



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

**Meeting of March 21, 2023**

The members present were:

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

Members Absent: Mr. Dorsey Hager

Assistant Attorneys General Brian Lee and Phillip Kelley were in attendance at the meeting.

**CALL TO ORDER BY CHAIR:**

Chair Watkins called the meeting to order at approximately 10:05 A.M. Chair Watkins welcomed the Board members to the meeting and asked Interim Board Secretary (Deputy Consumers' Counsel) Larry Sauer to call the roll. The members answering as present were as shown above, with the exceptions of Mr. Brown and Mr. Yoder, who arrived at the meeting shortly after.

**MEETING MINUTES:**

Chair Watkins asked for a motion to approve the minutes of the January 17, 2023 Board meeting. A motion was made by Ms. Skinner to approve the minutes. Mr. Fleetwood seconded the motion. Mr. Sauer called the roll. The motion was approved unanimously by members present (prior to Mr. Brown and Mr. Yoder arriving).

Consumers' Counsel Weston shared a Cleveland.com news story regarding a reintroduced bill to repeal the House Bill 6 coal power plant subsidies and noted that it has bipartisan report. He highlighted an OCC quote in support of the repeal. Vice Chair Grossman asked about the co-sponsors of the bill. Vice Chair Grossman asked Mr. Weston to explain to the Board the situation with the different factions among the Republican party in the House. Mr. Weston described the situation. Mr. Weston stated that OCC is interested in working with any legislators in an effort to repeal the subsidies that are at consumer expense.

**GUEST SPEAKER DR. JAN BEECHER:**

Consumers' Counsel Weston introduced Professor Jan Beecher from Michigan State University. He noted that Dr. Beecher has been Director of the Institute of Public Utilities at MSU since 2002 and has more than 30 years of applied research in utilities regulation. He stated that MSU for decades has provided professional training courses on utility regulation to regulators and consumer advocates. He added that this program is one of the premier programs on utility regulation in the country. Mr. Weston noted that Dr. Beecher also would be providing a half-day training to OCC staff at a later date.

He explained having asked Dr. Beecher, with the permission of the Board Chair, to provide the Board with a very abbreviated version of this regulatory training on some of the overarching concepts of utility regulation.

Dr. Beecher discussed characteristics of monopolies and regulatory concepts for balance between the interests of consumers and utilities, such as a fair rate of return. She described that consumer advocacy enriches the record in cases and helps the regulator balance the interests of the utilities and the ratepayers. She described generally the formulas for ratemaking and the concept of tariffs. She discussed regulatory independence and the need to avoid regulatory capture (where government yields to the influence of the utilities against the interest of consumers).

Mr. Fleetwood asked how can regulatory capture effectively be stopped? Dr. Beecher responded that the following are needed: transparency, strict ethics rules with consequences, training, and employment rules surrounding regulators later working for the industry. She added that it needs a lot of attention.

Mr. Weston asked about the challenges in finding qualified people to work in public service in this field. Dr. Beecher said this challenge is a problem across the country. Mr. Weston thanked Dr. Beecher for her presentation and for the upcoming presentation to OCC staff.

**RECOGNITION**

Consumers' Counsel Weston announced Deputy Sauer's retirement after 20 years of service, including nearly 10 years of service as Deputy Consumers' Counsel. Deputy Sauer thanked Mr. Weston and Board, noting that "It has been an honor and a privilege to serve the public in this role. It is a job that I have loved and have tremendous passion for. I will miss the work we do on behalf of consumers. I will miss the opportunity to discuss with Bruce the many issues that we confronted over the past 9 years. And I will miss each of you who I respect for dedicating yourselves to advancing OCC's mission for the public."

He also asked to say a few words about Consumers' Counsel Weston, since at the last meeting his comments were in Executive Session:

“I respect Bruce for his work ethic, his dedication to consumers and his heart-felt responsibility to his oath of office. He has provided incredible leadership to this agency. In 2011 he began his Directorship staring down a massive budget cut (and staff reduction) that, if he had not reversed in part the next year, would have left the agency greatly diminished in its effectiveness for consumers. To that feat alone we all owe Bruce a great deal of gratitude and thanks. He had a steady hand on the wheel and did not cater to crisis or panic. He led the agency with great care, including with pro-market/anti-subsidy positions for consumer protection and with important consumer partnerships. His approach made it more difficult for industry influence to succeed with existential threats to the agency and to our public work. And it enabled us to advocate for needed consumer protections and regulatory reforms. And advocate for the public we certainly have done to the max. In sum, Bruce has been guided by doing the right thing for consumers and that has kept the agency on the right side of the HB 6 scandal that so many others cannot say. When former PUCO Chair Haque was leaving office, he sent Bruce a kind email. In that message he wrote: “Bruce: It has been a privilege working with you and your team. You are incredibly principled, and your voice has been a baseline conscience for us at the PUCO and across the state....”

Deputy Consumers’ Counsel Weston thanked Deputy Sauer and told the Board that his recommendation to appoint Larry as the Deputy was “maybe my best advice ever to the Board.” He remarked that, at the time of his recommendation to appoint Mr. Sauer, “What I didn't know is that Larry was this dedicated to OCC’s mission for the public; didn't know he was this hard working; didn't know he was this courageous for consumers when the chips are down, which they often are; didn't know he would share a common vision for doing the right thing and doing it when it sometimes was way harder than the alternatives.”

Chair Watkins noted that it had been a privilege to work with Larry and wished him well in his retirement.

A motion was made by Vice Chair Grossman to approve a resolution honoring Mr. Sauer for his service. Chair Watkins seconded the motion. Mr. Sauer called the roll. The motion was approved unanimously by members present. The Board presented Mr. Sauer with the resolution honoring Mr. Sauer for his service.

Consumers’ Counsel Weston announced Dan Shields as Employee of the Fourth Quarter of 2022. He noted that Mr. Shields came to OCC as a retiree from the PUCO. He added that Mr. Shields served as OCC’s Analytical Director for some time, and now works part time. He described Mr. Shields as an expert in Federal energy regulation. He noted that Mr. Shields has been involved in a number of important projects during the final quarter of the year.

Mr. Weston next announced new hires since the last Board meeting. He announced the hiring of Tonja Stewart Shaw, who is widely known as an expert in low-income and at-risk consumer utility issues in Ohio. Mr. Weston added that she is a retiree of the PUCO, after more than 30 years of service. He noted that Ms. Stewart Shaw has a B.A. in Public Relations and a Masters in Strategic Leadership. Mr.

Weston also announced the hiring of Kathryn Metz as a Senior Outreach and Education Specialist. He stated that Kathryn has worked as a humanitarian aid worker and human rights worker. He noted Ms. Metz has a Masters in Human Rights Law and was a teacher of immigrants most recently. He also stated that Keith Layton had joined OCC as an Assistant Consumers' Counsel in the Legal Department. He noted that Mr. Layton had worked as an attorney for a gas utility.

Mr. Weston next announced the retirement of Ray Foeller, who has been at OCC for 25 years. He stated that in recent years Mr. Foeller had worked in Outreach and Education and had originally served in the OCC call center. He added Mr. Foeller has expressed an interest in continuing to work with OCC as a temporary employee on a part-time basis after his retirement.

Mr. Weston then announced that he named Maureen Willis, who has had an accomplished career at OCC as an Assistant Consumers' Counsel, as Acting Legal Director upon Mr. Sauer's retirement. He next announced that he named Kerry Adkins, who came to OCC as a retiree from the PUCO and has worked as a Senior Regulatory Analyst, as the Acting Analytical Director.

Mr. Weston then gave recognition to Chair Watkins. Mr. Weston noted the Chair's efforts in writing to the PUCO Nominating Council for several years, asking for a special meeting to discuss reform of the Council's processes. He noted that no special meeting had ever been granted in response to his requests and that his most recent letter was not even responded to. Mr. Weston commented that in a recent news article, the current Chair (Mr. Greg Lashutka) of the Nominating Council said he was unaware of the letter. Vice Chair Grossman asked about the process of how the letters were delivered to the Nominating Council. Chair Watkins responded that the letters are sent to the staff of the PUCO, who then forward the letter to the Nominating Council. Mr. Weston noted that the Nominating Council does not have its own staff and relies on PUCO staff. He noted that there had been some information from a reporter that the Chair's letter had indeed been forwarded via email to the Nominating Council.

Ms. Moore asked if there was any supposition as to why the Chair was not getting support for a meeting. The Chair stated that the Council meets once a year, it is a volunteer position, and the members are busy. He believes that some of them are hoping that the legislature or Governor will step in and do something to correct some of the issues. Ms. Moore commented that in her business, that if there was such a glaring problem, there would be at least a review. The Chair noted that the Council in the past had to take the person's word for it whether they have any ties to a utility. He would like to see this representation to be made in front of a notary. He added there should be more transparency in the process.

Mr. Weston added that the answer to Ms. Moore's question may be more complicated, in that it is reflective that the Nominating Council should be considered a failure for its intended purpose. He referenced the Governing Board's earlier resolution that there should be complete reform of the PUCO

commissioner selection process. In the resolution, the Board resolved that there should be a public ballot initiative to elect PUCO commissioners. Ms. Moore thanked Chair Watkins for his efforts.

Mr. Weston explained that due to the Deputy's departure, a new person would need to be designated by the Board to approve the Consumers' Counsel's timecard and other administrative matters. A motion was made by Vice Chair Grossman that, given the retirement of the Deputy who the Board had designated to serve as timekeeping approver for the Consumers' Counsel, the Board should designate the OCC Operations Director as the timecard approver and for other administrative matters for the Consumers' Counsel. Ms. Moore seconded the motion. Mr. Sauer called the roll. The motion was approved unanimously by members present.

**EXECUTIVE SESSION:**

Vice Chair Grossman made a motion to enter executive session to consider the appointment, employment or compensation of public employees/officials. Ms. Moore seconded the motion.

Deputy Sauer called the roll:

Mr. Brown – Yes

Mr. Fleetwood – Yes

Ms. Moore – Yes

Ms. Shannon – Yes

Ms. Skinner – Yes

Mr. Yoder – Yes

Vice-Chair Grossman – Yes

Chair Watkins – Yes

Chair Watkins noted that if there was anyone present who wanted to briefly address the Board before they enter into executive session they could do so now. Mr. Tom Bullock from Citizens Utility Board of Ohio introduced himself and noted that his organization would be interested in having future discussions and potentially joining OCC's efforts for reform of the Nominating Council.

Chair Watkins asked for the Consumers' Counsel, Deputy Consumers' Counsel, and Assistant Attorney General to stay for Executive Session. The Board went into Executive Session at approximately 11:40 A.M.

(The Board returned from Executive Session at approximately 12:30 P.M.)

A motion was made by Ms. Shannon to: approve the Consumers' Counsel position description, with one minor revision; to approve the job posting with the salary range set at \$130,000 to \$165,000; to post the position beginning April 1, to run for 30 days; and also to allow the agency to vet applicants, and to allow for OCC conversations with the Chair on candidates and other related matters. Ms.

Skinner seconded the motion. Mr. Sauer called the roll. The motion was approved unanimously by members present. (Ms. Grossman left the meeting before the motion.)

**FISCAL REPORT:**

Consumer's Counsel Weston updated the Board about the budget process, including his recent testimony before the House Finance Subcommittee. He stated he continues to pursue the \$700,000 increase proposed by the Board, which is \$200,000 more than the budget proposed by the Governor's budget. He expressed his thanks to all the OCC staff that assisted with budget preparation. A brief video clip was displayed from Mr. Weston's recent testimony in the House. He noted that the Northeast Ohio Public Energy Council's Executive Director Chuck Keiper also kindly testified in support of OCC's budget, and an additional clip of that testimony was shared. He also shared written testimony from the Ohio Poverty Law Center in kind support of OCC's budget.

**HOUSE BILL 6**

Consumers' Counsel Weston reviewed recent news articles regarding the verdicts in the House Bill 6-realted criminal trials. He also discussed an additional six month stay regarding the PUCO investigations, that the U.S. Attorney requested, and the PUCO granted. He noted that the extended delay was detrimental to OCC's investigation in a variety of ways for consumers.

Mr. Weston next discussed a recent news article where the owner (Energy Harbor) of the House Bill 6-subsidized nuclear plants had recently been announced as to be purchased.

Chair Watkins asked if there was anything else that needed to be brought before the Board. Ms. Moore made a motion to adjourn the meeting. It was seconded by Mr. Brown. Mr. Sauer called the roll. The motion was approved unanimously by those present.

The meeting adjourned at approximately 1:00 P.M.

I verify that the above meeting minutes have been approved and ratified by the Consumers' Counsel Governing Board on May 31, 2023.



Michael Watkins, Governing Board Chair



Susan Loe, Interim Board Secretary  
Ohio Consumers' Counsel Governing Board