



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

**Meeting of March 17, 2026**

The members present were:

Ms. Cheryl Grossman, Chair  
Ms. Connie Skinner, Vice Chair  
Mr. Randy Brown  
Mr. David Fleetwood  
Mr. Dorsey Hager  
Mr. Bruce Lackey (left at 11:24 a.m.)  
Ms. Jan Shannon  
Mr. Michael Watkins  
Mr. Josh Yoder

**CALL TO ORDER BY CHAIR:**

Chair Grossman called the meeting to order at 10:00 a.m. and welcomed the guests in attendance. Matt Corlett, Board Secretary, called the roll. The members answering as present were as shown above.

**APPROVAL OF THE MINUTES:**

Chair Grossman asked for a motion to approve the minutes of the January 2026 Board meeting. A motion was made by Mr. Fleetwood to approve the minutes as written. Ms. Shannon seconded the motion. Mr. Corlett called the roll. The motion was approved unanimously by the members present.

**RESOLUTIONS:**

Consumers' Counsel Willis presented a resolution for consideration by the Governing Board to honor Robert Ebright. Mr. Ebright recently resigned from OCC after four years as the Agency's web developer to pursue a new career opportunity. Chair Grossman asked if there was a motion to approve the resolution. Mr. Fleetwood made a motion, seconded by Mr. Brown. All member present voted yes.

**CONSUMERS' COUNSEL'S REPORT:**

Consumers' Counsel Willis began her report by discussing the FirstEnergy and Duke reliability cases pending before the PUCO. Both FirstEnergy and Duke have requested that the PUCO reduce their reliability standards to allow for more frequent and/or longer outages. This comes after consumers have paid millions for grid upgrades aimed at improving reliability. OCC contends that FirstEnergy, Duke, and other utilities should be held to higher reliability standards, not lower. Ms. Willis explained how PUCO staff look at utility reliability metrics and will issue a notice of noncompliance to the utility if it does not meet the standards. However, these notices are not made public and OCC only finds out about the noncompliance by doing a public records request. OCC has filed comments that that the PUCO should be publicly filing these notices. OCC has asked the PUCO to review the standards in the next rate cases. Duke and FirstEnergy are both expected to file rate cases later this year.

Ms. Willis next spoke about the purchase of AES Corporation by private equity investors. While this sale transaction does not mean a direct rate increase for consumers, OCC will be involved to protect consumers. OCC will be watching to ensure that transaction costs related to the sale are not passed on to consumers. In addition, private equity investors often seek rapid, short-term returns on investment and equity, so OCC will be watching to ensure consumers are not charged for capital investments that line investors' pockets without providing real benefits to consumers.

Ms. Willis next discussed the settlement agreement between PUCO staff and Ohio Cumberland Gas Company. OCC has three objections to this settlement. First, it provides a higher profit level than OCC supports. Second, the fixed customer charges should be lower. Third, OCC disagreed with the allocation methodology. OCC has filed a reply brief and a PUCO decision is pending.

Ms. Willis next spoke about OCC's request for refunds of coal subsidy payments. HB 15 stopped the coal subsidies going forward. However, PUCO has ongoing audits of the coal costs collected from consumers prior to the repeal. The PUCO standard is that the charges must be in the best interest of consumers. However, OCC has consistently found throughout the cases that the utilities ran the coal plants 24/7 even when they were losing money.

Ms. Willis next noted several rate cases. AES Ohio has brought the first multi-year rate case under the new HB 15 rules. Enbridge recently had their rates decreased as a result of the work of OCC and others. Enbridge is now back seeking a 17% increase. She discussed the Aqua Ohio rate case in which they are seeking a \$14.6 million increase. That case is now pending before the PUCO. Duke and FirstEnergy have also indicated that they intend to bring new rate cases under HB 15.

Ms. Willis next spoke about the revised bill impacts to AEP consumers. At a hearing, OCC learned that previously published numbers were incorrect and issued revised numbers. The bottom line remains the

same, however—it's a rate increase. While AEP has presented this as a rate decrease, consumers will in fact be paying more and the increase would be permanent. OCC will be filing reply briefs in this case.

Ms. Willis next spoke about data centers and noted they continue to be a hot topic. She discussed legislation related to data centers and noted that the legislature commissioned a study about data centers, their demands, and the amount and source of power needed to meet those demands. She noted that Nick Stallard, OCC Legislative Liaison, would go into more detail on the various bills and highlighted that local communities are increasingly pushing back on data center siting. Much of the local concern comes from the water use of data centers. While some use closed-loop cooling mechanisms, many do not and there are widespread concerns about the effects of data centers on water supplies. She noted the AEP data center tariff, which only applies to AEP's service area and offers no protections to consumers statewide. OCC is working with the legislature on that and other measures to ensure that data centers cannot leave communities with stranded assets and stranded costs if the data center shuts down earlier than planned or fails to get built after utilities build out infrastructure to support them. Ms. Willis discussed AEP's auction proposal that would treat data centers as a separate customer class, so that a separate auction would establish their generation rates rather than tying it to the standard service auction. This would segregate the data center costs from other consumers. OCC has previously asked for a residential-only auction to separate out the industrial and commercial consumers who can be riskier from a demand standpoint than residential consumers

Ms. Willis next noted that AEP issued revised forecasts related to the data center tariffs, which require 12-year contracts. Now that the tariffs are implemented and contracts are being executed, OCC is seeing the forecasts drop significantly, from 30,000 megawatts to 5,600 megawatts. That indicates that the tariffs are working and will hopefully protect other consumer classes from having to absorb costs based on the higher forecasts. OCC wants to make sure this same principle applies to transmission costs and will continue to address this issue with the legislature, FERC, and the PUCO.

Chair Grossman asked Ms. Willis to comment on the legislature's learning curve on data centers. Ms. Willis said she thinks that legislators are really working to understand all the aspects around this issue to craft the right policy. They have commissioned a study and hearings are ongoing. OCC has received many calls and there is active communication with many in the legislature on the topic. She noted that it is a big issue politically and likely to play a role in the coming election cycle. While there are many policy issues, for OCC the primary issue is affordability. Essential electric, gas, and water utility service must be affordable for consumers. Policy needs to be crafted in a way that separates those costs that support data centers so they do not become part of other customers' bills, especially those of residential consumers.

Mr. Yoder noted that data centers like to cluster in certain areas and many are moving towards bringing their own power generation. He added that he is seeing them in residential areas. Ms. Willis agreed and noted that once the infrastructure is built for one data center, others may select adjacent sites for cost

savings and simplicity. She noted that OCC is very supportive of data centers bringing their own capacity or generation because without that, generation costs are going to continue to increase significantly. She also noted that many local communities are concerned about the siting of data centers and related infrastructure, specifically noise, water use, and whether this is a type of economic development that is deserving of tax breaks and other incentives. Discussion continued regarding misconceptions around economic development aspects of data centers as they typically require few long-term workers and OCC's focus on ensuring that data centers do not adversely affect residential consumers' costs or reliability.

Ms. Willis next discussed the PUCO order to spread \$245 million in storm cost recovery for FirstEnergy over a longer period of time, reducing the monthly effect on consumers' bills. She noted, however, that deferring those costs for later collection will increase costs to consumers as interest will be added. She said OCC appreciates PUCO recognizing the importance of affordability and reducing the near-term impacts. The decision is subject to prudence review by the PUCO and OCC will be monitoring the long-term effects to protect consumers' interests.

Ms. Willis noted that PUCO is reviewing rules and OCC has raised concerns with some of the proposed changes. She noted that OCC has due process concerns related to proposals that limit the length of briefs and place limits on cross-examination, as well as a proposal to change the filing deadline to 5:00 p.m. from 5:30 p.m. OCC will continue to monitor the rules review process.

Ms. Willis concluded her presentation by discussing utilities' transmission riders, which continue to increase due to data centers and other large load additions. Residential consumers are not the cause of increased transmission costs. OCC has proposed a 5% cap and continues advocating to ensure that the allocation of transmission costs is not unfairly placed on residential utility consumers. FirstEnergy and AEP have cases that are currently pending.

#### **DEPUTY CONSUMERS' COUNSEL'S REPORT:**

Deputy Consumers' Counsel O'Brien 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 which violates the fixed rate doctrine. Oral arguments were held in February at the Ohio Supreme Court and John Finnegan argued 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. A decision from the Ohio Supreme Court is pending.

Ms. O'Brien next discussed a case involving RPA Energy, an electric and natural gas marketer that did business in Ohio under the name Green Choice. In this case, OCC intervened with PUCO as the

appellee. The PUCO defended its decision that rescinded RPA Energy's certificates and assessed a civil forfeiture due to deceptive marketing and enrollment practices by RPA Energy. OCC intervened in the case on behalf of consumers, which PUCO granted. RPA Energy appealed the PUCO order to the Ohio Supreme Court. While the Supreme Court remanded the forfeiture order back to the PUCO to recalculate the forfeiture amount, the Court importantly upheld OCC's rights to intervene in the case, which marketers have challenged in previous cases. She added that PUCO investigates consumer complaints against marketers and PUCO Staff often negotiate settlement agreements with the marketers. Often, the first OCC learns of this is when the proposed settlement agreement is added to the PUCO docket to open the case. With this decision, OCC hopes that PUCO will recognize that OCC needs to be involved in the settlement discussions from the beginning to ensure consumer protections are included.

Ms. O'Brien next discussed OCC's efforts to advocate for consumers at FERC regarding FERC's Order 1920, a comprehensive overhaul of the long-term transmission planning process. OCC is intervening with other approximately fifty other stakeholders, including industrial consumers and coops, in a case *Appalachian Voices, et al. v. FERC*, that is before the Fourth Circuit Court of Appeals. The parties collaborate to write a shared brief. There was an initial brief, FERC filed its brief defending its orders, and a reply brief was recently filed as well. The focus is to ensure that provisions are not added that would shift additional costs to residential and retail consumers in Ohio. Specific consumer impacts that OCC advocates for in these proceedings include the need for just and reasonable rates, protection from out of state costs due to multistate transmission arrangements, and ways to improve reliability in grid planning. Ms. O'Brien also noted a case related to PJM's compliance filing to change the operating agreement to reflect requirements in Order 1920. She explained how FERC sets transmission costs. The PUCO must accept the rates and allow utilities to bill them to consumers. Thus, it is very important that OCC continue its work at the federal and regional levels in order to watch out for consumers' overall cost and reliability interests. She also reiterated the importance of OCC's collaborative partnerships with other entities, including unexpected allies. OCC will work with anyone where doing so strengthens the case for consumer advocacy.

Ms. O'Brien next discussed a FERC case brought by Jay-Bee Production Company against Texas Gas Transmission. Jay-Bee is a producer and shipper of natural gas and Texas Gas Transmission runs a pipeline from Louisiana to the Canadian border. Jay-Bee is arguing that there are extra supplier surcharges that they are being charged with respect to zone four which serves Ohio consumers in the Duke Energy service area. OCC intervened to advocate on behalf of Ohio residential consumers that could be affected by these surcharges, because the surcharges ultimately flow through to their gas rates. OCC filed comments in support of the complaint by Jay-Bee. FERC recently issued an order siding with Jay-Bee on a couple of issues but not on others. OCC is in the process of determining what further actions to take and will likely be filing a rehearing application to preserve any rights to appeal in the future.

**LEGISLATIVE UPDATE:**

Nick Stallard, Legislative Liaison, next discussed OCC's current legislative activities. He talked about several bills pending in the Ohio House related to community energy programs (HB 303), voluntary demand response tools (HB 427), and statewide application of the data center tariff framework that is currently specific to AEP (HB 706). On the Senate side, he discussed SB 106, regarding electric vehicle chargers; SB 294, regarding energy siting policy; and SB 298, regarding virtual net metering.

Mr. Stallard also discussed HB 657, which would reform the PUCO Nominating Council process and strengthen direct consumer representation on the PUCO, expand commissioner qualifications, and increase transparency.

Mr. Stallard concluded his presentation by highlighting the continuing work the legislature is doing regarding submetering with HB 173 and SB 108, which would cap charges, require submetering companies to register with the PUCO, and mandate consumer protections. OCC continues to be actively engaged in discussions and testimony on this topic.

**FISCAL INFORMATION:**

Matt Corlett, Operations Director, spoke next about fiscal and personnel matters. He noted the recent resignation of Web Developer Robert Ebright in March and the hiring of Mark Henning as a Senior Regulatory Analyst in February. He then recapped the first eight months of the fiscal year and stated that the agency is on track with its budget at this point in the year. Mr. Corlett concluded his report by noting the Agency's current staffing level and reminding Board members of the filing deadline for their annual ethics financial disclosure statements.

**PUBLIC AFFAIRS REPORT:**

Merrilee Embs, Public Affairs Director, gave the Board an update on OCC's outreach, education, and media engagement. She highlighted Consumers' Counsel Willis's presentation to the American Association of University Women and several media interviews by OCC staff. She also provided statistics on recent outreach events, media releases, and mentions of OCC in the news.

**EXECUTIVE SESSION:**

Chair Grossman asked for a motion to go into executive session to discuss personnel matters related to employment of a public official. Mr. Fleetwood made a motion, seconded by Ms. Shannon. Mr. Corlett called the roll. The motion was approved unanimously by the members present. The Board went into executive session at 11:30 a.m.

The Board returned from executive session at 11:41 a.m.

Governing Board Minutes


Page 7

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

The meeting was adjourned at 11:45 a.m.

I verify that the above meeting minutes have been approved and ratified by the Consumers' Counsel Governing Board on March 17, 2026.

  
Cheryl Grossman, Governing Board Chair

  
Matt Corlett, Board Secretary  
Ohio Consumers' Counsel Governing Board