

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:11-cv-00243-REB-CBS

CENTER FOR BIOLOGICAL DIVERSITY, *et al.*,

Plaintiffs,

v.

JOSEPH PIZARCHIK, *et al.*,

Defendants, and

BHP NAVAJO COAL COMPANY

Intervenor-Defendant

**DECLARATION OF CHARLES J. CICCHETTI, PH.D. IN SUPPORT OF THE NAVAJO
NATION'S MOTIONS TO INTERVENE AND DISMISS**

I, CHARLES J. CICCHETTI, Ph.D., declare the following:

1. My name is Charles J. Cicchetti, Ph.D.
2. I am an economist and the former Chair of the Public Service Commission of Wisconsin. I have been a tenured Full Professor of Economics and Environmental Studies at the University of Wisconsin and Deputy Director of the Energy and Environmental Policy Center at the John F. Kennedy School of Government at Harvard University, where I directed the Harvard Utility and Natural Gas Forums. Until recently, I held the Jeffrey J. and Paula Miller Chair in Government, Business, and the Economy at the University of Southern California. My resume is attached as Exhibit 1 to this affidavit.

3. I am aware that on September 7, 2010, the United States Federal Government's Office of Surface Mining Reclamation and Enforcement and the Department of the Interior renewed the BHP Navajo Coal Company's ("BNCC") federal permit No. NM-0003F ("Permit"), and that the Permit would allow the BNCC to continue conducting mining and related operation for an additional five years. I am also aware that this coalmine is operated by BNCC and located entirely on land within the sovereign Navajo Nation.
4. Over the past ten years, the Navajo Nation — through its various branches and offices – has consulted with me several times concerning its economy and how to improve it. During my consultations and research, I have come to know that the Navajo Nation has substantial interests that this litigation would negatively affect, and that the current parties of record will not adequately represent the Navajo Nation's interests or have the same incentive and purpose to represent the Navajo people to the degree the Nation itself would.
5. I am aware that the Navajo Nation is filing a Motion to Intervene in this action pursuant to Rule 24(a)(2) of the Federal Rules of Civil Procedure for the limited purpose of filing a Motion to Dismiss as a necessary party to this litigation that cannot be joined due to its sovereign immunity. In recognition of the limitations described above, the Navajo Nation has asked me to file this Declaration in Support of its Motion to Dismiss.
6. **Economic Background**

7. First, I will review some background information about the Navajo Nation, its economy, and the importance of coal mining in that economy. This is necessary to understand fully the devastating effects closing or curtailing production at the Navajo Mine would have on the Navajo Nation and its people.
8. The Navajo Nation is the largest Native American nation, both in terms of population and land area in the United States. The Navajo Nation has more than 300,000 members, and a majority of its members live on the reservation, which is where the BNCC mine is also located. The Navajo Nation is also slightly larger than the State of West Virginia and shares territory with Arizona, New Mexico, and Utah.
9. The Navajo Nation is extremely poor in terms of income and material things, and the Navajo Nation has been economically depressed for many generations. In fact, it is in economic terms one of the two poorest areas in the United States, with an unemployment rate that has increased from 42.16% in 2001 to 50.52% in 2007.¹ Since the current national recession hit in late 2008, the Navajo Nation has suffered even more unemployment, particularly for younger Navajo people, who are often forced to move elsewhere. In the Northern and Eastern Agencies of the Nation, where the BNCC mine is located, unemployment is even higher according to Navajo estimates. The American Community Survey (ACS) of the U.S. Census Bureau, 36.76% of the population of the Navajo Nation lives below the poverty level.²

¹ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, page 20.

10. The BNCC is a major employer in the Northern and Eastern Agencies of the Navajo Nation. Approximately 87% (371 out of 427) of the BNCC's employees are Native Americans most of which are members of the Navajo Nation.² While mining accounted for 3.77% of employment on the Navajo Nation,³ these relatively well-paying jobs account for 7.63% of the total income, salary and benefits earned on the Navajo Nation.⁴
11. If this litigation is decided adverse to the Navajo Nation, it may result in shutting down or curbing activity at BNCC's Navajo Mine. The direct lost employment and income losses for the Navajo Nation and its economy would be devastating on top of an already highly depressed economy. The Navajo Nation would likely become the poorest economic area in the United States, putting it on par economically with the desperate economies in places like Darfur and Afghanistan, where the U.S. provides massive economic assistance.
12. **The Navajo Nation's Budget**
13. Coal mining is very significant for the Navajo Nation's budget. There are two important parts in the Navajo Nation budget: (1) the Internal Budget also called the General Fund Budget; and (2) the External Budget, also called the Executive Branch Total Budget. The Navajo Nation's Division of Economic Development prepared its 2009-2010 Comprehensive Economic Development Strategy where

² 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, page 37.

³ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, page 21, Table 23A, page 122.

⁴ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 23A, page 122 (\$98,108,452 ÷ \$1,285,855,868 = 7.63%).

it provided its annual Internal Fund Budget for the years 2002-2008, and its projected 2009 budget for the fiscal year. This report showed a 2009 Internal Fund Budget of \$169.8 million and an External Budget of \$408.6 million, for a total 2008 Internal Budget of \$578.4 million.⁵

14. External sources of revenue are derived primarily from grants from the federal and state governments, and private funds. External Funds comprised about 71% of total Navajo Nation revenue in FY 2009.⁶
15. There are seven revenue sources for the Internal Funds.⁷ These are revenues from:
 - a. coal;
 - b. oil and gas;
 - c. taxes;⁸
 - d. investment income;
 - e. land rentals, rights-of-way, and business sites;
 - f. court fines/fees; and
 - g. other miscellaneous revenue.
16. Of the internal revenue sources in 2006, revenue from natural resources associated with energy (excluding taxes) comprised about 52% of the gross

⁵ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 10D, pages 96-97.

⁶ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 10D, pages 96-97.

⁷ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 11, page 98.

⁸ Taxes include Possessory Interest Tax (PITP), Business Activity Tax (BAT), Oil and Gas Severance (SEV), Hotel Occupancy Tax (HOT), Tobacco Products Tax (TPT), Fuel Excise Tax (FET), and Sales Tax. 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, pages 12-14.

revenue available for the General Fund Budget.⁹ In 2006, approximately 35% of the total gross revenue was from coal.¹⁰ I have reproduced a portion of Table 11 from the 2009-2010 Comprehensive Economic Development Strategy below:

TABLE 1 The Navajo Nation Sources of General Fund Revenue FY 2009 Budget (\$1 = \$1,000)				
Revenue Source	Actual Revenue for Year Ended 9/30/2006	Actual Revenue for Year Ended 9/30/2007	Actual Revenue for Year Ended 9/30/2008	Projection of Recurring Revenues Year Ended 9/30/2009
Oil & Gas	\$36,776	\$26,293	\$31,559	\$57,215
Coal	\$80,643	\$55,683	\$62,360	\$54,931
Taxes (PIT, BAT, Oil & Gas Severance)	\$65,175	\$53,660	\$63,310	\$70,906
Investment Income	\$10,570	\$5,000	\$9,537	\$9,000
Land Rentals, ROW, Bus. Sites	\$32,545	\$18,250	\$28,248	\$32,648
Court Fines Fees	\$1,227	\$1,200	\$1,200	\$1,200
Other Mics. Revenue	\$1,083	\$800	\$1,000	\$500
TOTAL GROSS REVENUE	\$228,019	\$160,886	\$197,214	\$226,400

Source: Table 11: 2009-2010 Comprehensive Economic Development Strategy, The Navajo Nation

17. Coal revenue was the third most important projected revenue source in 2009, providing about 24% of the revenue for the Internal Budget. Coal's share has declined in importance. Coal revenue was about 35.4% of the Internal Fund's Gross Revenue in 2006. It has declined each year since to 34.6% in 2007, 31.6% in 2008, and 24.3% in 2009.
18. The decline in coal revenue is directly related to the cessation of mining operations at Peabody Western Coal Company's ("Peabody") Black Mesa mine in 2006 and the closure of Chevron Mining, Inc.'s McKinley Mine. Southern

⁹ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 11, page 98.
 $(\$36,776 + \$80,643)/\$228,019 = 51.5\%$.

¹⁰ $\$80,643/\$228,019 = 35.3\%$. 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 11, page 98.

California Edison decided to shut down the Mohave Generating Station (“MGS”), thus eliminating the need for coal from the Black Mesa mine. Until the MGS closed in 2006, Peabody’s Black Mesa mine produced between 4 and 5 million tons of coal annually.¹¹ The Navajo Nation also lost additional rights-of-way and water revenue when the owners closed the MGS. Coal revenue also declined again in 2008 when Chevron Mining, Inc. closed the McKinley Mine.¹²

19. Currently, two coalmines are producing on the Navajo Nation. Peabody’s Kayenta Mine produces about 8 million tons of coal annually for the Navajo Generating Station. BNCC’s Navajo Mine produces between 8 and 9 million tons of coal annually, which is supplied to Arizona Public Service’s (“APS”) Four Corners power plant.¹³
20. If the BNCC’s Navajo Mine closed, it would result in the loss of coal royalties and revenues on about 53% (about 9 out of 17 million tons per year) of the coal currently mined on the reservation. The loss would be almost twice the loss in coal production associated with the shuttered MGS and Black Mesa production.
21. Shuttering the current production would likely result in a loss of coal royalty revenue of about \$33 million.¹⁴ This is about 17% of the 2008 Internal Fund gross revenue of about \$197.2 million.¹⁵

¹¹ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, page 37.

¹² Chevron Mining, Inc.’s McKinley Mine produced between 6.5 million and 7.5 million tons of coal per year prior to its closure in 2008. 2000-2010 Comprehensive Economic Development Strategy of The Navajo Nation, page 37.

¹³ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, pages 36-37.

¹⁴ I calculated the \$33 million loss by multiplying 2008 coal revenue of \$62.360 million times 53%, which represents the percentage of coal extracted from the Navajo Mine (9 tons out of 17 tons). I used 2008 actual revenue from the 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 11, page 98, rather than projected revenue for 2009 shown in Table 11.

22. Taxes are also important—for example, the Navajo Mine’s royalty and tax payments make up approximately 24.15% of the Navajo Nation’s Internal Budget. For example, in 2007, the Navajo Mine paid \$28,069,346 in royalties to the Navajo Nation.¹⁶ In addition, the Navajo Mine paid \$10,786,040 in taxes to the Nation in 2007.¹⁷ This is a total of \$38,855,386 in royalties and taxes paid in 2007. The total gross revenues used to support the Internal Budget for that year were \$160.9 million.¹⁸ \$38,855,386, divided by \$160.9 million equals 24.15%.
23. There are several components to the “taxes” categories of revenue, and these include:
- a. Possessory Interest Tax (PIT);
 - b. Business Activity Tax (BAT);
 - c. Oil and Gas Severance Tax (SEV);
 - d. Hotel Occupancy Tax (HOT);
 - e. Tobacco Products Tax (TPT);
 - f. Fuel Excise Tax (FET); and
 - g. Sales Tax.
24. Closing the Navajo would affect three of these tax sources. Some portion of these three tax revenue sources would be lost if the Navajo Mine is shuttered.

¹⁵ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 11, page 98.

¹⁶ See Navajo Nation Minerals Department, Fiscal Year 2007 Coal Revenues Spreadsheet (Nov. 30, 2007) (on file with Declarant).

¹⁷ See Navajo Nation Tax Commission BAT Receipt Ledger (May 18, 2011) showing Navajo Mine paid the Navajo Nation \$4,786,040 in BAT in 2007 (on file with Declarant) and Navajo Nation Tax Commission PIT Receipt Ledger (November 1, 2010) (on file with Declarant) showing Navajo Mine paid the Navajo Nation \$6,000,000 in PIT in 2007.

¹⁸ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, page 37, Table 11, pages 98.

First, the Possessory Interest Tax (“PIT”) is a tax on the taxable value of a possessory interest the Navajo Nation has granted to coal producers and others. This includes coal leases, rights-of-ways and business site leases. PIT associated with the Navajo Mine’s leases, rights-of-way, and business site leases would not be collected if the mine closed. In 2008, the total PIT collected by the Navajo Nation was \$31,501,790.¹⁹ Second, the Business Activity Tax (“BAT”) is levied on gross receipts from the sale of Navajo goods and services, in other words all goods produced, processed or extracted with the Navajo Nation and all services performed within the Navajo Nation. In 2008, the total BAT collected by the Navajo Nation was \$11,748,134.²⁰ Finally, a 4% sales tax is assessed on all sales of goods and services within the Navajo Nation. In 2008, the total sales tax (non-retail) collected by the Navajo Nation was \$19,157,089.²¹ If the Navajo Mine is closed, all PIT and BAT taxes directly or indirectly associated with the BNCC’s Navajo Mine operation would no longer be collected. Furthermore, if workers are laid off because the mine closes, they will have less money to spend, and this will result in less sales tax revenue. Accordingly, shuttering the BNCC’s Navajo Mine would adversely impact its total BAT, PIT, and sales taxes collected.

25. As discussed, there would be other deleterious effects associated with closing the Navajo Mine, which would exacerbate the Navajo Nation’s economic woes.

The mine is one of the largest employers on the Navajo Nation, employing in

¹⁹ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 13, page 100.

²⁰ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 13, page 100.

²¹ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, Table 13 page 100.

2007 a total of 427 people, 371 (87%) of which are Native Americans, most of which are members of the Navajo Nation.²² These workers earned about \$46 million in combined salary and benefits in 2007.²³ In addition to the lost salaries, BHP Billiton and its employees provide substantial contributions to the San Juan United Way and Navajo United Way, contributions that totaled over \$680,000 in 2007. Furthermore, BHP Billiton and its employees provided over \$100,000 in scholarships to Native American children in 2007.²⁴ These benefits would likely all be lost if the mine was closed

26. Applying the multiplier effects developed by the University of Nevada discussed in greater detail below, the 427 mining jobs support an additional 427 jobs in the local economy. These jobs are likely not as high paying as the mining jobs. Nevertheless, each dollar of the \$46 million in salary and benefits would generate an additional \$0.33 in personal income, or \$15.2 million (\$46 million multiplied by \$0.33) in additional income for this depressed area. This would be lost here. The total lost direct and indirect income associated with closing the mine would be about \$61 million per year.

27. There are additional potential damages associated with shutting down the Navajo Mine.

28. **The BNCC Mine: Quality of Life**

²² 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, page 37.

²³ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, page 37.

²⁴ 2009-2010 Comprehensive Economic Development Strategy The Navajo Nation, page 37.

29. The BNCC mine primarily employs members of the Navajo Nation and the existing jobs at the mine are highly paid jobs. For individual employment, comparable coal mining jobs, according to a 2002 University of Nevada Report, paid an average annual income of \$55,530.²⁵ Such employment is more than 2.75 times the median Navajo Nation annual household income of \$20,005.²⁶ The loss of these jobs would be devastating, both directly and indirectly, to many Navajo people.
30. The direct interests of the Navajo Nation include more than just good paying jobs, as important as these are to the Navajo, and it is not just the loss of employment—devastating as that is—that will negatively affect the Navajo Nation’s economy. As discussed, a substantial portion of the Navajo Nation’s income is derived from royalties (the Navajo Nation collects royalties for every ton of coal extracted), taxes, and other revenues associated with the BNCC’s operations. The Navajo Nation also taxes the BNCC’s and support industries’ transactions, which are goods and services purchases. The BNCC also pays rights-of-way fees and purchases other resources from the Navajo Nation and its members. These sources of income are very important for the Navajo Nation. If the BNCC were shuttered, these revenue streams would abruptly end with devastating effects.

²⁵ “Contributions of the Mohave Generating Station to Local Economies” University Center for Economic Development in the Department of Applied Economics at the University of Nevada Reno, Technical Report UCED 2002/03-07. Table 6 (May 2002) (UCED 2002 Technical Report”).

²⁶ See Extract from the US Census 2000, page 1 at The Navajo Nation, Division of Economic Development (<http://www.navajobusiness.com/fastFacts/index.html>).

31. The Nation has been working steadily and diligently to improve its economy, especially in its Eastern and Northern Agencies. Payments to the Navajo Nation from coal production and associated income such as rights-of-way payments have been a dominant source of the Nation's receipts.
32. **Summary of Economic Effects Associated with Closing the Navajo Mine**
33. Some of the various revenue categories associated with coal mining for the Navajo Nation government include:
- a. Royalty and tax revenue from coal mining operations;
 - b. Other taxes;
 - c. Leasing rights-of-ways
 - d. In-kind contributions that benefit the local communities, and help fund such things as: schools, medical facilities, and individual scholarships.
34. Continuing and uninterrupted mine operations would produce substantial direct economic benefits (jobs and income).
35. In addition to the direct jobs and income associated with coal mining, multiplier effects are also very important, especially for depressed economies such as the Navajo Nation. For example, the loss of one job at a mine would likely result in the loss of additional jobs directly in the industries supporting mining.²⁷ There are also indirect job effects when the people directly employed spend their incomes for locally produced and/or sold goods and services; for example, each dollar of

²⁷ See "Contributions of the Mohave Generating Station to Local Economies", University of Nevada, Reno, Technical Report UCED 2002/03-07, which found that one direct mining job supported one additional job in the local area.

direct local expenditures associated with mining operations generates an additional \$1.50 in economic activity on the Navajo Nation.²⁸ Additionally, each \$1 in the personal income earned at the mine would add \$0.33 in additional indirect personal income in the local area.²⁹ I would expect similar job and income multiplier effects for the entire affected area.

36. **Conclusion**

37. The Navajo Nation simply seeks to earn income using its limited natural resources. The Navajo Mine has operated for decades and the Navajo Nation depends upon the royalties and tax revenue from that mine to finance its Internal Fund.
38. The Navajo Mine has for many years provided a stable source of employment for hundreds of Native Americans who live in the Northern and Eastern Agencies area of the Navajo Nation, which suffers from very high unemployment levels. This is not a matter of allowing something new; it is about permitting the Navajo Nation to help its people using its own resources to do so, and allowing the Navajo Nation the opportunity to protect its sovereign, legal interest from this external attack on its very existence.

²⁸ See "Contributions of the Mohave Generating Station to Local Economies", University of Nevada, Reno, Technical Report UCED 2002/03-07.

²⁹ See "Contributions of the Mohave Generating Station to Local Economies", University of Nevada, Reno, Technical Report UCED 2002/03-07.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 3, 2011.


Charles J. Cicchetti, Ph.D.

State of California
County of Los Angeles

Subscribed and sworn (or affirmed) before me on this 3rd day of June 2011, Charles J. Cicchetti, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

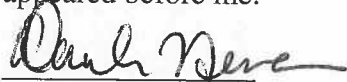




EXHIBIT 1

CHARLES J. CICCHETTI**PROFESSIONAL EXPERIENCE**

2008-present	Senior Advisor to Navigant Consulting, Inc.;
1996-present	Co-Founder, Pacific Economics Group, a California LLC;
1998-2006	Jeffrey J. Miller Professor in Government, Business, and the Economy, University of Southern California;
1992-1996	Managing Director, Arthur Andersen Economic Consulting;
1991-2008	Adjunct Professor, University of Southern California
1991-1992	Co-Chairman, Putnam, Hayes & Bartlett, Inc.;
1988-1991	Managing Director, Putnam, Hayes & Bartlett, Inc.;
1987-1990	Deputy Director, Energy and Environmental Policy Center, John F. Kennedy School of Government, Harvard University;
1984-1987	Senior Vice President, National Economic Research Associates;
1980-1984	Co-Founder and Partner, Madison Consulting Group;
1979-1986	Professor of Economics and Environmental Studies, University of Wisconsin-Madison;
1977-1979	Chairman, Public Service Commission of Wisconsin, Appointed by Governor Patrick J. Lucey (member until 1980);
1975-1976	Director, Wisconsin Energy Office and Special Energy Counselor for Governor Patrick J. Lucey, State of Wisconsin;
1974-1979	Associate Professor, Economics and Environmental Studies, University of Wisconsin-Madison;
1972-1974	Visiting Associate Professor, Economics and Environmental Studies, University of Wisconsin-Madison;
1972	Associate Lecturer, School of Natural Resources of the University of Michigan;
1969-1972	Resources for the Future, Washington, D.C.;
1969	Post Doctoral Research: Ph.D., Economics, Rutgers University;
1968-1969	Instructor, Rutgers University;
1965	B.A., Economics, Colorado College;
1961-1964	Attended United States Air Force Academy.

ADVISORY BOARDS

Faculty Advisor to Campus Republicans at USC, 2002 to 2005
Alliance for Energy Security; Former Member;
Association of Environmental and Resource Economics, Former Executive Committee, Former Member;
California ISO Market Advisory Group –Former Member appointed by Governor Gray Davis;

Center for Public Policy Advisory Committee, Former Member;
Department of Energy, Fuel Oil Marketing Advisory Committee, Former Member;
Graduate School of Public Policy at the University of California, Berkeley; Former Board Member;
National Association of Regulatory Utility Commissioners, Executive Committee and Chairman of the Ad Hoc Committee on the National Energy Act, Former Member;
Public Interest Economics Center, Board of Directors, Former Member;
Rutgers University, Energy Research Advisory Board;
U.S. Chamber of Commerce Energy and Natural Resources Committee, Former Member.

EDITORIAL BOARDS

Journal of Environmental Economics and Management, Former Member
Energy Systems and Policy, Former Member;
Land Economics, Former Editor.

PUBLICATIONS

Books and Monographs

Going Green and Getting Regulation Right: “A Primer for Energy Efficiency”, PUR Publishers, March 2009.

Natural Gas: the Other California Energy Crisis, Pacific Economics Group Working Paper with Colin M. Long, November 2006.

The California Electricity Crisis: What, Why, and What’s Next, with Jeffrey A. Dubin and Colin M. Long, Kluwer Academic Publishers, July 2004

A Tarnished Golden State: Why California Needs a Public/Private Partnership for its Electricity Supply System, with Colin M. Long, August 2003.

Restructuring Electricity Markets: A World Perspective Post-California and Enron, with Colin M. Long and Kristina M. Sepetys, May 2003.

Energy Deregulation: The Benefits of Competition Were Undermined by Structural Flaws in the Market, Unsuccessful Oversight and Uncontrollable Competitive Forces, with Jeffrey A. Dubin, Jon Hockenyos, Colin M. Long and J.A. Wright. California State Auditor, Bureau of State Audits, Sacramento, California, March 2001.

PUBLICATIONS (Cont.)

Restructuring Electricity Markets: A World Perspective, with Kristina M. Sepetys, January 1996.

The Economic Consequence of Independent Film Making, Prepared for the American Film Marketing Association, with W.E. Peale, Stefan Boedeker, Jeffrey Dubin, Jeff Truitt, January 1995.

The Application of U.S. Regulatory Techniques to Spain's Electric Power Industry, with Irwin M. Stelzer, prepared for Unidad Electrica, S.A., Cambridge: Energy and Environmental Policy Center, Harvard University, March 1988.

The Economic Theory of Enhanced Natural Gas Service to the Industrial Sector: An Applied Approach, Vol. II with L.D. Kirsch, for the Gas Research Institute, Contract No. 5080-380-0349, February 1982.

The Economic Theory of Enhanced Natural Gas Service to the Industrial Sector: An Applied Approach, Vol. I with L.D. Kirsch and R. Shaughnessy, for the Gas Research Institute, Contract No. 5080-380-0349, May, 1981.

The Economic Effects of Deregulating Natural Gas, with R.H. Haveman, M. Lowry, M. Post and R. Schmidt, prepared for the Northeast Coalition for Energy Equity, Madison: MCG Monograph, 1981.

The Marginal Cost and Pricing of Electricity: An Applied Approach, with W. Gillen and P. Smolensky, Cambridge: Ballinger Publishing Company, 1977.

The Costs of Congestion: An Econometric Analysis of Wilderness Recreation, with V.K. Smith, Cambridge: Ballinger Publishing Company, 1976.

Energy System Forecasting, Planning and Pricing, ed. with W. Foell for the National Science Foundation, Madison: University of Wisconsin Monograph, 1975.

Studies in Electric Utility Regulation, ed. with J. Jurewitz for the Ford Foundation Energy Policy Project, Cambridge: Ballinger Publishing Company, 1975.

Perspective on Power: A Study of the Regulation and Pricing of Electric Power, with E. Berlin and W. Gillen for the Ford Foundation Energy Policy Project, Cambridge: Ballinger Publishing Company, 1974.

A Primer for Environmental Preservation: The Economics of Wild Rivers and Other Natural Wonders, New York: MSS Modular Publication, 1973.

Forecasting Recreation in the United States: An Economic Review of Methods and Applications to Plan for the Required Environmental Resources, Lexington: Lexington Books, June 1973.

Alaskan Oil: Alternative Routes and Markets, for Resources for the Future, Baltimore: Johns Hopkins University Press, December 1972.

The Demand and Supply of Outdoor Recreation: An Econometric Analysis, Ph.D. Thesis: Rutgers University, 1969. Also, with J.J. Seneca and P. Davidson, Washington, D.C.: U.S. Department of Interior, Bureau of Outdoor Recreation, Contract No. 7-14-07-4, 1969.

A Neo Keynesian Equilibrium Analysis For an Open Economy, A.B. Thesis, Colorado College, Colorado, Springs, Colorado, May, 1965.

PUBLICATIONS

Journal Articles

“Duke’s Fifth Fuel”, Public Utilities Fortnightly, January 2008.

“Public Service Commission of Wisconsin, 1977-1980” Charles J. Cicchetti, The NRRI Journal of Applied Regulation, Volume 4, December 2006

“A Brief History of Rate Base: Necessary Foundation of Regulatory Misfit” with Charles J. Cicchetti, Public Utility Fortnightly, July 2006.

“ISOs and Transcos: What’s at Stake?” with Gary D. Bachman and Colin M. Long, The Electricity Journal, December 2000.

“Politics as Usual: A Roadmap to Backlash, Backtracking and Re-regulation,” with Colin M. Long, Public Utilities Fortnightly, Vol. 138, No. 18. October 1, 2000.

“Transmission Products and Pricing: Hidden Agendas in the ISO/Transco Debate,” with Colin M. Long, Public Utilities Fortnightly, Vol. 137, No. 12. June 15, 1999

“Mergers and the Convergence of the Electric and Natural Gas Industries,” Natural Gas, March 1997.

“Been There, Done That: Sunk Costs, Access Charges and the Transmission Pricing Debate,” Energy, Vol. XXI, No. 4. September, 1996.

- "Regulating Competition: Transition or Travesty?" with Kristina M. Sepetys, The Electricity Journal, May 1996.
- "California Model Sets the Standard for Other States," with Kristina M. Sepetys, World Power Yearbook 1996.
- "Measuring the Effects of Natural Resource Damage and Environmental Stigma on Property Value," Environmental Law, September/October, 1995.
- "The Route Not Taken: The Decision to Build the Trans-Alaska Pipeline and the Aftermath," The American Enterprise, Volume 4, Number 5, September/October 1993.
- "A Micro-Econometric Analysis of Risk-Aversion and the Decision to Self-Insure," with Jeffrey Dubin, in Journal of Political Economy, Revised, July 1993. (Volume 102, No. 1, February 1994.)
- "Energy Utilities, Conservation, Efficiency," with Vinayak Bhattacharjee and William Rankin, Contemporary Policy Issues, Volume XI, Number 1, January 1993.
- "Uniqueness, Irreversibility, and the Theory of Nonuse Values," with Louis L. Wilde, American Agricultural Economics Association, December 1992.
- "Utility Energy Services," with Ellen K. Moran, Regulatory Incentives for Demand-Side Management, Chapter 9, American Council for an Energy-Efficient Economy, December 1992.
- "A Micro-Econometric Analysis of Risk Aversion and the Decision to Self-Insure," California Institute of Technology, with Jeffrey A. Dubin, January 1992.
- "The Use and Misuse of Surveys in Economic Analysis: Natural Resource Damage Assessment Under CERCLA," California Institute of Technology, with Jeffrey Dubin and Louis Wilde, July 1991.
- "The Federal Energy Regulatory Commission's Proposed Policy Statement on Gas Inventory Charges (PL-89-1-1000), Energy and Environmental Policy Center, Harvard University, Discussion Paper E-89-11, July 1989.
- "Incentive Regulation: Some Conceptual and Policy Thoughts," Energy and Environmental Policy Center, Harvard University, Discussion Paper E-89-09, June 1989.
- "Including Unbundled Demand-Side Options in Electricity Utility Bidding Programs," with William Hogan, Public Utilities Fortnightly, June 8, 1989. (Also a Discussion Paper E-88-07).

"Assessing Natural Resource Damages Under Superfund: The Case Against the Use of Contingent Value Survey Methods," with Neil Peck, Natural Resources & Environment, Vol. 4, No. 1, Spring 1989.

"Pareto Optimality Through Non-Collusive Bilateral Monopoly with Cost-of-Service Regulation (or: Economic Efficiency in Strange Places)," with Jeff D. Makholm, Energy and Environmental Policy Center, Harvard University, Working Paper, 1988.

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"Conservation Subsidies: The Economist's Perspective," with Suellen Curkendall, Electric Potential, Vol. 2, No. 3, May/June 1986.

"Our Nation's Gas and Electric Utilities: Time to Decide," with R. Shaughnessy, Public Utilities Fortnightly, December 3, 1981.

"Is There a Free Lunch in the Northwest? (Utility-Sponsored Energy Conservation Programs)," with R. Shaughnessy, Public Utilities Fortnightly, December 18, 1980.

"Opportunities for Canadian Energy Policy," with M. Reinbergs, Journal of Business Administration, Vol. 10, Fall 1978/Spring 1979.

"Energy Regulation: When Federal and State Regulatory Commissions Meet," with J. Williams, American University Law Review, 1978.

"The End-User Pricing of Natural Gas," with Don Wiener, Public Utilities Fortnightly, March 16, 1978.

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