

Nancy Brockway
NBrockway & Associates
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Experience

Principal, NBrockway & Associates, utility consulting (2003 to present)
Director of Multi-Utility Research and Policy (NRRI, 2/08 – 10/08)
Commissioner, New Hampshire Public Utilities Commission (1998-2003)
Utilities consultant and attorney, National Consumer Law Center (1991-1998)
General Counsel, Massachusetts Department of Public Utilities (1989-1991)
Staff Attorney, Assistant General Counsel, Massachusetts Commission (1986-1989)
Hearings Officer, Senior Staff Attorney, Maine Public Utilities Commission (1983-1986)
Executive Director, Maine Legal Services for the Elderly, Inc. (1981-1983)
Staff Attorney, Directing Attorney, Pine Tree Legal Assistance, Inc. (1979-1981)
Staff Attorney, UMass Student Legal Services (1977-1979)
Staff Attorney, Western Massachusetts Legal Assistance, Inc. (1976-1977)
Staff Attorney, Legal Aid Society of New York (1974-1976)

NARUC Committee Memberships and Public Service

NARUC Energy Resources and Environment Committee
NARUC Consumer Affairs Committee (Vice-Chair)
Consumer Affairs Committee, New England Conference of Public Utility
Commissioners (Chair)
Steering Committee, National Council on Competition in the Electric Industry
ISO-NE Advisory Committee
NEPOOL Review Board Advisory Committee
NARUC Ad Hoc Committee on Competition in the Electric Industry
NARUC Committee on Communications
FCC Joint Conference on Accounting
North American Numbering Council
NBANC Board of Directors

Other Public Service

Board Chair, PAYSAmerica, Inc., 2004-2008
Member, New Hampshire Site Evaluation Committee, 1998-2003
Independent Conservation & Load Management Expert, MA Energy Office, 1991-1993.
Member, Massachusetts Energy Facility Siting Board

Member, Massachusetts Board of Registration of Allied Mental Health and Human Services Professional
Member, Energy and Transportation Task Force, President's Council on Sustainable Development

Bar Memberships

Massachusetts
New York State and Maine (inactive)

Education

B.A. with honors, 1970, Smith College, Northampton, MA
J.D., 1973, Yale Law School, New Haven, CT
Coursework in statistics, Northeastern University, Boston, MA

Selected Publications

Security and the States; The regulator's role in promoting cybersecurity for the smart grid, Public Utilities Fortnightly, July 2012, pp. 34-40.

O Papel do Consumidor na Regulação do Setor de Eletricidade nos Estados Unidos ("On the Role of the Consumer in the Regulation of the Electricity Industry in the United States"), proceedings of the conference Melhoria da Regulação no Brasil: o papel da participação e do controle sociale, Programa de Fortalecimento de Capacidade Institucional para Gestão em Regulação, Casa Civil da Presidência da República, Brasília, December 2010.

With Rick Hornby, *The Impact of Dynamic Pricing on Low-Income Customers: An Analysis of the IEE Whitepaper*. A report for the Maryland Office of People's Counsel. November 2010.

Advanced Metering Infrastructure: What Regulators Need to Know About Its Value to Residential Customers, NRRI Report 08-03. Describes AMI, provides an overview of a cost-benefit analysis for approval of AMI cost recovery, describes operational benefits of AMI (such as remote meter-reading), and describes and evaluates the results of three major pilots of dynamic pricing for residential customers, with particular attention to whether low-use and low-income customers can avoid high-cost peak pricing and take advantage of lower-cost off-peak pricing. Available at http://nrri.org/pubs/multiutility/advanced_metering_08-03.pdf.

Delaware's Electricity Future: Re-Regulation Options and Impacts, A Report Pursuant to SS1 of SJR3 of the 143rd General Assembly, Presented to the Office of Management and Budget and the Controller General of the State of Delaware, recommending a portfolio approach to future electricity resources, with a public process to determine risk preferences, and the establishment of a Delaware Energy Authority to keep the wholesale power marketers honest. It has two appendices, one showing initiatives states had taken to re-regulate their power markets and the other showing proposals not enacted as of the date of the study (May 22, 2007).

Stranded Benefits in Electric Utilities Restructuring, with Michael Sherman. The National Council on Competition and the Electric Industry: The Electric Industry Restructuring Series, October 1996. Uses the economic concepts of public vs. private goods to identify benefits of the existing regulatory regime that will be lost with privatization, and suggests policies for retaining the benefits while migrating the industry to a competitive model.

<http://www.ncsl.org/programs/energy/stranded.htm>

Approaches to Electric Utility Energy Efficiency for Low-Income Customers in a Changing Regulatory Environment, with Blair Hamilton et al, Oak Ridge National Laboratory, June 1998, 75 pages. An overview and analyses of the approaches selected states take with restructuring regulatory orders or legislation to funding, administering and implementing low-income energy efficiency. Geared toward Weatherization Assistance Program grantees to help them identify where their state is positioned vis a vis restructuring, to understand issues in their state, and to structure the best possible package of low-income energy efficiency services. Includes an overview of the status of restructuring in all states as of the summer of 1998. Contact: National Technical Information Service www.ntis.gov/ordering.htm or Office of Scientific and Technical Information www.osti.gov/products/sources.html, to order. (Order # ORNL/CON-466)

Statewide Administration of Low-Income Programs Under Energy Utility Restructuring: Opportunities and Pitfalls, National Consumer Law Center, February 1998. Describes the opportunities and pitfalls of statewide administration versus utility-by-utility administration of low-income programs under energy utility restructuring. Summarizes status of this issue to date in states with restructuring legislation or regulatory authorization, noting that five states, (CA, IL, NH, NY and WI, the latter through PSC recommendation,) have moved strongly in the direction of statewide administration and two (ME and MA) have recognized the value of statewide programs.

<http://www.liheap.ncat.org/pubs/brock.htm>

A Low-Income Advocate's Introduction to Electric Industry Restructuring and Retail Wheeling, National Consumer Law Center, June 1994, 32 pages. Summarizes different positions within the restructuring debate, discusses the impact of proposed retail competition on low-income residential customers, and reviews some options available to low-income customers in response to industry restructuring proposals. NCLC, 7 Winthrop Square, Boston, MA 02110.

Access to Utility Services, treatise on utility customer protection law, with others. National Consumer Law Center, 1994. Since updated. NCLC, 7 Winthrop Square, Boston, MA 02110

Selected Recent Presentations

Smart Meter Today Webinar: June 2012: *Resurrecting the Promise of Residential Dynamic Pricing: A Consumer Advocate's Perspective*

MACRUC 17th Annual Education Conference, Hersey, PA, June 2011: *Demand Response: At the Crossroads of Wholesale and Retail Markets.*

NARUC Annual Convention, Atlanta, November 2010: *Smart Grid: What Do Consumers Want?*

Alberta (CA) Utilities Commission Smart Grid Review, October 2010: *A Snapshot of Where We Are.*

ACEEE Conference on Efficiency Financing, Philadelphia, May 2010: *PAYS(r) - An Offer to Good to Refuse?*

NANCY BROCKWAY: TESTIMONIES				
Case name	Client Name	Topic	Jurisdiction & Docket No.	Date(s) Filed
Massachusetts Electric Company and Nantucket Electric Company, d/b/a National Grid; Application for Approval of Smart Grid Pilot under Sec. 85	Low Income Affordability Network	Need for granular information on experience of low-income and low-use customers in critical peak pricing pilot	Massachusetts DPU Docket No. 11-129	4/9/12
IMO Application of Arizona Public Service Company to determine the fair value of the utility property of the company for ratemaking purposes, to fix a just and reasonable return...and to approve rate schedules...	AARP	Decoupling, risk and reward, Rate Design	Arizona PSC Docket No. E-01345A-11-0224	1/25/12 1/18/12 12/2/11 11/18/11
In the Matter of the Merger of Exelon Corporation and Constellation Energy Group, Inc.	Maryland Office of the People's Counsel	Impact of proposed merger on ability of MPSC to regulate BGE effectively	Maryland PSC Case No. 9271	1/20/12 10/26/11 10/12/11 9/16/11
IMO Rocky Mountain Power Company Rate Case	AARP	Rate design, risk and reward	Wyoming PSC Docket No. 20000-384-ER-10	4/11/11
Amended Project Development of Duke Energy Carolinas, LLC for Approval of Decision to Incur Nuclear Generation Pre-Construction Costs	South Carolina Coastal Conservation League	Prudence of further investment in Summer nuclear plan	South Carolina PSC Docket No. 2011-20-E	4/6/11
Petition of PECO Energy Company for approval of its smart meter technology procurement and installation plan; petition for approval of PECO Energy Company's initial dynamic pricing and customer acceptance Plan	Pennsylvania Consumer Advocate	Implementation of Smart Grid plan and preparation for dynamic pricing introduction.	Pennsylvania PUC Docket No. M-2009-2123944	12/23/10; 1/12/11

In the Matter of: An investigation of natural gas retail competition programs	AARP Kentucky	Introduction of retail gas competition.	Kentucky PSC Case No. 2010-00146	6/21/10; 9/21/10
Alberta Smart Grid Inquiry	Office of the Utilities Consumer Advocate	Status of Smart Grid Developments in North America	Alberta Utilities Commission Application No. 1606102 Proceeding ID. 598	6/12/10 [report]
In the Matter of WMECO Smart Grid Pilot Program, filed per Section 85 of the Green Communities Act	Low Income Weatherization and Fuel Assistance Program Network, Massachusetts Energy Directors' Association	Smart Grid pilot design	Massachusetts DPU Docket No. 09-34	5/5/10
Nevada Power and Sierra Pacific Power Integrated Resource Plans	Attorney General, Bureau of Consumer Protection	AMI security, privacy and customer acceptance	Nevada PSC Docket Nos. 10-02009 10-03023	4/26/10
Application of Louisville Gas & Electric Co. for an Adjustment of its Electric and Gas Base Rates	AARP	Cost allocation and rate design	Kentucky Public Service Commission Case No. 2009-00549	4/22/10
In the Matter of NSPI Application to Approve Nova Scotia's Electricity Demand Side Management Plan for 2011	Consumer Advocate appointed by the Utilities and Review Board	DSM program design and evaluation	Nova Scotia UARB Docket No. P-884(3)	4/9/10
In the Matter of the NSTAR Smart Grid Pilot Program, filed per Section 85 of the Green Communities Act	Low Income Weatherization and Fuel Assistance Program Network, Massachusetts Energy Directors' Association	Smart Grid pilot design	Massachusetts DPU Docket No. 09-33	11/6/09
Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company for Approval of Smart Meter Technology Procurement and Installation Plan	Pennsylvania Office of Consumer Advocate	Smart grid deployment; demand response and energy efficiency.	Pennsylvania PUC Docket No. M-2009-2123950	10/21/09

IMO Potomac Electric Company and Delmarva Power & Light Company Request for the Deployment of an Advanced Metering Infrastructure and Establishment of Regulatory Assets	Maryland Office of Public Advocate	Smart grid deployment; demand response and energy efficiency.	Maryland PSC Case No. 9207	10/20/09
Petition of West Penn Power Company d/b/a Allegheny Power for Expedited Approval of its Smart Meter Technology Procurement and Installation Plan	Pennsylvania Office of Consumer Advocate	Smart grid deployment; demand response and energy efficiency.	Pennsylvania PUC Docket No. M-2009-2123951	10/16/09
IMO BG&E Authorization to Deploy a Smart Grid Initiative and to Establish a Surcharge Mechanism for the Recovery of Cost.	Maryland Office of Public Advocate	Smart grid deployment; demand response and energy efficiency.	Maryland PSC Case No. 9208	10/13/09
IMO DTA of FortisAlberta, Phase I/II, 2010-2011	Utilities Consumer Advocate of Alberta	Smart grid deployment	Alberta Utilities Comm'n App. No. 1605170	10/9/09
IMO Unitol and National Grid Smart Grid Plans per Section 85 of the Green Communities Act	Low Income Weatherization and Fuel Assistance Program Network, Massachusetts Energy Directors' Association	Smart Grid pilot design	Massachusetts Department of Public Utilities Docket Nos. 09-32 and 09-31	8/31/09
Columbia Gas Rate Case	AARP	SFV rate design, miscellaneous fees, recovery of uncollectibles via rider	Kentucky PSC Case No. 2009-00141	7/29/09
Appalachian Power Company, etc. ENEC proceeding	Covenant House and West Virginia CAG	Impact of proposed rate increase on low-income customers and means to improve collection procedures.	West Virginia PSC Case No. 09-0177-E-GI	5/26/09
In Re Combined Application of South Carolina Electric and Gas	Friends of the Earth	Need for and cost of proposed Summer nuclear power plant; alternatives including energy efficiency and renewables.	South Carolina Public Service Commission, Docket No. 2008-196-E.	Direct: 10/17/08 Surrebuttal: 11/17/08
Nova Scotia Power, Inc.	NS UARB Consumer Advocate	Proposed general rate increase, rate design.	Nova Scotia Utility and Review Board, P-886	12/07

Pike County Commissioners v. PCL&P	Pennsylvania Office of the Consumer Advocate	Options to address rate shock in transition to uncapped competitive POLR rates	Pennsylvania Public Utilities Commission, Docket No. C-20065942	11/06 (hearing in January 07)
Nova Scotia Power, Inc.	NS UARB Consumer Advocate	Extra Large Industrial Interruptible Rates	Nova Scotia Utility and Review Board, P-883	8/06
UGI/Southern Union, Proposed Merger	Pennsylvania Office of the Consumer Advocate	Impacts of the Proposed Merger on Ratepayers and Rates, Risks and Benefits of Proposed Merger, Synergies, Reliability	Pennsylvania Public Utilities Commission, Docket Nos. A-120011F2000, etc.	5/06
SEMCO Energy Services Gas Cost Recovery Plan	PAYS America, Inc.	Relationship Between DSM and Gas Costs	Michigan Public Service Commission, Docket No. U-14718	5/06 (not admitted)
Re: Electric Service Reliability and Quality Standards	Delaware Public Service Commission	Application of Proposed Rules to Competitive Suppliers and Cooperatives	Delaware Public Service Board, Docket No. 50	1/06
Exelon/Public Service Electric & Gas, Joint Petitioners	New Jersey Division of the Ratepayer Advocate	Impacts of Proposed Merger on Service Quality, Reliability, and Gas Safety, and Options to Maintain Historic Standards.	New Jersey Board of Public Utilities, BPU Docket No. EM05020106 OAL Docket No. PUC-1874-05	11/05-12/05
Exelon/Public Service Electric & Gas, Joint Petitioners	New Jersey Division of the Ratepayer Advocate	Risks and Benefits of Proposed Merger of Exelon and PSE&G, Options for Assuring Benefits and Mitigating Risk	New Jersey Board of Public Utilities, BPU Docket No. EM05020106 OAL Docket No. PUC-1874-05	11/05-12/05
Nova Scotia Power, Inc.	NS UARB Consumer Advocate	Economic Development Rates	Nova Scotia Utility and Review Board, P-882	10/05
Nova Scotia Power, Inc.	NS UARB Consumer Advocate	Revenue Requirements, Cost Allocation, Rate Design, Demand Side Management, Economic Development Rates	Nova Scotia Utility and Review Board, P-882	10/05 – 11/05
Bay State Gas Company	Local 273	Customer Service, Reliability, Low-Income Protections, Revenue Requirements	Massachusetts DTE, Docket No. 05-27	7/05
Nova Scotia Power, Inc.	Nova Scotia Utility and Review Board	Domestic Consumer Perspective on Proposed Rate Case Settlement Agreement	Nova Scotia Utility and Review Board, P-881	1/05
Cincinnati Bell Alternative Regulation	Communities United for Action	Universal Service and alternative regulation of telephone service	PUCO, Case No. 96-899-TP-ALT	12/97
UGI-Electric Utilities, Inc.	Pennsylvania OCC	Universal Service issues in electric restructuring plans; including efficiency funding	PA PUC, No. R-00973975	1997
West Penn Power Co.	“	“	PA PUC, No. R-00973981	1997

Duquesne Light Co.	“	“	PA PUC, No. R-00974101	1997
PECO, Inc.,	“		PA PUC, No. R-00973953	1997
PP&L	“	“	PA PUC, No. R-00973954	1997
Met Ed.	“	“	PA PUC, No. R-00974008	9/97
Penelec	“	“	PA PUC, No. R-00974009	9/97
In the Matter of the Electric Industry Restructuring Plan	New Hampshire Legal Services	Low-income rates and DSM, impacts of restructuring on low-income consumers	New Hampshire Public Utilities Commission, D.R. 96-150	Nov., Dec. 1996
Notice of Inquiry/ Rulemaking. Establishing the procedures to be followed in electric industry restructuring.	Mass. CAP Directors Association, Mass. Energy Directors Association, named Low-Income Intervenors	Electric industry restructuring	Massachusetts Department of Public Utilities, D.P.U. 96-100.	to 10/98
Telecon Universal Service Docket	Pennsylvania Office of Consumer Advocate	Rate rebalancing, universal service, telephone penetration.	Pennsylvania Public Utilities Commission Docket No. I-00940035	1996
In Re: Complaint of Kenneth D. Williams v. Houston Lighting and Power Co.	Named Low-Income Consumers	Customer service, rate design, demand-side management, revenue requirements	Texas Public Utilities Docket No. 12065	1994-5
Open Access Non-Discriminatory Transmission Services ... and Recovery of Stranded Costs	Direct Action for Rates and Equality, Providence, Rhode Island	Open transmission access in interstate commerce, and stranded costs recovery.	FERC, Nos. RM95-8-000, RM94-7-000.	1994-5
Bath Water District, Proposed Increase in Rates	Maine Office of Public Advocate	Water district cost allocation, rate design, low-income water affordability	Maine Public Utilities Commission, Docket. No. 94-034	12/94, 3/95
Application of Ohio Bell Telephone Co. for Approval of Alternative Form of Regulation	Legal Aid Society of Cleveland and Dayton	Definition of universal telecommunications service, proposal for Universal Service Access program (USA).	Public Utilities Commission of Ohio, Case No. 93-487-TP-ALT	5/4/94
Pennsylvania PUC vs. Bell Telephone of Pennsylvania	Pennsylvania Public Utility Law Project	Definition of "universal telecommunications service"	Pennsylvania PUC No. P-930715	filed 12/93
Joint Application for Approval of Demand-Side Management Programs, etc.	LG&E; Legal Aid Society of Louisville, other Joint Applicants	Cost-effective DSM programs for low-income customers; collaborative process to design DSM programs; cost allocation and cost recovery.	Kentucky PSC No. 93-150	11/8/93

Texas Utilities Electric Company	Texas Legal Services Center	Costs and benefits of DSM targeted to low-income customers	Texas PUC No. 11735	1993
Texas Utilities Electric Company	Texas Legal Services Center	Proposed Maintenance of Effort Rate for low-income customers	Texas PUC No. 11735	1993
Philadelphia Water Department	Philadelphia Public Advocate	Costs of Unrepaired System Leaks	Philadelphia Water Comm'r.	1992
New England Telephone	Rhode Island Legal Services	DNP for non-basic service	Rhode Island PUC, No. 1997	1991
Kentucky Power Co.	Kentucky Legal Services	Low Income Rate	Kentucky PSC No. 91-066	1991
Investigation into Modernization	Invited by Commission	Impact of modernization costs on low income telephone users	New York PSC	1991