



Office of the Ohio Consumers' Counsel  
*Your Residential Utility Consumer Advocate*

2005

Annual Report



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# mission

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

# vision

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

The Office of the Ohio Consumers' Counsel (OCC) took on numerous challenges on behalf of residential utility consumers in the past year. The OCC has worked tirelessly to advocate for consumers to pay reasonable rates and receive quality service from their electric, natural gas, telecommunications and water companies.

In this Annual Report we share the highlights of the major case activities from the previous year, and take a look at the challenges we will have in the coming year. It is a snapshot of the many cases in which the OCC was involved at both the state and federal levels. We also provide a sampling of the organizations and individual consumers we touched throughout the year by providing them with information about their utility services and the choices they may have in the developing marketplace.

The OCC is becoming increasingly concerned about rising rates in all of the utility industries. Electric rate caps were lifted as a result of the end of the market development period – the transition period from regulation to competition. Natural gas prices continued to soar and a new law was passed that will enable telephone companies that meet certain criteria to raise rates for basic dial tone service. With fewer consumer protections in place to help mitigate the rising costs for utility services, the OCC must be an even more vigilant advocate.



On behalf of consumers, the OCC has opposed attempts by electric utility companies to violate the rate cap promised in Senate Bill 3 – Ohio’s restructuring law – and we have continued to advocate for the effective, efficient and affordable transmission of electricity in the wholesale market. Rate plans submitted by the electric utilities do not produce rate stability for consumers nor do they promote competition. With over \$4 billion in rate increases granted by the Public Utilities Commission of Ohio – which we have appealed to the Ohio Supreme Court – it is imperative for residential consumers to have the OCC working as their advocate, or they will likely absorb significant increases in rates.

In the natural gas industry, the OCC focused its attention on reducing customer rates through its work in cases at the Public Utilities Commission of Ohio (PUCO). We uncovered \$3.3 million in overcharges, which was returned to customers, and opposed companies’ requests to raise natural gas distribution rates automatically. Over the last four years, we have witnessed price volatility in the natural gas market. The OCC has advocated that the utility’s natural gas rate best reflect their costs so that consumers would have accurate information on which to base their energy usage. We also fought for increased funding for energy efficiency and weatherization programs to soften the impact of high natural gas costs on customers’ bills. Natural gas choice continues to be a viable option for consumers. We plan to be supportive in identifying ways to increase customer participation levels around the state to bring more cost effective options to consumers.

Many cases at both the state and federal levels have impacted residential telephone service. The OCC has been advocating to protect consumers against higher rates, provide competitive choices and to ensure consumer protections are in place. Actions by regulators at the state and federal level have not been supportive of promoting the competitive market. Lack of access to local telephone lines and equipment, in addition to increases in the wholesale rates that competitors pay to lease lines, will further inhibit the development of choices in providers.

The road on which we are traveling to develop viable choices and reasonable rates for utility customers is a long one. It is important for the OCC to maintain a proactive role in developing policies and procedures in today’s changing utility environment. We stand ready to serve the residential utility customers of Ohio, protect them against unfair practices in the utility marketplace, provide them with options for improved services and empower them to take control of their energy and telecommunications needs. Through our advocacy, we are striving for solutions that are enduring, that can provide consumers with affordable and reliable service, through the development and deployment of new technologies.

*Janine T. Migdon-Ostendorfer*

# Leadership

Over the past two years, the Office of the Ohio Consumers' Counsel has accomplished a great deal on behalf of consumers. We have saved customers money and advanced policies to protect customers now and in the future; we have forged coalitions with the public and increased our outreach; we have raised the bar of advocacy and worked to uphold the legal process. We have also had our share of challenges during this past year and through it all, we have remained strong as an agency. We have much to be proud of.

## *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 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 30-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. 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 her Juris Doctor 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.

## *Deputy Consumers' Counsel*

As Deputy Consumers' Counsel, Bruce J. 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.

### ***Analytical Services***

Aster Adams joined the OCC in November 2005 as the Director of Analytical Services. He is responsible for overseeing the review of the accounting and financial analysis associated with utility rate filings and other regulatory proceedings.

Prior to joining the OCC, Mr. Adams was Chief of the Competitive Markets and Policy Division of the Tennessee Regulatory Authority. He holds a licence en économie from The National University of Rwanda and has earned a master's degree in economic development from Vanderbilt University. Currently, he is pursuing a doctorate in economics from Vanderbilt University.



### ***Legislative Affairs***

Dennis Stapleton joined the OCC as Director of Legislative and Governmental Affairs in June 2004. He serves as liaison between state and federal government and the OCC. Prior to joining the OCC, Mr. Stapleton served as an Assistant Director at the Ohio Department of Insurance and from 1996 to 2003 he served in the Ohio House of Representatives for the 88th District and was the Chairman of the House Insurance Committee. He holds a bachelor's degree in broadcast communications from the University of Dayton.



### ***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.



### ***Operations***

Chuck Repuzynsky joined the OCC as Director of Operations in July 2005. He oversees the Administration Department and the Consumer Services Division. Areas of responsibilities include finance, budgeting, strategic planning, human resources, payroll and information technology. Prior to joining the OCC, Mr. Repuzynsky served as the Chief Financial Officer for the Ohio Historical Society, a non-profit quasi-government organization. He is also a member of the Institute of Management Accountants, the American Payroll Association, the Association of Government Accountants and the Society for Human Resource Management. He holds a bachelor's degree in accounting from The Ohio State University.



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*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 and provides information about their utility services.*

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## message from the governing board chairman

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In 2005 the Office of the Ohio Consumers' Counsel (OCC) diligently represented residential utility customers. In its efforts to protect consumers against rising utility rates, the OCC participated in hundreds of cases in the past year.

There is little doubt that the mission of the agency continues to be a vital part of state government as it embarks on its 30-year anniversary. The Ohio General Assembly's foresight in 1976 to create the OCC provided Ohio's residents with an advocate to give residential consumers a voice at the table.

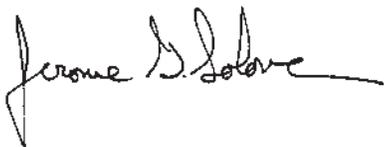
Janine Migden-Ostrander, Ohio's Consumers' Counsel, has forged strong relationships with other advocates and consumer groups who share her vision. For example, Janine has worked with those organizations who advocate on behalf of low-income consumers and seniors citizens. She has traveled throughout the state meeting with organizations and their constituents to listen to their concerns and ideas. She has met with local government officials to explain complex utility issues and provide her insight. Janine has proposed energy efficiency programs to utility industry executives in an effort to lower customers' bills and help customers take more control over their energy usage. She has worked tirelessly on behalf of her constituents to ensure rates remain reasonable and benefits are achieved.

The major casework of the OCC included recommending alternatives to the "rate stabilization plans" proposed by the electric utilities, and then appealing the cases to the Ohio Supreme Court. The OCC believes the plans are a violation of the electric choice law, do not facilitate the competitive environment for consumers, and include unnecessary rate increases. The OCC also participated in cases involving proposed increases to natural gas distribution rates, in an effort to prevent or limit the rate increases that consumers would pay. Additionally, in the telecommunications industry, the OCC continued to oppose increases to wholesale rates that ultimately would have a dire effect on bringing competitive choices to consumers.

Educating consumers about all of these issues and providing them with information about their utility services remains an important role played by the OCC. The agency developed new materials to distribute to consumers and continued to develop its website so that all of the information was easily accessible. While the OCC no longer can handle consumer complaints as dictated through a new law passed by the Ohio General Assembly in 2004, the agency continues to answer inquiries and provide information to consumers through its toll-free hotline.

On behalf of the Governing Board, I extend our sincere appreciation to the Governor, the Ohio General Assembly and the Ohio Attorney General for their continued support of our agency. I also wish to thank Janine Migden-Ostrander, Bruce Weston, OCC's Deputy Consumers' Counsel and the entire OCC staff for their commitment to representing residential utility consumers and the outstanding work accomplished this past year. As we strive for a meaningful competitive market, the OCC will be dedicated to actively work with industry leaders, policymakers and others to facilitate a healthier utility environment for consumers.

The OCC 2005 Annual Report highlights the work accomplished by this office and our advocacy efforts on behalf of residential utility consumers.



**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 the real estate development firm 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 – 2005 •  
Board Member, 1997 – 2005 •  
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.

***Nancy Dix***

Board Member, 2005 – 2005 • Representing  
Residential Consumers • Hometown: Hebron

Nancy Dix was appointed to the Governing Board in 2005 to represent residential consumers. She lives in Hebron, Ohio where she is President of W.E. Shrider Co. In addition, Ms. Dix is currently the Vice President of the Ohio Historical Board of Directors and also serves on the Boards of the Licking County Foundation, The Works, Capital Square Foundation and The Ohio State University Advocates Steering Committee. Ms. Dix previously served as a State Senator for the 31st district encompassing parts or all of Fairfield, Hocking, Licking, Perry and Pickaway counties from 1994 to 1998. Prior to her election as a Senator, Ms. Dix served as Director of the Ohio Department of Commerce. Ms. Dix resigned from the Board in late 2005.

***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 the 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 – 2005 •  
Representing Residential  
Consumers • Hometown: Bexley



Helen Mac Murray was appointed to the Governing Board in 2002 to represent residential consumers. Ms. Mac Murray is a partner with the Columbus law firm Kegler, Brown, Hill & Ritter. Ms. Mac Murray resigned from the Board in early 2005.

***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.

***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.

***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.

***Mark Totman***

Board Member, 2005 – present • Representing  
Organized Labor • Hometown: Hilliard

Mark Totman was appointed to the Governing Board in 2005 to represent organized labor. He lives in Hilliard and currently serves as a Trustee and Legislative Representative for the International Union of Operating Engineers Local 18. Previously, Mr. Totman has served as a Trustee to the Ohio Operating Engineers Health and Welfare Plan and to the Ohio Operating Engineers Education Safety Fund Program. In 2001, he was appointed to the Governor's Labor Advisory Council.

# Core Values

***Respect***

We will treat each other, our partners and the public with consideration and appreciation.

***Justice***

We will advocate for what is fair for Ohio's residential utility consumers.

***Communications***

We will share information and ideas to contribute to the making of optimal decisions by our colleagues and ourselves.

***Excellence***

We will produce work that is high quality and we will strive to continuously improve our services.

***Integrity***

We will conduct ourselves in a manner consistent with the highest ethical standards.

employee recognition

The Office of the Ohio Consumers' Counsel (OCC) greatly values the tireless efforts and devotion of its staff. During the year outstanding individuals are recognized by their coworkers and rewarded for exemplary service to the agency.

For the 10th consecutive year, the OCC recognized individual employees, and named an Employee of the Year.

During fiscal year 2005, the OCC staff nominated their peers based upon specific criteria relating to their job performance, professionalism, work product and teamwork. The OCC recognized Jeff Small, Assistant Consumers' Counsel; Ray Foeller, Outreach and Education Specialist; and Maria Durban, Team Leader. This year, Maria Durban 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 2004-2005.

**Jeff Small – Assistant Consumers' Counsel**

“He is a passionate, committed advocate for his clients – Ohio’s residential utility consumers. He uses his skills and knowledge to effectively wage cases against utility companies as well as effectively respond to filings which will harm customers. He is tireless in his efforts, spending as much time as required to fulfill his role at the OCC.” – wrote an OCC employee



**Ray Foeller – Outreach and Education Specialist**

“Ray assists enthusiastically in grassroots efforts campaigns. Ray is calm and sincere and his integrity is beyond question. His peers in Outreach and Education respect him and are proud to call him a friend. He works well with fellow employees and with people outside the agency.” – wrote an OCC employee



**Maria Durban – Consumer Services Team Leader**

“Maria is extremely compassionate and sincere toward other employees. She demonstrates great organizational skills while maintaining a heavy caseload. She listens to other’s concerns and provides updates in a quick and positive manner. The management group made the best choice when they made this person a leader.” – wrote an OCC employee



# Legislative Services

The 126th General Assembly finished its first year of the biennium on December 31, 2005 with 436 bills introduced in the House and 246 bills introduced in the Senate. The Office of the Ohio Consumers' Counsel (OCC) believes any legislation that will affect residential consumers is extremely important and follows those bills from introduction, through the committee process, and to the Governor's office for signature.

Of the 682 bills introduced in 2005, only one bill relating to consumers' utility service was sent to the Governor and enacted into law. Substitute House Bill 218, introduced by Representative David Daniels (R) Greenfield, became law on November 4, 2005.

The OCC was very involved with House Bill 218, which provides for further deregulation of the telephone industry. It allows telephone companies, if they meet certain criteria, to forgo the regulatory process and implement rate increases for basic local telephone service. The Public Utilities Commission of Ohio has conducted a rulemaking to implement the new law. Additionally, OCC staff members participated in a working group with other state agencies on House Bill 251, sponsored by Representative Joseph Uecker (R) Miami Township, that would mandate energy efficiency programs in state-owned facilities. Janine Migden-Ostrander, Consumers' Counsel, also testified on numerous occasions before the Senate and House Public Utilities and Energy Committees on issues such as, natural gas prices, electric restructuring and long-term energy solutions.

Below is a list of the bills that the OCC is following. The OCC is committed to providing assistance to legislators through testimony and information as they develop public policy.

**bill highlights**

***Regulation changes to basic local telephone service – Senate Bill 218***

In May, Janine Migden-Ostrander, Ohio's Consumers' Counsel, provided testimony to the Ohio House of Representatives that helped legislators amend two provisions in pending legislation that could have potentially harmed consumers. When first introduced, the legislation, as drafted, proposed changes in regulations to basic local telephone service that could have harmed low-income consumers who use Lifeline to establish and keep their telephone service. Additionally,

the bill had language that could have made some telecommunication companies exempt from complying with requirements for providing emergency 9-1-1 calling service. Through key points in the testimony provided by the OCC, the enacted version of the bill protects Lifeline discounts for Ohio's low-income consumers and no longer allows companies to receive an exemption to emergency dialing.

**Result:** Ohio's Lifeline customers are assured of discounted basic local telephone service and consumers will continue to be protected by being able to dial emergency 9-1-1.

House Bills	Sponsor	Description
14	Jimmy Stewart	Electric rate stabilization
57	Lou Blessing	Include wireless phone numbers in directory
85	Lou Blessing	Limit government aggregation for electric service
218	David Daniels	Telecommunications restructuring
247	Michael Skindell	Renewable energy requirements
251	Joseph Uecker	Energy efficiency standards for state buildings
288	Mark Wagoner	Abandoned mineral rights
356	Jimmy Stewart	Home weatherization assistance
364	Fred Strahorn	Home weatherization assistance
371	Steve Buehrer	Task force to study barriers to fuel production
398	Michael Skindell	Council for sustainable energy development
405	Jim Hughes	Tax credits for energy efficiency
449	Shirley Smith	Expands HEAP eligibility
467	Jim Hughes	Energy efficiency requirements for state buildings
Senate Bills	Sponsor	Description
22	Joy Padgett	Electric rate stabilization
66	Robert Hagan	Renewable energy requirements
84	Mark Mallory	Study possible hybrid auto fleet for state vehicles
172	Teresa Fedor	Create department of public advocacy
192	Ray Miller	Home weatherization assistance
217	Kirk Schuring	Natural gas meter reading requirement
225	Kimberly Zurz	Increase TANF funds and weatherization
233	Robert Hagan	Exemption on sales tax for natural gas/propane
247	Kirk Schuring	State energy policy

# Long-Term Energy Solutions

Today's utility environment provides a venue for residential consumers to take control of their energy usage in unprecedented ways. Many of these opportunities can help reduce electric and natural gas bills through a menu of ideas ranging from energy efficiency tips to innovative rate designs to utility-sponsored demand side management programs alternative sources of energy. The Office of the Ohio Consumers' Counsel (OCC) has worked hard throughout the past year with a number of utility companies to design and implement some energy efficiency programs that will help consumers reduce their energy consumption and lead the way to long-term energy solutions.

With respect to the natural gas industry, the OCC's efforts to promote energy efficiency are expected to dovetail with a multi-state Midwest regional energy efficiency initiative known as the Midwest Natural Gas Initiative. If successful, the Ohio energy efficiency initiative will provide needed relief to customers in two ways. First, those customers who participate in the utility-sponsored programs will be able to significantly lower their energy use and corresponding energy bills. Second, the statewide and Midwest regional efforts should help relieve some of the tightness in natural gas demand and exert downward pressure in natural gas prices to the benefit of all customers.

Experts agree that energy efficiency (demand side management) programs, if done comprehensively and on a wide scale, can reduce the demand for natural gas and therefore lower the price of the commodity. Energy efficiency programs undertaken within the electric industry also would be beneficial as they reduce the need to use natural gas peaking units for power generation. This has the dual benefit of reducing the demand for natural gas while also lowering the overall cost of electricity. For the same reason, the OCC has supported renewable portfolio standards that would mandate a small percentage of all electricity in this state to be generated by renewable energy. Twenty states have such programs already in place.

The American Council for an Energy-Efficient Economy (ACEEE) conducted a study, which was partially funded by the OCC as well as other organizations throughout the Midwest, that indicated a reduction of 1 percent per year in total natural gas demand over a five-year period could result in wholesale natural gas price reductions of 10 to 20 percent. In Ohio, residential,

commercial and industrial customers could save \$123 million in 2006, \$182 million by 2010 and \$432 million by 2020 through comprehensive energy efficiency programs, based on spending of \$51 million per year. For every dollar spent, customers save significantly greater amounts, and the savings escalate with time. According to the ACEEE report, the benefits to consumers can exceed the costs by nearly a 4 to 1 margin.

Energy efficiency can occur either through programs that encourage residential consumers to install more efficient appliances, such as high efficiency air-conditioning systems or dishwashers, or through pricing mechanisms that reward customers with low rates for usage during off-peak periods and that signal customers to conserve during peak periods. The availability of carefully designed programs in which residential consumers can easily participate will not only enhance service options for customers by providing more choices and more control over their energy consumption, but it will also contribute to the overall stabilization of energy prices.

The OCC is hopeful that some of these demand side management programs will be implemented in 2006. Additionally, the OCC has not confined its activities to just natural gas companies. The OCC has participated in a collaborative process with Cincinnati Gas & Electric on electric programs, and as a result of a settlement agreement with FirstEnergy, the OCC is working on implementing programs in northern Ohio. The OCC plans to continue the dialogue with other utility companies to encourage implementation of more energy efficiency programs. It is clear that Ohio needs to support the utility funding mechanisms necessary to promote energy efficiency programs and mitigate the existing natural gas crisis. Doing so will help residential utility customers save money in the long run.

# Supreme Court Cases

The Office of the Ohio Consumers' Counsel (OCC) and other parties involved in state utility cases have a right to appeal Public Utilities Commission of Ohio (PUCO) decisions to the Ohio Supreme Court. An appeal is based on legal arguments and is filed after first asking the PUCO to reconsider its decision.

In 2005, the OCC believed several significant PUCO decisions were unlawful and not in the public interest. The OCC appealed the cases to the Ohio Supreme Court on behalf of Ohio's residential utility customers. These advocacy efforts continued the OCC's commitment to protect consumers' interests.

### ***Electric rate plans***

The OCC appealed two electric rate plans that would bring residential customers three years of higher generation rates. The rate plans for American Electric Power (AEP) and Cincinnati Gas & Electric (CG&E) set the electric generation rates for 2006 through 2008, imposing automatic rate increases and allowing for the companies to apply for additional increases each year. The automatic rate increases for AEP will amount to \$527 million for all customers (residential, commercial and industrial) with the total rate plan potentially costing customers as much as \$1.17 billion. The increases for CG&E will cost an estimated \$460 million for all customers over the three years with the potential for additional increases.

While the rate plans varied by company, the OCC believes both violate Ohio's electric choice law by failing to ensure customers are provided a rate based on the electricity market and the option to purchase power through the results of a competitive bid.

The appeals of the AEP and CG&E rate plans followed an OCC appeal of the FirstEnergy rate plan in 2004. In September 2005, oral arguments were presented to the Ohio Supreme Court in the appeal of the FirstEnergy plan. The OCC argued that the plan was unlawful and would result in over \$3 billion in charges that residential and other customers should not have to pay. At the time of publication, the FirstEnergy appeal was pending a decision by the Supreme Court and argument dates had not yet been set for the appeals of the AEP and CG&E plans.

### ***Billing system charges***

In a matter involving Dayton Power & Light (DP&L), the OCC filed an appeal of a PUCO decision that would allow more than \$15 million in billing system-related charges to be imposed on residential customers. The OCC argued that the charges are unreasonable and unlawful based on prior agreements DP&L had entered into with various parties, including the OCC.

### ***Transmission charges***

The OCC filed two appeals of PUCO decisions to allow DP&L and FirstEnergy to defer expenses on their books for future collection from customers. The expenses are certain transmission-related costs incurred by the companies during the "market development period." The market development period was a legislatively mandated period of transition from regulation to competition during which customers were to be protected with capped electric rates. While the law and related electric transition plan agreements capped residents' overall rates through 2005, the PUCO granted DP&L and FirstEnergy the ability to defer transmission costs incurred during the period of the cap for potential collection after the cap expired. A deferral request is typically followed by a request to actually collect the accumulated costs from consumers. Both companies asked for such collection and, in early 2006, they received PUCO permission to recover the deferred costs from customers.

### ***Vectren's appeal of customer credits***

An additional Ohio Supreme Court case of significance was a PUCO decision appealed by Vectren Energy Delivery of Ohio. In 2005, the PUCO decided that customers of Vectren were entitled to almost \$8 million in credits related to the natural gas company's energy purchasing practices.

During the PUCO case, the OCC's analysis and advocacy efforts supported recommendations for over \$5 million in credits made in the PUCO-ordered audit and showed, beyond those recommendations, that customers should receive an additional \$4.5 million refund. The additional refund was due to Vectren's purchase of excess pipeline space and unreasonable business risks that were placed on its customers.

Vectren appealed the PUCO's decision. The OCC has asked the Supreme Court for permission to intervene on behalf of residential consumers in Vectren's appeal of the PUCO's decision.

# Electric

**B**ased on Ohio's electric choice law, Senate Bill 3, the market development period ended in 2005 for residential customers. The market development period was the five-year time period that the Ohio General Assembly mandated for the transition from regulated to competitive retail electricity markets. The Office of the Ohio Consumers' Counsel (OCC) believes that it was intended, under the electric choice law, for the doors to competition and electric choice to be fully opened for customers by 2006. That competitive vision has not yet been realized. The OCC believes that eliminating a variety of barriers and allowing the market to fully develop will provide long-term consumer benefits.

### ***Rate plans***

Over the past three years, the Public Utilities Commission of Ohio (PUCO) has approved rate plans for the state's investor-owned electric utilities. These decisions relate to the utilities' generation service, which is the production of electricity at a power plant. Since generation is supposed to be deregulated under the electric choice law, the rate plan decisions have placed Ohio in an uncertain environment. Ohio has essentially abandoned the traditional regulation of generation service, but not fully embraced competition to protect consumer interests. The OCC believes that the rate plans will neither take Ohio any closer to achieving electric choice nor provide the regulatory oversight needed to protect residential consumers.

By the end of 2005, the OCC had appealed the rate plans of American Electric Power (AEP), Cincinnati Gas & Electric (CG&E) and FirstEnergy to the Ohio Supreme Court. Arguments in the FirstEnergy case were held before the court in September. However, the implementation of all three rate plans moved forward and will continue to impact customers' rates unless the Supreme Court overturns the PUCO's decisions.

While the plans set out some of the charges consumers will pay from 2006 through 2008, details regarding some additional riders and surcharges were the subject of several cases in 2005 and will continue as an issue for the next few years. In addition, the previously approved rate plan for DP&L was changed in several ways, including an extension of the plan through the end of 2010 and an increase in costs to consumers. The OCC advocated on behalf of residential consumers in these cases, some of which are highlighted in the summaries found on the next several pages.

### ***Power plant proposal***

In March 2005, AEP's Ohio operating companies filed a proposal at the PUCO to build a new clean-coal power plant and to seek pre-approval for the costs associated with this construction project. The project's clean-coal technology, known as Integrated Gasification Combined Cycle (IGCC), is more environmentally friendly than the current coal-fired power plants. An IGCC project

also has the potential of being a long-term lower cost option for building and running a coal-fired plant. The OCC supports the use of IGCC technology as well as economic development in Meigs County, however, the OCC seeks to ensure that residential customers are not asked to assume all of the financial risk associated with the project.

The companies currently estimate the IGCC plant will cost over \$1 billion to build and millions more to operate. In an unprecedented move, they are seeking to begin cost recovery from consumers even before construction is started. While the OCC maintains that AEP's proposal is unlawful, the agency has requested that several modifications be made to protect AEP's customers in the event the PUCO approves it. The OCC's proposed modifications include the filing of additional details (including better-defined cost estimates), a cap on the total construction costs paid by customers, a firm commitment to provide jobs for Meigs County residents and regulatory assurances that customers choosing an alternative generation supplier would not have to pay for this generation plant.

The OCC argued that under Ohio's electric choice law, AEP's operating companies that distribute electricity may not own power plants. Their function is supposed to be distributing electricity at a regulated rate, while other parts of AEP may produce some or all of the power used to serve customers. The agency believes that the proposal for the operating companies to own the IGCC plant and to pay for the plant through regulated distribution rates is unlawful.

### ***Wholesale market development***

Difficulties and costs involved in creating a competitive wholesale electric market continue to cause concern regarding the development of electric choices for consumers. Without a viable and fully operational wholesale electric market, retail competition cannot thrive. Unexpectedly high fuel costs and the problematic structure of Ohio's electric rates as established in the recently approved rate plans left very little room for alternative suppliers to offer savings in generation.

In addition, the fact that Ohio's utilities are divided between two different Regional Transmission Organizations (RTOs) – the Midwest Independent System Operator (MISO) and PJM – has further complicated the development of a fluid, low-cost wholesale market. While RTOs provide the important function of serving as independent operators for the power flowing through a region like the Midwest, each RTO has its own issues and problems that are adding to the costs customers must pay. The OCC and the PUCO have actively participated in the debate over the proper structure and costs involved in each RTO market. It is vital that agreements be implemented to arrive at a “joint and common market” if Ohio's utilities are to remain split between two RTOs. This type of agreement would produce the functional equivalent of one, unified transmission organization.

On the other hand, progress was made when MISO implemented an advanced electric market, which had already been available within PJM.

### *Federal energy policy*

At the federal level, the passage of the Energy Policy Act of 2005 by the United States Congress will bring some needed improvements to the electric industry but, at the same time, take away important consumer protections and safeguards.

The bill will result in mandatory reliability standards, which are vital to ensuring that utilities follow specific uniform rules for maintaining their transmission systems. However, the repeal of the Public Utility Holding Company Act takes away traditional consumer safeguards that were designed to protect customers from a single utility gaining too much power and control over the electrical system in a region or nationally.

### *The future*

Beyond addressing obstacles in the wholesale electric market and improving Ohio's electric choice environment, a plan for the state's long-term need for generating capacity is vital. One of the important reasons why Ohio deregulated the generation of electricity was to ensure that the production of power was competitively priced. Competition could produce more options and, in the long run, drive down the average price of electricity in the state. Competition could help eliminate many of the cost overruns that

often occur when monopoly utilities build plants under traditional regulation.

The OCC believes that Ohio should embrace competitive bidding for all generation resources to achieve the lowest price for consumers. This bidding concept can promote a diversity of options, such as clean coal technologies, renewable energy and energy efficiency while providing a steady funding mechanism for power suppliers and producers to build lower cost plants at a competitive price that is capped by the bid.

In addition, the OCC continues to advocate for comprehensive energy efficiency programs that can provide short and long-term benefits for residential consumers. With electric rates increasing in many parts of Ohio, it is critical for customers to have the tools and incentives to manage their usage. In addition to lowering customers' bills due to reduced consumption, energy efficiency can reduce the overall price of electricity. The price could be lowered by not only reducing demand generally, but by reducing it during peak periods when the price is at its highest. Reducing the need to bring expensive peak power online is also good for the environment and increases reliability and energy independence.

The OCC began discussing potential projects with Ohio electric companies in 2004 and 2005 with some good results, and will continue to promote solutions that will influence consumers' ability to control their energy costs.

## case highlights

### *CG&E system reliability tracker*

As part of Cincinnati Gas & Electric's (CG&E) rate plan, the company was permitted to establish a System Reliability Tracker. The tracker provides CG&E with a mechanism to charge customers for costs related to reserving power on the wholesale market and other costs related to providing generation service to its customers during the summer months when power is more expensive. To collect these costs through the tracker, CG&E must file an application by September 1 each year based on estimates for the next year's costs.

While the Office of the Ohio Consumers' Counsel (OCC) challenged the overall CG&E rate plan at the Ohio Supreme Court, the elements of the plan moved forward. The OCC participated in the case that ultimately set the 2006 cost level of the System Reliability Tracker. The office successfully reached an agreement with CG&E and other parties, including commercial and industrial customers, competitive electric suppliers and a low-income consumer group.

While the agreement – approved by the PUCO on November 22 – involved a \$1.12 per month rate increase in 2006 for a typical residential customer, the OCC achieved two important goals:

- ▶ Helping protect CG&E customers from added costs related to natural gas-fired power plants. Under the agreement, if CG&E tries to have customers pay for expensive power plants it is acquiring from Duke Energy North America, the company must file to collect those costs in a new proceeding. The OCC would then be able to contest those charges.
- ▶ Ensuring that residential consumers would only be paying for their share of the System Reliability Tracker.

**Result:** Based on the advocacy of the OCC, residential consumers will pay only their share of the System Reliability Tracker and no more. In addition, residents will benefit from the OCC's advocacy efforts if CG&E requests rate increases as a result of obtaining power plants from Duke Energy North America.

— Case 05-724-EL-ATA

## case highlights

### *Cinergy/Duke merger*

In May 2005, a plan for Cinergy and Duke Energy to merge was announced by these two companies. To merge, the companies needed the approval of federal regulators and of several states' regulatory commissions, including Ohio. Cincinnati Gas & Electric (CG&E) is a Cinergy company that serves hundreds of thousands of southern Ohio residents.

As the residential utility consumer advocate, the Office of the Ohio Consumers' Counsel (OCC) expressed concerns about the proposal. The proposal's lack of protections and adequate benefits for consumers resulted in the OCC recommending significant changes.

The OCC believed that Ohio law mandated Cinergy and Duke to show that their merger is in the public interest. The agency advocated for the Public Utilities Commission of Ohio (PUCO) to require that Ohio consumers be protected from any possible harm and to receive a fair share of the over \$2.1 billion in total merger-related savings anticipated by the companies during the first five years following the merger.

The OCC advocated for protection of residential customers' rates against future increases that could result from a proposed transfer of power plants from a Duke affiliate to CG&E. The facilities are being transferred to CG&E at about twice the market price.

The OCC sought protections against possible utility requests for CG&E customers to begin paying for those assets. The OCC asked the PUCO to impose merger conditions to ensure that generation rates, fuel-related surcharges and all other charges to customers would not be adversely impacted by the power plant transfer.

The OCC also recommended that Ohio consumers (residential, commercial and industrial) receive \$85 million as a fair share of the merger's claimed cost savings. The companies proposed that Ohio's consumers receive just \$15 million.

In addition, the OCC argued that a 5 percent reduction in electric reliability should trigger an independent audit of the company's relevant policies, procedures and resources. Based upon that audit, further action

could be taken to ensure that CG&E's system provides reliable service. The staff of the PUCO recommended that a 20 percent trigger be used, which the OCC found to provide inadequate protection. In short, customers should not have to endure reduced service reliability as a result of the merger.

In December 2005, the PUCO approved the Cinergy/Duke merger with some modifications. For example, Ohio consumers will receive approximately \$36 million of the merger's savings.

All in all, the OCC believed the decision failed to adequately address the issue of protecting consumers against the potential power plant costs, provide an equitable share of the projected merger cost savings or provide an assurance that service will not be diminished under a combined company.

**Result:** Based on requests by the OCC and another consumer group that the PUCO reconsider its merger decision, an electric-related bad debt tracker established in the original decision was eliminated. This tracker could have raised CG&E's electric rates for years into the future. The PUCO also agreed with the OCC that evidence involving the power plant transfer should be preserved to allow interested parties access to important documents if and when the company seeks to collect costs from consumers. Other concerns by the OCC were rejected by the PUCO.

— Cases 05-732-EL-MER, 05-733-EL-AAM, 05-974-GA-AAM

## case highlights *CG&E rate increase*

An agreement between the Office of the Ohio Consumers' Counsel (OCC), Cincinnati Gas & Electric (CG&E), the staff of the Public Utilities Commission of Ohio (PUCO) and nine other parties reduced a proposed electric distribution rate increase by approximately 33 percent. The agreement was approved by the PUCO in December 2005.

Beyond the OCC, CG&E and the PUCO staff, the parties that worked together to form the agreement included the City of Cincinnati, low-income consumer groups and large users of energy (commercial, industrial and public schools). The joint agreement resulted in approximately a \$26 million reduction from CG&E's original requested increase of

\$78 million. That original request would have resulted in a 30 percent increase over the current electric distribution rates.

In addition to limiting the amount of the rate increase, the agreement eliminated the potential for additional charges CG&E had proposed. CG&E agreed to withdraw a request it made to the PUCO for a "Capital Investment Reliability" rider, which could have added millions of dollars in costs to customers' bills. The company also agreed to withdraw a request to charge individual customers who are building a home and need CG&E's power lines extended.

Under Ohio's electric restructuring law, CG&E and other investor-owned electric companies have not been able to request a distribution rate increase since 1999. CG&E's last increase to distribution rates was over ten years ago. The OCC, through its expert testimony and numerous objections, opposed the magnitude of CG&E's original rate increase proposal. CG&E's distribution rates account for about one-third of an average electric customer's total monthly bill.

**Result:** The OCC's advocacy helped minimize the rate increase affecting CG&E's electric customers, reducing the proposed increase by \$26 million. Through the agreement signed by the OCC and numerous other parties, the company also agreed to withdraw proposals that could have added significant new charges to customers' electric bills.

— Cases 05-59-EL-AIR, 05-60-EL-AAM

**case highlights** *CG&E transmission costs*

As part of Cincinnati Gas & Electric's (CG&E) rate plan, the company was permitted to track its transmission costs and collect the actual costs through a rider charged to customers. The implementation of the current rider resulted in rate increases for commercial and industrial customers in 2005 and residential customers beginning January 2006.

The OCC participated in the case to advocate for a reduction in costs that could be passed through to customers. This reduction would lower the amount of the rider and reduce the necessary rate increase. The OCC and other parties in the case successfully argued three major points that were accepted by the PUCO:

- 1) CG&E should not be permitted to collect any transmission charges not authorized by the Federal Energy Regulatory Commission (FERC) or imposed on the company by the Regional Transmission Organization (RTO) of which it is a member. The company requested, but the PUCO denied, the collection of \$235,515 in other types of such charges not allowed under CG&E's rate plan.
- 2) CG&E's rate plan rider should reflect reductions to transmission rates recently ordered by FERC. The PUCO agreed and directed the FERC-ordered refund to be applied to customers' transmission rates.
- 3) A review process should be established for future transmission rider filings. All interested parties should be able to review and comment to the PUCO about the filings. The PUCO established the review process, which will occur every six months.

**Result:** Based on the advocacy of the OCC and other parties, CG&E was denied the ability to collect over \$235,000 in charges through its transmission cost rider. In addition, CG&E must ensure that consumers receive the benefits of the FERC-ordered refund. A review process was established to ensure that future transmission costs are scrutinized.

— Cases 05-727-EL-UNC, 05-728-EL-AAM

**case highlights** *Dayton Power & Light rate plan*

In September 2003, the Public Utilities Commission of Ohio (PUCO) approved a rate plan that was developed through an agreement among Dayton Power & Light (DP&L), the Office of the Ohio Consumers' Counsel (OCC), the staff of the PUCO and several other parties.

That 2003 DP&L rate plan allowed a maximum 11 percent increase in generation rates during the 2006-2008 timeframe if DP&L could show increased generation costs. A 5 percent generation discount for residential customers provided through 2005 under Ohio's electric choice law would continue through 2008. An additional 2.5 percent reduction would take effect if competition did not develop and, as a result, DP&L's residential customers could not obtain savings by choosing an alternative electric supplier.

In 2005, the company requested the 11 percent increase and asked that it take effect beginning in 2006. However, this 2005 case in which the increase was being considered resulted in a new settlement which was opposed by the OCC. The new settlement changed the terms of the original rate plan by adding a new charge to customers' bills, beginning in 2007, and extending the rate plan an additional two years – through 2010 – under even higher rates.

Beyond the permitted 11 percent increase, the new settlement imposed a 5.4 percent generation rate increase each year from 2007 through 2010 in a new surcharge. However, consistent with an OCC argument in the case, the PUCO ordered that this surcharge could not be imposed on customers who purchase generation from an alternative supplier.

Beginning in 2009, generation rates would increase for residential consumers based on the elimination of the residential generation discounts. The OCC testified in the case that customers will pay over \$20 million more under the new agreement than under the terms of the original 2003 DP&L rate plan. This calculation was made based on DP&L's own forecast of electric market rates during 2009 and 2010.

**Result:** The OCC believed the settlement was unlawful and unfair to residential consumers because it violated a PUCO-approved rate plan that was negotiated and agreed to in 2003. The OCC questioned the usefulness of the settlement process if once again, the implementation and enforcement of an agreement reached among parties cannot be relied upon.

— [Case 05-276-EL-ATR](#)

## case highlights

### *FirstEnergy fuel costs*

Based on the FirstEnergy rate plan, which the Office of the Ohio Consumers' Counsel (OCC) has appealed to the Ohio Supreme Court, the company was allowed to request annual fuel-related rate increases at the Public Utilities Commission of Ohio (PUCO).

FirstEnergy reached an initial settlement with industrial customers and several cities, which allowed for the deferral of distribution costs. A deferral is typically followed by a request by a utility to actually collect the accumulated costs from consumers.

Subsequently, the OCC led an effort to reach a settlement that included other parties – several low-income consumer groups and a large number of government entities – in order to bring customer benefits in exchange for agreement not to oppose the initial settlement. Under the agreement signed by the OCC, customers would gain energy efficiency benefits and the ability for community aggregation efforts to continue in northern Ohio.

The agreement signed by the OCC included:

- ▶ \$25 million for energy efficiency programs over the next three years, including funding for home energy inspections and appliance upgrades and replacements. The programs would save consumers money by lowering their usage and decreasing the need for FirstEnergy to buy power in times of peak usage (i.e. during hot summer days). Buying less power will save customers money by eliminating a portion of the company's future generation costs. Of this money, \$1.5 million will be targeted toward weatherization programs for low-income consumers.

- ▶ Additional energy efficiency benefits. Under the agreement signed by the OCC, additional funds would be used for energy efficiency programs. Also, another \$3 million for residential customer energy efficiency programs would be provided. The OCC will provide direction on how this money would best benefit consumers.
- ▶ Preserving the ability for residential consumers to save money through electric aggregation opportunities. The agreement helps remove a barrier to aggregation created in the rate plan by reducing the amount of advance notice that aggregated communities must give FirstEnergy in order for their residents to avoid paying the company's Rate Stabilization Charge. The charge is a major component of the company's rate plan.

**Result:** Based on the efforts of the OCC and other parties, an agreement was reached with FirstEnergy to provide support for important energy efficiency programs that would help customers control their usage of electricity and reduce electric bills. Some aggregation efforts, which have brought considerable savings to northern Ohio customers since 2001, would be preserved. — [Case 05-704-EL-ATA](#)

case highlights

***Transfer of Monongahela Power customers to American Electric Power***

Negotiations between two electric companies occurred that resulted in the transfer of Monongahela Power's customers to American Electric Power's (AEP) Columbus Southern Power at the beginning of 2006. The transfer is significantly impacting the rates of the approximately 25,000 residential customers of Monongahela Power, since Columbus Southern Power's rates are higher.

The Office of the Ohio Consumers' Counsel (OCC) participated in the case involving the proposed transfer, advocating for the moderation of increases in 2006. Based on a representative residential customer's usage, the OCC believed the proposal negotiated by the companies could, depending on usage, mean a rate increase of approximately 34 percent, or \$20 in additional charges per month. The OCC filed testimony with the Public Utilities Commission of Ohio (PUCO) to present an alternative to such a large increase all at one time.

The alternative suggested by the OCC was a phase-in process that would spread the rate increase over several years. In the OCC's proposal, the initial rate increase for residential customers would have been just one-third of what the companies had proposed. The remaining increase would be delayed for collection in future years from all Columbus Southern Power customers. Spreading part of the increase among the approximately 630,000 current Columbus Southern Power residential consumers would have had a very minimal impact on their rates.

The OCC also opposed a recommendation of the PUCO staff that residential customers pay a portion of a \$10 million payment by AEP to Monongahela Power. The \$10 million was paid in connection with litigation claims relating to Monongahela Power's commercial and industrial customers. Since residential customers were not the subject of the litigation, the OCC argued that they should not pay for any share of the payment.

**Result:** In November 2005, the PUCO approved the transfer without the OCC's suggested phase-in approach. The PUCO also decided that all customers, including residential consumers, must pay a share of the \$10 million charge. — [Case 05-765-EL-UNC](#)

# Natural Gas

The year 2005 brought a roller coaster of natural gas prices to Ohioans due to factors including Hurricanes Katrina and Rita, which swept through the Gulf of Mexico in late summer and late fall. Ohioans saw several months of record high prices, especially during the winter heating season. Concerned over the impact of natural gas prices and lack of energy efficiency efforts, the Office of the Ohio Consumers' Counsel (OCC) advocated for additional assistance for households that normally would not qualify for state and federal programs as well as for natural gas companies to offer energy efficiency programs to their customers. During the fall of 2005, as natural gas prices continued to rise, the OCC and numerous other consumer groups urged the Governor to provide additional funding for heating assistance. In October 2005, Governor Taft approved an additional \$75 million in funding to make it possible for a greater number of lower income families to receive assistance to stay connected to their natural gas service.

Even though prices began to decrease slightly by the end of the year, consumers were still facing some of the highest rates for natural gas in recent years. In January 2005, prices per unit of natural gas for most Ohio residential consumers ranged between 78 cents and 99 cents. By December 2005, residential consumers were paying anywhere between \$1.15 and \$1.30 per unit.

These increases were caused by several factors including decreased production and the increased use of natural gas for not only home heating, but for electric generation over the summer. In the United States, 25 percent of natural gas usage is from residential home heating consumption and another 25 percent is from electric gas-fired generation. The other 50 percent is used by commercial and industrial entities. Additionally, almost every new power plant that has been built since 1990 uses natural gas.

The OCC continues to be concerned about the high price for natural gas and the impact it has on all of Ohio's natural gas consumers. To help ensure that consumers are being accurately charged for natural gas, the OCC reviews filings that natural gas companies make with the Public Utilities Commission of Ohio (PUCO) regarding their rates, to ascertain that such rates reflect current market prices.

### ***Energy efficiency and conservation***

The OCC's efforts that began in 2004 for promoting energy efficiency programs continued during 2005. The OCC has engaged in an ongoing dialogue with each of the major natural gas companies to determine ways for more energy efficiency and weatherization programs to be implemented and publicized to help Ohioans reduce their consumption. Some of the programs for which the OCC advocated would provide incentives for consumers to reduce their usage and to perform energy efficient upgrades to their homes. Incentives may include rebates on purchasing and installing an energy efficient (Energy Star®) appliance such as a furnace or further insulating a home.

### ***Natural gas choice***

By the end of 2005, approximately 1.1 million customers of Ohio's four major natural gas utilities had chosen alternative natural gas suppliers.

During 2005, 11 communities passed ballot issues allowing their local governments to research and choose a supplier that could provide a competitive rate for their residents. Opt-out aggregation automatically includes all eligible consumers within the community. Those residents will have an opportunity to opt-out, or remove themselves, from the program at a later date. In all, over 230 communities have approved natural gas aggregation since it began in January 2001.

Another choice-related issue in 2005 was Dominion East Ohio's proposal to exit from the business of selling the natural gas commodity to consumers and to eventually move all of its customers to alternative suppliers with a new natural gas commodity rate determined through an auction process. Dominion would continue to be responsible for delivering natural gas through its distribution pipelines and facilitating storage of

the natural gas. During the year, the OCC was active in the case, arguing that under Dominion's proposal there were no tangible benefits for consumers and that the proposed auction process would not set the best price for consumers. Additionally the OCC argued that customers should not bear the increased costs associated with the proposal as it posed a clear financial detriment. With some changes such as an appropriate bidding process and the additional rate increases proposed by Dominion being dropped, the OCC would be willing to support a wholesale competitive bid on a trial basis.

### ***Minimum Gas Service Standards***

In May 2005, the PUCO requested comments on the creation of service standards to which natural gas companies must adhere. Over the following months the OCC advocated for consumers being able to have at least one free test of their meter every three years, that most service requests be completed within three

days instead of the current five-day rule and that new installation should be completed within 10 days of the request instead of the 20 days currently allowed. The OCC requested that if a company does not complete service requests or installations within the appointed time, then customers should receive compensation through credits on their bills. The OCC also argued that the rules should address alternative bill formats,

such as large print and Braille. The PUCO made the decision that it would not require the companies to provide large print or Braille bills.

During 2006, the OCC will continue to monitor natural gas rates and advocate for energy efficiency programs that will reduce consumption and rates, in both the short and long run for consumers.

## case highlights

### *Columbia bill format*

Columbia Gas of Ohio filed in November 2004 to redesign its customer bill. After review of the proposed bill format changes, the Office of the Ohio Consumers' Counsel (OCC) had several informal discussions with Columbia about the proposed changes and offered ideas that would make it easier for consumers to understand their bills. Further, the OCC filed comments with the Public Utilities Commission of Ohio (PUCO).

With the support of many organizations representing the visually-impaired across the state, the OCC asked the PUCO to modify Columbia's proposed bill design to make it significantly easier for visually impaired consumers to read information on bills. The OCC recommended that Columbia produce large print and Braille versions of its bills. Columbia argued that it would not be possible to provide these types of bills without incurring additional expenses.

**Result:** During the course of the case, over 40 letters from organizations representing visually impaired consumers were sent to the PUCO in support of the implementation of large print and Braille bills. In the end, the PUCO transferred the issue to the Minimum Gas Service Standards case so that, if changes were necessary, all natural gas companies in Ohio would be required to offer alternative formats. — [Case 04-1680-GA-UNC](#)

## case highlights

### *Dominion audit*

The Office of the Ohio Consumers' Counsel (OCC) participated in the hearing for the Public Utilities Commission of Ohio's (PUCO) biennial audit of Dominion East Ohio's gas purchasing practices. The OCC found that Dominion did not report off-system sales revenue obtained through Park, Loan and Exchange transactions. Park transactions are where Dominion accepts an amount of natural gas from a supplier and gives the supplier the same amount back at a later time. Loan transactions are where Dominion gives a supplier a specific amount of natural gas and accepts the same amount back at a later time. Exchange transactions refer to Dominion accepting an amount of natural gas from a supplier at one location and giving the same amount to the supplier from a different location. The PUCO agreed with the OCC and ordered Dominion to share 40 percent of the Park, Loan and Exchange revenues above \$4.5 million with its customers.

After Dominion filed for a rehearing of the PUCO's decision, the PUCO reversed itself and held that the Park, Loan and Exchange transactions did not impact customers, despite the fact that the transactions relied on facilities paid for entirely by consumers. However, the PUCO did agree with the OCC on one point and ordered that future Park, Loan and Exchange transactions be reviewed in future biennial audits to ensure that Dominion's customers are not adversely affected.

**Result:** The revenue earned by Dominion through Park, Loan and Exchange transactions will be reviewed in future audits to ensure Dominion customers are not harmed. — [Case 03-219-GA-GCR](#)

### *Vectren management performance audit*

In late 2002, a management performance audit was conducted by the Public Utilities Commission of Ohio (PUCO) to review Vectren Energy Delivery of Ohio's natural gas purchasing practices and the rates it charged consumers from November 2000 through October 2002.

The Office of the Ohio Consumers' Counsel's (OCC) participated in the case and through its analysis and advocacy efforts supported the PUCO staff audit recommendations for over \$5 million to be credited to customers. Beyond the audit recommendations, the OCC demonstrated that an additional \$4.5 million was due to customers. The Commission agreed with the OCC's position. However, on rehearing, the PUCO ordered a total credit to customers of almost \$8 million. The credits will be treated as an adjustment to Vectren's future regulated gas rate, which changes each month.

In addition to the credit, interest at an annual rate of 10 percent also will be added to the credits based on the time from when each error occurred until May 1, 2004. Vectren has appealed the PUCO's ruling in this case to the Ohio Supreme Court.

**Result:** The PUCO ordered credits for consumers of almost \$8 million, with \$4.5 million as a direct result of the OCC's involvement. — [Case 02-220-GA-GCR](#)

# Telecommunications

Ohioans witnessed a number of significant changes in the telecommunications industry in 2005. Mergers between some of the largest telephone companies, rate increases for commonly used features, fewer competitive providers and the prospect of new rules that could enable companies to raise the price of stand-alone dial tone service, were all at the forefront of the telecommunications industry last year.

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) that mergers should produce benefits for customers; advocated at the Federal Communications Commission (FCC) that providers of Voice over Internet Protocol (VoIP) should be required to provide enhanced 9-1-1 services; and remained steadfast in its position that local telephone companies should be required to facilitate entry for other providers so they are able to offer a choice to customers at a competitive price.

## Mergers

The mergers of SBC and AT&T and Verizon and MCI were the most significant telephone cases in which the OCC took part in 2005. In both cases, the OCC opposed the merger plans as filed and advocated for conditions that would provide benefits to customers as a prerequisite for approval. The OCC proposed conditions relating to pricing caps, consumer protection issues, as well as providing access to broadband services where it remains unavailable, and allowing competitive providers to lease parts of the network to support the development of choices for customers. The access to broadband is particularly germane in rural areas where there is no competition to the local company. It is also critical for rural customers to have access to the same educational tools as their urban counterparts. The OCC also sought careful PUCO review of the Sprint and Nextel spin-off of local operations, which seemed to contradict the industry merger trend.

## The competitive market

The Federal Communication Commission's (FCC) decision — to no longer require SBC and other carriers to lease parts of their networks to competitive local telephone service providers at reasonable prices — took its toll on the competitive marketplace.

Local telephone companies continued taking advantage of operating under elective alternative regulation, rules that enabled them to increase prices for many commonly used features such as Call Forwarding. Many of the prices for these features were raised by as much as \$1 a month and sometimes more. The OCC had vigorously opposed these rules, citing that there should be comparable alternatives from which customers could choose before a company could be eligible to operate under these rules and raise rates.

The market, however, did see a rise in the number of alternative telephone providers. A number of Voice over Internet Protocol (VoIP) providers offered residential consumers competitive prices for bundles of services as opposed to basic service. The OCC cautioned consumers that many VoIP providers do not provide Enhanced 9-1-1 service, which identifies the exact location from which the call to emergency personnel is placed. The OCC was pleased that the FCC ordered companies offering Internet-based

telephone service to provide the same Enhanced 9-1-1 services used with traditional home telephone service.

## Proposed telephone rules

A change in Ohio law will allow an opportunity for telephone companies to operate under what is called alternative regulation for basic local telephone service – a customer's dial tone service. The Public Utilities Commission of Ohio (PUCO) is developing rules to establish eligibility requirements. The rules proposed by the PUCO staff would allow companies that meet certain requirements to raise basic rates up to 20 percent every year without further review.

Based on the law, the OCC believes one of the requirements under the proposed rules must be the existence of other providers offering just basic local service. The OCC has argued that customers have virtually no alternative companies from which to choose when they want basic local service and nothing more. The only alternatives that do exist include basic local service as part of an expensive package with other features and services.

Under the proposed rules, in exchange for being able to impose up to 20 percent annual increases on basic local telephone service and Caller ID, the telephone companies would not be required to provide anything of benefit to consumers. The OCC contends the rules proposed by the PUCO staff do not provide the safeguards that are needed to protect customers that wish to have just basic telephone service. The needed safeguards should include demonstrable evidence that there is comparable competition for basic service before the rate is deregulated.

There is one key item where the OCC strongly agrees with the PUCO staff: The PUCO staff has proposed that Lifeline customers be insulated from the increased rates that the proposed rules would allow. The OCC also believes that the rules should further strengthen the Lifeline program.

The OCC will continue to advocate on behalf of residential consumers to ensure that protections are in place before companies are able to raise rates for basic local telephone service without any regulatory oversight.

**case highlights**

***SBC/AT&T merger***

In January 2005, SBC and AT&T – two of the nation’s largest telephone companies – announced their plans to merge. Prior to merging, SBC and AT&T were required to gain approval from regulators in several states, including Ohio, and at the Federal Communications Commission (FCC). The Office of the Ohio Consumers’ Counsel (OCC) expressed concerns at the Public Utilities Commission of Ohio (PUCO) that the proposed merger did not demonstrate any customer benefits as required under Ohio law. The OCC argued that the merger plan would reduce local and long-distance choices for customers and could have a detrimental impact on the quality of their service. The OCC believed the merger should not take place unless benefits and conditions were introduced that would make the merger in the customer’s best interest. The OCC also requested the PUCO to conduct full hearings to weigh the facts of the merger and require SBC and AT&T to present evidence that there will be no negative impacts on residential customers. The OCC made recommendations to the PUCO, which included:

- ▶ Require that SBC introduce broadband in its Ohio communities where it is currently unavailable
- ▶ Require SBC to cap its basic local service rates, the price of bundled packages and separately purchased features such as Call Waiting and Call Forwarding, for a set period of time
- ▶ Continue and enhance the Lifeline low-income assistance program
- ▶ Impose consumer protections such as stronger penalties if the company violates the Minimum Telephone Service Standards

In October 2005, the FCC approved the merger between SBC and AT&T and the PUCO followed suit in November 2005. While the FCC and PUCO’s approval of the merger did not provide many of the benefits for residential customers that OCC had recommended, it did include some broadband-related benefits for which the OCC had advocated.

**Result:** The OCC believes additional benefits, from price stability and consumer protections to better access to telecommunications services, are conditions the PUCO should have mandated before approving the merger. The PUCO denied an OCC request that it reconsider its decision.

— Case 05-269-TP-ACO

**case highlights**

***Verizon/MCI merger***

In February 2005, Verizon and MCI – two large telephone companies with many Ohio customers – proposed to merge their operations and requested approval from regulators at both the state and federal levels. Similar to the SBC and AT&T merger case, the Office of the Ohio Consumers’ Counsel (OCC) did not believe that Verizon and MCI had demonstrated any benefits for residential customers in their proposal to the Public Utilities Commission of Ohio (PUCO) as required by Ohio law.

The OCC argued that the proposal by Verizon and MCI would decrease the number of local and long-distance choices and that potential job cuts could have a detrimental impact on the quality of service for customers. The OCC believed the merger should be denied unless conditions were imposed, a few of which included:

- ▶ Require that Verizon introduce broadband in its communities where it is currently unavailable
- ▶ Ensure that cost savings resulting from the merger will benefit residential consumers, preferably through lower rates
- ▶ Continue and enhance the Lifeline low-income assistance program.
- ▶ Impose stronger penalties if Verizon violates Ohio’s Minimum Telephone Service Standards
- ▶ Require that Verizon allow competitors to lease its local telephone network at reasonable rates

In October 2005, the FCC approved the merger between Verizon and MCI, and the PUCO issued its approval one month later. While the FCC and PUCO’s approval of the merger did not provide many of the benefits for residential customers that OCC had recommended, it did include some broadband-related benefits for which the OCC had advocated.

**Result:** The OCC believes that the PUCO approval of the merger was not in the best

interest of the public and the companies had failed to demonstrate any benefits for residential customers. The PUCO denied an OCC request that it reconsider its decision. — [Case 05-497-TP-ACO](#)

**case highlights** *Collect call charges*

A case involving proposed changes to some of Ohio's telephone rules brought residential consumers enhanced protections for which the OCC advocated. The rules involved the price of collect calls made and received in Ohio as well as in-state calls handled through a telephone company's operator. While the rates of these types of calls were capped in Ohio, the rules were complex so the Public Utilities Commission of Ohio (PUCO) determined a review was in order.

On January 7, the OCC commented on changes to the rules proposed by the PUCO staff, arguing that they would unnecessarily increase customers' rates by between 25 and 155 percent over what was allowed under the existing rules. The OCC advocated that consumers should receive rate information prior to making or receiving an operator assisted telephone call and that they should be informed if companies blocked these types of calls. The OCC was aware of at least one telephone company that blocked collect calls made from state correctional facilities to its customers.

In rules adopted by the PUCO on August 17, 2005, the rate caps were higher than the OCC had suggested but they included important disclosure requirements, including the requirements to provide customers with the per-minute rates for operator-assisted calls and to identify for customers the specific telephone company that is providing the service.

The PUCO did include some exceptions in the rules. Under the new rules, telephone companies that abide by the imposed rate caps need only disclose the per-minute rate upon a customer's request, while companies choosing not to cap their rates must tell customers the per-minute rate before any charges are incurred. In addition, companies without capped rates must keep an audio recording of calls to demonstrate that customers were informed of the per-minute rates and that they accept responsibility for the charges. All companies handling collect calls from Ohio prisons must disclose their rates at the beginning of the call to

customers receiving calls from inmates, although the audio recording requirement does not apply.

The OCC asked the PUCO to reconsider part of its decision, arguing that audio recording verifications should be kept by all companies providing collect call and operator services, regardless of whether their rates are capped or the service involves a prison. On October 5, 2005, the Commission denied the OCC's request. The issue of blocked calls from correctional facilities will be addressed in a separate case that will be opened at the PUCO.

**Result:** New rules include a requirement that all residential consumers making or receiving an operator-assisted call within Ohio will receive rate information and the name of the company providing the service. — [Case 04-1785-TP-ORD](#)

**case highlights** *Low-income eligibility guidelines*

The Office of the Ohio Consumers' Counsel (OCC) helped to secure broader income guidelines that will assist more low-income consumers in establishing basic local telephone service. The OCC asked the Public Utilities Commission of Ohio (PUCO) to require Alltel/Western Reserve, CenturyTel, Chillicothe Telephone, Cincinnati Bell, SBC Ohio, Sprint and Verizon to use the same income eligibility requirements for customers initiating telephone service through the Federal Link-Up assistance program as is required for Lifeline, the program that offers discounts on monthly telephone bills. This would change the Link-Up qualifications from 135 percent of the poverty level to 150 percent as was required by the Federal Communications Commission. The PUCO agreed with the OCC's recommendation and on July 19, 2005 stated that these companies should use the 150 percent requirement. This means that a family of four, instead of being eligible with an income at or below \$26,123, can now qualify with an income at or below \$29,025.

**Result:** More consumers in Ohio's 88 counties will be able to establish basic local telephone service due to the household income limit being raised for the Link-up assistance program. — [Case 05-461-TP-UNC](#)

# Water

Water is one of our most important resources. Potable water at a reasonable cost will continue to be an issue for Ohio's consumers as the use of water continues to increase. The Office of the Ohio Consumers' Counsel (OCC) represents residential consumers of Ohio's investor-owned water companies and reviews company requests for rate increases that are filed at the Public Utilities Commission of Ohio (PUCO). The OCC wants to ensure that rates are fair and reasonable. The OCC also provides recommendations to water companies on how to implement education programs that will assist their customers in understanding the importance of water conservation as well as the availability of assistance programs for those who cannot afford to pay their water bills.

### *Water quality*

As part of the 2004 Ohio American Water rate case, the company agreed to hold public meetings to discuss customer concerns such as water quality. The OCC attends all of the quarterly public meetings, which provide a forum for customers to meet with company representatives to share their concerns and seek resolutions as a group. The company files monthly reports on water quality with the PUCO, and the OCC continues to review the results.

### *System improvement charges*

The infrastructure for water systems in many parts of Ohio is decades old. In order to continue to effectively serve customers, many water companies are beginning to make improvements to their water distribution systems. These improvements may include new water mains, services and hydrants. When these requests are made by investor-owned water companies, the OCC reviews the cases to determine if the increases are in the best interest of residential consumers and if they are cost effective.

In March 2005, Aqua Ohio was approved for a system improvement surcharge for its Lake Erie Division. This will allow the company to recover the costs of certain system improvements including the replacement of service lines, water mains and hydrants. These system upgrades will help ensure water quality, pressure, flow and overall distribution system reliability for customers. In December 2005, Aqua Ohio filed another system improvement charge case.

### *Low-income assistance programs*

Suggestions made by the OCC in the 2004 Ohio American Water rate case resulted in the company reintroducing its H2O Help to Others Program. Ohio American Water created this emergency assistance program to provide supplemental funding to customers who are unable to pay their bill and may face disconnection. Customers of Ohio American Water may donate money to the program as they pay their water bill and the company matches these funds dollar for dollar up to \$6,000 each year. The funds are distributed to needy customers through local service agencies.

## case highlights

### *Ohio American Water system improvement charge*

The Office of the Ohio Consumers' Counsel (OCC) helped to reduce a proposed charge in Ohio American Water's System Improvement Charge case. Ohio American Water asked the Public Utilities Commission of Ohio (PUCO) to grant just over a 2 percent increase to monthly bills for improvements to its water system including replacing aging service lines, distribution pipes, valves and hydrants. The OCC reviewed the company's filing and financial documents and determined that the original request was too high. With the OCC and PUCO's urging, the company reduced its proposed increase to approximately 1.9 percent instead, which the PUCO approved. The PUCO also agreed with the

OCC's recommendation that Ohio American Water must provide a clear audit trail in any future system improvement charge application filed before the PUCO.

**Result:** Certain Ohio American Water customers will have a smaller charge applied to their bills than the original proposal by the company. — [Case 05-0577-WW-SIC](#)

### *Ohio American Water rate increase*

In 2005, the Office of the Ohio Consumers' Counsel (OCC) assisted in reducing Ohio American Water's proposed rate increase for some of its districts from 19 percent to the approved rate of 7.1 percent. The company requested the increase in rates due to increased plant investments and operating costs including employee pensions and benefits, security expenses, increases in property taxes and capital investments such as main relocation projects. Ohio American Water also agreed to: provide the OCC with a company contact for addressing consumer complaints; offer a low-income assistance program and a conservation awareness program; and hold regular meetings with customers of Prairie Township and Marion County.

**Result:** The OCC's objections in the case helped result in a reduction of \$207,446 for its approximately 52,000 customers from the recommended increase and a \$7.50 reduction in the customer reconnect charge. The company is re-establishing its H2O Help to Others Program to assist low-income customers with paying their bills. The company also agreed to develop a conservation awareness program for its customers. — [Case 03-2390-WS-AIR](#)

# Communicating with Consumers

The Office of the Ohio Consumers' Counsel (OCC) is committed to providing consumers with up-to-date information about their utilities, including changes in rates and services, new opportunities for switching to competitive providers, as well as tips on how to use energy more efficiently and how to protect themselves against scams. By meeting with consumers at presentations and events throughout the state, working with the media to help inform consumers about utility issues that affect them, distributing printed materials and maintaining a comprehensive and interactive website, the OCC is working to keep Ohioans informed about their utility services.

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This past year, the OCC expanded its previous efforts to engage in dialogue with low-income advocates, local governments and utility companies. This was accomplished through energy forums in a variety of communities throughout Ohio, discussions with groups that work with low-income consumers, visiting with several city councils and holding individual meetings with utility company representatives.

### *Forums*

The OCC attended community forums that were designed for discussion of winter heating prices and to address billing options and energy efficiency. Two such events included a meeting with consumers in Bedford Heights and a forum sponsored by Serving Our Seniors in Erie County. Approximately 100 consumers attended these events.

- ▶ In October, the OCC joined with representatives from the Public Utilities Commission of Ohio, Northeast Ohio Public Energy Council, Dominion East Ohio, state representatives and the mayors of Bedford and Bedford Heights, to address rising natural gas prices and assistance programs that are available to low-income consumers to help pay their utility bills.
- ▶ Serving Our Seniors held the event “Heating Solutions for Older Adults” in November. The OCC participated in the event, providing information about a variety of assistance programs and some low cost energy efficiency tips that seniors could implement to help lower their monthly bills.

### *Low-income dialogue group*

To exchange ideas and take action on low-income issues, the OCC reorganized the low-income dialogue group. The group is composed of representatives of legal aid agencies, community action agencies, job and family services, food banks, agencies that serve the homeless, the Ohio Department of Development, the United Way and others. On a regular basis, the group meets to discuss and make recommendations regarding low-income utility issues such as utility assistance programs, bill payment centers and weatherization funds. The low-income dialogue group met several times

during 2005 to discuss many issues, with the two primary topics focused on bill payment centers and recommended changes for the Percentage of Income Payment Plan.

**Bill payment centers.** As the age of electronic banking and automated services has developed, most Ohioans have seen the elimination of local utility bill payment centers. For example, this became a problem for some low-income customers who do not have credit cards or checking accounts and who traditionally relied on the ability to pay in person. The low-income dialogue group internally discussed this issue and identified several solutions that could help low-income consumers pay their bills without being charged fees at unauthorized agent locations and through electronic banking or with a credit card. Authorized agents only are allowed to charge fees that are up to double the price of a first-class postage stamp, while unauthorized agents can charge several dollars for processing utility payments.

In April and September, the group met with representatives from most of the natural gas and electric utilities to discuss re-opening bill payment centers as well as other options. Some of the specific issues that were discussed included:

- ▶ Reducing fees for payments that are made by credit card or via electronic checks
- ▶ Identifying locations for authorized agents on monthly bills and disconnect notices
- ▶ Initiating a process to suspend disconnects or to reconnect service if customers inadvertently pay at an unauthorized payment center. Currently, paying a utility bill at an unauthorized agent does not protect against utility disconnection
- ▶ Providing customers with 24/7 access to the closest authorized agent
- ▶ Assessing the feasibility for re-opening select “one-stop” utility bill payment centers in several cities
- ▶ Providing communities with input for locations and types of establishments that serve as authorized agents
- ▶ Finding ways to allow more face-to-face interaction between customers and utility companies for discussing payment options and making payment arrangements.

**PIPP.** Among members of the group, there was widespread concern for Ohioans that participate in the Percentage of Income Payment Plan (PIPP) program and their ability to afford a minimum payment or pay off their balance – the difference between what they actually owe from their energy usage and what their payment is based on their income.

Through several meetings with a variety of organizations, including the OCC's Community Advisory Panel, suggestions were developed on how the PIPP program could be changed to assist low-income consumers in staying connected to their electric and natural gas services. Some of the suggestions included reducing PIPP payment amounts, a broader crediting program, standardizing PIPP operating procedures, eliminating deposits, implementing credit counseling for those on PIPP to help them with their financial debt, and offering incentives for consumers on PIPP to become more energy efficient to help lower their amount of debt. During 2006, the low income dialogue group will continue to work on identifying ways to improve the PIPP program in an effort to help Ohio's low-income consumers.

### ***Local governments***

As part of an initiative by Governor Bob Taft to educate local governments about the impact of rising natural gas prices and the availability of assistance programs to help their constituents, the OCC joined with several other state agencies to meet with city councils and county commissioners. During October, November and December, the OCC, along with the Public Utilities Commission of Ohio, the Ohio Department of Development, Ohio Department of Aging and the Ohio Department of Jobs and Family Services, visited local governments in Cleveland, Columbus, Dayton, Jackson,

## **OCC facts at a glance**

- ▶ Visited 215 Ohio cities and 76 Ohio counties
- ▶ Conducted 460 site visits with organizations and agencies
- ▶ Provided 601 presentations to organizations and agencies
- ▶ Participated in 126 shows, fairs, listener lunches and breakfast breaks
- ▶ Met with over 57,000 consumers through outreach efforts
- ▶ Distributed over 462,000 educational materials
- ▶ Distributed Consumers' Corner newsletter every other month to over 85,000 consumers and consumer groups
- ▶ Distributed over 171,000 fact sheets, stay connected videos and materials on utility assistance programs

Toledo and Youngstown to discuss the Home Energy Assistance Program (HEAP), Emergency HEAP, Percentage of Income Payment Plan, Winter Reconnect program and long-term energy efficiency programs that could help consumers lower their monthly bills.

### ***Working with utilities***

The OCC worked closely with a variety of organizations during 2005 to develop plans for implementing a community voicemail program. Community voicemail would allow individuals who are in a crisis situation or those who cannot afford or do not have telephone service to have access to a voicemail box to receive important calls from potential employers, family or medical personnel. In addition, community voicemail recently

was used by victims of Hurricane Katrina and Rita. The OCC hopes to have the program available to consumers in need starting in 2006 in a limited area in Ohio.

The OCC will continue to work closely with other low-income advocates, local governments and utility companies in 2006 to bring about programs that will better serve Ohio's residential utility consumers.

### ***Outreach and education***

The year 2005 began with a renewed focus on educating consumers about rising natural gas prices and how energy efficiency measures could help lower their energy bills. With energy prices continuing to increase, the OCC, along with other consumer groups, called for increasing the income eligibility guidelines to help more low-income individuals qualify for assistance programs over the winter. Governor Taft did allow for additional funding and raised the guidelines to include those up to 175 percent of the federal poverty level to be eligible for the assistance programs. This allowed more consumers such as seniors on fixed

incomes, young families and consumers in low wage jobs to receive energy assistance for the first time. The OCC looked for ways to educate consumers about the assistance programs through a video that explained the programs, comprehensive printed materials and training for the staffs of agencies that help the low-income population.

The OCC's stay connected video, produced in both English and Spanish, provided an additional resource for low-income consumers to learn about assistance programs. The video, which offered a general overview of the programs, was distributed free to organizations throughout Ohio. The video can be used in office lobbies to help clients understand the programs and the process of applying for assistance.

### ***Community Advisory Panel***

The OCC Community Advisory Panel (CAP) serves as a resource for the agency to provide an effective network for receiving consumer input and disseminating relevant utility information. CAP members represent diverse constituencies throughout Ohio who have an interest in utility issues. They provide an important communications channel to advise the OCC about community attitudes, opportunities and needs regarding utility services. CAP members have provided the OCC with helpful ideas and important feedback in a variety of forums throughout the year.

### ***Presentations***

The OCC was asked to make presentations about utility issues at a wide variety of annual conferences, including the Ohio Welfare Conference, Ohio Head Start Association, the Greater Cleveland Habitat for Humanity, NAACP/Dayton, the Ohio Department of Insurance and the Ohio State Association of Veteran Services Commissioners Fall Conference, among many others.

Additionally, the OCC offered presentations that provided an in-depth discussion of energy efficiency measures that could help consumers lower their energy bills. The presentation included no cost or low cost measures to lower energy usage as well as more extensive energy efficiency ideas, including tips, such as adding insulation to attics and walls and replacing heating/cooling systems.

### ***Hispanic outreach***

In an effort to educate and resolve utility issues for the Hispanic community, the OCC has built relationships with many agencies and coalition groups that serve the Spanish-speaking community. The OCC has participated in many Hispanic events like the Hispanic Festival in Columbus, Cinci-Cinco Festival in Cincinnati, the Puerto Rican Festival in Cleveland, as well as worked with different agencies to educate the Spanish-speaking community throughout the state. New additions to OCC's Spanish materials include a newsletter, El Informador, and the Consumer Assistance Handbook.

### ***Renewable energy in Ohio***

The OCC developed a comprehensive presentation to provide consumer groups and organizations with information on renewable energy. The presentation included facts such as: 1) The majority of Ohio's electricity is produced by coal-fired power plants; 2) Most of Ohio's homes are heated by natural gas, propane or fuel oil; 3) The high cost of these fossil fuels is causing consumers to consider other options; and 4) Ohio is exploring options for renewable energy in a variety of ways – wind farms, solar, and biomass. The OCC made a concerted effort in 2005 to educate consumers about these important resources and will continue to do so in the future.

### ***New printed materials***

The OCC offers over 100 fact sheets on numerous utility topics. This year, the agency introduced several new fact sheets designed to educate consumers about issues that may affect their monthly bills as well as assist them in making more informed decisions about their utility services.

**Electric.** With the PUCO's approval of a new electric rate plan for American Electric Power, Cincinnati Gas & Electric, Dayton Power & Light and FirstEnergy, the OCC prepared printed materials to educate consumers about the new rates. The OCC also put together fact sheets informing consumers about electric service reliability and safety standards as well as safety tips for use during a power outage.

**Natural gas.** With the rising cost of natural gas, it is more essential than ever for the OCC to continue providing current and accurate information about natural gas supplier offers on a weekly basis. As a result of increased interest in the gas choice program, the *Plain Dealer* newspaper in Cleveland began publishing the OCC's Comparing Your Energy Choices chart every Sunday. Additionally, the OCC updated its fact sheet that details how and why natural gas prices rise, as well as the fact sheet that provides an explanation of the Gas Cost Recovery (GCR) rate and the GCR rates over the past five years for each of the major natural gas utilities.

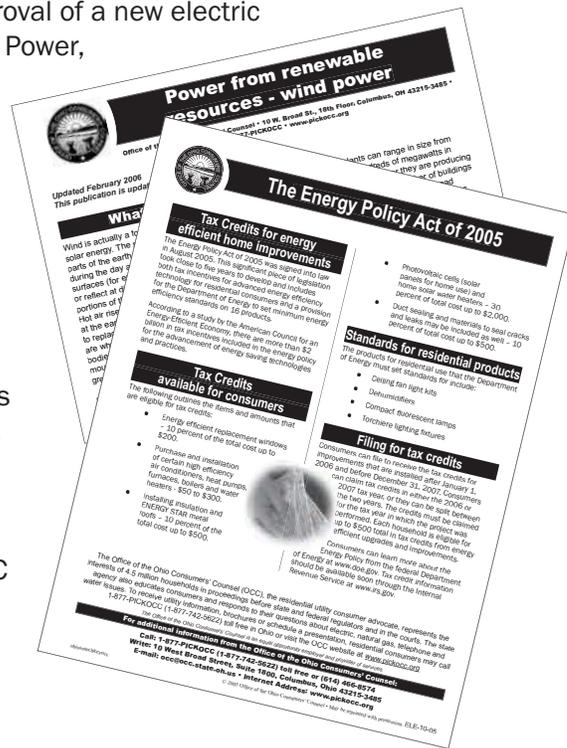
**Telephone.** The OCC has developed fact sheets to inform consumers of a new law and rules proposed at the PUCO that could raise telephone rates for consumers as much as 20 percent each year without further review.

**Energy Efficiency.** The Energy Policy Act of 2005 was signed into law in August. The OCC developed an informational fact sheet notifying consumers of

potential benefits, including tax credits, the law could provide.

**Water.** A fact sheet was created that explains each component that appears on a water bill, the various charges and why it is important for consumers to carefully read their bill. The fact sheet also contains a drawing of a water bill, including all of the charges and their location on the bill.

**Consumer Assistance Handbook.** Consumers searching for more information about their utilities can look to the new, updated Consumer Assistance Handbook. The third edition is designed to assist consumers with their utility questions as well as provide valuable information and tips about their utilities.



Based on consumer input, the OCC worked to provide the most up-to-date information in a clear, concise manner that would be beneficial to all Ohioans. Some of the topics that are included in the handbook are:

- ▶ How to better understand your utility bills
- ▶ Rights as a utility customer
- ▶ Protection from telemarketers and telephone scams
- ▶ Energy efficiency and water conservation
- ▶ Payment assistance programs for electric, natural gas and telephone

To meet the needs of the growing Hispanic population in Ohio, the OCC also now offers the handbook in Spanish.

***www.pickocc.org***

In 2005, the OCC website had over 1,310,000 hits, which was an increase of over 30 percent from last year. Consumers were able to find information on a multitude of topics and were invited to become involved with the advocacy process. New to the OCC website in 2005 were the following:

**Comparing Your Local Telephone Choices.** This interactive tool is for consumers who want to select different features, such as Call Waiting or Three-Way Calling, and to compare the many different plans and prices in the AT&T (formerly known as SBC) and Verizon service areas.

**Controlling Your Energy.** Energy efficiency information is provided, including smart energy tips, a quiz on renewable resources, and an animated hydrogen fuel cell tutorial.

**Information Alerts.** The OCC reached out to consumers throughout the year to communicate information about current utility issues, public hearings and actions pending before state regulators that would be of interest to them.

**Tree Trimming.** Important zoning information is provided with a diagram outlining height and distance with regard to overhead and buried power lines. There is also a link to provide consumers with information on the appropriate kinds of trees that can be planted safely in proximity to power lines.

**Consumer Assistance Handbook.** The OCC's popular handbook is available at the website in English or Spanish.

**Multimedia Video Clips.** Video was made available online that provides an overview of the OCC, as well as information about the Home Energy Assistance Program, the Percentage of Income Payment Plan and Telephone Lifeline programs.

The website also offers over 100 fact sheets on a variety of utility topics that are updated regularly.



# Consumer Services

During 2005, the Consumer Services Division handled many calls relating to electric and natural gas rates, choices in natural gas suppliers and telephone service providers as well as general utility questions. As the front line in consumer services for the Office of the Ohio Consumers' Counsel (OCC), this dedicated division provided the individual attention that Ohio's residential utility consumers need to understand the complex utility issues they face each day. The Consumer Services Division made contact with over 9,100 consumers to help address questions they had with their utilities. It distributed over 9,700 packets of valuable utility information throughout Ohio and helped approximately 3,100 Ohioans either avoid disconnection or get reconnected to their electric, natural gas, telephone and water services.

Over the summer, the Ohio General Assembly removed the OCC's ability to handle call center complaints, in the biennial budget legislation. Through its Consumer Services Division, the OCC focused its attention to increasing efforts in educating Ohioans about their utility services, choices in providers, as well as their rights and responsibilities. The OCC also helped households avoid disconnection and get reconnected. The OCC continues to handle non-complaint inquiries from residential consumers, provides utility information and answers to their utility questions.

Consumer Services Division members also attended training on issues, such as low-income assistance, energy efficiency, detailed instruction in utility laws and rules and others tailored to ensure the best possible service for Ohio residential utility consumers.

### **Consumer comments**

*"I wanted to thank the OCC for resolving an issue when my telephone company billed us \$36.72 for an overseas call we did not make. Monday, we received a message from the company that they would credit us the \$36.72 as a result of a complaint filed by your office." — J. Lee*

*"A most sincere thank you to one of your representatives, who took my recent call to the Ohio Consumers' Counsel, interceded on my behalf, expeditiously resolved my problem with my telephone company and then followed up with a call, to me, for confirmation that the company had satisfactorily completed my repair. Also, my thanks to the Ohio Consumers' Counsel for the advocacy and educational work it performs for Ohio consumers. In my household, you are greatly appreciated." — Juanita*

*"She (the OCC representative) was courteous, friendly and professional in our dealings. She followed through on her promises and kept me informed right to the end." — Sylvia*

*"I am confident that the issue (with a natural gas supplier) would not have been resolved in my favor without his (the OCC representative) intercession. He knew what to do and whom to call and handled the matter expeditiously and professionally with empathy and sensitivity to my concern." — Harold*

## **case highlights**

### **OCC contact information**

The Public Utilities Commission of Ohio (PUCO) initiated a proceeding to modify rules that require utility companies to include the Office of the Ohio Consumers' Counsel's (OCC) contact information on customer-related materials. The PUCO staff believed the rules needed to be modified as a result of new language included in the state's budget bill that prohibited the OCC from handling customer complaints through its call center. While the PUCO staff recommended that OCC's toll-free number and website information be maintained on utility bills, it removed the requirement for utility companies to include the OCC's contact information on other materials such as disconnect notices, supplier agreements and the Consumer Bill of Rights which is published in local telephone directories.

In its filing at the PUCO, the OCC commented that the new law did not take away its responsibility to provide assistance to residential consumers regarding their utility services. The OCC's role includes contacting utilities to help customers arrange payment plans or get reconnected to their services when there is no dispute with the utility over the amount owed. Removing the OCC's contact information from these materials did not serve the public interest and would hinder the agency from helping those utility customers in need. The OCC argued it was important for customers to know they had an advocate working on their behalf and they should have the OCC's contact information readily available to them. The OCC requested that the modifications to the existing rules be denied.

**Result:** An outpouring of support ensued from individual consumers and organizations throughout the state – as well as two editorials in major daily newspapers – for OCC's contact information to remain on utility-related materials. The PUCO rendered a decision that utility companies must include the OCC's contact information on all utility bills and a variety of other materials that consumers receive.

— [Case 05-1350-AU-ORD](#)

## Assessments of more than \$100,000 for fiscal year 2006

Cincinnati Bell Telephone Company .....	\$111,755
Cincinnati Gas & Electric Company .....	\$619,132
Cingular Wireless, LLC .....	\$106,548
Cleveland Electric Illuminating Company .....	\$450,694
Columbia Gas of Ohio, Inc. ....	\$377,011
Columbus Southern Power Company .....	\$366,446
Dayton Power and Light Company .....	\$326,537
Dominion East Ohio Gas Company .....	\$354,754
FirstEnergy Solutions Corporation .....	\$135,695
Interstate Gas Supply, Inc. ....	\$117,692
New Par (dba AirTouch Cellular) .....	\$289,308
Nextel West Corporation .....	\$107,636
Ohio Edison Company .....	\$640,488
Ohio Power Company .....	\$440,750
SBC Ohio .....	\$413,331
Sprintcom, Inc. ....	\$145,698
Toledo Edison Company .....	\$227,283
Vectren Energy Delivery of Ohio .....	\$103,199
Verizon North, Inc. ....	\$107,983

## Operating budget - fiscal year 2006 appropriations

100 Personnel services .....	\$6,065,168
320 Maintenance and equipment .....	\$1,329,832
401 Consultants and transcripts .....	\$375,000
<b>Total .....</b>	<b>\$7,770,000</b>

## Disbursements and encumbrances for fiscal year 2006 to date

(July 1, 2005 — December 31, 2005)

100 Personnel services .....	\$2,609,644
320 Maintenance and equipment .....	\$548,151
401 Consultants and transcripts .....	\$165,401
<b>Total .....</b>	<b>\$3,323,196</b>

*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 474 utility companies for operating funds for fiscal year 2006. Companies can pass on the cost of supporting the OCC to their customers (less than 4¢ of every \$100 paid in utility bills).*

## Electric Cases at the Public Utilities Commission of Ohio

Case Number	Company	Issue
05-1500-EL-COI	Commission Ordered Investigation	Distributed Generation
05-1171-EL-UNC	Dayton Power & Light	10-Day Disconnect Rule
05-1168-EL-UNC	American Electric Power	10-Day Disconnect Rule
05-1141-EL-UNC	FirstEnergy	Bill Format
05-1127-EL-UNC; 05-1126-EL-AAM; 05-1125-EL-ATA	FirstEnergy	Fuel Costs
05-1090-EL-ATA	Dayton Power & Light	Storm Cost Recovery Rider
05-999-EL-UNC	Cincinnati Gas & Electric	Protective Order
05-936-EL-ATA	FirstEnergy	Competitive Bid
05-844-EL-ATA	Dayton Power & Light	PJM Regional Transmission Organization Fee Rider
05-792-EL-ATA	Dayton Power & Light	Billing Cost Recovery Rider
05-765-EL-UNC	Monongahela Power & AEP	Transfer of Customers
05-732-EL-MER	Cincinnati Gas & Electric/Duke	Merger
05-728-EL-AAM; 05-727-EL-UNC	Cincinnati Gas & Electric	TCR (Transmission Cost Rider)
05-725-EL-UNC	Cincinnati Gas & Electric	FFP (Fuel, Economy Purchased Power and Emissions Allowance)
05-724-EL-UNC	Cincinnati Gas & Electric	System Reliability Tracker
05-717-EL-UNC	Ohio Department of Development	2005 Universal Service Fund Rider
05-704-EL-ATA	FirstEnergy	Generation Rider
05-376-EL-UNC	AEP	Generating Facility
05-276-EL-AIR	Dayton Power & Light	Rate Stabilization Surcharge
05-201-EL-UNC	FirstEnergy	Affiliated Exempt Telecommunications
05-60-EL-AAM; 05-59-EL-AIR	Cincinnati Gas & Electric	Rate Case
05-46-EL-UNC	American Electric Power	Power Outages 2004/2005
04-1932-EL-ATA/AAM	FirstEnergy	Regional Transmission Organization, Transmission and Ancillary Service Costs
04-1931-EL-AAM	FirstEnergy	Modification of Accounting Procedures
04-1820-EL-ATA	Cincinnati Gas & Electric	System Reliability Tracker
04-1814-EL-ETP; 04-1813-EL-AAM; 04-1812-EL-UNC; 04-1811-EL-AAM	Cincinnati Gas & Electric	Transition Plan
04-1645-EL-AAM	Dayton Power & Light	PJM Regional Transmission Organization
04-1407-EL-ATA; 04-1406-EL-ATA; 04-1405-EL-ATA	FirstEnergy	Electric Service & Safety Standards Tariff Changes
04-1371-EL-ATA	FirstEnergy	Competitive Bid Process
04-1047-EL-ATA	Monongahela Power	Standard Service Offer

## case participation

Case Number	Company	Issue
04-880-EL-UNC	Monongahela Power	Remand of Market Development Period
04-681-EL-AAM; 04-680-EL-AIR	Cincinnati Gas & Electric	Rate Case
04-486-EL-COI	Dayton Power & Light	Financial Condition
04-169-EL-UNC	Columbus Southern Power and Ohio Power	Rate Stabilization Plan
04-85-EL-CSS	Miami Valley v. Dayton Power & Light	Complaint
03-2567-EL-ATA	Monongahela Power	Approve Pass Through and Implement Surcharge for Wholesale Power
03-2405-EL-CSS	Dominion Retail v. Dayton Power & Light	Charging CRES Generation Suppliers monthly/per Customer Charge
03-2341-EL-ATA	Dayton Power & Light	Competition/Aggregation
03-2144-EL-ATA	FirstEnergy	Rate Stabilization Plan
03-2081-EL-AAM; 03-2080-EL-ATA; 03-2079-EL-AAM	Cincinnati Gas & Electric	MISO; MDP; Accounting
03-93-EL-ATA	Cincinnati Gas & Electric	Rate Stabilization Plan
02-565-EL-ORD	Competitive Retail Electric Service Standards	Rules
02-564-EL-ORD	All Ohio Electrics	Electric Service & Safety Standards, Electric Interconnection Standards, and the Electric Reliability, Safety and Customer Service Standards Enforcement

### Electric Cases Appealed to the Ohio Supreme Court

Case Number	Case Name	Issue
OSC 05-1679	OCC v. PUCO	Dayton Power & Light – PJM Costs
OSC 05-1621	OCC v. PUCO	FirstEnergy – Deferral
OSC 05-946	OCC v. PUCO	Cincinnati Gas & Electric – Rate Stabilization Plan
OSC 05-945	OCC v. PUCO	Miami Valley – Breach of Stipulation
OSC 05-767	OCC v. PUCO	American Electric Power – Rate Stabilization Plan
OSC 05-766	OCC v. PUCO	FirstEnergy – Rate Stabilization Plan
OSC 05-518	OCC v. PUCO	Cincinnati Gas & Electric – Rate Stabilization Plan
OSC 04-1993	OCC v. PUCO	FirstEnergy – Rate Stabilization Plan

### Electric Cases at the Court of Common Pleas

Case Number	Company	Issue
05-CIV-132 Mercer County Common Pleas	OCC v. Dayton Power & Light	Breach of Agreement

## Electric Cases at the Federal Energy Regulatory Commission

Case Number	Company	Issue
ER05-1181	PJM Regional Transmission Organization Plan	“Stated Rate” Proposal to Set Rate for 5-Years
ER05-751	AEP	Transmission Rates
EL05-143	Alliant Energy Corporate Services Inc.	Declaratory Order of Relief from Public Utility Regulatory Policy Act
EC05-103	Cincinnati Gas & Electric/Duke	Merger
AC05-7-000	FirstEnergy	Deferral of Vegetation Management Costs
AD05-5; PL03-1	PJM Regional Transmission Organization Plan	“Project Mountaineer” to build transmission lines from Midwest to Eastern Market
RM05-4-000	Interconnection	Wind Energy & Other Alternative Technologies
ER04-1248-002	Cincinnati Gas & Electric	Sale of Generating Facilities
ER04-375-000; EL02-111-011; EL02-111-010	Midwest Independent System Operator/PJM	Joint Operating Agreement
ER04-364-000	American Electric Power Service Corp., et al.	Hold Harmless
ER03-1118	Midwest Independent System Operator, Inc.	Transmission and Energy Markets Tariff
ER03-262-000; ER03-262-001; ER03-404; ER03-405; ER03-406	PJM Companies	Inclusion of AEP in PJM Regional Transmission Organization
ER03-242-000	American Electric Power Service Corporation, et al.	Rate Case
ER02-1289-000	Trans-Elect	Independent Transmission
EL02-65	Alliance Companies, et al. & National Grid	
EC02-15-000; EG02-13-000; ER02-177-000	Cinergy Services, Inc.	
ER01-2997-000	Dayton Power & Light Company	Jurisdictional Transmission and Ancillary Services
ER01-2995-000; ER99-3144-015	American Electric Power Corp.	Cost of Service Analyses
EC01-130	American Electric Power Service Corp.	Transfer Jurisdictional Facilities
ER01-123	Dynegy Inc. & Illinois Power	
EC99-80-000/ER99-3144-000/RT01-88-000/RT01-88-006 & 008 & 012	AEP, Consumers Energy, Detroit Edison, FirstEnergy	Alliance Regional Transmission Organization Protest
RM94-7-000, RP94-07-001 and RM95-08-000	Order 888	Recovery of Stranded Costs by Public Utilities/Transmitting Utilities

## Electric Cases at the Securities and Exchange Commission

Case Number	Company	Issue
070-10254	Cinergy Corp.	Selling Ownership of 3 Electric Generating Facilities to ULH&P

## Natural Gas Cases at the Public Utilities Commission of Ohio

Case Number	Company	Issue
05-1444-GA-UNC	Vectren Energy Delivery	Conservation Rider (Demand Side Management)
05-1427-GA-PIP	Columbia Gas of Ohio	Percentage of Income Payment Plan Rider Increase
05-1421-GA-PIP	Dominion East Ohio	Percentage of Income Payment Plan Rider Increase
05-1262-GA-CRS	Future Choice Energy	Certificate
05-602-GA-ORD	All Gas Companies	Minimum Service Standards
05-474-GA-ATA	Dominion East Ohio	Exit Merchant Function
05-463-GA-COI	All Ohio Gas Companies	Natural Gas Service Risers
05-340-GA-AAM	Dominion East Ohio	Euclid Corridor - Bus Rapid Transit
05-221-GA-GCR	Columbia Gas of Ohio	Management/Performance Audit
05-220-GA-GCR	Vectren Energy Delivery	Management/Performance Audit
05-219-GA-GCR	Dominion East Ohio	Management/Performance Audit
05-218-GA-GCR	Cincinnati Gas & Electric	Management/Performance Audit
05-123-GA-UNC	Dominion East Ohio	Disconnection of Choice Customers
05-39-GA-ORD	Ohio Natural Gas Companies	Reverse Migration Rider
04-1916-GA-UNC	Columbia Gas of Ohio	Monthly Gas Cost Recovery
04-1912-GA-UNC	Dominion/East Ohio Gas	Monthly Gas Cost Recovery
04-1878-GA-UNC	Vectren Energy Delivery	Choice Disconnect
04-1779-GA-AIR	Eastern Natural Gas	Rate Case
04-1680-GA-UNC	Columbia Gas of Ohio	Bill Format
04-1631-GA-UNC	Columbia Gas of Ohio	CHOICE Disconnect
04-1619-GA-UEX	Eastern Natural Gas	Uncollectible Expense
04-1339-GA-UEX	Pike Natural Gas	Uncollectible Expense
04-1338-GA-UNC	Pike/Eastern/Southeastern Natural Gas Companies	Price Stabilization Program extension
04-571-GA-AIR	Vectren Energy Delivery	Rate Case
04-221-GA-GCR	Columbia Gas	Gas Cost Recovery
04-220-GA-GCR	Vectren Energy Delivery	Gas Cost Recovery
04-219-GA-GCR	Dominion East Ohio	Gas Cost Recovery
04-218-GA-GCR	Cincinnati Gas & Electric	Gas Cost Recovery
03-221-GA-GCR	Columbia Gas of Ohio	Gas Cost Recovery
02-220-GA-GCR	Vectren Energy Delivery	Gas Cost Recovery
03-219-GA-GCR	Dominion East Ohio	Gas Cost Recovery
03-218-GA-GCR	Cincinnati Gas & Electric	Gas Cost Recovery
02-1566-GA-ATA	Vectren Energy Delivery	Gas Choice Program
01-1371-GA-ORD	Competitive Retail Natural Gas Service	Rule Review
01-1228-GA-AIR; 01-1478-GA-ALT	Cincinnati Gas & Electric	Accelerated Main Replacement Program

## Natural Gas Cases Appealed to the Ohio Supreme Court

Case Number	Case Name	Issue
05-1900	Vectren v. PUCO	Winter Delivery Service Contracts

## Natural Gas Cases at the Federal Energy Regulatory Commission

Case Number	Company	Issue
06-04	Notice of Proposed Rulemaking	Transmission

## Natural Gas & Electric Combined Cases at the Public Utilities Commission of Ohio

Case Number	Company	Issue
05-230-EL-ATA, 05-231-GA-ATA, 05-232-EL-AAM, 05-233-GA-AAM, 05-234-EL-UNC, 05-235-GA-UNC	Cincinnati Gas & Electric	Fixed Bill

## Telecommunications Cases at the Public Utilities Commission of Ohio

Case Number	Company	Issue
05-1581-TP-ACE; 05-1580-TP-ACO	ALLTEL	Spin Off
05-1305-TP-COI	Incumbent Local Exchange Telephone Companies	Alternative Regulation
05-1304-TP-COI	Small Local Exchange Telephone Companies	Alternative Regulation
05-1303-TP-COI	Not for Profit Small Telephone Companies	Alternative Regulation
05-1235-TP-SLF	Budget Phone	Lifeline
05-1102-TP-ORD	Ohio Telephone Companies	Minimum Telephone Service Standards
05-1040-TP-ACO	Sprint/Nextel	Spin-off
05-888-TP-ZTA	MCI	Collect Calls from Inmates
05-800-TP-ACE	LocalTel of America, Inc.	Local Exchange and Interexchange Service
05-497-TP-ACO	Verizon/MCI	Merger
05-461-TP-UNC	Ohio Telephone Companies	Lifeline Assistance Modifications
05-363-TP-ACE	CoreTel	Financial Viability
05-269-TP-ACO	AT&T/SBC Ohio	Merger
05-262-TP-ZTA	AT&T	Instate Access Recovery Fees
05-57-TP-COI	SBC Ohio	Operation Support Systems

## case participation

Case Number	Company	Issue
05-35-TP-ZTA; 04-1901-TP-ZTA	MCI WorldCom	Instate Access Recovery Fees
04-1785-TP-ORD	Investigation	Operator Services to Inmate Facilities
04-1677-TP-ATA	Verizon North, Inc.	Late Payment Charge
04-1497-TP-UNC	Doylestown Telephone Company	Interconnection w/MCI
04-1496-TP-UNC	Germantown Independent Telephone Company	Interconnection w/MCI
04-1495-TP-UNC	Telephone Service Company	Interconnection w/MCI
04-1494-TP-UNC	Champaign Telephone Company	Interconnection w/MCI
02-1280-TP-UNC	Ameritech Ohio	Telecommunications Elements Long Range Incremental Costs
00-942-TP-COI	Ameritech Ohio "271"	interLATA Service
00-127-TP-COI	Commission Investigation - Access Charges	Access Charges
97-632-TP-COI	Commission Investigation - Intrastate Universal Service	Intrastate Universal Service
90-5032-TP-TRF	SBC	Toll Restrictions
90-5032-TP-TRF	SBC	Call Trace

## Telecommunications Cases at the Federal Communications Commission

Case Number	Company/Issue
WC 05-75*	Verizon/MCI Merger
WC05-68; WC03-133*	AT&T Prepaid Calling Card
WC05-65*	AT&T/SBC Merger
WC 05-276*	SBC/VarTec Access Charges for Internet Provider Services
CG 04-244	Pay-Per-Call
WC 04-36; 04-29*	Internet Provider-Enabled Services Voice Over Internet Protocol
WC 03-251*	Bundling of Digital Subscriber Line
CC 03-211	Jurisdiction over Voice Over Internet Protocol (Vonage)
CC 03-173	Telecommunications Elements Long Range Incremental Costs
WC 03-109	Lifeline and Link-Up
CG 02-386*	CARES (Customer Account Record Exchange)
CG 02-271	Interstate Telemarketing

## case participation

Case Number	Company/Issue
CC 02-53	Presubscribe Interexchange Carrier Changes Charges
CC 02-39	Review of Equal Access & Nondiscrimination Obligations for Local Exchange Carriers
CC 02-33; 95-20; 98-10	Broadband Access to Internet over Wireline Facilities; Universal Service Obligations of Broadband Providers
CI 02-22	Minimum Notice Requirements for Detariffed Services
CC 02-6	Universal Service (Schools and Libraries)
CC 01-92*	Intercarrier Compensation
CC 00-199	Accounting Requirements & Automated Reporting Management Information System (2000 Biennial Regulatory Review)
CC 96-45*	Universal Service
CC 94-129	Unauthorized Changes of Consumers' Long Distance Carriers

*\*filed with the National Association of State Utility Consumer Advocates*

### Telecommunications Cases at Federal Courts of Appeal

Case Number	Case Name	Court of Appeals
05-1130	NASUCA v. FCC (Unbundling Order on Remand)	D.C. Circuit Court of Appeals
05-11682	NASUCA v FCC (Truth in Billing)	11th Circuit Court of Appeals
05-1122	NASUCA v. FCC (Preemption of State Authority over VoIP [Vonage])	8th Circuit Court of Appeals

### Water Cases at the Public Utilities Commission of Ohio

Case Number	Company	Issue
05-577-WW-SIC	Ohio American Water	System Improvement Charge
03-2390-WS-AIR	Ohio American Water	Rate Case

### All Utilities Cases at the Public Utilities Commission of Ohio

Case Number	Company	Issue
05-1350-AU-ORD	All Ohio Utilities	OCC Contact Information
05-1191-AU-UNC	All Ohio Utilities	OCC Contact Information
03-888-AU-ORD	All Ohio Utilities	Credit for Residential Utility Services and Disconnection of Gas or Electric to Residential Consumers

*"I just had to take the time to write a few words about one of your employees. I called your office in mid-February to inquire about a natural gas proposal that had confused me. Expecting to go through the automation process, I was pleasantly surprised to be talking to a "live voice" – a Real Person!*

*It was the OCC representative who went on to answer all my questions and thoroughly explained the natural gas supply situation to me. She was so patient and I was deeply grateful for that telephone exchange." – **Dagmar***

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*"A most sincere thank you to the OCC representative who took my recent call to the Ohio Consumers' Counsel, interceded on my behalf, expeditiously resolved my problem with the telephone company and then followed up with a call to me for confirmation that the company had satisfactorily completed my repair.*

*Also, my thanks to the Ohio Consumers' Counsel for the advocacy and educational work it performs for Ohio consumers. In my household, you are greatly appreciated." – **Juanita***

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*"We at Chapter 28 of District 11 want to thank you so very much for your presentation. We all learned so much about how to deal with telemarketers and all of the different scams that are lurking out there. It is great to know that the Ohio Consumers' Counsel is out there to help. Thank you for the informative handouts. The materials are a great help!" – **Bethann***

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*"I just wanted to personally thank you for the excellent presentation you made to the Intake and Investigation Department. The information you provided was exactly what we needed and we have since passed your name and phone number on to the other directors at Franklin County Children Services.*

*I was pleased to have the list of available fact sheets and brochures. I plan to order these materials so that I can distribute and share them with clients. I was amazed at how much information the pamphlets and handouts contain." – **Earl***





Office of the  
**Ohio Consumers' Counsel**  
*Residential Utility Consumer Advocate*

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