

Vista Consulting Group Inc.



Dr. John N. O'Brien, Vista Consulting's CEO, is a highly experienced litigation support expert having been engaged as a primary expert witness and subject matter expert in over 25 different judicial actions as well as numerous administrative regulatory proceedings involving energy-related matters. His extensive prior history as a high-level advisor in the energy sector has contributed to the success of numerous judicial matters in which he has been engaged resulting in well over **\$3.5 Billion in judicial recoveries for his clients**. He possesses a very broad and deep level of expertise and extensive experience in the energy industry. He fully understands the details of energy regulatory economics as well as adherence to the applicable procedural and evidentiary requirements of judicial and regulatory litigation.

Before he began providing litigation support services, he spent 10 years as a Full Scientist at the US Department of Energy's Brookhaven National Laboratory in its Department of Nuclear Energy (1976-1985), 13 years as founder and CEO of several significant energy companies (1985-1998), 25 years as a high-level energy consultant and advisor with several nationally-recognized consulting firms advising substantial corporate entities (1998-Present) and 20 years providing energy-related expert litigation support as described below (2003-Present). He also was a sitting Commissioner on the Florida Energy Commission and Chair of its Climate Change Subcommittee (2006-2008). He is still fully active in providing litigation support in significant matters and his firm's deep network of experts includes many experienced expert witnesses and subject matter experts in a range of disciplines applicable in meaningful litigation.

Prior Expert Engagements

Under Dr. O'Brien's direction, Vista Consulting has provided litigation support for many leading law firms including *Robbins Geller Rudman & Dowd*; *Hagens Berman Sobol Shapiro*; *Labaton Sucharow*; *Cotchett, Pitre & McCarthy*; *Levi & Korsinsky*, and *Arnold & Porter* among numerous others. Vista Consulting has also provided detailed analyses of important issues in litigation for a number of other client firms. For instance, Vista provided expert litigation support on behalf of AIG Claims in addressing untimely Director & Officer insurance claims by Santee Cooper, a South Carolina utility, in which the matter was ultimately settled in a manner favorable to our client.

We have been engaged to provide expert litigation support in a class-action securities and consumer fraud cases against ExxonMobil, Southern Companies, Energy Solutions, Central Maine Power, SCANA, and Sasol among other large, publicly traded corporate entities as well as the City of Seattle. As previously noted, **our clients have achieved well over \$3.5 Billion in recoveries**. *We are capable of providing a full and competent expert report, and based on our specialized research and the arguments in the expert report, provide evidentiary oral testimony that attests to the assertions made in the relevant Complaint and in subsequent motion practice.*

Our expert report and testimony will also satisfy the requirements and objections that can be raised in any **Daubert and Frye motions** that may ultimately be filed by the Defendants attempting to strike the evidence that we provide. We have provided testimony and have successfully defended our evidence as presented against motions to exclude. We have frequently testified in depositions as well as in courtrooms and have been ***certified as expert to competently testify concerning energy economic regulatory and contractual issues***. We also have a robust network of expert independent contractors that are experienced high level subject matter experts including Professional Engineers, data analysts, research specialists, software evaluators, economists, technology analysts, field experts, forensic video analysts, construction experts, and cost estimation specialists among others, that can very effectively contribute to a successful litigation strategy. **Our experts have never been excluded.**

Partial List of Past Designated Expert Litigation Support Engagements

EcoFurn, LLC v. AGL Services Company et al, In the Circuit Court of Cook County, Illinois, County Department, Law Division, 2023L008912, 24240740

Cafe Gelato et al v. Simon Property Group et al, Southern District of Florida, 20-cv-60981

Levesque et al v. Iberdrola (Central Maine Power) et al, 2:19-cv-389 Federal District Maine

Robert Weyrens et al v. Summit Utilities Inc et al, 60-cv-1571, In the Pulaski County Circuit Court, Arkansas

South Carolina Public Service Authority v. National Union Fire Insurance Company of Pittsburgh, Pa; AIG Claims, Inc.; and US Specialty Insurance Company, Civil Action No. 2:19-cv-03279 South Carolina District.

Moshell et al v. Sasol Ltd et al, 1:20-cv-1008 Southern District of New York

Deien et al v. Seattle City Light, In the Superior Court of the State of Washington in and for the County of King, No. 19-2-21999-8 Seattle District Court

Cook et al v. South Carolina Public Service Authority, State of South Carolina, County of Hampton, Court of Common Pleas, Fourteenth Judicial District. Case No. 2017-CP-25- 348

Lightsey et al v. South Carolina Electric and Gas Company, A Wholly Owned Subsidiary of SCANA, State of South Carolina, County of Hampton, Court of Common Pleas, Fourteenth Judicial District. Case No. 2017-CP-25-335

Monroe County Employees' Retirement System et al v Southern Companies et al, 1:17-cv-241 Northern District of Georgia

Wave Length Hair Salons Of Florida D/B/A Salon Adrian et al v. CBL & Associates Properties, Inc. et al, 2:16-cv-00206 Middle District of Florida

Veilleux et al v. Electricity Maine et al, 1:16-cv-571 District of Maine

America's CNG, LLC v. City of Lake City, Third Judicial Circuit, Columbia County, Florida Case No.: 2015-ca-000511

State of California, et al v. BP America, et al, Superior Court of the State of California, CGC-12- 522063

Solazyme Class Action Litigation, 3:15-cv-02938 Northern District of California

Juan Ramon Torres et al v SGE Management, 4:09-cv-2056, Southern District of Texas

Bamforth et al v. Nevada Power Company, District Court, Nevada County, Case A-16-730159-C

Ramirez et al v. Exxon-Mobil, Case No. 3:16-cv-03111 Northern District of Texas

Stadnick v. Vivint Solar Inc. 1:14-cv-09283 and 1:14-cv-9709 Consolidated Southern District of New York

Xpert Universe Inc v Cisco System Inc, 1:09-cv-00157 District of Delaware

Caleb Ho et al v Flotek Industries, Inc et al, 4:15-cv-03327 Southern District of Texas

Wanxiang America Corp v Bluechip Energy LLC, AAA Case No. 50-198-T-000516-11

Fay v Dominion Transmission, In the Court of Common Pleas of Tioga County, Pennsylvania, 3:10- cv-01384

Scott Allen Fay v UGI Utilities/Central Penn Gas, Court of Common Pleas of Tioga County, Pennsylvania No. 1225-cv-2009

Starbrite, Inc. v. Valvtect Petroleum Products et al, 0:09-cv-60812, Southern District of Florida

Building Trades United Pension Trust Fund et al v. EnergySolutions, Inc. et al, 1:09-cv-08648, Southern District of New York

John Deere & Co. v. TXU Energy Solutions, Arbitration, No. 51-198-Y-01658-04

Rufus T. Dorsey, Iv, Examiner: For NewPower Holdings, Inc. et al v. Enron Corp. et al., United States Bankruptcy Court, Southern District of New York, Adv. Proc. No. 04-04303

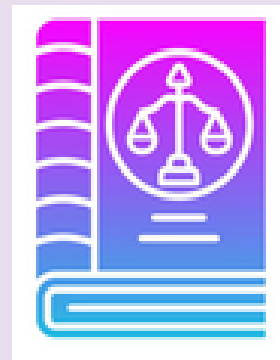
Tawney et al v. Columbia Natural Resources LLC et al, Circuit Court of Roane County, West Virginia, Civil Action No. 03-C-10E

Metromedia Energy, Inc., v. Enserch Energy Services, Inc, et al, United States District Court, District Of New Jersey, Civil Action No. 03-1561

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SUMMARY: Dr. O'Brien has over forty-five years of experience in energy markets, technology and regulation as a thought leader and as an expert in the analysis of energy economics, promulgation of energy laws and regulation and the application and development of new energy technologies. He is a Professor of Public Administration at Flagler College and President and CEO of the Vista Consulting Group. Dr. O'Brien is also a former Commissioner on the Florida Energy Commission, serving as Co-Chair of its Climate Change Subcommittee and served for 10 years as a Full Scientist at the U.S. Department of Energy's Brookhaven National Laboratory in its Department of Nuclear Energy. He has also successfully served as a subject matter expert and expert witness providing litigation support services in numerous energy-related judicial actions as well as regulatory proceedings in both federal and state courts and before numerous administrative and regulatory agencies.

His employment history includes serving as President of Global Change Associates, Inc. an international climate change advisory firm; Practice Principal at Skipping Stone, Inc. a US energy advisory firm consulting on federal and state energy regulation; and as Founder, President and CEO of several significant energy companies that he has founded, managed, grown and sold.

His areas of expertise include analysis and litigation of energy regulatory economic disputes, class action litigation, energy commerce, renewable energy technologies, climate change issues and ; he has taught classes on international macroeconomics, on evaluation of government programs, on public economy, on organizational behavior, and on business and government ethics and practices; he is an expert on protecting intellectual property, the regulation and functioning of the renewable energy, electric and natural gas markets and related infrastructure; analysis of renewable energy investment, utility investment in infrastructure and strategies; economic regulation; energy production, energy conversion and storage; securities, investment banking, financial analysis and project finance in the energy sector; judicial procedure in litigation support; commercial energy contract requirements; power purchase agreements; and applications for small modular nuclear reactors and offshore wind generation facilities, among others.

EXPERIENCE

President & CEO - April 2004 to Present

Dr. O'Brien founded the Vista Consulting Group in order to address the complex energy issues facing business and government in today's global economy. He is a leading expert in the fields of climate change, solar energy, battery technology, solid state lighting, natural gas markets, nuclear technology regulation, and unconventional oil and natural gas production. He is also an expert in institutional matters such as international trade, royalties, leasing, commercial arrangements, accounting, securities matters, processing and marketing of products. The Vista Consulting Group brings together the expertise and knowledge need to truly understand and address the choices that are being made today and will have far reaching consequences for many years to come. The Vista Consulting Group is able to rationally assess these choices given the requirements of various organizations with multifaceted interests. Whether it is a choice of energy technology, licensing and regulation activities, litigation support and expert services, training and knowledge transfer, economic analysis, market research, financing activities, and areas where energy technology considerations are present, the Vista Consulting Group was founded to guide and assist its clients.

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Professor – 2007 to Present

Flagler College, Public Administration Department, St Augustine, FL 32084

Dr. O'Brien has been teaching and an active Adjunct Professor in Flagler College's Public Administration Department in a number of areas of public policy. His courses include graduate and undergraduate ethics courses in public service and business, US economic policy, macroeconomics, international trade policies, social research methods, social program evaluation, and health care policy, among others. He continues to actively teach and maintain his expertise in many important areas of public policy.

Commissioner and Co-Chair Climate Change Working Group – 2006 to 2008

Florida Energy Commission, Tallahassee, FL 32303

Dr. O'Brien was appointed by the President of the Florida Senate to serve as a sitting Commissioner on the Florida Energy Commission. The Commission was charged with establishing a set of recommendations for the Florida Legislature to formulate an overall energy policy for the State. Dr. O'Brien also was Co-Chairman of the Climate Change Subcommittee of the Commission. In addition to the general work of the Commission, Dr. O'Brien attended and co-chaired all of the Climate Change Subcommittee Public Hearings and attended and participated in all of the full Commission's Public Hearings and General Sessions. He also participated in all deliberations and voted on all matters before the Commission.

Managing Partner – 2004 to 2020

Shale and Sands Oil Recovery LLC (SASOR), St Augustine, FL 32080

Dr. O'Brien has been working to integrate nuclear energy technologies with unconventional oil and gas recovery techniques for over 15 years. He has studied in depth the techniques for oil shale, oil sands and shale gas production including hydraulic fracturing. He has had primary responsibility for developing patents in those and other areas including six patents that have been fully granted and issued by the US Patent and Trademark Office and issued patents in Canada and Australia all of which are held by SASOR. In 2020, all of the intellectual property held by SASOR was sold.

President & CEO - February 2003 to March 2004

Global Change Associates, New York, NY

Dr. O'Brien oversaw the operations and delivery of services for Global Change Associates (GCA). GCA is a 50 year old energy and environmental, international consulting firm that has advised numerous clients on matters including customized solutions that meet the needs of a diversified client base. GCA also had extensive research and training capabilities. GCA's domestic and international clients included major market participants in the oil, gas, power, energy services, energy software industries, as well as to the investment banking sector.

Principal - January 2000 - February 2003

Skipping Stone LLC, Boston, MA

Dr. O'Brien was the Principal overseeing the Strategic and Regulatory Consulting Practices of Skipping Stone. Skipping Stone is a full service provider of strategic consulting and information technology services to participants in the electric and gas utility markets throughout North America, including many regulated utilities, regulatory agencies, unregulated utility affiliates, independent energy marketers, electric power generating companies, e-commerce companies, and oil and gas companies among others. Dr. O'Brien had primary responsibility for advising electric and gas utilities on how to successfully capitalize on the newly restructured electric and gas markets. In addition, he was instrumental in assisting clients in accessing capital markets and obtaining financing for their operations. While there, Skipping Stone provided strategic consulting services to a large number of the leading electric and natural gas industry participants throughout the United States and Canada.

President & CEO - January 1999 – January 2000

All Power Corporation, Freeport, NY

All Power Corporation was formed by the Full Power Group to market natural gas to small and medium commercial customers in the Consolidated Edison of New York service area. Dr. O'Brien oversaw the initial financing and all corporate organizational matters and documents, the entire startup of the operation, accounting and control systems and the hiring of all personnel. Through innovative marketing and sales processes All Power was able to acquire several thousand high value commercial customers in eight months. Dr. O'Brien also made all arrangements for the purchase and delivery of natural gas supplies, all risk management activities, and management of the tariff processes with both LDCs and interstate pipelines. In January 2000 the Full Power Group acquired all interest in All Power and merged it into its operations in Colorado.

President & CEO, Founder 1993-1998

Wheeled Electric Power Company, Uniondale, NY

Wheeled Electric was a pioneer in facilitating the restructuring of the electric industry, through both marketing initiatives and the regulatory intervention process, to enable energy companies to serve retail electric and gas customers in a competitive market. Through extensive marketing activities and business systems development, Wheeled Electric was able to minimize customer acquisition costs and develop customer service and operational systems to cost-effectively serve mass market and small-to-medium commercial customers including acquisition and implementation of EDI, billing and customer service IT platforms. Wheeled Electric was able to achieve substantial market shares in a number of retail electric markets. In addition, Wheeled Electric was able to obtain high margin customers through well-developed marketing techniques developed over three years of actual marketing and delivery of electricity to retail customers. Further, substantial billing, accounting and customer service capabilities were established. Extensive natural gas sales were also achieved, especially to electric customers. Testified and cross-examined in numerous regulatory proceedings before state and federal regulatory and legislative bodies.

President & CEO, Founder - 1985-1992

Direct Gas Supply Corporation (DGS), Pittsburgh, PA

DGS capitalized on the late-1980's deregulation of the natural gas markets. In 1998, Dr. O'Brien was able to obtain a private placement of equities and other securities from British Petroleum PLC which purchased 38% of DGS. He was instrumental in working with investment bankers, corporate attorneys for both sides and the DGS Board of Directors and shareholders. By 1990, DGS achieved over \$50 million in annual sales to high margin commercial customers and a customer market share of over 50% in New York State's natural gas market. While at DGS, Dr. O'Brien founded and started the first new state-regulated gas utility in New York State in over 50 years. He acquired deep expertise in development of strategies for customer acquisition, sales and marketing management, back office operation, customer service, national accounts, and customer fulfillment. A majority interest in DGS was acquired by British Petroleum in 1991 and DGS was wholly acquired from British Petroleum by Enserch in 1994. Enserch was acquired by Texas Utilities in 1994 and DGS then became TXU Energy Services which was subsequently sold to UGI Corp and is now UGI Energy Services.

Full Scientist - 1976-1985

US Department of Energy, Brookhaven National Laboratory, Upton, NY

Studied and consulted on various areas of energy regulation in the Laboratory's Department of Nuclear Energy for the U.S. Nuclear Regulatory Commission and the U.S. Department of Energy, as well as numerous other federal agencies. He held a Secret Security "Q" Clearance for ten years. He was the youngest individual to achieve the status of Full Scientist in Brookhaven Laboratory's history. He achieved national reputation for studies in organization and management in the electric utility industry. He published over 50 reports, articles, three law review articles and a book on nuclear nonproliferation while at Brookhaven.

Testimony and Public Speaking Activities

Judicial Testimony and Litigation Expert Services

Dr. O'Brien has been an expert witness and subject matter expert in over 25 complex litigation actions involving energy matters. He has prepared and sponsored expert reports and testified in court and depositions on various topics including securities fraud, material omissions and commissions and other violations; technology innovations; damage calculations; hydraulic fracturing disputes; solar net metering and tariff provisions; commercial business disputes; mineral rights and royalty disputes; energy market studies; regulatory noncompliance; fraudulent product claims; and consumer fraud, among others. He has often testified in plaintiff class action adjudication. References on judicial subject matter expert and expert witness services rendered may be provided by request and subject to nondisclosure and confidentiality agreements.

United States Congress

Dr. O'Brien testified before the Committee on the Judiciary, House of Representatives, One Hundred and Fifth Congress, on *Antitrust Aspects of Electricity Deregulation*

Testified before the House Small Business Committee, Subcommittee on Regulatory Reform and Paperwork Reduction *Electric Utility Restructuring: The Small Business Perspective*.

State Legislatures

Testified before the New York State Assembly Energy Committee on the *Potential Effects of Electricity Deregulation in the State of New York*.

State Regulatory Proceedings

Massachusetts Department of Public Utilities

In the Matter of Restructuring the Gas Markets

Testimony of Dr. John N. O'Brien

Briefs - *Docket D.P.U./D.T.E. 96-23*

Massachusetts Electric Company

Testimony of Dr. John N. O'Brien

Briefs—*Docket D.P.U./D.T.E. 96-23*

Virginia Corporations Commission

Case *PUE-2004-00085*

Washington Gas Light

Testimony of Dr. John N. O'Brien

Briefs

New York Public Service Commission

Case *96-E-0897*

Con Edison, Electric Restructuring

Testimony of Dr. John N. O'Brien

Briefs

Case *96-E-0891*

NYSEG, Electric Restructuring

Testimony of Dr. John N. O'Brien

Briefs

Case *96-E-089*

Rochester Gas & Electric Corporation, Electric Restructuring

Testimony of Dr. John N. O'Brien

Briefs

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Case 96-E-0900

Orange & Rockland, Electric Restructuring
 Testimony of Dr. John N. O'Brien
 Briefs

Case 96-E-0909

Central Hudson Gas & Electric Corporation, Electric Restructuring
 Testimony of Dr. John N. O'Brien
 Briefs

Case 96-E-0948

Petition of Dairyalea Cooperative to Establish an Open Access Pilot Program for Farm and Food Processor
 Electricity Customers (Wheeled Electric Power Company filed the Petition on behalf of Dairyalea)

CORPORATE TRAINING

Dr. O'Brien has conducted training for the following clients including, but not limited to:

The Federal Energy Regulatory Commission
 The Nuclear Regulatory Commission
 PG&E
 Exelon
 PEPCO
 Cummins Corp.

COLLEGE COURSES TAUGHT

The History of US Economic Policy
 Public Economy
 Macroeconomics
 Organizational Behavior
 International Trade Policy
 Fiscal Management
 Ethics in Public Service
 Business Ethics
 US Health Care Policy
 Social Research Methods
 General Chemistry
 Organic Chemistry
 Environmental Chemistry
 Introduction to Public Policy Issues
 Program Evaluation

Public Speaking Engagements

Dr. O'Brien has extensive experience as a public speaker on many aspects of the electricity and natural gas markets. Program sponsors include, but not limited to:

Harvard Business School (Energy Symposia)
 National Association of Regulatory Utility Commissioners (NARUC)
 New York University Energy Forum
 Donaldson, Lufkin & Jenrette Public Finance Forum
 Mid-America Regulatory Conference (MARC)
 Electric Consumers Research Council (ELCON)
 Information Forecast (INFOCAST)
 Center for Business Intelligence (CBI)
 Power Marketers Association (PMA)
 Electric Utility Consultants, Inc. (EUCI)
 Gas Mart

PUBLICATIONS

Dr. O'Brien has authored a number of publications, principally as a Full Scientist at Brookhaven National Laboratory, where he published two law review articles, over 100 regulatory guides, and articles in public periodicals.

EDUCATION

B.A. Chemistry, Syracuse University; M.A. and Ph.D., Interdisciplinary Social Sciences, Maxwell School of Public Affairs and Citizenship, Syracuse University.