
ROGER D. COLTON

BUSINESS ADDRESS:

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Public Finance and General Economics
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EDUCATION:

J.D. (Order of the Coif), University of Florida, 1981

M.A. (Economics), McGregor School, Antioch University (1993)

B.A., Iowa State University (1975)

PROFESSIONAL EXPERIENCE:

Fisher, Sheehan and Colton, Public Finance and General Economics: 1985 - present.

As a co-founder of this economics consulting partnership, Colton provides services in a variety of areas, including: regulatory economics, poverty law and economics, public benefits, environmental and natural resource economics, fair housing, community development, energy efficiency, utility law and economics (energy, telecommunications, water/sewer), government budgeting, health care economics, and planning and zoning.

Colton has testified in state and federal courts in the United States and Canada, as well as before regulatory and legislative bodies in more than three dozen states. He is particularly noted for creative program design and implementation within tight budget constraints.

National Consumer Law Center (NCLC): 1986 - 1994

As a staff attorney with NCLC, Colton worked on low-income energy and utility issues. He pioneered cost-justifications for low-income affordable energy rates, as well as developing models to quantify the non-energy benefits (*e.g.*, reduced credit and collection costs, reduced working capital) of low-income energy efficiency. He designed and implemented low-income affordable rate and fuel assistance programs across the country. Colton was charged with developing new practical and theoretical underpinnings for solutions to low-income energy problems.

Community Action Research Group (CARG): 1981 - 1985

As staff attorney for this non-profit research and consulting organization, Colton worked primarily on energy and utility issues. He provided legal representation to low-income persons on public utility issues; provided legal and technical assistance to consumer and labor organizations; and provided legal and technical assistance to a variety of state and local governments nationwide on natural gas, electric, and telecommunications issues. He routinely appeared as an expert witness before regulatory agencies and legislative committees regarding energy and telecommunications issues.

PROFESSIONAL AFFILIATIONS:

- Member: Board of Directors, Vermont Energy Investment Corporation.
- Member: Board of Directors, National Fuel Funds Network
- Member: Board of Directors, Belmont Housing Trust
- Chair: Fair Housing Committee (Belmont, MA).
- Member: Advisory Board: Fair Housing Center of Greater Boston.
- Past Member: National Advisory Committee, U.S. Department of Health and Human Services, Administration for Children and Families, Performance Goals for Low-Income Home Energy Assistance.
- Past Member: Advisory Board: Low-Income Aggregation, New York State Energy Research and Development Authority.
- Past Member: Editorial Advisory Board, International Library, *Public Utility Law Anthology*.
- Past Member: ASHRAE Guidelines Committee, GPC-8, *Energy Cost Allocation of Comfort HVAC Systems for Multiple Occupancy Buildings*
- Past Member: National Advisory Committee, U.S. Department of Housing and Urban Development, Calculation of Utility Allowances for Public Housing.
- Past Member: National Advisory Board: Energy Financing Alternatives for Subsidized Housing, New York State Energy Research and Development Authority.

PROFESSIONAL ASSOCIATIONS:

- National Association of Housing and Redevelopment Officials (NAHRO)
- Association for Enterprise Opportunity
- Iowa State Bar Association
- Association for Institutional Thought
- Association for Evolutionary Economics
- National Association for Health Services Research
- Society for the Study of Social Problems
- International Society for Policy Studies
- Association for Social Economics

AWARDS

- William F. Willier Award (distinguished service) (1991). National Consumer Law Center, Boston (MA).
- NLIEC Career Achievement Award (1998). National Low-Income Energy Consortium, New Orleans (LA).
- Sister Pat Kelley Award (distinguished service) (2001). National Fuel Funds Network, Cincinnati (OH).
- International Biographical Centre (Cambridge, England). 2000 Outstanding Scholars of the 21st Century.

BOOKS

Colton. (1996). *Funding Fuel Assistance: State and Local Strategies to Help Pay Low-Income Home Energy Bills*, Fisher, Sheehan and Colton, Public Finance and General Economics: Belmont, MA (1996).

Colton and Sheehan. (1995). *The Other Part of the Year: Low-Income Households and Their Need for Cooling: A State-by-State Look at Low-Income Summer Electric Bills*, Flying Pencil Publications: Portland, OR.

Colton. (1995). *Energy Efficiency and the Low-Income Consumer: Planning, Designing and Financing*, Flying Pencil Publications: Portland, OR.

Colton and Sheehan. (1994). *On the Brink of Disaster: A State-by-State Look at Low-Income Winter Natural Gas Heating Bills*, Flying Pencil Publications: Portland, OR.

Colton, *et al.*, *Access to Utility Service*, National Consumer Law Center: Boston (2d ed. 2001).

Colton, *et al.*, *Tenants' Rights to Utility Service*, National Consumer Law Center: Boston (1994).

Colton, *The Regulation of Rural Electric Cooperatives*, National Consumer Law Center: Boston (1992).

JOURNAL PUBLICATIONS

Colton, "Energy Consumption and Expenditures by Low-Income Households," *Electricity Journal* (publication anticipated March 2002).

Colton, Roger and Stephen Colton. "An Alternative to Regulation in the Control of Occupational Exposure to Tuberculosis in Homeless Shelters," *New Solutions: Journal of Environmental and Occupational Health Policy* (publication anticipated Spring 2002).

Colton (2001). "The Lawfulness of Utility Actions Seeking to Impose as a Condition of Service Liability for a Roommate's Debt Incurred at a Prior Address," *Clearinghouse Review*.

Colton (2001). "Limiting The "Family Necessaries" Doctrine as a Means of Imposing Third Party Liability for Utility Bills," *Clearinghouse Review*.

Colton (2001). "Prepayment Utility Meters and the Low-Income Consumer." *Journal of Housing and Community*

Development Law (American Bar Association).

Colton, Brown and Ackermann (June 2000). "Mergers and the Public Interest: Saving the Savings for the Poorest Customers." *Public Utilities Fortnightly*.

Colton. (2000). "Aggregation and the Low-Income Consumer." *LEAP Newsletter*.

Colton. (1999). "Challenging Entrance and Transfer Fees in Mobile Home Park Lot Rentals." *Clearinghouse Review*.

Colton and Adams (1999). "Y2K and Communities of Color," *Media Alert: The Quarterly Publication of the National Black Media Coalition*.

Colton and Sheehan (1999). "The Problem of Mass Evictions in Mobile Home Parks Subject to Conversion." *Journal of Housing and Community Development Law* (American Bar Association).

Colton (1999). "Utility Rate Classifications and Group Homes as "Residential" Customers," *Clearinghouse Review*.

Colton (1998). "Provider of Last Resort: Lessons from the Insurance Industry." *The Electricity Journal*.

Colton and Adams (1998). "Fingerprints for Check Cashing: Where Lies the Real Fraud," *Media Alert: The Quarterly Publication of the National Black Media Coalition*.

Colton. (1998). "Universal Service: A Performance-Based Measure for a Competitive Industry," *Public Utilities Fortnightly*.

Colton, Roger and Stephen Colton (1998). "Evaluating Hospital Mergers," 17 *Health Affairs* 5:260.

Colton. (1998). "Supportive Housing Facilities as "Low-Income Residential" Customers for Energy Efficiency Purposes," 7 *Journal of Housing and Community Development Law* 406 (American Bar Association).

Colton, Frisof and King. (1998). "Lessons for the Health Care Industry from America's Experience with Public Utilities." 18 *Journal of Public Health Policy* 389.

Colton (1997). "Fair Housing and Affordable Housing: Availability, Distribution and Quality." 1997 *Colloqui: Cornell Journal of Planning and Urban Issues* 9.

Colton, (1997). "Competition Comes to Electricity: Industry Gains, People and the Environment Lose," *Dollars and Sense*.

Colton (1996). "The Road Oft Taken: Unaffordable Home Energy Bills, Forced Mobility And Childhood Education in Missouri." 2 *Journal on Children and Poverty* 23.

Colton and Sheehan. (1995). "Utility Franchise Charges and the Rental of City Property." 72 *New Jersey Municipalities* 9:10.

Colton. (1995). "Arguing Against Utilities' Claims of Federal Preemption of Customer-Service Regulations." 29 *Clearinghouse Review* 772.

Colton and Labella. (1995). "Landlord Failure to Resolve Shared Meter Problems Breaches Tenant's Right to Quiet Enjoyment." 29 *Clearinghouse Review* 536.

- Colton and Morrissey. (1995). "Tenants' Rights to Pretermination Notice in Cases of Landlords' Nonpayment of Utilities". 29 *Clearinghouse Review* 277.
- Colton. (1995). "The Perverse Incentives of Fair Market Rents." 52 *Journal of Housing and Community Development* 6.
- Colton (1994). "Energy Efficiency and Low-Income Housing: Energy Policy Hurts the Poor." XVI *ShelterForce: The Journal of Affordable Housing Strategies* 9.
- Colton (1994). "The Use of Consumer Credit Reports in Establishing Creditworthiness for Utility Deposits." *Clearinghouse Review*.
- Colton (1994). "Institutional and Regulatory Issues Affecting Bank Product Diversification Into the Sale of Insurance," *Journal of the American Society of CLU and ChFC*.
- Colton. (1993). "The Use of State Utility Regulations to Control the 'Unregulated' Utility." 27 *Clearinghouse Review* 443.
- Colton and Smith. (1993). "The Duty of a Public Utility to Mitigate 'Damages' from Nonpayment through the Offer of Conservation Programs." 3 *Boston University Public Interest Law Journal* 239.
- Colton and Sheehan. (1993). "Cash for Clunkers Program Can Hurt the Poor," 19 *State Legislatures: National Conference of State Legislatures* 5:33.
- Colton. (1993). "Consumer Information and Workable Competition in the Telecommunications Industry." XXVII *Journal of Economic Issues* 775.
- Colton and Sheehan. (1992). "Mobile Home Rent Control: Protecting Local Regulation," *Land Use Law and Zoning Digest*.
- Colton and Smith. (1992 - 1993). "Co-op Membership and Utility Shutoffs: Service Protections that Arise as an Incident of REC Membership." 29 *Idaho Law Review* 1, reprinted, XV *Public Utilities Law Anthology* 451.
- Colton and Smith. (1992). "Protections for the Low-Income Customer of Unregulated Utilities: Federal Fuel Assistance as More than Cash Grants." 13 *Hamline University Journal of Public Law and Policy* 263.
- Colton. (1992). "CHAS: The Energy Connection," 49 *The Journal of Housing* 35, reprinted, 19 *Current Municipal Problems* 173.
- Colton. (March 1991). "A Cost-Based Response to Low-Income Energy Problems." *Public Utilities Fortnightly*.
- Colton. (1991). "Protecting Against the Harms of the Mistaken Utility Undercharge." 39 *Washington University Journal of Urban and Contemporary Law* 99, reprinted, XIV *Public Utilities Anthology* 787.
- Colton. (1990). "Customer Consumption Patterns within an Income-Based Energy Assistance Program." 24 *Journal of Economic Issues* 1079
- Colton. (1990). "Heightening the Burden of Proof in Utility Shutoff Cases Involving Allegations of Fraud." 33 *Howard L. Review* 137.
- Colton. (1990). "When the Phone Company is not the Phone Company: Credit Reporting in the Post-Divestiture Era."

24 *Clearinghouse Review* 98.

Colton. (1990). "Discrimination as a Sword: Use of an 'Effects Test' in Utility Litigation." 37 *Washington University Journal of Urban and Contemporary Law* 97, reprinted, XIII *Public Utilities Anthology* 813.

Colton. (1989). "Statutes of Limitations: Barring the Delinquent Disconnection of Utility Service." 23 *Clearinghouse Review* 2.

Colton & Sheehan. (1989). "Raising Local Revenue through Utility Franchise Fees: When the Fee Fits, Foot It." 21 *The Urban Lawyer* 55, reprinted, XII *Public Utilities Anthology* 653, reprinted, Freilich and Bushek (1995). *Exactions, Impacts Fees and Dedications: Shaping Land Use Development and Funding Infrastructure in the Dolan Era*, American Bar Association: Chicago.

Colton. (1989). "Unlawful Utility Disconnections as a Tort: Gaining Compensation for the Harms of Unlawful Shutoffs." 22 *Clearinghouse Review* 609.

Colton, Sheehan & Uehling. (1987). "Seven cum Eleven: Rolling the Toxic Dice in the U.S. Supreme Court," 14 *Boston College Environmental L. Rev.* 345.

Colton & Sheehan. (1987). "A New Basis for Conservation Programs for the Poor: Expanding the Concept of Avoided Costs," 21 *Clearinghouse Review* 135.

Colton & Fisher. (1987). "Public Inducement of Local Economic Development: Legal Constraints on Government Equity Funding Programs." 31 *Washington University J. of Urban and Contemporary Law* 45.

Colton & Sheehan. (1986). "The Illinois Review of Natural Gas Procurement Practices: Permissible Regulation or Federally Preempted Activity?" 35 *DePaul Law Review* 317, reprinted, IX *Public Utilities Anthology* 221.

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Colton. (1986). "Utility Service for Tenants of Delinquent Landlords," 20 *Clearinghouse Review* 554.

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Colton. (1985). "Excess Capacity: A Case Study in Ratemaking Theory and Application." 20 *Tulsa Law Journal* 402, reprinted, VIII *Public Utilities Anthology* 739.

Colton. (1985). "Conservation, Cost-Containment and Full Energy Service Corporations: Iowa's New Definition of 'Reasonably Adequate Utility Service.'" 34 *Drake Law Journal* 1.

Colton. (1984). "Prudence, Planning and Principled Ratemaking." 35 *Hastings Law Journal* 721.

Colton. (1983). "Excess Capacity: Who Gets the Charge from the Power Plant?" 33 *Hastings Law Journal* 1133.

Colton. (1983). "Old McDonald (Inc.) Has a Farm. . . Maybe, or Nebraska's Corporate Farm Ban; Is it Constitutional?" 6 *University of Arkansas at Little Rock Law Review* 247.

Colton. (1982). "Mandatory Utility Financing of Conservation and Solar Measures." 3 *Solar Law Reporter* 167.

Colton. (1982). "The Use of Canons of Statutory Construction: A Case Study from Iowa, or When Does 'GHOTI' Spell 'Fish'?" 5 *Seton Hall Legislative Journal* 149.

Colton. (1977). "The Case for a Broad Construction of 'Use' in Section 4(f) of the Department of Transportation Act." 21 *St. Louis Law Journal* 113.

INVITED PAPERS

Colton, *Just Like Them: The "Benefit" to the Small and Disadvantaged User from Competition*, National Association of Regulatory Utility Commissioners (November 1998).

Colton, *Communities and Age-Sensitive Planning*, Pratt Institute Symposium on Community Planning, New York City (February 1998).

Colton, *Electric Industry Restructuring and Universal Service for Low-Income Consumers: Lessons from State Health Insurance Purchasing Cooperatives*, National Community Action Foundation (July 1997).

Colton, *The Regulation of Industries Affected with the Public Interest: Lessons for Health Care?*, Universal Health Care Action Network (December 1996).

Colton, *Financing Energy Efficiency in Affordable Housing Programs*, National Association of Housing and Redevelopment Officials (October 1996).

Colton, *Changing Paradigms for Delivering Energy Efficiency to the Low-Income Consumer by Competitive Utilities: The Need for a Shelter-Based Approach*, National Association of State Energy Officials (May 1996).

Colton, *Prepayment Meters and the Low-Income Consumer*, Hydro-Quebec Symposium on Quality Service to Customers, Montreal (May 1995).

Colton and Sheehan, *Linked Deposits as a Utility Investment in Energy Efficiency for Low-Income Housing*, National Regulatory Information Conference (April 1994).

Colton, Sachs and DeBarros, *Models of Public and Private Investment in Energy Efficiency for Low-Income Housing*, American Council for an Energy Efficient Economy Summer Study on Energy Efficiency in Buildings (August 1994).

Colton, *Universal Residential Telephone Service: Needs and Strategies*, presented to the 105th National Meeting of the National Association of Regulatory Utility Commissioners (1993).

Colton and Sheehan, *Securing Private Investment in Low-Income Energy Efficiency: Breaking the Reliance on Government and Utility Programs*, presented to 16th World Energy Engineering Conference (1993).

Colton and Sheehan, *Improving Assisted Housing Affordability by Financing Energy Efficiency Improvements*, presented to 1993 Annual Meeting of the National Association of Housing and Redevelopment Officials (1993).

Colton and Sheehan, *The Economics of Pursuing Energy Efficiency in Affordable Housing*, presented to the 14th International Making Cities Livable Conference (1993).

OTHER PUBLICATIONS

Colton (2002). *Winter Weather Payments: The Impact of Iowa's Winter Utility Shutoff Moratorium On Utility*

Bill Payments by Low-Income Customer, prepared for Iowa Department of Human Rights.

Colton (2002). *A Fragile Income: Deferred Payment Plans and the Ability-to-Pay of Working Poor Utility Customers*, prepared for National Fuel Funds Network.

Colton (2002). *Credit where Credit is Due: Public Utilities and the Earned Income Tax Credit for Working Poor Utility Customers*, prepared for National Fuel Funds Network.

Colton (2001). *Integrating Government-Funded and Ratepayer-Funded Low-Income Energy Assistance Programs*, prepared for U.S. Department of Health and Human Services (HHS) and Oak Ridge National Laboratory.

Colton (2001). *In Harm's Way: Home Heating, Fire Hazards, and Low-Income Households*, prepared for National Fuel Funds Network.

Colton (2001). *Reducing Energy Distress: "Seeing RED" Project Evaluation* (evaluation of Iowa REACH project), prepared for Iowa Department of Human Rights.

Colton (2001). *Group Buying of Propane and Fuel Oil in New York State: A Feasibility Study*, prepared for New York State Community Action Association.

Colton (2000). *Establishing Telecommunications Lifeline Eligibility: The Use of Public Benefit Programs and its Impact on Lawful Immigrants*, prepared for Dayton (OH) Legal Aide.

Colton (2000). *Outreach Strategies for Iowa's LIHEAP Program Innovation in Improved Targeting*, prepared for Iowa Department of Human Rights.

Colton (1999). *Integration of LIHEAP with Energy Assistance Programs Created through Electric and/or Natural Gas Restructuring*, prepared for U.S. Department of Health and Human Services, Administration for Children and Families (Nov. 1999).

Colton. *Fair Housing in the Suburbs: The Role of a Merged Fleet Boston in The Diversification of the Suburbs Report to the Federal Reserve Board Concerning the Merger of BankBoston Corp. and Fleet Financial Group*, prepared for Belmont Fair Housing Committee/Belmont Housing Partnership (July 1999).

Colton. *Measuring LIHEAP's Results: Responding to Home Energy Unaffordability*, prepared for Iowa Department of Human Resources (June 1999).

Colton. *Monitoring the Impact of Electric Restructuring on Low-Income Consumers: The What, How and Why of Data Collection*, prepared for U.S. Department of Health and Human Services, Administration for Children and Families (June 1999).

Colton. *Developing Consumer Education Programs in a Restructured Electric Industry*, prepared for Central Missouri Counties Community Development Corporation (June 1999).

Colton. *Electric Restructuring and the Low-Income Consumer: Legislative Implications for Colorado*, prepared for Colorado General Assembly (April 1999).

Colton. *Low-Income Electric Rate Affordability in Virginia: Funding Low-Income Assistance*, prepared for Virginia Council Against Poverty (December 1998).

Colton and Alexander. *The Implications of an Increased Federal Role in the Regulation of Electricity on State Regulation of Consumer Protection and Universal Service Programs* (September 1998).

R.Colton and S.Colton. *The Occupational Control of Tuberculosis in Homeless Shelters*, prepared for the U.S. Occupational Safety and Health Administration (August 1998).

Colton. *The Connection Between Affordable Housing and Educational Excellence in Belmont* (April 1998).

Colton. *Serving the Affordable Housing Needs of Belmont's Older Residents* (May 1998).

Colton. *The Costs of a Universal Service Fund in Minnesota: Electric and Natural Gas*, prepared for the Energy Cents Coalition (Sept. 1998).

Colton. *Controlling the Occupational Exposure to Tuberculosis in Homeless Shelters: Applying Federal OSHA Standards to Volunteers*, prepared for the U.S. Occupational Safety and Health Administration (February 1998).

Colton. *Public Housing Utility Allowances for the Metro Dade Housing Agency* (Nov. 1997).

Colton. *Low-Income Energy Needs in Maryland: An Overview*, prepared for Maryland Office of Peoples Counsel (August 1997).

Colton. *Structuring a Public Purpose Distribution Fee for Missouri*, prepared for Missouri Department of Natural Resources (July 1997).

Colton. *The Low-Income Interest in Utility Mergers and Acquisitions* (June 1997).

Colton. *The Obligation to Serve and a Restructured Electric Industry*, prepared for U.S. Department of Energy, Oak Ridge National Laboratory (November 1997).

Colton. *Structuring and Evaluating a Direct Vendor Payment Shadow Billing Program for Publicly Assisted Housing in Houston*, prepared under contract to Gulf Coast Legal Foundation (with funding by Houston Lighting Company) (April 1997).

Colton. *The For-Profit Conversion of the New England Education Loan Marketing Corporation: Lessons from Non-Profit Hospital Conversions* (March 1997).

Colton. *Rental Housing Affordability in Burlington, Vermont: A Report to the Burlington City Council*. (January 1997).

Colton. *Structuring a "Wires Charge" for New Hampshire: A Framework for Administration and Operation*, prepared under contract to the New Hampshire Community Action Association (January 1997).

Colton. *Setting Income Eligibility for Fuel Assistance and Energy Efficiency Programs in a Competitive Electric Industry: The Marginal Impacts of Increasing Household Income* (October 1996).

Colton. *Fair Housing and Affordable Housing in Belmont, Massachusetts: Data on Availability, Distribution and Quality* (October 1996).

Colton and Sheehan. *Fair Housing Analysis of Impediments Study for Washington County (Oregon)*. (July 1996).

Colton. *Structuring a Low-Income "Wires Charge" for New Jersey*, prepared for Citizens Against Rate Escalation

(CARE) (August 1996).

Colton. *Structuring a Low-Income "Wires Charge" for Kentucky*, prepared for Louisville Legal Aide Association (August 1996).

Colton. *Structuring a Low-Income "Wires Charge" for Iowa*, prepared for Iowa Bureau of Human Resources, Office of Weatherization (July 1996).

Colton. *Structuring a Low-Income "Wires Charge" for Montana*, prepared for Energy Share of Montana (July 1996).

Colton. *Structuring a Low-Income "Wires Charge" for Oklahoma*, prepared for Oklahoma State Association of Community Action Agencies (June 1996).

Colton. *Structuring a Low-Income "Wires Charge" for Ohio*, prepared for Ohio Legal Services Corporation (June 1996).

Colton. *Structuring a Low-Income "Wires Charge" for Indiana*, prepared for Indiana Citizen Action Campaign (May 1996).

Colton. *Shawmut Bank and Community Reinvestment in Boston: Community Credit Needs and Affordable Housing* (February 1996).

Colton. *Understanding "Redlining" in a Competitive Electric Utility Industry* (December 1995).

Colton. *Energy Efficiency as a Credit Enhancement: Public Utilities and the Affordability of First-Time Homeownership* (October 1995).

Colton. *Competition in the Electric Industry: Assessing the Impacts on Residential, Commercial and Low-Income Customers*, prepared under contract to the National Association of Regulatory Utility Commissioners (October 1995).

Colton. *Performance-Based Evaluation of Customer Collections in a Competitive Electric Utility Industry* (August 1995).

Colton. *Poverty Law and Economics: Calculating the Household Budget*, prepared for presentation to National Legal Aid and Defender Association, Substantive Law Training (August 1995).

Colton. *The Need for Regulation in a Competitive Electric Utility Industry* (July 1995).

Colton. *Rewriting the Social Compact: A Competitive Electric Industry and its Core Customers* (July 1995).

Colton. *The Road Off Taken: Unaffordable Home Energy Bills, Forced Mobility, and Childhood Education in Missouri*, prepared for the Missouri Association of Head Start Directors (June 1995).

Colton. *Models of Low-Income Utility Rates*, prepared under contract to Washington Gas Company (November 1994) (revised June 1995).

Colton. *Beyond Social Welfare: Promoting the Earned Income Tax Credit (EITC) as an Economic Development Strategy by Public Utilities* (May 1995).

Colton. *Should Regulation of Electricity Depend on the Absence of Competition?* (April 1995).

Colton. *Comprehensive Credit and Collection Strategies in a Competitive Electric Utility Industry*, prepared under contract to Hydro-Quebec (April 1995).

Colton. *Economically Stranded Investment in a Competitive Electric Industry: A Primer for Cities, Consumers and Small Business Advocates* (February 1995).

Colton. *Competitive Solicitation as an Integrated Resource Planning Model: Its Competitive Impacts on Small Businesses Serving Low-Income Households*, prepared under contract to the Arkansas State Weatherization

Colton. *Reviewing Utility Low-Income DSM Programs: A Suggested Framework for Analysis* (February 1995).

Colton. *Least-Cost Integrated Resource Planning in Arkansas: The Role of Low-Income Energy Efficiency* prepared under contract to the Arkansas State Weatherization Assistance Program (January 1995).

Colton. *Addressing Low-Income Inability-to-Pay Utility Bills During the Winter Months On Tribal Lands Served By Electric Co-ops: A Model Tribal Winter Utility Shutoff Regulation* (December 1994).

Colton. *An Earned Income Tax Credit Utility Intervention Kit* (December 1994).

Colton. *Telecommunications Credit and Collections and Controlling SNET Uncollectibles*, prepared under contract to the Connecticut Office of Consumer Counsel (November 1994).

Colton. *Customer Deposit Demands by U.S. West: Reasonable Rationales and the Proper Assessment of Risk*, prepared on behalf of the Staff of the Washington Utilities and Transportation Commission (August 1994).

Colton. *Credit and Collection Fees and Low-Income Households: Ensuring Effectiveness and Cost-Effectiveness*, prepared on behalf of the Missouri Office of Public Counsel (July 1994).

Colton. *Weatherization Assistance Program Evaluations: Assessing the Impact on Low-Income Ability-to-Pay* (July 1994).

DSM Planning in a Restrictive Environment (July 1994).

Part 1: *Why Ramping Down DSM Expenditures Can Be "Pro" DSM*

Part 2: *Low-Income Opposition to DSM: Ill-Defined and Misguided*

Part 3: *Low-Income DSM Expenditures as a Non-Resource Acquisition Strategy: The Potential for Niche Marketing*

Colton. *Loan Guarantees as a Utility Investment in Energy Efficiency for Low-Income Housing* (April 1994).

Colton and Sheehan. *"Linked Deposits" as a Utility Investment in Energy Efficiency for Low-Income Housing* (April 1994).

Colton. *Securitizing Utility Avoided Costs: Creating an Energy Efficiency "Product" for Private Investment in WAP* (April 1994).

Colton and Sheehan. *Economic Development Utility Rates: Targeting, Justifying, Enforcing*, prepared under contract to Texas ROSE (February 1994).

Colton and Sheehan. *Affordable Housing and Section 8 Utility Allowances: An Evaluation and a Proposal for Action:*

Part I: *Adequacy of Annual Allowances* (September 1993).

Part II: *Adequacy of Monthly Allowances* (September 1993).

Colton and Sheehan. *Identifying Savings Arising From Low-Income Programs* (April 1993).

Colton. *Low-Income Programs And Their Impact on Reducing Utility Working Capital Allowances* (April 1993).

Colton, *et al.* *An Assessment of Low-Income Energy Needs in Washington State*. Prepared under contract to the Washington state Department of Community Development. (November 1995).

Colton, *et al.* *Funding Social Services Through Voluntary Contribution Programs: A Proposal for SNET Participation in Funding INFOLINE's Information and Referral Services in Connecticut*. Prepared under contract with United Way of Connecticut. (October 1993).

Colton. (1993). *Public Utility Credit and Collection Activities: Establishing Standards and Applying them to Low-Income Utility Programs*. Prepared under contract to the national office of the American Association of Retired Persons. April.

Colton. (1992). *Filling the Gaps: Financing Low-Income Energy Assistance in Connecticut*. Prepared under contract to the Connecticut State Department of Human Resources. September.

Colton and Quinn. (1992). *The Impact on Low-Income People of the Increased Cost for Basic Telephone Service: A Study of Low-income Massachusetts Resident's Telephone Usage Patterns and Their Perceptions of Telephone Service Quality*. Prepared under contract to the Massachusetts Office of the Attorney General. July.

Colton and Quinn. (1991). *The ABC's of Arrearage Forgiveness*. Prepared with a grant from the Mary Reynolds Babcock Foundation. November.

Colton and Sable (1991). *A California Advocate's Guide to Telephone Customer Service Issues*. Prepared with funding from the California Telecommunications Education Trust Fund.

Colton and Levinson. (1991). *Energy and Poverty in North Carolina: Combining Public and Private Resources to Solve a Public and Private Problem*. Prepared under contract to the North Carolina General Assembly. May.

Colton. (1991). *The Percentage of Income Payment Plan in Jefferson County, Kentucky: One Alternative to Distributing LIHEAP Benefits*. Prepared with funds provided by the City of Louisville, Kentucky and the Louisville Community Foundation. May.

Colton. (1991). *The Energy Assurance Program for Ohio: A Cost-Based Response to Low-Income Energy Problems*. Prepared for Cincinnati Legal Aid Society, Dayton Legal Society, and Cleveland Legal Aid Society. April.

Colton. (1991). *Utility-Financed Low-Income DSM: Winning for Everybody*. Prepared with funds provided by the Public Welfare Foundation and the Mary Reynolds Babcock Foundation. April.

Colton. (1991). *Percentage of Income Payment Plans as an Alternative Distribution of LIHEAP Benefits: Good Business, Good Government, Good Social Policy*. Prepared under contract to the New England Electric System (NEES). March.

Colton. (1991). *The Forced Mobility of Low-Income Customers: The Indirect Impacts of Shutoffs on Utilities and their Customers*. January.

Colton. (1990). *Controlling Uncollectible Accounts in Pennsylvania: A Blueprint for Action*. Prepared under contract to the Pennsylvania Office of Consumer Advocate. December.

Colton. (1990). *Nonparticipation in Public Benefit Programs: Lessons for Fuel Assistance*. November.

Colton. (1990). *Why Customers Don't Pay: The Need for Flexible Collection Techniques*. Prepared under contract to the Philadelphia Public Advocate. October.

Colton. (1990). *A Regulatory Response to Low-income Energy Needs in Colorado: A Proposal*. Prepared for the Legal Aid Society of Metro Denver. September.

Colton. (1990). *Determining the Cost-Effectiveness of Utility Credit and Collection Techniques*. Prepared with funds provided by the Mary Reynolds Babcock Foundation. July.

Colton. (1990). *Energy Use and the Poor: The Association of Consumption with Income*. June.

Colton. (1989). *Identifying Consumer Characteristics Which are Important to Determining the Existence of Workable Competition in the Interexchange Telecommunications Industry*. Prepared under contract to the Office of Public Counsel of the Florida Legislature. December.

Colton. (1989). *The Interexchange Telecommunications Industry: Should Regulation Depend on the Absence of Competition*. Prepared under contract to the Office of Public Counsel of the Florida Legislature. December.

Colton. (1989). *Fuel Assistance Alternatives for Utah*. Prepared under contract to the Utah State Energy Office. July.

Colton. (1989). *Losing the Fight in Utah: High Energy Bills and Low-Income Consumers*. Prepared under contract with the Utah State Energy Office. July.

Colton. (1989). *The Denial of Local Telephone Service for Nonpayment of Toll Bills: A Review and Assessment of Regulatory Litigation* (2d ed.). January.

Colton. (1988). *Customer Service Regulations for Residential Telephone Customers in the Post-Divestiture Era: A Study of Michigan Bell Telephone Company*. Prepared under contract to the Michigan Divestiture Research Fund. September.

Colton. (1988). *Low-Income Utility Protections in Maine*. (3 volumes). Prepared under contract to the Maine Public Utilities Commission. July.

- a. **Volume 1:** *An Evaluation of Low-Income Utility Protections in Maine: Winter Requests for Disconnect Permission.*
- b. **Volume 2:** *An Evaluation of Low-Income Utility Protections in Maine: Payment Arrangements for Maine's Electric Utilities.*
- c. **Volume 3:** *An Evaluation of Low-Income Utility Protections in Maine: Fuel Assistance and Family Crisis Benefits.*

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COLTON TESTIMONY EXPERIENCE

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CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
I/M/O Public Service Electric & Gas Rates	Witness	Division of Ratepayer Advocate	Universal service	New Jersey	01
I/M/O Pennsylvania-American Water Company	Witness	Office of Consumer Advocate	Low-income rates and water conservation	Pennsylvania	01
I/M/O Louisville Gas & Electric Prepayment Meters	Witness	Kentucky Community Action Association	Low-income energy	Kentucky	01
I/M/O NICOR Budget Billing Plan Interest Charge	Witness	Cook County State's Attorney	Rate Design	Illinois	01
I/M/O Rules Re. Payment Plans for High Natural Gas Prices	Witness	Cook County State's Attorney	Budget Billing Plans	Illinois	01
I/M/O Philadelphia Water Department	Witness	Office of Public Advocate	Credit and collections	Philadelphia	01
I/M/O Missouri Gas Energy	Witness	Office of Peoples Counsel	Low-income rate relief	Missouri	01
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Witness	Division of Ratepayer Advocate	Telecommunications universal service	New Jersey	01
I/M/O T.W. Phillips Gas and Oil Co.	Witness	Office of Consumer Advocate	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O Peoples Natural Gas Company	Witness	Office of Consumer Advocate	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O UGI Gas Company	Witness	Office of Consumer Advocate	Ratemaking of universal service costs.	Pennsylvania	00
I/M/O PFG Gas Company	Witness	Office of Consumer Advocate	Ratemaking of universal service costs.	Pennsylvania	00
Armstrong v. Gallia Metropolitan Housing Authority	Witness	Equal Justice Foundation	Public housing utility allowances	Ohio	00
I/M/O Bell Atlantic--New Jersey Alternative Regulation	Witness	Division of Ratepayer Advocate	Telecommunications universal service	New Jersey	00
I/M/O Universal Service Fund for Gas and Electric Utilities	Witness	Division of Ratepayer Advocate	Design and funding of low-income programs	New Jersey	00
I/M/O Consolidated Edison Merger with Northeast Utilities	Witness	Save Our Homes Organization	Merger impacts on low-income	New Hampshire	00
I/M/O UtiliCorp Merger with St. Joseph Light & Power	Witness	Missouri Dept. of Natural Resources	Merger impacts on low-income	Missouri	00
I/M/O UtiliCorp Merger with Empire District Electric	Witness	Missouri Dept. of Natural Resources	Merger impacts on low-income	Missouri	00
I/M/O PacifiCorp	Witness	The Opportunity Council	Low-income energy affordability	Washington	00
I/M/O Public Service Co. of Colorado	Witness	Colorado Energy Assistance Foundation	Natural gas rate design	Colorado	00
I/M/O Avista Energy Corp.	Witness	Spokane Neighborhood Action Program	Low-income energy affordability	Washington	00
I/M/O TW Phillips Energy Co.	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
I/M/O PECO Energy Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O National Fuel Gas Distribution Corp.	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O PFG Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
I/M/O UGI Energy Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	00
Re. PSCO/NSP Merger	Witness	Colorado Energy Assistance Foundation	Merger impacts on low-income	Colorado	99 - 00
I/M/O Peoples Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
I/M/O Columbia Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
I/M/O PG Energy Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
I/M/O Equitable Gas Company	Witness	Office of Consumer Advocate	Universal service	Pennsylvania	99
Allerruzzo v. Klarchek	Witness	Barlow Allerruzzo	Mobile home fees and sales	Illinois	99
I/M/O Restructuring New Jersey's Natural Gas Industry	Witness	Division of Ratepayer Advocate	Universal service	Pennsylvania	99
I/M/O Bell Atlantic Local Competition	Witness	Public Utility Law Project	Lifeline telecommunications rates	New Jersey	99
I/M/O Merger Application for SBC and Ameritech Ohio	Witness	Edgemont Neighborhood Association	Merger impacts on low-income consumers	Ohio	98 - 99
Davis v. American General Finnce	Witness	Thomas Davis	Damages in "loan flipping" case	Ohio	98 - 99
Griffin v. Associates Financial Service Corp.	Witness	Earlie Griffin	Damages in "loan flipping" case	Ohio	98 - 99
I/M/O Baltimore Gas and Electric Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Delmarva Power and Light Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Electric Power Co. Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
I/M/O Potomac Edison Restructuring Plan	Witness	Maryland Office of Peoples Counsel	Consumer protection/basic generation service	Maryland	98 - 99
VMHOA v. LaPierre	Witness	Vermont Mobile Home Owners Association	Mobile home tying	Vermont	98
Re. Restructuring Plan of Virginia Electric Power	Witness	VMH Energy Services, Inc.	Consumer protection/basic generation service	Virginia	98
Mackey v. Spring Lake Mobile Home Estates	Witness	Timothy Mackey	Mobile home fees	State ct: Illinois	98
Re. Restructuring Plan of Atlantic City Electric	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Jersey Central Power & Light	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Re. Restructuring Plan of Public Service Electric & Gas	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
Re. Restructuring Plan of Rockland Electric	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97-98
Appleby v. Metropolitan Dade County Housing Agency	Witness	Legal Services of Greater Miami	HUD utility allowances	Fed. court: So. Florida	97 - 98
Re. Restructuring Plan of PECO Energy Company	Witness	Energy Coordinating Agency of Philadelphia	Universal service	Pennsylvania	97
Re. Atlantic City Electric Merger	Witness	New Jersey Division of Ratepayer Advocate	Low-income issues	New Jersey	97
Re. IES Industries Merger	Witness	Iowa Community Action Association	Low-income issues	Iowa	97
Re. New Hampshire Electric Restructuring	Witness	NH Comm. Action Ass'n	Wires charge	New Hampshire	97
Re. Natural Gas Competition in Wisconsin	Witness	Wisconsin Community Action Association	Universal service	Wisconsin	96
Re. Baltimore Gas and Electric Merger	Witness	Maryland Office of Peoples Counsel	Low-income issues	Maryland	96
Re. Northern States Power Merger	Witness	Energy Cents Coalition	Low-income issues	Minnesota	96
Re. Public Service Co. of Colorado Merger	Witness	Colorado Energy Assistance Foundation	Low-income issues	Colorado	96
Re. Massachusetts Restructuring Regulations	Witness	Fisher, Sheehan & Colton	Low-income issues/energy efficiency	Massachusetts	96
Re. FERC Merger Guidelines	Witness	National Coalition of Low-Income Groups	Low-income interests in mergers	Washington D.C.	96
Re. Joseph Keliikuli III	Witness	Joseph Keliikuli III	Damages from lack of homestead	Honolulu	96
Re. Theresa Mahaulu	Witness	Theresa Mahaulu	Damages from lack of homestead	Honolulu	95
Re. Joseph Ching, Sr.	Witness	Re. Joseph Ching, Sr.	Damages from lack of homestead	Honolulu	95
Joseph Keaulana, Jr.	Witness	Joseph Keaulana, Jr.	Damages from lack of homestead	Honolulu	95
Re. Utility Allowances for Section 8 Housing	Witness	National Coalition of Low-Income Groups	Fair Market Rent Setting	Washington D.C.	95
Re. PGW Customer Service Tariff Revisions	Witness	Philadelphia Public Advocate	Credit and collection	Philadelphia	95
Re. Customer Responsibility Program	Witness	Philadelphia Public Advocate	Low-income rates	Philadelphia	95
Re. Houston Lighting and Power Co.	Witness	Gulf Coast Legal Services	Low-Income Rates	Texas	95
Re. Request for Modification of Winter Moratorium	Witness	Philadelphia Public Advocate	Credit and collection	Philadelphia	95
Re. Dept of Hawaii Homelands Trust Homestead Production	Witness	Native Hawaiian Legal Corporation	Prudence of trust management	Honolulu	94
Re. SNET Request for Modified Shutoff Procedures	Witness	Office of Consumer Counsel	Credit and collection	Connecticut	94
Re. Central Light and Power Co.	Witness	United Farm Workers	Low-income rates/DSM	Texas	94
Blackwell v. Philadelphia Electric Co.	Witness	Gloria Blackwell	Role of shutoff regulations	Penn. courts	94

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
U.S. West Request for Waiver of Rules	Witness	Wash. Util. & Transp. Comm'n Staff	Telecommunications regulation	Washington	94
Re. U.S. West Request for Full Toll Denial	Witness	Colorado Office of Consumer Counsel	Telecommunications regulation	Colorado	94
Washington Gas Light Company	Witness	Community Family Life Services	Low-income rates & energy efficiency	Washington D.C.	94
Clark v. Peterborough Electric Utility	Witness	Peterborough Community Legal Centre	Discrimination of tenant deposits	Ontario, Canada	94
Dorsey v. Housing Auth. of Baltimore	Witness	Baltimore Legal Aide	Public housing utility allowances	Federal district court	93
Penn Bell Telephone Co.	Witness	Penn. Utility Law Project	Low-income phone rates	Pennsylvania	93
Philadelphia Gas Works	Witness	Philadelphia Public Advocate	Low-income rates	Philadelphia	93
Central Maine Power Co.	Witness	Maine Assn Ind. Neighborhoods	Low-income rates	Maine	92
New England Telephone Company	Witness	Mass Attorney General	Low-income phone rates	Massachusetts	92
Philadelphia Gas Co.	Witness	Philadelphia Public Advocate	Low-income DSM	Philadelphia	92
Philadelphia Water Dept.	Witness	Philadelphia Public Advocate	Low-income rates	Philadelphia	92
Public Service Co. of Colorado	Witness	Land and Water Fund	Low-income DSM	Colorado	92
Sierra Pacific Power Co.	Witness	Washoe Legal Services	Low-income DSM	Nevada	92
Consumers Power Co.	Witness	Michigan Legal Services	Low-income rates	Michigan	92
Columbia Gas	Witness	Penn. State Office of Consumer Advocate (OCA)	Energy Assurance Program	Pennsylvania	91
Mass. Elec. Co.	Witness	Mass Elec Co.	Percentage of Income Plan	Massachusetts	91
AT&T	Witness	TURN	Inter-LATA competition	California	91
Generic Investigation into Uncollectibles	Witness	Penn OCA	Controlling uncollectibles	Pennsylvania	91
Union Heat Light & Power	Witness	Kentucky Legal Services (KLS)	Energy Assurance Program	Kentucky	90
Philadelphia Water	Witness	Philadelphia Public Advocate (PPA)	Controlling accounts receivable	Philadelphia	90
Philadelphia Gas Works	Witness	PPA	Controlling accounts receivable	Philadelphia	90
Mississippi Power Co.	Witness	Southeast Mississippi Legal Services Corp.	Formula ratemaking	Mississippi	90
Kentucky Power & Light	Witness	KLS	Energy Assurance Program	Kentucky	90
Philadelphia Electric Co.	Witness	PPA	Low-income rate program	Philadelphia	90
Montana Power Co.	Witness	Montana Ass'n of Human Res. Council Directors	Low-income rate proposals	Montana	90

CASE NAME	ROLE	CLIENT NAME	TOPIC	JURIS.	DATE
Columbia Gas Co.	Witness	Penn. OCA	Energy Assurance Program	Pennsylvania	90
Philadelphia Gas Works	Witness	PPA	Energy Assurance Program	Philadelphia	89
Southwestern Bell Telephone Co.	Witness	SEMLSC	Formula ratemaking	Mississippi	90
Generic Investigation into Low-income Programs	Witness	Vermont State Department of Public Service	Low-income rate proposals	Vermont	89
Generic Investigation into Dmnd Side Management Measures	Consultant	Vermont DPS	Low-income conservation programs	Vermont	89
National Fuel Gas	Witness	Penn OCA	Low-income fuel funds	Pennsylvania	89
Montana Power Co.	Witness	Human Resource Develop. Council District XI	Low-income conservation	Montana	88
Washington Water Power Co.	Witness	Idaho Legal Service Corp.	Rate base, rate design, cost-allocations	Idaho	88