

**MINUTES OF THE  
TWO HUNDRED FIFTY-FIRST MEETING  
OF THE CONSUMERS' COUNSEL GOVERNING BOARD  
September 15, 2004**

**Members Present:** Jerome Solove, Chairperson  
Herman Kohlman  
Dorothy Leslie  
Michael Murphy  
John Steinberger

**Members Absent:** James Rarey  
Mark Gehri, Vice Chairperson  
John Moliterno  
Helen Mac Murray

Chairman Solove called the meeting to order at approximately 9:25 a.m.

**Consumers' Counsel Report** – Janine Migden-Ostrander

Ms. Migden-Ostrander indicated that Mr. Weston will start on October 4, 2004.

New employees that were introduced include:

Amy Carles, Communications

Maureen Grady, Advocacy Services

Wilson Gonzalez was not present due to a death in his family. Mr. Gonzalez will be present at the November 17, 2004 Board Meeting.

Chairman Solove welcomed the new employees.

Three new teams have been created to assist in facilitating Ms. Migden-Ostrander's vision for the office. They are:

Resource Planning Team led by Wilson Gonzalez and Colleen Mooney

Federal Energy Team led by Randy Corbin and Jeff Small

Community Support Services Team led by Kathy Hagans

Subcommittees under Community Support Services include:

Low Income  
Universal Service  
Tree Trimming  
Immigration  
PIPP Rider/Systems Benefits Charge

OCC has received complaints from residents pertaining to the way utility companies are doing tree trimming. Residents complain that when the trimming is done, branches are left in their yard or often times the utility will cut down the entire tree leaving the costly expense of stump removal for the resident to pay. A discussion ensued.

**Telecommunications Report** – Karen Hardie

OCC's Reply Brief was filed on August 20 in the SBC Ohio Wholesale Cost proceeding. The Commission's decision is expected in November. In our reply brief we refuted SBC Ohio's claims of increased costs, adequacy of its cost model, and comparison of other states.

Elective Alternative Regulation: Comments were filed challenging Chillicothe Telephone Company's legacy touchtone rate of \$2.20 a month. OCC is preparing comments to ALLTEL/Western Reserve Company's application as well. A discussion ensued.

FCC's interim rules on unbundled network elements may be overturned. Three Regional Bell Operating Companies filed mandamus at the U.S. District Court in D.C. OCC is preparing a response to the FCC's inquiry regarding the status of competition in each state.

NASUCA has a truth in billing petition pending at the FCC. OCC participated in drafting reply comments supporting NASUCA's petition that the line items on telephone bills be limited to government imposed taxes and surcharges.

FCC proceeding on eligible telecommunications carriers and primary line: NASUCA's reply comments will reiterate its position that only one telecommunications line per customer should receive universal support and that the FCC should provide more precise direction on criteria states should use when evaluating whether to approve multiple providers in one area that will receive universal service support.

**Electric Report** – Beth Hixon

With respect to FirstEnergy's Rate Stabilization Plan, FirstEnergy held an additional meeting on September 8, 2004 regarding the Competitive Bid Plan.

Parties' comments were filed on September 13, 2004.

The Entry on Rehearing is on the agenda for the PUCO meeting at 1:00 p.m. September 15 2004. Reply comments are due September 17, 2004.

Key components of OCC's comments are:

- There should be a separate auction for each operating company.
- Special contract load should be excluded from the bid.
- The process for comparing the CBP and the RSP must be known.
  - Before the auction takes place
  - RSP price increases must be considered
- The PUCO's aggressive timeline imperils the CBP and favors the RSP.

#### **Natural Gas Report** – Beth Hixon

Dominion East Ohio (DEO) has indicated that they are considering exiting the merchant function. Under this plan, DEO would continue to provide distribution (delivery) service, (but not natural gas) at the regulated rate. Natural gas would be provided by certified marketers with a competitive bid for the provider of last resort obligations.

Key OCC Concerns include that residential consumers should:

- Have reliable commodity supply
- Be no worse off and should benefit
- Have tools to better control their usage
- Be able to understand the changes occurring.

At approximately 10:50 a.m. the Governing Board took a short recess. The meeting resumed at approximately 11:10 a.m.

#### **Compliance Report** – Jim Williams & Monica Hunyadi

For the period July 1, 2004 – August 31, 2004 the Consumer Response Center received 17, 592 calls.

- 48% Telecommunications (28% of those calls related to SBC)
- 24% Electric (50% of those calls related to FirstEnergy and its affiliate companies)
- 23% Natural Gas (40% of those calls related to Columbia Gas of Ohio)

Call volume is expected to go up during the heating season.

Training initiatives

- Energy Efficiency Community Days
- Planning for disconnection rules refresher
- Electric Service and Safety Standards update

Operational initiatives

- Financial assistance referrals
- Planning for database upgrades

**Outreach and Education Report** – Linda Walls-Rominski

During July and August 2004 63 speeches/presentations were done related to Stay Connected, Overview, and Consumer Protection; 16 Train the Trainer. Sessions took place as well.

Among the Shows and Fairs in which OCC provided information were the following:

- Summit Senior Expo
- Rural Opportunities
- Automated Health Systems
- Golden Age Senior Center
- Scarlet Oaks CDC Vocational
- Migrant Health Fair
- The Ohio State Fair

OCC also followed up on the last CAP conference by organizing conference calls to discuss further with parties, issues such as payment centers, disconnection and bill payment among other topics. OCC also had meetings with OCIRP (Ohio Council of Information Referral Providers) and Citizens for Fair Utility Rates, Cleveland.

68,631 Educational Materials were mailed out.

53,666 Paycheck stuffers to various city and county employees, banks, credit unions, and colleges

55,000 Paycheck stuffers for state employees

3,795 PIPP arrearage crediting

A discussion ensued on 211 service. 211 provides information on social service providers. United Way primarily funds 211 along with OCIRP. OCIRP is not in competition with OCC. OCIRP does not have utility expertise. Their primary function is providing monetary assistance and general direction for customer needs.

**Communications Report** – Carah Brody and Ryan Lippe

Top OCC media issues were as follows:

FirstEnergy rate stabilization plan (issued reaction to PUCO's ruling on rehearing request and news release on FirstEnergy's proposed bidding process).

Internet dialing scams

Cost of convenience

Public Awareness Initiatives include:

Continuing awareness efforts for new Consumers' Counsel

Monthly Call & Post column

Dominion plan to "exit the merchant function"

OCC's website had 184,279 hits; of those 4,850 were unique visitors. (Unique visitors represent the number of different individuals who access the website each day).

Popular pages include natural gas comparison tools and choice information.

Over 70 consumers have signed up to receive Action Alerts

Cellular poll question: "Would you want people to have access to your personal cell phone number through directory assistance?" Of the 539 respondents to date, 92% said no; 6% said yes; and 2 % were undecided.

Chairman Solove complimented the staff on the telecommunications, electric, gas and water, compliance, outreach and education, and communications memos provided to the Board.

Minutes were approved unanimously for the May 5, July 14, and August 30, 2004 Governing Board Meetings.

Chairman Solove noted that three Board Member terms are set to expire: Helen Mac Murray, John Steinberger and James Rarey. Chairman Solove will have follow-up dialog with each Board Member at a later date.

Chairman Solove read the Resolution for Eric Stephens into record. No changes or objections were made. The Board adopted resolution.

Chairman Solove discussed with the Board their thoughts on attendance of Board members at the Governing Board meeting. Board Members agree that attendance is necessary and that consistent absenteeism is not acceptable.

Ms. Migden-Ostrander expressed that she and the Staff would be happy to brief Board Members when they have to miss a meeting.

It was also pointed out that consideration needs to be given regarding promptness of meetings. Meetings should start on time even if there is no quorum.

The Board recessed for lunch at approximately 12:00 p.m.

The meeting resumed at approximately 1:20 p.m. with a presentation by the Coalition for Customer Choice. Members present from the Coalition for Customer Choice were: Susan Merryman, Beth Finnerty, Rachel Winder, Judi Sanders and Tom O'Brien.

Ms. Migden-Ostrander left the meeting at approximately 2:15 p.m.

The next meeting is scheduled for November 17, 2004.

Ms. Leslie made a motion to adjourn the meeting. Mr. Steinberger seconded this motion.

The meeting adjourned at approximately 3:00 p.m.

I verify that the above meeting minutes have been approved and ratified by the OCC Governing Board on this 17th day of November 2004.

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

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Laurie C. Knight, Secretary  
Ohio Consumers' Counsel Governing Board