



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

Meeting of May 31, 2023

The members present were:

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

Members Absent: Ms. Connie Skinner

Assistant Attorney General Bryan Lee joined the meeting while in progress.

CALL TO ORDER BY CHAIR:

Chair Watkins called the special meeting (for general purposes) to order at approximately 10:15 A.M. Chair Watkins welcomed the Board members to the meeting and noted that he anticipated a lengthy executive session later in the meeting. Chair Watkins asked Interim Board Secretary Susan Loe to call the roll. The members answering as present were as shown above.

MEETING MINUTES:

Chair Watkins asked for a motion to approve the minutes of the March 21, 2023 Board meeting. A motion was made by Ms. Moore to approve the minutes. Mr. Fleetwood seconded the motion. Ms. Loe called the roll. The motion was approved unanimously by members present.

RECOGNITION

Consumers' Counsel Weston recognized Andy Tinkham as Employee of the Quarter for the first quarter of 2023. Mr. Weston noted that Andy originally worked in the OCC call center and that later he worked in Public Affairs for Outreach and Education with the public. Andy recently expressed an interest in transferring to the Analytical Department. In that new role, he has been very helpful while also still helping Public Affairs during his transition.

Mr. Weston next recounted that he is the grateful recipient of the Outstanding Public Service Award for 2023, by The Ohio State University's John Glenn College of Public Affairs. The College presented the Award to Mr. Weston as part of its pre-commencement ceremony on May 6, 2023. Mr. Weston said to the OCC Board that the Award is also a reflection of the good work of the agency and the Board.

Mr. Weston then called the Board's attention to a draft resolution in their materials, that had been prepared at the request of Chair Watkins. Chair Watkins thanked OCC staff for their participation in drafting a resolution to honor Consumers' Counsel Weston for his service. The Chair noted it was important to address the matter of the resolution now, due to Mr. Weston's announced retirement. Ms. Grossman noted that the resolution was a good summary of Mr. Weston's service to the people of Ohio. Chair Watkins asked each member to sign individually if they approved the resolution. Ms. Grossman made a motion to approve the resolution as written. Ms. Shannon seconded the motion. Ms. Loe called the roll. The motion was approved unanimously by members present. Mr. Weston thanked the Board for their kind resolution. Chair Watkins noted that he was a Board member when Mr. Weston was appointed as Consumers' Counsel years ago. He noted that everyone was really impressed with his knowledge and his many years of experience. He was the obvious choice. He noted that Mr. Weston had been a joy to work with and had never disappointed.

Mr. Weston informed that Dr. Daniel Duann had returned to the office part time as a temporary employee. He briefly described Dr. Duann's employment history and work for the agency. He stated that the talent, knowledge and expertise that Dr. Duann brings is essentially irreplaceable in today's job market. He stated that he was very appreciative to have Dr. Duann's talents back at the agency.

Mr. Weston noted President Biden's proclamation in early May for Public Service Recognition Week. He gave recognition to OCC staff for their work for Ohio consumers.

Mr. Weston next described the May 3, 2023 testimony by OCC staff on House Bill 79, in the House Public Utilities Committee. (The bill is advertised as being for energy efficiency, but OCC views the bill as also about favorable ratemaking, at consumer expense, for Ohio electric utilities.) Some video clips of the OCC testimony at the House hearing were shown to the Board, from the Ohio Channel. The videos showed some incivility to OCC staff witnesses by one of the bill's sponsors, Rep. Seitz. Videos clips also showed two members of the Committee (Rep. Brennan and Rep. Weinstein) then defending the work of OCC. A video clip was also shown from a firm's webcast a few years ago where Mr. Seitz was complimentary to OCC's work. Mr. Weston noted that the experience is an example of OCC's courage in public service.

Mr. Weston then described employees who were recently recognized with state awards for years of service – Amy Carles (for 20 years), retired Deputy Consumers' Counsel Larry Sauer (for 20 years) and Acting Legal Director Maureen Willis (for 25 years).

Mr. Weston next mentioned a kind call (to an OCC supervisor) from a consumer who complimented Bill Ferriot (Public Affairs staffer). The consumer, who described herself as a senior, appreciated Mr. Ferriot for his courtesy and respect in the handling of her call to the agency for assistance.

EXECUTIVE SESSION:

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

Ms. Loe called the roll:

Mr. Brown – Yes

Mr. Fleetwood – Yes

Mr. Hager - Yes

Ms. Moore – Yes

Ms. Shannon – Yes

Mr. Yoder – Yes

Vice-Chair Grossman – Yes

Chair Watkins – Yes

Chair Watkins noted the executive session could be lengthy. The Board entered executive session at approximately 10:50 A.M.

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

Chair Watkins described that the Board had discussed the possible hiring of a Deputy. He added that, although the Board would normally like to have the input of an incoming Consumers' Counsel on appointing a Deputy, there is presently a void in the position given the retirement of former Deputy Sauer. The Board (and Mr. Weston) were interested in filling the void in the Deputy position and having a backup for Mr. Weston. A motion was made by Vice-Chair Grossman to appoint Angela O'Brien (an OCC Assistant Consumers' Counsel) as Deputy Consumers' Counsel effective June 4, and to set her compensation at \$142,000. Mr. Brown seconded the motion. Chair Watkins noted that the Board had spoken with Ms. O'Brien (in executive session) and were all very impressed with her responses to questions and her plans to contribute to the agency as Deputy. Ms. Loe called the roll. The motion was approved unanimously by the members present, as listed at the top of these minutes. Chair Watkins asked Mr. Weston to have Ms. O'Brien join the meeting to formally offer her the position.

Ms. O'Brien joined the meeting and Chair Watkins notified her on behalf of the Board that she was being formally offered the position as Deputy Consumers' Counsel. Ms. O'Brien stated that it would be her honor to serve as Deputy for the Board, the agency director, and residential consumers. She stated she was very proud to be with OCC. Chair Watkins added that her compensation would be \$142,000. Ms. O'Brien thanked the Board and Mr. Weston, and stated that she appreciated the vote of confidence.

Chair Watkins discussed the statewide cost of living/parity adjustment for state employees and explained that customarily the Board would approve a parity increase for the Consumers' Counsel and

Deputy. Mr. Fleetwood made a motion to increase the compensation of the Consumers' Counsel by 3% for the upcoming cost of living increase adjustment consistent with other state employees effective in the pay period that includes July 1, 2023 and to permit rounding in the calculations. Ms. Moore seconded the motion. Ms. Loe called the roll. The motion was approved unanimously by members present, as listed at the top of these minutes.

Chair Watkins next explained that the Board had discussed the status of finding a replacement for retiring Consumers' Counsel Weston. He stated the job ad was posted for 30 days and there had been four applicants. He added that one withdrew and two were determined to be under-qualified. Ms. Moore made a motion to repost the job ad for the position of Ohio Consumers' Counsel for 30 days beginning June 1 with a salary range of \$158,000 to \$175,000 and with other minor changes in the job ad. Mr. Brown seconded the motion. Ms. Loe called the roll. The motion was approved unanimously by members present.

Vice-Chair Grossman made a motion that, within the next 30 days, the Board should interview applicant Madeline Fleisher in conjunction also with the reposting of the position. Chair Watkins noted that the interview on that schedule would require a special Board meeting and that everyone would be notified when he schedules the meeting. He stated that the meeting would be mainly an executive session, with a possible vote afterwards. Mr. Fleetwood seconded the motion. Ms. Loe called the roll. The motion was approved unanimously by members present. Mr. Weston thanked the Board for their careful deliberations regarding the appointments.

CONSUMERS' COUNSEL'S REPORT

Mr. Weston discussed electric security plans (ESPs) in the context of pending Senate Bill 102 (which would replace ESPs with a different approach to electric ratemaking). He stated that several electric utilities had already filed their new ESP plans under the existing law (the 2008 energy law). He stated that ESPs are an alternative form of regulation that, in OCC's view, caters to utilities against the interest of consumers. He stated that AES filed its plan and that it was processed quickly at the PUCO. He added that OCC did not sign AES's settlement. He noted that the plan has subsidy money in it for two coal plants at consumer expense, to which OCC objects. Ms. Moore asked if Indiana consumers (in addition to Ohio consumers) were also subsidizing the Indiana coal plant. Mr. Weston said he believes so.

Mr. Weston next discussed some recent OCC consumer alerts. The alerts were to inform the public and help them to testify at PUCO local hearings or to file comments at the PUCO.

Mr. Weston next discussed the electric security plan filed by AEP. He noted that AEP is addressing last summer's outages by increasing rates and proposing various charges for greater reliability. He noted that AEP's proposed charges would be costly to consumers over a number of years.

Mr. Weston next described a recent ruling by the PUCO to schedule a virtual hearing. OCC had requested the virtual hearing to make it easier for the public to participate (and OCC would like to see more virtual hearing opportunities for the public convenience). He also noted some recent comments made by the public with their concerns about rate increase proposals.

He next discussed FirstEnergy's recently filed electric security plan and OCC's Motion to Intervene. He noted that the FirstEnergy press release interestingly claims that the ESP is aiming to "help consumers better manage their electric bill."

Mr. Weston next discussed the Federal Trade Commission's inquiry for its green guides. The FTC's inquiry provided an opportunity for OCC and others to seek protections for consumers from a practice of "greenwashing." Greenwashing can involve the use of misleading claims about a product or service's connection to green energy. He noted that OCC filed comments in the FTC matter. OCC wants consumers protected from the potential use of greenwashing by utilities and energy marketers. He added that OCC appreciates that the FTC considering this consumer issue. Mr. Weston also noted that the National Consumer Law Center had expressed concern about the potential for industry to deceive consumers through greenwashing.

Ms. Grossman left the meeting at approximately 12:45 P.M.

Mr. Weston next noted a news story in the Columbus Dispatch about the Columbus energy aggregation. The news story contained a critique of the energy aggregation's green energy claims. Ms. Moore commented that this is not only happening in large cities. She noted that smaller municipalities are starting to put these types of practices into place and making deals with AEP companies and the like.

FISCAL REPORT:

Consumer's Counsel Weston updated the Board about the current fiscal year expenditures as described in the Operations Report. He also updated the Board on the budget process, including his recent testimony before the Legislature. He stated he continues to seek the \$700,000 budget increase proposed by the Board. He noted the budget proposed by the Governor and the House included \$500,000 for OCC's consumer services (which OCC appreciates).

Regarding personnel, he noted that there had been several new hires for OCC staff since the last meeting. He noted also that OCC employees have returned to the downtown office for a minimum of two days per week (on a staggered basis so as to have the office staffed each day).

Chair Watkins asked for the Board to soon be polled and the job candidate to be contacted so the Chair can schedule a Board meeting for an interview.

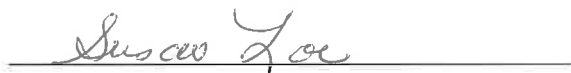
Mr. Weston asked the Board to acknowledge that, even with the appointment of a Deputy, Operations Director Susan Loe would continue to be the timecard approver and the signer of other administrative items for the Consumers' Counsel, per the Board's earlier approved arrangement. The Chair accordingly acknowledged and agreed that Ms. Loe would continue with that responsibility.

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. Fleetwood. Ms. Loe 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 July 18, 2023.


Michael Watkins, Governing Board Chair


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