

# Public Utilities Commission Nominating Council

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August 24, 2021

*Sent Via Email*

Mr. Michael Watkins, Chair  
Ohio Consumers' Counsel Governing Board  
c/o Ohio Consumers' Counsel  
65 East State Street, 7th Floor,  
Columbus, Ohio 43215

## ***Re: Public Utilities Commission Nominating Council***

Dear Chair Watkins:

I am writing to acknowledge receipt of your August 18, 2021 letter requesting a special meeting of the PUC Nominating Council (Council or Nominating Council). As Chair of the Nominating Council, I have instructed the Nominating Council Coordinator to ensure the members of the Council receive your letter. At this time, all members on record with the Council have received your letter.<sup>1</sup>

I appreciate your letter and all of the Council members' dedication to our statutory duty to screen applications for open PUCO commission positions and make a recommendation of four candidates to the Governor. I would note that R.C. 4901 and Ohio Adm.Code 4901:7-1 sets forth the process and criteria for the qualifications of commissioner of the PUCO. The qualifications and requirements are described in the advertisement in Appendix A and B of Ohio Adm.Code 7901:7-1-05:

“Section 4901.02(D) of the Ohio Revised Code requires that a commissioner have a minimum of three years' experience in one or more of the following fields: economics, law, finance, accounting, engineering, physical or natural sciences, natural resources, or environmental studies. No person employed by a public utility subject to regulation by the Commission or holding stocks or bonds of a regulated public utility may be appointed a commissioner. A commissioner must be a resident of Ohio. The Revised Code also specifies that the Commission may consist of no more than three members of the same political affiliation. \*\*\* Appointments are subject to a background check by the Ohio State Highway Patrol. Applicants are required to send a current resume with a one-page cover letter attached. In the cover letter, the applicant must (1) indicate the applicant's expertise in the areas of energy, transportation, or communications technology, if any; (2) explain why the applicant's prior experience makes him or her qualified to be a commissioner or

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<sup>1</sup> Please note the updated Nominating Council contacts are attached. Mr. Totman has retired from service, and the President of the Senate has appointed Louis Terhar (Hamilton County) to replace Shannon Jones. With these small updates, your email, therefore, included the members of the council as we currently know them to be.

why the applicant is otherwise qualified to be a commissioner; and (3) state his or her political party affiliation or independent status.”

By way of background, the Nominating Council promulgates rules under R.C. 119.03, and most recently conducted a five-year rule review occurred in January 2019. R.C. 106.03 requires each rulemaking body to conduct a review of their rules every five years to determine whether those rules should be continued without change, be amended, or be rescinded.

The statutory R.C. 119.03 rules review process (attached) requires a public hearing where interested stakeholders may provide comments on the rules under review. Notice of this public hearing must be made in the Register of Ohio thirty days prior to the date set for hearing. Concurrent with the publication of notice in the Register of Ohio, the rulemaking entity shall file the full text of the rule, amendment, or rescission along with the public notice in electronic form with the Secretary of State, the director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review (JCARR). The public hearing shall take place between the thirty-first and fortieth day after the proposed rule is filed with the agencies set forth above. Between the forty-first and sixty-fifth day after filing, the JCARR will conduct a hearing. If the JCARR does not adopt a concurrent resolution invalidating the proposed rules, the rulemaking entity may file the proposed rules in final form. The rules will then be effective ten days after final filing. The next five-year rule review deadline is approximately June 17, 2024. Emergency rules can be adopted under O.R.C. 119.03(G), which requires a determination of an emergency from the governor. A rule review can be conducted by a public body at any time.

Additionally, it is anticipated the next regularly scheduled Nominating Council meeting would occur in January of 2022 for the council to consider applicants for the term beginning April 11, 2022 and ending April 10, 2027. Pursuant to Ohio Adm.Code 4901:7-1-05, the advertisement would be issued in December of 2021.

Of course, if pursuant to R.C. 4901.021(C), a second member of the council requests to call a meeting, I will promptly convene the Council. Should you have any additional requests or input as we prepare for the next regularly scheduled meeting please do not hesitate to contact me.

Sincerely,  
*/s/ Michael Koren*  
Michael Koren  
Chair of the PUC Nominating Council  
cc: Members of the Nominating Council

Encl.