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

Meeting of May 19, 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
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. She asked the members to introduce themselves, which each did. Matt Corlett, Board Secretary, called the roll. The members answering as present are 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 Ms. Skinner to approve the minutes as written. Mr. Fleetwood seconded the motion. Mr. Corlett called the roll. The motion was approved unanimously by the members present.

CONSUMERS' COUNSEL'S REPORT:

Consumers' Counsel Willis began her report by noting the publication of OCC's 2025 Annual Report and shared highlights from it. Next, she discussed data centers and OCC's continued work regarding them in cases, media, outreach and education presentations, and legislation. She noted new debt issuances by FirstEnergy, Duke, and AEP and spoke about transmission tariffs, noting that much of the current transmission work is to support data centers and OCC's position that those costs should fall on the data centers rather than consumers generally. She noted that the PUCO ordered FirstEnergy to file a data center tariff that would insulate consumers from the data center costs.

Mr. Lackey asked if the Ohio Manufacturers' Association (OMA) dislikes the data center tariff because manufacturers get lumped in with the data centers. Ms. Willis responded that OMA sees the tariff as discriminatory and is concerned about different rates for different classes of users. OCC's position is that data centers are unique. Since they have characteristics that vastly differ from other customers, rates can be set differently without being discriminatory.

Mr. Brown asked if consumers are being hit by these costs now. Ms. Willis responded that consumers are currently paying increased generation costs driven by the growth in demand. She added that consumers may start to see increased transmission costs from data centers and that will likely grow. There may also be future increases in distribution costs as well.

Mr. Yoder asked if OCC sees emerging issues with data centers moving towards onsite generation and how the Ohio Power Siting Board (OPSB) is involved. Ms. Willis discussed behind-the-meter and bring your own generation and noted the OCC encourages this as it means the data centers and their investors take on the risks rather than consumers. She added that the OPSB will be involved in approving some applications, while others may not require OPSB approval, based on each project's specifics and the OPSB's criteria for review and approval. Mr. Yoder followed up by asking if a project does not require OPSB approval, does it still fall under PUCO regulation. Ms. Willis responded that there are some things that are not clearly defined and that it may fall to local zoning authorities if there is no OPSB oversight. She added that communities are rightly concerned about noise, water usage, and other potential community effects. Mr. Yoder asked if it was fair to say that everyone is waiting on legislative action and Ms. Willis said that is largely the case. She noted communities adopting policies and resolutions and the recently formed joint Senate and House Committee on data centers, which will be holding public forums to gather input to inform those legislative efforts. OCC has been invited to testify before that committee. Mr. Yoder expressed concern about the ability of local zoning entities to have the expertise for complex matters like onsite power generation, and Ms. Willis said this is one of the things being looked at by the legislature.

Chair Grossman noted the importance of OCC's education and awareness efforts and noted the positive interaction at the County Commissioners Association meeting. Mr. Yoder noted that township trustees are forced to sign non-disclosure agreements (NDAs), which limits their ability to educate themselves on specific matters, and noted that it makes it look like they are hiding something. Ms. Willis concurred that the use of NDAs does raise concerns and it is something the legislature is likely to look at as they work to set statewide policy. Chair Grossman asked that the schedule for the joint committee's hearings be sent to the Governing Board members once it is known.

Ms. Shannon asked if legislation will address existing data centers or only new ones. Ms. Willis said the topic of existing data centers is part of the discussion with the legislature, including possible provisions that address extending new consumer protections to existing arrangements.

Vice Chair Skinner noted that the Ohio Township Association is working on concerns regarding NDAs and said that she, as a township trustee, would not sign an NDA because she represents her community not the data centers. Mr. Hager noted that it is hard to not do something when all of one's competitors are doing that thing and expressed skepticism about whether legislation would address NDAs. Mr. Watkins asked how much legislation was expected this year with elections coming up. Ms. Willis asked Nick Stallard, OCC Legislative Liaison, to speak to that. Mr. Stallard gave an overview of the legislative process and commented that it remains to be seen if legislation passes this session.

Ms. Willis next discussed rate cases from AES Ohio, Enbridge, Duke, and FirstEnergy. She noted that AES Ohio was acquired by a group of private equity investors and that there are concerns that investors of this type tend to seek short-term returns, which is inconsistent with the role of public utilities. OCC has filed comments in this case. She next discussed PUCO's decision to allow an AEP rate increase, which AEP characterized as a rate decrease. OCC opposed the rate increase and took issue with the PUCO reviewing the settlement as a package and avoiding scrutiny of the magnitude of the rate increase.

Ms. Willis next noted that FirstEnergy has a case before the PUCO to lower reliability standards, allowing FirstEnergy to have longer and more frequent outages, despite consumers paying hundreds of millions for distribution investment intended to improve reliability. OCC's position is that the PUCO should reject FirstEnergy's proposal and push for more stringent standards with fewer and shorter outages.

Ms. Willis concluded her report by highlighting a win for consumers. AEP had asked the PUCO for approval to collect $35 million in coal-related costs that it had not charged to consumers before HB 15 took effect. OCC argued that AEP's request should be denied and the PUCO agreed.

Chair Grossman thanks Ms. Willis for her thorough summary to the Governing Board and expressed her gratitude for OCC's efforts.

DEPUTY CONSUMERS' COUNSEL'S REPORT:

Deputy Consumers' Counsel O'Brien began her report by noting a win for consumers at the Ohio Supreme Court even though OCC was not a party. The Court ruled that submeter Nationwide Energy Partners (NEP) is a public utility under Ohio law. This means that consumers who live in properties where NEP provides service are eligible for traditional consumer protections and assistance that consumers of public utilities receive. She noted that this changes OCC's support of HB 173. Prior to the ruling, OCC supported HB 173 as it established some consumer protections that were non-existent. However, in light of the Supreme Court's ruling, HB 173 now will be taking rights away from consumers. Chair Grossman asked approximately how many consumers are involved in submetering across the state. Ms. O'Brien indicated that this case involved over 1,000 consumers in five apartment complexes and Ms. Willis noted that there is no definitive number due to a lack of any reporting requirement, although AEP has estimated over 30,000 submetered residents in its territory. Ms. O'Brien further noted that the Supreme Court will send the case back to the PUCO to determine how to implement and enforce the ruling. Chair Grossman commented on the importance of this for Ohioans and Ms. Willis noted that OCC has been working on a legislative solution to the submetering issue for 15 years and we are very happy that the court resolved it favorably for consumers.

Ms. O'Brien next discussed another Ohio Supreme Court ruling. This one was not favorable to consumers. OCC and the Ohio Manufacturers Association (OMA) had appealed a PUCO decision that allowed AEP to recover $74.5 million from consumers as past costs tied to the OVEC-related power plant subsidy. PUCO's independent auditor had determined, in its draft report, that bidding the plants into the market on a must-run basis was not in the interests of ratepayers. This auditor finding was omitted from the final report. OCC and OMA appealed that the PUCO's decision, arguing it was against the manifest weight of the evidence. The Supreme Court disagreed.

Ms. O'Brien next discussed two cases pending before the Supreme Court. OMA is appealing PUCO's approval of a settlement agreement establishing an AEP's data center tariff. OCC joined the settlement because it protected consumers and supports the PUCO's ruling. She next discussed the OCC appeal of the PUCO's decision regarding Christi Water, a small private water utility in Defiance. The PUCO's order requires consumers to pay for costs related to excessive water leaks. PUCO's order shifted the burden of proof to OCC, in violation of law and Ohio Supreme Court precedent. OCC has appealed the decision to the Ohio Supreme Court.

Ms. O'Brien next discussed a transmission project joint venture between FirstEnergy and AEP. This is a FERC case and OCC has filed a protest to the joint venture application, as it would result in Ohioans paying excessive project costs, estimated over $1 billion.

Ms. O'Brien concluded her report by noting that the FCC recently opened up a notice of proposed rulemaking regarding the Lifeline program, which maintains federal subsidies to provide both broadband and wireline service to consumers. The FCC requested comments on whether to maintain the current $5.20 monthly subsidy for consumers. OCC filed comments advocating to preserve the voice only discount, because there are still consumers throughout Ohio who rely on voice-only telecommunication service. It is due to be phased out by December 1, 2026. OCC is advocating that the FCC maintain Lifeline so consumers have affordable access to their essential services, including 911 and emergency services.

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 (HB 706). He also spoke about HB 862, which would allow utilities to own nuclear generation in limited circumstances. He shared a quote from Ms. Willis and an infographic on past nuclear projects to demonstrate the risks to consumers of stranded costs. OCC and other parties favor keeping utilities and generation separate. 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 concluded his presentation by highlighting the continuing work the legislature is doing regarding submetering with HB 173. 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 current staffing level and that OCC is recruiting for a senior regulatory analyst and a part-time web developer. He asked Legal Intern Brady Condon to introduce himself. Mr. Corlett concluded his report by sharing that Katherine Metz was OCC's employee of the quarter for the first quarter of 2026.

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 Greene County Commissioners and shared social media and website updates. 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 consider a complaint against a public employee. Ms. Skinner made a motion, seconded by Mr. Fleetwood. Mr. Corlett called the roll. The motion was approved unanimously by the members present. The Board went into executive session at 11:07 a.m.

The Board returned from executive session at 11:12 a.m.

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

The meeting was adjourned at 11:13 a.m.

I verify that the above meeting minutes have been approved and ratified by the Consumers' Counsel Governing Board on July 22, 2026.

Cheryl Grossman, Governing Board Chair

Matt Corlett, Board Secretary
Ohio Consumers' Counsel Governing Board