



Resolution

Office of the Ohio Consumers' Counsel Governing Board

In Support of an Independent and Strong Consumers' Counsel Governing Board and Office of the Ohio Consumers' Counsel for Representation of Ohioans Within and Outside the State for Lower Prices and Adequate Residential Public Utility Services

and

In Opposition to Substitute House Bill 246 That Would Politicize and Weaken the Utility Watchdog Role of the Consumers' Counsel Governing Board and the Office of the Ohio Consumers' Counsel and Would Allow Further Weakening of Regulatory Protections for Ohio Utility Consumers

- WHEREAS,** Electricity, natural gas, telephone, and water utility services are essential for Ohioans in general and for at-risk populations in particular; and
- WHEREAS,** House Bill 246 was introduced on May 14, 2019, with a claimed intention to "reform and modernize" the Office of the Ohio Consumers' Counsel and the Public Utilities Commission of Ohio; and
- WHEREAS,** A year later, on May 28, 2020, the House Public Utilities Committee accepted Substitute House Bill 246 for consideration; and
- WHEREAS,** Sub. H.B. 246 would weaken the independence of the Consumers' Counsel Governing Board and politicize it by reconstituting its membership to have six of its nine members appointed (three each) by the House Speaker and Senate President instead of nine appointments by the Ohio Attorney General; and

WHEREAS, Sub. H.B. 246 would weaken the utility watchdog role of the Ohio Consumers' Counsel by, among other things, creating a mission that limits its representation of consumers to matters before the PUCO without specifying other consumer forums including, but not limited to, FERC, PJM, FCC, Bankruptcy Court, U.S. Courts of Appeal, and even the Ohio General Assembly; and

WHEREAS, Sub. H.B. 246 would weaken the utility watchdog role of the Ohio Consumers' Counsel by, among other things, giving the PUCO authority to limit its consumer advocacy in cases where the PUCO finds it is duplicating, repeating or delaying; and

WHEREAS, Sub. H.B. 246 would allow the further weakening of state regulatory protections for consumers of electric utility monopolies by giving the PUCO the authority to grant even more alternative regulation, without the requirement of a hearing, after electric consumers have paid significant subsidies as a result of the alternative regulation of electric security plans under the 2008 energy law that already eroded the balance of traditional ratemaking and favored electric utilities in the ratemaking process; and

WHEREAS, Sub. H.B. 246 would allow the further weakening of state regulatory protections for consumers of water utility monopolies by giving the PUCO the authority to grant alternative regulation, without the requirement of a hearing, after water consumers have been subject to system improvement charges and other legislative changes that already eroded the balance of traditional ratemaking and favored water utilities in the ratemaking process; and

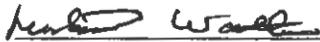
WHEREAS, An independent and strong Consumers' Counsel Governing Board and Ohio Consumers' Counsel, as was intended when created by the General Assembly in 1976, are needed for the protection of millions of Ohioans.

THEREFORE, BE IT RESOLVED, that the Consumers' Counsel Governing Board supports an independent and strong Governing Board and Office of the Ohio Consumers' Counsel, as was intended when created by the General Assembly in 1976, for representation of millions of Ohio utility consumers within and outside the state for lower prices and adequate residential public utility services.

THEREFORE, BE IT FURTHER RESOLVED, that the Consumers' Counsel Governing Board opposes Substitute House Bill 246 because it would among other things: politicize and weaken the utility watchdog role of the Governing Board and the Office of the Ohio Consumers' Counsel by reconstituting the membership of, and appointments to, the Governing Board; limit the forums and role for the Consumers' Counsel's advocacy for millions of Ohioans; and weaken regulatory protections for electric and water consumers as a result of enabling more alternative regulation.

THEREFORE, BE IT FURTHER RESOLVED, that the Consumers' Counsel Governing Board supports real reforms that would limit the influence of utility special interests on outcomes for Ohio consumers including at-risk Ohioans.

I verify that this Resolution has been approved by the Governing Board of the Office of the Ohio Consumers' Counsel, this 17th day of June 2020.



Michael Watkins, Chair
Governing Board of the Office of the Ohio Consumers' Counsel