



Office of the Ohio Consumers' Counsel
"Your Residential Utility Consumer Advocate"

Annual Report 2009



About The Office of the Ohio Consumers' Counsel

The Office of the Ohio Consumers' Counsel (OCC), the residential utility consumer advocate, was created in 1976 by the Ohio General Assembly. The OCC represents the interests of the residential customers of Ohio's investor-owned electric, natural gas, telephone and water companies.

The primary role of the OCC is to participate in legal proceedings in both state and federal courts and administrative agencies, such as the Public Utilities Commission of Ohio, the Federal Energy Regulatory Commission, the Federal Communications Commission and the Supreme Court of Ohio.

The OCC also educates consumers, provides information about utility services and handles individual residential complaints relating to public utilities.



The Office of the Ohio Consumers' Counsel

Mission

The OCC advocates for Ohio's residential utility consumers through representation and education in a variety of forums.

Vision

Informed consumers able to choose among a variety of affordable, quality utility services with options to control and customize their utility usage.

Core Values

Respect

We will treat each other, our partners and the public with consideration and appreciation.

Justice

We will advocate for what is fair for Ohio's residential utility consumers.

Communications

We will share information and ideas to contribute to the making of optimal decisions by our colleagues and ourselves.

Excellence

We will produce work that is high quality and we will strive to continuously improve our services.

Integrity

We will conduct ourselves in a manner consistent with the highest ethical standards.

"Your Residential Utility Consumer Advocate"

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A message from Janine Migden-Ostrander ***Ohio Consumers' Counsel***

The economic difficulties of 2008 continued into 2009 and had an impact on Ohio's 4.5 million residential utility households. It was a time of record-high rates of unemployment and foreclosures in Ohio. Consumers across economic classes were affected. Rate increases by the major investor-owned utilities remained a concern. Improving consumer protections was a challenge.

During 2009, the Office of the Ohio Consumers' Counsel (OCC) sought to ensure, through advocacy and litigation, that sufficient financial resources to pay utility bills were available to residential consumers. We want to ensure they were being asked to pay a fair price for services. In the past 15 months, one in 11 Ohio households experienced disconnection of either their electric or natural gas service because they were unable to pay their monthly bills. In this environment, the OCC advocated for the creation and support of critical assistance programs and made sure consumers knew how to access them.

Utility services, whether it be natural gas, electricity, telephone or water, unlike other commodities, are a necessity. Therefore, as the advocate for residential utility consumers in Ohio, we work hard to ensure affordability, service quality and consumer rights.

Through Senate Bill 221, the 127th Ohio General Assembly took a giant step toward ensuring a more secure energy future when it included benchmarks for renewable energy, including solar, energy efficiency and peak demand reductions. Much of 2009 was spent working on the rules to establish the pathway that would ensure that these benchmarks are reached. Toward improving our energy outlook, the OCC spearheaded a renewable energy certificate purchase program under which utilities would agree to purchase, at market price, credits generated from a customer's renewable energy installation. This will help consumers finance such installations. The OCC also worked in collaboration with other stakeholders and utilities to establish energy efficiency programs that can provide real savings to consumers. As we noted in testimony about SB 221, energy efficiency is the cheapest option for meeting our energy needs.

Another important way to help our energy economy is through distributed generation. Using waste heat from industrial processes to create more energy can result in efficiency factors of up to 75 percent – double that of a centralized power plant. To that end, the OCC led the advocacy before the Public Utilities Commission of Ohio (PUCO) to successfully reform rules regarding interconnection, net-metering and standby rates.

Our concern for struggling families was translated into action in rulemaking before the Ohio Department of Development and the PUCO to reform the rules for the Percentage of Income Payment Plan, to negotiate settlements that extended weatherization services and to fund bill payment assistance. After years of work, we were pleased to see the implementation of free voice mail through a partnership with Leader Technologies, Inc. and the Ohio Association of Second Harvest Foodbanks. We are grateful to Leader Technologies for its generosity in providing free telephone numbers and its concern for helping those in need. This service allows

people in distress, whether they are homeless, victims of natural disasters or of domestic violence, to have a secure telephone number where potential employers, landlords, health care providers or family can leave messages.

Important issues of deregulation of the electric industry were considered by the legislature in 2008. In 2009, they considered issues of deregulation of the telecommunications industry. Both years, the OCC represented the interests of residential consumers. The OCC's position has been that we should foster deregulation where there is true competition that can benefit customers. We have had positive outcomes in Ohio for consumers as a result of natural gas deregulation and competitive auctions that have resulted in significant savings on their natural gas bills in 2009. In the FirstEnergy service territory, the OCC supported a competitive bid process that produced bill decreases as high as 16 percent annually. The key to making this a success for consumers is to ensure that there are true competitive alternatives and that barriers to competition are removed. Further, as the OCC has argued in the telephone legislation, deregulation of prices should not be accompanied by the loss of consumer protections and the abandonment of appropriate oversight.

As will be set forth in this report, the OCC continued its rich tradition of advocacy for lower rates in numerous proceedings at the PUCO and the legislature. This involved the natural gas, electric, telephone and water industries. In the course of our advocacy, the OCC saved residential utility consumers more than \$30 million through our individual efforts and an additional \$460 million in advocacy with other stakeholders where the OCC took a lead role. I am proud of the hard work and dedication of my staff and our partners in achieving these savings for Ohio's residential utility customers.

I would like to take this opportunity to thank the OCC staff for their tireless advocacy on behalf of Ohio's residential utility consumers and the Governing Board members for their direction and support. And, thank you to the members of the General Assembly, its leadership, Gov. Ted Strickland and his staff for listening to and considering the viewpoints of the consumers' counsel on behalf of Ohio's residential consumers.

Janine L. Migden-Ostrander
Ohio Consumers' Counsel

Consumers' Counsel



Janine Migden-Ostrander recognized for energy efficiency leadership

Advocating for energy efficiency benefits earned Ohio Consumers' Counsel Janine Migden-Ostrander an Inspiring Efficiency Leadership Award. The award by the Midwest Energy Efficiency Alliance was announced in 2009 and she received it in January 2010.

The consumers' counsel prioritized the need for energy efficiency and demand response programs in Ohio and throughout the Midwest. The organization cited her consistent, aggressive effort that led to significant programs being launched by electric and natural gas utilities throughout Ohio. She helped the state develop and put into law its first energy efficiency standards. Also, she showed that consumer and environmental groups can and should work together toward common goals by forming the Ohio Consumer and Environmental Advocates.

"This honor represents the tremendous amount of work that my staff and I have performed, with the support of the Consumers' Counsel Governing Board, to implement energy efficiency in a meaningful way in Ohio," Migden-Ostrander said.





A message from Jerome G. Solove

Governing Board Chairman

In a year when the economic downturn left many Ohioans with financial challenges, the Office of the Ohio Consumers' Counsel (OCC) reinforced its commitment to protecting consumers in Ohio's 4.5 million households. In 2009, the OCC advocated for consumers by seeking reasonable rates and adequate service quality in cases at state and federal regulatory agencies, in appeals at court and in draft legislation at the legislature. The OCC also continued its commitment to educate and inform consumers on a wide array of topics including billing issues, energy conservation and financial assistance.

Clearly, residential utility consumers need the OCC to be their voice. Consumers' Counsel Janine Migden-Ostrander and her professional, highly skilled staff faced many complicated cases in the electric, natural gas, telecommunications and water industries.

In 2008, the OCC and its consumer advocate partners were at the forefront of developing the state's electric policy law. In 2009, it continued that effort by contributing much-needed information as rules were developed to implement sections of the legislation. Because of the efforts of the OCC and its partners, improvements have been made to the state's energy portfolio. Much work remains as Ohio transitions to greater energy efficiency and use of solar, wind and other sources of renewable energy.

In the latter half of the year, the agency worked to improve telephone deregulation legislation pushed by the telephone industry. The OCC advocated for the continuation of consumer protections, arguing that price deregulation should not erode people's rights to those basic protections. The OCC Governing Board unanimously passed a resolution in support of the OCC and other interested parties seeking protection of service standards for Ohio's telephone customers.

In addition to its legislative efforts, the agency negotiated to establish a number of customer-focused programs in rate cases, making available millions of dollars in low-income assistance from Duke Energy Ohio, FirstEnergy, Columbia Gas of Ohio and Aqua Ohio that will help hundreds of thousands financially-strapped Ohioans. Through the efforts of the OCC and others, Vectren Energy Delivery of Ohio agreed to continue its low-income weatherization program.

The OCC also took its protection of consumer interests to the Supreme Court of Ohio. The agency appealed a rate mechanism that created large fixed-charge payments for all residential natural gas customers. This rate structure resulted in low-use, low-income customers experiencing an increase in the distribution portion of their bills while higher volume users saw their bills decrease. The effect reduces opportunities to conserve energy. The agency also challenged a decision by the Public Utilities Commission of Ohio to allow retroactive collection of rate increases by American Electric Power and challenged the size of the increase that has raised rates significantly.

Governing Board

The Governing Board supported the continuing use of effective and aggressive communication, and outreach and education programs to keep utility consumers, stakeholders, agency partners, policy makers and community leaders informed about the critical issues and positions being advocated by the OCC. Outreach and education efforts took the OCC staff across Ohio from Lima to Athens and from Cleveland to Cincinnati. The agency has maintained its role of providing information to the state's news media outlets on issues related to energy efficiency, rates, service quality, consumer protection and other utility issues.

The agency's Consumer Services Division directly served thousands of Ohioans on an individual basis, answering their questions, providing them with important information and helping them avoid disconnection of their utility services. The deep state and national recessions made those services even more valuable in 2009.

The Governing Board also saw change in 2009 as we said goodbye to a valued member of the board – Michael Murphy – and welcomed Karen “Dee” Osterfeld and Anthony Peto. We appreciated Michael's counsel during his tenure on the board. Karen and Anthony contributed immediately to the board's discussions.

On behalf of the OCC Governing Board, I offer our appreciation to Gov. Ted Strickland, the Ohio General Assembly, Attorney General Richard Cordray and the Ohio Department of Development, for their participation with the OCC and for their commitment to Ohio's residential consumers.

Consumers' Counsel Janine Migden-Ostrander, Deputy Consumers' Counsel Bruce Weston and the staff at the OCC worked passionately to represent the interests of residential utility consumers. The Governing Board remains committed to serving the OCC mission and has confidence the OCC staff will continue to excel in all its efforts to represent the interests of residential utility consumers.

Jerome G. Solove, chairman
OCC Governing Board



Governing Board Members



Jerome G. Solove, chairman

Chairman, 1999 – present
Board member, 1998 – present
Representing residential consumers
Hometown: Powell

Jerome G. Solove is the president and owner of the commercial real estate firm, Jerome Solove Development, Inc., headquartered in Columbus. Mr. Solove is a member of the International Council of Shopping Centers, as well as a former board member of the Columbus Area Apartment Association and the Rickenbacker Port Authority in Franklin County. Mr. Solove earned a Bachelor of Science degree in business administration with dual majors in real estate and finance from The Ohio State University, including a year of study at the London School of Economics.



John Moliterno, vice chairman

Vice chairman, 2006 – present
Board member, 2003 – present
Representing residential consumers
Hometown: Girard

John Moliterno is president and chief executive officer of Pegasus Printing Group, which includes printing-related companies in Ohio and Pennsylvania. In addition, he is the treasurer of the City of Girard. Previously, Mr. Moliterno served as president and chief executive officer of the Youngstown/Warren Regional Chamber of Commerce. He is a board member of the Youngstown State University Penguin Club and Better Business Bureau of Mahoning Valley, and chairman of the Trumbull County Workforce Development Board. Mr. Moliterno is a graduate of The Ohio State University with post-graduate studies at Notre Dame University.



“Your Residential Utility Consumer Advocate”



Gene Krebs

Board member, 2005 – present
Representing residential consumers
Hometown: Camden

Gene Krebs is co-director of Greater Ohio, an organization that is working to revitalize Ohio communities through land use reforms. He served as a state representative for House District 60 from 1993 – 2000. Mr. Krebs serves as a board member of the Ohio Mathematics and Science Coalition. Additionally, he is a member of the Camden Chamber of Commerce and the Preble County Farm Bureau. Mr. Krebs graduated from Bowling Green State University with a bachelor's degree in biology, and has published articles in both scientific publications and the general press, such as *The Wall Street Journal*.



Dorothy L. Leslie

Board member, 2001 – present
Representing family farmers
Hometown: Upper Sandusky

Dorothy L. Leslie and her husband have operated a family farm since 1951. Mrs. Leslie served as state executive director of the Agricultural Stabilization and Conservation Service from 1989 - 1993. She served as chairperson of the state committee of that agency from 2001-2009 and has received multiple awards from the U.S. Secretary of Agriculture for her service to the farmers of Ohio. As a registered nurse, she served as a medical research associate working with farmers for The Ohio State University. She is an active member of a number of farm organizations, community projects and her church.

Governing Board Members



Joe Logan

Board member, 2007 – present
Representing family farmers
Hometown: Kinsman

In addition to being an active farmer, Joe Logan serves as director of agricultural programs for the Ohio Environmental Council. He is the past president of the Ohio Farmers Union and served on the board of directors of the National Farmers Union, where he was chairman of the Budget and Audit Committee and vice chairman of the Legislative Committee. He previously served as president of the National Association of Farmer Elected Committees, representing the interests of locally elected committees in the 2,500 Farm Service Agency offices nationwide.



David McCall

Board member, 2007 – present
Representing organized labor
Hometown: Reynoldsburg

David McCall is director of District 1 (Ohio) of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers). He also serves as secretary of the union's Constitution Committee and chairs the union's negotiating committees for several of the member companies. Mr. McCall attended the labor studies program at Indiana University – Northwest and graduated from the Harvard Trade Union Program.



Michael Murphy

Board member, 2003 – 2009
Representing organized labor
Hometown: North Olmsted

Michael Murphy was appointed to the Governing Board in 2003 to represent organized labor. His term ended in 2009. He lives in North Olmsted where he is president-emeritus of the Service Employees International Union (SEIU) Local 47. He also has been president of the SEIU Ohio State Council, on the executive board of the Ohio AFL-CIO and vice president of the former Cleveland AFL-CIO, now North Shore Federation of Labor, where he was a former administrative assistant.



Karen "Dee" Osterfeld

Board member, 2009 – present
Representing organized labor
Hometown: Centerville

Karen "Dee" Osterfeld joined the Montgomery County Sheriff's Office in 1986, where she has served as a patrol deputy, evidence technician and detective. She has supervised the jail division, road patrol, traffic services, forensic services, the School Resource Officer and DARE programs. In 2004, she was promoted to captain and assigned to the Operations Division as the commander of the Washington Township Substation. She is a trained hostage negotiator and is commander of the regional hostage negotiation team. She holds an associate degree in law enforcement from Sinclair Community College and a bachelor's degree in public safety management from Franklin University. An active member of the Fraternal Order of Police, she was treasurer of Lodge 104 from 1996 - 2000.



Anthony Peto

Board member, 2009 – present
Representing organized labor
Hometown: Chesterland

Anthony Peto serves as state political director for the Ohio Vicinity Regional Council of Carpenters (OVRCC). Previously, Mr. Peto served as an organizer for the OVRCC and as a journeyman carpenter with experience working on commercial projects, including single family homes and condominiums. He graduated from the Harvard Trade Union Program and graduated from a four-year carpentry trade program at the Joint Apprenticeship Training Center in Richfield.



Roger Wise

Board member, 2006 – present
Representing family farmers
Hometown: Fremont

Roger Wise is supervisor for the Sandusky Soil and Water District and president of the Ohio Farmers Union. He is a trustee for Jackson Township in Sandusky County and previously served on the county's boards of education and health. He is vice president of the Farmers Union in Sandusky County.

OCC Directors



Consumers' Counsel

Ohio Consumers' Counsel Janine L. Migden-Ostrander oversees the state agency that represents the interests of Ohio's 4.5 million residential households in matters concerning their investor-owned electric, natural gas, telephone and water utilities.

Ms. Migden-Ostrander was sworn into office on April 5, 2004 by the Ohio attorney general. Prior to her appointment by the Ohio Consumers' Counsel Governing Board, Ms. Migden-Ostrander

was a partner in the law firm of Hahn Loeser & Parks and served as co-chair of the firm's Utility and Regulatory Practice Group.

In her role as consumers' counsel, Ms. Migden-Ostrander has championed a variety of energy and telecommunications policies. They include integrated portfolio management, alternative sources of energy, energy efficiency programs, innovative rate designs in the energy industry, delivery of broadband services and other technologies to rural and urban customers. Ms. Migden-Ostrander also has made it an agency priority to find solutions for the increasing number of customers who struggle to keep pace with rising utility prices. She is intent on addressing ways to improve traditional avenues of advocacy, outreach and education programming. She also wants to increase the effectiveness of the regulatory process to ensure fairness for consumers.

With more than 25 years of experience, Ms. Migden-Ostrander is well-known within the utility and environmental industries as a strong consumer advocate. She began her career in public utilities at the Office of the Ohio Consumers' Counsel, where she served as an administrative assistant before earning a law degree from Capital University Law School. She then was promoted to assistant consumers' counsel and litigated a variety of cases that involved state-regulated electric, natural gas, telephone and water utilities.

Ms. Migden-Ostrander's previous experience also includes serving as senior director of government affairs for Enron Corp. and as special prosecutor for Montgomery County. She has been involved in proceedings before numerous state utility commissions, and has monitored activities and worked on policy issues involving state and federal energy and telecommunications matters. In addition, she has worked on legislation in numerous states involving a variety of issues, including natural gas and electric competition.

Ms. Migden-Ostrander is in the Leadership Group of the National Action Plan for Energy Efficiency, on the National Coal Council, a federal advisory committee to the U.S. Secretary of Energy, a member of the executive committee and secretary of the National Association of State Utility Consumer Advocates and on the board of the Midwest Energy Efficiency Alliance. She is a past board member of Green Energy Ohio, Ohio Partners for Affordable Energy, the Ohio Environmental Council and the National Low Income Energy Consortium. She earned a Bachelor of Arts degree from the State University of New York, and earned a Certificat de la Langue et Civilisation Francaise from the Universite de la Sorbonne in Paris, France.



Deputy Consumers' Counsel

Deputy Consumers' Counsel Bruce J. Weston is the director of the Legal Department and contributes to the formulation of policy for the Office of the Ohio Consumers' Counsel (OCC) and its Governing Board. In addition, he fulfills Janine Migden-Ostrander's role as consumers' counsel in her absence.

The staff of the Legal Department works with others in the agency to represent the interests of residential consumers in utility proceedings before the courts and regulatory commissions at both the state and federal levels. The legal staff has extensive experience in negotiation and litigation of utility proceedings. Their responsibilities also include review of proposed changes to state laws and administrative rules.

Mr. Weston brings more than 25 years of experience in public utilities law to the OCC. He is committed to protecting the interests of consumers in Ohio's 4.5 million residential utility households. His priorities for the OCC include advocating for reasonable rates, competitive choices, advanced technologies and maintaining good service quality for residential utility consumers throughout Ohio.

Prior to joining the OCC for a second time in October 2004, Mr. Weston was in the private practice of law. He served as legal counsel for clients in cases involving utility rates, service quality, industry restructuring and competition.

Mr. Weston began his career at the OCC in 1978 as a law clerk. After earning his Juris Doctor degree from The Ohio State University College of Law in 1980, he began a 12-year tenure as counsel for the agency.



Analytical Services

Aster Rutibabalira Adams joined the OCC in November 2005 as director of the Analytical Services Department. He is responsible for overseeing the review of the accounting, economic and financial analyses associated with utility rate filings and other regulatory proceedings. He provides advice and recommendations concerning technical and policy issues related to utility regulation. Before joining the OCC, Dr. Adams was chief of the Economic Analysis Division/Competitive Markets and Policy Division of

the Tennessee Regulatory Authority. Prior to moving to the United States in 1990 from Rwanda, he was an assistant professor at the National University of Rwanda where he taught econometrics, macroeconomics, microeconomics, statistics, monetary theory and industrial organization theory. He holds a bachelor's degree and a licentiate degree in economics from the National University of Rwanda. He completed a master's degree in economic development and doctorate program in economics from Vanderbilt University. His dissertation was titled "The Impact of Deregulation on Cost Efficiency, Financial Performance, and Shareholder Wealth of Electric Utilities in the United States." In it, he argued that any evaluation of the effectiveness of deregulation of electric utilities in the United States must consider the selection bias implicitly embedded in the data and the input and output price differentials evident across utilities.



Communications

Beth Gianforcaro re-joined the OCC as director of communications in October 2007. She held a similar communications position at the OCC from 1986-1992. She manages a staff of communications experts in the planning and implementation of public and media relations activities, outreach and education efforts, the development of printed materials and the OCC Web site. Ms. Gianforcaro has more than two decades of experience managing award-winning communications programs

for several State of Ohio government agencies, including the Ohio Environmental Protection Agency, the Public Utilities Commission of Ohio, the Ohio Rehabilitation Services Commission and the Office of the State Treasurer. She is active in professional communications organizations, including the Central Ohio chapter of the International Association of Business Communicators, and serves on the board of directors for the Central Ohio Chapter of the Society of Professional Journalists. She holds bachelor's degrees in English-journalism and speech communications from Miami University, Oxford, and is completing a Master of Science degree in journalism from Ohio University's E.W. Scripps School of Journalism.



Government Affairs

Amy Gomberg joined the OCC as director of government affairs in October 2009. She serves as liaison between the OCC and the Ohio General Assembly, the U.S. Congress and all other governmental bodies and agencies. She represents the agency in legislative hearings and communicates OCC policies and positions on utility issues and pending legislation. Prior to joining the agency, Ms. Gomberg was program director and acting state director for Environment Ohio, which she helped launch in 2006.

At Environment Ohio, she worked to advance environmental programs and policies throughout the state. Prior to her work with Environment Ohio, Ms. Gomberg was the environmental associate with the Ohio Public Interest Research Group and the Columbus citizen outreach director for the Fund for the Public Interest. Ms. Gomberg also has worked for several other non-profit organizations, including Green Corps, the New Voters Project and Corporate Accountability International. Ms. Gomberg received a Bachelor of Arts degree in earth and environmental sciences from Wesleyan University in Middletown, Conn.



Operations

Charles Repuzynsky joined the OCC as director of operations in July 2005. He oversees the Operations Department, which encompasses the Administration and Consumer Services divisions. His areas of responsibilities include finance, budgeting, strategic planning, human resources, information technology and consumer services. Prior to joining the OCC, Mr. Repuzynsky served as the chief financial officer for the Ohio Historical Society, a non-profit quasi-government organization. He is also a member

of the Institute of Management Accountants, the American Payroll Association, the Association of Government Accountants and the Society for Human Resource Management. He holds a bachelor's degree in business administration with a major in accounting from The Ohio State University.



GOVERNMENT AFFAIRS

Introduction and overview

Key legislation and rules affecting residential consumer utility bills and protections were at the forefront of state and federal legislative activity for the Office of the Ohio Consumers' Counsel (OCC) in 2009. Fast-moving telephone deregulation legislation designed by telephone companies would gut key consumer protections and could raise consumers' rates. The OCC along with more than 55 other consumer groups were fighting for changes on behalf of residential phone consumers.

On a different issue, the OCC worked with legislators to introduce House Bill 344, which is designed to protect water customers from excessive rate case expenses. The OCC is advocating for its approval.

Also in 2009, the state's energy bill from 2008 was completed with rules considered by the Joint Committee on Agency Rule Review (JCARR). The OCC challenged portions of those rules in an effort to preserve the integrity of the energy efficiency and renewable energy law.

On the federal level, Congress continued to debate climate change and energy policy. The OCC worked with the National Association of State Utility Consumer Advocates to closely monitor and provide input on behalf of Ohioans and residential utility consumers. Further, the work of Consumers' Counsel Janine Migden-Ostrander as a member of the National Coal Council is contributing to reports to the U.S. Secretary of Energy about developing clean coal technologies.

Telecommunications policy

One of the most challenging issues of 2009 was the introduction of Senate Bill 162 and House Bill 276, which proposed to further deregulate landline telephone service in Ohio. The Office of the Ohio Consumers' Counsel (OCC) responded quickly to the legislation by leading a group of consumer organizations representing seniors, low-income and other Ohioans who opposed the legislation. In addition, the OCC focused its efforts on educating consumers, meeting with legislators and the governor's staff, writing amendments and testifying at hearings. The consumers' counsel and others testified as opponents to the legislation, pointing out provisions that are particularly harmful to residential utility consumers.

Both bills, as proposed to the legislature, would:

- ▶ **Allow annual price increases for basic local telephone service.** This proposal would allow telephone companies to raise their rates every year, indefinitely, for basic telephone service. In some areas of the state, there is no alternative to landline telephone service because it is offered by only one provider. Therefore, some consumers may be faced with telephone rate increases of 20 to 40 percent in the next few years, with no alternative.
- ▶ **Weaken consumer protections in areas such as service quality, customer credits, billing and deposits.** The Public Utilities Commission of Ohio's (PUCO) current Minimum Telephone Service Standards – a set of rules and consumer protections which applies to all customers – would be eliminated and be replaced with weaker standards. The new law would create two interim levels of consumer protections based on the kind of service the customer is taking. Customers who have packaged or bundled telephone, Internet and/or cable television services would lose their current consumer protections. Instead, they could get: longer time without service



OCC Attorney David Bergmann testifies before an Ohio House committee about telecommunications legislation.



Groups united as Ohioans Protecting Telephone Consumers to oppose Senate Bill 162 and House Bill 276 include:

- ▶ AARP Ohio
- ▶ Advocates for Basic Legal Equality
- ▶ Appalachian Peace and Justice Network
- ▶ Behavioral Connections of Wood County
- ▶ Bellamy Alarm Co.
- ▶ Citizens Coalition
- ▶ Coalition on Homelessness and Housing in Ohio
- ▶ Columbus NAACP
- ▶ Communities United For Action
- ▶ Concerned Citizens Against Homelessness
- ▶ Deardoff Senior Center
- ▶ Empowerment Center of Greater Cleveland
- ▶ Findlay Hope House for the Homeless, Inc.
- ▶ Guernsey Monroe Noble Tri-County CAC, Inc.
- ▶ HARCATUS Tri-County Community Action Organization
- ▶ The Link
- ▶ NAACP Marion Ohio Unit
- ▶ NAACP Toledo Branch
- ▶ NAMI (National Alliance on Mental Illness) Franklin County
- ▶ National Association of Telecommunication Officers and Advisors, Ohio Chapter
- ▶ Neighborhood Housing Services of Toledo, Inc.
- ▶ Ohio Association of Community Action Agencies
- ▶ Ohio Association of Senior Centers, Inc.
- ▶ Office of the Ohio Consumers' Counsel
- ▶ Ohio Farmers Union
- ▶ Ohio Poverty Law Center
- ▶ ONYX (Organized Neighbors Yielding eXcellence)
- ▶ Ottawa County Transitional Housing
- ▶ Pastoral Ministries, Inc.
- ▶ Paulding County Senior Center
- ▶ Portage County Commissioners Multipurpose Senior Services Center
- ▶ Pro Seniors Inc.
- ▶ Samaritan Works, Inc.
- ▶ Society for Equal Action Independent Living Center
- ▶ SOURCES Community Network Services
- ▶ Urban Appalachian Council

because of an outage or a disconnection; an increase in the amount of customer deposits; and elimination of credits for extended service outages. Customers with only basic telephone service would have limited and weakened protections that would be set by law. Telephone service has become a necessity for all Ohioans, especially seniors and people with disabilities or special needs. Losing the ability to have contact with key services or to call 911 could result in negative consequences.

- ▶ **Weaken the Lifeline discount program for low-income Ohioans.** The proposed legislation would weaken the Lifeline discount program by removing the current shield against rate increases for Lifeline participants and by removing the currently required educational marketing efforts. This likely means many eligible consumers may not be informed about the availability of Lifeline service, and those who receive it may still be faced with higher telephone bills. In addition, telephone companies will be able to raise rates even more to pay for a portion of the Lifeline discount.
- ▶ **Fail to provide broadband access to all Ohioans.** No commitment existed in the legislation for telephone companies to invest in broadband facilities in exchange for increased regulatory freedom. Expanding consumers' access to broadband, especially in rural areas, is important for economic development, job creation and providing consumers with all the opportunities that accompany broadband availability.

Note: This is a partial list.



Consumers' Counsel Janine Migden-Ostrander (right to left), Ron Bridges, of AARP, Joseph V. Maskovyak, of Advocates for Basic Legal Equality, at a press conference about telephone deregulation.

HB 276 was still being considered at the end of 2009. Amended Substitute SB 162 was passed by the Ohio Senate in late December. While changes were made to the Senate version, the legislation still would negatively impact many consumers in Ohio. Because of the broad impact of this legislation, the OCC helped form Ohioans Protecting Telephone Consumers to work together to help improve the proposed legislation. With groups, including AARP, the Ohio Association of Community Action Agencies, Ohio Poverty Law Center and other consumer advocates, working together, the OCC hopes to make progress on this issue in 2010.

Water policy

Years of multiple rate increases by some of Ohio's investor-owned water and sewer utilities and hundreds of consumer complaints required a response. The Office of the Ohio Consumers' Counsel (OCC) looked for solutions to limit some of the expenses these companies can collect from consumers in rate increase cases before the Public Utilities Commission of Ohio (PUCO). In 2009,

the OCC worked with members of the General Assembly to take legislative action that would limit these often expensive costs that are passed on to consumers.

The OCC staff worked with State Reps. Jay Goyal of Mansfield and Marian Harris of Columbus to develop House Bill 344. The legislation would limit the ability of some investor-owned water and sewage disposal companies to charge customers for costs of studies and certain legal and personnel expenses when the utilities file cases to increase rates. Rep. Goyal told the *Mansfield News Journal* he introduced HB 344 because constituents were frustrated with the number of rate increases sought by Ohio American Water (OAW). The other company that would be affected by the legislation is Aqua Ohio. The legislation is designed to limit expenses for companies serving 15,000 or more customers in Ohio.

OAW has sought, and been granted by the PUCO, four rate increases since 2002. As 2009 drew to a close, the OCC challenged OAW's latest rate increase request, which would boost the average residential water customer bill of 7 Ccf (hundred cubic feet) between 23 and 28 percent in 2010. If the PUCO approves the increase proposed by OAW, an average residential bill would nearly double since 2002. Aqua Ohio – the state's largest investor-owned water utility – has had four increases approved by the PUCO since 2001. Aqua currently has two rate increase applications pending before the PUCO.

Electric policy

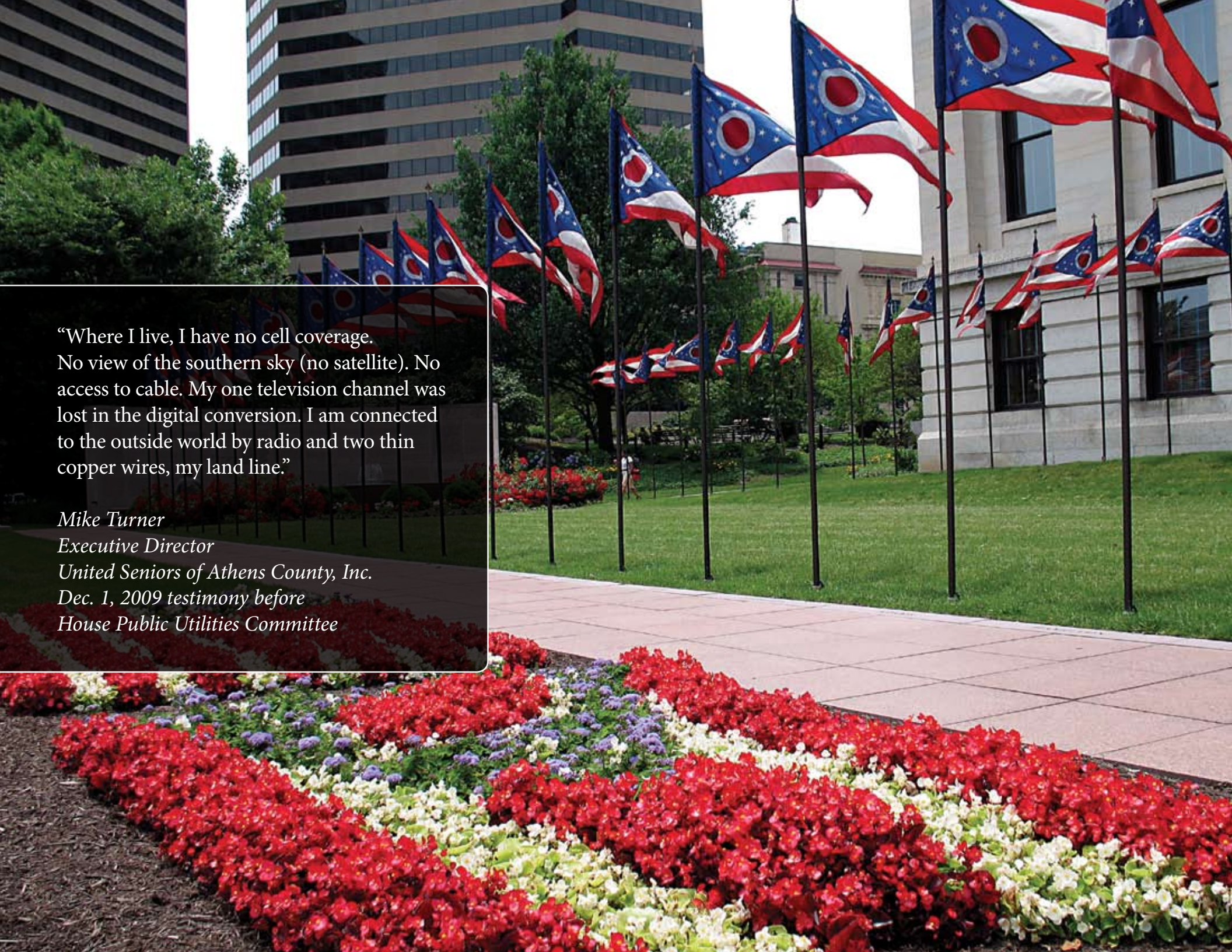
Given the importance of energy efficiency and renewable energy for residential consumers, the Office of the Ohio Consumers' Counsel (OCC) spearheaded an organization of public interest

advocates to recommend changes to Ohio's proposed Green Rules. These rules relate to the clean energy policies required by the implementation of Senate Bill 221, Ohio's electric law passed in 2008.

Members of Ohio Consumer and Environmental Advocates (OCEA) promoted strong energy efficiency programs, fair penalties for non-compliance, transparency and public participation in the process of developing Ohio's renewable energy and energy efficiency resources. The PUCO accepted many of the OCEA's comments in drafting initial rules guiding the implementation of SB 221's clean energy policies.

The rules reflected how clean energy can benefit consumers and the environment. They included a long-term plan to ensure a diversified energy portfolio; independent evaluation of energy savings; PUCO approval of energy efficiency upgrades by large electric users; and a 3 percent cap on renewable energy costs.

However, after submitting the rules to the Joint Committee on Agency Rule Review (JCARR) – the state agency responsible for ensuring agency rules comply with the intent of legislation – the PUCO twice withdrew them. A weakened set of rules, which was developed without the input of interested consumer parties, was resubmitted in late October. OCEA members were concerned the PUCO's final version of the rules violated the intent of the law and reduced the actual amount of new energy efficiency that would develop and, at the same time, could reduce investments in renewable energy in Ohio. The OCEA asked the PUCO for a rehearing and urged JCARR to recommend rejection of the rules as submitted. JCARR, however, accepted the PUCO's proposed rules in November.



“Where I live, I have no cell coverage. No view of the southern sky (no satellite). No access to cable. My one television channel was lost in the digital conversion. I am connected to the outside world by radio and two thin copper wires, my land line.”

*Mike Turner
Executive Director
United Seniors of Athens County, Inc.
Dec. 1, 2009 testimony before
House Public Utilities Committee*

The revised rules relaxed the definition of energy efficiency savings for commercial and industrial customers which hurts all Ohioans by not allowing energy efficiency to work as intended. The goal was to maximize the use of low-cost energy efficiency measures to defer the need to build expensive power plants – especially in these uncertain times. The revised rules also allowed utilities to use any type of fuel to create electricity, store those megawatts for later use and purchase the equivalent renewable energy credits to meet the state’s renewable standards. The OCEA believes the proper interpretation of the law is that only renewable energy can be used to store power. This is important to ensure a market for in-state renewable energy develops in Ohio.

The OCC staff believes the adopted rules could cost Ohio jobs in the long run because the rules might discourage the development of clean energy alternatives, sending a negative message to the wind and solar industries that Ohio is trying to attract. Without stricter rules, Ohio companies will be less likely to lower their energy demand which will make them less competitive in global markets. With less energy efficiency, consumers could be saddled with higher energy rates when expensive power plants need to be built to satisfy energy demand.

Federal energy and climate policy

In Washington, D.C., President Barack Obama made it a national priority for Congress to develop a strategy to reduce the greenhouse gases that contribute to global warming. He also wants to revamp the United States’ energy policy to drive the development and deployment of renewable energy and energy efficiency across the country.

In June, the U.S. House of Representatives passed the American Clean Energy and Security Act (H.R. 2454) which, similar to Ohio’s energy policy, mandates renewable energy development. Additionally, it placed a cap on carbon emissions and reduced that cap over time, creating a market for a carbon trading program.

The Office of the Ohio Consumers’ Counsel (OCC) continued to monitor this policy as it was considered in the U.S. Senate as the year came to an end. The OCC developed and submitted proposals to Ohio senators that would help reduce the impact of a carbon cap on residential consumers’ bills and ensure consumers receive the necessary protections in this changing national energy environment.

THE OCC BENEFITS FOR LOW-INCOME CONSUMERS IN 2009: The OCC led a coalition with several other advocacy groups to bring about major changes in the Percentage of Income Payment Plan (PIPP) program at the PUCO and Ohio Department of Development. In addition to advocating lowering the monthly PIPP payment levels, the OCC successfully obtained major reform in arrearage crediting and the opportunity for low-income customers to eliminate future debt.

Members of Ohio Consumer and Environmental Advocates include:

- ▶ AARP Ohio
- ▶ Advocates for Basic Legal Equality, Inc.
- ▶ Citizen Power
- ▶ Citizens Coalition
- ▶ Consumers for Fair Utility Rates
- ▶ Edgemont Neighborhood Coalition of Dayton
- ▶ Empowerment Center of Greater Cleveland
- ▶ Environment Ohio
- ▶ Environmental Law and Policy Center
- ▶ Greater Ohio
- ▶ Legal Aid Society of Greater Cincinnati
- ▶ Midwest Energy Efficiency Alliance
- ▶ Natural Resources Defense Council
- ▶ Northeast Ohio Public Energy Council
- ▶ Northwest Ohio Aggregation Coalition
- ▶ Neighborhood Environmental Coalition
- ▶ Office of the Ohio Consumers’ Counsel
- ▶ Ohio Environmental Council
- ▶ Ohio Farmers Union
- ▶ Ohio Interfaith Power & Light
- ▶ Ohio Poverty Law Center
- ▶ Sierra Club Ohio Chapter

Note: Not all members of the OCEA participate in all filings and actions.



EFFICIENT AND RENEWABLE ENERGY

Introduction and overview

Major strides were made in 2009 to increase energy efficiency and renewable energy programs for residential utility customers. These were a direct result of Ohio's 2008 electric energy law (Senate Bill 221) requiring utilities to meet annual benchmarks to increase electricity generated from renewable resources and to reduce the growing need for electricity by implementing energy efficiency programs.

By law, utilities were required to reduce electricity demand by 0.3 percent and ensure 0.25 percent of their total electricity sales came from renewable energy in 2009. These targets will increase each year until 2025 when electricity sales are reduced by 22.5 percent and renewable energy is 12.5 percent of each electric utility's energy portfolio.

The Office of the Ohio Consumers' Counsel (OCC) worked with utilities to create a variety of energy efficiency programs. The programs were aimed at providing consumers with opportunities to increase efficiencies in their homes which could possibly lower their monthly utility bills. Examples of the programs included:

- ▶ Offering comprehensive home energy audits to help identify areas that could produce the most cost-effective efficiency benefits; and
- ▶ Offering rebates for refrigerator recycling.

Also required by Ohio's electric energy law were the commitments utilities made to increase solar, wind and biomass energy production as part of their generation portfolios. Most significant was the breakthrough the OCC made with FirstEnergy to offer a renewable energy certificate program to its residential customers. A renewable energy certificate is a financial incentive for the installation and operation of renewable energy systems such as solar or wind power. This program will make it easier for Ohioans to invest in renewable energy and provide a source of revenue through the sale of unused energy to the utility. The OCC continues to work with American Electric Power (AEP) and to litigate with Duke Energy Ohio to create similar programs that will help their customers invest in renewable energy.

While the OCC was able to help make renewable energy a more affordable investment for residential consumers, it continued its efforts for some residential windmill owners who had difficulty establishing net metering and interconnection agreements with FirstEnergy. After having installed windmills subject to FirstEnergy's inspection, the owners faced claims that their windmills did not meet minimum standards, among other issues. This caused FirstEnergy to delay agreements with the owners that would allow them to offset the electricity they use with renewable energy. The OCC will continue to advocate for these consumers until a fair result can be achieved.

Smart grid: The future of energy delivery

A smart grid includes a series of upgrades to the distribution system that enable two-way communication between the electric utility and consumers. One feature of the smart grid is advanced metering. This type of meter will allow consumers, in the near future, to take advantage of a menu of voluntary pricing options. These options will allow consumers to make more informed decisions about when to use electricity, possibly saving money.

All electric utilities proposed plans to improve their distribution systems with efficient smart grid technology. These plans included a variety of improvements to electric transmission and distribution systems. The improvements are designed to produce a grid that is more efficient and reliable. However, each utility's smart grid plan includes costs which consumers will pay.



Efficient and Renewable Energy

Both Duke Energy and FirstEnergy were awarded federal grants to install smart grids. Duke was awarded \$200 million to update its Midwest operations while FirstEnergy received \$57.5 million for its Ohio and Pennsylvania utilities. The companies planned to add advanced meters and upgrade their distribution networks with smart grid technology.

FirstEnergy expects to spend up to \$72.2 million for its Cleveland Electric Illuminating utility. The utility's smart grid proposal was submitted to the PUCO in November. It was closely analyzed by the OCC to ensure that residential consumers will benefit.

Duke Energy proposed a \$1 billion project in Ohio, Kentucky and Indiana and had the first phase of its smart grid plan approved in November 2009. While supporting the concept of a smart grid, the OCC did not agree with Duke's plan, citing a lack of assurances about when consumers would benefit from the investment.

American Electric Power was awarded a \$75 million federal demonstration grant and began installing smart meters in several central Ohio communities in December. The grant will offset half of the \$119 million smart grid costs AEP will collect from customers through 2011.

Dayton Power and Light (DP&L) applied for, but did not win, a smart grid grant from the federal government. By the end of 2009, DP&L was still trying to build its business case for implementing smart grid technology in its service territory.



A house uses solar panels to supplement its electricity use.

Efficiencies developed to save AEP consumers energy

Improving efficiency for residential, commercial and industrial customers of American Electric Power (AEP) could produce enough energy savings through 2011 to power 70,000 homes, according to the utility.

After extensive consultation, the Office of the Ohio Consumers' Counsel (OCC), AEP and other organizations agreed on several programs that will expand the utility's energy efficiency portfolio.

The programs will help AEP meet its requirements to lower energy demand under the state's electric energy law. Approval of the agreement from the Public Utilities Commission of Ohio was still pending at the end of 2009.

The energy efficiency programs in the portfolio will cost \$161.9 million. The residential portion will, if approved, cost the average customer in the Columbus Southern Power territory \$2.24 per month and in the Ohio Power territory \$2.30 per month through 2011.

The energy efficiency programs for residential consumers include:

- ▶ **Energy Efficient Products:** In-store or coupon incentives provided to customers to purchase lighting fixtures, ceiling fans, LED holiday lights, certain appliances, heat pumps and electric water heaters. AEP also will continue its compact fluorescent light bulb (CFL) markdown program that sold more than 1 million bulbs in 2009. These incentives will give consumers a variety of options for selecting products appropriate for them.
- ▶ **Appliance Recycling Program:** AEP will continue its refrigerator and freezer recycling program. Participating customers receive free pick-up of their inefficient appliance as well as a \$25 cash incentive.
- ▶ **Existing Home Retrofit Program:** This three-phase program will include online and in-home walk-through energy audits and the national Home Performance with Energy Star program. A variety of incentives, such as low-cost energy conservation kits, CFLs, efficient showerheads and discounts for more expensive efficiency measures, are also included.
- ▶ **Low-Income Program:** Weatherization services will be made available to low-income customers.
- ▶ **New Residential Construction Program:** Incentives will be given to home builders for constructing new homes according to Energy Star building standards.

Case No. 09-1089-EL-POR

FirstEnergy wanted waiver of 2009 energy efficiency obligation

Investor-owned electric utilities were required in 2009 to meet energy efficiency and renewable energy benchmarks resulting from the state's electric energy law. Despite the requirements, FirstEnergy asked the Public Utilities Commission of Ohio (PUCO) to waive its energy efficiency obligations. The OCC with other members of the Ohio Consumer and Environmental Advocates (OCEA) asked the PUCO in November to protect customers by rejecting the utility's request.

The OCEA asserted FirstEnergy had more than a year and a half to design and develop energy efficiency programs to meet the law's requirements and, unlike the other Ohio utilities, delayed developing its plans. The OCEA said FirstEnergy should be held responsible for failing to meet the 2009 energy efficiency benchmarks. A decision on the waiver was pending at the end of the year.

Case Nos. 09-1004-EL-EEC, 09-1005-EL-EEC, 09-1006-EL-EEC

Timely consumer benefits not assured by Duke Energy Ohio plan

The Office of the Ohio Consumers' Counsel (OCC) did not sign a settlement with Duke Energy Ohio because it failed to provide assurances about when residential consumers would benefit from a smart grid plan. Duke reached a settlement in November with the staff of the Public Utilities Commission of Ohio (PUCO) and two organizations for collection of costs from customers for the first year of its five-year plan. The PUCO did not rule on the settlement in 2009.

In the settlement, Duke said it planned to add 190,000 automated electric meters and 130,000 automated natural gas meters in its Ohio service territory. The utility also planned to upgrade distribution lines, telecommunications and information technology equipment. But the settlement did not provide a timeline for installation of a more advanced billing system, which is critical to providing options for consumers to use electricity at different prices depending on the time of day. The more advanced billing system coupled with a menu of time-based pricing options are essential for customers to control their energy use and receive bill savings from smart grid improvements.

Duke proposed adding monthly charges – on average, 49 cents for electric and 12 cents for natural gas – to its customers' bills to pay for this phase of its smart grid.

The OCC did not agree with the settlement because smart grid investments must be useful to consumers within a reasonable period for Duke to justify recovering costs from its customers. Timely consumer benefits were not assured by Duke. The OCC also was concerned that Duke would not address how future financial benefits the utility would receive from smart grid investments, such as improved metering and reliability, would be shared with customers. The OCC emphasized two points to ensure consumers could directly benefit from the smart grid:

- ▶ Consumers must have the ability to receive information about their usage and have several rate options available to manage how they use electricity and take advantage of opportunities for savings; and

Efficient and Renewable Energy

- ▶ Any savings Duke achieves from its smart grid investment must be rolled back to customers in the form of reduced rates.

Case Nos. 09-543-GE-UNC, 09-544-GE-ATA, 09-545-GE-AAM

New rules gave utilities instructions on Ohio's electric energy law

New rules approved by the Public Utilities Commission of Ohio (PUCO) following passage of Ohio's electric energy law went into effect in 2009 after review by the Joint Committee on Agency Rule Review (JCARR).

The three sets of rules took into account recommendations from the Office of the Ohio Consumers' Counsel (OCC) and other members of the Ohio Consumer and Environmental Advocates (OCEA). Much of the work on these rules was completed in 2008. The OCEA advocated for rules protecting residential consumers in the areas of standard service offers, electric service and safety standards, energy efficiency and renewable energy.

The accepted recommendations included:

- ▶ More public input to establish reliability targets for electric utilities;
- ▶ Third-party verification of energy efficiency savings;
- ▶ Long-term resource plans that ensure diversified energy portfolios;

- ▶ Rules that encourage and promote large-scale governmental aggregation; and
- ▶ Additional reporting requirements for companies that receive discounted rates.

The rules for electric service and safety standards became effective June 29 followed by the rules for electric security plans and market rate offers that became effective July 17.

The energy efficiency and renewable energy rules were the last to be approved. The OCC and OCEA had considerable involvement in this extensive process. The weakened rules were ultimately approved, however, some JCARR members said more changes were needed by the legislature to close loopholes in the law.

Case Nos. 06-653-EL-ORD, 08-777-EL-ORD, 08-888-EL-ORD

OCC successfully blocked FirstEnergy's attempt to bypass efficiency requirements

The Office of the Ohio Consumers' Counsel (OCC) blocked an attempt by FirstEnergy to bypass the state's energy efficiency requirements by seeking approval for projects completed before 2009.

FirstEnergy filed an application to include certain transmission and distribution projects, completed before Senate Bill 221 had even become law, toward its compliance with 2009 energy efficiency benchmarks. The OCC and others intervened and asked the Public Utilities Commission of Ohio (PUCO) to dismiss the application.

The OCC argued the application violated the law, which requires electric utilities to implement energy efficiency programs beginning in 2009.

According to the OCC, some of the past projects were not undertaken by FirstEnergy's electric utilities – Ohio Edison, Cleveland Electric Illuminating or Toledo Edison. The law does not permit an electric utility to count the activities of another company, whether affiliated with the electric utility or not, toward its energy efficiency benchmarks.

The PUCO agreed with the arguments of the OCC and others and dismissed FirstEnergy's application.

Case Nos. 09-384-EL-EEC, 09-385-EL-EEC, 09-386-EL-EEC

OCC BENEFITS FOR LOW-INCOME CONSUMERS

IN 2009: After extensive consultation, the OCC, American Electric Power and other organizations agreed on programs to improve energy efficiency for residential consumers. Included in the programs were weatherization services for low-income customers.





ELECTRIC

Introduction and overview

A considerable amount of electric industry activity in 2009 focused on implementing Ohio's new electric energy law, Amended Substitute Senate Bill 221. The law was signed by Gov. Ted Strickland in May 2008 and led to three sets of rulemaking cases at the Public Utilities Commission of Ohio (PUCO).

These cases essentially set the ground rules for generation rates offered by Ohio's investor-owned electric utilities: American Electric Power (AEP), Dayton Power & Light (DP&L), Duke Energy Ohio and FirstEnergy. Generation rates recover costs related to producing electricity at a power plant. As a member of the Ohio Consumer and Environmental Advocates, the Office of the Ohio Consumers' Counsel (OCC) took the lead in advancing the interests of residential electric customers in each rule-making procedure.

In addition to the rule making, the OCC participated in PUCO cases involving each investor-owned utility's Electric Security Plan (ESP), which in most instances set the generation rates customers would pay over the next three years. Some of the new cases set out proposed smart grid investments and how the efficiency and renewable energy standards in the new law would be accomplished.

A smart grid is a series of upgrades to the distribution system that enable two-way communication between the electric utility and consumers. One feature of the smart grid is advanced metering. This type of meter will allow consumers, in the near future, to take advantage of a menu of voluntary pricing options. These options will allow consumers to make more informed decisions about when to use electricity, possibly saving money.

The OCC helped negotiate agreements with consumer benefits in the ESP cases filed by DP&L, Duke Energy and FirstEnergy. The ESP case for AEP was litigated and was appealed by the OCC to the Supreme Court of Ohio in 2009.

The electric energy law allows the PUCO to review and approve discounted rates, also known as reasonable, special, unique arrangements or economic development cases, for industrial customers for various purposes, such as

energy efficiency. The OCC participated in two cases in AEP's service territory – involving Ormet and Eramet – and in one case in FirstEnergy's territory, V&M Star. Each of these industrial customers requested discounted rates that would be subsidized by all ratepayers, including residential customers. The OCC sought a balanced solution in these cases that would promote economic development through electricity rate discounts while assuring reasonable rates for residential customers.

OCC challenges FirstEnergy distribution rate increase

Experts from the Office of the Ohio Consumers' Counsel (OCC) testified that a request for higher distribution rates by FirstEnergy should be significantly reduced. The OCC argued the utility failed to justify any rate increases for Cleveland Electric Illuminating and Ohio Edison. The OCC recommended the company's proposed increase for Toledo Edison customers be cut from \$71 million to \$25 million.

FirstEnergy proposed its \$338 million annual revenue increase in June 2007. In January 2009, the Public Utilities Commission of Ohio (PUCO) allowed FirstEnergy to raise residential customers' distribution rates, but not as much as the utility requested. The PUCO allowed FirstEnergy to collect approximately \$137 million in annual revenue increases from customers for distribution services.



Electric

Distribution rates recover costs related to the equipment, such as wires and substations, used to deliver electricity.

The OCC testified that more money should be devoted to energy efficiency programs to meet Ohio's new energy efficiency standards. The OCC also suggested FirstEnergy should improve its service quality and recommended that the PUCO order an investigation and penalties for instances of noncompliance with rules and for failure to meet performance targets.

The PUCO denied the OCC's request for a reliability investigation, but adopted the OCC's call for a more significant investment in energy efficiency programs.

Case Nos. 07-551-EL-AIR, 07-552-EL-ALT, 07-553-EL-AAM, 07-554-EL-AAM

Rate increase reduced in Duke Energy Ohio electric distribution case

An agreement reached in an electric distribution rate case by the Office of the Ohio Consumers' Counsel (OCC), the Public Utilities Commission of Ohio (PUCO) staff, Duke Energy Ohio and other parties reduced the utility's proposed distribution rate increases. It also provided payment assistance programs for eligible low-income residents. The agreement, reached in March 2009, was approved by the PUCO in July.

During its analysis of Duke's proposal, the OCC determined Duke had overstated its need for an \$85.6 million per year increase and provided evidence that the proposed increase should have been cut to \$39 million. The OCC proposed protecting residential consumers from a disproportionately high share of the rate increase, which included storm cost recovery, the collection of financial bonuses, incentive compensation and a high fixed customer charge.

The agreement reduced by 35 percent the annual distribution revenue increase Duke would have received. The agreement also provided benefits for residential consumers. It included a commitment by Duke to provide up to \$40,000 monthly for payment

assistance until 10,000 households had been reached. The households had to have incomes at or below 200 percent of the federal poverty level and not be enrolled in the Percentage of Income Payment Plan. The parties also agreed Duke would not be entitled to increase rates as a part of this case for costs to restore power related to Hurricane Ike. Instead, Duke filed a separate application with the PUCO to request the recovery of costs associated with the September 2008 windstorm.

Case Nos. 08-0709-EL-AIR, 08-0710-EL-ATA, 08-0711-EL-AAM, 06-0718-EL-ATA, 09-1946-EL-ATA

American Electric Power electric security plan decision sought at Supreme Court

The Office of the Ohio Consumers' Counsel (OCC) asked the Supreme Court of Ohio to overturn a decision by the Public Utilities Commission of Ohio (PUCO) that approved the electric security plan of American Electric Power (AEP).

The OCC asked the Court to reject a PUCO order that made new, higher rates retroactive to the beginning of 2009. That order cost Columbus Southern Power customers \$30 million and Ohio Power customers \$33 million. A decision by the Court was expected in 2010.

Also at the OCC's urging, an AEP proposal for non-fuel generation increases was denied by the PUCO. That saved Columbus Southern Power (CSP) customers \$87 million and Ohio Power (OP) customers \$262 million. The PUCO, however, granted AEP a 567 percent increase of "provider of last resort" charges for CSP and a 38 percent increase for OP, costing customers \$153 million. This charge

OCC BENEFITS FOR LOW-INCOME CONSUMERS IN 2009: The OCC reached an agreement where Duke Energy Ohio committed up to \$40,000 a month for electric bill payment assistance to as many as 10,000 households. To be eligible for assistance, a household has to have combined incomes at or below 200 percent of the federal poverty level and not be enrolled in the Percentage of Income Payment Plan.

In two cases, the OCC fought for and received a low-income fuel fund totalling \$8.5 million for FirstEnergy customers at or below 200 percent of the federal poverty level. The OCC set up a diverse network of community agencies to quickly and effectively distribute the funds.

is for the alleged financial risk of AEP needing to provide electricity to customers who shop for alternative suppliers, but then return to the utility.

The OCC argued that AEP is only required to buy power at market rates when it is needed and does not need to have on-hand power for returning customers. Also, there were few, if any, customers switching for AEP to be concerned about.

The PUCO's decisions imposed a decade of rate increases on AEP customers over the objections of the OCC.

For example, based on the PUCO's modifications and approval of AEP's electric security plan in March, caps were placed on annual revenue increases. All generation fuel costs above the caps – estimated at approximately \$900 million – will be deferred for collection from customers during the seven-year period 2012-2018. The interest rate on the deferral is approximately 11.15 percent.

The PUCO approved AEP's proposal for \$178 million in energy efficiency programs. The OCC advocated to reduce the cost to customers of AEP's smart grid proposal from \$109 million to \$54.5 million over three years. The PUCO agreed and ordered AEP to apply for federal funding. The utility was awarded \$75 million for its smart grid demonstration project in November.

The PUCO did not approve a majority of AEP's request for a \$449 million Enhanced Service Reliability Plan, citing the need for further investigation in the context of a distribution rate case. The PUCO did approve the vegetation management portion of the plan at a cost of \$104.5 million.

The OCC argued that the proposed rate increase would not have been needed if AEP had devoted sufficient resources to its distribution system in the past.

The OCC requested the PUCO rescind the retroactive portion of its order. The OCC was joined by The Kroger Co., the Ohio Hospital Association and the Ohio Manufacturers' Association. The OCC also requested the PUCO reconsider significant portions of its entire order, including the deferrals and very high interest charges, the excessive provider of last resort charge, unlawful retroactive rate collection, smart grid costs and vegetation management charges. All the OCC requests were denied.

Case Nos. 08-917-EL-SSO, 08-918-EL-SSO, S.C. No. 2009-1620

FirstEnergy electric security plan and fuel rider decided; OCC sought better terms

In 2009, a proposed FirstEnergy electric security plan resulted in two agreements and new rates for residential customers. The Office of the Ohio Consumers' Counsel (OCC) litigated and argued for a lower rate than the Public Utilities Commission of Ohio (PUCO) approved.

The plan followed FirstEnergy's December 2008 withdrawal of its previous proposal after a decision by the PUCO to modify it. After two weeks of hearings and an extensive record, the PUCO issued an order setting the rates, which the OCC generally supported. However, a provision in the state's electric energy

law allowed FirstEnergy to reject the commission's order. This resulted in the PUCO directing its staff to develop a new electric security plan and determine if an agreement could be reached among the parties.

To establish temporary rates until an electric security plan could be agreed upon, FirstEnergy held an unsupervised bidding process to supply customers

“My January (electric) bill was \$316. I used 1455kw less in February vs. January and my bill was higher by \$22. This should not be. We conserve and [Ohio Edison] is allowed to raise rates to pay excessive salaries to executives. They need to cut costs, not have guaranteed income by raising rates. So far for three months my bills are \$155 higher than last year.”

*William S. Kirk
North Ridgeville, Ohio
March 12, 2009*

with generation service at proposed prices. In January, the PUCO approved the temporary rates, which were ultimately extended through May.

In February, a settlement was signed by FirstEnergy and other parties, but not agreed to by the OCC and other members of the Ohio Consumer and Environmental Advocates.

Electric

The OCC argued the settlement:

- ▶ Lacked sufficient consumer protections;
- ▶ Potentially stifled opportunity for aggregation that could lower rates;
- ▶ Did not provide enough money for fuel funds for low-income customers; and
- ▶ Did not include enough consumer representation in the energy efficiency collaborative.



Assistant Analytical Director Beth Hixon and Senior Regulatory Analyst Daniel Sawmiller meet to review a case.

The OCC and its allies fought for and received benefits for consumers as part of a supplemental agreement. It included:

- ▶ Better terms for governmental aggregation to help customers in the northeast and northwest areas of the state;
- ▶ A low-income fuel fund of \$6 million for customers at or below 200 percent of the federal poverty level;
- ▶ A renewable energy credit program to help offset the costs of customer-sited renewable energy sources, such as solar panels; and
- ▶ The inclusion of residential customer interests in the development of energy efficiency programs.

The PUCO approved the original and supplemental agreements in March. Based on the original agreement, an auction was held in May to determine the price of generation charged to customers from June 2009 through May 2011.

The OCC supported the auction, correctly predicting rates would be reduced. A wholesale price of \$61.50 per megawatt hour was obtained through the auction. The price was lower than customers' temporary rates, significantly lower than FirstEnergy had proposed through its original rate stabilization plan and lower than what the PUCO had approved. Rate decreases ranged from 13 percent annually for Ohio Edison customers to 16 percent for Toledo Edison customers based on 750 kilowatt-hour usage. Cleveland Electric Illuminating customers saw a

slight net increase of 2.7 percent because of other rate increases. A total of 12 bidders participated in the auction, with nine obtaining winning bids.

Case Nos. 08-935-EL-SSO, 08-936-EL-SSO, 09-21-EL-ATA, 09-22-EL-AEM, 09-23-EL-AAM

Early payments to save \$178 million; renewable energy credit program created

Residential customers of FirstEnergy will save \$178 million in interest payments through the efforts of the Office of the Ohio Consumers' Counsel (OCC) and others. An agreement was reached between members of the Ohio Consumer and Environmental Advocates, which includes the OCC, and the company to pay some distribution costs early. In March 2009, the Public Utilities Commission of Ohio (PUCO) approved FirstEnergy's Electric Security Plan (ESP), which included a deferral of distribution costs for future recovery.

As part of the agreement, FirstEnergy also added \$2.5 million into a fuel fund that will aid low-income electric consumers. A renewable energy credit program was enhanced to pay residents for the environmental benefits associated with the generation of electricity from renewable energy sources.

In FirstEnergy's ESP, the PUCO approved the utility collecting \$352 million in deferred distribution costs over 25 years from residential customers. The early payments will result in full collection of the costs by the end of 2010 and eliminate \$178 million in interest payments. The early payments only will be collected during non-summer months (September through May).

The improved residential renewable energy certificate program allows FirstEnergy's residential customers with renewable generation to be compensated at a fair market price over 15 years. If a fair market price is not available, FirstEnergy will pay 80 percent of the alternative compliance payment established in Ohio's electric energy law. The program will be available to customers through May 2011.

The addition of \$2.5 million in shareholder dollars to the fuel fund grant program brings the total aid to low-income consumers to \$8.5 million over three years. The fuel fund provides assistance to families at 200 percent of the federal poverty level or below. The additional fuel fund money was distributed evenly between the service territories of Cleveland Electric Illuminating, Ohio Edison and Toledo Edison.

Case Nos. 09-641-EL-UNC, 09-551-EL-REN

2008 windstorm costs deferred over the OCC's objections

Over the objections of the Office of the Ohio Consumers' Counsel (OCC), the Public Utilities Commission of Ohio (PUCO) approved requests to defer Hurricane Ike-related expenses for future collection from customers. American Electric Power (AEP), Dayton Power & Light (DP&L) and Duke Energy Ohio each filed requests in December 2008.

In the AEP case, decided at the end of 2008, the OCC asserted the utility's application lacked detail and should not be approved unless the utility could prove the expenses were lawful, reasonable and prudently incurred. The OCC also asserted that the method used to calculate interest on the deferrals should be altered to reduce the charges to consumers.



American Electric Power crews repair electric lines during outage from Hurricane Ike.

In the DP&L case, decided in January 2009, the OCC – similar to the assertion made in the AEP request – pointed to the lack of details about the expenses. The OCC also showed that DP&L sought the collection of all storm-related operations and maintenance expenses instead of only those above and beyond the amount of storm costs set in the utility's current distribution rates.

In the Duke case, also decided in January 2009, the OCC opposed the utility's request to collect the costs through its then-pending distribution rate case because those costs were extraordinary and unusual. Thus, the costs should not have been considered as expenses within the rate case's "test year." In addition, the OCC argued the utility failed to provide sufficient details about the claimed expenses.

Electric

In its decisions in these three cases, the PUCO modified and approved the utilities' requests to defer storm-related costs, but stated that the reasonableness and collection of deferrals from customers would be examined in future proceedings. In the AEP and Duke cases, the PUCO also changed the interest calculation, consistent with the OCC's recommendation in the AEP case.

Case Nos. 08-1301-EL-AAM (AEP), 08-1332-EL-AAM (DP&L), 08-709-EL-AIR, 08-711-EL-AAM (Duke)

AEP customers to subsidize Ormet

American Electric Power's (AEP) customers will subsidize the electricity used by Ormet Aluminum Corp., but potentially by much less per year than the manufacturer sought from the Public Utilities Commission of Ohio (PUCO). Under an approved "reasonable arrangement," a utility may request to charge other customers – including residential customers – for any discounts granted to a large customer.

Ohio's electric energy law permits reasonable rate arrangements based on unique circumstances granted to the company if the arrangements are filed and approved by the PUCO. Ormet bore the burden of proving its request was reasonable. The Office of the Ohio Consumers' Counsel (OCC) reviewed the proposal and found the discount request was excessive, potentially costing all Ohio customers of AEP as much as \$2.8 billion over 10 years.

The OCC argued Ormet's proposal could result in residential and business customers of AEP paying the manufacturer's entire electric bill or even paying millions of dollars for Ormet to use electricity depending on variables such as the price of aluminum on the London Metal Exchange. The lower the market price of aluminum, Ormet proposed, the lower would be the company's electric rate because its product could not produce as much revenue. Under Ormet's proposal, the price of aluminum would have to increase by 65 percent before it would pay anything for the substantial amount of power it consumes.

The OCC sought a balanced solution that would promote economic development through electricity rate discounts while ensuring reasonable rates for all other customers, who must subsidize those discounts.

In its filing at the PUCO, the OCC was joined by the Ohio Energy Group, comprised of large energy users throughout the state, to recommend significant changes to Ormet's proposal.

Included in the OCC's recommendations was a cap on the subsidy to Ormet equal to \$32.7 million per year, the approximate value of the company's Ohio payroll.

Any agreement should be shortened in length from 10 to five years. The OCC also opposed subsidizing "provider of last resort" charges for Ormet. This charge is supposed to compensate AEP for the risk of serving customers who switch back to the utility from an alternative supplier. Under the Ormet proposal, the aluminum company could not switch to an alternative supplier, eliminating any supposed risk.

In addition, the OCC argued that a credit proposed by Ormet to other customers when the price of aluminum rises should be enhanced to provide a maximum credit of \$16.35 million per year.

The PUCO modified and approved the Ormet electric discount in July 2009, adding some consumer



OCC Attorney Maureen Grady and OCC Senior Regulatory Analyst Amr Ibrahim at a hearing.

protections. While a \$60 million cap established in the PUCO's order was higher than recommended by the OCC, it was more favorable to customers than Ormet's proposal, which had no cap. In addition, the PUCO ordered the subsidy to Ormet be reduced each year beginning in 2012 and eliminated any provider of last resort subsidies that AEP requested beginning in 2010. Consistent with the OCC and Ohio Energy Group's arguments, the PUCO ordered more aggressive crediting to other customers to offset Ormet's subsidy if the price of aluminum rises and business is better for the company.

Reasonable arrangements that provided discounted rates to industrial customers also included Eramet in AEP's service area and V&M Star in FirstEnergy's service area. The Eramet decision continued the principle from the Ormet case that the discount should be reduced each year. The PUCO agreed with the OCC that AEP should not collect provider of last resort charges. Also, Eramet must make at least \$20 million in capital investments to its Ohio manufacturing operations before Dec. 31, 2011 and another \$20 million before Dec. 31, 2014.

In the V&M Star case, the OCC objected to the lack of information filed to support the company's proposed capital investment project. The OCC also objected to the lack of oversight by the PUCO. The OCC established that the amount of money residential customers will pay as a result of the special arrangement is unknown. The PUCO agreed with the OCC about the lack of transparency, but it did not modify the arrangement.

*Case Nos. 09-119-EL-AEC (Ormet),
09-516-EL-AEC (Eramet),
09-80-EL-AEC (V&M Star)*

Approval of Dayton Power & Light rate plan will benefit residential customers

The Office of the Ohio Consumers' Counsel (OCC) and other advocates secured benefits for customers of Dayton Power & Light (DP&L) with an agreement resolving outstanding issues in the utility's electric security plan.

The agreement was reached by the OCC, members of Ohio Consumer and Environmental Advocates, the Public Utilities Commission of Ohio (PUCO) staff, DP&L and other parties. The agreement, approved by the PUCO in June 2009, included limits on electric rate increases through 2012, and energy efficiency and renewable energy measures.

DP&L will continue its existing rate plan until 2012 and will add energy efficiency and renewable energy to its electric portfolio as required by Ohio's electric energy law. The development and implementation of these programs will provide residential customers with tools to lower their electricity usage.

Also, DP&L's base distribution rates for residential customers will be frozen through 2012. DP&L's original smart grid proposal, filed in 2008, more than doubled the typical costs of these improvements and failed to incorporate hundreds of millions of dollars in customer benefits to help offset those costs. After testimony and comments by the OCC, DP&L agreed to file a revised smart grid proposal, which it did later in 2009.

If approved, smart grid improvements will provide better electric service reliability and allow utilities to offer programs that give customers the ability to manage their usage based on the price of electricity at different times of the day.

Other elements of the agreement include:

- ▶ A collaborative energy efficiency work group to develop and implement energy efficiency programs, such as rebates for purchasing Energy Star appliances and discounts for weatherizing homes;
- ▶ An economic development rider assessed to customers' bills – initially set at zero. Rates could increase if and when DP&L requests to charge customers for discounts provided to large users of energy. Those rates must comply with PUCO rules and be approved by the PUCO before they are charged to customers;
- ▶ A fuel rider, effective Jan. 1, 2010, to recover actual cost increases DP&L incurs for fuel or purchased power; and
- ▶ Development of a renewable energy certificate (REC) program that will pay residential consumers a fee for RECs produced by customer-sited renewable energy, such as solar panels or wind turbines. The program will help offset the cost of adding renewable energy by a customer while helping DP&L meet the benchmarks under Ohio's electric energy law.

*Case Nos. 08-1094-EL-SSO, 08-0195-EL-ATA,
08-1096-EL-AAM, 08-1097-EL-UNC*



NATURAL GAS

Introduction and overview

After being confronted in 2008 with the highest natural gas prices since 2005, consumers were greeted with rates that reached seven-year lows in 2009, giving consumers a much needed break. Even with the lower cost of natural gas, the Office of the Ohio Consumers' Counsel (OCC) was faced with several challenges to protect and educate residential consumers.

- ▶ Natural gas utilities were granted rate pricing changes that diminished the value of conservation, among other negative consequences, that the OCC appealed to the Supreme Court of Ohio.
- ▶ The continuing nationwide recession caused an increase in customers reaching out to the OCC to get help paying their bills.
- ▶ The process of local gas companies going to market each month to buy natural gas to supply homes and businesses was replaced with competitive bidding by multiple suppliers. The change required vigilance and advocacy to ensure better outcomes for consumers.

In 2009, the OCC continued its opposition to the straight-fixed variable (SFV) rate design. The SFV pricing structure drastically increases the fixed portion of a utility's distribution delivery charge while decreasing the portion based on a customer's usage. Through appeals to the Supreme Court, the OCC sought to protect consumers from SFV pricing because it is a disincentive for consumers to conserve energy and hurts consumers who use lower amounts of natural gas. The OCC asked the Court to overturn decisions made by the Public Utilities Commission of Ohio (PUCO) promoting the SFV rate pricing in the Duke Energy Ohio and Dominion East Ohio (DEO) distribution rate increase cases.

The OCC also led the way in the establishment and oversight of energy efficiency programs for each of the state's four investor-owned natural gas utilities. These programs were created in 2009 as part of settlements reached in 2008.

Major changes in eligibility requirements for consumers who receive assistance through the federal Home Energy Assistance Program (HEAP) occurred in 2009. The OCC anticipated more consumers applying for HEAP funds as Ohio's minimum income eligibility for aid rose from 175 percent to 200 percent of the federal poverty guidelines. The OCC worked with other agencies to alert consumers to this change and direct them to where and how to receive help.

During 2009, many Ohio consumers were presented the option of continuing to purchase natural gas from their utility or entering into a contract with an independent supplier. With these choices came the need for customers to develop a broader understanding of the natural gas market. Learning how to shop for a commodity traditionally provided by a regulated entity became important.

The OCC closely followed DEO's establishment of its standard choice offer in April. The OCC explained the complicated process to customers in a variety of forums. Many were confused at the prospect of seeing another company's name on their bills for the first time and concerned about the continuity of their natural gas supply.

In March, the OCC filed a complaint against DEO's retail affiliate, Dominion East Ohio Energy, alleging the company sent a postcard to DEO's customers that misled them into believing they must choose a supplier or risk loss of service. The matter was resolved in September.

Overall, Ohio's natural gas customers received lower bills during 2009. Wholesale prices steadily declined during the spring and summer before undergoing a slight increase as the weather turned cooler. Several factors contributed to this drop in prices. A cooler-than-average summer resulted in decreased demand for natural gas at peak periods of electric usage. Also, storage supplies remained at near-capacity levels throughout the year. An ample supply of natural gas is expected to remain for the foreseeable future.



Natural Gas

Duke customers achieved \$3.5 million in savings in negotiated settlement

In April 2009, the Office of the Ohio Consumers' Counsel (OCC) negotiated \$3.5 million in savings for Duke Energy Ohio's approximately 425,000 natural gas customers. The agreement was reached with the Public Utilities Commission of Ohio (PUCO) staff and Duke.

Duke sought to raise residential rates to pay for remedial camera inspection expenses from April 2001 through May 2006. Camera expenses result from the need to ensure sanitary or sewer lines were not breached during pipe installation. During negotiations, Duke agreed to eliminate this request in return for the right to defer collection until a future rate case.

The Office of the Ohio Consumers' Counsel (OCC) intervened in the case on behalf of Vectren's 292,000 residential natural gas customers, but neither signed nor opposed the settlement among Vectren, PUCO staff and others who accepted the audit's findings.

The OCC said Vectren's rates should be no more than what is reasonable and lawful for adequate service under Ohio law. The OCC considered the economic impact of the utility conducting and then discontinuing certain sales practices on Vectren and its customers. The OCC also questioned whether Vectren's practices regarding its asset management agreements cost the utility income.

The OCC concluded it would not litigate the issues based on Vectren's discontinuation of some sales practices, for example the Price Volatility Mitigation Program. The early termination of the program resulted in substantial savings for Vectren GCR customers because natural gas prices were falling during this time period. Vectren lost its management fee income, which resulted from its exit of the merchant function in 2008. The PUCO approved the agreement in August 2009.

Case No. 08-220-GA-GCR

Columbia agreed to lower rate increase request for pipeline replacement program

The Office of the Ohio Consumers' Counsel (OCC) succeeded in negotiating a \$1.4 million decrease in the annual cost to residential consumers for Columbia Gas of Ohio's Infrastructure Replacement program. The program repairs or replaces natural gas risers and old service lines considered potentially hazardous. A riser is the vertical portion of the service line that connects to the customer's meter.

“As of April 1, I must choose a gas supplier or one will be picked for me. How does this Standard Choice Offer work and does everyone really pay the same price? I need this information in order to pick a good supplier.”

*James Eastlake
Madison, Ohio
March 12, 2009*

The agreement modified Duke's request to adjust its Accelerated Main Replacement Program (AMRP) rider, which was approved by the PUCO in April 2009. The AMRP was designed by Duke to replace nearly 1,200 miles of cast iron and steel pipelines with plastic gas mains over 15 years. The request was filed according to the terms of an agreement signed in May 2008 and established a timeline for Duke to complete its AMRP. The company is permitted to recover the cost of this program via a rider that appears on residential customers' monthly bills.

The OCC objected to several aspects of Duke's proposal and succeeded in lowering the amount of the utility's request for cost recovery by \$1.6 million.

Residential consumers saved an additional \$1.9 million when Duke agreed to eliminate a request for funds earmarked for corrosion testing. The testing was required as part of remedial pipeline maintenance agreed to by Duke and the PUCO staff.

The OCC also recommended that Duke identify and document projects that might qualify for federal funding from the American Recovery and Reinvestment Act of 2009. The OCC argued that if Duke failed to apply for qualified projects, the amount should

be reduced from the AMRP rate. Duke agreed to document its efforts to secure federal funding in its next AMRP filing.

Case No. 08-1250-GA-UNC

OCC intervened in Vectren Energy management performance audit

A management performance audit showed Vectren Energy Delivery of Ohio fairly applied its gas cost recovery (GCR) rates from November 2005 to September 2008. In May 2009, the staff of the Public Utilities Commission of Ohio (PUCO) accepted the audit's findings.

The Public Utilities Commission of Ohio (PUCO) approved an agreement among the OCC, Columbia and the PUCO staff in June 2009. Under the settlement, the monthly cost to customers for the utility's pipeline replacement rider decreased to 86 cents from the originally requested 96 cents. Columbia filed its request with the PUCO based upon a prior agreement signed by participating parties in October 2008. The agreement established a schedule for cost recovery for the utility to complete its program.

The OCC successfully negotiated an agreement to spread the cost of consumer education over four years to reduce the immediate financial impact to customers. During the first year, these expenses to customers will be reduced by \$374,439. The OCC also advocated for the elimination of training expenses from the proposal, reducing annual costs to customers by \$79,414.

Additionally, the OCC requested the amount of the rider be decreased to reflect a \$52,242 reduction to property tax expenses for the utility. The agency also argued Columbia's replacement of old plastic mains should not be recovered through the replacement rider, resulting in an adjustment of \$216,522. As in the Duke AMRP case, the OCC recommended Columbia identify projects that might qualify for federal funding from the American Recovery and Reinvestment Act of 2009.

Because of the OCC's advocacy efforts, the total annual cost to consumers for Columbia's replacement program was reduced from \$15,259,231 to \$13,841,125, a savings of \$1,418,106.

Case No. 09-0006-GA-UNC

OCC supported extension of Vectren's low-income weatherization program

The Office of the Ohio Consumers' Counsel and other interested parties agreed to Vectren Energy Delivery of Ohio's funding of a low-income weatherization program.

Vectren proposed an energy efficiency rider to the Public Utilities Commission of Ohio (PUCO) in March 2009. The cost to consumers was an additional 32 cents per hundred cubic feet (Ccf) of natural gas used. The PUCO approved Vectren's application.

The agreement enables Vectren to continue its low-income weatherization program, Project TEEM (Teaching Energy Efficiency Measures), that provides help for installing new furnaces, water heaters and insulation so qualifying customers can lower their natural gas bills.

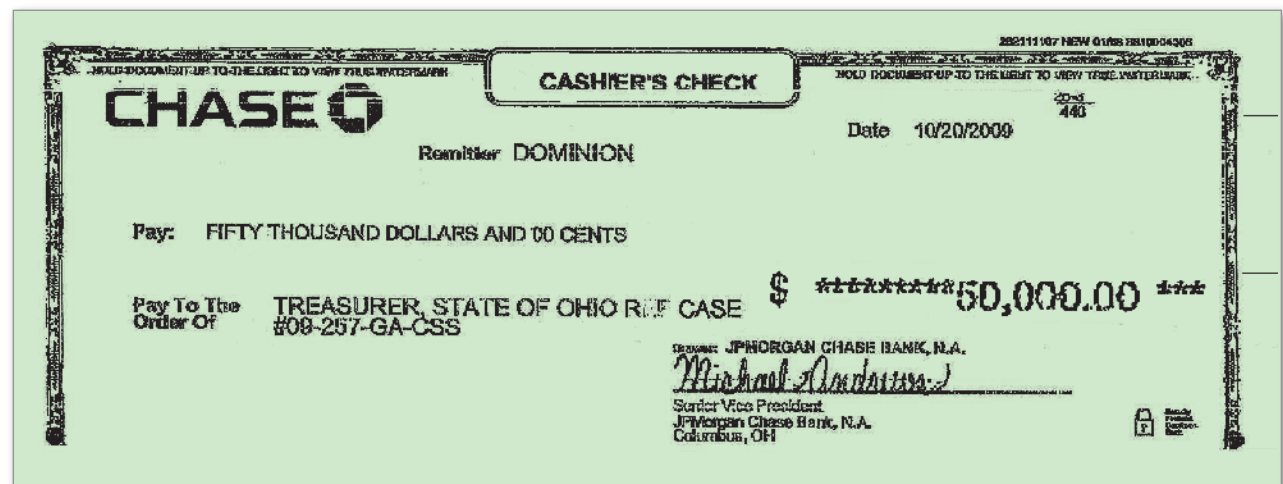
Case No. 09-254-GA-ATA

Natural gas marketer forfeited \$50,000 after OCC filed complaint about postcard

The Office of the Ohio Consumers' Counsel (OCC) successfully protected consumers from an allegedly misleading and false postcard sent to Dominion East Ohio customers by a natural gas marketer. The violation resulted in a \$50,000 fine, that was paid to Ohio's General Revenue Fund. Consumers who switched suppliers were held harmless from any termination fees.

The OCC claimed Dominion East Ohio Energy (DEOE), a retail affiliate of the natural gas utility, incorrectly informed Standard Choice Offer gas customers that their natural gas supply might be interrupted if they did not choose an independent supplier. In fact, they were under no obligation to take action.

The OCC also said the use of Dominion's logo and the size and placement of the affiliate disclaimer on the mailing were confusing and misleading to customers.



Without admitting liability, natural gas marketer sent this check for \$50,000 to Ohio's General Revenue Fund.

Natural Gas

The Public Utilities Commission of Ohio (PUCO) staff and other concerned parties joined the OCC's position.

After several months of negotiations, the participants reached a settlement the PUCO then approved in October. Without admitting wrongdoing, DEOE forfeited \$50,000. Further, the company agreed to forfeit \$100,000 if it violates any PUCO rule governing marketing practices within one year.

In addition to the forfeiture, DEOE agreed to:

- ▶ Submit future marketing materials to the OCC and PUCO staff for review;
- ▶ Distribute a letter to customers who agreed to a fixed-rate contract as a result of the postcard, giving them the option of voiding the contract without penalty;
- ▶ Issue a separate letter to customers with variable-rate contracts reminding them they can switch suppliers at any time; and
- ▶ Adhere to standards governing the use of the utility logo in future marketing materials.

Case No. 09-257-GA-CSS

OCC argued for review of utility practices for recovering uncollectible expenses

In August 2009, the Public Utilities Commission of Ohio (PUCO) ordered an independent study of the impact of recovering from consumers the uncollectible debt of natural gas utilities.

Intervening on behalf of the state's residential natural gas consumers, the Office of the Ohio Consumers' Counsel (OCC) argued that a

PUCO staff report failed to evaluate the impact on customers that results from paying riders on utility bills. The OCC said the report offered no recommendation regarding credit and collections. The report also failed to define the future regulatory oversight process.

The OCC also opposed allowing automatic adjustments to the uncollectible expense riders. At a minimum, the OCC said permitting utilities to control the timing of rider filings should be discontinued.

In its finding and order, the PUCO continued the collection mechanism for five years. The PUCO also ordered that benchmarks be established to monitor and measure the effectiveness of the utilities' collection policies, practices and performances.

In addition, the PUCO required a consultant to examine debt recovery procedures and deliver its report within six months from the date the contract was awarded. The OCC awaits the report from the North Star Consulting Group prior to considering any additional action.

Case No. 08-1229-GA-COI

Agreement paved way for auction to set natural gas prices in 2010

The Office of the Ohio Consumers' Counsel (OCC) participated in negotiations during 2009 resulting in major changes in the way Columbia Gas of Ohio customers purchase natural gas.

Traditionally, Columbia set its natural gas rates through the use of a gas cost recovery (GCR) method. At the end of each month, the utility adjusted its rate based upon the current wholesale cost of natural gas and a comparison between a customer's estimated usage and the amount they actually consumed.

To provide more competitive options to consumers, Columbia scheduled a wholesale auction for February 2010. Independent suppliers will be allowed to bid on a number of tranches (a slice of consumer demand). The low bid will be added each month to the wholesale price of natural gas listed on the New York Mercantile Exchange. This rate is called the Standard Service Offer (SSO), which will replace the GCR on customers' bills. The new rate is scheduled to go into effect in April 2010. Columbia is scheduled to hold a similar wholesale auction in 2011.

OCC BENEFITS FOR LOW-INCOME CONSUMERS IN 2009: The OCC negotiated almost \$2.5 million in federal pipeline refunds that were mandated by the Federal Energy Regulatory Commission to provide additional emergency assistance for low-income consumers of all the major natural gas utilities. The OCC also negotiated with Columbia Gas of Ohio that the company contribute \$600,000 per year for three years (\$1.8 million total) to provide assistance to customers with incomes less than 200 percent of the federal poverty level.

Columbia customers who either choose not to, or are not eligible to, participate in Columbia's choice program will see the SSO price on their bills. The OCC supports a wholesale auction, which historically provides customers with their best opportunity to realize cost savings, particularly when the wholesale cost of natural gas is low.

Beginning with the 2010-2011 winter heating season, low-income consumers struggling to pay their natural gas bills will be able to receive additional assistance. The OCC negotiated with Columbia to contribute \$600,000 per year for three years (\$1.8 million total) to provide assistance to customers with incomes between 175 percent and 200 percent of the federal poverty level. The contributions will come from shareholder funds and be administered through local community action agencies.

Case No. 08-1344-GA-EXM

OCC appealed changes in distribution rate structures to Supreme Court of Ohio

The Office of the Ohio Consumers' Counsel (OCC) continued its efforts to protect consumers from a structural change in the way distribution service is priced by Ohio's regulated natural gas utilities as advocated by the staff of the Public Utilities Commission of Ohio (PUCO).

In September, attorneys for the OCC argued its case before the Supreme Court of Ohio. The case is a combined appeal of decisions by the PUCO in 2008 for Duke Energy Ohio and Dominion East Ohio. Duke customers saw increases of 300 percent and Dominion customers had increases of 250 percent to the fixed portion of the customer charge on their bills for distribution service.

The OCC provided evidence at earlier proceedings that the straight-fixed variable (SFV) rate design, a concept proposed by the PUCO staff, resulted in unreasonably large increases for low-usage and low-income customers. The OCC's experts testified that the rate structure provided a disincentive to conserve energy.

In arguments before the high court, the OCC's attorneys said the PUCO violated its statutory authority by implementing the new rate structure without providing sufficient notice to customers about changes to the delivery charges. The OCC argued that by seeking to impose a rate increase the utilities did not originally propose, the public received no notice of the change. Consumers were denied the opportunity to develop a full



Attorneys Joe Serio (left) and Larry Sauer prepare for arguments before the Supreme Court of Ohio.

understanding of the financial consequences of the shift and, thus, were denied the opportunity to participate in the proceeding.

Prior to this change, the delivery charges in consumers' bills included a small fixed charge and a variable charge to recover the costs for delivery of natural gas. Natural gas delivery service includes billing, customer service, pipeline maintenance and repair. Through SFV pricing, the PUCO shifted the delivery charges into a significantly higher fixed rate while decreasing the volumetric portion.

The OCC maintains that low-use and low-income customers are penalized by this change. Generally, these consumers reside in apartments or small homes. Some consumers do not use natural gas to heat their homes, but to heat water. They will pay higher bills because they cannot avoid the high fixed charge even though their use is low. Meanwhile, customers living in large homes benefit by paying the same fixed rate while using larger quantities of natural gas.

Also, energy efficiency efforts, such as insulation, weather-stripping or replacing a furnace with a high efficiency model, are compromised because the SFV hinders customers who try to save money on their bills by lowering their usage. Customers are then faced with a longer period to recover the cost of their investment and realize a return on their conservation efforts. The OCC argued that a PUCO decision encouraging more and not less use is contrary to state energy policy.

The Supreme Court is expected to issue its decision in early 2010.

S.C. Nos. 2009-0314 (Dominion); 2008-1837 (Duke)



WATER

Introduction and overview

Rate increases requested in 2009 by some investor-owned water utilities reached levels unseen before by the Office of the Ohio Consumers' Counsel (OCC).

- ▶ Ohio American Water applied to increase rates for the third time in four years. This time, it asked for increases in residential rates from 71 to 78 percent over four years.
- ▶ Aqua Ohio asked the Public Utilities Commission of Ohio (PUCO) to raise rates for its Lake Erie division customers by 7 to 19 percent and its Masury division customers by 80 percent.
- ▶ In April, Water and Sewer, Inc. was allowed to increase sewer rates for its customers by 88 percent.

The amount of the increases sought by the utilities concerned the OCC, which closely reviewed each utility's application in an effort to keep rates as low as possible, under Ohio law, for residential customers.

The amount and frequency of some water utilities' rate requests have caused financial hardships for residential consumers. This prompted the OCC to seek changes to the law governing Ohio water utilities that would help consumers keep their costs from substantially increasing in future rate cases. The OCC partnered with state Reps. Jay Goyal (D-Mansfield) and Marian Harris (D-Columbus) to create legislation, introduced in November, which would, if enacted, protect consumers from paying all the legal and other personal expenses related to water and sewer rate cases. *(More information about House Bill 344 can be found in the Government Affairs section of this report.)*

The OCC also was able to help resolve billing issues for thousands of Aqua Ohio customers in 2009. The utility improperly billed, or did not send bills to, its customers for extended periods of time since May 2007. Through the work of the OCC and PUCO staff, the PUCO fined Aqua \$132,000, because it failed to fix the billing issues by February 2009. The fine was paid to the state's general revenue fund. The company also agreed to contribute \$25,000 to help Aqua's low-income customers. The company could face other penalties pending an audit by the PUCO staff, which was due at the end of the year.

Sewer, legal costs limited in Water & Sewer rate case

The Office of the Ohio Consumers' Counsel (OCC) and others convinced Water & Sewer, LLC to reduce some sewer expenses by 50 percent and cap expensive legal costs to lower the impact of a large rate increase approved by the Public Utilities Commission of Ohio (PUCO) in April.

Water & Sewer signed an agreement with the staff of the PUCO increasing rates for residential sewer service by 87.79 percent annually. The OCC and the village of Richfield did not sign the agreement, but did not oppose it after the company agreed to reduce sludge hauling expenses by \$28,500 and capped legal costs at \$15,000. Water & Sewer's legal expenses in the case already had exceeded \$22,000 and were increasing.

Case No. 08-227-WS-AIR



Aqua Ohio sought to increase rates for residential customers

The Office of the Ohio Consumers' Counsel (OCC) began an investigation into a proposed rate increase by Aqua Ohio, Inc. for its 1,400 customers in the Masury division located in Trumbull County. The utility asked the Public Utilities Commission of Ohio (PUCO) in August for permission to raise residential rates for the average customer from \$19.05 per month to \$34.35 per month, an 80.3 percent increase. Aqua Ohio also requested to shift billing its customers from a bimonthly to a monthly system.

The magnitude of the potential rate increase and the effect it could have on customers are issues the OCC planned to address in 2010. The OCC also planned to raise questions about the utility's billing switch proposal. The OCC will work to ensure the change does not result in additional billing problems that have troubled some Aqua Ohio customers since 2007.

A report from PUCO staff is expected to be released in early 2010 about the utility's request. The OCC will continue its work to protect Aqua Ohio's residential consumers from rate shock and increase efficiency as a way for consumers to lower their bills.

Aqua Ohio also made a separate request in December to increase rates for its Lake Erie division that would affect 31,400 residential customers. The request would increase rates from 7 to 19 percent, depending on customer location. Additionally, fixed costs, such as the customer charge, account activation charge and reconnect fee, would increase significantly.

Cases No. 09-560-WW-AIR, 09-1044-WW-AIR

Aqua Ohio fined \$132,000 for failure to fix billing issues dating to 2007

The Office of the Ohio Consumers' Counsel (OCC) played an instrumental role in pushing Aqua Ohio Inc. to resolve water billing and backlog issues that affected thousands of residential customers throughout its service territory.

The problems occurred when Aqua Ohio implemented its new billing system in May 2007. Customers were billed inconsistently, sometimes for multiple months of service. As a result of the company's failure to resolve these issues by a February 2009 deadline imposed by the Public Utilities Commission of Ohio (PUCO), Aqua Ohio was fined \$132,000 in August.

The utility also was required to contribute \$25,000, which was distributed equally among its Lake Erie, Stark and Struthers Divisions, to help Aqua Ohio's low-income water customers pay their bills. The PUCO directed its staff to investigate whether the utility had resolved its billing and backlog issues within four months of its August decision.

The OCC pursued the case after consumers repeatedly reported they were not receiving regularly scheduled water bills – sometimes for more than six months. When they did receive a bill, the cumulative amount was high. Customers also said Aqua Ohio was not taking actual meter readings for many months – a violation of PUCO service

standards. Some of the bills sent late to customers also included late payment fees.

The OCC and the PUCO staff agreed a resolution of Aqua Ohio's billing and backlog issues was necessary to protect customers. In October 2008, the OCC, PUCO staff and Aqua Ohio reached an initial agreement requiring the company to address the problems by Oct. 15, 2008 or face daily penalties. The OCC filed testimony in February 2009 on behalf of Aqua Ohio's customers, and the PUCO held a hearing later that month. Finding that the problems still existed, the PUCO upheld the October 2008 agreement to fine the utility. The agreement provided for a \$1,000 per day fine to be assessed if the billing and backlog issues were not resolved by Oct. 15, 2008. The PUCO assessed the daily fine against Aqua Ohio from Oct. 15, 2008 to Feb. 24, 2009 (132 days) – a total fine of \$132,000.

Case No. 08-1125-WW-UNC



Water team analysts Steve Hines (left), Rusty Russell (second from left) and Daniel Duann (right) meet with Analytical Director Aster Adams.



Customers of OAW listen to Consumers' Counsel Janine Migden-Ostrander.

OCC urged PUCO to decrease water rates for Ohio American Water customers

Residential water and wastewater customers of Ohio American Water (OAW) could see increases between 71 and 78 percent to their bills if the company's third rate increase request in four years is approved. The Office of the Ohio Consumers' Counsel (OCC) intervened to protect consumers from the increase.

A Public Utilities Commission of Ohio (PUCO) staff report issued in November 2009 rejected OAW's proposal to collect an annual step increase through 2013 and unavoidable expenses, such as taxes and infrastructure improvements, from residential customers.

While the OCC agreed with the staff findings, it filed additional objections to the report on Dec. 29. In the objections, the OCC recommended a rate decrease for residential customers.

An average water customer in OAW's Franklin and Portage districts using 6 Ccf (hundred cubic feet) of water per month would see a rate decrease of 6.38 percent. An average water customer using 10 Ccf in all other districts (Ashtabula, Lake White, Lawrence, Mansfield, Marion and Tiffin) would experience a rate decrease of 8.1 percent. There would be a nominal increase to monthly wastewater rates of 75 cents for the average residential consumer.

In its analysis of OAW's proposal, the OCC discovered that a disproportionate percentage of OAW's operating costs are charged to residential customers, in effect subsidizing the rates that industrial customers pay. Expert testimony was filed demonstrating that proper allocation of costs to each customer class, in addition to other adjustments, would bring residential water rates below current levels.

The OCC also is seeking to maintain or improve water quality, improve low-income programs, properly address conservation plans and make other improvements that will adequately protect consumers. The OCC also addressed the need for an independent management audit of certain expenses incurred by the utility.

Public hearings in the case were scheduled in January 2010, as well as an evidentiary hearing at the PUCO. A decision in the case by the PUCO is expected by mid-2010.

Case No. 09-0391-WS-AIR

OCC BENEFITS FOR LOW-INCOME CONSUMERS IN 2009: Through the OCC's efforts, Aqua Ohio agreed to contribute \$25,000 to help low-income customers with their bill payments.

“Our water bill runs, on average, \$220 per month. In perspective, that is more than one-quarter of our monthly mortgage payment.

“My husband has been laid off work for nearly a year now. We live disconnect to disconnect every month, because of it. If the (OAW) increase were to be approved, we would have to sell our home of 15 years – the only home our children have ever known.

“Our family has worked very hard for what we have, and I would hate to think that we could lose everything because of yet another rate increase for water that isn't even worth what we pay for it now.”

*Michelle Morrison
Blacklick Estates, Ohio
Nov. 25, 2009
Quoted in Gahanna News*



TELECOMMUNICATIONS

Introduction and overview

As 2009 drew to a close, telephone customers in Ohio were facing possible rate increases, weakened consumer protections, a reduction in low-income customer benefits and lower service quality standards.

The Office of the Ohio Consumers' Counsel (OCC) opposed state legislation introduced in 2009 – Senate Bill 162 and House Bill 276 – and helped form an alliance of consumer groups from across the state, Ohioans Protecting Telephone Consumers. Its purpose was to educate individuals, organizations and the news media about how the legislation would impact residential customers. *(More information about the OCC's opposition to SB 162 and HB 276 can be found in the Government Affairs section of this report.)*

The OCC also recommended consumer protections regarding mergers and acquisitions that were proposed to the Public Utilities Commission of Ohio (PUCO) in 2009. Despite the objections of the OCC, CenturyTel and Embarq received approval to merge without any state-level conditions. These two companies combined to form CenturyLink. There were neither local public hearings for customers to express their views nor an evidentiary hearing for interested parties to cross-examine telephone company officials.

Meanwhile, a proposed acquisition by Frontier Communications of local telephone lines owned by Verizon Communications, Inc. brought scrutiny from the OCC and the PUCO. The OCC initially opposed the transfer of lines, citing the lack of consumer benefits. Later, after benefits and protections were ensured for consumers, the OCC, PUCO staff and two companies reached a settlement to allow the acquisition.

AT&T, Cincinnati Bell and Embarq filed requests in 2009 for basic telephone service alternative regulation in specific exchanges. Several requests by AT&T and one by Embarq were approved, which would allow the companies to increase their monthly basic local rates by \$1.25 and the monthly price of basic caller ID by 50 cents each year. The PUCO said it approved the requests because the telephone exchanges were open to competition and residential customers had reasonably available alternatives. In all, AT&T Ohio has been granted basic local service alternative regulation in 176 of its 192 exchanges; Cincinnati Bell in

six of its 12 exchanges; Embarq in 38 of its 164 exchanges; and Verizon in 21 of its 244 exchanges.

The OCC argued for maintaining regulation in any exchange where companies cannot show there is competition for basic service. In its most recently filed basic local service alternative regulation case, AT&T requested basic service alternative regulation for its remaining 16 exchanges. The company proposed its own competitive test, as allowed under the PUCO's alternative regulation rules. The OCC objected to the test, which was not based on competition within the 16 exchanges. This was the first filing in Ohio in which a company had designed its own test. A PUCO decision on this application, as well as a Cincinnati Bell application involving two exchanges, was pending at the end of the year.

Lifeline customers allowed to buy optional services from Embarq

In January 2009, the Public Utilities Commission of Ohio (PUCO) allowed Embarq to sell optional calling features, such as caller ID and call forwarding, to Lifeline customers on a trial basis. The decision was based on a June 2008 Embarq request.

The Lifeline program provides a monthly discount of \$13.50 off the price of basic local service to Embarq customers meeting income eligibility guidelines. Under PUCO rules, Embarq's Lifeline customers were restricted to basic local calling and call waiting unless they certified that additional services are necessary for medical or safety reasons. Any optional calling features are purchased at the full retail price.



Telecommunications

In August 2008, the Office of the Ohio Consumers' Counsel (OCC) opposed Embarq's request. The OCC asserted that the unrestricted marketing of optional services by the company would put low-income customers' local service at greater risk of disconnection by increasing the possibility that they could not afford their bill. The OCC recommended that if Embarq's request was approved, it should be on a trial basis and the impact on customers monitored.

The PUCO granted Embarq a trial waiver. During the trial period, Lifeline customers are permitted to buy optional services without having to certify a medical or safety need. The PUCO said it intends to monitor closely Embarq's Lifeline statistics to ensure that customers benefit from the granting of the waiver.

Case No. 00-1532-TP-COI

Verizon basic local service costs could increase

Just three of 24 communities escaped potential rate increases for Verizon basic local services as a result of a decision by the Public Utilities Commission of Ohio (PUCO) in March 2009. The PUCO allowed Verizon the ability to increase rates for basic local services in 21 Ohio exchanges.

Verizon can raise basic rates annually through alternative regulation, the PUCO said. Under alternative regulation, a telephone company can increase its monthly basic local rate by \$1.25 each year, and the monthly price of basic caller ID by 50 cents each year. Alternative regulation allows telephone companies the ability to raise rates if the PUCO decides an exchange is open to competition and residential customers have reasonably available alternatives. As 2009 ended, Verizon had not raised rates.

The Office of the Ohio Consumers' Counsel (OCC) opposed alternative regulation in 22 of the 24 exchanges in Verizon's proposal. The OCC asserted in legal filings before the PUCO that the company had not demonstrated residents have competitive choices for basic local telephone services.

Exempt from the Verizon increases are Lifeline customers, who receive a monthly discount price for basic local telephone service if they meet income eligibility guidelines.

Case No. 08-989-TP-BLS

Embarq requested waiver from out-of-service requirements

Though telephone customers are entitled to a full month's credit if an out-of-service condition is not

repaired within 72 hours, one company was granted an additional 48 hours to make repairs.

In the aftermath of a September 2008 windstorm, the Public Utilities Commission of Ohio (PUCO) allowed Embarq to add two days to its repair schedule without giving customers credit. Ohio's Minimum Telephone Service Standards set the 72-hour limit. It also allows companies to request a grace period in cases of severe weather conditions. The PUCO granted the extension for Embarq in April 2009.

The Office of the Ohio Consumers' Counsel (OCC) asserted that Embarq had not met the standards for timely restoration of service in communities affected by outages. The OCC said 55 exchanges did not qualify for a grace period for most of the days requested, because Embarq did not meet its burden of proof to justify such a waiver. The OCC also asked the PUCO to examine normal levels of outage reports for several exchanges to determine whether they met the waiver threshold.

The PUCO granted grace periods in most of the requested exchanges. The PUCO did, however, limit the number of days that qualified for the grace period in many exchanges.

The OCC asked the PUCO to reconsider its decision as it applied to four exchanges – Kidron, Chesterville, Holmesville and Fredericktown. The PUCO accepted the OCC's arguments that Embarq did not meet the necessary tests under the PUCO's rules to be granted grace periods for the Kidron and Chesterville exchanges.

Case No. 08-1118-TP-WVR

OCC BENEFITS FOR LOW-INCOME CONSUMERS IN 2009: Lifeline customers, who receive a monthly discount price for basic local telephone service if they meet income eligibility guidelines, were exempted from basic rate increases approved by the PUCO in 21 Verizon exchanges.

Leader Voice Mail provided people in 24 counties in northwest Ohio without access to telephone service a reliable, secure and anonymous way to receive messages. They can use the service as they search for or maintain a job, find housing or stay in contact with family, medical professionals or social service agencies.

CenturyTel and Embarq merged to form CenturyLink

In February 2009, the Public Utilities Commission of Ohio (PUCO) approved the merger of CenturyTel and Embarq without the conditions the Office of the Ohio Consumers' Counsel (OCC) asserted were necessary. Prior to the merger, CenturyTel had about 48,000 residential access lines in Elyria and surrounding areas, while Embarq had about 297,000 residential access lines in all or part of 50 Ohio counties.

Under state law, the PUCO cannot approve a merger unless the companies demonstrate the transaction promotes the public convenience and will result in adequate service at reasonable rates.

The OCC asserted the PUCO should place consumer protection conditions on the merger including: a requirement that broadband be available throughout the companies' entire Ohio service areas within four years; elimination of CenturyTel's antiquated \$1.65 monthly touch-tone charge; and the elimination of Embarq's \$4.10 monthly Intrastate Access Fee.

Among its findings, the PUCO decided service standards would be adequate because the merged company would be larger. The PUCO granted the merger application without the OCC's proposed conditions, which would have benefited Ohioans.

Case No. 08-1267-TP-ACO

AT&T and Cincinnati Bell limited delivery of white pages directories

AT&T and Cincinnati Bell are no longer required to distribute residential white pages telephone directories to homes. The Public Utilities

Commission of Ohio (PUCO) approved the companies' plans requiring phone book distribution only to customers who specifically requested a copy. The companies plan to include business white pages listings in their yellow pages directories.

Under Ohio's Minimum Telephone Service Standards (MTSS), Ohio's local telephone companies must provide customers with free white pages directories or opt to provide their customers with free directory assistance.

In an October 2008 filing, Cincinnati Bell asserted customers prefer an electronic directory and residential white pages directories are seldom used. The Office of the Ohio Consumers' Counsel (OCC) countered that Cincinnati Bell did not provide any factual data to support that conclusion. Also, the OCC pointed out that not all customers can access an electronic directory.

According to Connect Ohio, a public-private partnership that works with businesses, government and universities to accelerate technology in the state, 30 percent of Ohioans do not have Internet access. Also, 25 percent of Ohioans do not have a computer. For those customers, the only option if they do not have the white pages is to call directory assistance and pay an unregulated fee.

In filings before the PUCO, the OCC said that under the company's proposal, the

preferred method of obtaining a directory would be to visit a Cincinnati Bell retail store. That is not a convenient option to many consumers, particularly customers with mobility and transportation limitations.

The OCC asked the PUCO to require Cincinnati Bell to provide an information campaign and a two-year transition for consumers before delivery of residential white pages directories stopped.

The PUCO modified and approved Cincinnati Bell's request. In addition to printed residential directories being available at the company's retail locations, the PUCO recommended directories also be available at grocery stores, banks and pharmacies. The PUCO required Cincinnati Bell to conduct an extensive information campaign, provide more notifications to customers and provide clear and explicit instructions to customers who wish to receive a free printed



Telecommunications Analyst Kathy Hagans and OCC Attorney Terry Etter review a case file.

Telecommunications

residential directory. After the PUCO's decision, Cincinnati Bell increased the rates customers have to pay for local, national and reverse directory assistance by 17.5 percent. Reverse directory assistance is a way to determine an individual's name and address by using a telephone number.

“To allow telephone companies to take money out of the pockets of low-income Ohioans, when the money may not be needed, is not good public policy, and is not good for Ohioans across the state. In these hard economic times, the last thing low-income Ohioans need are increasing utility bills.”

*Noel Williams
President, Columbus NAACP
Dec. 1, 2009 testimony before
House Public Utilities Committee*

In February 2009, AT&T filed a request to limit its obligation to distribute residential white pages directories. The AT&T request failed to propose as extensive an informational campaign and customer notification process as Cincinnati Bell's proposal. In addition to similar arguments made in the Cincinnati Bell case, the OCC objected to the inadequate customer notice proposed by AT&T.

Nevertheless, the PUCO granted AT&T's request. The PUCO said directory listings will be available electronically with a printed residential directory available upon request.

After the AT&T decision, several competitive providers serving AT&T's service area filed waiver requests, arguing they rely on AT&T to publish and distribute residential white pages directories to their customers. The OCC objected, but the PUCO granted each of the competitive providers' requests.

*Case Nos. 09-0042-TP-WVR,
08-1197-TP-WVR, 09-156-TP-WVR,
09-157-TP-WVR, 09-158-TP-WVR,
09-159-TP-WVR, 09-160-TP-WVR*

Frontier proposed acquisition of Verizon's local telephone lines

The quality of customer service was at risk from a proposed acquisition of local telephone lines in 2009. The impact could have affected 435,000 residential customers in 77 Ohio counties.

The Office of the Ohio Consumers' Counsel (OCC) initially opposed the deal allowing Frontier Communications to obtain the local telephone lines of Verizon Communications, Inc. in Ohio. Nationwide, the acquisition would add 4.8 million Verizon wire lines in 14 states to Frontier's business, including approximately 2.3 million lines in 24 states. The transaction does not involve Verizon's wireless operations.

The OCC opposed the merger, citing the lack of consumer benefits and potential pitfalls of the transfer. Notably, the OCC questioned Frontier's financial ability to maintain and improve residential customers' service. In Ohio, Frontier served just 480 residential customers in Williams County. Customers expressed their views at hearings in different parts of the state.

The OCC noted that the lines Frontier was acquiring have had problems in the past under Verizon's ownership. The PUCO imposed a \$250,000 penalty on Verizon in 2008 for its failure to restore customers' service outages within 24 hours at least 85 percent of the time in each of its four Ohio districts.

In December, as a direct result of the OCC's advocacy on behalf of the public, the two companies, the OCC and PUCO staff reached an agreement that will provide public benefits. The merger agreement requires Frontier to:

- ▶ Deploy broadband facilities in 85 percent of Verizon's current Ohio service area by the end of 2013 based on a plan to be developed by Frontier, the OCC and PUCO staff;
- ▶ Commit to a cap on basic local telephone rates until broadband deployment reaches 85 percent;
- ▶ Invest in service upgrades in each of the next three years;
- ▶ Submit reports detailing the company's annual service performance, including how it handles outages; and
- ▶ Commit to ensuring a smooth transition of Verizon customers to Frontier's operations.

Case No. 09-454-TP-ACO

OCC and partners brought critically needed free voice mail service to northwest Ohio

Many community service organizations were overwhelmed in 2009 by the number of people seeking assistance during a difficult economy. Consumers faced job losses, home foreclosures, financial difficulties and health needs.

For Ohio citizens without access to telephone service, voice mail can be a helpful tool to maintain contact with necessary vital services. Social service agencies can be more efficient serving displaced Ohioans if they have the ability to leave messages for them. The Office of the Ohio Consumers' Counsel (OCC) recognized the potential for voice mail to help Ohioans in crisis or transition.

Leader Technologies Inc., a developer and marketer of merged voice and Web communications products, contacted the OCC about sponsoring voice mail services. The OCC partnered with the company and the Ohio Association of Second Harvest Food Banks, a nonprofit organization, to launch Leader Voice Mail on July 21, 2009, in northwest Ohio.

For Ohioans in 24 counties within the 419 area code without access to telephone service, Leader Voice Mail provides a reliable, secure and anonymous way to receive messages. It assists consumers as they search for or maintain a job, find housing or stay in contact with family, medical professionals or social service agencies. Users receive a personal telephone number in the 419 area code and a wallet-sized card containing basic information needed to access messages. Messages can be retrieved through a toll-free number from any touch-tone telephone or by using the Internet.

Individuals apply for service through participating social service agencies. Eligibility is determined by individual need, and the service is available as long as needed. As of December 2009, nearly 300 consumers had signed up for Leader Voice Mail.

The OCC provided 70 training sessions to social service agencies in the 419 area code to teach their staffs how to enroll clients. The OCC expects to work with Leader in the future to expand the service throughout the state in areas where access to free voice mail is not yet available.

The concept of voice mail for people in need is part of a nationwide effort initially made available in 2000 to Ohioans in Cuyahoga and Lorain counties through Community Voice Mail, a national nonprofit organization. Recently, Community Voice Mail expanded its Ohio efforts to include Summit County.

TracFone allowed to offer Lifeline

Prepaid wireless reseller TracFone was granted the ability to provide Lifeline service in Ohio by the Public Utilities Commission of Ohio (PUCO) in May 2009. Lifeline provides discounted service to low-income consumers and is funded by a charge on local and long-distance telephone bills.

TracFone can receive federal funding to offer eligible Ohio consumers a free handset and 68 free calling minutes per month. Additional usage can be purchased for 20 cents a minute.

The Office of the Ohio Consumers' Counsel (OCC) filed comments with the PUCO on behalf of residential consumers regarding TracFone's proposal. TracFone, as a wireless carrier, is not subject to Ohio's Minimum Telephone Service Standards, a set of rules and consumer protections which traditional telephone companies follow. Also, many customers under TracFone's proposed program would inevitably need more than the 68 free minutes. The OCC said customers could end up paying more overall than if they were with a different carrier or had a different plan. The OCC recommended the PUCO conduct a hearing about TracFone's application to ensure approval would be in the public interest. The OCC's request for a hearing was denied.

The PUCO granted TracFone's application on a one-year interim basis and imposed some conditions. For example, the OCC advocated for, and the PUCO required, TracFone to establish safeguards to prevent its customers from receiving multiple Lifeline benefits at the same address. It must provide customers with basic and enhanced 9-1-1 access regardless of the activation status and minute availability. The PUCO also agreed with the OCC that it needed to find whether TracFone's request was in the public interest.

TracFone objected to the interim designation and some of the conditions, and applied for rehearing of the PUCO's order. On rehearing, the PUCO clarified portions of its original order and upheld most of its conditions.

Case No. 97-632-TP-COI



COMMUNICATING WITH CONSUMERS

Introduction and overview

Communicating with Ohio's 4.5 million residential utility consumer households is one of the greatest challenges for the Office of the Ohio Consumers' Counsel (OCC). Keeping consumers up-to-date about utility issues and resources available to them is important, especially during challenging economic times.

Research shows that one in 11 Ohio households had either its electric or natural gas service disconnected for non-payment during 2009. As consumers continue to struggle to make ends meet, the OCC utilizes a variety of electronic and printed material and other outreach methods to remain in contact.

The OCC also works with consumers in hands-on workshops, educates community leaders about key utility issues and talks with the news media about protecting utility consumers. The OCC also reaches out to the Hispanic community.

The OCC staff leads a number of initiatives to help Ohio's low-income consumers. To ensure Ohioans are aware of these efforts, the OCC participated in Gov. Ted Strickland's Anti-Poverty Task Force and the state's Low-Income Dialogue Group, which the OCC helped create in 2004.

Outreach and Education

For residential consumers, making good utility decisions was even more important in 2009 because of job losses, reduced incomes and increased utility rates. Faced with lower budgets, consumers turned to the OCC to learn ways to control costs. There was greater demand for presentations about utility assistance programs, energy efficiency and learning to manage utility bills. In 2009, more and more Ohioans faced a disconnection of their utility services because they could not pay their bills. As a result, interest in utility assistance programs increased.

The OCC's Outreach and Education (O&E) staff provided a valuable service to consumers in Ohio. They met with and educated consumer groups, social service agencies and individual consumers in their travels throughout the state. The staff conducted training sessions about utility assistance programs and Leader Voice Mail, provided speeches about energy efficiency, answered questions one-on-one at local fairs and shows, and visited community groups and agencies to provide information about the OCC's services. Altogether, O&E staff met with more than 41,500 Ohio consumers at more than 1,300 outreach events in 2009.

Consumers also continue to be interested in lowering their energy bills and making their homes more energy efficient and comfortable. The OCC's weatherization workshops and energy efficiency presentations attracted 5,200 consumers participating in nearly 200 sessions. Consumers learned low-cost methods to reduce their energy bills, including how to install a door sweep, insulate windows with heavy plastic, replace incandescent bulbs with compact fluorescent lights and weather-strip around doors. Many of the natural gas and electric utilities offered energy efficiency programs that assisted consumers with improving their home's efficiency at a reduced cost. The OCC negotiated for a number of these programs as part of utility rate cases.

Many utility cases threatened to impact consumer protections and consumer services. Telephone companies in metropolitan areas decided to mail telephone white pages only to consumers who request them. Consumers experienced increased costs for electric, natural gas and water. Legislation to deregulate local phone services could remove many of the current consumer protections offered by the Minimum Telephone Service Standards (MTSS). The OCC fought these changes and urged consumers to write letters and attend public hearings to voice their concerns. More than 55 groups partnered with the OCC to oppose the legislation. The O&E staff reached out to many community and consumer groups to educate them about the proposed changes and offer support for meeting these new challenges.



Left: Ray Foeller of the OCC speaks with consumers at an Outreach and Education event.

Communicating with Consumers

OCC Communications and Outreach at a glance for 2009

- ▶ Met with Ohio consumers in 228 cities and 81 counties.
- ▶ Visited 499 organizations and agencies to educate about the OCC's services.
- ▶ More than 13,800 consumers attended the 586 presentations provided by the OCC.
- ▶ Staffed 121 shows, fairs, breakfast breaks and listener lunches to meet and educate more than 25,000 consumers.
- ▶ Met with more than 41,000 consumers through all outreach efforts.
- ▶ More than 3,499 new subscribers added the Consumers' Corner newsletter to their reading list.
- ▶ Mailed the newsletter six times annually to more than 98,000 consumers and consumer groups, and e-mailed to another 6,441.
- ▶ Distributed more than 145,000 pieces of educational materials to consumers and consumer groups, including brochures and fact sheets about utility topics, utility assistance, energy efficiency and renewable energy.
- ▶ Issued 84 news releases and responded to more than 355 news media inquiries.
- ▶ More than 85,900 visitors to the OCC Web site: www.pickocc.org

Community advisory panelists learned about the status of current utility issues

Regional Community Advisory Panels (CAP) meet in the spring and fall of each year to provide a close link between the OCC, communities and community groups in Ohio. Meetings in 2009 were held in Columbus, Findlay, Cincinnati, Waynesville and Norton.

CAP members represent community action agencies, jobs and family services departments, local governments, area agencies on aging, social service



Members of the OCC's Southwest Community Advisory Panel review materials.



Outreach and Education Program Specialist Andy Tinkham (right) meets with a utility consumer.

agencies, veterans services, agencies representing people with disabilities, homelessness and housing, legal aid and food banks.

The members expressed concerns about the increased need for social services due to the depressed economy. The OCC provided information about new resources for utility assistance made available by settlements in utility rate cases. The members also were interested in the on-line stores offered by many utilities providing discounted lighting, showerheads and programmable thermostats.

Low-income advocates attended Stay Connected train-the-trainer programs

Social service agencies turn to the OCC for assistance understanding the regulations of utility assistance programs for their clients. The OCC provided a record number of presentations to more than 2,200 consumers and consumer advocates attending 127 training sessions to learn about the programs. This hands-on training provided information about the Percentage of Income

Payment Plan (PIPP), Home Energy Assistance Plan (HEAP) and Lifeline. Participants received a comprehensive workbook with detailed information about all of the utility assistance programs and the credit and disconnect rules.

Consumers educated at fairs during National Consumer Protection Week

Reaching out to senior centers, libraries, high schools and colleges, 13 smart consumer resource fairs were scheduled for National Consumer Protection Week in March 2009. The theme, “Nuts & Bolts: Tools for Today’s Economy,” focused on consumer protections, including utility complaints, reading the fine print, door-to-door marketing and avoiding consumer scams. The OCC joined federal and state agencies, including the Ohio Attorney General, the Social Security Administration and the Credit Union League, to coordinate education efforts across the state. The OCC met with more than 1,000 consumers at colleges, senior centers and libraries during the week.



OCC Attorney Chris Allwein (right) meets with consumers at the Ohio State Fair.



OCC's Ben Machado (left) talks with a consumer at Ohio's annual Solidarity Conference.

Hispanic outreach

The OCC worked with many agencies and coalition groups to educate and resolve utility issues for the Hispanic community. Hispanic events, such as festivals and fairs in Columbus and Cincinnati, provided an opportunity for the OCC to reach out to large numbers of Hispanics. Regular attendance at boards and coalitions allowed the OCC to stay in close contact with the Hispanic community.

Efforts are being made to increase the distribution of “El Informador,” the Spanish version of the OCC’s “Consumers’ Corner” newsletter. Its circulation now stands at 3,000. Providing a link with Ohio’s Spanish-speaking community is also a priority for the OCC’s Consumer Services Division, which employs bilingual consumer services representatives.

Media relations

The OCC’s communication outreach included issuing 84 press releases related to key information about residential utility issues. The communications staff also responded to more than 355 news media inquiries, prepared guest columns, letters to the editors of newspapers and online content. The staff

updated and created new fact sheets, brochures and other printed material.



OCC spokesman Anthony Rodriguez speaks with a reporter.

OCC Web site and online presence

The OCC continues to offer a popular resource to Ohioans with its informational and educational Web site. In 2009, more than 85,900 unique visitors used the Web site to learn about a variety of residential utility issues. In 2009, new sections to the Web site included information about telephone deregulation legislation (Senate Bill 162/House Bill 276), Leader Voice Mail, consumer choice about natural gas, and updated and translated resources for Spanish materials about utility issues.

Ohio Anti-Poverty Task Force

The Ohio Anti-Poverty Task Force concluded its work in 2009 after it was created by Gov. Ted Strickland’s executive order on May 28, 2008. The task force, which included representation by Ohio Consumers’ Counsel Janine Migden-Ostrander, was made up of leaders from government, private non-profit agencies and the private sector. Its mission was to develop short-term and long-term solutions to the growing

Communicating with Consumers

problem of poverty in Ohio. It has been estimated that about 13 percent of Ohioans reported incomes below the federal poverty guidelines and 22 percent are at 175 percent of the federal poverty guidelines.

The task force submitted short-term recommendations in September 2008. That was followed by a set of long-term goals, titled “Strategic Recommendations for Expanding Opportunity and Reducing Poverty in Ohio,” delivered to Gov. Strickland on April 28, 2009. Included in that

“... look forward to each issue of the Consumers’ Corner newsletter. I am a welfare caseworker and use the information to share with my clients as well as friends and family. It is very important to be informed ... and it is okay to question fees and charges. Thanks.”

Source: OCC Newsletter Survey

document were specific recommendations for protecting families in crisis to ensure they have access to basic utility services. For example, the OCC encouraged utility companies to establish flexibility in terms of negotiating individual payments to avoid disconnection of service. Protections were recommended for citizens who have chronic health issues or who rely on utilities to maintain operation of life support equipment.

The OCC also provided a plan for the development of a free voice mail initiative for homeless people and families in crisis. The initiative’s goal is to provide access to potential employers, housing assistance and other means to maintain or re-establish ties to the community.

Low-Income Dialogue Group dealt with new PIPP rules

The Low-Income Dialogue Group (LIDG) is a coalition of low-income advocates consisting of organizations and agencies from around Ohio that meets monthly to discuss utility issues. The declining Ohio economy has increased the awareness of and need for advocacy in protecting the rights of low-income consumers struggling to pay for essential utility services. The group’s agenda was dominated by the implementation of the revised Public Utilities Commission of Ohio (PUCO) credit and disconnection rules, which include the Percentage of Income Payment Plan (PIPP) for natural gas customers. In addition, the LIDG was actively involved in the development of the electric PIPP rules administered by the Ohio Department of Development (ODOD).

Implementation of the rules was anticipated prior to the 2009-2010 winter heating season. However, both the PUCO and ODOD delayed implementing the new rules until November 2010 to address programming delays by the utilities. The OCC and many of the other LIDG members opposed the delay because of the hardship many customers were having maintaining utility services.

Low-income consumers will benefit from many of the changes that will be made to the PIPP program. For natural gas PIPP, the payment level will be reduced from 10 percent of a customer’s monthly income to 6 percent to address affordability issues raised by the LIDG. The electric PIPP payment level will change from 5 percent in the winter months and the actual bill in the summer to 6 percent year round, which will reduce the annual amount paid by the average low-income consumer. One of the primary benefits for natural gas and electric PIPP consumers is the aggressive arrearage crediting program. Customers will no longer accrue PIPP arrearages if payments are made every month. In addition, PIPP customers will have the opportunity to have all historical arrearages forgiven over a 24-month period.

In addition to the PIPP changes, the PUCO also approved a new one-ninth payment plan. The one-ninth payment plan provides another option for non-PIPP customers to help avoid getting behind in natural gas and electric payments.



Research Analyst Jim Williams (right) talks with Robert D. Gordon during a CAP meeting in Athens.

Introduction and overview

Many of Ohio's residential utility consumers found 2009 to be a particularly challenging year. According to the most recent data, an average 10.3 percent of Ohioans were unemployed, 13.4 percent were living in poverty and many more were affected by tough economic times. Fortunately, the Consumer Services Division (CSD) of the Office of the Ohio Consumers' Counsel (OCC) offered valuable services to individuals seeking assistance and information about a variety of utility consumer issues.

Research compiled by the CSD staff showed that as 2009 ended, one in 11 Ohio households experienced a disconnection of either their natural gas or electric services because of non-payment of a bill. The OCC's investigators worked with consumers to address their specific concerns and ensure they remained connected to essential services. CSD representatives negotiated alternatives between utility companies and consumers to restore service and/or avoid disconnection to more than 800 households.



Consumer Services Investigator Kim Lee (left) meets with a consumer during the Ohio State Fair.

During 2009, consumers contacted the CSD via the OCC's toll-free number (1-877-742-5622). The CSD distributed educational materials to consumers. In addition to communicating with consumers by phone, the CSD staff responded to e-mails, letters and voice mail messages, as well as to those who walked into the OCC office.

CSD staff also educated consumers about their utility rights and responsibilities, as well as the availability of utility assistance and energy efficiency programs offered by American Electric Power, Columbia Gas of Ohio, FirstEnergy, Dominion East Ohio Gas (DEOG), Duke Energy Ohio and Vectren Energy Delivery of Ohio.

The OCC's call center services led to significant benefits and protections for consumers of several utilities, including choice-eligible natural gas customers. For example, many consumers reported concerns to the OCC via its hotline about a solicitation mailed by Dominion East Ohio Energy (DEOE) targeting DEOG customers. Using the information from consumers, the OCC and other parties filed a complaint with the PUCO about the DEOE's actions. The PUCO eventually ordered DEOE to pay a \$50,000 forfeiture. (See related story in this report's *Natural Gas* section.)

CSD investigators also assisted the OCC in protecting water customers by showing that Aqua Ohio failed to honor a commitment the company made to correct several problems with its billing system. (See related story in this report's *Water* section.)



Compliance Analyst Anita Bolin (right) discusses utility issues with a consumer at the Arnold Sports Festival's active aging program.

Consumer services representatives addressed many issues on behalf of consumers. A few examples include:

- ▶ Billing and service changes resulting from company-specific filings before the Public Utilities Commission of Ohio. Some of the companies included: Aqua Ohio, Dominion East Ohio Gas, Columbia Gas of Ohio, Vectren Energy Delivery of Ohio, Duke Energy Ohio, FirstEnergy and Ohio American Water;
- ▶ Disconnections of service due to non-payment, outages and/or repairs;
- ▶ Company sales and marketing practices in the natural gas, electric and telephone industries;
- ▶ Affordability of utility bills; and
- ▶ Availability of payment options.

Employee Recognition

The staff of the Office of the Ohio Consumers' Counsel (OCC) is made up of 71 professionals including accountants, attorneys, communicators, educators, economists, engineers, investigators and support staff. The OCC directors value the dedication and hard work of the staff.

The OCC employees are committed to lending a helping hand to fellow co-workers, as well as the community by participating in the Combined Charitable Campaign, Operation Feed and various other charitable events throughout the year.

Exceptional employees are recognized by the OCC directors on a monthly basis from September through August. All OCC employees select an employee of the year based on outstanding contributions and exemplification of the OCC mission, vision and values.

2009 Employee of the Year



Larry Sauer

As an assistant consumers' counsel, Larry Sauer has handled complex electric and natural gas issues, including distribution rate cases.

Larry received a bachelor's degree in accounting from Indiana University and earned his law degree from Capital University Law School.

Larry, who joined the OCC in March 2003, was selected Employee of the Month for October 2008. He was then selected Employee of the Year for 2008-2009.



Mary Seltzer

Mary Seltzer is the human resources coordinator, where she oversees payroll, benefits and related issues.

She received a bachelor's degree in business management in 1999 and a master's in marketing and communications in 2004 from Franklin University. She joined the OCC in January 2008. Mary was selected Employee of the Month for September 2008.



Beth Hixon

Beth Hixon is the assistant director of analytical services and leader of the OCC's electric team. Beth manages staff members and provides oversight and coordination of the OCC's activities on energy issues.

Beth received a bachelor's degree in business administration from Ohio University. Beth first joined the OCC in 1982 and stayed until 1987. She returned to the agency in May 1988. Beth was selected Employee of the Month for November 2008.



Maria Durban

Maria Durban is the manager of OCC's Consumer Services Division.

Maria earned an associate degree from Tallahassee Community College, a bachelor's degree in criminology from Florida State University and a master's degree in human resources from Central Michigan University in 2007. She joined the OCC in October 2001 as a compliance investigator. Maria was selected Employee of the Month for December 2008.



Sue Orme

As staff assistant, Sue Orme is responsible for assisting the director of operations and the administrative staff with the creation and maintenance of confidential personnel and medical files, disciplinary action files, payroll and applicant information and tracking. Sue is a member of the OCC recognition team. She joined the OCC in January 1999. Sue was selected Employee of the Month for January 2009.



Steve Hines

Steve Hines is a senior regulatory analyst with the OCC. His current duties include research, investigation and analysis of utility applications for increases in rates. Steve has served as the agency's water team leader since March 2006 and is the OCC's representative on the water team for the National Association of State Utility Consumer Advocates.

Steve received a Bachelor of Fine Arts degree from Ohio University in 1978, a master's degree from The Ohio State University in 1981 and a Master of Business Administration degree from Ashland University in 2000. He joined the OCC in April 1984. Steve was selected Employee of the Month for February 2009.

Employee Recognition



Sarah Schaible

Sarah Schaible was the executive secretary to the Analytical Division, where she provided administrative support to the division and was librarian for the agency.

Sarah attended Sinclair Community College from 2002 to 2005. She joined the OCC in October 2007 and left the agency in October 2009. Sarah was selected Employee of the Month for March 2009.



Jeff Small

Jeff Small's primary responsibilities as a staff attorney involve team leadership with cases filed at the Public Utilities Commission of Ohio (PUCO) by electric

utilities and associated appeal activities before the Supreme Court of Ohio. As assistant legal director, he assists the legal director in a variety of activities that involve all regulated industries and acts for the legal director in his absence.

Jeff earned bachelor's and master's degrees in economics from the University of Wisconsin-Madison. He received his law degree from Capital University Law School. He joined the OCC in January 2002. Jeff was selected Employee of the Month for April 2009.



Marty Berkowitz

As a public information specialist, Marty Berkowitz's responsibilities include writing news releases, fact sheets, stories for newsletters and annual reports, and serving as communications support on

the OCC's natural gas team. He also works on the OCC projects serving low-income customers.

Marty has a bachelor's degree in journalism from the University of Florida. He joined the OCC in April 2008. Marty was selected Employee of the Month for May 2009.



Amy Carles

Amy Carles is an outreach and education program specialist with the OCC. Her responsibilities include conducting presentations to social and human service agencies, community and professional

organizations and other interested groups on a wide range of utility topics. Amy coordinates the OCC's outreach and education efforts in Northwest Ohio.

Amy graduated from Owens Community College with an associate degree in sales and marketing. She is currently working on a bachelor's degree in organizational management at Bluffton University. She joined the OCC in June 2004. Amy was selected Employee of the Month for June 2009.



Karen Hardie

As a principal regulatory analyst in the Analytical Division, Karen Hardie specialized in analysis of utility rate increase requests, specifically in the telecommunications and electric

industries. Karen also served as leader of the OCC's telecommunications team.

Karen earned her associate degree in accounting from Columbus State Community College. She joined the OCC in 1981 and retired in July 2009. Karen was selected Employee of the Month for July 2009.



Angelique Goliday

Angelique Goliday is responsible for investigating and resolving consumer complaints and concerns, identifying consumer issues, making recommendations for action and negotiating informal resolutions

with utility companies. Angelique also is a member of the Low-Income Dialogue Team.

Angelique earned a bachelor's degree in 1995 from The Ohio State University, a Master of Business Administration degree in 2004 from Franklin University and a master's degree in public administration from Walden University. She completed her doctorate at Walden University. She joined the OCC in December 2007. Angelique was selected Employee of the Month for August 2009.



FISCAL & CASE ACTIVITY

Fiscal Report

The Office of the Ohio Consumers' Counsel (OCC) is funded through an assessment of the intrastate gross receipts of the state's investor-owned utility companies, based on Section 4911.18 of the Ohio Revised Code. Total assessments for fiscal year 2009 amounted to \$7,389,962 after adjustments.

The OCC assessed 451 utility companies for operating funds for fiscal year 2009. Companies can pass on the cost of supporting the OCC to their customers (less than 3.5 cents of every \$100 paid in utility bills).

Operating budget – fiscal year 2010 appropriations
(July 1, 2009 through June 30, 2010)

Personnel services	\$6,776,700
Maintenance and equipment	\$1,018,900
Purchased personal services	\$702,400
Total	\$8,498,000



Cases with All Utilities at the Public Utilities Commission of Ohio

Case Number	Company/Case Type	Issue
08-0723-AU-ORD	Rulemaking	Establishment of Credit, Percentage of Income Payment Plan and Service Disconnection

Electricity Cases at the Public Utilities Commission of Ohio

Case Number	Company/Case Type	Issue
09-1946-EL-ATA	Duke Energy	Storm Costs
09-1922-EL-EEC	Ohio Edison Cleveland Electric Illuminating Toledo Edison	Solar Energy Resource Benchmarks
09-1878-EL-REN	Duke Energy/Dayton Power & Light	Biomass/Zimmer
09-1877-EL-REN	Duke Energy/Dayton Power & Light	Biomass/Miami Fort
09-1860-EL-REN	Columbus Southern Power	Biomass/Conesville
09-1820-EL-ATA	Ohio Edison	Smart Grid
09-1821-EL-GRD	Cleveland Electric Illuminating	
09-1822-EL-EEC	Toledo Edison	
09-1823-EL-AAM		
09-1201-EL-EEC	Ohio Edison/Heinz Frozen Food Co.	Special Arrangement
09-1200-EL-EEC	Ohio Edison/PPC Airfoils, LLC	Special Arrangement
09-1100-EL-EEC	Cleveland Electric Illuminating/ Lubrizol Corp.	Special Arrangement
09-1095-EL-UNC	American Electric Power/Ormet	Economic Development Cost Recovery Rider
09-1094-EL-UNC	American Electric Power	Fuel Adjustment Clause
09-1089-EL-POR	American Electric Power	Energy Efficiency and Peak Demand Reduction Program Portfolio Plan
09-1043-EL-REN	South Point	Biomass
09-1042-EL-REN	FirstEnergy Solutions	Biomass/Bayshore
09-1023-EL-REN	Duke Energy	Biomass/Beckjord
09-1012-EL-UNC	Dayton Power & Light	Fuel Rider
09-1004-EL-EEC	Ohio Edison	Reducing Energy Efficiency
09-1005-EL-EEC	Cleveland Electric Illuminating	Benchmarks
09-1006-EL-EEC	Toledo Edison	

2009 Case Activity

09-0987-EL-EEC 09-0988-EL-EEC	American Electric Power	Reducing Solar Energy Resource Benchmark	09-0730-EL-REN	P.H. Glatfelter Co.	Eligible Renewable Energy Source
09-0951-EL-EEC 09-0952-EL-EEC 09-0953-EL-EEC	Ohio Edison Cleveland Electric Illuminating Toledo Edison	Transmission & Distribution Projects	09-0717-EL-REN	Sauder Woodworking	Biomass
09-0933-EL-REN	FirstEnergy Solutions/Bayshore Plant	Renewable Energy Resource Facility	09-0714-EL-UNC	Ohio Electric Utilities	Portfolio Plan Template for Energy Efficiency and Peak Demand Reduction
09-0906-EL-SSO	Ohio Edison Toledo Edison Cleveland Electric Illuminating	Market-Rate Offer	09-0702-EL-AEC	Dayton Power & Light/Airgas, Inc.	Reasonable Arrangement
09-0903-EL-UNC	Northeast Ohio Public Energy Council/Gexa	Switching Fee Charges to Aggregation Programs	09-0641-EL-ATA	Ohio Edison Toledo Edison Cleveland Electric Illuminating	Residential Distribution Deferral Rider
09-0891-EL-REN 09-0892-EL-REN	Dayton Power & Light/Killen	Renewable Energy Resource Facility	09-0601-EL-UNC	American Electric Power	Transmission Cost Recovery Rider
09-0872-EL-FAC 09-0873-EL-FAC	American Electric Power	Fuel Adjustment Clause	09-0595-EL-EEC	Cleveland Electric Illuminating/ Progressive Casualty Insurance Co.	Special Arrangement
09-0834-EL-REN	Duke Energy	Renewable Energy Credits	09-0580-EL-EEC 09-0581-EL-EEC 09-0582-EL-EEC	Ohio Edison Cleveland Electric Illuminating Toledo Edison	Energy Efficiency Program
09-0807-EL-ESS	Duke Energy	Maintenance/Repair/Inspection of Transmission & Distribution Lines	09-0578-EL-EEC 09-0579-EL-EEC	Columbus Southern Power Ohio Power	Peak Demand Requirements
09-0802-EL-ESS	Ohio Edison Toledo Edison Cleveland Electric Illuminating	Maintenance/Repair/Inspection of Transmission & Distribution Lines	09-0551-EL-REN	Ohio Edison Toledo Edison Cleveland Electric Illuminating	Renewable Energy Credit
09-0795-EL-ESS	American Electric Power	Maintenance/Repair/Inspection of Transmission & Distribution Lines	09-0541-EL-ATA	Ohio Edison Toledo Edison Cleveland Electric Illuminating	Peak Pricing
09-0794-EL-ESS	Dayton Power & Light	Maintenance/Repair/Inspection of Transmission & Distribution Lines	09-0535-EL-EEC	Ohio Edison Toledo Edison Cleveland Electric Illuminating	Energy Efficiency & Peak Demand Reduction
09-0786-EL-UNC	Ohio Electric Utilities	Significantly Excessive Earnings Test	09-0516-EL-AEC	Columbus Southern Power/ Eramet	Reasonable Arrangement
09-0778-EL-UNC	FirstEnergy Service Co.	Regional Transmission Organization Realignment	09-0495-EL-UNC	Duke Energy	Corporate Separation
09-0770-EL-UNC	Duke Energy	Annually Adjusted Component	09-0464-EL-UNC	American Electric Power	Corporate Separation
09-0759-EL-ESS	Ohio Edison Toledo Edison Cleveland Electric Illuminating	Minimum Reliability Performance Standards	09-0463-EL-UNC	Ohio Department of Development	2010 Universal Service Fund Riders
09-0757-EL-ESS	Duke Energy	Minimum Reliability Performance Standards	09-0462-EL-UNC	FirstEnergy	Corporate Separation
09-0756-EL-ESS	American Electric Power	Minimum Reliability Performance Standards	09-0423-EL-CSS	Northeast Ohio Public Energy Council v. Ohio Edison and Cleveland Electric Illuminating	Complaint
09-0754-EL-ESS	Dayton Power & Light	Minimum Reliability Performance Standards	09-0384-EL-EEC 09-0385-EL-EEC 09-0386-EL-EEC	Ohio Edison Toledo Edison Cleveland Electric Illuminating	Energy Efficiency
			09-0339-EL-UNC	American Electric Power	Transmission Cost Recovery Rider

2009 Case Activity

09-0283-EL-UNC	Duke Energy	Demand Side Management	08-0917-EL-SSO	Columbus Southern Power	Electric Security Plan
09-0280-EL-WVR	American Electric Power	Waiver of Electric Standard Service Safety Rules	08-0888-EL-ORD	Rulemaking to Implement Senate Bill 221	Energy Efficiency and Demand Reduction Benchmarks; Alternative Energy Portfolio Standard; Greenhouse Gas Reporting and Carbon Dioxide Control Planning; Long-Term Forecast Reports for Natural Gas Utilities and Electric Utilities
09-0256-EL-UNC	Dayton Power & Light	Transmission Cost Recovery Rider	08-0709-EL-AIR	Duke Energy	Distribution Rate Case
09-0119-EL-AEC	American Electric Power/Ormet	Unique Arrangement	08-0710-EL-ATA		
09-0091-EL-UNC	Cleveland Electric Illuminating/FirstEnergy/NASA	Reasonable Arrangement	08-0711-EL-AAM		
09-0090-EL-COI	Investigation of Regional Transmission Organization	Value of Regional Transmission Organizations to Ohio	08-0658-EL-UNC	Ohio Department of Development	2009 Universal Service Fund Rider
09-0080-EL-AEC	Ohio Edison/V&M Star	Economic Development	08-0613-EL-UNC	Duke Energy	Corporate Separation Related to Sale or Transfer of Generating Plant
09-0037-EL-AAM	American Electric Power	Fuel	07-0975-EL-UNC	Duke Energy	System Reliability Tracker
09-0021-EL-ATA	Ohio Edison	Purchase Power Expense	07-0974-EL-UNC	Duke Energy	Fuel and Purchased Power Costs
09-0022-EL-AEM	Toledo Edison		07-0551-EL-AIR	Ohio Edison	Distribution Rate Case
09-0023-EL-AAM	Cleveland Electric Illuminating		07-0552-EL-ATA	Cleveland Electric Illuminating	
08-1338-EL-AAM	American Electric Power/Ormet	Temporary Amendment to Special Arrangement	07-0553-EL-AAM	Toledo Edison	
08-1339-EL-UNC			07-0554-EL-UNC		
08-1332-EL-AAM	Dayton Power & Light	Storm-Related Costs	07-0498-EL-CSS	Giesler v. Toledo Edison	Windmill Interconnection Complaints
08-1301-EL-AAM	American Electric Power	Storm-Related Costs	07-0514-EL-CSS	Lemke v. Toledo Edison	
08-1299-EL-UNC	Ohio Electric Utilities	Request by Consumers for Reliable Electricity in Ohio to Investigate Whether Reliability of Electric Service is Adequate	07-0525-EL-CSS	Malott v. Ohio Edison	
08-1238-EL-AEC	Cleveland Electric Illuminating/Cleveland Board of Education	Reasonable Arrangement	06-1085-EL-UNC	Duke Energy	Annually Adjusted Component
08-1227-EL-UNC	Duke Energy	Demand-Side Management	06-1069-EL-UNC	Duke Energy	System Reliability Tracker
08-1228-EL-UNC			06-1068-EL-UNC	Duke Energy	Fuel and Purchased Power Costs
08-1094-EL-SSO	Dayton Power & Light	Electric Security Plan/Smart Grid	05-1500-EL-COI	PUCO Investigation	Distributed Generation
08-1095-EL-ATA			05-0724-EL-UNC	Cincinnati Gas & Electric	System Reliability Tracker
08-1096-EL-AAM			05-0376-EL-UNC	American Electric Power	Costs Regarding Integrated Gasification Combined Cycle Electric Generating Facility
08-1097-EL-UNC			03-2081-EL-AAM	Cincinnati Gas & Electric	Transmission and Distribution Cost Deferrals
08-0936-EL-SSO	FirstEnergy	Market-Rate Offer	03-2080-EL-ATA		
08-0935-EL-SSO	FirstEnergy	Electric Security Plan	03-2079-EL-AAM		
08-0920-EL-SSO	Duke Energy	Electric Security Plan	03-0093-EL-ATA	Cincinnati Gas & Electric	Market-Based Electricity Pricing after End of Market Development Period
08-0921-EL-AAM			00-2317-EL-GAG	Northeast Ohio Public Energy Council	Government Aggregator
08-0922-EL-UNC					
08-0923-EL-ATA					
08-0918-EL-SSO	Ohio Power	Electric Security Plan			

2009 Case Activity

Electricity Rules at the Ohio Department of Development

Case Number	Company/Case Type	Issue
	Rulemaking	Percentage of Income Payment Plan (Electric Utilities)

Electricity Cases at the Supreme Court of Ohio

Case Number	Case Name	Issue
2009-2022	OCC v. PUCO	Appeal of Decision in AEP Electric Security Plan Regarding PUCO Case Nos. 08-917-EL-SSO et al.
2009-1937	OCC v. PUCO	Original Action in Procedendo to Require PUCO Ruling on Rehearing Regarding PUCO Case Nos. 08-917-EL-SSO et al. (AEP Electric Security Plan)
2009-1620	OCC v. PUCO	Appeal of Decision in AEP Electric Security Plan Regarding PUCO Case Nos. 08-917-EL-SSO et al.
2009-0710	OCC v. PUCO	Original Action in Prohibition on Retroactive Ratemaking Regarding PUCO Case Nos. 08-917-EL-SSO et al. (AEP Electric Security Plan)
2009-0669	OCC v. PUCO	Appeal of Decision on Government Aggregation Charge in Duke Electric Security Plan Regarding PUCO Case Nos. 08-920-EL-SSO et al.
2008-0367	OCC v. PUCO	Rate Stabilization Plan Remand for Duke Energy Regarding PUCO Case Nos. 03-93-EL-ATA et al.

Electricity Cases at the Federal Energy Regulatory Commission

Case Number	Company/Case Type	Issue
EL10-6-000	FirstEnergy Service Co. v. PJM Interconnection LLC	Complaint Requesting Amendment of PJM Open Access Transmission Tariff
ER09-1589-000	FirstEnergy Service Co. v. PJM Interconnection LLC	American Transmission System, Inc. Regional Transmission Organization Realignment Request
ER09-1279-000	American Electric Power Service Corp.	Proposed Amendments to Affiliate Transmission Agreements
ER09-1063-000 et al.	PJM Interconnection LLC	Revisions to PJM Open Access Transmission Tariff in Compliance with Order 719
ER09-1049-000 et al.	Midwest Independent Transmission System Operator, Inc.	MISO Revisions to its Open Access Transmission Energy and Operating Reserve Markets Tariff in Compliance with Order 719
ER09-137-000 et al.	FirstEnergy Generation Mansfield Unit 1 Corp.	Proposed Amendments to Market-Based Rate Tariffs Waiving Affiliate Restrictions in Ohio
ER09-136-000 et al.	FirstEnergy Nuclear Generation Corp.	Proposed Amendments to Market-Based Rate Tariffs Waiving Affiliate Restrictions in Ohio
ER09-135-000 et al.	FirstEnergy Generation Corp.	Proposed Amendments to Market-Based Rate Tariffs Waiving Affiliate Restrictions in Ohio
ER09-134-000 et al.	FirstEnergy Solutions Corp.	Proposed Amendments to Market-Based Rate Tariffs Waiving Affiliate Restrictions in Ohio
ER09-655-000 et al.	Duke Energy Retail Sales LLC	Application for Approval of Market-Based Rate Tariff and Waiver of Affiliate Restrictions
ER09-75-000 et al.	American Electric Power/ Duke Energy	Request for Acceptance of a Formula Rate and Incentives for Investment in the Pioneer Project
PL09-4-000	Smart Grid Policy	Proposed Smart Grid Policy and Action Plan
RM05-5-000 et al.	Standards for Business Practices and Communication Protocols for Public Utilities	Proposed Rulemaking Regarding Standards for Business Practices and Communication Protocols for Public Utilities

Natural Gas Cases at the Public Utilities Commission of Ohio

Case Number	Company/Case Type	Issue
09-1849-GA-UNC 09-1850-GA-ATA	Duke Energy	Accelerated Main Replacement Program
09-1036-GA-UNC	Columbia Gas	Infrastructure Replacement Program and Demand Side Management Rider Rates
09-0829-GA-ORD	Ohio Natural Gas Utilities	Pipeline Safety Rules
09-0712-GA-AAM	Duke Energy	Defer Environmental Investigation and Remediation Costs
09-0654-GA-UNC	Dominion East Ohio Gas	Cost of Service Study
09-0458-GA-UNC	Dominion East Ohio Gas	Pipeline Infrastructure Replacement Program 2
09-0364-GA-PIP 09-0365-GA-PIP 09-0366-GA-PIP	Eastern Natural Gas Pike Natural Gas Southeastern Natural Gas	Percentage of Income Payment Plan Rider
09-0362-GA-ORD	Ohio Natural Gas Utilities	Minimum Gas Service Standards
09-0257-GA-CSS	OCC v. Dominion Retail	Complaint
09-0254-GA-ATA	Vectren Energy Delivery	Energy Efficiency
09-0218-GA-GCR	Duke Energy	Management/Performance Audit for Gas Costs
09-0118-GA-FOR	Duke Energy	Long-Term Forecast Report
09-0038-GA-UNC	Dominion East Ohio Gas	Automated Meter Reading
09-0006-GA-UNC	Columbia Gas	Integrated Resource Planning and Demand Side Management Rider
08-1344-GA-EXM	Columbia Gas	Wholesale Auction
08-1250-GA-UNC 08-1251-GA-ATA	Duke Energy	Accelerated Main Replacement Program Costs
08-1248-GA-WVR	Columbia Gas	Pipeline Refund
08-1229-GA-COI	Rulemaking	Natural Gas Company Uncollectible Riders
08-0941-GA-ALT	Pike Natural Gas	Alternative Regulation
08-0940-GA-ALT	Eastern Natural Gas	Alternative Regulation
08-0606-GA-AAM	Columbia Gas	Manufactured Gas Plants
08-0360-GA-CSS	Manchester Group v. Columbia Gas of Ohio	Complaint Regarding Billing of Non-Regulated Services

08-0221-GA-GCR	Columbia Gas	Management/Performance Audit for Gas Costs
08-0220-GA-GCR	Vectren Energy Delivery	Management/Performance Audit for Gas Costs
08-0219-GA-EXR	Dominion East Ohio Gas	Audit
08-0218-GA-GCR	Duke Energy	Financial Audit for Gas Costs
08-0169-GA-UNC	Dominion East Ohio Gas	Pipeline Infrastructure Replacement Plan
08-0072-GA-AIR 08-0073-GA-ALT 08-0074-GA-AAM 08-0075-GA-AAM	Columbia Gas	Rate Case and Alternative Rate Plan
07-1285-GA-EXM	Vectren Energy Delivery	Exit Merchant Function
07-1080-GA-AIR 07-1081-GA-ALT	Vectren Energy Delivery	Rate Case and Alternative Rate Plan
07-0829-GA-AIR 07-0830-GA-ALT 07-0831-GA-AAM	Dominion East Ohio Gas	Rate Case and Alternative Rate Plan
07-0589-GA-AIR 07-0590-GA-ALT 07-0591-GA-AAM	Duke Energy	Rate Case and Alternative Rate Plan
06-1453-GA-UNC	Dominion East Ohio Gas	Automated Meter Reading

Natural Gas Cases Appealed to the Supreme Court of Ohio

Case Number	Case Name	Issue
2009-1547	OCC v. PUCO	Appeal of Decision on Straight Fixed Variable Charge Regarding PUCO Case Nos. 07-1080-GA-AIR et al. (Vectren rate case)
2009-0314	OCC v. PUCO	Appeal of Decision on Straight Fixed Variable Charge Regarding PUCO Case Nos. 07-829-GA-AIR et al. (Dominion East Ohio Gas Rate Case)
2008-1837	OCC v. PUCO	Appeal of Decision on Straight Fixed Variable Charge Regarding PUCO Case Nos. 07-589-GA-AIR et al. (Duke Gas Rate Case)

2009 Case Activity

Combined Natural Gas/Electric Cases at the Public Utilities Commission of Ohio

Case Number	Company/Case Type	Issue
09-0543-GE-UNC 09-0544-GE-ATA 09-0545-GE-AAM	Duke Energy	Smart Grid
09-0512-GE-UNC	Ohio's Natural Gas and Electric Utilities	Energy Efficiency and Peak Demand Reduction
09-0069-GE-CSS	Nexus v. Duke Energy	Complaint

Telecommunications Cases at the Public Utilities Commission of Ohio

Case Number	Company/Case Type	Issue
09-0875-TP-BLS	Cincinnati Bell	Application for Basic Local Exchange Service Alternative Regulation
09-0733-TP-ACE	Magellan Hill	Certificate to Operate as Local Exchange Carrier
09-0602-TP-ACE	Tennessee Telephone Services d/b/a Freedom Communications USA	Certificate to Operate as Local Exchange Carrier
09-0539-TP-WVR	Cavalier	Request to Waive Rule Limiting Payments to Authorized Agents to \$2
09-0494-TP-BLS	AT&T	Application for Basic Local Exchange Service Alternative Regulation
09-0455-TP-ACE	Frontier/Verizon	Certification of New Communications Online and Long Distance, Inc. as Competitive Carrier
09-0454-TP-ACO	Frontier/Verizon	Application for Frontier to Acquire Verizon's Operations in 14 States
09-0447-TP-BLS	AT&T	Application for Basic Local Exchange Service Alternative Regulation
09-0379-TP-CSS	Time Warner v. Cincinnati Bell	Pole Attachments
09-0370-TP-WVR	Buckeye Telesystem, Inc.	Request for Waiver of Rule Requiring Distribution of White Pages Directory

09-0156-TP-WVR	Sage Telecom	Request for Waiver of Rule Requiring Distribution of White Pages Directory
09-0157-TP-WVR	Time Warner Telecom	
09-0158-TP-WVR	NuVox	
09-0159-TP-WVR	Nexus	
09-0160-TP-WVR	LDMI	
09-0151-TP-BLS	Embarq	Application for Basic Local Exchange Service Alternative Regulation
09-0074-TP-BLS	AT&T	Application for Basic Local Exchange Service Alternative Regulation
09-0042-TP-WVR	AT&T	Request for Waiver of Rule Requiring Distribution of White Pages Directory
08-1267-TP-ACE	CenturyTel & Embarq	Merger
08-1197-TP-WVR	Cincinnati Bell	Request for Waiver of Rule Requiring Distribution of White Pages Directory
08-1118-TP-WVR	Embarq	Grace Period for Owing Credits to Customers
08-0989-TP-BLS	Verizon North, Inc.	Application for Basic Local Exchange Service Alternative Regulation
00-1532-TP-COI	Rulemaking	Elective Alternative Regulation Plan
97-632-TP-COI	Universal Service Discounts	Applications of TracFone and American Broadband & Telephone for Eligible Telecommunications Carrier Status

Telecommunications Cases at the Federal Communications Commission (FCC)

Case Number	Company/Case Type	Issue
WC09-193*	National Association of Regulatory Utility Commissioners (NARUC)	Petition that States are Not Preempted in Collecting Broadband Data
CG09-158*	Notice of Inquiry	Consumer Information and Disclosure
GN09-137*	Rulemaking	Broadband Deployment
CB09-102*	Regulatory Flexibility Act	Rule Review
WC09-95*	Frontier/Verizon	Acquisition
GN09-51*	Formation of National Broadband Plan	National Broadband Plan
GN09-47*	Formation of National Broadband Plan	Definition of "Broadband"
GN09-29*	Rulemaking	Rural Broadband
WC08-238*	CenturyTel/Embarq	Merger

WC08-49*	Verizon	Forbearance from Unbundling Rules for Rhode Island
WC08-24*	Verizon	Forbearance from Unbundling Rules for Virginia Beach
WC07-267*	Rulemaking	Procedural Rules for Forbearance Proceedings Rules
WC 07-97*	Qwest	Remand of Petition for Forbearance of Unbundling Rules in Four Metro Areas
WC 07-38*	Rulemaking	Data on Broadband Services
WC06-172*	Verizon	Remand of Petition for Forbearance of Unbundling Rules in Six Metro Areas
WC 06-122*	Nebraska Public Service Commission/Kansas Corporation Commission	Petition to Allow State Universal Service Funds to Assess Nomadic VoIP
WC 05-337*	Rulemaking	Non-Rural High Cost fund
WT05-194*	CTIA	CTIA Petition to Preempt State Regulation of Early Termination Fees
WC 03-109*	Rulemaking	Effects of "One-Per Household" Rule for Lifeline in Group Living Facilities
CC 01-92*	Rulemaking	Intercarrier Compensation
CC 96-45*	Conexions	Petition for Forbearance to Allow Non-Facilities-Based Carrier to Receive Federal Lifeline Funds
CC80-286*	Rulemaking	Continuing Separations Freeze
RM-11526*	TracFone	Petition for Rulemaking to Increase Lifeline Support

* This case activity is with the National Association of State Utility Consumer Advocates.

U.S. Court of Appeals District of Columbia Circuit

Case Number	Case Name	Issue
09-1070*	Feature Group IP v. FCC ¹	Denial of Forbearance
08-1365; 08-1393; 09-1044; 09-1046*	Core Communications v. FCC; NYPS v. FCC; NARUC v. FCC ¹	ISP Reciprocal Compensation
08-1353; 08-1226*	NASUCA v. FCC	Forbearance from ARMIS Reporting and Cost Allocation Rules

08-1257* Qwest v. FCC¹ Qwest Metro Forbearance

¹ Intervenor

* This case activity is with the National Association of State Utility Consumer Advocates.

Water Cases at the Public Utilities Commission of Ohio

Case Number	Company/Case Type	Issue
09-1044-WW-AIR	Aqua Ohio	Rate Case
09-0574-WW-CSS	Clemente v. Aqua Ohio	Complaint
09-0560-WW-AIR	Aqua Ohio (Masury)	Rate Case
09-0391-WS-AIR	Ohio American Water	Rate Case
08-1337-WW-PWA	Aqua Ohio	Purchased Water Adjustment
08-1239-WW-SIC	Aqua Ohio	System Improvement Charge
08-1233-WS-UNC	Ohio American Water	Compliance with Stipulation
08-1125-WW-UNC	Aqua Ohio	Monitoring Compliance with the Terms and Conditions of the Settlement of a Rate Case
08-0227-WS-AIR	Water & Sewer	Rate Case
07-1112-WS-AIR	Ohio American Water	Rate Case

Photo Credits

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“Serving Ohio’s 4.5 million residential households”

The Office of the Ohio Consumers’ Counsel Governing Board and Staff



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