



**MINUTES OF THE
OFFICE OF THE OHIO CONSUMERS' COUNSEL GOVERNING BOARD**

Meeting of January 20, 2026

The members present were:

Ms. Cheryl Grossman, Chair
Ms. Connie Skinner, Vice Chair
Mr. Randy Brown
Mr. David Fleetwood
Mr. Bruce Lackey
Ms. Jan Shannon
Mr. Michael Watkins
Mr. Josh Yoder

Members Absent: Mr. Dorsey Hager

CALL TO ORDER BY CHAIR:

Chair Watkins called the meeting to order at 10:00 a.m. Matt Corlett, Board Secretary, called the roll. The members answering as present were as shown above.

APPROVAL OF THE MINUTES:

Chair Watkins asked for a motion to approve the minutes of the November 2025 Board meeting. A motion was made by Mr. Fleetwood to approve the minutes as written. Mr. Brown seconded the motion. Mr. Corlett called the roll. The motion was approved unanimously by members present.

ELECTION OF OFFICERS:

Chair Watkins noted that January is the time to elect the chair and vice chair for the coming year. He called for nominations for Chair of the Board. Mr. Fleetwood nominated Ms. Grossman, seconded by Mr. Lackey. Chair Watkins asked if there were any additional nominations. Hearing none, he closed the nominations. Mr. Corlett called the roll. All members present voted yes, except for Ms. Grossman who abstained. Chair Grossman called for nominations for Vice Chair of the Board. Ms. Shannon nominated Ms. Skinner, seconded by Mr. Brown. Chair Grossman asked if there were any additional nominations.

Hearing none, she closed the nominations. Mr. Corlett called the roll. All members present voted yes, except for Ms. Skinner who abstained.

RESOLUTIONS:

Consumers' Counsel Willis presented resolutions for consideration by the Governing Board. These resolutions honored four individuals who recently retired from OCC: Susan Loe, Daniel Duann, James Williams, and Francis Meravy. Ms. Willis spoke about how each had contributed to OCC and advanced the agency's mission. Chair Grossman asked if there was a motion to approve the four resolutions. Ms. Shannon made a motion, seconded by Vice Chair Skinner. All member present voted yes.

CONSUMERS' COUNSEL'S REPORT:

Consumers' Counsel Willis shared that the HB 6 related investigations into First Energy have concluded and OCC was able to reach a very favorable settlement for consumers. The original settlement was for \$250 million with much of that going to the state as forfeitures. OCC and others were able to negotiate a settlement that increases refunds to consumers and includes low-income assistance, with the benefits totaling \$275 million. The settlement provides \$250 million in restitution to consumers and \$20 million in bill payment and weatherization assistance, and an additional \$5 million for residential consumers. Ms. Willis noted this is a very good outcome and is oriented towards getting money back to the consumers who were directly harmed by HB 6 activities.

Turning to the end of the HB 6 coal subsidies under HB 15, Ms. Willis noted that AEP had (since 2013) claimed they could not divest their coal plant ownership. However, as soon as the coal subsidies were ended, AEP filed to divest its ownership of the coal plants. She further noted that consumers are still being charged costs through 2025 as PUCO audits continue. There is also a \$15 million credit owed to consumers that has not yet been paid by AEP. Mr. Lackey asked a question to clarify that the refunds were to consumers directly rather than to the state, and Ms. Willis said that is correct.

Ms. Willis next spoke about the recent Centerpoint Energy rate case and noted that this was the first case where we saw a discrete response by the PUCO to address affordability. OCC had proposed to reduce the profit level built into utility rates in response to the affordability crisis. In response to OCC's advocacy, the PUCO slightly reduced the rate of return. Ms. Willis noted the work done by Regulatory Analyst Andy Tinkham and his tireless efforts looking at affordability, disconnections, poverty rates in service areas, food insecurity, and other factors that burden consumers.

Ms. Willis next addressed the troubling issue with reliability in the FirstEnergy service area, notably the Lakewood and Barberton communities. Consumers in the service area have been charged nearly \$1 billion for reliability improvements. Now, FirstEnergy has filed to allow longer and more frequent outages. OCC has filed against FirstEnergy's request and will be monitoring this closely. Ms. Willis noted that the massive investment should result in higher reliability. She also noted that a bipartisan

majority of the members of the Energy Committee of the Ohio House of Representatives sent a letter to the PUCO expressing their concerns with FirstEnergy's request. OCC hopes the PUCO acts to implement more stringent reliability standards.

Turning to the 7,500 gallon per day leak involving Christi Water System, Ms. Willis noted that the PUCO order failed to protect consumers and that consumers will see bills increase by \$220 per year. Mr. Lackey asked if that increase was per household and Ms. Willis said yes. Ms. Shannon asked what part of the state this affected, and Ms. Willis said Christi serves about 200 households in three specific subdivisions in Defiance County. Ms. Grossman asked what the time frame was. Ms. Willis responded that the test year was 2022 and Christi purchased more water from the City of Defiance than it delivered to customers. Ms. Willis noted that OCC attorney Don Kral put on his boots and went into the woods to find the leak and that it was basically a single line running through the woods to one residence

She added that OCC is pursuing options and Nick Stallard, OCC Legislative Liaison, noted that he has been in talks with staff from the offices of Representative Klopfenstein and Hoops, and Senate President McColley. Ms. Willis provided a quote and noted that the PUCO stated that it approved the settlement with Christi because OCC did not prove where the leak was or how long it had been going on. PUCO switched the burden of proof from the utility seeking an increase to OCC and the consumers who will bear the cost. In this case, PUCO got it completely backwards. She further noted that most of the customers of Christi are residential but there may be a few small businesses. Mr. Yoder asked if there were concerns about water quality and Ms. Willis said that nothing OCC has seen raised concerns about the safety or quality of the water.

Ms. Willis next spoke about the Suburban Gas settlement, which includes lower profits and bill payment assistance. OCC is not a signatory to this settlement but was involved in the negotiations. Even though it includes an increase, it is much less than requested by Suburban. OCC was able to improve the result for consumers by constructively engaging in the settlement discussions.

Ms. Willis next talked about the newest Enbridge rate case. A 2025 PUCO decision reduced base rates but permitted increased riders. Now Enbridge is back with another case seeking a 25% increase. OCC is developing an action plan for the case.

Moving to the AEP rate case settlement, Ms. Willis described the math and why OCC is not on board with the recent settlement agreement. She noted that to claim a rate decrease, AEP is applying a tax refund credit that is already owed to consumers. She further noted that AEP is claiming no increase in the base distribution rate. However, there are riders in the settlement that allow AEP to charge up to a capped amount for vegetation management and distribution investment. AEP claims those riders should not be counted because they have not been set yet, but experience shows that when utilities ask for capped charges, they generally charge the maximum rate under the cap. Ms. Willis emphasized that consumers pay a total bill, not just the pieces that AEP wants to focus on.

Ms. Willis next spoke about the Aqua Ohio rate cases. OCC filed testimony in these cases the second week of January. The testimony focused on affordability and asks for profits to be reduced as they were in the CenterPoint case. Hearings are expected in February. She further noted that Aqua Ohio will be purchased by Ohio American in the near future and Ohio American met with OCC. In addition to the affordability issues, Aqua Ohio has also had service quality issues. Chair Grossman commented that these issues go back to her time in the Ohio House of Representatives.

Ms. Willis next spoke about the PUCO commissioner selection process and noted that the Nominating Council, including OCC Chair Grossman, is reviewing eight applicants. Interviews will be held and a slate of four will be sent to Governor DeWine. The Governor can either nominate one of the four or send the slate back to the Nominating Council and request new names.

OCC continues to advocate for reform of both the selection process and the composition of the PUCO, including a provision to allow OCC to nominate a candidate for a spot on the Commission. Ms. Willis commented that OCC would like to see applicants who have represented consumers or worked with Legal Aid or engaged in other consumer-oriented work. Instead, most applicants have industry experience or little to no relevant background. Chair Grossman commented that many candidates' qualifications are disappointing. Mr. Watkins added that when he first started attending the PUCO Nominating Council meetings, there were typically 12 to 18 applicants each year and some were highly qualified. However, many did not get interviewed. He noted that, based on the makeup of the Nominating Council, one would think that several members would lean towards recommending consumer-oriented candidates, but it has not worked that way over the years. He further added that a lot of times, he was the lone dissenting vote and utilities seem to have too much influence on the Nominating Council.

Turning to the Ohio Power Siting Board (OPSB), Ms. Willis shared that OCC had the opportunity to nominate three individuals for the public seat, a voting position on the OPSB, which must be filled by an engineer. OCC identified three very well-qualified engineers and hopefully one of them will soon be seated on the OPSB. Ms. Willis added that OCC has historically not been involved much in matters before the OPSB due the demands of other work.

Ms. Willis concluded her report by briefly speaking about other cases OCC is involved in. These include the AES multi-year rate plan, which is the first case under the new process created by HB 15; the OVEC case asking PUCO to disallow \$189 million paid by consumers to OVEC; the Columbia Gas rider case that seeks \$84.5 million from consumers; and an annual review of the AES Distribution Investment Rider.

Chair Grossman inquired if Ms. Willis would be speaking at the Ohio Chamber of Commerce Energy Symposium in February. Ms. Willis said she spoke at the event last year and would look into participating this year as well. Chair Grossman added that even if OCC does not have an opportunity to speak, we should have representation at the event.

DEPUTY CONSUMERS' COUNSEL'S REPORT:

Deputy Consumers' Counsel O'Brien shared that OCC had a busy holiday season, including an oral argument at the Ohio Supreme Court regarding OVEC-related charges. This is an appeal of a PUCO decision to allow AEP to keep \$74.5 million that should not have been passed along to consumers. She explained that OCC argued that the decision was contrary to the manifest weight of the evidence and that AEP failed to demonstrate that its bidding behavior was prudent and in the best interest of rate payers, which is the PUCO standard. Also at issue in the case were draft audit recommendations that were removed from the final report at the request of PUCO staff. Also participating in this appeal was the Ohio Manufacturers Association Energy Group. She commended Assistant Consumers' Counsel John Varanese for doing a wonderful job in the oral arguments.

Ms. O'Brien next discussed a \$14 million error identified during an annual audit of Duke Energy's Distribution Capital Investment Rider. The auditor recommended that Duke not be allowed to charge consumers for this \$14 million error. However, the PUCO and Duke reached a settlement to allow Duke to do just that. OCC opposed the settlement and argued that it is retroactive ratemaking. Oral arguments are scheduled for February 11 at the Ohio Supreme Court and John Finnegan will be arguing on behalf of OCC. This is another case that highlights problems with the PUCO audit process and draft audit reports being shared with PUCO staff and the utility before being made public.

Ms. O'Brien next turned to the AES refund case that OCC won last year at the Ohio Supreme Court. The case was remanded back to the PUCO to determine the significantly excessive earnings. Unfortunately, the PUCO allowed evidence by both AES and PUCO staff that hundreds of millions of dollars should be factored into the analysis. This money represented contributions from AES's parent, despite the statute expressly precluding it from consideration. Instead of waiting on a final PUCO order and appealing that order to the Ohio Supreme Court, OCC proactively filed a writ of prohibition with the Ohio Supreme Court. This is an original action that allows OCC to seek an order prohibiting the PUCO from acting. Here OCC was seeking to preclude the PUCO from considering the AES's parent contributions. We are awaiting the Supreme Court's decision. One of the issues in this case is that the more time that passes before refunds are issued, the less goes back to the consumers who actually paid the overcharges.

Next, Ms. O'Brien discussed the AEP data center tariff which gives consumers some protection from costs related to data centers. The tariff is part of a settlement agreement between OCC, AEP, PUCO staff, and others. Other parties, including the data center coalition and the Ohio Manufacturers Association, appealed the PUCO order approving the settlement. OCC is supporting the PUCO's order on appeal.

Ms. O'Brien next discussed OCC's efforts to advocate for consumers at the regional and national levels, with PJM and FERC respectively. She noted that the Independent Market Monitor, which evaluates

PJM's actions, filed a complaint against PJM advocating the large load additions be added only when they can be served reliably. She explained that one of the big issues currently is data centers being built and added to the transmission system without ensuring sufficient reliability. This, in turn, affects the capacity prices that retail consumers pay. OCC worked with other consumer advocates throughout the PJM states in developing comments in support of the complaint.

Ms. O'Brien concluded her report by speaking about PJM's quadrennial review of its variable resource requirement. This is a tool that PJM uses to determine how much capacity is required, which goes into what consumers will pay at the retail level. OCC recently intervened in that case to protect consumers, and we're determining whether we may be participating more in that case.

LEGISLATIVE UPDATE:

Nick Stallard, Legislative Liaison, next discussed OCC's current legislative activities. He noted the winter recess and provided updates on several bills. Governor DeWine signed SB 103, the natural gas regulation bill. HB 173 deals with submetering and is still pending in committee. OCC has had conversations with the sponsor and received some clarification and hopefully there will be movement in the next few months. The demand response legislation, HB 427, seems to be on hold and OCC understands that the sponsor is looking at some revisions for it. There is a PUCO Nominating Council reform bill in the Senate, SB 99, and OCC expects similar legislation to be introduced in the House. It would expand the Nominating Council to twelve members and require public interviews of commissioner candidates. It would also require that one commissioner be chosen from a list of consumer representatives that the OCC provides. Last, Mr. Stallard discussed HB 646, which would create a data center study commission that would have thirteen members: three appointed by the Governor, three appointed by the President of the Senate, three appointed by the Speaker of the House, and two from each chamber's minority leader. The commission would look at the impact of data centers and must hold at least four public meetings. At least two meetings will have public testimony and at least two will have invited expert testimony.

FISCAL INFORMATION:

Matt Corlett, Operations Director, spoke next about fiscal and personnel matters. He noted the recent retirements of James Williams and Frank Meravy and noted that a new Senior Regulatory Financial Analyst would be starting in February. Next, he announced OCC's Employee of the Quarter for the fourth quarter of 2025, John Finnigan. He then recapped the first half of the fiscal year, highlighted major expenditure categories, and stated that the agency is on track with its budget at the midpoint of the year.

Mr. Corlett next highlighted the current staffing level and noted that OCC continues to recruit for a federal-state regulatory analyst, which has been a very difficult position to fill. Mr. Lackey asked how OCC recruits for the position. Mr. Corlett said it is posted on careers.ohio.gov but was unaware of it

being posted beyond that. Ms. Willis added that OCC has posted in other forums in the past but has not gotten many candidates and discontinued it because it costs money. She said she would discuss further with Mr. Corlett and advise the board. Ms. O'Brien added that OCC's collaboration with Consumer Advocates of PJM States (CAPS) helps because CAPS has consultants that provide much of this information and OCC leverages that through the monthly update calls. She also noted that OCC is recruiting for a legal intern and will be participating in a public interest career forum at OSU School of Law in February.

PUBLIC AFFAIRS REPORT:

Merrilee Embs, Public Affairs Director, gave the Board a brief update on public outreach and website activities. She noted that Ms. Willis, Ms. O'Brien, and other OCC staff have been very busy with interviews and shared photos from recent interviews. She also highlighted that OCC has done several introductory meetings with new reporters from WOSU, the Cleveland Plain Dealer, and the Columbus Dispatch. These meetings are a great opportunity to highlight the agency and its work and ensure that reporters know to reach out to OCC when reporting on relevant matters.

Ms. Embs next shared about recent community outreach meetings. She highlighted the presentation that Ms. O'Brien did for the Grove City Rotary Club and shared photos from the event and mentioned several events that Ms. Willis and Ms. O'Brien have done in communities that are affected by the Aqua Ohio rate increase. In February, OCC will have a table at the Ohio Township Association convention and Ms. Willis will present on data centers and energy legislation. She also expressed appreciation to Ms. Shannon for the invitation to be at the upcoming meeting of the American Association of University Women in Circleville.

Ms. Embs next described OCC's efforts to boost awareness on social media platforms. She shared a post on Reddit regarding the AEP rate increase that received 33,000 views and a Facebook post about the Suburban natural gas case that received over 7,000 views. OCC will continue this strategy and monitor to see if it increases public participation and comments. Currently OCC is on LinkedIn, Reddit, Twitter, Bluesky, Threads, and Facebook, and will be adding Nextdoor within a few weeks.

Ms. Embs next recounted the work of the Outreach and Education staff. In November and December, the O&E staff participated in 122 events and interacted with more than 2,000 members of the public. For all of 2025, O&E held 834 events (781 in 2024, a 7% increase) and had 25,937 interactions (23,743 in 2024, a 9% increase). She also highlighted OCC media efforts over the past three years, including counts of news releases issued and OCC mentions in news reports. Both showed steady gains year over year.

Chair Grossman commended Ms. Willis for being a champion for reform of the PUCO audit process. Ms. Willis thanked Chair Grossman and acknowledged that it is something that was just fundamentally wrong, and noted that it is very much a team effort at OCC.

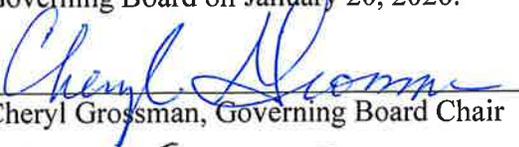
Governing Board Minutes

Page 8

Chair Grossman asked for a motion to adjourn. Mr. Fleetwood made a motion to adjourn the meeting, seconded by Vice Chair Skinner. Mr. Corlett called the roll. The motion was approved unanimously by the members present.

The meeting was adjourned at 11:34 a.m.

I verify that the above meeting minutes have been approved and ratified by the Consumers' Counsel Governing Board on January 20, 2026.


Cheryl Grossman, Governing Board Chair


Matt Corlett, Board Secretary
Ohio Consumers' Counsel Governing Board