Office of the Ohio Consumers' Counsel

Your Residential Utility Consumer Advocate

2004 Annual Report

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Janine L. Migden-Ostrander, Consumers' Counsel

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

Ms. Migden-Ostrander was sworn into office on Monday, April 5, 2004 by Ohio Attorney General Jim Petro, and became the first woman and only the third person to hold the position in the agency's 28-year history. Prior to being appointed Consumers' Counsel by the Ohio Consumers' Counsel's 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 set forth a variety of new and creative ideas ranging from energy efficiency programs and innovative rate designs to new generation technologies in the energy industry to the delivery of broadband services and other technologies to rural and urban customers. She is intent on addressing ways to improve traditional avenues of advocacy and outreach and education programming, as well as setting policy ground rules to increase the effectiveness of the Consumers' Counsel in regulatory hearings.

With more than 20 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. She then was promoted to an Assistant Consumers' Counsel for the agency and litigated a variety of cases that involved electric, natural gas, telephone and water companies.

Ms. Migden-Ostrander's previous experience also includes serving as Senior Director of Government Affairs for Enron Corporation 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 the Midwest Regional Transmission Organizations. In addition, she has worked on legislation in numerous states involving a variety of issues including natural gas choice programs and electric restructuring.

Ms. Migden-Ostrander 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 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.

Consumers' Counsel Message

The work of the Office of the Ohio Consumers' Counsel (OCC) continues to become more important with each passing year. We are at a crossroads in the regulatory arena, where decisions made today will affect the ability for residential utility customers to enjoy the full advantages of an environment that promotes competitive choices in providers and opportunities for lower rates.

The Plan of Action that I have implemented since becoming Consumers' Counsel on April 5, 2004 will direct the goals of this office now and well into the future. It is a plan that consists of a myriad of ideas from energy efficiency programs and innovative rate designs to new generation technologies in the energy industry to the delivery of broadband services and other technologies to rural and urban customers. It also identifies opportunities for partnerships, opens dialogues with communities and sets additional priorities for advocacy at both the state and federal levels.

It is my intention to help the OCC build a better future for residential utility customers that:

- Provides affordable energy
- Contributes to national energy reliability and independence
- Ensures reliable, quality utility services
- Presents opportunities for consumers to save money
- Empowers consumers to manage their energy and telephone usage

While we have only just begun to allocate resources within the OCC to accomplish these goals, we have made considerable progress in the past year. Specifically, the OCC has developed strategies for utility companies to implement energy efficiency programs. We have begun exploring alternative sources of fuel that can produce lower prices in the long term. The OCC also has instituted an open door policy to discuss utility issues with other consumer groups. It is important to meet with groups and individual consumers to gain insight into their utility concerns and collaborate on possible solutions.

There is much work yet to be done, but we have begun putting the policies and processes in place to be successful in achieving these benefits. The following are some of my industry specific goals that we are working on to protect Ohio's residential consumers and provide them with lower rates and more choices in utility services and providers.

Electricity

- Ensure that plans put into effect for customers who do not choose an alternative supplier when the freeze on generation rates ends on December 31, 2005 are the lowest cost possible. It is also important that effective competition is able to flourish so as to produce lower prices.
- Work toward creating fully developed wholesale markets, which would increase the flow of electricity and likely provide more choices and options to residential consumers.
- Support energy efficiency programs that allow customers to reduce their consumption and lower their utility bills.
- Examine rate structures throughout Ohio to help produce lower rates. For example, incentives could be promoted that offer lower rates to customers who use energy during off-peak hours.
- Explore energy options for least-cost, reliable energy solutions that will serve customers now and into the future.

Natural Gas

- Support the continued development of natural gas choice programs.
- Work to identify and secure improvements to existing choice programs to increase customer participation and savings.
- Identify ways to reduce demand and manage natural gas usage in order to stabilize or lower residential consumers' monthly bills.

Telecommunications

- Support reasonable consumer protection standards for cellular customers and those using emerging technologies such as Voice over Internet Protocol or VoIP.
- Advocate for local telephone competition so customers can take advantage of lower rates and more service options.
- Ensure that emerging technologies and high-speed Internet access are available to residential consumers in all parts of Ohio, including rural areas.

Water

- Ensure that water quality and safety are protected in a cost effective manner.
- Advocate for compliance with safe drinking water standards.
- Seek innovative ways to lower consumers' bills through conservation programs while improving the quality of their water service.

To help achieve these goals, I have created three new "teams" to begin working on some of these issues. These teams are in addition to the groups already working on major industry issues that include, electric, natural gas and water, and telecommunications.

The Federal Energy Team will be responsible for monitoring and participating in activities relating to the state's two Regional Transmission Organizations, PJM and the Midwest Independent System Operator, as well as the Federal Energy Regulatory Commission.

The Resource Planning Team will dedicate their activities to researching and developing energy efficiency opportunities, also referred to as demand side management programs, for residential utility customers. In addition, this group also will concentrate on energy portfolio planning and ways in which we can better incorporate alternative energy as a power source.

The Community Support Services Team will closely monitor low income issues, such as assistance programs, funding mechanisms and other options to help those in need. This team also will seek solutions for other residential consumer concerns, such as the management of tree trimming policies and service outages.

There are many opportunities to deliver positive changes for residential utility customers. It is important to explore new frontiers in emerging technologies and programs, while still maintaining affordable rates, a high level of consumer protection and quality of service. By partnering with stakeholders, utility companies and competitive service providers, we can create win-win solutions for customers. The benefits would include:

- More energy and telecommunications options.
- Allowing consumers to take charge of their energy usage on the customer side of the meter.
- The development of voluntary programs that reduce demand on the system, thereby lowering energy costs overall and reducing stress on the transmission system.
- Fostering new technologies consistent with Governor Taft's Third Frontier initiative.

My first year as Consumers' Counsel has been a positive experience and one that has brought benefits to the residential utility customers of the state of Ohio. Our office looks forward to continuing to serve our constituents now and in the future.

If you would like to view the Consumers' Counsel's Plan of Action in its entirety, please visit the OCC website at www.pickocc.org, or you may request a copy by calling (614) 466-9539.

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 Ohio Supreme Court. The OCC also educates consumers about their utility services and investigates and resolves complaints.

Bruce J. Weston, Deputy Consumers' Counsel

As Deputy Consumers' Counsel, Bruce Weston oversees 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.

Mr. Weston brings more than 20 years of experience in public utilities law to the OCC. He is committed to protecting the interests of Ohio's 4.5 million residential utility households. His priorities for the OCC include advocating for reasonable rates, competitive choices, new technologies, and maintaining good service quality for residential utility customers.

Prior to joining the OCC 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.

Our Mission

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

Our Vision

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

Message from the Chairman

The year 2004 brought forth change at the Office of the Ohio Consumers' Counsel (OCC). While it's advocacy to represent the interests of the state's residential utility customers continued at a strong pace, a new Consumers' Counsel was appointed to lead the organization.

Janine L. Migden-Ostrander, an attorney with more than 20 years of experience in utility law, was sworn in on April 5, 2004. In the year that she has been in office, Janine has restored public trust in the work of this much needed agency. She has implemented a plan of action that will enhance previous efforts of the office in working to help ensure utility customers have a choice in providers, resources available to help them take control of their energy usage, and most importantly, reasonable and stable rates.

During a time when natural gas prices are rising, caps on our electric rates are set to end and options for choices in telephone providers are in jeopardy, Janine and her staff at the OCC continue to strongly litigate cases at the Public Utilities Commission of Ohio (PUCO), the courts and federal regulatory agencies to gain benefits for residential utility customers.

During 2004, the OCC participated in hundreds of utility cases, reinforcing the high level of activity and the importance of the agency's work on behalf of Ohioans. The OCC opposed the electric rate stabilization plans proposed by the state's major utility companies, all of which, the OCC believed, violated the electric choice law and would impose unfair surcharges on residential customers. The OCC also opposed allowing SBC Ohio to increase the wholesale rates it could charge to competitive providers to lease its lines. An increase could force competitors out of the market and leave residential customers with fewer telephone choices. In the area of natural gas, the OCC worked vigilantly to ensure that natural gas rates reflected the best estimate of market conditions to try to alleviate the financial impact on customers.

Educating consumers about their utility services and resolving complaints remain important services provided by the OCC. Hundreds of thousands of consumers rely on the OCC to answer their utility questions and help them work out disputes with utility companies. Every day, the OCC meets with consumers in groups and one-on-one to provide valuable information about their choices in utility providers and to help them understand payment options, among many other issues.

On behalf of the OCC Governing Board, I extend our sincere appreciation to the Governor, the Ohio General Assembly and the Ohio Attorney General for their continued support of this agency. I also commend Janine Migden-Ostrander and the OCC staff for their outstanding work in 2004. New ideas were generated, and benefits were realized by a substantial number of Ohio's residents.

The OCC 2004 Annual Report highlights the work accomplished by this office and the utility issues that we anticipate facing in the coming year. Thank you.

Jerome G. Solove
Chairman, Governing Board
Office of the Ohio Consumers' Counsel

OCC Governing Board

By law, the bipartisan Governing Board of the Office of the Ohio Consumers' Counsel (OCC) is composed of nine members, three each representing residential consumers, organized labor and family farmers. Members are appointed by the Ohio Attorney General for a period of three years and are confirmed by the Ohio Senate. The OCC Governing Board conducts regular public meetings every other month in Columbus.

Jerome Solove, Chairman

Chairman, 1999 — present • Board Member, 1998 — present • Representing Residential Consumers • Hometown: Powell

Jerome Solove was appointed to the Governing Board in 1998 to represent residential consumers, and became Chairman in 1999. He is the president and owner of 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 in business administration with a dual major in real estate and finance from The Ohio State University, including a year of study at the London School of Economics.

Mark Gehri, Vice Chairman

Vice Chairman, 2003 — present • Board Member, 1997 — present • Representing Organized Labor • Hometown: Hudson

Mark Gehri was appointed to the Governing Board in 1997 to represent the interests of organized labor. Mr. Gehri is a fire fighter with the Bedford Heights Fire Department, is Secretary/Treasurer of the Northern Ohio Fire Fighters and serves as President of Local 1497 of the International Association of Fire Fighters. Mr. Gehri attended Cuyahoga Community College and graduated from Brentwood Paramedic School.

Herman Kohlman

Board Member, 1991 — present • Representing Family Farmers • Hometown: Oak Harbor

Herman Kohlman was appointed to the Governing Board in 1991 to represent family farmers. He is active in a number of agricultural committees and is President of a local fraternal branch. Mr. Kohlman is a member of the Democratic Club and the Ottawa County Farmland Preservation Committee. He also serves as a volunteer for the Red Cross. Mr. Kohlman was appointed as the Legislative Chairman of Local Chapter P.E.R. Inc. #82 of Ottawa County for 2005.

Dorothy L. Leslie

Board Member, 2001 — present • Representing Family Farmers •
Hometown: Upper Sandusky

Dorothy L. Leslie was appointed to the Governing Board in 2001 to represent family farmers. Mrs. Leslie resides in Wyandot County where she and her husband operate a family farm. Mrs. Leslie served as State Executive Director of the Agricultural Stabilization and Conservation Service from 1989 to 1993 where she received multiple awards from U.S. Secretary of Agriculture for her service to the farmers of Ohio. From 1992 to 1996 she was employed by The Ohio State University as a Research Associate, studying the health of farm families. She is currently serving as the Chairperson of the Farm Service Agency in Ohio. Mrs. Leslie is an active member of the St. Paul Lutheran Church, the Ohio Farm Bureau, Ohio Corn Growers, Ohio Soybean Association and the Ohio Wheat Growers Association where she was a founding member and Past President.

Helen Mac Murray

Board Member, 2002 — 2004 • Representing Residential Consumers •
Hometown: Bexley

Helen Mac Murray was appointed to the Governing Board in 2002 to represent residential consumers. She lives in Bexley, Ohio where she serves on the Bexley City Council. Ms. Mac Murray is currently a partner with the Columbus law firm Kegler, Brown, Hill & Ritter, where she serves as Director and Area Chief, National Regulatory Affairs. From 1995 to 2001, she served as Chief of the Consumer Protection Section of the Ohio Attorney General's Office where she gained extensive knowledge and experience in representing Ohio consumers.

John Moliterno

Board Member, 2003 — present • Representing Residential Consumers •
Hometown: Girard

John Moliterno was appointed to the Governing Board in 2003 to represent residential consumers. He lives in Girard, Ohio, and is President and CFO of Allegra Print & Imaging. In addition, Mr. Moliterno is Councilman at Large for the City of Girard. Previously, Mr. Moliterno has served as President and CEO of the Youngstown Chamber of Commerce and President and General Manager of the Better Business Bureau of Mahoning Valley. He earned a bachelor's degree in psychology from The Ohio State University.

OCC Governing Board

Michael Murphy

Board Member, 2003 — present • Representing Organized Labor •
Hometown: Cleveland

Michael Murphy was appointed to the Governing Board in 2003 to represent organized labor. He lives in Cleveland, Ohio and previously has served as President of the Service Employees International Union (SEIU) Local 47. Mr. Murphy also has served as President of the SEIU Ohio State Council, was on the executive board of the Ohio AFL-CIO, was Vice President of the Cleveland AFL-CIO and was a member of Leadership Cleveland and Jobs with Justice.

James R. Rarey

Board Member, 1996 — 2004 • Representing Organized Labor •
Hometown: Canal Winchester

James Rarey joined the Governing Board in 1996 to represent organized labor. He is the Executive Secretary-Treasurer of the Columbus/Central Ohio Building and Construction Trades Council. Rarey is the Past President of the Canal Winchester Village Council and is a former member of the Governor's Labor Advisory Council. Currently, he is a member of the Columbus-Franklin County AFL-CIO Executive Board, the Ohio State Building Trades Council Executive Board and the United Way of Franklin County Community Services Committee. He also serves on the boards of the Private Industry Council and The Central Ohio Transit Authority.

John Steinberger, Jr.

Board Member, 2001 — present • Representing Family Farmers •
Hometown: St. Paris

John Steinberger was appointed to the Governing Board in 2001 to represent family farmers. He lives in St. Paris where he currently serves as president of Custom Linings, Inc. Mr. Steinberger has been very active in farming and agriculture throughout his career, which includes service as Executive Director of the Ohio Rural Development Partnership and Chief of the Division of Weights and Measures at the Ohio Department of Agriculture. He is a former County Commissioner and has been active in numerous local organizations.

Directors

Analytical Services

Joseph Bowser has served as Director of Analytical Services since 1995. He is responsible for overseeing the review of the accounting and financial analysis associated with utility rate filings and other regulatory proceedings. Mr. Bowser holds a bachelor's degree in accounting from Clarion State College, a master's degree in finance from Rensselaer Polytechnic Institute and is a Certified Public Accountant. He has more than 25 years of experience in the utility industry and is a member of the American Institute of Certified Public Accountants, and serves on the NASUCA Tax and Accounting Committee and the NARUC Subcommittee on Accounts.

Communications

Maureen E. Miller joined the OCC as Director of Communications in November 1999. She oversees the planning and implementation of all public and media relations activities and outreach and education efforts, as well as the development of printed materials and the website. With more than 20 years of experience in the public relations field, Ms. Miller has assisted in the development of a variety of award-winning education campaigns. She holds a bachelor's degree in journalism with a minor in Spanish from The Ohio State University.

Legislative Affairs

Dennis Stapleton joined the OCC as Director of Legislative and Governmental Affairs in June 2004. He serves as liaison between the OCC, the Ohio General Assembly and the United States Congress, and is actively involved in legislative issues relating to public utilities. Prior to joining the OCC, Mr. Stapleton served as a Director at the Ohio Department of Insurance and from 1996 to 2003 he served in the Ohio House of Representatives for the 88th District, which encompassed Adams, Fayette, Highland and Pike counties. He earned a bachelor's degree in communications from the University of Dayton.

Operations

Monica Hunyadi began her tenure with the OCC in 1996 and serves as Director of Operations. She oversees the Consumer Response Center and Operations areas of the agency, including the human resources, payroll, purchasing and information technology functions. She also assists in the preparation of the OCC's budget and strategic plan. Ms. Hunyadi, who has more than 18 years of experience, earned a bachelor's degree in personnel administration from the University of Cincinnati and an MBA from Franklin University. In addition, she completed coursework at The Ohio State University, Fisher College of Business, master's of human resources and labor relations program.

Employee Recognition

The Office of the Ohio Consumers' Counsel (OCC) greatly values the hard work and dedication of its entire staff. Throughout the year outstanding individuals are recognized by their peers and rewarded for superior service to the agency.

For the ninth consecutive year, the OCC recognized individual employees, and named an Employee of the Year.

During fiscal year 2004, the OCC staff nominated their peers based upon specific criteria relating to their job performance, professionalism, work product and teamwork. The OCC recognized Pam Learman, Outreach and Education Specialist: Mike Plemmons, Network Administrator and Kim Bojko, Assistant Consumers' Counsel. This year, Mike Plemmons was selected the OCC Employee of the Year. Congratulations to each individual honoree and to all of the employees at the OCC for serving residential utility consumers well in 2003-2004.

Pam Learman – Outreach and Education Specialist

"Pam met with over 250 organizations and agencies in the past year to provide information about OCC's mission and services. She has a very positive, outgoing personality that is an asset in working with others in the office as well as our constituents throughout the state." – *wrote an OCC employee*

Mike Plemmons – Network Administrator

"Mike works hard to resolve a problem and he does so in a timely fashion. He is well known for his willingness to help with even the most basic computer question or problem. Whether it's addressing a database problem, protecting the OCC from a virus or finding a mouse that works, he's the 'go to guy.'" – *wrote an OCC employee*

Kim Bojko – Assistant Consumers' Counsel

"As the lead attorney on the FirstEnergy case, Kim Bojko spearheaded the OCC's efforts in the hearing room and through written pleadings in order to accomplish a victory in the first round of the case. She has a positive attitude, good sense of humor and a willingness to help others." – *wrote an OCC employee*

Electric

Ohio moved another year closer to the end of the market development period – December 31, 2005 – the time that the Ohio General Assembly allowed for our state to make electric choice work. However, many barriers remain that have kept consumers from realizing the full benefits of deregulation. The Office of the Ohio Consumers' Counsel (OCC) is committed to working toward the fulfillment of the legislative mandate embodied in Ohio's electric restructuring law, Senate Bill 3.

Rate plans

As a result of the lack of competitive choices, the Public Utilities Commission of Ohio (PUCO) in September 2003 requested the investor-owned electric utilities to submit "rate stabilization plans," which would determine the electric rates paid by customers for 2006 and beyond.

The OCC opposed the American Electric Power (AEP), Cincinnati Gas and Electric (CG&E) and FirstEnergy rate plans because they will harm residential consumers and violate Ohio's electric choice law. That law requires two options to be provided to customers after 2005: 1) an offer based on the price of electricity in the market; and 2) a rate based on the results of a bid among competitive suppliers.

The rate plans varied by company, but each is likely to result in higher rates while failing to adequately provide customers the two options specified in the law. The utility-submitted plans also contained violations of existing PUCO-approved electric choice transition agreements. The rate plans do not produce rate stability for consumers nor do they promote competition.

State of competition

As of December 2004, over 900,000 residential customers statewide – or about 22 percent of those eligible to participate in electric choice – had switched to a competitive supplier. This switching has primarily occurred in northern Ohio and is in large part due to aggregation programs that allow local governments and community groups to form energy buying pools. Aggregation in northern Ohio has been a success story for Ohio's electric choice program. Once barriers are removed in other areas of the state, the OCC believes that aggregation will increase. The OCC has worked to remove these barriers.

The OCC is supportive of continuing the work necessary to provide residential customers with the ability to choose an electric supplier and potentially save money. Ohio policy makers should examine our state's experience and determine what has worked, what has failed and what can be done to further enhance customer choice so that it delivers benefits far into the future.

Progress toward a fully developed electric market

Progress toward the development of short-term wholesale energy markets in part of the Midwest is set to occur in 2005 and may help move electric choice forward. These markets will allow suppliers to purchase power on a timely basis in response to changing demands due to weather or the economy. In addition, the markets should make electricity available from a greater variety of sources, potentially including renewable power.

Furthermore, work must be done to ensure that suppliers have fair and open access to the transmission system, which is needed to move electricity into and around Ohio. The full development of Regional Transmission Organizations (RTOs), which serve as independent operators and gatekeepers, will bring much-needed coordination to the transmission system.

Currently, Ohio is divided between two RTOs, the Midwest ISO and PJM. This division has created a "seam" that serves as an obstacle to the movement of reliable, cost effective power. These RTOs have begun to create a "joint and common" market, which should allow them to act together to remove the obstacles.

DP&L Voluntary Enrollment Program

In the Dayton Power & Light (DP&L) service area, the company, the OCC, PUCO staff and other organizations implemented an electric choice pilot program. This program, based on DP&L commitments made in an existing choice-related agreement, enabled customers to sign up to create a large electricity buying pool. The goal is to attract competitive suppliers starting in 2005 that could beat DP&L's price of electricity and save customers money.

During the signup period, over 50,000 DP&L customers joined the program by mail or telephone. In early 2005, competitive suppliers began to have an opportunity to place bids. Participating customers will only be switched if a lower price is achieved, and after being given the ability to "opt out," or withdraw, from the program. In the first of potentially four bidding rounds in 2005, no supplier bids were received.

Reliability

There is a continuing concern that many electric customers may not be receiving the dependable distribution service they pay for through current regulated rates. In January 2004, the OCC requested that the PUCO launch a statewide reliability investigation, highlighting several issues including the need for a review of current system reliability and utility maintenance practices.

Through its request, the OCC also sought a requirement that electric companies provide reports of past and current vegetation management activities, including current tree-trimming programs and system reliability expenditures over the past five years.
Later that month, the PUCO rejected the OCC's request.

In order to minimize the number of outages and their severity, the OCC believes that uniform statewide tree-trimming and vegetation management standards should be developed. Each electric company should be required to follow more specific rules and guidelines that would hold them financially accountable if proper maintenance on the distribution system is not performed.

The OCC will continue to advocate for the development of choices for electric service and for consumers to receive reliable power at reasonable prices.

Case Summaries

FirstEnergy Rate Stabilization Plan

The OCC advocated on behalf of 1.8 million FirstEnergy residential customers, served by Cleveland Electric Illuminating, Ohio Edison (northeast Ohio) and Toledo Edison (northwest Ohio).

In 2003, FirstEnergy submitted a rate plan to the Public Utilities Commission of Ohio (PUCO) that would determine most of the rates customers pay beginning in 2006. As originally proposed, the plan would have allowed FirstEnergy to collect over $1 billion in new charges from residential customers, and could have resulted in residential customers' generation rates increasing by as much as 50 percent over three years. In addition, the plan would have removed a consumer benefit in an existing PUCO-approved agreement by adding a new exception to the freeze on distribution service rates that is in effect through 2007.

The OCC vigorously opposed this rate plan because it was unlawful and imposed an unjustified and excessive "Rate Stabilization Charge" on residential customers. This charge exactly equaled the amount customers were paying in generation transition charges that, by law, were mandated to end in 2005.

A grassroots public awareness effort by the OCC, consumer groups and local governments resulted in significant changes to FirstEnergy's proposal. The PUCO required an auction among competitive suppliers. The OCC believed the auction, if structured correctly, had the potential to lower electric rates. However, the PUCO also modified and approved the rate plan, including the $1 billion residential Rate Stabilization Charge, to take effect in the event that the auction was not successful.

The OCC has appealed the PUCO's decision to the Ohio Supreme Court, where the case is pending.

— Case 03-2144-EL-ATA

Impact

$1 billion

Rate Stabilization Charge paid by residential customers

OCC Results

The PUCO made significant changes to FirstEnergy's proposed plan, eliminating some harmful rate increases and ordering a power auction. The PUCO-approved rate plan, however, still was unlawful and maintained high rates in northern Ohio, causing the OCC to appeal this case to the Ohio Supreme Court.

FirstEnergy Competitive Bidding Process and Auction

The OCC advocated on behalf of 1.8 million FirstEnergy residential customers, served by Cleveland Electric Illuminating, Ohio Edison (northeast Ohio) and Toledo Edison (northwest Ohio).

In June 2004, the PUCO ordered that a wholesale auction be conducted to supply electricity from 2006 through 2008 in the areas served by FirstEnergy. The auction would allow competitive suppliers to bid to provide electricity at a lower price than under FirstEnergy's Rate Stabilization Plan. Unlike the rate plan, the auction would produce rates fixed for the period 2006 through 2008. The PUCO would determine whether the auction results or the rate plan would provide better benefits for customers.

Case Summaries

Ohio law requires – and the OCC was a strong supporter of – holding a competitive bid in an attempt to lower the generation rates paid by FirstEnergy customers. However, any bidding process should be designed to provide a reasonable chance of success. The OCC, along with competitive suppliers and energy experts, provided numerous recommendations to improve the auction process proposed by FirstEnergy. For example, the OCC advocated that separate auctions be held for FirstEnergy's three Ohio companies, each of which charge different generation rates. This might have provided customers with lower rates for some of the three companies.

OCC Results

The PUCO ordered that a competitive bid be conducted, however it did not implement the OCC's recommended bidding process. That process would have provided a reasonable chance of obtaining lower generation rates throughout northern Ohio. A new bid will likely occur in 2005.

The OCC also advocated that the auction be held in mid-2005, when the Midwest's energy markets would be more fully developed and closer to the time the power would actually need to be provided. By waiting until the energy market is more fully developed, suppliers would have been able to reduce their risk. This reduced risk would have been reflected in a lower price.

The OCC's recommendations were rejected by the PUCO and the auction took place in December 2004. The PUCO announced that the auction failed, therefore putting the rate plan into effect beginning January 2006. On a positive note, the auction showed that there was over 9,000 megawatts of power available in the market to supply FirstEnergy's customers. — **Case 04-1371-EL-ATA**

Cincinnati Gas & Electric Rate Stabilization Plan

The OCC advocated on behalf of 600,000 CG&E residential customers in southwest Ohio.

In January 2004, Cincinnati Gas & Electric (CG&E) proposed a rate stabilization plan. The OCC opposed the plan, arguing it was unlawful and would result in significant rate increases for residential consumers.

Impact

$170 million

in new charges paid by residential customers

OCC Results

The OCC helped eliminate some violations of an existing CG&E electric choice agreement, including a proposed two-year extension of customers' transition charge payments. Those payments would have totaled $100 million.

The plan could have raised generation rates by as much as 40 percent over four years, beginning in 2006. These rate increases would have been for a variety of costs, including power, taxes and environmental compliance.

The plan also would have allowed CG&E to collect "regulatory transition charges" for two additional years beyond what was agreed to by CG&E and approved by the PUCO in 2000. The OCC opposed the two-year extension, which would have cost residential customers an additional $100 million. The plan also failed to require an effective competitive bid, which is mandatory under Ohio's electric choice law.

Over the OCC's objections, a settlement was reached in May 2004 between CG&E and some other parties in this case. This settlement violated the requirements of Ohio's electric restructuring law

(Senate Bill 3) by failing to require a competitive bid for generation. The settlement was modified by the PUCO to disallow the $100 million and approved by the PUCO in September 2004. The PUCO allowed the rate plan to move forward beginning in 2006 for residential consumers.

The OCC continued its opposition to the plan and the settlement, while CG&E contested some of the modifications made by the PUCO. Ultimately, the PUCO accepted significant changes sought by CG&E and approved a new version of the rate plan without a public hearing. The new plan allows the company to apply to the PUCO for significant generation rate increases each year based on a variety of costs. In addition to the magnitude of the rate increases, one significant problem is that even customers who switch to another generation provider must pay these costs.

An OCC request for the PUCO to reconsider its decision was denied in January 2005. The OCC will be appealing this decision to the Ohio Supreme Court in order to enforce Senate Bill 3 and protect CG&E's residential consumers. — **Case 03-93-EL-ATA**

American Electric Power Rate Stabilization Plan

The OCC advocated on behalf of 1.2 million AEP residential customers, served by Columbus Southern Power and Ohio Power in approximately half of Ohio's 88 counties.

In February 2004, American Electric Power (AEP) proposed a rate plan which, if approved by the PUCO, would raise its customers' generation rates by as much as 33 percent from 2006 through 2008. Some of the increases would be automatic, while others could be allowed based on a variety of factors, including AEP's security costs, taxes and new generation-related regulatory requirements.

Impact

$400 million

in new charges paid by residential customers

OCC Results

The PUCO modified and approved AEP's rate plan but agreed with the OCC that residential consumers should continue to receive an existing 5 percent generation rate discount that the company had proposed to end early. The rate plan itself, however, is still unlawful and the OCC is considering further legal action.

The OCC opposed the rate plan because it would violate Ohio's electric choice law, breach prior commitments made by AEP in a previous settlement and lead to higher rates. For example, the plan failed to require a competitive bid for electricity, which is mandatory under Ohio's electric choice law, Senate Bill 3.

The proposal also could have ended a 5 percent generation rate discount to residential customers in mid-2004, 18 months earlier than AEP agreed to in an electric choice agreement approved by the PUCO in 2000. While AEP presented an alternative that would maintain the discount through 2005, this option would have imposed higher generation rate increases from 2006 through 2008.

The PUCO modified and approved AEP's rate plan in January 2005. The plan will impose automatic generation rate increases of 9 percent for Columbus Southern Power customers and 21 percent for Ohio Power customers over three years, beginning in 2006. The PUCO also approved extra

charges to compensate AEP for additional generation cost increases, past power plant costs in violation of the rate freeze contained in Senate Bill 3 and other items.

The OCC is considering further legal options to protect AEP's residential consumers.

— **Case 04-169-EL-UNC**

Electric Reliability

The OCC advocated on behalf of 4.1 million residential customers served by Ohio's investor-owned electric companies (American Electric Power, Cincinnati Gas & Electric, Dayton Power & Light, FirstEnergy and Monongahela Power).

In January 2004, the OCC asked the PUCO to conduct a statewide reliability investigation of all of Ohio's investor-owned electric utilities. The OCC was concerned that many customers were not receiving the dependable service for which they were paying through current distribution rates. It believed that publicly reported reliability problems regarding American Electric Power's (AEP) distribution system and FirstEnergy's transmission system could be just the beginning of problems that would impact customers' electric service. Later that month, the PUCO rejected the OCC's request.

OCC Results

The OCC's most recent request for an investigation is pending at the PUCO, where the OCC continues to advocate for customers to receive reliable electric service.

In December 2004 and January 2005, hundreds of thousands of AEP customers experienced power outages following winter storms, with some residents going without electricity for over a week on each occasion. The OCC believed that better preventive maintenance might have lessened the sheer number and length of the outages.

In January 2005, the OCC called on the PUCO to conduct a full investigation and to hold local public hearings where consumers could state their perspectives. The OCC is awaiting PUCO action. One focus of the OCC's call for an investigation is to look into measures that can reduce the magnitude of future power outages. — **Cases 04-0023-EL-UNC, 05-46-EL-UNC**

Natural Gas

In 2004, the natural gas industry proved once again how volatile the commodity can be. Throughout the year, wholesale prices rose nationwide, causing Ohio's regulated natural gas rates to increase. Competitive suppliers' prices also rose due to those market conditions, and savings opportunities for consumers were not as great as in previous years. As a result, there have been discussions about the current regulated Gas Cost Recovery (GCR) rate as an effective pricing structure as well as the role natural gas companies and suppliers will play in serving Ohio's 3.1 million residential natural gas customers.

Natural gas prices

The entire nation experienced another year of escalating natural gas prices as traditional factors, such as the weather and production, were compounded by oil uncertainty in the Middle East and Russia. Because many large industrial customers can interchangeably use oil and natural gas as a fuel source, the prices for these two sources of energy are closely linked. Also adding pressure on natural gas prices has been the increasing demand for gas power plants to generate electricity.

High natural gas prices and increased volatility prompted discussions about the appropriateness of the current quarterly GCR rate used by regulated natural gas companies as a means of sending accurate pricing signals to consumers. In November, both Columbia Gas of Ohio and Dominion East Ohio proposed that the Public Utilities Commission of Ohio (PUCO) approve an interim monthly GCR rate increase due to the price spikes in the wholesale market. By changing the rate on a monthly basis, the companies intended to more accurately reflect market prices and lessen the amount of future adjustments.

The OCC intervened in both cases, advocating for a rate that reflected the best estimate of market conditions to ensure consumers had accurate information on which to base energy usage decisions. In addition, the OCC asked the PUCO to take steps to mitigate the impact of high natural gas costs on customers by establishing increased funding for energy efficiency and weatherization programs.

Anticipating that natural gas prices will remain volatile, the OCC is focused on implementing additional programs and educating consumers about available resources to help them take control of their energy usage and lessen the financial strain of monthly utility bills.

Energy efficiency and conservation

One of the OCC's objectives during the latter half of the year was to focus on making additional funding available to invest in energy efficiency and weatherization programs. Energy efficiency programs, also known as demand side management (DSM), give consumers the opportunity to reduce their natural gas usage through improvements to their homes such as purchasing more efficient appliances or installing additional insulation. By taking control of their energy usage, consumers can significantly lower their monthly bills. The long-term effect is that reducing the demand for energy will likely help to reduce prices overall so even those consumers who do not participate in energy efficiency will benefit.

In the coming year, the OCC will advocate for increased energy efficiency funding and make recommendations for programs that will provide an opportunity for more people to participate.

State of competition

More than 1 million residential households had chosen an alternative natural gas supplier by the end of 2004. While participation levels remained relatively stable, the amount of savings available to those customers declined as natural gas supplier prices rose.

However, the number of communities choosing to pool their constituents' natural gas usage and shop for a competitive supplier increased when 14 new communities passed aggregation ballot initiatives in 2004. These neighborhoods joined the more than 220 others that had already voted in favor of natural gas aggregation.

Dominion East Ohio

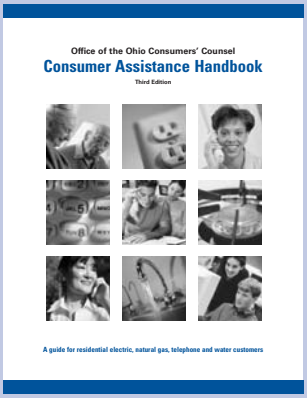
At one point in 2004, 57 percent of Dominion East Ohio's 1.1 million residential customers were purchasing natural gas from a competitive supplier, prompting the company to consider whether it will continue to sell natural gas at a regulated rate to its customers. After Dominion held discussions with stakeholders, including the OCC, the company indicated it expects to submit a plan to the PUCO in 2005 to stop selling natural gas and focus solely on delivering natural gas to customers.

In these discussions, the OCC has advocated that consumers must not be harmed in this process and should benefit in the long run. Other concerns the OCC believes should be addressed include: an assurance that consumers will not experience any interruption in service; funding for energy efficiency programs; and a detailed education plan so that consumers will understand any future changes to their service and natural gas bill.

The OCC will continue to participate in discussions and thoroughly review and comment on any proposed Dominion plan. When a decision is made by the PUCO on whether to allow Dominion to cease selling gas at a regulated rate, the OCC will provide the tools residential consumers need to make informed decisions and answer their questions.

"When working with consumers through Chillicothe Metropolitan Housing, it is important to have quality information to provide to residents. The information that was presented to us from the Ohio Consumers' Counsel through the 'Stay Connected' Train-the-Trainer program was up-to-date and valuable with helping our constituents keep their utilities connected all year round."

Cindi Edwards
Family Self Sufficiency
Chillicothe Metropolitan Housing



Case Summaries

Columbia Gas of Ohio and Dominion East Ohio Interim GCR Rate Requests

OCC Results

Timely GCR rates for December 2004 and January 2005 for the 1.3 million customers of Columbia and 1.1 million customers of Dominion.

After just a few weeks into a new quarterly Gas Cost Recovery (GCR) rate period that began in November 2004, both Columbia Gas of Ohio and Dominion East Ohio filed for an interim GCR rate increase for December 2004 and January 2005, citing a price spike in the wholesale natural gas futures market. Columbia proposed to increase its rate from $8.79 to $9.94 per Mcf. Dominion filed to increase its rate from $8.79 to $9.98 per Mcf. The OCC intervened in the cases to argue that while natural gas prices should reflect the best estimate of market conditions to ensure accurate pricing signals are sent to customers, these increases would impose a significant financial burden on residential consumers. The OCC asked the Public Utilities Commission of Ohio (PUCO) to take the necessary steps to ensure the GCR rates were based on current market prices and also recommended measures to mitigate the financial impact on customers, if the increases were approved.

In late November 2004, the PUCO ordered each company to refigure and refile its December GCR rate using more current wholesale market information. As a result, both companies filed lower December GCR rates. The PUCO also ordered the companies to file a January 2005 GCR rate seven days prior to its effective date using market prices at that time. — Cases 04-1717-GA-UNC and 04-1715-GA-UNC

Columbia Gas of Ohio Stipulation

The OCC, and other parties, filed in opposition to an agreement among Columbia Gas of Ohio and several parties that dealt with the company's distribution rates, Gas Cost Recovery rates and gas choice program. The OCC believed the agreement harmed residential consumers and violated important regulatory principles and practices. The OCC's points of contention included provisions that: pre-approved cost recovery of Columbia's pipeline capacity costs for six years; allowed Columbia the opportunity to keep millions of dollars in revenues from the off-system sale of natural gas and release of pipeline capacity; pre-approved $29 million in charges to customers without Columbia having to justify its actual costs; and allowed the company to defer $124 million in plant-related costs to be collected from customers through future distribution rates.

OCC Results

Reduction of future distribution rates by $70 million and the elimination of an additional $29 million in charges for Columbia's 1.3 million customers.

In March and May 2004, the Public Utilities Commission of Ohio (PUCO) modified and approved the agreement. Some of the PUCO's modifications, which partially addressed the OCC concerns, included: reduction of the agreement period to four years; not pre-approving the company's pipeline capacity costs; not pre-approving the $29 million in charges; and reducing the plant-related deferral costs to $54 million.

In July 2004, the OCC filed an appeal at the Ohio Supreme Court to address its remaining concerns, which, if successful, would cause the PUCO to reconsider its approval of the agreement. — Case 94-987-GA-AIR

Case Summaries

Northeast Ohio Natural Gas Rate Case

Late in 2003, Northeast Ohio Natural Gas filed an application at the Public Utilities Commission of Ohio (PUCO) seeking more than $1.7 million in additional revenues, a 68 percent rate increase. In February 2004, the OCC intervened in this case and advocated for several key issues, including the amount of the proposed increase and the need for energy efficiency program funding to help consumers mitigate the impact of rising natural gas costs. The company, PUCO staff, the OCC and other parties reached an agreement that was approved by the PUCO. As a result of that agreement, the PUCO's order reduced Northeast Ohio Natural Gas' rate increase request by 12 percent and directed the company to make an annual contribution of $16,200 to community action agencies in its service areas to be used for residential customer home weatherization assistance. — Case 03-2170-GA-AIR

OCC Results

Reduced the level of rate increase by 12 percent and secured $16,200 annually in weatherization assistance for the conpany's eligible residential natural gas customers in 11 Ohio counties.

Vectren Gas Cost Recovery Financial Audit

Annually, the Public Utilities Commission of Ohio (PUCO) orders a financial audit of Ohio's investor-owned natural gas utilities to examine the accounting accuracy of natural gas costs in the companies' GCR rates. In February 2004, a financial audit of Vectren' s GCR rates for November 1, 2002 – October 31, 2003 was completed. During a review of the audit, the OCC identified an error by which the company failed to apply its transition rider to 349 residential customers' bills. The transition rider collects or refunds any under or over recovered natural gas costs previously not charged or paid by customers. In this case, Vectren should have credited back over-collected natural gas costs to 349 customers. The OCC reached an agreement in this case with the company and PUCO staff, which included crediting $5,400 to the 349 affected customers on their May 2004 natural gas bills. — Case 03-220-GA-GCR

OCC Results

349 customers saved $5,400

Winter Reconnect Order

In October 2004, the Public Utilities Commission of Ohio (PUCO) issued its annual winter reconnect order. The order allows consumers to pay a one-time fee to have their electric or natural gas service restored or protects customers from having these utility services disconnected. Consumers also have to apply, if eligible, for Ohio's Percentage of Income Payment Plan and Home Energy Assistance Program and make arrangements with the company to pay any balances due. In response to the PUCO's order, the OCC filed in support of a proposal by the Ohio Partners for Affordable Energy (OPAE), which asked the PUCO to add language addressing the fact that many consumers were being disconnected while waiting to apply for financial assistance because utility companies no longer accepted lists of customer appointments from community action agencies. Previously, these lists served as verification that a customer was trying to obtain financial assistance and therefore should not be disconnected.

OCC Results

Keeping consumers connected to their electric and natural gas service.

In November 2004, the PUCO granted OPAE's and the OCC's request and added language stating that utility companies cannot disconnect customers who have a confirmed appointment with a community action agency unless confirmation of financial assistance is not made within five business days after the appointment date. — Case 04-1503-GE-UNC

Telecommunications

Ohioans saw many new developments in the telecommunications industry during 2004, including increases in competitive choices for Verizon customers and a decrease in choices for SBC Ohio customers. New technology for providing local telephone service over the Internet emerged as another option for more consumers.

The Office of the Ohio Consumers' Counsel (OCC) participated in a number of important telecommunications cases last year that directly affected residential telephone customers. The OCC argued at the Public Utilities Commission of Ohio (PUCO) and the Ohio Supreme Court against higher rates and advocated for more competitive choices and additional consumer protections for residential telephone services.

Local telephone service

During the year, customers in SBC Ohio's service area experienced a decline in the number of companies that competed for local residential customers. This was due in part to a decision handed down by the PUCO to raise the wholesale loop rates that SBC Ohio charges to competitors that lease lines from the company. In December, the OCC filed at the PUCO for a rehearing on these increases, arguing that the increases in the wholesale rates were not cost justified and would destroy competition.

In addition to the PUCO's decision, the Federal Communications Commission (FCC) ruled that SBC and other carriers no longer have to provide access to local telephone lines and equipment to competitive local telephone service providers. The OCC urged the FCC to ensure that competition for local service be given time to grow and expand.

In other regions of the state, additional companies entered the Sprint and Verizon service areas to provide service to residential local telephone consumers. As of June, Verizon customers had four additional companies to choose from when comparing which service offer best met their needs.

New telecommunications technology

Customers in many areas of the state have yet to see many forms of competition develop except by non-traditional local telephone service providers. The main source of available competition was brought by companies offering Voice over Internet Protocal (VoIP).

VoIP allows consumers to have telephone service through their high-speed Internet connection. While the OCC believes that this technology presents the opportunity for increased competition and potential savings, the OCC also is working to ensure that the consumer protections for this service are comparable to traditional telephone service. The FCC ruled that VoIP is an interstate service and not subject to state regulation. One of the key issues that the FCC's decision affected is the states' authority to require VoIP companies to provide their customers with 9-1-1 emergency services. The OCC will continue to advocate that all consumers purchasing some form of local service deserve comparable protections no matter how they receive their local telephone service.

Elective alternative regulation plans

During this past year, ALLTEL/Western Reserve, CenturyTel, Chillicothe Telephone and Cincinnati Bell Telephone received approval to operate under "elective alternative regulation" plans. Elective alternative regulation allows companies to raise the price of features such as Three-Way Calling and Call Forwarding without limitation if there is a finding that competition exists in their service territory. The price for Call Waiting and second lines are capped for two years; after such time, price increases for these services are limited to 10 percent a year. Under the plan, the price for basic local service is capped. Also, the companies are required to offer a Lifeline program to help low-income consumers obtain and keep local telephone service.

The OCC argued before the Ohio Supreme Court that not only did the PUCO act illegally when it declared that all telephone services throughout Ohio were competitive but also that these companies should not have been allowed to operate under these rules.

Additionally, SBC Ohio and Sprint used their power under elective alternative regulation plans to raise several rates over the past year for many services. For example, Sprint increased its Directory Assistance charge from $.50 to $.95 and increased its Call Forwarding and Three-Way Calling charges from $2 to $3. SBC Ohio increased several prices including Directory Assistance from $.75 to $1.10, added a $2.95 monthly recurring charge to its Anytime Calling Plan and increased the monthly rate for Automatic Callback from $4.10 to $5.

"When I signed up with a local telephone competitor, I was promised a package with multiple features. After receiving my first bill, I noticed that the features were listed, but were not available on my telephone. After six months of trying to get the issue resolved I contacted the Ohio Consumers' Counsel (OCC). With the help of the OCC, the issue was resolved quickly. My account was credited $85 and I switched back to my local telephone provider without a delay of service."

Betty Koehn
Consumer
Milan, OH

"Imagine my surprise when I opened my telephone bill and saw that my long-distance calls were not going through the company I thought they should be. After months of trying to work with the telephone companies and getting nowhere, I called the Ohio Consumers' Counsel (OCC). With an OCC representative working with the companies I was switched back to the correct long-distance company and saved nearly $40."

Shirley Egbert
Consumer
Tiffin, Ohio

Case Summaries

SBC Ohio Total Element Long Run Incremental Cost

During the past few years, SBC Ohio has filed several times to increase the wholesale rate it charges to lease its telephone lines to competitors.

OCC Results

The OCC's recommendation on the rate of return to be used in determining the wholesale loop rates was adopted by the PUCO.

In March 2004, SBC again filed at the Public Utilities Commission of Ohio (PUCO) for wholesale rates to be increased to as much as $28 per line. The Office of the Ohio Consumers' Counsel (OCC) filed in opposition to this request, reasoning that the increase was not cost justified and would be detrimental to competition for local telephone service. The PUCO ruled that SBC could raise the rate on an interim basis to between $8.84 and $11.43 up from $5.84 to $9.43, and that the PUCO would set a permanent rate in November 2004.

Although the OCC continued to advocate for lower rates, the PUCO decided to set the permanent rate between $9.54 and $13.66. The OCC filed for a rehearing in early December 2004, which was denied by the PUCO. As a result of the increases and activity at the federal level, several competitors have stopped accepting new local residential telephone customers while other competitors raised their rates for popular plans. — **Case 02-1280-TP-UNC**

Cincinnati Bell Telephone Lifeline Plans

Cincinnati Bell Telephone joined several other Ohio telephone providers in operating under an "elective alternative regulation" plan in June 2004. There were many items in the plan that the Office of the Ohio Consumers' Counsel (OCC) believed to be harmful to consumers including the fact that the company would be able to raise rates for most features without having to file with the state. One positive result of Cincinnati Bell beginning to operate under the elective alternative regulation plan was that it was required to offer an enhanced Lifeline program for its low-income customers who need assistance to pay their monthly bills. Prior to this result, Cincinnati Bell offered two plans: one plan based on federal guidelines that gave a lower discount but allowed more service features, and a company-specific plan that gave a higher discount but prohibited additional service features. Cincinnati Bell asked the Public Utilities Commission of Ohio (PUCO) for a waiver of the rule so it could continue offering its federal Lifeline plan and not provide customers with an enhanced plan.

OCC Results

The OCC efforts provided over 31,200 customers in Butler, Hamilton, Clermont and Warren counties with an additional $5.25 per month savings over what they received under the federal Lifeline plan.

The OCC opposed the Cincinnati Bell waiver request arguing at the PUCO that the enhanced Lifeline plan, as stated in the rules, was reasonable and must be implemented when a company is approved for an elective alternative regulation plan. The efforts of the OCC resulted in the PUCO denying the waiver and ordering Cincinnati Bell to offer the enhanced state Lifeline plan and to switch those customers on the federal plan to the new plan. These customers are now receiving a higher discount. This result not only helped many customers pay less on their bills, but also enabled more of them to keep their telephone service connected. — **Case 04-720-TP-ALT**

Case Summaries

FCC Truth-In-Billing

In March 2004, the Office of the Ohio Consumers' Counsel participated through the National Association of State Utility Consumer Advocates (NASUCA) in filing at the Federal Communications Commission (FCC) a petition that would make telecommunications companies provide more truthful information on their bills. For example, telecommunications companies should be prohibited from describing their fees and surcharges in a way that could mislead consumers into believing that the fees are required by the government, such as labeling discretionary surcharges as "regulatory" costs. This results in consumers paying more for services than anticipated. It also makes comparing offers from different providers very difficult. In June 2004, 16 parties and 19 individuals filed comments in support of the NASUCA filing. Multiple telephone companies filed comments opposing the consumer petition. In March 2005, the FCC decided that the same rules that NASUCA believes are inadequate for the long-distance industry should apply to cellular companies. It also limited states' ability to protect cellular customers and may limit long-distance safeguards. — **Case 04-208**

OCC Results

Increase national awareness of misleading telephone charges. An anti-consumer decision by the FCC could be appealed in Federal Court.

FCC Lifeline Changes

In 2001, the Federal Communications Commission (FCC) requested comments on proposed changes to rules for the Lifeline and Link-Up programs that began in the early 1980s. These programs provide assistance to low-income consumers to establish local telephone service and to receive monthly discounts on telephone bills. The Office of the Ohio Consumers' Counsel, through the National Association of State Utility Consumer Advocates (NASUCA), filed comments in this proceeding in 2002 and reply comments in 2003.

OCC Results

Consumers in Ohio's 88 counties have more ways to qualify for the federal Lifeline program.

In April 2004, the FCC adopted and released its revised rules for the administration of the Lifeline and Link-Up programs. The revisions allow consumers to qualify for assistance if they meet 135 percent of the federal income guidelines or participate in the National School Lunch free lunch program or in Temporary Assistance for Needy Families. NASUCA then filed to request that the FCC change the income guideline to 150 percent of the federal poverty guidelines to better match the income requirement in several participating programs. No decision has been made on that filing at this time. — **Case 03-109**

Water

For the residential customers of Ohio's investor-owned water companies, 2004 brought multiple rate cases before the Public Utilities Commission of Ohio (PUCO). As the state's residential utility consumer advocate, the Office of the Ohio Consumers' Counsel (OCC) intervened in these cases on behalf of residential consumers in an effort to ensure the continuation of reliable service and water quality at reasonable rates.

Water rates

Both Ohio American Water and Aqua Ohio – Ohio's two largest investor-owned water companies – filed for rate increases at the PUCO in 2004. The OCC intervened in both cases to review the appropriateness of the requested increases. In both cases, a settlement was reached with each company, the staff of the PUCO, the OCC and other parties, which reduced the levels of the requested rate increases. In the Aqua Ohio case the company received approximately 10 percent rather than its requested 13.26 percent increase. Modifications made to the company's original request sought by OCC and contained in the settlement included a lower rate of return on base rates, revising its bill format to clarify the bill due date and inclusion of the OCC's toll-free customer service number and web address on customers' bills.

Water quality

The OCC continued to monitor water rate cases and complaints received through its toll-free number to ensure that consumers' rights to safe, drinkable and reliable water service were not infringed upon. One such issue is addressed in the Ohio American Water rate case stipulation that the OCC entered into with the company and PUCO staff. A portion of the stipulation addressed consumers' concerns with water hardness by requiring the company to provide regular reports to the PUCO to ensure it is meeting the allowable water hardness standards.

Water efficiency

One of the OCC's objectives in 2004 was to make additional funding available to invest in water efficiency and conservation programs. In the Ohio American Water rate case, the OCC asked the company to consider implementing water conservation and low-income assistance programs. These measures would help residential consumers control their water usage and pay their monthly bills. The Ohio American Water stipulation filed at the PUCO in September 2004 and approved in February 2005 included plans to continue dialogue among the company, OCC and PUCO staff about the development of water efficiency and low-income assistance programs.

Since many of Ohio's customers receive water and sewage services from their local city or municipality instead of an investor-owned utility, the OCC does not formally have the jurisdiction to advocate on their behalf. However, the OCC continued to answer questions and provide educational resources to assist all of Ohio's water customers. The following free fact sheets are available from the OCC: Ohio's Water Standards and Consumers' Rights, How to Better Understand Your Water Bill, How to Read a Water Meter and Water Conservation Tips.

Case Summary

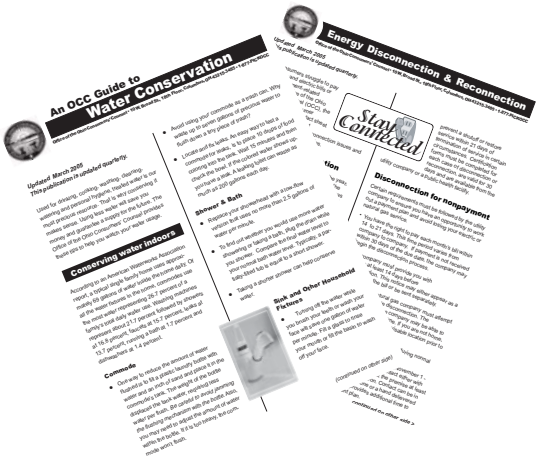
Aqua Ohio System Improvement Charge

In 2003, Aqua Ohio Water Inc. applied for a rate increase at the Public Utilities Commission of Ohio (PUCO) for its Lake Erie service area. In March 2004, the company also filed a request to implement a system improvement charge for that same service area. This charge covers costs associated with the cleaning and replacement of water mains. The OCC filed in opposition to the timing of the improvement charge request arguing that it was inappropriate for the company to seek recovery of these costs during the company's pending rate case. Instead of collecting costs sooner through a rider, OCC argued that the company should include the cost of the improvement projects in its pending rate case.

OCC Results

The company withdrew its request resulting in $47,500 in savings for the company's 28,800 customers in its Lake Erie service area.

In July 2004, Aqua Ohio withdrew its request for the system improvement charge which resulted in $47,500 in customer savings. — Case 04-310-WW-SIC



For more resources, visit our website at www.pickocc.org or call us toll free at 1-877-PICKOCC.

"Having the access to the right material so that utilities make sense is important. The OCC's fact sheets and other publications provide just the right information for our clients to make informed decisions. The Comparing Your Energy Choices is very helpful with seeing whether you could save money by switching electric or natural gas suppliers. Whatever the utility topic, the OCC has the right publication."

"What better way to assist consumers than going to bat for them with the company. One of our clients was facing electric disconnection. We called the OCC right away. The person we spoke with worked with us and the utility company to come to an agreement and helped to arrange a payment program. Without the OCC's help, our client most likely would have been without electricity."

Sue Daugherty
Executive Director
Serving Our Seniors

Communicating with Consumers

Direct contact

Precise communication with consumers is an integral part of the Office of the Ohio Consumers' Counsel's (OCC) approach to advocacy. Through direct contact, the OCC's website, media relations and printed materials, the agency strives to keep Ohioans informed of utility issues and consumer protections.

Major education campaigns

While the OCC continued to educate consumers on a variety of utility topics, two of the agency's major education campaigns were 1) the introduction of the new Consumers' Counsel along with her new objectives and goals for the agency, and 2) the electric rate stabilization plans. Each communications plan included public meetings around the state, printed materials, news stories and website information.

New printed materials

The OCC offers over 100 fact sheets on a variety of utility topics. This year, the agency debuted several new fact sheets designed to assist consumers with making utility decisions.

Natural gas and electric. High energy costs prompted consumers to evaluate the way they managed their utility bills. To assist consumers, the OCC created information on the Home Weatherization Assistance Program and designed a fact sheet to alert consumers about potential fees associated with paying utility bills online or over the telephone.

Telephone. The OCC developed information on making telephone calls over the Internet and switching home telephone service to cellular.

Utility assistance. From time to time, consumers need assistance. The OCC created a brochure designed to describe how to pay off Percentage of Income Payment balances and a fact sheet on disconnection and reconnection policies for soldiers on active duty. In addition, the agency developed guides on utility line insurance and renter's utility responsibilities, among many others.

Additions to the Internet

In 2004, over 970,000 consumers visited the agency's website for information. Enhancements to the website made it easier for consumers to educate themselves and become involved in the advocacy process.

Action Alerts Network. Realizing the power of the website, the OCC developed the Action Alerts Network to encourage consumers to voice their concerns about proposed utility changes.

Message from the Consumers' Counsel. Bi-monthly messages provided a format for the Consumers' Counsel to "talk" to Ohioans about current events.

Choice information. As natural gas prices increased, so did the need for more consumer information. In addition to posting current natural gas prices on the website, the OCC also began providing historical regulated natural gas rates.

Outreach & Education

In 2004, representatives of the Office of the Ohio Consumers' Counsel (OCC) traveled across the state to provide educational programs and distribute materials on a variety of utility topics. Two of the year's initiatives focused on reaching out to non-English speaking audiences and consumers with special needs such as the visually impaired. In addition, the OCC partnered with the Office of Energy Efficiency to develop a more comprehensive presentation on energy efficiency.

Stay Connected training initiative

The OCC continued to reach out to organizations and agencies through the Stay Connected program. This comprehensive presentation provided information on financial assistance programs available to help keep electric, natural gas and telephone service connected. The presentation was designed to address many of the common questions received by the OCC's staff about financial assistance programs, how to prevent disconnection of service and how to reinstate service. The services of the OCC, including complaint resolution, available education programs and assistance with understanding utility bills also were covered. Presentations were provided to over 150 organizations and agencies reaching over 4,000 staff members of Goodwill Industries, Urban Leagues, Department of Job and Family Services, Adult Basic Literacy Education, County Boards of MR/DD, United Way, Office of Veterans Affairs and many senior organizations. The staff members who received the training work directly with consumers who are eligible and/or currently receiving assistance to stay connected to their utility services. A complete packet of information on the assistance programs was provided to each participant.

PIPP arrearage forgiveness – reducing PIPP debt

For consumers who use the Percentage of Income Payment Plan Program (PIPP) to assist them with retaining utility service, the arrearage or unpaid bill portion has always been of concern. Dominion East Ohio, Columbia Gas of Ohio and Vectren Energy Delivery of Ohio now offer a program that credits PIPP customers who pay their bills on time. To promote awareness of this program the OCC developed a brochure and poster and distributed over 26,000 to agencies and organizations who work with low-income clients.

Alternative bill formats – serving seniors and the visually impaired

Seniors are Ohio's fastest-growing population and nearly 1.3 million have vision problems. Currently 187,000 Ohioans, age 40 and older, are legally blind or visually impaired. Large print and Braille bill formats are important for Ohio's visually impaired customers. Recognizing this need, a few utilities in Ohio offer large print and Braille version bills. To promote awareness about these options, the OCC provided information to the agencies and organizations in the state that work with blind, visually impaired or senior clients.

Energy efficiency – an option for lowering utility bills

With rising utility costs and more consumers looking for ways to lower their utility bills, the OCC worked closely with the Office of Energy Efficiency to develop a comprehensive presentation on energy efficiency. The speech has helpful information for both existing homes and homes under

construction. Energy efficiency measures can lower utility bills by as much as 30 percent, especially for older homes with high usage.

Reaching out to the Hispanic community

In an effort to educate and resolve utility issues for the Hispanic/Latino community, the OCC has built relationships with many agencies that serve the Spanish-speaking population. The OCC has worked with Adelante Inc. in Toledo, Spanish American Committee in Cleveland, Ohio Hispanic Coalition in Columbus, Organización Civica y Cultural Hispana Americana in Youngstown and El Centro De Servicios Sociales, Inc. The OCC also has created and distributed a Spanish newsletter and many other informational publications have been translated into Spanish.

Reaching out to the Somali population

Recognizing that Columbus has one of the largest Somali populations in the United States, the OCC began a concerted effort to reach out to this community by providing information and assistance with understanding utility bills. Presentations were provided to English as a Second Language classes, adult basic literacy education classes and family literacy programs. An easy-to-read brochure on signing up for utility services was translated into the Somali language.

OCC Results

- Traveled to 207 cities in Ohio
- Conducted site visits with 470 organizations and agencies
- Provided presentations to 532 organizations/agencies
- Distributed 430,000 educational materials to consumers and organizations
- 517 organizations and agencies contacted OCC to request materials for their constituents
- Participated in 101 shows, fairs, breakfast breaks and listener lunches to meet and speak with over 24,000 consumers
- Visited 484 agencies and organizations in Ohio to educate them about OCC's services
- The bi-monthly newsletter is mailed to over 86,000 consumers, consumer organizations and agencies

Consumer Response Center

During 2004, the OCC's Consumer Response Center (CRC) received close to 109,000 contacts. Through these contacts, the CRC handled more than 12,600 complaints for Ohio consumers, resulting in savings of $336,124 and numerous instances of helping Ohioans become more informed about their utility services.

Since the CRC is a direct line to consumers, an independent survey was conducted of people who contacted the CRC to ensure that the OCC met their needs. The results revealed that 80 percent of those surveyed believe that the CRC service was good, very good or excellent.

The OCC also evaluated consumers' complaints to identify key consumer protection issues. The most frequent issues included the closure of utility payment centers, trouble contacting utility companies due to inefficient telephone systems, improvements needed in tree trimming plans due to an increase in power outages and protection of consumer rights in cases involving disconnection of utility service.

In an effort to increase the level of assistance that the professionals in the CRC are able to provide consumers, the OCC made several improvements and changes during the year. Among other changes, the OCC improved the database used to track complaints and information requests. The CRC investigators can now link directly to financial assistance resources, which allows them to guide consumers to community organizations that have funding available to help pay bills, especially important during the winter heating and summer cooling seasons. Also, the OCC integrated the technology that allows the CRC staff to correspond with utility companies by e-mail directly through the database, which allows for faster updating of consumer files. The OCC added other tools to help the investigators manage larger caseloads, ensuring that more consumers in need are served quicker.

During the upcoming months, the CRC will be working to streamline the information process not only between the OCC and consumers, but between internal staff as well. An OCC attorney will be dedicating time to the CRC to facilitate quicker responses on complaints involving issues such as disconnections and financial assistance for low-income consumers. The investigators also will be working to become even more effective with issue identification and complaint resolution.

Fiscal Report

Utility companies assessed more than $100,000 for FY 05

Ohio Edison Company	$698,220.30
Cleveland Electric Illuminating Company	$559,494.67
Cincinnati Gas & Electric Company	$573,448.75
Ohio Power Company	$458,101.50
SBC Ohio	$448,784.46
Columbia Gas of Ohio, Inc.	$431,006.01
Columbus Southern Power Company	$392,947.87
Dominion East Ohio Gas Company	$351,204.02
Dayton Power and Light Company	$318,643.34
New Par (dba AirTouch Cellular)	$282,718.30
Toledo Edison Company	$264,530.43
FirstEnergy Solutions Corporation	$159,482.82
Sprintcom, Inc.	$138,723.15
Cincinnati Bell Telephone Company	$122,979.23
Verizon North, Inc.	$116,931.43
Vectren Energy Delivery of Ohio	$113,556.33
Nextel West Corporation	$100,885.58

Operating Budget - FY 05 Appropriations

100 Personnel Services	$7,038,003.00
320 Maintenance and Equipment	$1,944,516.00
401 Consultants and Transcripts	$295,000.00
Total	**$9,277,519.00**

Encumbrances and Disbursements for FY 05

(July 1, 2004 — December 31, 2004)

100 Personnel Services	$3,002,175.40
320 Maintenance and Equipment	$724,729.06
401 Consultants and Transcripts	$222,389.82
Total	**$3,949,294.28**

The Office of the Ohio Consumers' Counsel (OCC) is funded through an assessment on the intrastate gross receipts of the state's investor-owned utility companies pursuant to Section 4911.18 of the Ohio Revised Code. In 1997 the Ohio General Assembly created the OCC Operating Fund, designed to separate the OCC's assessment dollars from the state general revenue fund.

The OCC assessed 448 utility companies for operating funds for fiscal year 2005. Companies can pass on the cost of supporting the OCC to their customers (less than 4¢ of every $100 paid in utility bills).

Electric Case Participation

Case Number	Company	Issue
01-2164-EL-ORD	All Ohio Electrics	Competitive Bidding Rules
02-570-EL-ATA	Dayton Power & Light Company	Customer Deposits
02-2364-EL-CSS	OCC v. Dayton Power & Light Company	Complaint
02-2779-EL-ATA	Dayton Power & Light Company	Extension of Market Development Period
03-93-EL-ATA	Cincinnati Gas & Electric Company	Rate Stabilization Plan
03-1966-EL-ATA; 03-1967-EL-ATA; 03-1968-EL-ATA	FirstEnergy	Amendments to Supplier Tariff
03-2038-EL-UNC	NOPEC v. FirstEnergy	Rule Change and Violation of Regulations
03-2079-EL-AAM; 03-2080-EL-ATA; 03-2081-EL-AAM	Cincinnati Gas & Electric	MISO; MDP; Accounting
03-2144-EL-ATA	FirstEnergy	Rate Stabilization Plan
03-2341-EL-ATA	Dayton Power & Light	Competition/Aggregation
03-2405-EL-CSS	Dominion Retail v. Dayton Power & Light	Charging CRES generation suppliers monthly/per customer charge
03-2567-EL-ATA	Monongahela Power	Approve Pass Through and Implement Surcharge for Wholesale Power
03-2570-EL-UNC	Columbus Southern Power/Ohio Power Companies (AEP)	Settlement Agreement on Reliability
04-23-EL-UNC	Ohio's Investor-Owned Electric Companies	Commission Investigation into Reliability of Wire Service
04-28-EL-CSS	S.G. Foods v. FirstEnergy	Class Action
04-48-EL-ORD	All Ohio Electric Companies	Rule Review (ETP)
04-85-EL-CSS	Miami Valley v. Dayton Power & Light Company	Complaint
04-169-EL-UNC	Columbus Southern Power & Ohio Power (AEP)	Market Development Period; Rate Stablilization Plan
04-329-EL-UNC	Dayton Power & Light	Waiver Request (ESSS Reporting)
04-486-EL-COI	Dayton Power & Light	Financial Condition
04-680-EL-AIR and 04-681-EL-AAM	Cincinnati Gas & Electric	Rate Case
04-880-EL-UNC	Monongahela Power Company	Remand of MDP from Court
04-1047-EL-ATA	Monongahela Power	Competitive Bid Process
04-1214-EL-ATA	Dayton Power & Light	Implement PJM Admin Fee Rider

Case Number	Company	Issue
04-1371-EL-ATA	FirstEnergy	Competitive Bid Process
04-1405-EL-ATA; 04-1406-EL-ATA; 04-1407-EL-ATA	FirstEnergy	ESSS Tariff Changes
04-1616-EL-UNC	Ohio Department of Development	Universal Service Fund Riders
04-1645-EL-AAM	Dayton Power & Light	PJM Costs Deferral
04-1811-EL-AAM; 04-1812-EL-UNC; 04-1813-EL-AAM; 04-1814-EL-ETP	Cincinnati Gas & Electric	Transition Plan; Recovery of Generating Plant Costs
04-1820-EL-ATA	Cincinnati Gas & Electric	System Reliability Tracker
04-1931-EL-AAM	FirstEnergy	Modification of Accounting Procedures for RTO Costs
04-1932-EL-ATA/AAM	FirstEnergy	RTO, Transmission and Ancillary Service Costs
05-46-EL-UNC	American Electric Power	Power Outages '04/'05
FERC ER03-242-000	American Electric Power Service Corporation, et al.	Rate Case
FERC ER03-262-000; ER03-262-001; ER03-404; ER03-405; ER03-406	PJM Companies	Inclusion of AEP in PJM
FERC ER03-1118	Midwest Independent System Operator, Inc.	Transmission and Energy Markets Tariff
FERC ER04-364-000	American Electric Power Service Corp., et al.	Hold Harmless
FERC ER04-375-000; EL02-111-010; EL02-111-011	Midwest ISO/PJM	Joint Operating Agreement
FERC AC05-7-000	FirstEnergy	Deferral of Vegetation Management costs
OSC 03-316	Commission Investigation	Installation of New Line Extensions
OSC 03-1207; OSC 03-2034	Cincinnati Gas & Electric	Indian Hill I & 2
OSC 04-1993	FirstEnergy	Rate Stabilization Plan
US Ct Appeals - DC Circuit Case No. 03-1223; 03-1224; 03-1225	American Electric Power, etc.; Commonwealth Edison, etc.; Dayton Power & Light v. FERC	Appealing FERC's Decision Ordering Choosing RTO
SEC 070-10254	Cincinnati Gas & Electric	Sale of CG&E Power Plants to Union Light

Natural Gas Case Participation

Case Number	Company	Issue
01-1228-GA-AIR; 01-1478-GA-ALT	Cincinnati Gas & Electric Company	AMRP
02-1566-GA-ATA	Vectren Energy Delivery of Ohio, Inc.	Gas Choice Program
02-220-GA-GCR	Vectren Energy Delivery of Ohio, Inc.	Gas Cost Recovery (MP)
02-221-GA-GCR	Columbia Gas of Ohio, Inc.	Gas Cost Recovery (MP)
02-2895-GA-ATA	Cincinnati Gas & Electric Company	H.B. 9 Compliance Tariffs
03-218-GA-GCR	Cincinnati Gas & Electric Co.	Gas Cost Recovery (MP)
03-219-GA-GCR	Dominion East Ohio Gas Company	Gas Cost Recovery (MP)
03-220-GA-GCR	Vectren Energy Delivery of Ohio Inc.	GCR
03-221-GA-GCR	Columbia Gas of Ohio	GCR
03-1384-GA-ORD	GCR Rules Review	
03-2170-GA-AIR	Northeast Ohio Natural Gas Corp.	Rate Case
04-218-GA-GCR	Cincinnati Gas & Electric	Gas Cost Recovery
04-219-GA-GCR	Dominion East Ohio	Gas Cost Recovery
04-220-GA-GCR	Vectren	Gas Cost Recovery (MP)
04-221-GA-GCR	Columbia Gas	Gas Cost Recovery (MP)
04-570-GA-UEX	Dominion East Ohio Gas Company	Uncollectible Expense Rider
04-571-GA-AIR	Vectren Energy	Rate Case
04-1339-GA-UEX	Pike Natural Gas	Uncollectible Expense Rider
04-1619-GA-UEX	Eastern Natural Gas	Uncollectible Expense Rider
04-1631-GA-UNC	Columbia Gas of Ohio	CHOICE Disconnect
04-1680-GA-UNC	Columbia Gas of Ohio	Bill Format
04-1715-GA-UNC	Columbia Gas of Ohio	GCR Interim Adjustment
04-1716-GA-UNC	Dominion East Ohio	60 Day Waiver
04-1717-GA-UNC	Dominion East Ohio	GCR Interim Adjustment
04-1878-GA-UNC	Vectren Energy Delivery of Ohio	Choice Disconnect
04-1912-GA-UNC	Dominion/East Ohio Gas	Monthly GCR

Telecommunications Case Participation

Case Number	Company	Issue
00-1265-TP-ORD	Minimum Telephone Service Standards	Act of God Waiver Requests
02-1280-TP-UNC	Ameritech Ohio	TELRIC
03-878-TP-PEX	Marshall v. Verizon/Sprint	Extended Area Service
03-950-TP-COI	Commission Investigation	Voice Over Internet Protocol
03-1310-TP-ACE	Comm South Companies, Inc.	Certificate
03-2040-TP-COI	PUCO Impairment Proceeding	Mass Market Local Circuit Switching
03-2229-TP-ACE	Time Warner Cable Information Services	MTSS Provisions and Certificate Application
03-2529-TP-SLF	CoreComm Newco, Inc	$3.00 Charge for Bill Payment
03-2532-TP-SLF	United Telephone Company of Ohio d/b/a Sprint	Late Payment Charge
04-34-TP-COI	SBC Ohio	Triennial Review Per FCC Rules
04-35-TP-COI	Cincinnati Bell Telephone Company	Triennial Review Per FCC Rules
04-62-TP-ALT	CenturyTel of Ohio, Inc.	Elective Alternative Regulation
04-663-TP-AEC	SBC Ohio/Sage Telecom, Inc.	Interconnection Agreement
04-720-TP-ALT	Cincinnati Bell Telephone Company	Elective Alternative Regulation
04-916-TP-UNC	Ohio Telecom Association	Traffic/Calling Reporting
04-1253-TP-ALT	Chillicothe Telephone Company	Elective Alternative Regulation
04-1358-TP-ALT	ALLTEL Ohio, Inc.	Elective Alternative Regulation
04-1359-TP-ALT	Western Reserve	Elective Alternative Regulation
04-1494-TP-UNC	Champaign Telephone Company	Interconnection w/MCI
04-1495-TP-UNC	Telephone Service Company	Interconnection w/MCI
04-1496-TP-UNC	Germantown Independent Telephone Company	Interconnection w/MCI
04-1497-TP-UNC	Doylestown Telephone Company	Interconnection w/MCI
04-1677-TP-ATA	Verizon North, Inc.	Late Payment Charge
04-1785-TP-ORD	Investigation	Operator Services to Inmate Facilities

Telecommunications Case Participation

Case Number	Company	Issue
FCC CC94-129	Telecom Act of 1996	Unauthorized Changes of Consumers' Long Distance Carriers (slamming)
FCC CC 96-45	Federal Communications Commission	Universal Service
FCC CC 96-150; 02-269	Federal Telecommunications	Accounting Safeguards
FCC CC 00-199	2000 Biennial Reg. Review	Accounting Req. & ARMIS Reporting
FCC CC 01-338	Section 251 Unbundling	Triennial Review
FCC CC 02-33; 95-20; 98-10	Broadband Access to Internet over Wireline Facilities	Universal Service Obligations of Broadband providers
FCC CC 02-53	All Telephone Companies	Presubscribed Interexchange Carrier Change Charges
FCC CG 02-278; CC 92-90	Notice of Proposed Rulemaking	Do Not Call
FCC CG 02-386	NOPR	CARES (Customer Account Record Exchange)
FCC CC 03-109	Federal Communications	Lifeline and Link-Up Plan Changes
FCC WC 03-157	Verizon	Forbearance from Current Pricing Rules UNEP
FCC CC 03-173	Commission Rules Review	TELRIC
FCC CC 03-211	Vonage Holdings Corporation	Voice over Internet Protocol
FCC WC 04-36; 04-29	IP-Enabled Services	Voice over Internet Protocol
FCC WC 04-46	SBC Telecom, Inc.	Modification of a LATA Boundary in Ohio
FCC CG 04-208	All Telecommunications Carriers	NASUCA Petition Regarding Truth-in-Billing and Billing Format
FCC CG 04-244	Policies and Rules	Pay-Per-Call
FCC WC 04-313	Unbundled Network Element Proceeding	NASUCA and OCC Comments
FTC File No. R411001	Telemarketing Rulemaking	Do Not Call
FTC File No. R611016	Pay-Per-Call	Rule Review
OSC 02-1428	OCC v. PUCO	Elective Alternative Regulation Appeal
OSC 04-387	Ameritech Ohio	TELRIC
U.S. Court of Appeals D.C. Circuit 03-1389	Unbundled Network Element Proceeding	NASUCA Appeal

Water Case Participation

Case Number	Company	Issue
03-2266-WW-SIC	Ohio Water Companies	Water Rules
03-2290-WW-AIR	Aqua Ohio, Inc.	Rate Case
03-2390-WS-AIR	Ohio American Water Company	Rate Case
04-310-WW-SIC	Aqua Ohio, Inc.	System Improvement Charge
04-1824-WW-SIC	Aqua Ohio, Inc.	System Improvement Charge

All Utilities Case Participation

Case Number	Company	Issue
02-2627-AU-COI	Commission Investigation	Financial Viability of Ohio's Regulated Public Utilities
02-3207-AU-PWC	WorldCom, et al. v. City of Toledo	Right-of-Way
02-3210-EL-PWC	Toledo Edison Company, et al. v. City of Toledo	Right-of-Way
03-324-AU-PWC	WorldCom, Inc., AT&T Corp., and Time Warner Telecom of Ohio, L.P. v. City of Dayton	Right-of-Way
03-888-AU-ORD	Rule Review	Credit for Residential Utility Services and Disconnection of Gas or Electric to Residential Consumers
03-2082-AU-PWC	South Central Power v. Pickerington	Right of Way
03-2083-AU-PWC	SBC Ohio v. Pickerington	Right of Way
04-1036-AU-ORD	Rules Amendment	OCC Hours of Operation
04-1304-GE-ORD	Competitive Retail Natural Gas and Electric Service	Do Not Call
04-1503-GE-UNC	Ohio Gas & Electric Companies	Winter Disconnect Order

What consumers have to say about the OCC

"After moving to Ohio from Tennessee where we had protection from a Do-Not-Call list, I was excited to see the work the Ohio Consumers' Counsel was doing to help get a state Do-Not-Call law passed. The informational articles in Consumers' Corner about both the state and national efforts were educational. I also appreciated the up-to-date items on www.pickocc.org about the Do-Not-Call list and the law. Keep up the good work."

Carole Zoll
Consumer
Struthers, Ohio

"I had spent over two hours on the telephone trying to get charges for a collect call reversed since no one in my house had accepted the charges. Then I called the Ohio Consumers' Counsel and got results. The representative that I spoke to worked with the company to drop the collect call charges, saving me just under $10."

Frederick Thomas
Consumer
Wadsworth, Ohio

"I first learned of the OCC's outreach and education opportunities through the newsletter Consumers' Corner. The representative who spoke to us provided information about utility choice that we can use not only with our constituents, but our staff can benefit from as well. The fact sheets that were handed out made great visual aids in addition to providing valuable tips and other information. The representative was professional and had substantial, informational answers to all the questions from our staff."

Donn Aukerman
Assistant Director
Wayne County Department
of Jobs and Family Services

"With more Ohioans needing assistance in order to keep connected to their electric, natural gas and telephone services, we appreciated having the Office of the Ohio Consumers' Counsel (OCC) give us tips on how to "Stay Connected." The OCC representative was knowledgeable and presented the necessary information so our staff could help more of our clients stay warm during the cold winter months."

Kellijo Jeffries
Stark County Department
of Job and Family Services
Canton, OH

Office of the
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Residential Utility Consumer Advocate

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The Office of the Ohio Consumers' Counsel is an equal opportunity employer and provider of services.