



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

Meeting of May 20, 2025

The members present were:

Mr. Michael Watkins, Chair
Ms. Cheryl Grossman, Vice Chair
Mr. David Fleetwood
Mr. Dorsey Hager
Ms. Jan Shannon
Ms. Connie Skinner

Members Absent: Mr. Randy Brown, Mr. Bruce Lackey and Mr. Josh Yoder

Also Present: Mark Tucker, Assistant Attorney General

CALL TO ORDER BY CHAIR:

Chair Watkins called the meeting to order at 10:00 A.M. Tracy Greene, Consumers' Counsel's Aide, called the roll. The members answering as present were as shown above.

Chair Watkins asked the guests, staff and Board members to introduce themselves. Present were representatives from Gongwer and Hannah, Mr. Gene Freeman, staff from the PUCO and OCC, as well as the Board Members, Deputy Consumers' Counsel and Consumers' Counsel.

APPROVAL OF THE MINUTES:

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

CONSUMERS' COUNSEL'S REPORT:

Consumers' Counsel Willis noted that the agency had recently published its 2024 annual report and thanked staff members who had assisted in the preparation.

Ms. Willis next updated the Board on PUCO activities. Ms. Willis noted that there were several utilities requesting increases through rate cases, electric security plans, smart grid cases and capital expenditure rider cases.

She first discussed the Enbridge case, where PUCO Staff and OCC were recommending a rate decrease. She noted this case awaits a ruling by the PUCO.

Ms. Willis next discussed the FirstEnergy rate case where OCC was also seeking a rate decrease. She noted that there was some carryover from the HB6 scandal in that case, with regard to profits.

Ms. Willis also discussed the Christi Water case, where the company was seeking a 30% increase in fixed charges and 10% in usage charges. The PUCO Staff report recommended a 20% increase in both charges. She noted that it was a small company with about 200 customers, but OCC believes the rate increases are excessive.

Ms. Willis also discussed FirstEnergy's Security Plan that includes rate increases, where OCC has requested virtual public hearings and is awaiting a ruling. She noted that virtual public hearings provide more opportunities for consumers to participate, but that the PUCO had not been very receptive to those requests.

Ms. Willis also discussed a recent settlement with Duke Energy's Electric Security Plan. She noted that OCC negotiated lower increases and a number of consumer protections. She noted that objections from parties who did not sign the settlement had been overruled. She noted that the increase had been reduced by \$215 million.

Ms. Willis next discussed AEP GridSmart III, which the utility is asking for a lot of money. She noted that OCC opposed the settlement that was reached between the PUCO, the utility and other parties, due to a lack of correlation between GridSmart spending and improvements in consumer reliability. Ms. Grossman asked about the continued power surges. She explained that AEP was her provider and she had to recently replace appliances. She noted she had been advised by sales personnel that they were seeing a lot of this due to customers experiencing power surges, which can shorten the life of appliances. Ms. Willis responded that OCC has not heard a lot about power surges; but there had been a looming issue about power availability. She added that the office would take a closer look at power surge issues.

Ms. Willis next discussed OCC's efforts to fight for auditor independence. She noted that OCC research shows that this is a violation of law, and that draft audits should not be shared with the utility.

She next discussed FirstEnergy and Duke asking the PUCO to lower reliability standards with regard to smart grid technology.

She next discussed the four ongoing FirstEnergy investigations. She noted that there was a court order compelling the witnesses to testify, with the first hearing scheduled for June 10.

DEPUTY CONSUMERS' COUNSEL'S REPORT:

Deputy Consumers' Counsel O'Brien discussed matters that the OCC is involved in before the Federal Energy Regulatory Commission (FERC) and OCC appellate work. She noted that the primary issues involved containing electric supply costs at the federal level.

Ms. O'Brien also updated the Board on the RTO adder case, where the 6th Circuit determined the RTO adder should not be passed along to consumers in Ohio. She updated that FirstEnergy had filed a motion to stay the mandate pending their appeal to the U.S. Supreme Court. She noted that consumer refunds will be stayed, and that OCC has filed a petition for rehearing en banc, meaning that the issue would be heard by the whole court, to try to overrule that decision.

Ms. O'Brien reviewed OCC involvement in multiple proceedings at FERC involving PJM's requested reforms in the capacity auctions. She also discussed appeals regarding the 1920 orders, where FERC issued a number of rules on long term transmission planning.

She also noted that PJM is very active in trying to reform the capacity auctions, and that OCC is arguing for more transparency, and allowing consumers to have a larger voice in the process.

Ms. O'Brien discussed an Ohio Supreme Court pending appeal dealing with an audit of AEP's \$74.5 million in OVEC costs charged to consumers and the issues surrounding the revision of the audit report. She noted that in that case the auditor initially determined in a draft report that bidding OVEC into the market on a must run basis was not in the interest of consumers. At the request of a PUCO staff member, the audit report was changed, removing that conclusion. OCC is raising the issue of the PUCO Staffs influence on the independent audit.

Ms. O'Brien next discussed another Supreme Court appeal in a Duke Rate Case where the PUCO approved \$29 Million for propane storage caverns that were not used and useful, and charges for replacement pipeline at the same time. She noted that reply briefs had been filed in April and OCC was now awaiting dates for oral arguments.

Ms. O'Brien next discussed two oral arguments that occurred during April at the Ohio Supreme Court. These cases dealt with AES Ohio and were related appeals. The first case dealt with whether the PUCO legally eliminated mandatory refunds to consumers under the Ohio electric security plan law. The other case dealt with whether rate stability charges were legally charged to consumers as a part of AES's reversion to a prior Electric Security Plan. OCC's position is that the utility should be required to reinstate the standard service offer, instead of all the additional riders. She noted that OCC awaits the

Court's decisions. Ms. Willis noted that recently-passed legislation (HB 15) contains a provision that may make it difficult for the refunds to get to consumers, even if OCC wins the court case.

Ms. Grossman complimented the Deputy and the Consumers' Counsel for their work and dealing with the volume of difficult issues. Mr. Watkins asked about Speaker Huffman discussing leaving PJM and wondered whether this would gain any traction. Consumers' Counsel Willis responded that this was not the first time this had been discussed and does not believe leaving PJM would be beneficial to consumers. She noted that a big part of HB 15 was to incent power production within the state of Ohio to reduce reliance on outside energy. Ms. Grossman commented that the topic may have been raised to generate discussion on alternatives. Ms. Willis noted that it is good that the General Assembly is prioritizing energy policy. She added that she believed the legislature would be focusing more on transmission issues in the fall.

Ms. Willis discussed some recent news events, including her interview with Colleen Marshall regarding HB 15, and an interview regarding smart meters. She also noted OCC had been mentioned on the front page of Columbus Dispatch in an article regarding submeters, a Toledo Blade editorial calling for consumer refunds, and others.

LEGISLATIVE UPDATE:

Legislative Liaison Nick Stallard gave a brief overview of OCC's legislative activities. He first discussed the upcoming opponent testimony in pending HB 142 that is described as favorable to the gas utilities. He also discussed the status of pending submetering bills and noted that OCC supports HB 265. He explained that there are two separate submetering bills in the House and Senate (SB 108 and HB 173), which would codify the current practices. He noted that these bills do not contain sufficient protections for consumers.

Mr. Stallard next discussed pending legislation regarding utility bill transparency, which includes a glossary and possibly a QR code on invoices that would link consumers to OCC's site.

He then discussed the pending budget bill, where the budget approved by the house had included an increase, but noted that OCC was hoping for more. He stated that none of the legislative changes had gained any traction. Harrison Siders added that discussions had been going well, but that they had not yet been able to find an individual willing to include an amendment. Mr. Stallard discussed some of the positive aspects of HB 15, including elimination of OVEC subsidies and ESPs. Ms. Willis shared a story in the Dayton Daily News about HB 15.

Ms. Willis shared information about the National Association of State Utility Consumer Advocates (NASUCA) summer conference to be held in Columbus downtown Hyatt in June. She noted that many staff members will be participating on panels, including a panel of former Ohio Consumers' Counsels.

She noted that the first Ohio Consumers' Counsel, William Spratley, was the one of the founding members of NASUCA. She explained that this was an excellent networking opportunity to discuss mutual interests in consumer protections. She noted there were also panels including representatives from utilities, data centers and more.

EMPLOYEE INFORMATION:

Ms. Willis discussed the employee of the First Quarter of 2025, Alana Noward. She explained that Alana serves as a Case Team Coordinator, who files pleadings with the PUCO, as well as other duties. She explained that the job can be very stressful with last-minute filings right before the Commission closes for the day, and that Alana was recognized for her excellent performance.

PUBLIC AFFAIRS REPORT:

Merrilee Embs, Public Affairs Director, gave the Board a brief update on public outreach and website activities. She noted that OCC had 159 mentions in the media January through April. She discussed a recent boost of a post on Twitter regarding a FirstEnergy rate increase hearing that resulted in over 8,100 views.

She discussed OCC teaming up with the Ohio Township Association to provide content for their monthly newsletter and magazine. Ms. Grossman asked about the Mid-Ohio Regional Planning Commission efforts and Ms. Willis responded that she would follow up with that effort.

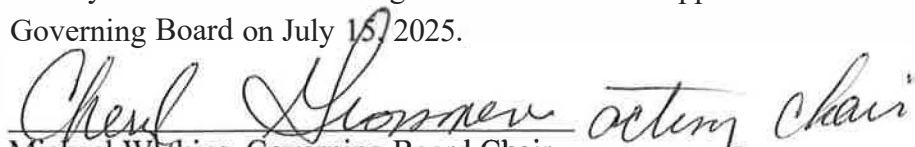
Ms. Embs also discussed data compiled by staff related to consumer calls and the topics involved. She explained that numbers and topics fluctuated depending on the time of year.

She also noted that staff was very busy scheduling county fairs as well as participation at the Ohio State Fair. Mr. Watkins asked about partnering with County Commissioners Association, and Ms. Willis said they would follow up with that. Ms. O'Brien noted they were also initiating partnering with AARP. Ms. Willis added that AARP was very concerned about affordability of rates, and that a national representative would be in attendance at NASUCA.

Mr. Fleetwood made a motion to adjourn the meeting, seconded by Ms. Skinner. Ms. Greene called the roll. The motion was approved unanimously by the members present.

The meeting was adjourned at approximately 11 :00 A.M.

I verify that the above meeting minutes have been approved and ratified by the Consumers' Counsel Governing Board on July 15, 2025.


Michael Watkins, Governing Board Chair

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Susan Loe, Board Secretary
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