



**MINUTES OF THE
OFFICE OF THE OHIO CONSUMERS' COUNSEL GOVERNING BOARD**

Meeting of July 16, 2024

The members present were:

Mr. Michael Watkins, Chair
Ms. Cheryl Grossman, Vice-Chair
Mr. Randy Brown
Mr. David Fleetwood
Mr. Dorsey Hager
Ms. Jan Shannon
Ms. Connie Skinner
Mr. Josh Yoder

Member Absent: Ms. Kelly Moore

Assistant Attorney General Bryan Lee was also present at the meeting.

CALL TO ORDER BY CHAIR:

Chair Watkins called the meeting to order at approximately 10:05 A.M. Board Secretary Susan Loe called the roll. The members answering as present were as shown above.

Chair Watkins asked the guests to introduce themselves. Present at the meeting were: Mike Livingston from Gongwer, Paul Teasley of Hannah, staff from the PUCO and OCC, as well as the Board Members, Deputy Consumers' Counsel and Consumers' Counsel.

APPROVAL OF THE MINUTES:

Chair Watkins asked for a motion to approve the minutes of the July 16, 2024 Board meeting. A motion was made by Ms. Skinner to approve the minutes as written. Ms. Shannon seconded the motion. Ms. Loe called the roll. The motion was approved unanimously by members present, with the exception of Mr. Yoder, who abstained.

CONSUMERS' COUNSEL'S REPORT:

Consumers' Counsel Willis first updated the Board on PUCO activities. The first case she discussed was a Duke case, where Duke is seeking to collect an additional \$14 million, 92% of which would come from residential consumers, due to their previous error in a rate case. OCC has opposed this, as it constitutes retroactive ratemaking, and the PUCO auditor has also opposed. Ms. Willis noted that the hearing was occurring concurrently with the Board meeting.

Ms. Willis next discussed the Electric Security Plan filed by Duke seeking to increase customers' rates by 6.5%, which will increase consumers' annual cost by \$135 by the end of a three-year plan. She noted that OCC has asked for a virtual public hearing, and a consumer alert had been posted on OCC's website.

Ms. Willis next discussed an AEP reliability case where OCC and AEP had reached an agreement to improve reliability requirements. She noted that this was a good outcome for what consumers are paying for reliability. Chair Watkins asked about any upgrades due to Intel coming into the Central Ohio area. Ms. Willis responded that this was helpful to those concerns.

Ms. Willis also discussed the AEP data center case. She noted that it establishes new charges and new tariffs because data centers are very high electricity consumers. She added that the plan is a good starting point. She noted that data centers don't necessarily bring in large volumes of jobs as opposed to an economic development project like Intel. She explained that OCC filed comments and reply comments to protect consumers. She added that hearings will be upcoming and that the PUCO should be looking at what the effects are on other consumers with this growing need for power.

Ms. Willis next discussed a FirstEnergy case where the utility had received approval for an \$841 million increase. She noted that OCC had opposed the distribution charge, which OCC believes is still tied to some of the issues in HB 6. OCC has filed a rehearing request based on the distribution rider, which accounts for about 80% of that \$841 million.

Ms. Willis next discussed a continuing reliability issue with AES. She noted that AES and PUCO staff initially reached a settlement without involving OCC. She added that later the PUCO granted OCC an opportunity to be heard and there was a hearing. She noted, however that HB 260 proposes to lower those standards, which OCC believes is a concern for consumers.

Ms. Willis next discussed a FirstEnergy rate case which seeks a \$100 million increase. She noted that OCC was working to retain consultants to assist with the case. She added that this was the rate case that FirstEnergy had tried to avoid, due to a concern that there could potentially be a decrease. She noted that this has been referred to by FirstEnergy executives as the "Ohio hole," and it was curious

how it had turned into a \$100 million increase. She commented that OCC would be looking at this case very closely.

Consumers' Counsel Willis next discussed a Vectren (now known as CenterPoint) Dayton area rate case where the company is asking for a 30% increase. She noted that over 15% of the consumers in the region are at or below the poverty rate, which is about double the state average. She explained that this is an area where customers are really suffering already. She noted the OCC would looking at a number of issues, including affordability.

Ms. Willis next discussed the Enbridge (Dominion) rate case and noted that the PUCO had issued its Staff report, which recommended a rate decrease. She commented that this was very unusual. She noted there had been a lot of public outreach efforts, which had been very successful. She explained that this was just the beginning and there would be public hearings and more testimony in the matter. She noted that multiple communities had filed resolutions opposing the rate increase.

Ms. Willis next discussed the coal plant subsidies where consumers pay over \$500,000 per day, which is part of HB 6. She displayed the tracker posted on the OCC website. She noted that a Duke executive recently testified that the coal plants would continue even if the subsidies stopped, so jobs and power would not be lost. She explained that the plants were owned by a number of utilities, including Duke, AES and others. Chair Watkins asked about the owners of the plants. Ms. Willis explained that several large utilities own stock in the OVEC corporation, which owns the plants. Mr. Watkins asked about the agreement to keep the plants open for many years. Ms. Willis explained the history of that agreement, and that there had been opportunities for the utilities to end the agreement. She explained that the plants were being used at one time to provide power to uranium enrichment facilities. When that arrangement ended the owner companies agreed to keep the units operating. She noted that OCC would continue to push for these coal subsidies to stop.

Ms. Willis next discussed the four ongoing investigations of FirstEnergy and noted that the work involved was very labor intensive and time consuming. She noted that there was a hearing scheduled for October. She discussed the internal investigation reports which to date have not been shared with OCC. She noted that a Master Commissioner working under Judge Marbley had recently found that the reports needed to be disclosed, which is still being fought by the utility. She explained that OCC has an agreement with FirstEnergy Corp. to get all the discovery that is produced in the civil litigation.

Ms. Willis next discussed a submetering case involving Northtowne apartment complex in Columbus where Nationwide Energy Partners, a submetering company, has been given the authority to take over the service. She explained this action removes consumer protections the residents would have if served by AEP, including payment assistance. She noted that OCC had engaged in targeted outreach to these consumers, and that over 40 consumers showed up for the hearing. She added that briefs are due in a couple weeks on that case, and that OCC looks forward to continuing to protect consumers on

argument date. Ms. Willis added that this is a case about retroactivity and what is needed to protect consumers and enable refunds. She noted that this is an important issue that could set precedent.

LEGISLATIVE UPDATE:

Nick Stallard, OCC's Legislative Liaison, updated the Board on bills currently in front of the legislature that would allow for full refunds to consumers when charges are found to be unlawful. He first discussed HB 393 (Baker) and 228 (Smith) and OCC's efforts thus far.

He next discussed Community Solar, HB 197, which had had a lot of committee hearings, where OCC had testified as an opponent. He noted that OCC has many concerns including cost-shifting from participants to nonparticipants. He also discussed HB 275, Senator Dolan's bill on virtual net metering. He noted that this was still in House Committee and may not move during lame duck.

Mr. Stallard next updated the board on HB 226, a bill that OCC supported, where Aqua is providing a means to replace lead water lines. He explained that the bill passed and was sent to the Governor's office for signature.

He next discussed HB 260, which is one of the three reform/repeal bills currently at the legislature. He noted that OCC is concerned about this bill and that staff had met with Rep. Seitz and provided suggested amendments. He mentioned that the bill's proposed limitation on discovery was one of the concerns of the OCC.

He next discussed HB 79, dealing with energy efficiency, and noted that it had recently passed by one vote. He explained it will likely now go to the Senate Public Utilities Committee, and multiple parties have weighed in with concerns. He noted that there was frustration with some legislators that the costs to constituents were not defined.

He next briefly updated the Board on HB 257 which allows for virtual meetings and HB 102 which is also another reform bill. He noted that OCC had had meetings with Senator Wilkin to discuss the bill, along with SB 174.

Ms. Willis noted that there had been multiple meetings with legislators and that OCC had provided talking points. She noted that it had been a good cooperative process so far. Vice Chair Grossman added that the creditability of OCC has improved dramatically, not disparaging anything from the past, and that she was pleased on the direction that OCC had been going. She added that OCC needs to be known as having the facts, sharing and educating.

EMPLOYEE RECOGNITION:

Ms. Loe, Operations Director, discussed new employees that had been hired since the last Board meeting. She first discussed the hiring of John Steinhart as a litigation attorney, who had been serving as a temporary attorney since October of 2023. She briefly described Mr. Steinhart's education and employment background. She next informed the Board that OCC had hired Navroop Singh as an intern in the Analytical Department. She noted that Navroop is a student at Ohio State University majoring in IT systems with a concentration on financial analytics. Ms. Loe next discussed the employee of the Quarter, Joe Buckley. She explained that Joe was a long-time employee of the PUCO who had retired and came back to work for OCC a couple years ago as a senior regulatory analyst.

PUBLIC AFFAIRS REPORT:

Merrilee Embs, Public Affairs Director, gave the Board an update on the progress of the new videos. She noted that one video was Maureen providing information about OCC and the services we provide. The other two outreach topics are Understanding Utility Assistance and Understanding Your Energy Choices. She explained that these are the two topics very frequently encountered in dealing directly with consumers. She played the Energy Choices video for the Board. She informed the Board that the videos would be posted on the OCC website, YouTube and other forums. She noted that everyone in the videos worked at OCC. She added that other videos would be shared at future meetings.

Ms. Embs reported that the website traffic was up, most likely due to the accelerated outreach due to the pending rate cases. She noted that since the last Board meeting there were 150 events and site visits and interaction with about 3,900 consumers. She also listed some of the upcoming events, including summer local fairs and OCC's multi-day participation at the Ohio State Fair.

FY26-27 BUDGET PREPARATION:

Ms. Willis briefly discussed that staff had begun work on the preparation of the FY26-27 budget, which would be due sometime in the fall. She noted that staff had been researching OCC budget increases versus the rate of the inflation since 2012. She noted that a lot of data was being researched, and that the budget had been fairly static over the years. She explained that this had resulted in a great deal of lost purchasing power, and the OCC would be looking to narrow that gap.

Ms. Grossman asked about increasing PSAs and media interviews. Ms. Willis replied that the media effort was constant and growing. Ms. Embs added that there were increased requests for interviews. She noted that in the Dominion rate case there had been efforts on Reddit, Twitter, Threads and other forums. Chair Watkins noted that the videos were an excellent tool. He suggested that a monitor be provided at some outreach events to have them available to the public. He added that most people tend to prefer viewing a video to reading a handout.

Vice Chair Grossman moved to enter into Executive Session for the purpose of discussing compensation and/or employment of public employees. Mr. Brown seconded the motion. Ms. Loe called the roll:

Mr. Brown: Yes

Mr. Fleetwood: Yes

Mr. Hager: Yes

Ms. Shannon: Yes

Ms. Skinner: Yes

Mr. Yoder: Yes

Vice Chair Grossman: Yes

Chair Watkins: Yes

Mr. Watkins noted that the executive session should be relatively short and there would likely be a vote afterward. The Board entered Executive Session at 11:30 A.M.

The Board returned from Executive session at 11:42 A.M.

Mr. Fleetwood made a motion that the Board extend the 5% parity cost of living increase consistent with other state employees, to the Consumers' Counsel and Deputy Consumers' Counsel effective July 1, 2024. The motion was seconded by Mr. Yoder. Ms. Loe called the roll. The motion was approved unanimously by members present.


Mr. Fleetwood made a motion to adjourn the meeting. It was seconded by Ms. Grossman. Ms. Loe called the roll. The motion was approved unanimously by the members present.

The meeting was adjourned at approximately 11:45 A.M.

I verify that the above meeting minutes have been approved and ratified by the Consumers' Counsel Governing Board on September 17, 2024.



Michael Watkins, Governing Board Chair



Susan Loe, Board Secretary
Ohio Consumers' Counsel Governing Board