

**MINUTES OF THE
TWO HUNDRED FORTY SECOND MEETING
OF THE CONSUMERS' COUNSEL GOVERNING BOARD
November 5, 2003**

Members Present: Mark Gehri
 Rhonda Johnson, Vice Chair
 Herman Kohlman
 Dorothy Leslie
 Helen Mac Murray
 Jerome Solove, Chair
 John Steinberger

Members Absent: James Rarey

The meeting was called to order by Chair Jerome Solove at approximately 9:15 AM. Chair Solove asked members if there were any additions or corrections to the July 16 or September 10, 2003 meeting minutes. The minutes were approved by consensus.

Chair Solove and Vice Chair Rhonda Johnson stated they met with Mr. Robert Tongren earlier that same morning and were provided a resignation letter that is effective today, November 5, 2003. Chair Solove read Mr. Tongren's letter.

At approximately 9:20 AM, on a motion by Mr. Kohlman, seconded by Ms. Mac Murray, the Board voted to accept Mr. Tongren's resignation with regret, with Mrs. Leslie and Mr. Steinberger opposing.

Mr. Kohlman reiterated the resignation is accepted with regret and Mr. Tongren will be greatly missed. The Board will continue its support of the new Consumers' Counsel.

Chair Solove stated that the events leading up to the resignation of Mr. Tongren are very unfortunate. The Governing Board retains its confidence in the Office of the Ohio Consumers' Counsel and its staff. The Board will fulfill its statutory obligation to appoint a new Consumers' Counsel.

Chair Solove stated that he and the Vice Chair asked Mr. Eric Stephens if he will on an interim basis carry out the duties of Consumers' Counsel and Mr. Stephens has agreed.

Mr. Stephens stated that only at the request of the Board will he carry out the duties of Consumers' Counsel. Mr. Stephens also stated he believes the Board needs to conduct a full search for the next Consumers' Counsel.

With Mr. Stephens' permission, the Board had a discussion regarding the transfer of Consumers' Counsel duties. Ms. Mac Murray stated her concern with appointing Mr. Stephens due to his close working relationship with Mr. Tongren, then rescinded that concern and added an observation that Mr. Stephens had been forthright on his records retention discussions with Mr. Tongren.

At approximately 9:31 AM, on a motion by Mr. Steinberger, seconded by Mr. Gehri, the Board voted unanimously to transfer the duties of Consumers' Counsel to Deputy Consumers' Counsel Eric Stephens until further notice.

Chair Solove stated that the staff of the Consumers' Counsel will be providing research as to appropriate search alternatives, and asked that a historical account of the previous searches be made available to the Board members.

At approximately 9:35 AM, Chair Solove stated that no further discussion on personnel matters will take place during today's meeting.

Mr. Jeff Small discussed the following electric and natural gas issues:

1. Entry on rehearing in Dayton Power & Light market development period extension case,
2. Cincinnati Gas & Electric requests to defer costs for recovery,
3. FirstEnergy post market development period filing and
4. Columbia Gas stipulation on post October 31, 2004 matters.

Mr. David Bergmann discussed the following activities in the telecommunications industry:

1. Triennial review order overview,
2. PUCO's schedule for local switching,
3. Triennial review order activities at the federal level,
4. Federal Do Not Call registry,
5. Voice over Internet protocol and
6. Universal service.

Mr. Jim Williams reported that OCC's Consumer Response Center (CRC) received approximately 12,142 calls during September 2003. Approximately 42 percent of the

calls pertained to telecommunications issues, 35 percent natural gas and 20 percent electric issues. Mr. Williams reviewed the following training initiatives:

1. Minimum telephone service standards,
2. Emerging issues,
3. Preparation for handling high cost gas contacts,
4. Service disconnections and financial assistance,
5. Call coaching and documentation and
6. Update FY04 section and individual goals.

Ms. Linda Walls Rominski reported that Outreach and Education had 109 speeches, 16 brown bag and train the trainer sessions, 8 fairs and shows and 33 site visits.

Mr. Ryan Lippe reviewed the following ongoing public awareness initiatives:

1. Do-No-Call update,
2. Winter natural gas prices and assistance education and
3. Aggregation update.

Mr. Lippe also discussed the following upcoming Communications activities:

1. Community Advisory Panel newsletter and
2. Consumer Protection Week.

Ms. Carah Brody reviewed OCC website highlights noting that during September OCC's website received 111,976 visits and during October it received 108,504 visits. Ms. Brody also reviewed the new features of the website which includes a consumer poll and a page for scheduling an OCC speaker.

The Governing Board's next meeting is scheduled for January 14, 2004.

Ms. Mac Murray suggested consumer groups be invited to a future meeting to work toward improving relationships. Chair Solove suggested this be incorporated into the Board's calendar for 2005.

Chair Solove stated he received letters from NOPEC and Senator Teresa Fedor and Representative Bob Hagan regarding their requests for Mr. Tongren's resignation.

Mr. Stephens announced that the OCC exceeded its 3C campaign goal of \$11,500 and raised a total of \$14,600.

At approximately 11:10 AM, on a motion by Mr. Steinberger, seconded by Ms. Mac Murray, the Board voted unanimously to adjourn the meeting.

I verify that the above meeting minutes have been approved and ratified by the OCC Governing Board on this _____ day of January of 2004.

Jerome G. Solove, Chair
Ohio Consumers' Counsel Governing Board

Donna Mucci, Secretary
Ohio Consumers' Counsel Governing Board