



**MINUTES OF THE  
TWO HUNDRED EIGHTY-FOURTH MEETING  
OF THE OHIO CONSUMERS' COUNSEL GOVERNING BOARD  
January 18, 2011**

Members Present: Gene Krebs  
Dorothy Leslie  
Joe Logan  
John Moliterno  
Anthony Peto  
Jerome Solove  
Roger Wise

Members Absent: Harold Cassel

Guests: Michael Schuler, Attorney General's Office

**CALL TO ORDER**

Chairman Solove called the meeting to order at 9:15 a.m.

**APPROVAL OF THE MINUTES**

The minutes of the November 11, 2010 meeting were approved.

Chairman Solove welcomed Mr. Watkins to the Board.

**CONSUMERS' COUNSEL REPORT**

Mr. Weston also welcomed Mr. Watkins to the Board and stated that Ms. Migden-Ostrander would join the meeting in progress. Therefore, the Consumers' Counsel's report will be deferred to later in the meeting.

New employees were introduced. They are:

- o Ibrahim Soliman, Analytical
- o Mack Thompson, Analytical

Employees of the Month were introduced. They are:

- o Michael Horn and Donald Turklay (November)
- o Wilson Gonzalez (December)

Chairman Solove thanked them for their dedication and hard work.

**CASE OUTCOMES**

**Duke's 2008 Storm Costs, Case No. 09-1946-EL-RDR**

OCC testimony stated that Duke should not be allowed to collect more than \$5.1 million of \$28.4 million. Duke's customers should not have to pay for excessive storm damage repair costs.

The Commission allowed Duke to collect \$14.1 million. This resulted in a savings to customers of \$14.4 million.

Discussion ensued regarding the costs of vegetation management.

**Significantly Excessive Earnings Test for Columbus Southern Power and Ohio Power, Case No. 10-1261-EL-UNC**

Columbus Southern Power had significantly excessive earnings during the period covered by its approved electric security plan.

According to OCC's position, the average Columbus Southern Power customer should receive a refund of \$102.

OCC successfully advocated for a revised hearing schedule after American Electric Power requested an expedited process from the Commission following the stipulated agreement.

Mr. Krebs left at 9:55 a.m.

The Commission determined Columbus Southern Power had \$42.6 million in excessive earnings in 2009. The excessive profits will be refunded to customers through bill credits.

**Duke Energy's Proposed Energy Efficiency and Peak Demand Reduction Programs, Case No. 09-1999-EL-POR**

Duke should be prevented from using its Save-a-Watt charge to improperly charge customers for its lost generation which resulted from electricity that customers saved.

OCC recommended that the lost generation charges be disallowed retroactive to December 2009.

The Commission accepted OCC's recommendation and ordered lost generation revenues removed from rates, retroactive to December 2009.

**NEW CASES**

**Duke Market Rate Offer for Generation, Case No. 10-2586-EL-SSO**

Duke's application requested the PUCO to approve its proposed market rate offer to procure standard service offer generation service beginning January 2012.

Senate Bill 221 states that after its initial required ESP filing, an Ohio electric utility may file for approval of either an ESP or a market rate offer or both.

**Unique Arrangement Between Timken Company and the Ohio Power Company,  
Case No. 10-3066-EL-AEC**

Ohio Power filed its application on December 20, 2010. OCC intervened and filed comments on January 10, 2011, and asked for an evidentiary hearing with a shortened discovery response time.

While OCC supports economic development in Ohio, residential customers of utilities should be protected from unjust and unreasonable rate increases to cover the costs of economic development.

The Board recessed at 10:45 a.m.

Ms. Migden-Ostrander arrived at 11:00 a.m.

The Board reconvened at 11:20 a.m.

**CONSUMERS' COUNSEL REPORT**

Ms. Migden-Ostrander welcomed Mr. Watkins to the Board. She reported that Alan Schriber resigned as Chairman of the Public Utilities Commission of Ohio. In addition Commissioner Lemmie's term is expiring. The Nominating Council, in which Chairman Solove participates, is reviewing applications for the commissioner positions at the Public Utilities Commission of Ohio to fill two vacancies.

Chairman Solove stated that as a member of the Nominating Council, he has requested an ethics opinion specific to practices of the Nominating Council members who have individuals affiliated with a utility as their designee. The concern is not that a utility lobbyist sits on the council but that the relationship is not disclosed to the members of the Nominating Council. Going forward the ultimate goal is transparency.

Ms. Migden-Ostrander continued her report by stating that OCC has achieved savings of approximately \$50 million in two cases. The savings achieved are equal to approximately six years of OCC's budget.

**ELECTION OF OFFICERS**

Mr. Logan made a motion that Mr. Solove serve as Chairman for another term. Mr. Wise seconded the motion and Mrs. Knight called the roll. The motion passed unanimously.

Mrs. Leslie made a motion that Mr. Moliterno serve as Vice-Chairman for another term. Mr. Peto seconded the motion and Mrs. Knight called the roll. The motion passed unanimously.

### **COMMUNICATIONS REPORT**

Over the last two months, OCC prepared 9 news releases related to electric, natural gas, telecommunications and water cases; 9 fact sheets and 4 newsletters.

Outreach and Education gave 62 speeches; 21 train-the-trainer presentations; 85 site visits; and 18,914 educational materials were mailed to organizations.

OCC's website had 8,707 visitors in November and December.

The Communications Department has created several new publications which include:

- Maps with County Data
- Stay Connected
- Solar Handbook
- PIPP Plus Fact Sheet

Mrs. Walls Rominski reviewed OCC's weatherization presentation with the Board. OCC's event display on weatherization provides factual information about each energy efficiency measure available to consumers.

### **EXECUTIVE SESSION**

Mr. Wise moved that the Board meet in executive session for the purpose of considering pending or imminent litigation; Mr. Peto seconded the motion and Mrs. Knight called the roll. The motion passed unanimously.

Executive Session began at 12:10 p.m.

Executive Session ended at 1:15 p.m.

Mr. Moliterno left at 1:15 p.m.

### **LEGISLATIVE REPORT**

Ms. Gomberg reported that the Senate confirmed appointments for our Board Members (Messrs. Cassel, Krebs, Logan and Watkins).

The Ohio House of Representatives has already begun introducing several pieces of legislation. Of note are House Bill 1 and 2. The actual language of House Bill 1 is not available yet, therefore it is currently a placeholder for the Governor's JobsOhio proposal which will transfer some of the roles of the Ohio Department of Development to a separate non-profit entity. House Bill 2 will require some state agencies to undergo performance audits and performance budgeting.

The federal energy efficiency tax credit has been reduced from \$1,500 to \$500 for this next year. In addition LIHEAP funding has been extended through March 4, 2011.

**NET NEUTRALITY**

Mr. Bergmann gave a presentation on net neutrality. The term net neutrality is used to describe a principle proposed for users' access to networks participating in the internet. The principle advocates no restrictions by internet service providers and governments on content, sites, platforms, the kinds of equipment that may be attached, and the modes of communications.

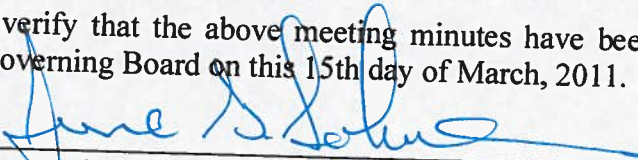
Mr. Peto left at 2:00 p.m.


Mr. Logan left at 2:14

The Board concluded discussion on the topic.

With no further business the meeting adjourned at 2:25 p.m.

I verify that the above meeting minutes have been approved and ratified by the OCC Governing Board on this 15th day of March, 2011.

  
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Jerome G. Solove, Chair  
Ohio Consumers' Counsel Governing Board

  
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Laurie C. Knight, Secretary  
Ohio Consumers' Counsel Governing Board