

THE FOUR THINGS EVERY LOW-INCOME ADVOCATE SHOULD HAVE ON THE SHELF OR IN A DESK DRAWER

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1. Current copies of your state's utility statute and commission regulations and a bookshelf of standard resources.

This may include statutes enabling your state's public utility commission and state energy office, in addition to the substantive utility law, and are usually available on-line. Standard ratemaking resources include:

- a. James Bonbright, *Principles of Public Utility Rates* (Columbia University Press, 1969).
- b. Alfred Kahn, *The Economics of Regulation* (2 vols., Wiley, 1970-1971).
- c. Up-to-date low-income related data and arguments for your state from such on-line sources as the U.S.Census (www.Census.gov), DOE's Energy Information Administration (www.eia.doe.gov) other government sources (including DOE, HHS, DOL, your state's PSC and Energy Office), the Center on Budget and Policy and Priorities (www.cbpb.org), NCAT LIHEAP Clearinghouse (www.ncat.org/liheap), NEADA (www.NEADA.org), and, of course NCAF (www.ncaf.org) and Democracy And Regulation (www.DemocracyAndRegulation.com)
- d. NCLC's *Access to Utility Services*
- e. May we modestly suggest: Palast, Oppenheim, and MacGregor, *Democracy And Regulation* (Pluto Press 2003 – available from us) – Meg Power says “This book is required reading for anyone committed to maximum feasible participation of those directly affected by public policy.” Nancy Brockway: "If you have no other books on public utilities, you should have this one.”

2. Standard petition to intervene

An example follows, based on the intervention requirements in Massachusetts. Every state is different, so your form must meet all the specific requirements in your state, which you will find in the Commission's rules.

3. Standard discovery

An example follows that was prepared for a recent rate case in Massachusetts. Your standard set of questions should be filed as soon as possible, but tailored to the subject matter and needs of the particular case, as well as your state's rules and customs. Follow-up discovery will be based on responses to your discovery, and that of others, as well as things you may learn elsewhere.

4. At the *beginning* of each case, an *outline* of what you plan to ask for on brief at the end and the argument and evidence you will need to buttress your prayers for relief. In this way, you will be planning the questions you need to ask in discovery and the answers you need to get, and documents you need to introduce, on cross-examination. This will also serve as the outline for your brief (and, if allowed, oral argument), though you will inevitably adjust it as the case progresses. Finally, you can draw from this outline to draft your public statement at the first public hearing in the proceeding.

A sample of such an outline and two examples of testimony follow. The first sample of testimony is followed by responses to discovery on the testimony propounded by the utility.