



February 3, 2022

*Via Email: PUCNominatingCouncil@puco.ohio.gov*

Public Utilities Commission Nominating Council Members  
c/o Angela Hawkins, Nominating Council Coordinator  
Public Utilities Commission Nominating Council  
180 East Broad Street, 12th Floor  
Columbus, Ohio 43215

Dear PUC Nominating Council Members,

We hope you are well. In your December 12, 2021 job ad, you invited comments to the Nominating Council (to be sent to the Council coordinator for distribution), consistent with O.R.C. 4901.021(E). This letter contains consumer comments by the Office of the Ohio Consumers' Counsel, the Legal Aid Society of Southwest Ohio and Pro Seniors. The current membership list of the Nominating Council is attached.

The current selection process for PUCO commissioners was supposed to be a reform when instituted 40 years ago. It largely has failed at avoiding utility influence in the selection process and bringing balance and diversity of opinion to the PUCO. In this regard, recently there was a majority of the PUCO commissioners (three of the five) who had worked for the utility industry that the PUCO regulates. Today, two of the five PUCO commissioners have worked for the utility industry. No consumer representatives are among the commissioners. The failure of the commissioner selection process culminated recently in a shocking scandal involving FirstEnergy and the preceding PUCO Chair.

Respectfully, our recommendations to the Nominating Council are as follows:

- Choose a new Nominating Council chairperson with a bona fide and strong consumer representation background (and not a strong political background). Avoid choosing a chairperson or secretary who has worked for the utility industry that the PUCO regulates. Ohioans just experienced too many years of the Nominating Council being led by a former FirstEnergy lobbyist. [https://www2.jlec-olig.state.oh.us/olac/Reports/AER\\_Agent\\_Legislative.aspx?id=836880](https://www2.jlec-olig.state.oh.us/olac/Reports/AER_Agent_Legislative.aspx?id=836880)
- Require commissioner applicants to disclose all their past and present work affiliations with utilities, including names of utilities and corporate affiliates of utilities.
- Recommend commissioner nominees to the Governor that include bona fide consumer representatives, without including anyone who has worked for the utility industry.

- Reopen the Nominating Council's application process. Given the general lack of consumer representatives among the current applicants, we hope that the Governor rejects the first slate of nominees and that the application process is reopened. (The Council reopened the application process for the nominations that included the current PUCO Chair.) The Governor recently made important changes and announcements late in this process that, had they occurred earlier, could have encouraged consumer representatives to apply for the commissioner position. The dismal history of relatively few consumer nominees being appointed to the PUCO has discouraged consumer representatives from applying, as can be seen in the current list of applicants.
- Recommend to the legislature, as allowed by O.R.C. 4901.021(E), changes in the law to require more balance in commissioner appointments, including requiring appointments of bona fide consumer representatives for balance and diversity of opinion on the PUCO. These changes should replace or supersede present requirements in O.R.C. 4901.021(D)(2) for the primary focus of commissioners to be energy, transportation or communications and in O.R.C. 4901.02(D) for experience that focuses more on the hard sciences without including more social sciences and services.
- Increase the public transparency of the commissioner selection process. That should include posting on a Nominating Council website the biographical information for each Nominating Council member (and not merely the barebones current list of members as attached to this letter). The biographical information for Council members should disclose all affiliations with utilities and their corporate affiliates, past and present.

Best wishes to you in your public service for Ohioans. Thank you for your consideration.

Respectfully,

*/s/ Bruce Weston*

Bruce Weston, Ohio Consumers' Counsel  
Office of the Ohio Consumers' Counsel

*/s/ Michael Walters*

Michael Walters  
Pro Seniors, Inc.

*/s/ Stephanie Moes*

Stephanie Moes  
Legal Aid Society of Southwest Ohio, LLC

cc: The Honorable Mike DeWine, Governor

**Membership List  
PUC Nominating Council  
February 2022**

Speaker of the House's Appointee  
Steve Cuckler  
Columbus

President of the Ohio State Bar Assoc./Designee  
Kimberly W. Bojko, Esq.  
Columbus

President of the Ohio Municipal League  
Patrick Titterton  
Troy

Ohio Department of Aging's Appointee  
Gregory S. Lashutka  
Columbus

Board Chairman of Accountancy Board/Designee  
John Patterson  
Columbus

Designee for Chairman of State Board of Registration  
for Professional Engineers and Surveyors  
Megan O'Callaghan  
Dublin

President of the Senate's Appointee  
Louis Terhar  
Cincinnati

Governor's Appointee/Representative of  
Regulated Utilities  
Cheryl Burchard  
Hillard

Director of the Ohio Development Services  
Agency/Designee  
Matt McClellan  
Columbus

Governor's Appointee/Organized Labor  
David J. Wondoloski  
Broadview Heights

Governor's Appointee/Representative of  
The Business Community  
Stuart Young  
Yellow Springs

Chairman of Ohio Consumers' Counsel  
Governing Board  
Michael Watkins  
Lima