



**MINUTES OF THE  
TWO HUNDRED EIGHTY-SECOND MEETING  
OF THE OHIO CONSUMERS' COUNSEL GOVERNING BOARD  
September 14, 2010**

Members Present: Harold Cassell  
Gene Krebs  
Dorothy Leslie  
Joe Logan  
John Moliterno  
Anthony Peto  
Jerome Solove

Members Absent: Roger Wise

Guests: Michael Schuler, Attorney General's Office

**CALL TO ORDER**

Chairman Solove called the meeting to order at 9:08 a.m.

**APPROVAL OF THE MINUTES**

The minutes from the July 20, 2010 meeting were approved with amendment. Chairman Solove abstained.

Chairman Solove welcomed Harold Cassell to the Board. Mr. Cassell comes to us from the UAW.

**CONSUMERS' COUNSEL REPORT**

Ms. Migden-Ostrander welcomed Mr. Cassell to the Board and stated that today's meeting will focus on upcoming issues/cases that OCC will be involved in. There will be no power point presentation at today's meeting, and the industry team memos were provided to the Board in their mailing and will not be discussed during this meeting.

As has been reported previously, the telecom legislation passed. Through the coalition we formed, OPTC, work continues on restructuring statewide lifeline and community voice mail.

OCC continues work with the electric companies concerning their energy efficiency programs and portfolios. We continue to be involved in their collaboratives.

OCC is proceeding forward with the Duke Integrated Resource Planning Case. Duke is building a nuclear power plant. At this time the cost of building this power plant is confidential. Duke stated that they can only reach 13% of the benchmark for energy efficiency, a point that OCC disputes.

A complaint has been filed against FirstEnergy with regard to their policy on wind turbines for residential customers. Public support has been expressed on this issue as customers would like control over their consumption and usage.

OCC has seen an increase in press inquiries with regard to natural gas pricing. Concern has been expressed among customers regarding Dominion East Ohio moving from a standard service offer to a standard choice offer.

IGS has applied for permission to change their name to Columbia Retail Energy and to use the Columbia Gas logo. OCC is opposed to this change as it may cause confusion for customers.

**Attorney General Richard Cordray**

Attorney General Richard Cordray attended the meeting briefly to address the Governing Board. His comments focused on issues related to how the Attorney General's office works cooperatively with OCC.

One area where the AG's office and OCC can work together on is telecommunications. The attorney general's office handles consumer concerns with wireless and OCC handles consumer concerns with telephone issues.

Ms. Migden-Ostrander thanked the Attorney General Cordray for the support he and his office provide to OCC.

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Chairman Solove congratulated Mr. Weston on being named Chair of the OSBA Public Utilities Committee and Ms. Gianforcaro on receiving the Bronze Quill Award.

Ms. Migden-Ostrander mentioned that OCC will have guest from the PUC of Ghana, Daniel Afropong visiting our office next week specifically interested in our Consumer Services Division. A discussion ensued.

**Board Approval of Rules Regarding Confidential Personal Information**

Mr. Repuzynsky requested the Board's approval of proposed Ohio Administrative Code Rules 4911-02-01 through 4911-02-05 regarding confidential personal information. A copy of the rules has been provided to the Board. These rules will be filed with JCARR and a public hearing will be held.

Mr. Logan made a motion to approve Ohio Administrative Code Rules 4911-02-01 through 4911-02-05. Mr. Moliterno seconded the motion and Mrs. Knight called the roll. The motion passed unanimously.

**Overview of OCC Cases**

Mr. Weston provided his view of cases OCC will be involved in during the coming year pertaining to the water and gas industry. He noted that not all work is seen on lists of OCC cases because we monitor and analyze some cases even if not intervening.

Water cases are filed under traditional regulation. There is a potential that Ohio American Water will file a case in 2011. Water quality and service is a major issue.

In the gas industry, traditional rate cases as well as infrastructure cases are expected to be filed in 2011.

The Board recessed at 10:40 a.m. and reconvened at 11:00 a.m.

Mr. Adams reported on cases that are expected in 2011 in the electric and telecom industries. Cases that resulted from the passage of SB 221 include electric security plan and market rate option proceedings. Other electric cases include:

- Renewable energy certification
- Mercantile opt-out
- Energy efficiency cost recovery
- Energy efficiency and peak demand programs
- Energy efficiency collaborative
- Alternative energy benchmark
- Long term forecast reports
- Electricity security plan excessive earnings
- Economic development
- Renewable energy credit
- Tariff changes
- Fuel adjustment clauses
- Rate cases
- Transmission cost recovery
- Regional transmission issues
- Demand response
- Wholesale market prices
- Environmental recovery costs

Expected telecommunications cases which result from the passage of SB 162 include:

- Rulemaking on consumer protection issues
- Access fees



- Basic local exchange services
- Lifeline services
- Merger/acquisitions
- Waiver cases

### **Changing Landscape in Ohio Consumers' Struggles**

Ms. Gianforcaro reported on the issues of poverty and unemployment and how it directly impacts their utility bills. She distributed a packet of information that included charts that show among other things, percentage of Ohioans at or below the poverty level, unemployment rates and home foreclosure rates.

### **Legislative Overview**

Ms. Gomborg gave an overview of the state legislature. In the House of Representatives the democrats have a slight majority. Depending on the upcoming elections the majority could shift.

After the passage of SB 221 energy policy changes were made with regard to siting renewable energy facilities, renewable energy credits from certain biomass facilities, taxes on renewable energy facilities and property assessed clean energy (PACE) financing.

HB 344 dealing with water issues passed the House Public Utilities Committee with strong bi-partisan support.

### **EXECUTIVE SESSION**

Mr. Krebs moved that the Board meet in executive session for the purpose of considering the pending or imminent litigation, Mrs. Leslie seconded the motion and Mrs. Knight called the roll. The motion passed unanimously.

Executive Session began at 12:30 p.m.

Executive Session ended at 1:35 p.m.

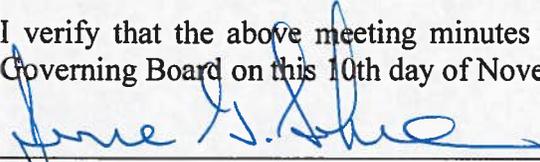
Ms. Migden-Ostrander began a discussion asking the Board what they would like to see OCC working on in the future. A lengthy discussion began regarding wireless and telecommunications issues.

The Board is in favor of an annual retreat.

The November meeting is scheduled for Tuesday the 16<sup>th</sup>. Ms. Migden-Ostrander will be at the NASUCA Annual Meeting. Mrs. Knight will offer alternative dates and confirm the new date with the Board.

With no further business the meeting adjourned at 2:35 p.m.

I verify that the above meeting minutes have been approved and ratified by the OCC Governing Board on this 10th day of November, 2010.



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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