

MICHAEL F. SHEEHAN

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Born: January 1, 1946
Brooklyn, New York

Marital Status: Married, two children

Education: J.D. (With Distinction) College of Law, University of Iowa,
May 1987.
Ph.D. (Economics) University of California at Riverside,
June 1979
Master of Arts (Economics)
University of California at Riverside, June 1973
Bachelor of Science (Economics, Magna Cum Laude)
University of California at Riverside, June 1972

Professional Licenses: Admitted to the Iowa Bar (June 1987).
Admitted to the Bar of the U.S. District Court for the
Northern District of Iowa (July 1987).
Admitted to the Oregon Bar (April 1988).
Admitted to the Bar of the U.S. District Court for the District
of Oregon (April 1990).
Admitted to the Bar of the Ninth Circuit Court of Appeals
(February 1992).

Academic References: Professor Peter Fisher
Graduate Program in Urban and Regional Planning, The
University of Iowa, Iowa City, Iowa 52242.
Professor Greg Hayden, Department of Economics,
University of Nebraska, Lincoln, Nebraska 68510.
Professor K.C. Kogiku
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Professor Barney Hope
Department of Economics
California State University
Chico, CA 95929
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Prof. Harry Trebing
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Michigan State University
Olds Hall, Rm. 113
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Prof. Marc Tool
Department of Economics
California State University
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Professor Richard Moss, Department of Economics,
California State College, San Bernardino, California 92407.

Teaching Fields:

Public Utility Economics and Planning
State & Local Economic Development
Natural Resources and Environmental
Economics
Operations Research (Quantitative
Economics)
Law and Economics

**Research Interests
and Expertise:**

Public Utilities
State & Local Economic Development
Analysis of Risk and Environmental Safety
Law and Economics

Languages:

Spanish

**Articles in Academic
Journals:**

"The Problem of Mass Evictions in Mobile Home Parks
Subject to Conversion." 8 *Journal of Affordable Housing &
Community Development Law* 231 Spring 1999.

"Why Ramsey Pricing is Wrong: The Case of

Telecommunications Regulation: A Response to Harkenrider." *Journal of Economic Issues* (December 1993).

"Mobile Home Rent Control: Designing Local Regulations." *Land Use Law* 3 (November 1992) (With Roger Colton).

"Ramsey Pricing Without Cross-Subsidization? A Response to Professor Becker." *Journal of Economic Issues* (December 1991).

"Monopoly, the Holding Company, and Asset Stripping: The Case of Yellow Pages." *Journal of Economic Issues*, (March 1992). (Equal authors with Evan White).

"A Clarification of the Concept of 'Instrumental Valuation' in Neoinstitutional Economics." *Journal of Economic Issues* (March 1992). (Second author with Rick Tilman).

"Why Ramsey Pricing is Wrong: The Case of Telecommunications Regulation." *Journal of Economic Issues* (March 1991).

"Raising Local Government Revenues Through Utility Franchise Charges: If the Fee Fits Foot It". 21 *Urban Lawyer* 55 (Winter 1989). (With Roger Colton).

"Institutionalists Before Regulatory Commissions: The Value of Doing in Thinking, Teaching, and Writing" *Journal of Economic Issues*, December 1988.

"Corporate Control and the Decapitalization of Subsidiary Corporations: The Looting of the Bangor and Aroostook Railroad." *Journal of Economic Issues*, September 1988.

"A New Basis for Conservation Programs for the Poor: Expanding the Concept of 'Avoided Costs,'" *National Clearinghouse Review*. June 1987 (with Roger Colton).

"Seven-Cum-Eleven: Rolling the Toxic Dice in the U.S. Supreme Court," *Boston College Environmental Affairs Law Review*. V. 14, #3 (1987) (with Roger Colton and Kathleen Uehling).

"Regulatory Control of Natural Gas Procurement Practices in Illinois: Permissible Regulation or Preempted Activity?" 35 *DePaul Law Review* 317 (1986)(with Roger Colton). Reprinted in *Public Utility Law Anthology* v. IX (1986).

"Plant Closings and the Community: The Instrumental Value of Public Enterprise," *American Journal of Economics and*

Sociology, V. 44, #4, October 1985.

"Institutional Development of Water Supply in California: The Miller-Lux Water Monopoly Controversy," *Social Science Journal*, V. 22, No. 1, January, 1985 (with Barney Hope, equal authors).

"The Political Economy of Centralized Water Supply in California," *Social Science Journal*, V. 20, #2, April 1983 (with Barney Hope, equal authors).

"Land Speculation in Southern California: The Roles of Railroads, Trolley Lines and Automobiles," *The American Journal of Economics and Sociology*, V. 41, #2, April 1982.

"Land Speculation in Southern California: Energy Monopoly, Fiscal Crisis and the Future," *The American Journal of Economics and Sociology*, V. 42, No. 1, January, 1983.

"The Importance of the Burden of Proof in Environmental Regulation," *The Environmental Professional*, V. 4, 1982.

"Possibilities for Local Public and Cooperative Ownership of Short Line Railroads," *Transportation Research Record*, 802 (1981), (with Peter Fisher).

"Game Theory Analyses Applied to Water Resource Problems," *Socio-Economic Planning Sciences*, V. 15, #3, (1981), (Sheehan, Kogiku). Reprinted in Kiichiro Kogiku, ed., *Resource Allocation Models: Essays on the Management of Resources and the Environment*, Tokyo (Aoyama Gakuin University Press) 1990.

"Policy Problems Associated with Waterborne Asbestos," *The Water Resources Bulletin*, April 1981, V. 17, #2.

"Reply to Discussion of 'Policy Problems Associated With Waterborne Asbestos,'" *The Water Resources Bulletin*, February 1983, V.19, #1. ("Discussion" by Michael Edson and Wm. Thompson in the same issue).

"Coordinating Public Utility Expansion, Industrial Siting and Pollution Control: A Workable Dynamic Programming Algorithm," *Socio-Economic Planning Sciences*, April 1977, V. 11, (Sheehan, Kogiku). Reprinted in Kiichiro Kogiku, ed., *Resource Allocation Models: Essays on the Management of Resources and the Environment*, Tokyo (Aoyama Gakuin University Press) 1990.

Articles in Trade Publications:

Employment and Jobs: The Employment Impact of Federal Environmental Investments National Commission for Employment Policy; Washington D.C. April 1995 (Research Report 95-02). With Skip Laitner and Marshall Goldberg.

"Utility Franchise Charges and the Rental of City Property," in *New Jersey Municipalities* December 1995, p.10ff.

"Cash for Clunkers Program Can Hurt the Poor." *State Legislatures* 33 (May 1993) (with Roger Colton).

Books:

On the Brink of Disaster: A State by State Analysis of Low-Income Natural Gas Heating Bills (Flying Pencil Publications: Scappoose, OR 1994) (With Roger Colton).

Articles in Books:

"Raising Local Government Revenues Through Utility Franchise Charges: If the Fee Fits Foot It," Reprinted in Freilich and Bushek, eds., *Exactions, Impact Fees and Dedications: Shaping Land-Use Development and Funding Infrastructure in the Dolan Era*, ABA, Chicago, 1995; p.233ff (With Roger Colton).

"Whose Goals and Whose Alternatives? How Bad Can a Private Goal Be and Still Define the EIS Under NEPA?," Presented to the National Park & Public Land Symposium, to be reprinted. (On the New World Mine proposal) 1995.

"Law and Economic Policy: The Institutionalist Contribution." In Warren Samuels ed., *Handbook of Evolutionary and Institutional Economics* (M.E. Sharpe, forthcoming).

"The Allocation of Wildfire Control Investments." (With Kiichiro Kogiku, equal authors) chapter 3 in Kiichiro Kogiku, ed., *Resource Allocation Models: Essays on the Management of Resources and the Environment*, Tokyo (Aoyama Gakuin University Press) 1990.

"A System Simulation Analysis of New Strategies for Long-run Cost Minimization in Wildfire Control." (With Kiichiro Kogiku, equal authors) chapter 4 in Kiichiro Kogiku, ed., *Resource Allocation Models: Essays on the Management of Resources and the Environment*, Tokyo (Aoyama Gakuin University Press) 1990.

"An Application of Multi-criteria Decision-making to Multiple Use Planning in U.S. Forests." (With Kiichiro Kogiku, equal authors) chapter 5 in Kiichiro Kogiku, ed., *Resource Allocation Models: Essays on the Management of Resources and the Environment*, Tokyo (Aoyama Gakuin University Press) 1990.

"An Analysis of Davenport City Finances." Appendix 6B (p. 181-191) in G. Daniels & K. Gagala, *Labor Guide to Negotiating Wages and Benefits*, Reston (Prentice-Hall), 1985 (with Peter Fisher).

"The Struggle Between the Electric Utility Industry and Small Scale Power Producers: Law, Politics and Economics in State and Federal Policymaking." Chapter 6 in Max Neiman and Barbara Burt, eds. *The Social Constraints on Energy Policy Implementation*, Lexington, D.C. Heath & Co. 1983.

"Economism, Democracy, and Hazardous Wastes: Some Policy Considerations" in Kamieniecki, O'Brien and Clarke, *Controversies in Environmental Policy*, Albany, SUNY Press, 1986.

"Nonrenewable Resources and the Development of Arid Lands: A Planning Approach," in *Alternative Strategies for Desert Development and Management*, UNITAR, Pergamon Press, 1979 (Adam Rose, Michael Sheehan, Dale Hurd).

Professional Administration:

Member, Board of Directors, Association for Evolutionary Economics 1999-

Managing Partner, Osterberg and Sheehan, Public Utility Economists, Iowa City.

Past Member, Research Advisory Committee, National Regulatory Research Institute.

Past Member, Board of Editors, *Journal of Economic Issues*

Editor, *Reports on the Iowa Economy*.

Past-President, Association for Institutional Thought (AFIT) (1988-9).

Professional & Legal References:

Matthew Glasson Esq., Glasson, Grove and Sole, Cedar Rapids, Iowa.

Ellen Johnson, Oregon Legal Services,
Hillsboro, Oregon.

Denise Chancellor, Assistant Attorney General, Salt Lake
City, UT.

Linda Williams, Kafoury & McDougal, Portland, OR

David Girard, Columbia Legal Services,
Seattle.

Michael Mullett, General Counsel, Citizens Action Coalition,
Indianapolis, IN.

Robert Lee, Director, Fair Contracting Foundation, Portland,
OR.

Mark Smith, Secretary-Treasurer, Iowa State Federation of
Labor, Des Moines, Iowa.

Diane Curran, Harmon, Curran, Gallagher & Spielberg
2001 "S" Street Suite 430, Washington, D.C. 20009-1125

**Utility-Related
Law Practice**

*Ameritech Petition to the Indiana Utility Regulatory
Commission for Further Deregulation.* Cause 40849. 1997-
8. Representing Citizen Action Coalition of Indiana, AARP
and United Seniors in Action.

*Petition of CAC et al for an Investigation into the Rates and
Charges of Ameritech Indiana.* Cause 41058. Representing
Citizen Action Coalition of Indiana, AARP and United
Seniors in Action. November 1997.

Indiana Bell Telephone dba Ameritech Indiana v. IURC et al
(Before the Indiana Court of Appeals). February 1998.
Representing Citizen Action Coalition of Indiana, AARP and
United Seniors in Action.

*Indiana Utility Regulatory Commission Investigation into All
Matters Relating to Access Charge and Universal Service
Reform.* Cause 40785. 1997-8. Representing Citizen Action
Coalition of Indiana, AARP and United Seniors in Action.

In the Matter of the Application of U.S. West for an Increase in Revenues Docket UT 125 (Rate design) Before the Oregon Public Utility Commission. 1997-8. Representing AARP.

In the Matter of the Petition of US West for a Ruling Clarifying the Effect of Rate Reductions on Refund Obligations Docket UT 143 Before the Oregon Public Utilities Commission. Representing AARP. 1997-8.

US West Communications, Inc. v. Oregon Public Utilities Commission, CA A101358, Before the Oregon Court of Appeals. Representing the Citizens Utility Board of Oregon and AARP. August 1998.

**Practice Before
Courts (Economics):**

Jane Largent Alfrey, personal representative of the Estate of Thomas Martin Alfrey v. Joseph Crabtree, Warden FCI Sheridan, et al. No. ____ U.S. District Court for the District of Oregon. Preparation of discounted present value of lost earnings report. On behalf of the Estate. 1999.

Shiprack v. Keisling, Secretary of State of the State of Oregon No. 98C-17750 Review of statistical sampling methodology for signature count to qualify initiatives. Fall 1998.

Aspenwall et al v. Parker NW Paving, Circuit Court for the County of Multnomah. Calculation of gross value of sand and gravel deposits. 1998.

Crostic v. Golden Pacific Homes, Multnomah County Circuit Court Action. Consumer Fraud. Before an arbitrator. Calculation of present value of damages. May 1998.

Green v. Sunpointe Associates, Civil Action No. C96-1542C (U.S. Dist. Ct. Western District of Washington). Fair Housing Act Class Action. Calculation of damages. 1997.

Garneau v. City of Seattle, Federal District Court. "Seattle's Low-Income Tenant: Relocation Assistance Ordinance: A Review of Professor Heyne's Economic Analysis." On behalf of Evergreen Legal Services and the City of Seattle in defense of the TRAO. January 1995.

Pacific Northwest Bell v. Eachus et. al. (OPUC), Multnomah County Circuit Court.

Affidavits & testimony in support of CUB's resistance to (1) Bell's request for a stay of a commission rate reduction order, and (2) Bell's request for a protective order. On behalf of Oregon Citizens' Utility Board. (Spring 1990).

Azul Pacifico v. City of Los Angeles. Federal District Court for the Central District of California. Witness statement (33 pages) and oral testimony on the economics of mobilehome rent control. On behalf of the City of Los Angeles. (January 1990).

IN RE: John & Reta Martin: Chapter 12

Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1225(a)(5);" and "Moody's Corporate Bond Composite: An Analysis in Light of 11 USC 1129(b)." Fixed interest rate determination in support of plan confirmation. Written reports. April 1987. Bankruptcy Court (ND, Iowa).

IN RE: De Los and Donna Martins: "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination in support of cramdown. Written report. April 1987. Bankruptcy Court (ND, Iowa).

IN RE: Paul and Gretchen Pothoven: "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination in support of cramdown. Written report plus testimony. April 1987. Bankruptcy Court (SD, Iowa).

"An Economic Analysis of Rules Adopting 6 Percent and \$6000 Limits on Excludable Assets Essential for Self-Support in Determining Medicaid Eligibility." A report (affidavit) prepared for Legal Services Organization of Indiana. February 1987.

IN RE: Merlin & Helen Theisen: "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination in support of cramdown. Written report. February 1987. Bankruptcy Court (ND, Iowa).

IN RE: L.C. & Gladys Cole: Chapter 11

Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination in support of

cramdown. Written report plus testimony. February 1987. Bankruptcy Court (ND, Iowa).

IN RE: Donald & Sharalee Kurtenbach: Chapter 11 Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination in support of cramdown. Written report in lieu of testimony. February 1987. Bankruptcy Court (ND, Iowa).

IN RE: Manta C. Noe and John & Carol Noe: Chapter 11 Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC 1129(b)(2)." Fixed interest rate determination in support of cramdown. Written report plus testimony. February 1987. Bankruptcy Court (ND, Iowa).

IN RE: Leland & Evelyn Eganhouse: Chapter 11 Bankruptcy. "The Use of the Farm Profitability Index to Index Annual Payments Under the Reorganization Plan." Written report. July 1986.

IN RE: Robert & Joann Pestka: Chapter 11 Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination; written report. July 1986.

IN RE: Leland & Evelyn Eganhouse: Chapter 11 Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination; written report. July 1986.

IN RE: Wilbert Wuebker: Chapter 11 Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination; written report. May 1986.

The Maine Association of Independent Neighborhoods, et. al. and Nancy Haggan v. Michael Petit Docket No. 83-0360-B, The U.S. District Court for the District of Maine. "An Economic Analysis of Rules Adopting 6 Percent and \$6000 Limits on Excludable Assets Essential for Self-Support in Determining Medicaid Eligibility." A report prepared for Pine Tree Legal Assistance, Inc. of Augusta, Maine. May 1986. (Favorable Decision: U.S. Dist. Ct. D. Maine, April 23, 1987. Docket No. 85-0174-B).

IN RE: Paul Kaufman: Chapter 11 Bankruptcy. "Materials in

Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination; written report. April 1986.

IN RE: John & Marie McAllister: Chapter 11 Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed and variable interest rate determinations; written report plus testimony. March 1986.

IN RE: Byron & Connie Greiman: Chapter 11 Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination; written report. March 1986.

IN RE: Cyrus & Annette Hopkins: Chapter 11 Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination; written report plus testimony. March 1986.

IN RE: Daniel & Helen Wolf: Chapter 11 Bankruptcy. "Materials in Support of an Analysis of the Appropriate Interest Rate Under 11 USC Section 1129(b)(2)." Fixed interest rate determination in support of the debtors successful cramdown effort. Written report plus testimony. February 1986.

**Practice Before
Regulatory
Commissions
(Economics):**

In the Matter of Private Fuel Storage, LLC for a License for an Independent Spent Fuel Storage Installation Docket 72-22-ISFSI, ASLBP No. 97-732-02-ISFSI. Before the Nuclear Regulatory Commission. Expert written testimony on the issues of financial assurance, alternatives, no action, and NEPA. On behalf of the State of Utah. 1999.

In the Matter of Investigation and Hearing on Possible Reduction in Rates and Charges of Entergy New Orleans, Inc. for Electric and Gas Service in New Orleans Docket No. UD-97-1. Before the New Orleans City Council. May-June 1997. Expert written testimony on the franchise agreement. On behalf of the Alliance for Affordable Energy.

Petition of Northern Indiana Public Service Company for Approval of a Natural Gas Alternative Regulatory Plan. Before the Indiana Utility Regulatory Commission. Expert written testimony on the proposal. On behalf of Citizens Action Coalition of Indiana. February 1997. (Settled).

With Respect to Setting Rates Pursuant to Franchise for the Forest Grove Transfer Station. Before the METRO Council (Portland, Oregon). Preparation of studies and other materials. On behalf of the Metro Staff. 1996-7.

Hydro Resources Inc. Application to Construct and Operate the Crownpoint Uranium Solution Mining Project at Crownpoint, NM, Before the U.S. Nuclear Regulatory Commission. Docket No. 40-8968. 1997. Expert written testimony on the economics of the proposal (issues related to financial capability, cost benefit analysis and need). On behalf of ENDAUM and the Southwest Research and Information Center.

In Re Indianapolis Power and Light Cause No.39938. Written rebuttal testimony on rate base, rate of return, and estimation of plant value. Before the Indiana Utility Regulatory Commission. On behalf of Citizens Action Coalition of Indiana. June 1995.

In Re Indianapolis Power and Light Cause No.39938. Written testimony on rate base, rate of return, and estimation of plant value. Before the Indiana Utility Regulatory Commission. On behalf of Citizens Action Coalition of Indiana. April 1995.

Petition of PSI Energy, Inc. for Authority to Raise Rates Cause 39584 Written testimony on utility incentive programs. Before the Indiana Utility Regulatory Commission. On behalf of Citizens Action Coalition of Indiana. July 1994.

In Re Kauai Electric Division Docket No. 94-0097. Written testimony on utility rate design, and low-income and conservation programs. Before the Hawaii Public Utility Commission. On behalf of the Legal Aid Society of Hawaii. March 1995.

Economic Development and Incentive Tariffs Rulemaking Supplemental comments on the efficacy and design of economic development tariffs. Before the Public Utility Commission of Texas Project No. 11434. On behalf of the Texas Ratepayers' Organization to Save Energy. January 1994.

In Re Request for Increased Rates for Denver Water Comment and Exhibits on Late Payment Fees, Low-

income conservation programs, Rate Design and Rate Shock. Prepared on behalf of ACORN. January 1994.

Economic Development and Incentive Tariffs Rulemaking
Prepared comments on the efficacy and design of economic development tariffs. Before the Public Utility Commission of Texas Project No. 11434. On behalf of the Texas Ratepayers' Organization to Save Energy. May 1993.

In the Matter of the Application of MAUI ELECTRIC COMPANY, LTD. for Approval of Rate Increases and Revised Rate Schedules and Rules. Written testimony on the issues of conservation, low-income rate design, late payment charges and rate shock. Before the Hawaii Public Utilities Commission Docket No. 7000 on behalf of Legal Aid Society of Hawaii. November 1992.

Petition of PSI Energy, Inc. for Approval of its Phase Environmental Compliance Plan... Prepared written testimony on the utility's proposed incentive plans and allowance banking proposal. Before the Indiana Utility Regulatory Commission, Cause No. 39346. On behalf of the Citizens Action Coalition of Indiana. September 1992.

Comments: In the Matter of the Application of Randy Heller for a Major Partition and Variance in the Rural Residential-5 Zone. Written comments on zoning issues. Before the Columbia County, Oregon Board of Commissioners on behalf of the Scappoose-Spitzenberg CPAC. May 1991.

In the Matter of the Investigation into the Portland Extended Area Service Region Docket UM-261.
Supplemental written testimony on the issues of rate design and cross subsidization. Before the Oregon Public Utility Commission on behalf of the Citizens' Utility Board of Oregon. February 1991.

In the Matter of: An Adjustment of Gas and Electric Rates of Louisville Gas and Electric Company. Case No. 90-158. Prepared written testimony on the issues of rate design, cost of service, and residential conservation programs. Before the Kentucky Public Service Commission on behalf of the Attorney General of Kentucky. November 1990.

In the Matter of the Investigation into the Portland

Extended Area Service Region. Docket UM-261. Prepared written testimony on the issues of rate design, cost of service, and cross-subsidization. Before the Oregon Public Utility Commission on behalf of the Citizens' Utility Board of Oregon. October 1990.

In the Matter of: Rate Adjustment of the Western Kentucky Gas Company. Case No. 90-013. Prepared written testimony on the issues of rate design, cost of service, and residential conservation programs. Before the Kentucky Public Service Commission on behalf of the Attorney General of Kentucky. May 1990.

In the Matter of: Notice of Adjustment of Rates of Kentucky-American Water Company. Case No. 89-348. Prepared written testimony on the issues of rate design, cost of service, rates charges for public fire hydrants, and residential conservation. Before the Kentucky Public Service Commission on behalf of the Lexington-Fayette Urban County Government and the Office of the Attorney General of Kentucky. March 1990.

In the Matter of the Investigation into the Revenue Requirements and Rate Spread of Pacific Northwest Bell Telephone Company, d/b/a US West Communications, Inc. Docket UT-85. Direct written testimony on telecommunications rate design. Before the Oregon Public Utility Commission on behalf of the Citizen's Utility Board of Oregon. May 1989.

IN RE: City of Sheldon v. Iowa Public Service Company. Docket NO. SPU-88-7. Petition of the City of Sheldon for a certificate to establish a municipal electric utility. Expert written testimony on valuation principles and associated regulatory issues. Before the Iowa Utility Regulatory Board. On behalf of the City of Sheldon. March 1989.

In the Matter of the Investigation of Cost-of-Service Studies and the Rate design of ALASCOM, Inc. Docket U-87-25. Expert written testimony on intrastate toll rate design and issues relating to the provision of telecommunication services for the hearing impaired. Before the Alaska Public Utilities Commission. On behalf of the Alaska Consumer Advocacy Program. February 1989.

IN RE: Docket No. DPU 86-36. Investigation into the Pricing and Ratemaking Treatment to be Afforded New

Electric Generating Facilities Which Are Not Qualifying Facilities. Expert written testimony on the regulatory treatment of conservation and demand side management programs. Before the Massachusetts Department of Public Utilities, on behalf of the Hampshire Community Action Commission (National Consumer Law Center). June 1988.

IN RE: Docket No. DPU 87-280. Western Massachusetts Electric Company. Expert written testimony on the cost effectiveness and economic justification of certain demand side management pilot programs. Before the Massachusetts Department of Public Utilities, on behalf of the Hampshire Community Action Commission (National Consumer Law Center) March 1988.

IN RE: Public Service Corporation of Indiana. Cause 37414 (Application to reduce rates). Expert written testimony on the issue of whether PSI's Marble Hill-related financial emergency continued, and whether PSI should be allowed to temporarily reduce rates via certain changes in accumulated tax accounting. Before the Indiana Utility Regulatory Commission, on behalf of the Citizens Action Coalition and the City of Terre Haute. April 1988.

IN RE: Public Service Corporation of Indiana. Cause 37414-S1 (Investigation to determine whether existing rates ought to be reduced). Prepared written testimony on the issue of the financial condition of PSI. Before the Indiana Utility Regulatory Commission on behalf of the Citizens Action Coalition and the City of Terre Haute. April 1988.

IN RE: New York State Electric and Gas Corporation. Cases 29541 and 29542. Expert written testimony on cost allocation and "economic development" rates. Before the Public Service Commission of the State of New York. July 1987. On behalf of the Public Utility Law Project. Albany, New York.

IN RE: Petition of CAC, City of Terre Haute, et al for a Reduction in the Retail Electric Rates of Public Service Company of Indiana. Cause No. 38411 Affidavit dealing with excess earnings. October 1987.

IN RE: Application of IBP, Inc. for a Water Withdrawal Permit for its Proposed Manchester Plant. Draft Water Use Permit No. 14,808. "Comments on the Public Health Impacts of Radium Contamination in the Jordan Aquifer."

Before the Iowa State Department of Natural Resources. September 1987. On behalf of a coalition of local farmers and environmentalists.

IN RE: Western Massachusetts Electric Company.

Docket No. D.P.U. 86-280. Expert written testimony on the economics of conservation investments targeted to low income and 'bad debt' customer subgroups. Before the Massachusetts Department of Public Utilities. March 1987. On behalf of the Hampshire Community Action Commission (National Consumer Law Center).

IN RE: Iowa Gas Company Request for Increased Rates.

Docket No. RPU-85-22. Expert written testimony on rate design, interruptible rates for industrial users, and the allocation of franchise/user fee expenses. Before the Iowa State Commerce Commission. January 1986. On behalf of the City of Des Moines.

IN RE: Proposal to Set Maximum Rates Small Loan Companies Are Allowed to Charge Pursuant to Iowa Code Section 536.13.1(B) and 536.13(2). Docket No. ARC 5900. Before the Iowa State Banking Board. Written testimony opposing the proposal to increase the maximum rates to 36% per annum. October 1985. On behalf of the Iowa City Ratepayers Association.

IN RE: Union Electric Company Request for Increased Rates. Docket No. RPU-85-9. Expert written testimony on the question of whether the Callaway Nuclear Facility was a cost effective source of power to Iowa, and analyzing the impact of the proposed rates on economic development in Iowa. Before the Iowa State Commerce Commission. July 1985. On behalf of the Cities of Keokuk and Ft. Madison and Lee County, Iowa.

IN THE MATTER OF: Application of Duke Power Company for Approval of a General Increase in Electric Rates and Charges. Docket No. 85-78-E. Technical appendices in support of the expert written testimony of David E. Osterberg. Before the South Carolina Public Service Commission. July 1985. On behalf of the Consumer Advocate of the State of South Carolina.

IN RE: Rules Regarding Permissible Additional Charges for Involuntary Unemployment Insurance Premiums. Docket No. ARC 5249. Before the Administrator of the Iowa

Consumer Credit Code. Written testimony on the impact of this type of insurance on consumers. February 1985.

IN THE MATTER OF: Union Electric Company. Docket No. 84-0109. Expert written testimony comparing the cost of power from Callaway Nuclear Station to other sources of power; utility planning; and the treatment of excessive costs. Before the Illinois State Commerce Commission. September 1984. For the Governor's Office of Consumer Services (Illinois).

Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Niagara Mohawk Power Corporation: Case Nos. 28798, 28799, 28800. Before the Public Service Commission of the State of New York. Expert written testimony on the disposition of the savings from the availability of federal hydroelectric power on the Niagara-Mohawk system. September 1984. For the Public Utility Law Project (New York).

IN RE: Northwestern Bell Telephone Company. Docket No. RPU-84-7. Expert written testimony on discriminatory allocation of costs, cost causation, and the jurisdictional treatment of jurisdictionally unnecessary costs. Before the Iowa State Commerce Commission. June 1984. For the coalition for Fair utility Rates and the ISU Government of the Student Body.

IN RE: Wisconsin Power and Light Company. Docket No. 6680-UR-14. Expert written testimony on rate of return. June 1984. Before the Wisconsin Public Utilities Commission. For the Citizens Utility Board.

IN RE: Young Radiator. NPDES Permit 04-07-1-02. Report submitted on the sufficiency of the terms of the proposed permit. Before the Iowa Department of Water, Air and Waste Management. April 1984. For: Local Citizens, Centerville, Iowa.

IN RE: Peoples Natural Gas Company, Division of InterNorth Inc. Docket No. RPU-83-20. Expert written testimony on conservation funding and the regulatory treatment of excess capacity. Before the Iowa State Commerce Commission. October 1983. For the Iowa Ratepayers Association.

IN RE: Iowa Electric Light and Power Company. Docket

No. RUP-83-23 (TF-83-264). Expert written testimony on utility planning and excess capacity. Before the Iowa State Commerce Commission. September 1983. For the Iowa Ratepayers Association.

IN RE: Iowa-Illinois Gas and Electric Company. Docket No. RPU-83-22. Supplemental written testimony on the issue of the prudence of company management. Before the Iowa State Commerce Commission. October 1983. For the Iowa Ratepayers Association.

Iowa Power and Light Company; Iowa Southern Utilities Company; and Iowa Illinois Gas and Electric Company. Docket No. RPU-82-39. Expert written testimony on the natural gas purchasing practices of the above listed utilities. Before the Iowa State Commerce Commission. September 1983. For the Iowa Ratepayers Association.

In the Matter of the Application of Otter Tail Power Company for Authority to Establish Increased Rates for Electric Service in South Dakota. Docket No. F-3418. Expert written testimony before the South Dakota Public Utilities Commission on the issue of rate design (the OSL Rate). July 1983. For the Citizens Organized for the Purpose of Equality (COPE), Sisseton, South Dakota.

IN RE: Petition for a Special Exception for the Construction of a High Voltage Transmission Line within Iowa City, Iowa. Expert written testimony on utility planning. Before the Iowa State Commerce Commission. November 1982. For the Iowa City Ratepayers Association.

Prepared written testimony in Docket No. FCU-82-5 before the Iowa Commerce Commission on the subject of the regulatory treatment of winter utility shutoffs. December 1982. Citizens/Labor Energy Coalition.

IN RE: Rate Making Treatment of Excess Electric Utility Generating Capacity. Docket No. RMU-82-4. Expert written testimony on rate making treatment of excess electric utility generating capacity. Before the Iowa State Commerce Commission. November 1982, p. 27. Community Action Research Group.

IN RE: Petition for Franchise of 4.2085 Miles of 72,000 Volt Transmission Line in Clayton County, Iowa. Docket No. E-19540. Supplementary written testimony on utility

planning and forecasting. Before the Iowa State Commerce Commission. April 1982.

IN RE: Iowa Public Service Company. Docket No. RPU-81-8. Supplemental direct written testimony on rate of return, excess capacity and utility planning. Before the Iowa State Commerce Commission. September 1981, p. 14. Woodbury County Community Action Agency and Citizens/Labor Energy Coalition.

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Post Graduate Courses:

Oregon Land Use Law, OSB. Portland, Oregon December 1996.

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Spanish Language Refresher: 120 hours. El Centro Cultural. Hillsboro, Oregon. 1988-9. (Certificate).

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Faculty Workshop Program on Breeder Reactor Technology, Argonne National Laboratory, Argonne-West, Idaho Falls, Idaho, August 2-5, 1982.

Workshop on Appraisal of Utilities and Railroad Property for Ad Valorem Taxation. National Tax Association -- Tax Institute of America. Wichita State University, July 27-30, 1981. (Certificate)

Simulation Modeling and Analysis. Institute for Professional Education. Los Angeles, September 1978. (Certificate)

Employment History: Current: Managing Partner: Osterberg & Sheehan, Public Utility Economists, Scappoose, Oregon & Mount Vernon, Iowa.

Partner: Fisher, Sheehan and Colton, Public Finance and General Economics, Scappoose, Oregon, Iowa City, Iowa, and Belmont, MA.

Private practice of law (utility regulation, land use, and the environment)

- 1989-92 Counsel, Telecommunications Law Project, Citizens' Utility Board of Oregon, Portland, Oregon.
- 1979-84 Assistant Professor, Graduate Program in Urban and Regional Planning; and Research Associate at the Institute of Urban and Regional Research, The University of Iowa, Iowa City, Iowa 52242.
- 1979 Lecturer, Graduate School of Administration, UCR, (Analysis of Projects). (Winter)
- 1976-9 Lecturer, Department of Economics, California State College at San Bernardino.
- 1978 Consultant, Richard Terry & Associates, *Impact of Federal Sewer Sizing Limitations on Economic Growth in the West San Bernardino Valley*.
- 1977-8 Research Associate, UCR-USDA (Forest Fire Damage Functions).
- 1977 Water Resource Consultant, Janczyk & Sheehan, Riverside (water quality problems in the Santa Ana and San Jacinto watersheds).
- 1976-7 Holder of a Regent's Fellowship, UCR.
- Spr 1976 Research Assistant (Geothermal Development Project), Department of Economics, UCR.
- 1976 Teaching Assistant (Microeconomics), Department of Economics, UCR). (Fall, Winter)
- Spr 1975 Research Assistant to Professor K. C. Kogiku in applied mathematical economics.
- 1975 Holder of a Regent's Fellowship. (Fall, Winter)

- 1975 Associate-in-Economics, Department of Economics, UCR (to teach one course in labor economics). (Winter)
- 1974-76 Instructor, Chapman College (Microeconomics, Macroeconomics, Statistics, Development, Comparative Systems, Cycles and Growth, Urban Economics, Decision Theory, Quantitative Methods, and Operations Research).
- 1974 Consultant, A. A. Webb Associates, Inc., Consulting Engineers, Riverside (urban information systems).
- 1973-4 Teaching Assistant (Economic Statistics), Department of Economics, UCR.
- 1970-2 Dean's Statistical Clerk, Dean James Earley, College of Social and Behavioral Science, UCR.
- 1969-70 Assistant to the Hospital Administrator, Patton State Hospital.
- 1967-69 Electrician, Timna Copper Mines.
- 1963-66 U.S. Marine Corps.

Honors and Awards: Winner, Cascade Policy Institute Better Government Competition 1996 for the study, *Home-Based Enterprise in Oregon: Improving Local Regulation of an Important Economic Asset* September 1996.

Fullbright Fellowship to Pakistan for 1979-81 awarded August 1979 (declined).

Affiliations: Association for Evolutionary Economics
 Association for Institutional Thought
 Lawyers Coordinating Committee, AFL/CIO
 Oregon Bar Association
 Policy Studies Association