degree in Economics in March 1974. I earned a Master of Science degree in Economics at Florida State University in September 1977. The title of my Master's Thesis is a "A Critique of Economic Theory as Applied to the Regulated Firm." Finally, I graduated from Florida State University in April 1982 with the Ph.D. degree in Economics. The title of my doctoral dissertation is "Executive Compensation, Size, Profit, and Cost in the Electric Utility Industry."

***Clients***

**Q. What types of clients employ your firm?**

A. Much of our work is performed on behalf of public agencies at every level of government involved in utility regulation. These agencies include state regulatory

1 commissions, public counsels, attorneys general, and local governments, among others.

2 We are also employed by various private organizations and firms, both regulated and  
3 unregulated. The diversity of our clientele is illustrated below.

4  
5 Regulatory Commissions

6  
7 Alabama Public Service Commission—Public Staff for Utility Consumer Protection

8 Alaska Public Utilities Commission

9 Arizona Corporation Commission

10 Arkansas Public Service Commission

11 Connecticut Department of Public Utility Control

12 District of Columbia Public Service Commission

13 Idaho Public Utilities Commission

14 Idaho State Tax Commission

15 Iowa Department of Revenue and Finance

16 Kansas State Corporation Commission

17 Maine Public Utilities Commission

18 Minnesota Department of Public Service

19 Missouri Public Service Commission

20 National Association of State Utility Consumer Advocates

21 Nevada Public Service Commission

22 New Hampshire Public Utilities Commission

23 North Carolina Utilities Commission—Public Staff

24 Oklahoma Corporation Commission

25 Ontario Ministry of Culture and Communications

26 Staff of the Delaware Public Service Commission

27 Staff of the Georgia Public Service Commission

28 Texas Public Utilities Commission

29 Virginia State Corporation Commission

30 Washington Utilities and Transportation Commission

1 West Virginia Public Service Commission—Division of Consumer Advocate  
2 Wisconsin Public Service Commission  
3 Wyoming Public Service Commission  
4

5 Public Counsels

6  
7 Arizona Residential Utility Consumers Office  
8 Colorado Office of Consumer Counsel  
9 Colorado Office of Consumer Services  
10 Connecticut Consumer Counsel  
11 District of Columbia Office of People's Counsel  
12 Florida Public Counsel  
13 Georgia Consumers' Utility Counsel  
14 Hawaii Division of Consumer Advocacy  
15 Illinois Small Business Utility Advocate Office  
16 Indiana Office of the Utility Consumer Counselor  
17 Iowa Consumer Advocate  
18 Maryland Office of People's Counsel  
19 Minnesota Office of Consumer Services  
20 Missouri Public Counsel  
21 New Hampshire Consumer Counsel  
22 Ohio Consumer Counsel  
23 Pennsylvania Office of Consumer Advocate  
24 Utah Department of Business Regulation—Committee of Consumer Services  
25

26 Attorneys General

27  
28 Arkansas Attorney General  
29 Florida Attorney General—Antitrust Division  
30 Idaho Attorney General  
31 Kentucky Attorney General

1 Michigan Attorney General  
2 Minnesota Attorney General  
3 Nevada Attorney General's Office of Advocate for Customers of Public Utilities  
4 South Carolina Attorney General  
5 Utah Attorney General  
6 Virginia Attorney General  
7 Washington Attorney General  
8

9 Local Governments

10  
11 City of Austin, TX  
12 City of Corpus Christi, TX  
13 City of Dallas, TX  
14 City of El Paso, TX  
15 City of Galveston, TX  
16 City of Norfolk, VA  
17 City of Phoenix, AZ  
18 City of Richmond, VA  
19 City of San Antonio, TX  
20 City of Tucson, AZ  
21 County of Augusta, VA  
22 County of Henrico, VA  
23 County of York, VA  
24 Town of Ashland, VA  
25 Town of Blacksburg, VA  
26 Town of Pecos City, TX  
27

28 Other Government Agencies

29  
30 Canada—Department of Communications

1 Hillsborough County Property Appraiser  
2 Provincial Governments of Canada  
3 Sarasota County Property Appraiser  
4 State of Florida—Department of General Services  
5 United States Department of Justice—Antitrust Division  
6 Utah State Tax Commission  
7

8 Regulated Firms  
9

10 Alabama Power Company  
11 Americall LDC, Inc.  
12 BC Rail  
13 CommuniGroup  
14 Florida Association of Concerned Telephone Companies, Inc.  
15 LDDS Communications, Inc.  
16 Louisiana/Mississippi Resellers Association  
17 Madison County Telephone Company  
18 Montana Power Company  
19 Mountain View Telephone Company  
20 Nevada Power Company  
21 Network I, Inc.  
22 North Carolina Long Distance Association  
23 Northern Lights Public Utility  
24 Otter Tail Power Company  
25 Pan-Alberta Gas, Ltd.  
26 Resort Village Utility, Inc.  
27 South Carolina Long Distance Association  
28 Stanton Telephone  
29 Teleconnect Company  
30 Tennessee Resellers' Association  
31 Westel Telecommunications

1                   Yelcot Telephone Company, Inc.

2

3           Other Private Organizations

4

5                   Arizona Center for Law in the Public Interest

6                   Black United Fund of New Jersey

7                   Casco Bank and Trust

8                   Coalition of Boise Water Customers

9                   Colorado Energy Advocacy Office

10                  East Maine Medical Center

11                  Georgia Legal Services Program

12                  Harris Corporation

13                  Helca Mining Company

14                  Idaho Small Timber Companies

15                  Independent Energy Producers of Idaho

16                  Interstate Securities Corporation

17                  J.R. Simplot Company

18                  Merrill Trust Company

19                  MICRON Semiconductor, Inc.

20                  Native American Rights Fund

21                  PenBay Memorial Hospital

22                  Rosebud Enterprises, Inc.

23                  Skokomish Indian Tribe

24                  State Farm Insurance Company

25                  Twin Falls Canal Company

26                  World Center for Birds of Prey

27

1     ***Prior Experience***

2

3     **Q.     Before becoming a consultant, what was your employment experience?**

4     A.     From August 1975 to September 1977, I held the position of Senior Utility Analyst  
5             with Office of Public Counsel in Florida. From September 1974 until August 1975, I  
6             held the position of Economic Analyst with the same office. Prior to that time, I was  
7             employed by the law firm of Holland and Knight as a corporate legal assistant.

8

9     **Q.     In how many formal utility regulatory proceedings have you been involved?**

10    A.     As a result of my experience with the Florida Public Counsel and my work as a  
11             consulting economist, I have been actively involved in approximately 400 different  
12             formal regulatory proceedings concerning electric, telephone, natural gas, railroad, and  
13             water and sewer utilities.

14

15    **Q.     Have you done any independent research and analysis in the field of regulatory**  
16             **economics?**

17    A.     Yes, I have undertaken extensive research and analysis of various aspects of utility  
18             regulation. Many of the resulting reports were prepared for the internal use of the  
19             Florida Public Counsel. Others were prepared for use by the staff of the Florida  
20             Legislature and for submission to the Arizona Corporation Commission, the Florida  
21             Public Service Commission, the Canadian Department of Communications, and the  
22             Provincial Governments of Canada, among others. In addition, as I already mentioned,  
23             my Master's thesis concerned the theory of the regulated firm.

24

1     **Q.     Have you testified previously as an expert witness in the area of public utility**  
2           **regulation?**

3     A.     Yes. I have provided expert testimony on more than 250 occasions in proceedings  
4           before state courts, federal courts, and regulatory commissions throughout the United  
5           States and in Canada. I have presented or have pending expert testimony before 35  
6           state commissions, the Interstate Commerce Commission, the Federal Communications  
7           Commission, the District of Columbia Public Service Commission, the Alberta, Canada  
8           Public Utilities Board, and the Ontario Ministry of Culture and Communication.

9

10    **Q.     What types of companies have you analyzed?**

11    A.     My work has involved more than 425 different telephone companies, covering the  
12           entire spectrum from AT&T Communications to Stanton Telephone, and more than 55  
13           different electric utilities ranging in size from Texas Utilities Company to Savannah  
14           Electric and Power Company. I have also analyzed more than 30 other regulated firms,  
15           including water, sewer, natural gas, and railroad companies.

16

17    *Teaching and Publications*

18

19    **Q.     Have you ever lectured on the subject of regulatory economics?**

20    A.     Yes, I have lectured to undergraduate classes in economics at Florida State University  
21           on various subjects related to public utility regulation and economic theory. I have also  
22           addressed conferences and seminars sponsored by such institutions as the National  
23           Association of Regulatory Utility Commissioners (NARUC), the Marquette University  
24           College of Business Administration, the Utah Division of Public Utilities and the  
25           University of Utah, the Competitive Telecommunications Association (COMPTEL), the



1 International Association of Assessing Officers (IAAO), the Michigan State University  
2 Institute of Public Utilities, the National Association of State Utility Consumer  
3 Advocates (NASUCA), the Rural Electrification Administration (REA), North Carolina  
4 State University, and the National Society of Rate of Return Analysts.  
5

6 **Q. Have you published any articles concerning public utility regulation?**

7 A. Yes, I have authored or co-authored the following articles and comments:  
8

9 “Attrition: A Problem for Public Utilities—Comment.” *Public Utilities Fortnightly*,  
10 March 2, 1978, pp. 32-33.  
11

12 “The Attrition Problem: Underlying Causes and Regulatory Solutions.” *Public Utilities*  
13 *Fortnightly*, March 2, 1978, pp. 17-20.  
14

15 “The Dilemma in Mixing Competition with Regulation.” *Public Utilities Fortnightly*,  
16 February 15, 1979, pp. 15-19.  
17

18 “Cost Allocations: Limits, Problems, and Alternatives.” *Public Utilities Fortnightly*,  
19 December 4, 1980, pp. 33-36.  
20

21 “AT&T is Wrong.” *The New York Times*, February 13, 1982, p. 19.  
22

23 “Deregulation and Divestiture in a Changing Telecommunications Industry,” with  
24 Sharon D. Thomas. *Public Utilities Fortnightly*, October 14, 1982, pp. 17-22.  
25

1           “Is the Debt-Equity Spread Always Positive?” *Public Utilities Fortnightly*,  
2           November 25, 1982, pp. 7-8.

3  
4           “Working Capital: An Evaluation of Alternative Approaches.” *Electric Rate-Making*,  
5           December 1982/January 1983, pp. 36-39.

6  
7           “The Staggers Rail Act of 1980: Deregulation Gone Awry,” with Sharon D. Thomas.  
8           *West Virginia Law Review*, Coal Issue 1983, pp. 725-738.

9  
10          “Bypassing the FCC: An Alternative Approach to Access Charges.” *Public Utilities*  
11          *Fortnightly*, March 7, 1985, pp. 18-23.

12  
13          “On the Results of the Telephone Network's Demise—Comment,” with Sharon D.  
14          Thomas. *Public Utilities Fortnightly*, May 1, 1986, pp. 6-7.

15  
16          “Universal Local Access Service Tariffs: An Alternative Approach to Access  
17          Charges.” In *Public Utility Regulation in an Environment of Change*, edited by  
18          Patrick C. Mann and Harry M. Trebing, pp. 63-75. Proceedings of the Institute of  
19          Public Utilities Seventeenth Annual Conference. East Lansing, Michigan: Michigan  
20          State University Public Utilities Institute, 1987.

21  
22          With E. Ray Canterbery. Review of *The Economics of Telecommunications: Theory*  
23          *and Policy* by John T. Wenders. *Southern Economic Journal* 54.2 (October 1987).

