



Janine L. Migden-Ostrander  
Consumers' Counsel

**MINUTES OF THE  
TWO HUNDRED FIFTY-FOURTH MEETING  
OF THE CONSUMERS' COUNSEL GOVERNING BOARD  
March 16, 2005**

**Members Present:** Mark Gehri, Vice Chairman  
Nancy Dix  
Herman Kohlman  
Dorothy Leslie  
Jerome Solove, Chairman  
Mark Totman

**Members Absent:** John Moliterno  
Michael Murphy  
John Steinberger

**Guest:** Audra DeVictor

Chairman Solove called the meeting to order at approximately 10:10 a.m.

Chairman Solove reported that Mr. Steinberger has been re-confirmed; Mr. Totman representing organized labor, and Mrs. Dix representing residential consumers have been confirmed.

Ms. Migden-Ostrander welcomed the new board members and stated that presentations are given by various utility representatives/groups in an effort to enlighten and inform the Board.

Ms. Migden-Ostrander introduced the Ohio Telecom Association. Mr. Moses began the presentation followed by Mr. Vogel and Mr. Wilson.

Mr. Kohlman arrived at 10:30, and Mr. Gehri arrived at 10:35 due to traffic.

The Governing Board Meeting resumed at 11:55 a.m.

**CONSUMERS' COUNSEL'S REPORT**

Ms. Migden introduced Rick Reese our new attorney who will be working with our Consumer Response Center assisting them with consumer issues, complaints and a variety of other legal matters. Mr. Reese comes to OCC with 14 years experience.

Resolutions were circulated for Mr. Rarey and Mrs. Mac Murray. There were also Resolutions circulated for OCC employees who will retire in May.

In terms of other business and updates, OCC has submitted its budget and Ms. Migden-Ostrander testified before the House Finance Committee and in a couple of months she will testify before the Senate. Chairman Solove asked if we had received any feedback concerning the Consumers' Counsel's testimony. Ms. Migden-Ostrander replied that no feedback has been received.

The Minutes from the January 19, 2005 meeting were approved.

**TELECOMMUNICATION REPORT**  
**SBC/AT&T Merger**

There are a number of large telecom mergers pending that will affect Ohio's residents. Sprint/Nextel, MCI merger with either Verizon or Quest.

Mr. Bergmann reported that on the long distance side alone when SBC and AT&T merge they will have 41% of the national long distance market. Information is not available on what share they have in Ohio. If Verizon and MCI merge they will have 21% of the national long distance market.

Mr. Kohlman asked how these mergers would affect competition. Mr. Bergmann replied that these new mergers are both qualitatively and quantitatively different from the last round of mergers. For the first time in quite a while we are dealing with merging of companies who are actually competing against each other.

On February 21, 2005 SBC/AT&T filed their merger application with the FCC; on February 28, 2005 their filing was made with PUCO; OCC filed its Motion to Intervene, to Suspend, and to Hold Hearing on March 7, 2005; and the PUCO order suspending was issued March 9, 2005.

Comments are due at the FCC on April 25, 2005. OCC plans on participating with NASUCA.

Mrs. Leslie asked how these mergers will affect price. Mr. Bergmann replied that with these mergers residents are at risk for substantial increases for both basic and optional services. A discussion ensued.

Chairman Solove asked what affect these mergers would have on local service. Mr. Bergmann replied that the impact on local service is also significant because currently for residential customers despite the events of the last year, AT&T is still the largest competitor for residential service in SBC territory. A discussion ensued.



### **Telecommunications - Federal**

A year ago NASUCA filed a truth in billing petition with FCC asking the FCC to rule that the only surcharges that could be put on customers were ones that were specifically authorized or required by governmental authority.

Examples of this surcharge are: on the long distance side, AT&T charged 99 cents per month regulatory assessment fee. On the wireless side, Cingular imposed a regulatory cost recovery fee of \$1.25 per month.

The FCC ruled that the current truth in billing rules do apply to wireless but preempted any state's attempt to regulate these items for wireless carriers.

A discussion ensued regarding where OCC can go for remedies with respect to what is regulated or deregulated. These are issues OCC are concerned about. OCC will advocate that VoIP and wireless be regulated the same manner as local and long distance. Local exchange companies have a dominant share of the market. OCC has fought the notion that utility companies do not have to provide access to their network.

Wireless and VoIP are not comparable to existing service. They do not have to abide by Minimum Telephone Service Standards (MTSS). A discussion ensued.

The PUCO was one of the state commissions that appealed the FCC preemptive order on VoIP. NASUCA has also appealed the preemptive order. A discussion ensued.

### **Inter-carrier Compensation**

This relates to one carrier compensating the other for the use of the second carrier's network. Examples of inter-carrier compensation are, on the long distance side, AT&T pays the local carrier, SBC, to complete calls on SBC's network. On the local side, if a CoreCom customer calls an SBC customer; CoreCom has to pay for the use of SBC's network. This system, which has grown over the last 25 years, has resulted in a set of different rules depending on the type of traffic, type, carriers involved and where the end points of the calls are. The rates for this compensation vary from 0 cents to 35 cents.

### **Local Activity**

OCC fought Verizon's late payment fee of \$5.00 because Verizon is not on alternative regulation. Verizon has withdrawn its petition.

MCI and AT&T have added an instate access recovery fee to recover the cost of doing business in the state of Ohio. Their costs of doing business in the state of Ohio, however have not gone up. The PUCO stated that due to competition the access fee is fine.

SBC has filed to increase its one-time charge for call trace service (\*69) from \$3.50 to \$4.59. SBC has also filed an increase on toll restriction which is payment on a month-to-month basis to prevent toll calls from being made on your telephone from \$2.90 to \$5.95. A discussion ensued.

The Governing Board recessed for lunch at 1:00 p.m.

The meeting resumed at 1:30 p.m.

**ENERGY REPORT**  
**Dominion East Ohio GCR**

Mr. Bowser reported that Dominion receives revenues (\$13.5 million during the audit period) from certain transaction where they utilize their storage. A stipulation was entered into between the Company and the Staff that stated that this type of transaction should be reviewed in future audits. The PUCO stated in the Order that GCR customers should be credited with some portion of the revenue.

Within the 60-day time period that is now in effect, Dominion must identify which portion of its storage is jurisdictional and which is non-jurisdictional. A discussion ensued regarding recovery methods used by Dominion.

**Cincinnati Gas & Electric GCR**

The company claimed that there are 350,000 residential customers whose gas costs were under-collected due to GCR calculation errors. By Stipulation, the company had agreed to forego recovery of \$1.7 million of the uncollected amount. The company also agreed to begin performing audits on the department that produced the calculation error.

Ms. Migden-Ostrander announced that Jeff Small was OCC's Employee of the Quarter.

**ELECTRIC REPORT**  
**Dayton Power & Light**

Dominion Retail, Green Mountain Energy, and Miami Valley Communications Council (the latter being an aggregator), filed complaints against Dayton Power & Light. The case basically involved obstacles that DP&L was accused of putting in place to block competition. This case involved charges that DP&L was making to marketers for use of its billing services. The result of this case was marketer friendly provisions concerning the bonding requirements and charges. However, it resulted in charges that will be imposed on residential customers. Applications for Rehearing were filed March 5, 2005. Miami Valley has announced that they have no plans to move forward with their aggregation efforts.



### **Cincinnati Gas & Electric Post-MDP Generation Rates**

CG&E's approved rate stabilization plan has a System Reliability Tracker (SRT) charged to all customers. According to the PUCO, the SRT is to recover the "costs of purchasing power to provide Provider of Last Resort service, including adequate reserve margin." However, CG&E has asked that it be permitted to pass through the costs of a new power plant (purchased or newly constructed) as part of the SRT. Basically, CG&E does not have enough of its own generation to supply the needs of retail customers.

The Commission set the SRT rate for non-residential customers because their rate freeze went through the end of 2004. This rate was set without a hearing. The Commission will hold a hearing to set the SRT rate for residential customers. The rate will be charged beginning in 2005.

Ms. Migden-Ostrander stated that this is the first time that a utility company has attempted to recover the cost of a power plant through a rider. During the days of regulation, customers did not pay for construction of power plants until those plants were deemed used and useful. This proposal will allow utilities to recover the cost before construction begins. A discussion ensued.

### **Cincinnati Gas & Electric Distribution Rate Case**

CG&E filed its application February 17, 2005. This is the first distribution only electric rate case. The company is asking for a 30% increase in distribution revenue which is a 7% overall bill increase. This case will have a full 270 day schedule. This is a very important case for OCC to be involved in as it is the first of several electric distribution cases in the next few years.

### **Monongahela Power Post-MDP**

Monongahela Power has approximately 25,000 residential customers. The company has proposed to set their load out for bid. The timeline for this case is as follows:

The Application was filed 2004;  
Technical Conference was held January, 2005;  
The company filed a supplemental filing February, 2005;  
Comments were filed in February and March, 2005.

### **FirstEnergy**

OCC filed its brief with the Supreme Court in the FirstEnergy RSP case March 15, 2005.



## **FEDERAL ENERGY TEAM**

### **FirstEnergy**

Mr. Small reported that after the August 14, 2003 blackout there were initiatives at FERC to encourage transmission companies to do vegetation management. This caused an increase in their expenditures for vegetation management. FirstEnergy filed an application at FERC for deferrals of some of those expenditures for later collection in transmission rates. This is similar to other actions we have seen at the state level where deferral requests have been used to undermine the existence of a rate freeze under Ohio Law. OCC filed a protest at FERC regarding these deferrals, explaining how rate caps operate in Ohio and how FirstEnergy's request is not a generic accounting response to the blackout situation.

### **CG&E**

Cinergy has related electric business in other states including Union Light Heat and Power in Kentucky. Cinergy plans to sell three of CG&E's plants to Union Light. This appears to be a shifting of cost from Kentucky to Ohio customers. Cinergy needs Security and Exchange Commission (SEC) approval for this sale. OCC has protested this sale.

### **Wind Turbines**

FERC opened a docket that asked if interconnection planning and standards should recognize the difference in technology between wind turbines and other major sources of electricity. The majority of the comments FERC received regarding interconnection standards did not adequately address the difference between these two technologies. OCC filed its comments on March 10, 2005 to emphasize these differences and support the development of wind power as an energy source.

Mrs. Leslie inquired regarding the sources of funding companies want to build new power plants when we are short of supply. Ms. Migden-Ostrander responded that at present we do not need additional capacity. There is enough supply to last through 2013. A discussion ensued regarding generating plants, how they are funded, and who should bear the costs of these plants. Also, a discussion ensued regarding power plants and the fact that there are peaking plants sitting idle.

## **COMMUNITY SUPPORT SERVICES**

### **Low Income Team Activities**

Ms. Hagans reported that this group has been focusing its efforts on getting the Low Income Dialogue Group together. This group consists of representatives from community action organizations around the state of Ohio. A major issue for this group is the closing of bill payment center.



A long term goal of the Community Support Services Team is to establish a community voice mail system in Ohio on a statewide basis. Currently, community voice mail is in Cleveland and serves customers (people who are in crisis and do not have traditional telephone service) in Cuyahoga and Lorain Counties. The budget for the Cleveland community voice mail is \$90,000 which is funded through grants.

We are attempting to get community voice mail established in Lima and Warren. We have met with community action organizations in both Lima and Warren and we have presented an action plan. Organizations in Lima and Warren have said that they would be interested in administering such a program. We have estimated that the costs for such a program in these two areas would be \$50,000 per year. This would include a part-time staff person, telecommunications costs, and training. A discussion ensued regarding funding for these programs.

### **Children's Services Training**

Outreach and Education has been involved with training Children's Services Organizations with regard to rights of utility customers. We have put together a proposal to all 88 counties Children Services Organizations to provide training to their Staff and case workers on topics such as, customers' rights in terms of landlord/tenant situation, etc. We also put together a proposal to provide training at the Department of Jobs and Family Services statewide training conference. Our proposal was accepted and this conference is scheduled to take place in May.

### **Universal Service Fund Rider**

OCC attended a meeting with Ohio Department of Development, electric utilities and Timken Company regarding the universal service fund rider that electric utilities have on bills. There was consensus that an audit be done of all of these companies' universal service fund riders.

Outreach and Education now has a full-time staff person who is responsible for reaching out to the Spanish speaking community. Ms. Migden-Ostrander stated that we have already seen an increase in the number of calls/requests from the Spanish speaking community.

Ms. Migden-Ostrander reported that OCC was successful in getting Vectren to provide large print on their bills. This same initiative is in progress with Columbia Gas.

### **RESOURCE PLANNING TEAM**

Mr. Gonzalez reported that we have been involved in the Vectren rate case. A stipulation was filed that basically had different levels of demand side management (or energy



efficiency) programs. From our point of view, a major issue in this case was the level of funding. We recommended and provided testimony on a level of funding that was consistent with some of the national averages. The utility supported energy efficiency in their testimony.

## **COMPLIANCE REPORT**

Mr. Williams reported that for the period 1/1/05 – 2/28/05 the CRC has had the following activities:

18,208 calls reported

- 50% Telecommunications (33% SBC)
- 24% Natural Gas (43% Columbia Gas of Ohio)
- 21% Electric (35% AEP and FirstEnergy)

## **OUTREACH AND EDUCATION**

Ms. Walls-Rominski reported that during the period January – February Outreach and Education had:

- 73 Speeches/Presentations
- 28 Train the Trainer
- 14 Shows/Fairs
- 70 Site Visits
- 73,699 Educational Materials Mailed/Delivered to Organizations

## **COMMUNICATIONS REPORT**

Mr. Lippe reported that the top OCC media issues included:

- ACEEE Report on benefits of energy efficiency programs
- American Electric Power's Rate Stabilization Plan
- Power Outages
- SBC/AT&T merger

### **Communications Projects**

- Annual report
- Low-income utility assistance video

## **LEGISLATIVE AND GOVERNMENT AFFAIRS**

Mr. Stapleton reported that the state legislature is working on the \$51 billion biennial budget. OCC's budget is included in the state legislature's budget. OCC asked for a \$9.2



million annual budget. The Governor cut our budget \$800,000. Discussion ensued on why our budget would be cut by \$800,000.

Testimony is being prepared by OCC Communications Staff regarding the Governor's 30% increase in the kilowatt hour tax that will be presented to the Ways and Means Committee.

The impact of the 30% increase to residential consumers is minor in dollar amounts. The average residential consumer using 850 kilowatt hours monthly would see an annual increase of approximately \$15.00. OCC is also suggesting in its testimony that PIPP customers (people who are at 150% poverty level) be exempted from that 30% increase.

There are two pieces of legislation that we are working on: directory for wireless telephone numbers and do not aggregate list.

Ms. Migden-Ostrander, Mr. Corbin, and Mr. Stapleton met with Senators and Congressman during a recent visit to Washington, DC.

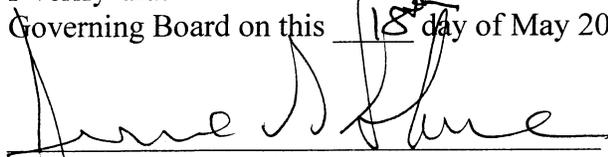
Two additional pieces of legislation that we are working on are: unclaimed utility funds and community voice mail.

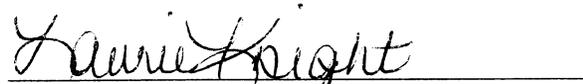
#### **REVIEW OF BY-LAWS**

Chairman Solove reviewed the changes that were made to the by-laws. A motion was made by Vice Chairman Gehri and seconded by Mr. Totman. Mrs. Knight called roll. The by-laws were approved unanimously, and a redline of such changes have been attached to and made a part hereof.

The meeting adjourned at 3:30 p.m.

I verify that the above meeting minutes have been approved and ratified by the OCC Governing Board on this 18<sup>th</sup> day of May 2005.

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

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

4901:4-1-01 Governing board bylaws.

(A) Governing board composition.

- (1) The governing board shall be comprised of nine members. Three governing board members shall represent labor; three shall represent residential consumers; and three shall represent family farmers.
- (2) No more than five members of the governing board may be members of the same political party.
- (3) A majority of the governing board members constitutes a quorum. No action shall be taken without the concurrence of a majority of the full membership of the governing board.

(B) Governing board appointment/term

- (1) Governing board members shall be appointed by the attorney general with the advice and consent of the senate.
- (2) The terms of office for governing board members shall be for three years. Three terms of office, one each from labor, residential consumers, and family farmers, shall end on September first every year.
- (3) Each governing board member shall hold office from the date of his/her appointment until the end of the term for which he/she was appointed, unless the member is, for any reason unable to serve until the completion of his/her term.
- (4) Any governing board member appointed to fill a vacancy occurring prior to the expiration of the term for which his/her predecessor was appointed shall hold office for the remainder of such term.
- (5) Any governing board member shall continue in office subsequent to the expiration date of the member's term until his/her successor takes office. Deleted: his
- (6) A governing board member who fails to attend at least three-fifths of the regular and special meetings held by the governing board, as defined in section (H) of these bylaws, during any two-year period shall forfeit his/her position on the governing board, pursuant to section 3.17 of the Revised Code.
- (7) If a governing board member fails to attend at least three-fifths of the regular and special meetings held by the governing board, as defined in section (H) of these bylaws, during any 14-month period, the governing board shall vote at its next Formatted: Body Text

regularly scheduled meeting whether to recommend to the attorney general that the member should be removed from or not reappointed to his/her position.

Formatted: Font: Times New Roman, 12 pt

(C) Governing board responsibilities

- (1) The governing board shall appoint the consumers' counsel. The governing board shall determine the salary of the consumers' counsel in accordance with section 4911.07 of the Revised Code.
- (2) If the governing board determines that the appointment of a deputy consumers' counsel is necessary to ensure the full and proper performance of the powers and duties of the consumers' counsel, the governing board may appoint a deputy consumers' counsel, and the deputy shall perform the assigned duties and powers. The deputy consumers' counsel shall report to the governing board on all matters assigned to him/her by the governing board, and shall serve at the pleasure of the governing board. The consumers' counsel may assign duties to the deputy consumers' counsel, unless such duties would be inconsistent with any duties assigned by the governing board. The governing board may appoint an employee of the office of the Ohio consumers' counsel as deputy consumers' counsel. The governing board shall determine the salary of the deputy consumers' counsel.

Deleted: ohio

If a deputy consumers' counsel is appointed, the consumers' counsel shall not perform the duties and powers that are assigned by the governing board to the deputy.

- (3) The governing board shall submit to the general assembly no later than the first day of April, annually, a report outlining the expenditures of the office of the Ohio consumers' counsel, a full record of participation in any and all proceedings, and an outline of other relevant activities of the office.
- (4) Each governing board member shall submit a completed financial disclosure statement to the Ohio ethics commission on or before April fifteenth every year.

(D) Governing board chairperson/vice-chairperson selection

- (1) The governing board shall annually select from among its membership a chairperson and a vice-chairperson.
- (2) The selection of chairperson and vice-chairperson shall be made at the first governing board meeting of each calendar year.

- (3) Unless removed from office or replaced as a member of the governing board, the term of office for the chairperson and vice-chairperson shall be until the first meeting of the governing board held the following calendar year.
- (4) If the chairperson or vice-chairperson is removed from office, replaced as a member of the governing board, or otherwise relinquishes his/her position as chairperson or vice-chairperson, the governing board shall select from among its membership a new chairperson or vice-chairperson at the next regular governing board meeting.

The term of office for the new chairperson or vice-chairperson shall be until the first meeting of the governing board held the following calendar year.

(E) Governing board chairperson/vice-chairperson responsibilities

- (1) The chairperson of the governing board shall preside over the meetings of the governing board, schedule meetings of the governing board, cause notice of the meetings to be sent to members of the governing board and to those members of the public and news media who have requested notice, and perform such other duties as required to enable the members of the governing board to perform their duties.
- (2) If the chairperson is not present at a meeting, the vice-chairperson shall assume the duties of the chairperson. The vice-chairperson may appoint another member of the governing board to assume temporarily the duties of the vice-chairperson.
- (3) The chairperson of the governing board shall sit on the public utilities commission nominating council.

(F) Governing board meetings

For the purpose of these bylaws, the term "meeting" shall mean any prearranged discussion of the public business of the governing board by a majority of its members.

**Formatted:** Indent: Left: 0.5"

(1) The governing board shall conduct regular meetings at least every third month. The governing board shall set the dates of the regular meetings for the following calendar year at the last regular meeting of each calendar year.

**Deleted:** meet

(2) Special meetings may be held at the request of a majority of the full membership of the governing board or upon the call of the chairperson.

**Deleted:** Meetings

**Deleted:** more often than every third month

(3) All meetings of the governing board shall be open to the public at all times, unless the subject matter is specifically excepted by law. Governing board

members shall conduct all deliberations upon official business only in open meetings, unless the subject matter is specifically excepted by law.

- (4) All resolutions, rules, or formal action of any kind shall be adopted in an open meeting of the governing board. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized under division (G) of section 121.22 of the Revised Code and conducted at an executive session held in compliance with that section.
- (5) A governing board member must be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.
- (6) The minutes of a regular or special meeting of the governing board shall be promptly prepared, filed and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) of section 121.22 of the Revised Code.
- (7) The governing board may hold an executive session for the sole purpose of the consideration of a matter contained in division (G) of section 121.22 of the Revised Code. Such executive session may be held only at a regular or special meeting for which notice has been given in accordance with these bylaws and only after a majority of a quorum of the governing board determines, by roll call vote, to hold such a session.

**Deleted:** For the purpose of these bylaws, the term "meeting" shall mean any prearranged discussion of the public business of the governing board by a majority of its members.¶

Pursuant to division (G) of section 121.22 of the Revised Code, the governing board may hold an executive session for the following matters:

**Deleted:** Division

**Deleted:** provides

- (a) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. If the governing board holds an executive session pursuant to division (G)(1) of section 121.22 of the Revised Code, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting;
- (b) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general

**Deleted:** Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office.

**Deleted:** a public body

public interest. No member of the governing board shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

Deleted: a public body

If the minutes of the governing board show that all meetings and deliberations of the governing board have been conducted in compliance with this section, any instrument executed by the governing board purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned;

Deleted: ;

Deleted: (c)

Deleted: public body

Deleted: public body

Deleted: public body

Deleted: fied

(c) Conferences with an attorney for the governing board concerning disputes involving the governing board that are the subject of pending or imminent court action;

Deleted: d

Deleted: public body

Deleted: public body

(d) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

Deleted: e

(e) Matters required to be kept confidential by federal law or rules or state statutes; and

Deleted: f

(f) Details of security arrangements or emergency response protocols for a public body or public office where disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office.

Deleted: g

Deleted: Specialized

Deleted: details

Deleted: might reveal information that

Deleted: used for

If the governing board holds an executive session to consider any of the matters listed in divisions (G)(2) to (G)(6) of section 121.22 of the Revised Code, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

Deleted: purpose of committing, or avoiding prosecution for, a violation

Deleted: law

Deleted: (h)

Formatted: Indent: First line: 0"

Deleted: a public body

(G) Public comment

The governing board may allot a portion of any regular or special meeting to public comment.

(H) Types of meetings

- (1) A regular meeting is one that is held at prescheduled intervals.
- (2) A special meeting is any meeting other than a regular meeting.
- (3) An emergency meeting is a special meeting that requires immediate official action of the governing board.

(I) Notice of meetings

(1) Any person may inquire as to the time and place of all regular meetings and the time, place, and purpose of all special meetings of the governing board by telephoning (614) 466-8574 or (877) 742-5622 for a response by the office of the Ohio consumers' counsel, or by accessing the website of the office of the Ohio consumers' counsel.

(2) Any person may receive notice of the time and place of all regular meetings and the time, place, and purpose of all special meetings of the governing board by submitting a written request to: "Governing Board, Office of the Ohio Consumers' Counsel, 10 West Broad Street, Suite 1800, Columbus, Ohio 43215-3485." Requests shall include the name, address, and telephone number of the person making the request. Any person who requests to receive meeting notices by facsimile shall include his/her facsimile telephone number. Any person who requests to receive meeting notices by electronic mail shall include his/her e-mail address.

**Deleted:** 1  
**Formatted:** Body Text Indent 3, Indent: Left: 0", First line: 0"  
**Deleted:** determine

(3) Notices of regularly scheduled meetings shall be mailed, faxed and/or e-mailed, according to whichever method of delivery the recipient chooses, not less than five calendar days prior to the date of the start of the meeting to those persons who have requested to receive notice.

**Deleted:** (2) Any person may determine the time and place of all regular meetings and the time, place, and purpose of all special meetings of the governing board by telephoning (614) 466-8574.¶

**Deleted:** a

(4) If a special meeting of the governing board is scheduled, notice of the meeting shall be mailed, faxed and/or e-mailed, according to whichever method of delivery the recipient chooses, not less than five calendar days prior to the date of the start of the meeting or will be made by telephone no later than twenty-four hours prior to the start of the special meeting to those persons who have requested to receive notice. Calls will be made during the normal business hours of the office of the Ohio consumers' counsel. Such notice shall be complete if a message has been left with a representative of the person to whom notice is being provided or if a message is left on the person's voice messaging system.

**Deleted:** a

(5) Members of the news media who wish to be notified if an emergency meeting of the governing board is scheduled should indicate on their request that they are a member of the news media, the news agency that they represent, and a request to be notified when an emergency meeting is scheduled. Notice of emergency meetings will only be given to one representative of

any particular news agency. Notification will include the time, place and purpose of the emergency meeting.

(6) If an emergency meeting of the governing board is scheduled, immediate notice of the meeting will be made by telephone, fax and/or e-mail, according to whichever method of delivery the recipient chooses, to members of the news media who have requested notification. Calls will be made during the normal business hours of the office of the Ohio consumers' counsel. Such notice shall be complete if a message has been left with a representative of the person to whom notice is being provided or if a message is left on the person's voice messaging system.

(7) The chairperson of the governing board may request that persons and members of the news media verify in writing that they wish to remain on the list of persons notified of regular or special meetings of the governing board. The governing board shall not make such a request more than once per year.

(J) Committees

~~From time to time, the board may establish and disband such sub-committees, as it deems necessary to carry out its work in an efficient and appropriate manner. The meetings of such sub-committees shall be conducted in accordance with these bylaws and the open meetings requirements set forth in section 121.22 of the Revised Code.~~

Deleted: (1)

(K) Governing board compensation

~~Members of the board shall be compensated pursuant to section 4911.17 of the Revised Code.~~

Deleted: Revised Code

REPLACES: FORMER 4901:4-1-01

EFFECTIVE DATE:

CERTIFICATION:

PROMULGATED UNDER: R.C. 111.15

RULE AUTHORIZED BY: R.C. 121.22

RULE AMPLIFIES

R.C. 4901.021,  
R.C. 4906.02,

R.C. 4911.02,  
R.C. 4911.07,  
R.C. 4911.17,  
R.C. 4911.20,  
R.C. 121.22(F)

PRIOR EFFECTIVE DATE: 03/19/77

07/21/78

12/06/78

02/12/89

06/23/95

| 01/01/02