



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER
PSC12529

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
FRANK WHITTAKER
304-558-2316

VENDOR

*918155804 304-562-3507
BILLY JACK GREGG ATTY AT LAW
PO BOX 107

HURRICANE WV 25526

SHIP TO

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
201 BROOKS STREET

CHARLESTON, WV
25301 340-0323

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
01/25/2012				

BID OPENING DATE: **02/15/2012** BID OPENING TIME **01:30PM**

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1	LS		961-20	\$165.00/HR	\$53,625.00
<p>CONSULTING (NOT OTHERWISE CLASSIFIED)</p> <p>THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA PUBLIC SERVICE COMMISSION CONSUMER ADVOCATE DIVISION, IS SOLICITING BIDS FROM RESPONSIBLE VENDORS TO PROVIDE THE AGENCY WITH CONSULTING SERVICES IN CONNECTION WITH THE UPCOMING ANNUAL RATE FILING OF UTILITY SUBSIDIARIES OF AMERICAN ELECTRIC POWER AND FIRST ENERGY IN 2012 & 2013 PER THE ATTACHED SPECIFICATIONS.</p> <p>ALL TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING T FRANK WHITTAKER IN THE WV PURCHASING DIVISION VIA EMAIL AT FRANK.M.WHITTAKER@WV.GOV OR VIA FAX AT 304-558-4115. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 02/06/2012 AT 4:00 PM. ALL TECHNICAL QUESTIONS WILL BE ADDRESSED ADDENDUM AFTER THE DEADLINE.</p> <p>EXHIBIT 1</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p>						



SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>B. Jack Gregg</i>	TELEPHONE 304-562-3507	DATE 2/9/2012
TITLE <i>Principal</i>	FEIN 467-76-4468	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'



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<p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT BY THE STATE OF WEST VIRGINIA, ITS AGENCIES, OR POLITICAL SUBDIVISIONS, THE TERMS, CONDITIONS AND PRICING SET FORTH HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) SUCCESSIVE ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM WITH THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK).</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>REV. 9/98</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Billy Jack Gregg</i>	TELEPHONE 304-562-3507	DATE 2/9/2012
TITLE <i>Principal</i>	FEIN 467-76-4468	ADDRESS CHANGES TO BE NOTED ABOVE

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BID OPENING DATE: **02/15/2012** BID OPENING TIME **01:30PM**

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NOTICE						
<p>A SIGNED BID MUST BE SUBMITTED TO:</p> <p>DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130</p> <p>THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:</p> <p>SEALED BID</p> <p>BUYER: 44</p> <p>RFQ. NO.: PSC12529</p> <p>BID OPENING DATE: 02/15/2012</p> <p>BID OPENING TIME: 1:30 PM</p> <p>PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:</p> <p style="text-align: center;">----- 304-562-4172 -----</p> <p>CONTACT PERSON (PLEASE PRINT CLEARLY): <i>Billy Jack Gregg</i></p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Billy Jack Gregg</i>	TELEPHONE 304-562-3507	DATE 2/9/2012
TITLE <i>Principal</i>	FEIN 467-76-4468	ADDRESS CHANGES TO BE NOTED ABOVE

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SHIP TO
PUBLIC SERVICE COMMISSION OF WEST VIRGINIA 201 BROOKS STREET CHARLESTON, WV 25301 340-0323

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LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
***** THIS IS THE END OF RFQ PSC12529 ***** TOTAL:						<u>\$53,625.⁰⁰</u>

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Billy Jack Gregg</i>	TELEPHONE 304-562-3507	DATE 2/9/2012
TITLE <i>Principal</i>	FEIN 467-76-4468	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

PSC12529

Consumer Advocate Division
Public Service Commission
2012 and 2013 ENEC Proceedings

The Consumer Advocate Division of the Public Service Commission (“CAD”) is soliciting proposals for the provision of consulting services in connection with the annual rate filings of utility subsidiaries of American Electric Power (AEP) and FirstEnergy in 2012 and 2013. The Consumer Advocate Division will intervene in both proceedings on behalf of residential customers of AEP and FirstEnergy.

The rate filings will concern changes to each utility’s “Expanded Net Energy Charge” or “ENEC” in West Virginia. Each case will involve a review of the actual ENEC costs for the historical review period. Each case will also include a consideration of projected ENEC costs for the year that the new ENEC rates are to be in effect. AEP will file its ENEC request on March 1 and FirstEnergy will file its request on September 1.

The successful contractor must be available to render services as soon as practicable, but no later than March 1, 2012. The minimum requirements, qualifications and expertise include:

1. Knowledge of Public Service Commission (PSC) statutes and rules pertaining to ratemaking for electric utilities.
2. Knowledge of the PSC prior rulings in ENEC proceedings over the last 10 years.
3. Knowledge of coal markets and coal transportation in Appalachia.
4. Knowledge of each utility’s coal procurement practices over the last 10 years.
5. Knowledge of the impact of AEP’s Interconnection Agreement and its impact on the costs incurred by AEP’s West Virginia utilities.
6. Knowledge of wholesale electricity markets.
7. Knowledge of the impact of participation in PJM on the costs incurred by each utility.

8. Knowledge of utility purchase power contracts including but not limited to contracts with independent power producers.
9. Experience testifying before regulatory commission(s) on issues related to coal pricing, coal procurement practices, wholesale electricity markets and PJM costs.
10. At least 10 years experience reviewing utility coal purchase contracts.

Attached to this RFQ is a bid form to be used in submitting your quotations. Each bidder needs to submit a list of employees and/or job titles for persons working on this case, their estimated hours and their hourly rates. The hourly rates need to be all-inclusive (i.e. there will be no separate reimbursement for expenses or travel). The bid will be awarded based upon the estimated not to exceed total price. The consultant will only be reimbursed up to the total number of hours estimated for each employee and/or job title.

The contract with the consultant will allow the CAD to engage the consultant in 2012, and at the CAD's option, to engage the consultant at the same not to exceed total price in 2013.

PSC12529 - CONSULTING BID FORM

Employee/Title	Not to Exceed- Number of Hours*	Hourly Rate	Extended Price
Billy Jack Gregg, Principal	325	\$ 165 ⁰⁰	\$ 53,625. ⁰⁰
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		Total	\$ 53,625. ⁰⁰

Bidder / Vendor Information:

Name: Billy Jack Gregg, Universal Consulting

Address: P.O. Box 107
Hurricane, WV 25526

Phone #: 304 / 562-3507

Email Address: bjgregg@frontier.com

Contact Coordinator Information:

Name: Same as above

Address: _____

Phone #: _____

Email Address: _____

The Consultant will not be reimbursed for hours that exceed the total hours for each Employee/Title

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

West Virginia Code §5A-3-10a states: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

DEFINITIONS:

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions. "Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities. "Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceed five percent of the total contract amount.

EXCEPTION: The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

Under penalty of law for false swearing (*West Virginia Code §61-5-3*), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

WITNESS THE FOLLOWING SIGNATURE

Vendor's Name: Billy Jack Gregg, Universal Consulting

Authorized Signature: *Billy Jack Gregg* Date: 2/9/2012

State of West Virginia

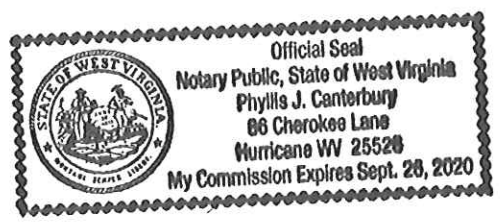
County of Putnam, to-wit:

Taken, subscribed, and sworn to before me this 9th day of February, 2012.

My Commission expires 9-26-2020, 20 .

AFFIX SEAL HERE

NOTARY PUBLIC *Phyllis J. Canterbury*



BILLY JACK GREGG

Universal Consulting

P.O. Box 107

Hurricane, West Virginia 25526

Telephone: 304-562-3507

bjgregg@frontier.com

Fax: 304-562-4172

February 9, 2012

Department of Administration
Purchasing Division
Attention: Frank Whittaker
Building 15
2019 Washington Street, East
Charleston, West Virginia 25305-0130

RE: **RFQ. No. PSC12529**
Proposal to Provide Consulting Services
To the Consumer Advocate Division of the
Public Service Commission of West Virginia
In Connection with Annual ENEC Rate Filings of
West Virginia Subsidiaries of American Electric Power
And First Energy in 2012 & 2013

Dear Mr. Whittaker:

I am pleased to submit this response to your Request for Quotation PSC12529, dated January 25, 2012. All of the work outlined in the attached proposal will be performed by me in conjunction with and under the direction of personnel of the Consumer Advocate Division. I propose to perform the services related to the two annual ENEC cases for a **not-to-exceed price of \$53,625**, based on my **billing rate of \$165.00 per hour**. The attached proposal includes a listing of related cases in which I have participated and a response to the ten (10) areas of experience listed in the RFQ. I also understand that if I am the successful bidder, I will be the Consumer Advocate Division's consultant for both 2012 ENEC cases (AEP and First Energy), and that the Consumer Advocate Division will have the option to engage me at the same not-to-exceed price for the 2013 ENEC cases. I understand that the first case will commence on March 1, 2012. I will be available to render services immediately.

Please let me know if you need any additional information.

Sincerely,



Billy Jack Gregg

BILLY JACK GREGG

Universal Consulting

P.O. Box 107

Hurricane, West Virginia 25526

Telephone: 304-562-3507

bjgregg@frontier.com

Fax: 304-562-4172

PROPOSAL TO PROVIDE CONSULTING SERVICES TO THE CONSUMER ADVOCATE DIVISION OF THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

2012 EXPANDED NET ENERGY CHARGE PROCEEDINGS FOR THE WEST VIRGINIA SUBSIDIARIES OF AMERICAN ELECTRIC POWER AND FIRST ENERGY

REQUEST FOR PROPOSAL: By letter dated January 25, 2012, the Purchasing Division of the West Virginia Department of Administration requested a quotation for the provision of consulting services to the Consumer Advocate Division of the Public Service Commission ("CAD" or "Consumer Advocate") in connection with the 2012 and 2013 Expanded Net Energy Charge ("ENEC") proceedings for the West Virginia subsidiaries of American Electric Power ("AEP") and Allegheny Power ("APS"). The CAD requested assistance in reviewing the ENEC filings of each company and in determining the appropriate amount of ENEC expenses to include in West Virginia retail rates, with particular attention to coal contract and wholesale electric market issues.

WEST VIRGINIA ENEC PROCEEDINGS: Under Public Service Commission ("PSC") procedures, each year AEP and APS file separate proceeding to review existing ENEC rates and establish new ENEC rates for each company. The AEP filing is made annually no later than March 1 and covers the ENEC rates of West Virginia subsidiaries Appalachian Power Company and Wheeling Power Company, which together serve approximately 500,000 retail customers in West Virginia. CAD testimony in the AEP proceeding is typically due in mid-May, with a hearing in late May or early June. A final order is typically entered by June 30, establishing new rates for the next twelve months. The APS filing is made no later than September 1 of each year and covers the ENEC rates of West Virginia subsidiaries Monongahela Power Company and The Potomac Edison Company, which together also serve approximately 500,000 retail customers in West Virginia. CAD testimony in the APS proceeding is typically due in mid-November with hearing scheduled for early December. A final order is typically entered by December 31, establishing new rates for the next twelve months.

DESCRIPTION OF THE PROJECT: Billy Jack Gregg Universal Consulting (“Consultant”) proposes to examine each of the component parts making up the overall ENEC filings of each company in order to determine whether the levels of requested expenses are reasonable. The object will be to keep any increases in ENEC rates to the lowest reasonable level.

PLAN OF WORK: Following the filing of each company’s ENEC request and testimony, Consultant will immediately prepare data requests and follow-up data requests as necessary. At least one on-site visit will be made to each company’s headquarters to review fuel information and other confidential materials. Consultant will prepare written testimony and exhibits, answer all data requests related to his testimony, and appear at hearing to undergo cross-examination related to his testimony. Consultant will assist CAD personnel in preparing for hearing and in preparing post-hearing briefs. Consultant will review the final order in the case and assist in any reconsideration and appeals.

PRICE OF PROJECT: Consultant proposes to perform the above activities for a **not-to-exceed price of \$53,625**, based on a billing rate of \$165 per hour. All billing is done on a quarter hour basis. The not-to-exceed price includes all expenses, including all required trips to Columbus, Ohio, and Greensburg, Pennsylvania, the headquarters of AEP and APS respectively, or other locations as necessary. The not-to-exceed price is based on the following breakdown of estimated hours for each case, derived from the Consultant’s work on ENEC proceedings during 2010 and 2011:

<u>Activity</u>	<u>Hours</u>
Review of direct and rebuttal testimony	8.0
Preparation and review of data requests	26.0
Visits to company headquarters for review of materials	24.0
Preparation of testimony	50.0
Preparation of cross	16.0
Attendance at hearings	18.5
Preparation of briefs	<u>20.0</u>
TOTAL	162.5

The estimated hours are the same for each case, resulting in total estimate of 325 billable hours per annum for both cases together. Because each proceeding is unique, the time expended on each case each year will vary from the estimates above. However, the total price for consulting services for both cases each year will never exceed \$53,625. All activities will be performed by Billy Jack Gregg, principal of Billy Jack Gregg Universal Consulting.

Attached are a resume of Billy Jack Gregg and a description of Billy Jack Gregg’s prior experience in ENEC-related cases.

BILLY JACK GREGG

Universal Consulting

P.O. Box 107

Hurricane, West Virginia 25526

Telephone: 304-562-3507

bjgregg@frontier.com

Fax: 304-562-4172

EXPERIENCE WITH WEST VIRGINIA ENEC CASES

Except for the cases listed below in which he appeared as a witness, Billy Jack Gregg served as the attorney in every fuel, net energy charge ("NEC") and ENEC case on behalf of the West Virginia Consumer Advocate Division from 1982 until ENEC cases were suspended in 2000. ENEC cases commenced again with Appalachian Power's 2006 rate case. Billy Jack Gregg also handled Appalachian Power's 2007 ENEC case for the West Virginia Consumer Advocate Division. This amounts to a total of 38 ENEC cases in which he served as attorney.

Appearance as Witness:

1. *Monongahela Power Company and The Potomac Edison Company*
West Virginia PSC Case Nos. 87-072-E-GI et al.
2. *Monongahela Power Company and The Potomac Edison Company*
West Virginia PSC Case Nos. 88-082-E-GI et al.
3. *Monongahela Power Company and The Potomac Edison Company*
West Virginia PSC Case Nos. 91-213-E-GI et al.
4. *Monongahela Power Company and The Potomac Edison Company*
West Virginia PSC Case Nos. 97-183-E-GI et al.
5. *Monongahela Power Company and The Potomac Edison Company*
West Virginia PSC Case Nos. 98-0101-E-GI et al.
6. *Monongahela Power Company and The Potomac Edison Company*
West Virginia PSC Case Nos. 99-072-E-GI et al.
7. *Appalachian Power Company and Wheeling Power Company*
West Virginia PSC Case No. 08-0278-E-GI.
8. *Monongahela Power Company and The Potomac Edison Company*
West Virginia PSC Case Nos. 08-1511-E-GI.
9. *Appalachian Power Company and Wheeling Power Company*
West Virginia PSC Case No. 09-0177-E-GI.
10. *Monongahela Power Company and The Potomac Edison Company*
West Virginia PSC Case Nos. 09-1485-E-GI.
11. *Appalachian Power Company and Wheeling Power Company*
West Virginia PSC Case No. 10-0261-E-P.
12. *Appalachian Power Company and Wheeling Power Company*
West Virginia PSC Case No. 11-0274-E-GI.
13. *Monongahela Power Company and The Potomac Edison Company*
West Virginia PSC Case Nos. 11-1274-E-GI.

Prior to working as Director of the Consumer Advocate Division, Billy Jack Gregg served as Senior Staff Attorney for the Office of Surface Mining in Charleston, West Virginia, enforcing federal surface mining regulations in the states of Virginia, West Virginia, Maryland and Pennsylvania. As a result of this past experience, Billy Jack Gregg is intimately familiar with coal and coal purchasing, as well as the procedures and issues involved in West Virginia ENEC cases.

RESPONSE TO MINIMUM REQUIREMENTS, QUALIFICATIONS AND EXPERTISE

At pages 5 and 6 of the RFQ there is a listing of ten minimum requirements, qualifications and expertise for responding to the RFQ. A response to each of the requirements is set forth below.

1. Knowledge of Public Service Commission (PSC) statutes and rules pertaining to ratemaking for electric utilities.

As shown on the attached resume, Consultant has testified in over 40 proceedings before the West Virginia Public Service Commission, including 13 previous ENEC proceedings.

2. Knowledge of the PSC prior rulings in ENEC proceedings over the last 10 years.

As described above, Consultant has participated in each of the ENEC proceedings before the PSC over the last 12 years and has reviewed each of the rulings of the PSC.

3. Knowledge of coal markets and coal transportation in Appalachia.

As described above, Consultant has testified in 13 previous ENEC proceedings involving coal markets and coal transportation in Appalachia.

4. Knowledge of each utility's coal procurement practices over the last 10 years.

As described above, Consultant has testified in 13 previous ENEC proceedings involving AEP and APS' coal procurement practices.

5. Knowledge of the impact of AEP's Interconnection Agreement and its impact on the costs incurred by AEP's West Virginia utilities.

As described above, Consultant has testified in AEP's previous ENEC proceedings concerning the impact of AEP's Interconnection Agreement and its impact on costs incurred by AEP's West Virginia utilities.

6. Knowledge of wholesale electricity markets.

As described above, Consultant has testified in AEP and APS' previous ENEC proceedings on issues related to wholesale electricity markets.

7. Knowledge of the impact of participation in PJM on the costs incurred by each electric utility.

As described above, Consultant has testified in AEP and APS' previous ENEC proceedings on the impact of participation in PJM on the costs incurred by electric utility members of PJM.

8. Knowledge of utility purchase power contracts including but not limited to contracts with independent power producers.

As described above, Consultant has testified in AEP and APS' previous ENEC proceedings on issues related to utility purchase power contracts including contracts with independent power producers.

9. Experience testifying before regulatory commission(s) on issues related to coal pricing, coal procurement practices, wholesale electricity markets and PJM costs.

As described above, Consultant has testified in AEP and APS' previous ENEC proceedings on issues related to coal pricing, coal procurement practices, wholesale electricity markets and PJM costs.

10. At least 10 years experience reviewing utility coal purchase contracts.

As described above, Consultant has over 25 years experience reviewing utility coal purchase contracts.

1 **BACKGROUND AND QUALIFICATIONS OF**

2 **BILLY JACK GREGG**

3

4 Q. WHAT IS YOUR EDUCATION BACKGROUND?

5 A. As an undergraduate I attended Austin College in Sherman, Texas, and the University of
6 Glasgow, Scotland. I received my B.A. degree in history and government from Austin
7 College in 1971. I attended the University of Texas School of Law in Austin, Texas and
8 received a J.D. degree from that institution in 1974. I was admitted to the West Virginia
9 Bar the same year.

10

11 Q. WHAT IS YOUR JOB EXPERIENCE?

12 A. From 1974 to 1977 I was employed as an assistant attorney general assigned to the West
13 Virginia Human Rights Commission. From 1977 to 1978 I was in private practice in
14 Hurricane, West Virginia. From 1978 to 1981 I was senior staff attorney for the U.S.
15 Department of Interior Field Solicitor's Office in Charleston, West Virginia, assigned the
16 primary duty of enforcing the Surface Mining Control and Reclamation Act of 1977. In
17 such capacity I became familiar with the coal mining practices and regulations in the
18 states of West Virginia, Virginia, Maryland and Pennsylvania, as well as acquiring
19 working knowledge of national and international coal markets. In 1981 I was appointed
20 first director of the Consumer Advocate Division, charged with the responsibility of
21 representing residential utility ratepayers in West Virginia. In this capacity I became
22 familiar with virtually every aspect of electric, gas, telephone and water service in the
23 State, as well as with Federal actions which affect State regulation of utility service. In
24 2007 I retired from the Consumer Advocate Division and became an independent
25 consultant and principal in the firm Billy Jack Gregg Universal Consulting. I offer

1 consulting services in the areas of energy and telecommunications, with emphasis in the
2 areas of universal service, intercarrier compensation and broadband.

3
4 Q. HAVE YOU HELD ANY POSITIONS IN NATIONAL ORGANIZATIONS?

5 A. Yes. I served as the Treasurer of the National Association of State Utility Consumer
6 Advocates from 1996 to 2000, and served on the Executive Committee of that
7 organization from 1992 to 2000. In 1998 I was appointed to the Rural Task Force of the
8 Federal-State Joint Board on Universal Service, and served on that body until its work
9 was completed in 2001. I served on the Board of Directors of the Universal Service
10 Administrative Company in 2001 and 2002. From March 2002 until my retirement in
11 2007 I served as a member of the Federal-State Joint Board on Universal Service. From
12 2000 to 2009 I served on the Board of Directors of the National Regulatory Research
13 Institute (NRRI), serving as Treasurer from 2006 until 2009.

14
15 Q. HAVE YOU EVER TESTIFIED BEFORE LEGISLATIVE BODIES?

16 A. Yes. I have testified numerous times over the years before the West Virginia Legislature,
17 and before committees of both houses of Congress. In addition, I have testified before
18 committees of the legislatures of Virginia, Pennsylvania and Tennessee.

19
20 Q. HAVE YOU EVER TESTIFIED BEFORE UTILITY REGULATORY AGENCIES?

21 A. Yes, I have testified in the following cases:

22 **Public Service Commission of West Virginia**

23 General Telephone of the Southeast, Case No. 81-612-T-42T; (Rate Case Settlement)

24 C&P Telephone Co. of W.Va., Case No. 83-383-T-42T; (Rate Case Settlement)

1 Wheeling Electric Company, Case No. 84-191-E-42T; (Rate Case Settlement)
2 C&P Telephone Company of W. Va., Case No. 84-755-T-T; (Party-line Elimination)
3 Monongahela Power Co., Case No. 87-072-E-GI et al. (ENEC);
4 Hope Gas, Inc., Case No. 87-434-G-30C (Purchased Gas Adjustment);
5 MCI Telecommunications Co., Case No. 83-259-T-SC *et al.* (Flexible Regulation Plan);
6 Monongahela Power Co., Case No. 88-082-E-GI, *et al.* (ENEC);
7 C&P Telephone Co. of W. Va., Case No. 88-589-T-A (Winfield Plan);
8 C&P Telephone Co. of W. Va., Case No. 89-041-T-PC (Exemption Petition);
9 U.S. Sprint Communications Company LP, Case No. 89-596-T-P *et al.*(Annual Reports);
10 In the Matter of Certification of Competitive Telecommunications Services,
11 Case No. 90-477-T-GI;
12 C&P Telephone Co. of W. Va., Case No. 90-424-T-PC; (Cost Allocation Manual)
13 C&P Telephone Co. of W. Va., Case No. 90-613-T-PC, (Incentive Regulation Plan);
14 West Virginia Cellular Telephone Co., Case No. 90-659-C-PC (Deregulation Petition);
15 Monongahela Power Co., Case No. 91-213-E-GI *et al.* (ENEC);
16 GTE South, Inc. and Contel of West Virginia, Case No. 93-0425-T-PC (Incentive Plan);
17 C&P Telephone Company of W. Va., Case No. 93-0957-T-GI (Seven Digit Dialing Plan);
18 Bell Atlantic-West Virginia, Inc., Case No. 94-0725-T-PC (Incentive Regulation Plan);
19 General Investigation into IntraLATA Competition in West Virginia,
20 Case No. 94-1103-T-GI;
21 West Virginia-American Water, Case No. 95-1202-W-CN (Plant Certificate
22 Application);
23 Monongahela Power Company, Case No. 97-0183-E-GI *et al.* (ENEC);
24 Bell Atlantic-West Virginia, Inc., Case No. 97-1461-T-PC (Incentive Regulation Plan);

1 Monongahela Power Company, Case No. 98-0101-E-GI *et al.* (ENEC);
2 West Virginia Power Gas Company, Case No. 98-0448-G-PC (Safety Related
3 Surcharge);
4 Bell Atlantic-West Virginia, Inc. Case No. 98-1091-T-T (National Directory Assistance);
5 General Investigation, Case No. 98-1531-T-GI (Cross-LATA Local Calling);
6 Monongahela Power Company, Case No. 99-0261-E-GI *et al.* (ENEC);
7 Citizens Telecommunications, Case No. 99-1530-T-PC, (Incentive Regulation Plan);
8 Bell Atlantic-West Virginia, Case No. 99-1620-T-GI, (Disposition of Additional
9 Universal Service Funds);
10 Bell Atlantic-West Virginia, Case No. 99-1633-T-PC, (Cross-LATA Local Calling);
11 Verizon-West Virginia, Inc., Case No. 00-0705-T-PC, (Incentive Regulation Plan);
12 Easterbrooke Cellular Corp., Case No. 03-0935-T-PC (Eligible telecommunications
13 Carrier);
14 Verizon-West Virginia, Inc., Case No. 04-0292-T-PC (Petition to Cease Regulation);
15 MCI Communications Services, Inc., Case No. 05-1233-T-GI (Line Items);
16 Verizon-West Virginia, Inc., Case No. 06-0481-T-PC (Petition to Cease Regulation);
17 General Investigation, Case No. 06-0708-E-GI (Electric net metering and interconnection
18 standards);
19 Appalachian Power Company and Wheeling Power Company, Case No. 08-0278-E-GI
20 (ENEC);
21 Monongahela Power Company and The Potomac Edison Company, 08-1511-E-GI
22 (ENEC);
23 Appalachian Power Company and Wheeling Power Company, 09-0177-E-GI
24 (ENEC); and

1 Frontier Communications Corp., Verizon West Virginia Inc., et al, 09-0871-T-PC
2 (Transfer of Assets).
3 Monongahela Power Company and The Potomac Edison Company, Case No. 09-1485-E-
4 GI (ENEC);
5 Appalachian Power Company and Wheeling Power Company, Case No. 10-0261-E-P
6 (ENEC);
7 Emergency Operations Center of Kanawha County v. YMAX Communications Corp. and
8 magicJack, LP, Case No. 10-0383-T-C (Complaint concerning failure to collect and remit
9 911 fees);
10 Appalachian Power Company and Wheeling Power Company, Case No. 11-0274-E-GI
11 (ENEC);
12 Cebridge Acquisition, LLC, dba Suddenlink Communications v. FiberNet LLC & Ntelos
13 Inc., Case No. 10-1886-T-C (Complaint concerning Early Termination Fees); and
14 Monongahela Power Company and The Potomac Edison Company, Case No. 11-1274-E-
15 GI (ENEC).

16
17 **Federal Communications Commission**

18 In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45,
19 (1998 *en banc* panel of the Federal-State Joint Board on Universal Service on the issues
20 of affordability and consumer issues),
21 In the Matter of Implementation of Section 224 of the Act, WC Docket No. 07-245 (2008
22 declaration on the issue of pole attachment rates);

1 In the Matter of the Connect America Fund, WC Docket No. 10-90 (2011 *en banc* panel
2 of the Federal-State Joint Board on Universal Service on proposed reforms of intercarrier
3 compensation and the federal universal service fund).

4
5 **Alaska Public Service Commission**

6 In the Matter of Investigation into the Impact on Alaska Consumers and Carriers of
7 Intercarrier Compensation Reform by the Federal Communications Commission, Case
8 No. R-06-6 (2006 testimony on Missoula Plan).

9
10 **Georgia Public Service Commission**

11 Universal Service Proceeding, Case No. 5825-U (2000 testimony on structure of state
12 universal service fund).

13
14 **Illinois Commerce Commission**

15 Frontier Communications Corporation, Verizon Communications, Inc., et al, Docket No.
16 09-0268 (Transfer of Control).

17
18 **Ohio Public Utilities Commission**

19 Frontier Communications Corporation, New Communications Holding Company, Inc.,
20 and Verizon Communications, Inc., et al, Docket No. 09-454-TP-ACO (Transfer of
21 Control).

22
23 **Washington Utilities and Transportation Commission**

1 In the matter of the Joint Application of Verizon Communications Inc. and Frontier
2 Communications Corporation, Docket No. UT-090842 (Transfer of Control).

3
4 Q. BESIDES CASES IN WHICH YOU HAVE TESTIFIED, HAVE YOU
5 PARTICIPATED IN REGULATORY CASES AS AN ATTORNEY?

6 Yes, as Director of the West Virginia Consumer Advocate Division and as Senior
7 Attorney in the Field Solicitor's Office, I handled hundreds of regulatory cases as an
8 attorney. In the area of electric utility fuel review and ENEC proceedings, I served as the
9 attorney in every fuel, NEC and ENEC case on behalf of the West Virginia Consumer
10 Advocate Division from 1982 until ENEC cases were suspended in 2000, except for the
11 cases listed above in which I appeared as a witness. ENEC cases commenced again with
12 Appalachian Power's 2005 rate case and Allegheny Power's 2006 rate case.

13
14 Q. HAVE YOU DONE UTILITY CONSULTING IN OTHER COUNTRIES?

15 A. Yes. In 2003 I participated in utility regulatory training in Abuja, Nigeria, for the West
16 African Telecommunications Regulators Association (WATRA) as part of
17 NetTel@Africa. In 2008 I completed a contract with the International
18 Telecommunications Union (ITU) in Banjul, Gambia, to review and make
19 recommendations concerning interconnection rates for telecommunications in the nation
20 of Gambia.

21
22 Q. DO YOU HAVE ANY PUBLICATIONS?

23 A. Yes. From April 2001 to March 2006 I published semi-annually through the National
24 Regulatory Research Institute *A Survey of Unbundled Network Element Prices in the*

1 *United States.* In 1996 I co-authored *The Telecommunications Act of 1996: A Guide for*
2 *Educators*, through Appalachia Education Laboratory, Inc.

3
4 Q. HAVE YOU RECEIVED ANY AWARDS?

5 A. Yes. In 2007 I received the *Robert F. Manifold Lifetime Service Award* from the
6 National Association of State Utility Consumer Advocates.

7