Office of the Ohio Consumers' Counsel

July 3, 2023 **Revised**
Via Email

The Honorable Mike DeWine
Governor, State of Ohio
77 South High Street, 30th Floor
Columbus, Ohio 43215

Re: Revised Line-Item Veto Request from the Ohio Consumers' Counsel for Am. Sub. House Bill 33 (Budget Bill)

Dear Governor DeWine:

I hope that you, your colleagues and family are well. Thank you for the Executive budget proposal that includes an increase in OCC's budget to help millions of Ohio utility consumers.

This letter updates my July 1st letter, now that the final bill has been made available. For consumer protection, please veto certain lines in the budget bill that enable subsidy charges to consumers for electric infrastructure development at the PUCO.

In the budget bill, new ORC Sections 4928.85 to 4928.89 allow the PUCO to authorize more collections of infrastructure subsidies from electric utility consumers. These Sections appear on pages 2150 through 2152 of the Enrolled version of Am. Sub. H.B. 33. The bill enables electric utilities (FirstEnergy, AEP, Duke and AES) to obtain authorization from the PUCO to increase charges to millions of Ohio consumers. These subsidies of utilities, at consumer expense, come without adequate ratemaking protections for consumers. These changes in the law favor utilities over consumers at the PUCO. *That favoring of utilities at the PUCO should be ended and not added in legislation.*

Further, other provisions of the budget bill already establish substantial infrastructure development funding through the All Ohio Future Fund without enabling more utility subsidies at the PUCO. And utility consumers are already charged for economic development projects at the PUCO. Moreover, the utilities and the PUCO should not be given this discretion to pick winners and losers between businesses in the competitive market. OCC opposed versions of this utility infrastructure subsidy as early as my April 25th letter to the Speaker of the House and as recently as my June 29th letter to the Conference Committee, in addition to OCC testimony.

At the very least, this issue should be vetoed and deferred to a stand-alone bill. There, it could be vetted with utilities appearing in public before a legislative committee to testify and take questions. Other stakeholders could then testify in response.

Respectfully, OCC asks that you please protect millions of Ohioans with a veto of this provision that would allow charging them for utility subsidies. Thank you for your consideration.

Sincerely,

Bruce Weston

Bruce Weston, Agency Director
Ohio Consumers' Counsel

cc: Mike Watkins, Chair, Consumers' Counsel Governing Board
Stephanie McCloud, Aaron Crooks, Scott Partika, Brad Bales (Office of the Governor)