

# *Resolution*

## *Governing Board of the Office of the Ohio Consumers' Counsel*

**In Support of Legislative Deference to Regulatory Processes at the Public Utilities Commission of Ohio**

**and**


**In Opposition to Weakening Statutory Standards that Protect Natural Gas Utility Customers from Paying Certain Environmental Remediation Costs**

- WHEREAS,** Ohioans are dependent upon electricity, natural gas, telephone and water services; and
- WHEREAS,** The Ohio General Assembly has delegated to the Public Utilities Commission of Ohio ("PUCO") the responsibility for regulating public utilities and their services in the public interest; and
- WHEREAS,** The PUCO's regulatory responsibility often involves making decisions between competing proposals made by parties in litigation; and
- WHEREAS,** The PUCO's regulatory responsibility also can involve making decisions about proposals from parties in settlement of cases; and
- WHEREAS,** Parties in PUCO cases, whether in litigation or in settlement, devote what can be considerable time and resources to participating in PUCO processes; and
- WHEREAS,** The viability of the PUCO's processes depends, in part, on the parties' confidence and belief that that the system is fair and will bring finality (subject to appeal) to the issues in litigation or settlement; and
- WHEREAS,** The PUCO's processes, and parties who rely on those processes in good faith for a fair resolution of disputes, are disserved when others in the process seek legislative action to circumvent the outcomes at the PUCO; and
- WHEREAS,** The pending state budget bill (Am. Sub. H.B. 59) may be amended with language that would weaken the statutory standard that protects natural gas customers from paying for certain environmental remediation costs (such as costs for former manufactured gas plant site remediation).

**THEREFORE, BE IT RESOLVED,** that the Governing Board of the Office of the Ohio Consumers' Counsel opposes efforts to weaken the "used and useful" standard and other standards designed to fairly balance the interests of consumers and utilities.

**AND BE IT FURTHER RESOLVED**, that the Governing Board of the Office of the Ohio Consumers' Counsel encourages fair PUCO processes, for litigation and settlement, that offer parties an opportunity for issue resolution that will be respected and not circumvented by legislative actions sought by others in the PUCO process.

I verify that this Resolution has been approved by the Governing Board of the Office of the Ohio Consumers' Counsel, this 4<sup>th</sup> day of June 2013.

  
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Gene Krebs, Chairman

Governing Board of the Office of the Ohio Consumers' Counsel