



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

**Meeting of July 18, 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  
Ms. Connie Skinner  
Mr. Josh Yoder

Assistant Attorney General Bryan Lee was also present at the meeting.

**CALL TO ORDER BY CHAIR:**

Chair Watkins called the meeting to order at approximately 10:05 A.M. Chair Watkins asked Interim Board Secretary Susan Loe to call the roll. The members answering as present were as shown above, with the exception of Mr. Hager, who joined the meeting while in progress at approximately 10:10 A.M.

**MEETING MINUTES:**

Chair Watkins asked for a motion to approve the minutes of the May 31, 2023 Board meeting. A motion was made by Ms. Shannon to approve the minutes. Mr. Fleetwood seconded the motion. Ms. Loe called the roll. The motion was approved unanimously by members present, with the exception of Mr. Yoder, who abstained.

Chair Watkins asked for a motion to approve the minutes of the June 30, 2023 Board meeting. A motion was made by Ms. Skinner to approve the minutes. Ms. Grossman seconded the motion. Ms. Loe called the roll. The motion was approved unanimously by members present, with the exception of Mr. Yoder, who abstained.

Chair Watkins noted that Consumers' Counsel Weston's retirement date has been set for September 30, 2023. The Chair noted that it was a well-deserved retirement and encouraged Mr. Weston to find a hobby. Mr. Weston noted that one of his hobbies is calling the Chair.

### **RECOGNITION**

Consumers' Counsel Weston stated that several new employees had joined OCC. He noted that Don Kral recently joined OCC as a litigation attorney. He added that in the 1970's Mr. Kral had worked for a consumer group which had tried to reform the commissioner selection process for the PUCO.

Mr. Weston next announced that Frank Meravy has joined the agency as Fiscal Assistant Manager, to assist in fiscal and provide support for consultant management. He noted that Frank has many years of experience in state fiscal matters.

Mr. Weston next informed the Board that Joe Perez joined the agency in the Analytical Department. He noted that Mr. Perez has a background in the private sector, including working with a major utility.

Mr. Weston also announced that three new interns had been recently hired. They are Keegan Fay and Diva Sony in Public Affairs and Alex Hickey in the Legal Department. He noted that OCC has a long history (since first Consumers' Counsel Bill Spratley) of supporting our consumer advocacy with internships and with giving students the experience of working in the public interest for their careers.

Mr. Weston next stated that Dan Shields and Jim Williams, long time OCC employees, were both retiring. He noted, however, that both will continue to support OCC as temporary employees. He explained that Mr. Shields is a federal energy expert and was once the PUCO's federal energy advocate. He added that Jim Williams had been with OCC for many years, including leading the OCC call center years ago (before the legislature later prohibited an OCC call center).

Mr. Weston next commended and gave good wishes to Ellis Jacobs on the occasion of Ellis's retirement. For many years Mr. Jacobs has been a legal aid attorney with Advocates for Basic Legal Equality in the Dayton area. Mr. Jacobs had worked in partnership with OCC on consumer projects over the decades. Mr. Weston shared a photo of himself with Mr. Jacobs at Mr. Jacobs' retirement event in Dayton.

Merrilee Embs, OCC Public Affairs Manager, informed the Board that the National Association of State Utility Consumer Advocates (NASUCA), of which OCC is a longstanding member, recognized Bruce Weston on July 17, 2023 with its highest honor: The Robert F. Manifold Lifetime Service Award. She noted that NASUCA's Manifold Award is presented to individuals who have demonstrated the highest level of dedication to public service over their career. Mr. Weston commented that he was very honored to receive the award. He briefly described the history of NASUCA and OCC's participation in its creation in 1979. Chair Watkins noted he later learned that Mr. Weston had foregone his attendance at the out-of-state NASUCA meeting (in Austin) to receive the Award in person, so as not to cause a rescheduling of the July 18th Board meeting.

Mr. Weston next briefly discussed the fiscal report. He noted that the state had started its new fiscal year on July 1st and referred the Board to the Operations memorandum. He explained that OCC's Fiscal Year 2024 budget included a \$500,000 increase over Fiscal Year 2023 (being the first

significant budget increase for OCC's consumer advocacy in many years). He expressed gratitude to the Board, the Governor and the legislature regarding the increase.

Ms. Grossman expressed how important it is to remember the difficult times when the Ohio Consumers' Counsel's budget was significantly cut (in 2011). She noted that she was a member of the House at that time and it was a very difficult time. She noted that in light of House Bill 6 and the recent related criminal convictions it emphasizes the validity, credibility and importance of the Ohio Consumers' Counsel's services on behalf of the consumers of Ohio. She congratulated Mr. Weston on his efforts to navigate through the tough times over the years and to lead the charge to procure sufficient funding for the agency and its work for Ohioans.

Mr. Weston thanked Ms. Grossman for her remarks. And he thanked the OCC staff for all their work during the budget process. Mr. Weston noted that, ironically, utilities use the state budget bill as an opportunity to enhance their own private budgets and other measures. He added that OCC testified for consumer protection against various language amendments in the budget bill that could have increased Ohioans' utility bills. He commented with appreciation that the legislature (and the Governor) appeared to not be very receptive to utility opportunism in this budget.

Mr. Weston further described some of the issues that OCC testified against in the budget bill process, including the issue of submetering where consumers needed protection from submeterer legislative initiatives. He noted that the Ohio Manufacturers' Association was advocating for consumers as well on the budget bill. Mr. Weston discussed OCC's veto request that he wrote to the Governor, regarding utility charges for infrastructure. He appreciated that the Governor vetoed certain budget-bill language to protect utility consumers.

Mr. Weston stated that OCC is now on Threads (the new social media competitor to Twitter), due in part to recent disabling of certain Twitter features that OCC used.

Deputy Consumers' Counsel O'Brien next discussed examples of very high prices being charged by certain energy marketers. She discussed the information available from utility shadow billing that shows the many millions of dollars more paid by consumers to marketers over the standard offer price. She discussed PUCO Commissioner Friedeman's public comment that while the PUCO does not regulate marketing rates, they do regulate marketer behavior, and that certain high rates could be determined to be improper as unconscionable.

Ms. Moore asked about government entities, villages and counties, choosing a supplier on behalf of the consumer in energy aggregations. She felt that it removes choice, and if consumers don't opt out they may be stuck for a period of time. Ms. Moore expressed concern that some rates were higher, and that a lot of government entities were going with Energy Harbor. Mr. Weston noted that OCC was protesting at FERC the acquisition of Energy Harbor by Vistra, because it would reduce the competition in the market that consumers rely upon.

Mr. Weston added that Commissioner Friedeman's public comments are appreciated, but it should be translated into PUCO action. He stated in his view some of the prices charged to consumers by energy marketers have been unconscionably high.

Mr. Weston next reviewed some updates regarding the House Bill 6 scandal.

Deputy Consumers' Counsel Angela O'Brien discussed a recent issue where an attendee at a local public hearing (on a utility's proposed electric security plan) testified about social service agency delays in the processing of consumers' financial assistance applications. The assistance is for paying utility bills for low-income and at-risk Ohioans. To protect consumers in need, OCC and its legal aid partners filed a motion with the PUCO. The motion asked the PUCO to suspend electric and natural gas disconnections for at-risk consumers while their financial assistance is pending. The PUCO granted our motion, in part, and ordered utilities to suspend disconnections for 30 days after a consumer applies for financial assistance. Ms. O'Brien stated this will give at-risk utility consumers a little bit of breathing room to get their financial assistance without being disconnected. She noted that the Ohio poverty rate has increased from last year.

Mr. Yoder asked if OCC had a good understanding of what is causing the processing delays. Ms. O'Brien replied that there had been more people applying for assistance and there may have been challenges with maintaining staffing levels at some social service agencies. Mr. Yoder commented that he felt that the delay of the disconnection was helpful, but if the underlying cause is that consumers made a bad decision in choosing a marketer, it should be rectified at that level as well, with price transparency. Mr. Weston noted that, while too-high prices from an energy marketer can be a problem, sometimes people in need have financial difficulties that result in their need for assistance to protect the continuity of their family's utility services. He noted this need goes beyond getting to a well-functioning energy market. He also explained that the PUCO's Apples to Apples website, for listing energy offers, could result in some consumers misunderstanding the ultimate price of some energy marketer offers. He stated that there needs to be reforms in legislation to protect consumers from energy marketing.

Mr. Weston then noted Acting Legal Director Maureen Willis' recent testimony which expressed OCC's opposition to Senate Bill 102. That bill is claimed to be a reform of electric ratemaking. He noted that AEP also opposed SB102. AEP had commented that the bill seemed to favor large industrial customers and marketers.

Mr. Weston next updated the Board on HB 79, which OCC opposes. He shared a Toledo Blade article and editorial which reflect OCC's consumer concerns about favorable ratemaking for utilities in the bill (that addresses utility energy efficiency programs).

**EXECUTIVE SESSION:**

Ms. Grossman made a motion to enter into executive session to consider the employment of potential candidates and also to consider the appointment, employment or compensation of current public employees or officials. Ms. Skinner seconded the motion.

OCC Deputy Angela O'Brien called the role:

Mr. Brown – Yes

Mr. Fleetwood – Yes

Mr. Hager - Yes

Ms. Moore – Yes

Ms. Shannon – Yes

Ms. Skinner - 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 11:10 A.M.

The Board returned from Executive Session at approximately 1:35 P.M.

Mr. Fleetwood made a motion to appoint OCC Acting Legal Director Maureen Willis as Consumers' Counsel. Mr. Yoder seconded the motion. Ms. Loe called the roll. The motion was approved unanimously. Ms. Willis noted her acceptance and stated that she was honored to serve.

Chair Watkins commented that he thanked OCC Deputy Angela O'Brien and Ms. Madeline Fleisher for their applications.

Ms. Grossman made a motion for the effective date of Ms. Willis's appointment to be October 1, 2023, in light of Mr. Weston's retirement on September 30, 2023. Mr. Brown seconded the motion. Ms. Loe called the roll. The motion was approved unanimously.

Mr. Fleetwood made a motion that the incoming Consumers' Counsel's salary be set at \$175,000 annually, effective the date she assumes the position (October 1). Mr. Yoder seconded the motion. Ms. Loe called the roll. The motion was approved by all members except for Ms. Skinner, who voted no.

Ms. Skinner made a motion to increase the Deputy Consumer Counsel's salary to \$155,000, effective the same date (October 1, 2023). Ms. Grossman seconded the motion. Ms. Loe called the roll. The motion was approved unanimously.

Mr. Weston expressed his congratulations to Maureen Willis. He also congratulated Ms. O'Brien and thanked all the applicants for their interest in serving. He added that he admired the Board's process for finding the next Consumers' Counsel.

Mr. Fleetwood made a motion to adjourn the meeting. It was seconded by Ms. Skinner. Ms. Loe called the roll. The motion was approved unanimously.

The meeting adjourned at approximately 1:44 P.M.

Governing Board Minutes

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I verify that the above meeting minutes have been approved and ratified by the Consumers' Counsel Governing Board on September 19, 2023.



Michael Watkins, Governing Board Chair



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