



Office of the Ohio Consumers' Counsel

Annual Report 2020

WKYC Cleveland

Utility disconnections loom for thousands as pandemic worsens, winter sets in



Your Residential Utility Consumer Advocate

Highland County Press

During coronavirus, food insecurity, poverty spiking - and it's getting worse



OHIO CAPITAL JOURNAL

Consumer advocate again demanding independent probe of FirstEnergy



Friday,

Did FirstEnergy spend ratepayer money to secure \$1.3B bailout? Ohio consumer watchdog wants to know

Cincinnati Enquirer

Office of the Ohio Consumers' Counsel • 2020 Highlights

- ▶ Sought protections for residential utility consumers, regarding the health and financial crises of the coronavirus pandemic. OCC advocated in PUCO cases for indefinitely suspending utility disconnections of consumers, extending bill-payment plans, increasing bill-payment assistance and halting door-to-door sales by energy marketers. These activities regarding utility services reflected the broader struggles of many Ohioans during the pandemic with such issues as health, job loss, risk of utility disconnection, food insecurity, loss of housing and poverty.
- ▶ Testified seven times before the Ohio General Assembly. Five of OCC's testimonies were for repeal of tainted House Bill 6 (that included nuclear and coal power plant subsidies, among other giveaways). OCC's testimonies followed the U.S. Attorney's filing of a Criminal Complaint alleging bribery, racketeering and corruption against some involved in the legislative process. House Bill 6 provided various benefits at consumer expense for FirstEnergy, Energy Harbor, AEP, DP&L and Duke, among others.
- ▶ Called on the PUCO, in a Sept. 8, 2020 filing, to open investigations of FirstEnergy, after the U.S. Attorney filed the Criminal Complaint regarding House Bill 6 that included reference to an unidentified "Company A" (which may be FirstEnergy, though it was not charged with a crime).
- ▶ Participated for Ohio consumers in more than 100 cases before the PUCO, Federal Energy Regulatory Commission, U.S. Bankruptcy Court, U.S. Sixth Circuit Court of Appeals and the Ohio Supreme Court.
- ▶ Called for reform of the process of selecting PUCO commissioners in an Aug. 25, 2020 OCC Governing Board resolution. There, the OCC Board noted that "three of the five current PUCO commissioners have worked for the special interests of public utilities..." (OCC followed up by calling for reform of the PUCO commissioner selection process in a Jan. 4, 2021 letter to the Governor from the Agency Director, referencing the Board's 2020 resolution.)
- ▶ Advocated to protect consumers from rip-offs by energy marketers in several cases. OCC's consumer advocacy included seeking consumer protections from excessive marketer rates in the so-called "monthly variable rate" program in the Dominion Energy service area. And OCC continued to ask the PUCO to ban marketers Verde Energy and PALMco Energy from operating in Ohio.
- ▶ Succeeded in protection of FirstEnergy (Ohio Edison) consumers in a Dec. 1, 2020 decision by the Ohio Supreme Court that overturned a PUCO decision favoring FirstEnergy. The Court's decision allows for the potential that some of Ohio Edison's high profits may be refunded to its consumers.
- ▶ Educated utility consumers and groups during the pandemic by replacing outreach visits with remote meetings. OCC provided education with more than 600 presentations to consumer groups; most of those presentations were made remotely. OCC continued its long-time involvement with groups representing at-risk Ohioans.
- ▶ Called on legislators and stakeholders to oppose Substitute House Bill 246 and "limit the influence of utility special interests..." through a June 17, 2020 OCC Governing Board Resolution. There the Board noted that "Sub. H.B. 246 would weaken the independence of the Consumers' Counsel Governing Board and politicize it..." and "weaken the utility watchdog role of the Governing Board..." and OCC.

Cover photo (upper right): Consumers' Counsel Bruce Weston testifying before the House Subcommittee in February 2021, with Deputy Consumers' Counsel Larry Sauer present, in support of OCC's budget proposal of September 2020.

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► **Mission**

OCC advocates for Ohio's residential utility consumers through representation and education in a variety of forums.

► **Vision**

Informed consumers able to choose among a variety of affordable, quality utility services with options to control and customize their utility usage.

► **Core Values**

Communications

We will share information and ideas to contribute to the making of optimal decisions by our colleagues and ourselves.

Excellence

We will produce work that is high quality and we will strive to continuously improve our services.

Integrity

We will conduct ourselves in a manner consistent with the highest ethical standards.

Justice

We will advocate for what is fair for Ohio's residential utility consumers.

Respect

We will treat each other, our partners and the public with consideration and appreciation.

Governing Board Chair

A message from Michael Watkins

The Governing Board of the Office of the Ohio Consumers' Counsel (OCC or Agency) appreciates this opportunity to present our 2020 Annual Report to the Ohio General Assembly. The year 2020 presented major concerns for the health and finances of Ohioans as a result of the coronavirus pandemic. The emergency led to even deeper concern for maintaining utility services for many Ohioans. At the same time Ohioans suffered from increases in food insecurity, risk for loss of housing and poverty.

In July of 2020, another crisis came to light when the federal government filed criminal charges against a number of people involved in certain utility-related Ohio legislation, in what the U.S. Attorney described as the largest bribery scandal in Ohio history. (To date some but not all of the accused have pleaded guilty.) We learned from the charges that corruption was alleged regarding House Bill 6, a bill that made millions of Ohio utility consumers subsidize (among other things) two nuclear power plants of FirstEnergy Solutions (now Energy Harbor). House Bill 6 also required subsidies for coal plants owned by AEP, DP&L (now AES) and Duke. In a matter of months, the Speaker of the Ohio House of Representatives, FirstEnergy's CEO, and the PUCO Chair were all gone. (The latter two officials have not been charged with a crime.) I note that the OCC Governing Board opposed House Bill 6 in our May 21, 2019 resolution for consumer protection.



I am proud of how this Agency rose to the challenges of these times in our services to Ohio consumers during the pandemic and in our unwavering consumer advocacy during the scandalous process of House Bill 6. The Agency remained true to its consumer protection mission, its vision and its core values.

In this regard, OCC, as with other state agencies, made the quick transition to remote work beginning in March 2020. That is when the Administration ordered agencies to protect state workers and the public from the coronavirus, by suspending use of their offices for work. OCC's office space may have been closed but OCC was very much open for business through remote work.

And, after the federal government filed the criminal charges regarding House Bill 6, OCC testified five times in 2020 for repeal of the legislation. At the time of my writing this message, the legislature has passed a partial repeal of House Bill 6, which the Governor can make law by signing.

What the Governing Board and OCC did not know at this time last year, was the anti-consumer initiative that House Bill 246 would become in a substitute version presented by sponsor Nino Vitale in the House Public Utilities Committee on May 28, 2020. Perhaps as retaliation against OCC for opposing both House Bill 6 and the profits benefit for FirstEnergy in the state budget bill (House Bill 166), Substitute House Bill 246 would have politicized the OCC Board and limited our consumer voice to the detriment of millions of Ohioans. In response, the Board adopted a resolution against the substitute version of the legislation on June 17, 2020. After the U.S. Attorney filed the criminal charges regarding House Bill 6, Sub. House Bill 246 was not heard from again, fortunately for Ohio utility consumers. As I emphasized above, the Agency and the Board remained true to our mission, vision and values for consumer protection. And we did not waver from our principles and duties when faced with anti-consumer legislation like Sub. House Bill 246.

Governing Board Chair

Another resolution the Governing Board adopted in 2020 was for reforming the selection process for PUCO commissioners. In our August 25, 2020 resolution, we noted the lack of balance where three of the five PUCO Commissioners at that time had worked for the special interests of utilities. In our resolution we referenced a 1982 resolution by our OCC Board predecessors who had expressed concern nearly 40 years ago that the PUCO Nominating Council should find individuals for commissioner appointments who have a “sensitivity to consumer interests...” We think the selection process for PUCO commissioners has generally failed the public for providing the needed balance for consumers since the 1982 law (that was itself alleged to be reform, but wasn’t). In our resolution we outlined recommendations for real reform, such as selecting PUCO commissioners through direct election by the public.

This Annual Report includes the OCC’s “Subsidy Scorecard,” showing the billions of dollars in subsidies that Ohioans have unfortunately paid in above-market prices for electric service in the last two decades. OCC advocates for competitive power plant markets and not coal and nuclear subsidies like in House Bill 6, to bring consumers lower electric bills and greater innovation. Competitive generation markets are the real vision of Ohio’s 1999 electric deregulation law that Ohio should be implementing for consumers.

The Consumers’ Counsel Governing Board thanks the Governor for his leadership during the health and financial crises. The Board also thanks the General Assembly Members for your kind consideration of issues affecting millions of residential utility consumers. The Board thanks the Attorney General’s Office for their services and support to the Board and Agency. Finally, I thank the guest speakers who appeared at the Board’s public meetings in 2020. They included: House Speaker Bob Cupp; Rep. Mark Romanchuk; Rep. Kent Smith; PJM Independent Market Monitor Joe Bowring; NOPEC Director Chuck Keiper; and Harvard official (former PUCO Commissioner) Ashley Brown.

The OCC Governing Board and I commend the public service of our appointees, Consumers’ Counsel Bruce Weston and Deputy Consumers’ Counsel Larry Sauer, and their hardworking staff. I thank Bruce and Larry for their principled leadership of OCC. And I especially appreciate their work in a year with many Ohioans suffering from the pandemic crisis and disillusioned by the crisis in government involving undue utility influence on tainted House Bill 6. With his 40 years of experience, Bruce has dedicated himself and the Agency to giving millions of Ohioans a voice among the too-powerful utility special interests in the legislative and regulatory processes – even as some tried to control our consumer voice in Substitute House Bill 246.

I thank the departing Board members, Andra Troyer and David Wondolowski, for their service. The Governing Board members, Vice-Chair Stuart Young and I have been honored to be part of the Agency’s tradition of public service to Ohio consumers.

Ohio Consumers' Counsel

A message from Bruce Weston

2020 was described by readers in a year-end news story¹ with words like relentless, transformative, heartbreaking, “six feet apart, yet closer than ever,” chaotic, broken dreams, and in touching words by a granddaughter, “a year of missing.” We hope for a better 2021 for all.

Two fateful events, the coronavirus pandemic and the House Bill 6 scandal, framed the year for utility consumers and for the Consumers' Counsel's advocacy for utility consumers. Of course, more typical utility issues continued to impact consumers and the need for OCC's advocacy.



The health crisis of the pandemic led to a financial crisis that diminished the ability of many Ohioans to pay their utility bills. Other challenges for consumers include food insecurity, unemployment, loss of housing, and poverty. The crisis led to opportunities for government, including OCC, and utilities to help consumers.

I thank OCC staff for rising to the occasion in our concern and actions for helping those that the Agency was created to protect. Working remotely as the state closed offices, OCC staff advocated at the PUCO for special protections to help Ohioans through the crisis. One of our key consumer initiatives, among others, was to obtain an indefinite suspension of utility disconnections for nonpayment. To our great disappointment, an indefinite suspension of disconnections was not implemented by the PUCO for consumers of any utility. (I do appreciate that the PUCO at least ordered temporary suspensions of disconnections.) Further, our concern for consumers during the pandemic was a continuous thread that we have woven into our work through 2020 and into 2021. That concern touches everything we do. That thread is in our case advocacy, our consumer education activities and our public affairs such as the OCC website and online consumer information.

2020 also included the major criminal scandal involving the passage of House Bill 6. That 2019 legislation included a bail-out of nuclear and coal power plants at consumer expense and charges to recession-proof FirstEnergy (for so-called “decoupling”), among other things. The allegations of government and private corruption were filed by the U.S. Attorney in July 2020. Before the end of 2020, the Speaker of the Ohio House of Representatives, FirstEnergy's CEO and the PUCO Chair were all gone from their positions.

From the beginning of House Bill 6 in 2019 and continuing to the present, OCC's approach to consumer protection has been principled and persistent against the undue influence of utilities. OCC testified seven times in the legislature against House Bill 6 in 2019, and testified several times against a related profits benefit that was slipped into the state budget bill (House Bill 166) for FirstEnergy. OCC then testified five times for the tainted law's repeal in 2020. And we have testified for repeal several more times already in 2021. The OCC Governing Board opposed House Bill 6, in a May 21, 2019 resolution.

¹ “The Washington Post asked readers to describe 2020 in one word or phrase. Here's what they said,” E. Goren, S. Kulkarni and K. Vongkiatkajorn, The Washington Post (Dec. 18, 2020). Reference to this story is not an endorsement of all the views expressed therein.

Ohio Consumers' Counsel

No utility should be allowed to walk away from tainted House Bill 6 with even a penny of Ohioans' money. As OCC "goes to press" with this Annual Report, the legislature has passed a partial repeal bill and the Governor has signed it into law. We thank them. But the partial repeal will not stop AEP, AES/DP&L, and Duke from collecting House Bill 6 bail-out money subsidized by Ohioans for two coal power plants in Indiana and Ohio. That House Bill 6 subsidy for coal power plants is estimated to cost consumers up to \$700 million by 2030, in a study by the Ohio Manufacturers' Association. That charge to consumers should end now. Those coal plants should be left to compete in the market, as intended by Ohio's 1999 electric deregulation law, with an expected result of lower electric bills and a cleaner planet. Attached near the end of this Report is our Subsidy Scorecard, now showing about \$15 billion that electric consumers have been charged to subsidize the utility industry.

In addition to the consumer issues of the pandemic and the House Bill 6 scandal, there are other matters for comment. OCC's 2019 Annual Report described a one-sentence bill (House Bill 246, by Rep. Nino Vitale) to "reform and modernize" OCC (and the PUCO). The timing of this bill to "reform" OCC was curious, so soon after OCC announced opposition to House Bill 6 and the profits amendment in House Bill 166. But as recounted in the 2019 Annual Report, OCC had what seemed to be good discussions with the bill sponsor.

We therefore were shocked when in May 2020 a substitute version of the bill was introduced that was one of the greatest threats in the Agency's history to its ability to give Ohio consumers a voice among the many utility voices. The substitute bill would have given the House Speaker three of the nine appointments to OCC's Board (and given the Senate President three appointments), thus politicizing the OCC Board that was designed to be independent. In addition to the impact of politicizing the Agency, the new version of the bill could have limited or prevented OCC's consumer advocacy in various forums and on various issues. I thank the OCC Board for its June 17, 2020 resolution opposing Substitute House Bill 246. And I thank those other consumer advocates in Ohio who spoke out for consumer justice in opposition to the bad legislation. Fortunately, Substitute House Bill 246 was never heard from again after the House Bill 6 scandal erupted. This subject is described later in this Annual Report.

Speaking of others working for consumer protection, please see the OCC Partnerships section in this Annual Report showing some of the other organizations with which we have worked for consumers. We are grateful.

We continued in 2020 to seek reform of the process for selecting PUCO Commissioners. The OCC Board again showed leadership in adopting an August 25, 2020 resolution for reform of that process. Up until late 2020, three of the five PUCO Commissioners deciding the cases that affect rates and service for utility consumers had formerly worked for utilities. We have recommended that consumer representatives be appointed to the PUCO, for fairness and balance. As we submit this Annual Report, two more appointments have been made to the PUCO without a consumer representative included, despite a number of applications from the consumer community. That needs to change.

Other reforms that we seek include enabling refunds to consumers when the Supreme Court of Ohio or other authority overturns a PUCO order authorizing a rate increase. Attached at the end of this Report is a pie chart showing that electric consumers have been denied about \$1.5 billion in refunds since 2009. With regard to advocacy in the Supreme Court, please see this Report for details of our appeal resulting in the Court's decision that will protect consumers of FirstEnergy (Ohio Edison).

Ohio Consumers' Counsel

OCC submitted its budget proposal to the Administration in September 2020, with a proposal for a \$700,000 budget increase to OCC's existing \$5.5 million budget for consumer services. The increase accounts for a loss of purchasing power for OCC over the years, given salary and benefits increases, and a recent \$100,000 budget cut. In early 2021, the Administration proposed a \$100,000 increase for our services. That is appreciated. However, OCC is continuing in the legislature to seek our original proposed increase. OCC's budget was cut by about \$3 million in 2011, from about \$8.5 million to about \$5.6 million. OCC's budget was above \$9 million in 2005. OCC has not had a budget increase since 2008. And OCC's budget was higher 24 years ago than it is today for our consumer advocacy. Thanks to the Northeast Ohio Public Energy Council and to the Ohio Manufacturers' Association for supporting OCC and our budget increase proposal, in their testimony in the Ohio House in 2021.

In 2020, we lost our former colleague and friend, David Bergmann, who passed unexpectedly. Dave was a former OCC Legal Director and iconic figure in OCC's work for consumers for 30 years. Please see the remembrance of Dave in the Employee Recognition section of this Report.

I thank Governor DeWine for his concern for the health and safety of state workers and Ohioans. I thank the legislature for their consideration of our consumer recommendations. I thank the Attorney General's Office for their services to OCC and the Board. And much appreciation goes to the Consumers' Counsel Governing Board for guiding and supporting principled consumer advocacy and "doing the right thing." I am grateful to OCC staff for their dedication and concern for those we serve, the millions of Ohio consumers. Please see, in the pages of this Report, the details of OCC's work for Ohio consumers.

At OCC we put consumers first. Stay well.

Governing Board

About the Governing Board

By law, the Ohio Attorney General appoints members to the Consumers' Counsel Governing Board. The Board consists of nine members, with three members appointed for each of three organized groups: residential consumers; labor; and family farmers. No more than five members of the Board may be from the same political party. Board members are confirmed by the Ohio Senate and serve three-year terms. The Board is responsible for appointing the Consumers' Counsel (the Agency's director) and the Deputy Consumers' Counsel.



Michael A. Watkins

Chair, 2017 – present
Vice-Chair, 2015 – 2017
Serving: 2010 – 2020
Representing: Organized Labor
Hometown: Elida

Michael Watkins has served as a member of the Fraternal Order of Police (“FOP”), Lima Lodge No. 21 since 1976 when he began his career as a police officer in Lima, Ohio. He retired as an active law enforcement officer in 1999. He served six terms as president of FOP Lima Lodge No. 21 and currently serves as the recording secretary. Mr. Watkins was trustee of the FOP’s 6th district from 1993-1995 and has served in that position again since 2007.



Stuart Young

Vice-Chair, 2017 – present
Serving: 2012 – 2021
Representing: Family Farmers
Hometown: Springfield

Stuart Young is a third-generation dairy farmer in his hometown of Yellow Springs, Ohio. He is an owner and manager of Young’s Jersey Dairy Inc. in Yellow Springs, where he is responsible for managing the farm operation, Jersey herd and cheese production. He has also served on the Husted Volunteer Fire Department for 39 years. He previously served the Clark County Farm Bureau on the Board of Directors and as President. He has served on the Ohio Farm Bureau’s State Policy Development committee as a delegate. He is a lifelong member of the American Jersey Cattle Association and the Ohio Cattlemen’s Association.



Timothy Callion

Serving: 2019 – 2022
Representing: Organized Labor
Hometown: Warren

Timothy Callion is retired from the Plumbers & Pipefitters Local #396. During his 30 years of employment with the union, Mr. Callion has served as Vice-President, Executive Board member, Business Manager, Health and Welfare Trustee member, Negotiation Committee member, and State and National Convention Delegate. In addition to his role with Plumbers & Pipefitters Local #396, he has served on economic development committees. Mr. Callion is a life-long resident of Warren and enjoys exploring new opportunities and projects to introduce middle and high school students to careers in the building and construction skill trades.



Cheryl Grossman

Serving: 2019 – 2023
Representing:
Residential Consumers
Hometown: Grove City

Cheryl Grossman is the Executive Director of the Ohio Board of Embalmers and Funeral Directors. She is a former State Representative (23rd House District) and Mayor of Grove City. She was a member of the General Assembly from 2009-2017, where she served as Assistant Minority Whip, Assistant Majority Whip and Majority Whip. She has received more than 30 legislator awards, including the 2016 National Autism Speaks Legislator of the Year. Ms. Grossman chaired the Transportation Sub-Committee, Gas Tax Task Force and the Ohio Housing Study Committee, as well as served on several additional committees. She is a founding member of the Grove City Rotary Club and serves on the YMCA Metropolitan Board, the BIA Foundation Board, and the Ohio Access to Justice Board. She is a life-long resident of Grove City.

Governing Board



Dorsey Hager, Jr.

Serving: 2020 – 2021

Representing: Organized Labor

Hometown: Marysville

Dorsey Hager has an extensive family background in organized labor.

Both his mother and father were

union members. His own career began in 1994 as an apprentice with the International Association of Heat and Frost Insulators Local 50. There, he served in the elected positions of Financial Secretary and then Business Manager. In 2014, he was elected to his current position of Executive Secretary-Treasurer of the Columbus/Central Ohio Building & Construction Trades Council. Mr. Hager resides in Marysville.



Kelly C. Moore

Serving: 2015 – 2021

Representing:

Residential Consumers

Hometown: Newark

Kelly Moore is the corporate Vice President of GKM Auto Parts, Inc., an

independent jobber of NAPA Auto Parts. A member of the National Federation of Independent Business/Ohio, Mrs. Moore serves as a member of the group's Ohio Leadership Council. She also serves on various committees, including the Workers Compensation committee and the legislative committee. She is a member of Congressman Balderson's Small Business Advisory Council and a member of Governor DeWine's Board of Economic Advisors. She is the former Chair and Vice Chair of the Zanesville NFIB Area Action Council. In addition, Mrs. Moore is the Chairperson of the NFIB/OH PAC.



Charles Newman

Serving: 2019 – 2022

Representing: Family Farmers

Hometown: Peebles

Charles Newman owns and operates a 700-acre beef cattle and grain farm in Adams County, Ohio. The family

farm actively practices conservation and is GAP certified (good agricultural practices). He also served as the Scott Township Fiscal Officer for 20 years and has been a

member of the Adams Rural Electric Cooperative Board of Trustees for the past 16 years. He has received recognition for achieving a Director Gold Certificate, a Board Leadership Certificate and a Credentialed Cooperative Director Certificate from the NRECA. Additionally, Mr. Newman served for 10 years on the Board of Directors of the Adams County Regional Medical Center.



Jan Shannon

Serving: 2019 – 2022

Representing:

Residential Consumers

Hometown: Orient

Jan Shannon is the Executive Director of the Pickaway County Community

Foundation, an organization led by a board of community leaders dedicated to strengthening the community through charitable giving. She is a farm owner and advocate for agriculture. Ms. Shannon serves as Vice Chair on the Pickaway County Chamber of Commerce Board and secretary of the Muhlenberg Board of Zoning Appeals. She is a graduate of the AgriPower VIII program with the Ohio Farm Bureau and is very active in Circleville Sunrise Rotary. She enjoys volunteering her time for a number of initiatives promoting philanthropy.



Connie Skinner

Serving: 2020 – 2023

Representing: Family Farmers

Hometown: Delaware

Connie Skinner and her family are sixth-generation crop farmers, operating Hardscrabble Farms in

Delaware County, Ohio. She is a Brown Township Trustee and 4-H leader. She currently serves on the Delaware County Farm Bureau Board, the Delaware County Hunger Alliance Committee and the local Future Farmers of America Chapter Advisory Committee. She previously served on the Delaware County Red Cross Board, the Arts Castle Board and the Elementary School Parent Teacher Organization Board.

Former Governing Board Members



Andra Troyer

Served: 2017 – 2020

Represented: Family farmers

Hometown: London

Andra Troyer, along with her husband and her son Jared, manage RLT Farms, a 2,000-acre farm that specializes in growing corn and soybeans. For 12 years Ms. Troyer served as the Southwest Regional State Trustee for Ohio Farm Bureau, representing 20 counties regarding state and national issues that affect rural and urban America. As a trustee, she provided guidance on daily operations and budgets. Ms. Troyer served as a Board Member on the Ohio State University's C. William Swank Advisory Board, dealing with rural and urban interface issues. She also served in several advisory positions for Madison County, including Farm Bureau President, Chairman of the Madison County Soil and Water Conservation District, and Board Member for the Madison County Chamber of Commerce. Ms. Troyer also works for the National Agricultural Statistics Service. In addition, Ms. Troyer is a volunteer with Sufficient Grace Inc. a non-profit that helps feed children in seven school districts during the school year.



David J. Wondolowski

Served: 2017 – 2020

Represented: Organized labor

Hometown: Broadview Heights

David J. Wondolowski is a labor leader who has served as Executive Secretary of The Cleveland Building and Construction Trades Council since 2013, which represents all of the building trades unions and over 12,000 highly skilled employees in northeast Ohio. Additionally, Mr. Wondolowski serves on the Cleveland/Cuyahoga County Port Authority and the Cuyahoga County Board of Elections. He is an Executive Board member for the North Shore AFL-CIO, and a member of the NOACA Business Advisory Committee. Mr. Wondolowski also holds membership with the Greater Cleveland Partnership (GCP). Formerly, Mr. Wondolowski served on Broadview Heights City Council from 2003-2007 and was a member of the Ohio Public Works Commission.

Senior Management



Bruce Weston

Ohio Consumers' Counsel

Bruce Weston has served Ohioans as the Consumers' Counsel (Agency Director), by appointment of the Consumers' Counsel Governing Board, since March 2012. Previously,

he served as the Deputy Consumers' Counsel and directed the Agency's Legal Department. His career spans more than 40 years in public utilities law, which he draws upon in his public service to the Agency and to Ohio residential consumers.

Bruce is committed to giving Ohioans a voice in their government's regulatory and legislative processes for regulation of essential utility services, among the powerful corporate interests and undue influence of public utilities. He seeks affordable rates and reliable utility services for millions of Ohio consumers. His consumer protection priorities include: reforming the process for selecting PUCO commissioners to provide balance and more

transparency for consumers; repealing the ratemaking in Ohio's 2008 energy law that favors electric utilities over consumers; enabling competitive markets, instead of monopolies and subsidies, for providing consumers with lower prices and greater innovation where competition can be effective, such as for power plants; improving regulatory justice for consumers at the PUCO, such as giving consumers refunds when the Supreme Court overturns a PUCO rate order; and increasing consumer protections regarding services from energy marketers.

Prior to joining the Agency for a second time in October 2004, he was in private law practice where he served as legal counsel for clients in cases involving utility rates, service quality, industry restructuring and competition. Bruce received his bachelor's degree in business administration from the University of Cincinnati. He earned his law degree from The Ohio State University College of Law. He began his service to the Agency and consumers as a legal intern. He served as the Chair of the Public Utilities Law Committee of the Ohio State Bar Association for two years beginning in June 2010.



Ohio Consumers' Counsel Bruce Weston, making a presentation as a guest speaker at the Ohio Legislative Black Caucus Foundation's "Perspective 2020" Virtual Conference, on Dec. 11, 2020.

Senior Management



Larry Sauer
Deputy Consumers' Counsel

Larry Sauer was appointed as the Deputy Consumers' Counsel by the Consumers' Counsel Governing Board in September 2014. As Deputy, he performs the duties of the Consumers' Counsel during any times of the Consumers' Counsel's unavailability. Larry also serves as the Director of the Legal Department. He joined the Agency in March 2003 as an Assistant Consumers' Counsel. He has served as counsel in electric and natural gas cases, and has advised the Agency on consumer issues involving the transition to competitive markets for utility services. Prior to joining the Agency, he worked for 24 years as an accountant, analyst, and attorney for American Electric Power.



Dan Shields
Analytical Director

Dan Shields joined the Agency as Director of the Analytical Department in March 2014. He is responsible for administering the Agency's accounting, economic and financial analyses associated with utility rate filings and other matters that affect Ohio's residential utility consumers. He provides advice and recommendations for the Ohio Consumers' Counsel's consumer advocacy on technical and policy issues related to regulation and legislation. Before joining the Agency, Dan served as the Federal Energy Advocate at the PUCO and was Director of the Office of the Federal Energy Advocate. He earlier served as a PUCO Senior Policy Specialist on state and federal energy and telecommunications issues.



Lisa Lyman
Operations Acting Manager

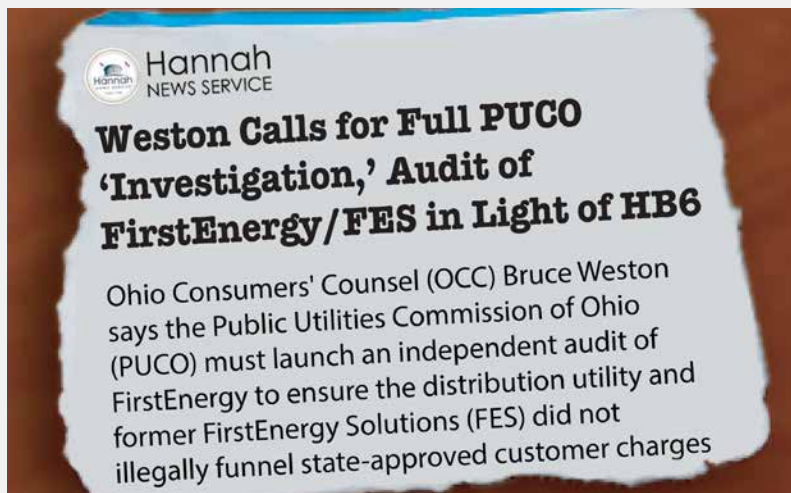
Lisa Lyman serves Ohioans as the Interim Manager of OCC's Operations Department. The Operations Department provides services to the Agency for information technology (IT), fiscal matters and human resources. Lisa joined OCC as its fiscal manager in 2015. Prior to joining the Agency, Lisa held positions in fiscal and contract management with the Ohio Department of Rehabilitation and Correction and worked for the Department of Administrative Services in its Real Estate Division. Lisa received her Bachelor of Science in Human Services from Ohio University in 1985.



J.P. Blackwood
Public Affairs Acting Manager

J.P. Blackwood serves Ohioans as the Interim Manager of the Public Affairs Department. The Public Affairs Department supports OCC's efforts in communications, outreach and education and legislative services. J.P. joined the Agency as a Public and Legislative Affairs Specialist in 2018. He served the public for 20 years with the City of Columbus, Department of Public Service where he led a communications program for road construction and was part of the Department's public relations team. J.P. earned a Bachelor's degree in economics and public relations as well as Master's degrees in Public Policy and Management and Political Science.

Legislative Summaries



A watershed event for utility consumer legislation in 2020 was the U.S. Attorney's filing of a Criminal Complaint, on July 21, regarding House Bill 6. After that event, the focal point for legislation affecting utility consumers became a repeal of all or some of tainted House Bill 6. The U.S. Attorney was quoted saying that the Criminal Complaint reflects "what is likely the largest bribery [and] money-laundering scheme ever perpetrated against the people of the state of Ohio."

Bill 6 (with more OCC testimony for repeal in 2021). House Bill 6, in addition to its bad process, was bad legislation for consumers because it fostered Ohio's subsidy culture for utility corporate welfare instead of the competitive market envisioned in the 1999 electric deregulation law. Nearly \$15 billion in electric subsidies for the industry, at consumer expense, are shown in the Subsidy Scorecard at the end of this Annual Report.

Ironically, H.B.6 was promoted as the "clean air bill," despite its subsidizing of two coal power plants in Indiana and Ohio that contribute to coal-fired air pollution. AEP, DP&L and Duke are the recipients of the H.B.6 coal-related subsidy that will continue until 2030, at an expense to consumers that is estimated in an OMA study as up to \$700 million.

What's more, in 2019 it was reported in the news that, according to FirstEnergy Solutions, the enactment of H.B.6 for subsidizing its nuclear plants would enable it to continue operating the remaining units at the W.H. Sammis coal power plant. FirstEnergy Solutions is now Energy Harbor.

OCC's advocacy for an H.B.6 repeal in 2020 followed testifying seven times in 2019 in opposition to enacting H.B.6 and three times in opposition to an issue slipped into House Bill 166 (the budget bill) for an enhancement to FirstEnergy's profits. The 133rd Ohio General Assembly ended without a repeal of the scandalous legislation. But before 2020 ended, the Speaker of the Ohio House of Representatives, FirstEnergy's CEO and the PUCO Chair were all gone from their positions.

OCC appreciated an invitation by the Senate Energy and Public Utilities Committee for OCC to testify on Jan. 28, 2020. The topic was reliability of electric service in Ohio. OCC testified that, for electric distribution reliability, the state should ensure reliability for consumers but without allowing utilities to "gold-plate" their utility plant at consumer expense. For generation (power plant) reliability, OCC testified that the state should allow the competitive market to work.

The Agency appreciated the opportunities to appear before the Ohio General Assembly to present a consumer perspective on issues affecting millions of Ohio utility consumers. The discussion below spotlights some of the legislative consumer issues that OCC addressed in 2020. A full listing of OCC's legislative testimony is found on the OCC website at www.occ.ohio.gov/content/legislative-testimony.

Legislative Summaries

House Bill 6: Two Kinds of Power Were a Bad Mix for Consumers – Power Plants and Political Power

The Ohio General Assembly passed House Bill 6 on July 23, 2019, with charges to consumers for various industry bailouts. The bill: subsidized the two Ohio nuclear power plants of FirstEnergy Solutions (now known as Energy Harbor) for about one billion dollars; subsidized two Indiana and Ohio coal power plants owned by AEP, DP&L and Duke (among others) for about \$700 million (according to an OMA report) and subsidized a small amount of solar projects. The bill also gave FirstEnergy a sweetheart deal for what its terminated CEO described as recession-proofing (called “decoupling” in H.B.6) and ended the green energy mandates for energy efficiency and renewables. OCC and others opposed charging consumers for the bailouts.

OCC and the Ohio Manufacturers’ Association (OMA) jointly asked Governor DeWine to veto House Bill 6. The Governor signed the bill into law on July 23, 2019, and it was effective on October 22, 2019.

On July 21, 2020, nearly a year to the day after H.B.6 became law, Ohio House Speaker Larry Householder and four others were indicted under a federal Criminal Complaint. U.S. Attorney David DeVillers, who filed the Criminal Complaint, described the matter as “the largest bribery, money laundering scheme ever perpetrated against the people of the state of Ohio.” By the end of 2020, the Speaker of the Ohio House of Representatives, FirstEnergy’s CEO and the PUCO Chair were all gone from their positions (though only the House Speaker was charged with a crime).

“Ohio Consumers’ Counsel Weston commented that House Bill 6 is just the latest, though maybe the worst, of the retreats from the Legislature’s brave stand for utility consumers through power plant competition in 1999. Power companies have too much influence in Ohio and that should be reformed.”

– Ohio Consumers’ Counsel Bruce Weston

THERE'S NOTHING WRONG WITH CAPITALISM THAT A GOVERNMENT SUBSIDY CAN'T FIX



CartoonStock.com

The 80-page Criminal Complaint filed by U.S. Attorney David DeVillers included charges of conspiracy, racketeering and money laundering. Although FirstEnergy and its affiliates have not been charged, it was widely believed that FirstEnergy is the “Company A” referenced in the Criminal Complaint. Company A may have provided over \$60 million to support H.B.6, and to thwart its repeal by public vote. (An update is that Mr. DeVillers was a guest speaker at a public meeting of the OCC Governing Board in March 2021.)

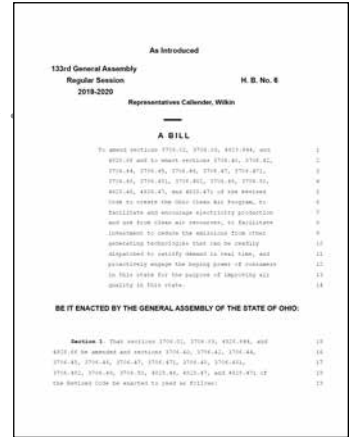
OCC made filings for consumer justice at the PUCO regarding FirstEnergy’s role in House Bill 6. Those filings are described in a later section of this Annual Report.

At the General Assembly, a number of bills were introduced in 2020 to repeal and/or replace tainted H.B.6. OCC submitted testimony on the legislative initiatives. Unfortunately for consumers, none of these repeal bills was enacted into law in 2020.

See the timeline on the next page for more details on House Bill 6.

The History of House Bill 6 and its Scandal

04/12/2019 - House Bill 6 introduced



04/24/2019 - OCC testifies against H.B.6 (first of seven times)

05/21/2019 - OCC Governing Board passes resolution against H.B.6



05/22/2019 - H.B.6 amended to subsidize polluting coal plants

05/29/2019 - H.B.6 passed out of the House Energy Committee

07/17/2019 - OCC and OMA jointly ask Governor to veto H.B.6

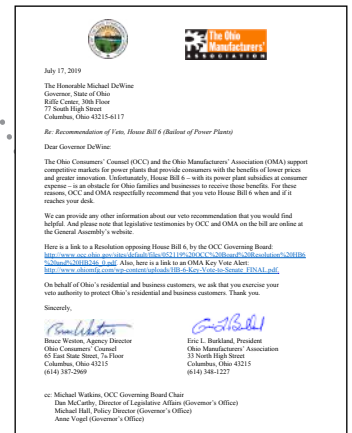
07/23/2019 - Bill is passed after House concurs with the Senate

07/23/2019 - Governor signs H.B.6 into law

10/22/2019 - H.B.6 goes into effect

07/21/2020 - House Speaker and others arrested for H.B.6 process

09/08/2020 - OCC files for PUCO investigation of FirstEnergy/H.B.6



09/23/2020 - OCC testifies for H.B.6 repeal (H.B.738 and 746)

09/30/2020 - H.B.772 introduced to repeal coal, nuclear and other H.B.6 subsidies

10/29/2020 - FirstEnergy fires CEO Chuck Jones and other executives

11/16/2020 - FBI searches home of PUCO Chair

11/20/2020 - PUCO Chair resigns

11/25/2020 - OCC files Motion at PUCO for refundability of H.B.6 charges

12/01/2020 - H.B.798 introduced to repeal H.B.6 decoupling and H.B.166 FirstEnergy profits

12/09/2020 - OCC testifies in support of H.B.772

12/16/2020 - OCC testifies against H.B.798

12/21/2020 - Franklin County Judge blocks H.B.6 nuclear charges to consumers

12/28/2020 - Supreme Court grants temporary stay of H.B.6 charges

12/30/2020 - PUCO grants OCC Motion to reopen FirstEnergy investigation

12/31/2020 - 133rd General Assembly adjourns without H.B.6 repeal



Legislative Summaries

House Bill 772: A Pro-Consumer/Pro-Market/Anti-Subsidy Bill (that Wasn't Passed to Repeal House Bill 6)

House Bill 772 was introduced by Rep. Mark Romanchuk (now Senator) at the end of the 133rd General Assembly, for a partial repeal of House Bill 6. The bill was OCC's preferred House Bill 6 repeal bill and contained strong consumer protection language. But the bill was not given a vote.

House Bill 772 would have repealed the H.B.6 subsidies for nuclear, coal and solar power. And H.B.6 would have barred the PUCO from reinstating the subsidy for coal power plants. House Bill 772 also would have repealed the decoupling charge that benefited FirstEnergy with what its terminated CEO described as recession-proofing. Further, House Bill 772 would have helped protect at-risk Ohioans during the pandemic by repealing a shameful H.B.6 provision that allowed ODSA to divert some desperately needed funds for bill-payment assistance in the federal Home Energy Assistance Program to instead be used for weatherization. The bill also would have provided consumers with refunds for certain H.B.6 charges.

OCC testified twice in support of H.B.772, once in the Senate and once in the House (indirectly in testimony on House Bill 798). Unfortunately, the 133rd General Assembly did not pass legislation to repeal House Bill 6.

House Bill 246: A Bill is Introduced to "Modernize and Reform" OCC (and the PUCO) Soon After OCC Announces Opposition to Legislation Benefiting FirstEnergy

House Bill 246 was originally a one-sentence bill, sponsored by Rep. Nino Vitale, to "modernize and reform" OCC and the PUCO. This bill to reform OCC

was introduced in May 2019, with timing that followed OCC's announcement of opposition to House Bill 6 and to the profits benefit for FirstEnergy that was slipped into House Bill 166 (the state budget bill). After H.B.246's

introduction, OCC had various communications with the bill sponsor. Those discussions included Rep. Vitale's visit with the OCC Board, upon OCC's invitation, at the Board's public meeting in November 2019.

Based on those communications, the Board and OCC were taken by surprise when House Bill 246 became a very bad bill for Ohio consumers, on May 28, 2020. That's when Rep. Vitale presented a substitute version to the House Public Utilities Committee. Substitute House Bill 246 would have politicized the OCC Governing Board, giving the legislature a majority of appointments to the nine-member Board with three appointments by the House Speaker and three appointments by the Senate President.

Substitute House Bill 246 would have muffled OCC's voice for consumers in a number of ways. The bill would have undermined the independence of the OCC Board whose creation in 1976 legislation was designed with that independence for legal representation of Ohio utility consumers. The bill would have limited the forums and role for the Consumers' Counsel's advocacy for millions of Ohioans. And the bill would have weakened regulatory protections for electric and water consumers by enabling the PUCO to use more alternative regulation.

The OCC Governing Board responded with a resolution opposing Substitute House Bill 246, shown in part below. The Board's resolution is at this link: www.occ.ohio.gov/sites/default/files/OCC%20ResolutionHB246%20061720.pdf

"Ohioans have paid about \$15 billion in electric subsidies since 2000."

– Ohio Consumers' Counsel Bruce Weston

"Power companies have too much influence in Ohio and that should be reformed."

– Ohio Consumers' Counsel Bruce Weston

Legislative Summaries



Resolution

Office of the Ohio Consumers' Counsel Governing Board

In Support of an Independent and Strong Consumers' Counsel Governing Board and Office of the Ohio Consumers' Counsel for Representation of Ohioans Within and Outside the State for Lower Prices and Adequate Residential Public Utility Services

and

In Opposition to Substitute House Bill 246 That Would Politicize and Weaken the Utility Watchdog Role of the Consumers' Counsel Governing Board and the Office of the Ohio Consumers' Counsel and Would Allow Further Weakening of Regulatory Protections for Ohio Utility Consumers

- WHEREAS,** Electricity, natural gas, telephone, and water utility services are essential for Ohioans in general and for at-risk populations in particular; and
- WHEREAS,** House Bill 246 was introduced on May 14, 2019, with a claimed intention to "reform and modernize" the Office of the Ohio Consumers' Counsel and the Public Utilities Commission of Ohio; and
- WHEREAS,** A year later, on May 28, 2020, the House Public Utilities Committee accepted Substitute House Bill 246 for consideration; and
- WHEREAS,** Sub. H.B. 246 would weaken the independence of the Consumers' Counsel Governing Board and politicize it by reconstituting its membership to have six of its nine members appointed (three each) by the House Speaker and Senate President instead of nine appointments by the Ohio Attorney General; and
- WHEREAS,** Sub. H.B. 246 would weaken the utility watchdog role of the Ohio Consumers' Counsel by, among other things, creating a mission that limits its representation of consumers to matters before the PUCO without specifying other consumer forums including, but not limited to, FERC, PJM, FCC, Bankruptcy Court, U.S. Courts of Appeal, and even the Ohio General Assembly; and
- WHEREAS,** Sub. H.B. 246 would weaken the utility watchdog role of the Ohio Consumers' Counsel by, among other things, giving the PUCO authority to limit its consumer advocacy in cases where the PUCO finds it is duplicating, repeating or delaying; and
- WHEREAS,** Sub. H.B. 246 would allow the further weakening of state regulatory protections for consumers of electric utility monopolies by giving the PUCO the authority to grant even more alternative regulation, without the requirement of a hearing, after electric consumers have paid significant subsidies as a result of the alternative regulation of electric security plans under the 2008 energy law that already eroded the balance of traditional ratemaking and favored electric utilities in the ratemaking process; and
- WHEREAS,** Sub. H.B. 246 would allow the further weakening of state regulatory protections for consumers of water utility monopolies by giving the PUCO the authority to grant alternative regulation, without the requirement of a hearing, after water consumers have been subject to system improvement charges and other legislative changes that already eroded the balance of traditional ratemaking and favored water utilities in the ratemaking process; and
- WHEREAS,** An independent and strong Consumers' Counsel Governing Board and Ohio Consumers' Counsel, as was intended when created by the General Assembly in 1976, are needed for the protection of millions of Ohioans.

THEREFORE, BE IT RESOLVED, that the Consumers' Counsel Governing Board supports an independent and strong Governing Board and Office of the Ohio Consumers' Counsel, as was intended when created by the General Assembly in 1976, for representation of millions of Ohio utility consumers within and outside the state for lower prices and adequate residential public utility services.

THEREFORE, BE IT FURTHER RESOLVED, that the Consumers' Counsel Governing Board opposes Substitute House Bill 246 because it would among other things: politicize and weaken the utility watchdog role of the Governing Board and the Office of the Ohio Consumers' Counsel by reconstituting the membership of, and appointments to, the Governing Board; limit the forums and role for the Consumers' Counsel's advocacy for millions of Ohioans; and weaken regulatory protections for electric and water consumers as a result of enabling more alternative regulation.

THEREFORE, BE IT FURTHER RESOLVED, that the Consumers' Counsel Governing Board supports real reforms that would limit the influence of utility special interests on outcomes for Ohio consumers including at-risk Ohioans.

I verify that this Resolution has been approved by the Governing Board of the Office of the Ohio Consumers' Counsel, this 17th day of June 2020.

A handwritten signature in black ink, appearing to read "Michael Watkins".

Michael Watkins, Chair
Governing Board of the Office of the Ohio Consumers' Counsel

Near the end of 2020, OCC and several other consumer advocates joined together in sending a letter to the Ohio House. The consumer advocates urged legislators to protect consumers by avoiding any adoption of House Bill 246 in the lame duck session. The letter is at this link:

www.occ.ohio.gov/sites/default/files/Advocates_Letter_to_House_HB_246.pdf

Fortunately for consumers, Substitute House Bill 246 was never heard from again after the House Bill 6 scandal was revealed.

The Columbus Dispatch

Column: Protect Ohio utility customers and the consumers' counsel

Leigh Herington

Published 5:45 a.m. ET Nov 11, 2019



It is time for the Ohio House of Representatives and Governor John Kasich to take action to protect the influence of public utilities in a meaningful way.

So much has been lost since House Bill 6 and the defraud Ohio consumers. This discussion is an assault on the attacks on Ohio's utility little attacks — Bill 246 — House a danger docket



December 4, 2020

The Hon. James Hoops, Chair of House Select Committee on Energy Policy and Oversight
The Hon. Cindy Abrams, Vice Chair of House Select Committee on Energy Policy and Oversight
The Hon. David Leland, Ranking Member of House Select Committee on Energy Policy and Oversight
All Members of the House Select Committee on Energy Policy and Oversight

Re: House Bill 6 Repeal Legislation/House Bill 246

Dear Chair Hoops, Vice Chair Abrams, Ranking Member Leland, and Select Committee Members:

I hope you and your colleagues are well. As the end of the “lame-duck” session approaches, please consider this letter in the unexpected event that there is an effort by public utilities or others to attach piecemeal anti-consumer provisions from Sub. House Bill 246 to House Bill 6 repeal legislation. We are not presently aware of that kind of support for Sub. H.B. 246, and are thankful to legislators for that.

H.B. 246 was introduced in May 2019, allegedly to “reform” the Ohio Consumers’ Counsel (and the PUCO) – with timing that was just after OCC announced its opposition to H.B. 6 and to a FirstEnergy profits benefit in H.B. 166 (budget bill). For consumers, Sub. H.B. 246 is bad legislation that would politicize and reconstitute the OCC Governing Board by giving the House Speaker and the Senate President three appointments each to the OCC Board (for a majority of six of the nine appointments). The legislature, in 1976, served the public well in creating the OCC Board as an independent voice – a voice Ohioans sorely need as the scandal of H.B. 6 attests. Attached is the OCC Board’s resolution opposing Sub. H.B. 246. Other anti-consumer features of Sub. H.B. 246 include its undercutting of OCC’s utility watchdog role by limiting the forums where OCC may advocate for Ohio consumers. Further, the alleged PUCO “reforms” include allowing even less state regulation, which could further perpetuate Ohio’s utility subsidy culture that has added \$15 billion in corporate welfare to consumers’ electric bills since 2000.

We the undersigned oppose Sub. H.B. 246 and, in an abundance of caution, state our opposition to incorporating it piecemeal in other legislation such as the repeal of tainted H.B. 6. Stay well.

Sincerely,

Ellis Jacobs
Advocates for Basic Legal Equality, Inc.

Susan Jagers
Ohio Poverty Law Center

Bruce Weston
Ohio Consumers’ Counsel

Michael Walters
Pro Seniors, Inc.

Cc: The Hon. Robert Cupp, House Speaker
The Hon. Emilia Strong Sykes, Minority Leader
The Hon. Nino Vitale, Representative (H.B. 246 Sponsor)

Attachment

Legislative Summaries

House Bill 264: Concern for Water Consumers About a Possible Ratemaking Change

House Bill 264 was introduced by Representatives Shane Wilkin and Michael O'Brien to allow for the refinancing of loans for water infrastructure projects. OCC was neutral on

H.B.264. That is, OCC was neutral until the possibility of an unrelated amendment regarding the so-called "system improvement charge" that affects water consumers bills. OCC submitted testimony to the Senate Energy and Public Utilities Committee that such a ratemaking amendment should not be added in H.B.264. OCC appreciates that such an amendment did not become part of the bill.

Pandemic Cases

In March of 2020, Governor Mike DeWine declared a State of Emergency to address the pandemic. Ohio's regulation of utilities has long offered protections for consumers in need. For example, Ohio's electric policy requires that the state "[p]rotect at-risk populations..." per O.R.C. 4928.02(L).

A heightened focus for OCC's advocacy in 2020 was on protecting at-risk utility consumers during the health and financial emergency that resulted from the pandemic.

There are indicators of people's financial struggles, including risk of utility disconnections, poverty, food insecurity, joblessness, and loss of housing, among others. Ohio poverty levels were at 13.9 percent and were above the national average. Poverty levels in ten Ohio cities exceed 30 percent and are expected to rise more before the pandemic ends. Those cities were Athens (48.2%), Bowling Green (33.4%), Canton (31.5%), Cleveland (34.6%), Dayton (32.1%), Kent (30.0%), Oxford (47.2%), Portsmouth (34.5%), Warren (35.6%), and Youngstown (36.2%).

Ohioans were also challenged by food insecurity issues. This information is in the following chart:

County	Food Insecurity Pre-Covid-19	Food Insecurity Post-Covid-19
Cuyahoga	15.9	21.3
Franklin	13.7	17.5
Hamilton	14.1	18.0
Lucas	15.9	21.2
Mahoning	15.4	20.2
Montgomery	15.2	19.5

The PUCO issued a number of orders to address each utility's plan for helping consumers during the pandemic, including on disconnections, bill payment assistance and door-to-door sales. OCC participated in each of the twenty pandemic-related electric and natural gas emergency cases and advocated for consumer protections during the state of emergency. The Ohio EPA issued a directive to temporarily suspend disconnections of water customers. The FCC issued multiple directives urging telephone companies to keep Americans connected to broadband and telephone services, expanding Telehealth connectivity and informing consumers about COVID-19 scams.

OCC recommended using a state-wide approach to protecting consumers from being disconnected from vital utility services for a reasonable time during and after the declared state of emergency. OCC sought an indefinite suspension of utility disconnections (which a number of utilities opposed). OCC sought extra consumer protections for waiving customer deposits and fees for service reconnection. OCC urged utilities to offer additional extended payment plans, recognizing that consumer

Pandemic Cases

utility bills may be unaffordable for Ohioans financially impacted by the pandemic.

However, the PUCO adopted the utility proposals for only a limited-duration suspension of disconnections (instead of the indefinite suspension that OCC sought). The PUCO encouraged utility efforts to keep consumers connected to services with more flexible payment plans and it required certain other protections.

In March 2020, OCC and others recommended that the PUCO require marketers to halt door-to-door sales of electric and gas services. Initially, the PUCO did suspend all in-person sales and in-person meter-reading, although only for a limited time.

The PUCO allowed the resumption of in-store marketing activities on June 3, 2020. In response, the Consumers' Counsel, the Coalition on Homelessness and Housing in Ohio, the Northeast Ohio Public Energy Council, the Ohio Poverty Law Center, Pro Seniors, Inc., and Southeastern Ohio Legal Services jointly filed a recommendation that the PUCO continue the suspension of door-to-door marketing given the uncertainty with infection rates across Ohio. On June 17, 2020, the PUCO allowed marketers to resume door-to-door sales, even though marketers could reach consumers by other means (online, phone and/or direct mail advertising).

OCC also sought making additional funds available for bill payment assistance to at-risk customers. Bill payment assistance provides direct aid to customers who lack money and need money, which can prevent disconnection or help with reconnection of service. OCC proposed that money previously earmarked for natural gas low-income weatherization programs instead be repurposed for the greater need of bill payment assistance. Unfortunately for at-risk consumers, the PUCO did not adopt OCC's recommendation. Instead, the PUCO allowed gas utilities (Columbia Gas and Vectren) to continue charging customers millions of dollars to subsidize energy efficiency programs.

OCC continues its efforts to help consumers as the pandemic continues and utility disconnections resume in the state. OCC extends its gratitude to the Administration, consumer groups, the PUCO, the Ohio EPA, utilities, and others who have helped consumers during the pandemic.

“Ohio should lead with its heart and keep Ohioans connected to utility services for the time being. We fear for already hurting Ohio families if utilities are allowed to resume disconnections during the pandemic and financial crisis.”

– Ohio Consumers' Counsel Bruce Weston

PUCO Case Nos. 19-1940-GA-RDR, 19-2084-GA-UNC, 20-591-AU-UNC, 20-599-GE-UNC, 20-600-GA-UNC, 20-602-EL-UNC, 20-603-EL-WVR, 20-604-EL-AAM, 20-637-GA-UNC, 20-649-GA-UNC, 20-650-EL-AAM, 20-651-EL-UNC, 20-664-GA-UNC, 20-734-EL-AEC, 20-755-EL-AEC, 20-856-EL-AEC, 20-857-EL-RDR, 20-1011-GE-AAM, 20-1040-GE-UNC, 20-1104-GA-AAM

OCC Partnerships

It's nice to have friends. We are grateful that, in 2020, OCC had the opportunity to work with other organizations (and their staffs) in serving the public interest. Here is a listing of some of those we worked with for consumer protection. Thanks to them and others who work in the public interest!

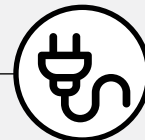




Electric Consumer Protection



Electric Consumer Protection



The Ohio Consumers' Counsel advocated for millions of Ohio residential electric consumers in 2020. OCC made consumer recommendations for lower rates, pandemic-related protections, reliable service, refunds, competitive power plant markets, ending Ohio's subsidy culture, infrastructure improvements, and smart grid services.

Two decades after Ohio's 1999 deregulation law, electric utilities continued to seek subsidies from their monopoly consumers. OCC's "Subsidy Scorecard," at the end of this Annual Report, shows nearly \$15 billion in above-market subsidies charged to Ohio consumers by their electric utilities since 2000.

In 2020, utility consumers needed additional protections due to the coronavirus pandemic. OCC's efforts related to this special need for consumer protections are described in the Pandemic Cases section of this Report.

A full listing of the Agency's case activities can be found at the back of this Annual Report. Some of OCC's activities on behalf of electric consumers are spotlighted below.

State cases affecting electric consumers

FirstEnergy Consumers: OCC seeks PUCO investigations after revelations about the scandal of House Bill 6

On September 8, 2020, OCC filed several consumer protection motions for the PUCO to investigate FirstEnergy, considering what had been revealed by the U.S. government's Criminal Complaint in July, among other things. David DeVillers (the U.S. Attorney at the time) described that scandal as "likely the largest bribery, money laundering scheme ever perpetrated against the people of the state of Ohio." S&P Global Ratings described FirstEnergy this way:

"We believe these violations at the highest level of the company are demonstrative of insufficient internal controls and a cultural weakness. We view the severity of these violations as significantly outside of industry norms and, in our view, they represent a material deficiency in the company's governance."

Our motions included asking the PUCO to reopen and complete its audit of what FirstEnergy did with the nearly half-billion dollars it collected from its two million consumers with its so-called Distribution Modernization Charge. (That charge has twice been subject to reversals by the Ohio Supreme Court, in appeals by OCC and others.)

The public should know if any of their utility bill payments were used for political activity, which would be improper.

And we asked the PUCO to determine if FirstEnergy had followed protocols with "corporate separation." Those protocols require a competitive business like nuclear power plants to be kept separate from the utility business. That separation should protect consumers from being made to subsidize power plants, including to protect utility consumers from paying for any political activity for the separate power plant business.

We also asked the PUCO to use the regulatory tool of conducting a management audit of FirstEnergy. The S&P assessment of FirstEnergy, which criticized FirstEnergy's corporate governance and culture, helps with understanding why OCC earlier asked the PUCO to audit FirstEnergy's management. FirstEnergy is providing an essential service to more than two million Ohio consumers. The revelations about its potential role in the House Bill 6 scandal warrant the assurance of an audit that FirstEnergy is properly handling its responsibility to utility consumers and its accountability to government. (Note that the above information is a summary, with OCC's case filings containing many more details of OCC's consumer positions.)

In response, the PUCO is investigating FirstEnergy's use of the Distribution Modernization Charge. And it's investigat-

Electric Consumer Protection

ing whether FirstEnergy adhered to corporate separation standards. The PUCO has opened an investigation into whether there was an improper political use of consumers' payments for utility service. The PUCO has yet to open OCC's requested management audit of FirstEnergy.

In October 2020, FirstEnergy Corp. publicly announced the firings of certain top executives after finding, through an internal investigation, that the executives violated certain FirstEnergy Corp. policies and its code of conduct.

PUCO Case Nos. 17-2474-EL-RDR, 17-974-EL-UNC, 20-1502-EL-UNC

AEP Consumers: OCC seeks to spare 1.3 million consumers from paying more, in pending rate case

AEP Ohio asked the PUCO for an increase in the base rates that its 1.3 million utility consumers pay for electric distribution service. This type of traditional rate case offers much more fairness and protection for consumers than the bad science of so-called Electric Security Plans under the 2008 energy law. (A consolation for consumers is that AEP cannot file for a new Electric Security Plan until its current plan expires in 2024.)

As required, the PUCO Staff filed a Report on AEP's proposal. The PUCO Staff would help protect customers by proposing to reduce rates instead of to increase distribution rates. OCC filed objections to the PUCO Staff's Report, recommending that the PUCO consider various additional issues for further consumer protections.

An update is as follows. Subsequent to 2020, OCC, AEP, the PUCO Staff, and some of the other parties reached a settlement, which we appreciated. The settlement, on March 12, 2021, resulted from a couple months of intense debate. If approved by the PUCO Commissioners, the settlement will result in many consumers receiving a slight decrease in rates, as opposed to the increase initially proposed in AEP's filing. AEP Ohio has also committed under the settlement to delay implementation of late payment charges for a year, which can help consumers who are suffering financially during the pandemic. And the settlement will result in

more historical information from AEP about whether energy marketer rates have actually saved consumers money. That information can help consumers decide whether to contract with a marketer for generation service or rely on AEP's standard service offer.

PUCO Case Nos. 20-585-EL-AIR, 20-586-EL-ATA, 20-587-EL-AAM

FirstEnergy Consumers: OCC advocates to protect consumers from overpaying FirstEnergy for its profits

Another problem with the anti-consumer 2008 law is that it allows utilities to charge consumers for excessive profits. The law merely requires utilities to refund "significantly excessive" profits to consumers.

Unfortunately, even this meager refund protection was undermined. The PUCO excluded certain revenues (the so-called Distribution Modernization Charge revenues) from its analysis of FirstEnergy's profits, in 2017. Counting less revenue means FirstEnergy would show less profit – on paper. Showing less profit means less or no FirstEnergy refunds to its two million consumers.

OCC appealed this profits issue to the Ohio Supreme Court, in July 2019. Agreeing with OCC, on Dec. 1, 2020, the Court held that it was unlawful for the PUCO to have excluded Distribution Modernization Charge revenue from its profit calculation. The Ohio Supreme Court remanded the case back to the PUCO and directed the PUCO to include Distribution Modernization Charge revenue in its profit calculation. An update to 2020 is that the PUCO is expected to hear this case in 2021, consistent with the Ohio Supreme Court's remand.

Related to this profits issue is that, during the consideration of House Bill 6, an amendment was slipped into the 2019 state budget bill (H.B.166) for FirstEnergy. The amendment allowed FirstEnergy to average the profits of its three Ohio utilities for purposes of determining any need for consumer refunds. This maneuver (which became law) reduced the likelihood that the FirstEnergy utilities (especially Ohio Edison) would be required to provide consumers a profits

Electric Consumer Protection

refund. This law benefiting FirstEnergy became the subject of repeal legislation in 2020, which OCC supported. An update to 2020 is that in 2021 this anti-consumer provision is included for repeal in H.B.128 (as addressed earlier in this Annual Report's legislative review).

PUCO Case Nos. 18-857-EL-UNC, 19-1338-EL-UNC, 20-1034-EL-UNC, 20-1476-EL-UNC

Ohio Consumers: Charges to consumers under House Bill 6 are on hold thanks to Franklin County Common Pleas Court

House Bill 6 was enacted over the objection of OCC and other groups that supported competitive retail electric markets instead of subsidies at public expense. Among other things, tainted H.B.6 would provide about a billion dollars in nuclear plant subsidies over seven years to Energy Harbor (formerly FirstEnergy Solutions) at consumer expense.

Beginning in September of 2020, the Ohio Attorney General and the Cities of Columbus and Cincinnati filed civil racketeering lawsuits to block these charges in three Franklin County Common Pleas Court cases. OCC filed briefs to support the civil lawsuits and to protect consumers from paying \$150 million per year to subsidize nuclear plants formerly owned by FirstEnergy.

In a bright spot for consumers, the Franklin County Common Pleas Court responded to the lawsuits by issuing a preliminary injunction, on Dec. 21, 2020, that prevents utilities from collecting the nuclear subsidy charge. Consumers' Counsel Weston commended the decision stating, "This week Ohioans finally received from their government some justice regarding tainted House Bill 6, when a Franklin County judge put the nuclear bailout charge on hold. Meanwhile, last year's scandalous legislation continues to enrich electric utilities at Ohioans' expense. In the absence of a legislative repeal, FirstEnergy continues to be (in its words) 'recession-proofed' at public expense by its so-called decoupling charge...."

State of Ohio ex rel. Dave Yost v. FirstEnergy Corp., et al., Franklin C.P. No. 20CV-06281; City of Cincinnati, et al. v. FirstEnergy Corp., et al., Franklin C.P. No. 20CV-07005; State of Ohio ex rel. Dave Yost v. Energy Harbor, et al., Franklin C.P. No. 20CV-07386

Ohio Consumers: OCC advocates in U.S. Court of Appeals to protect consumers from paying more subsidies for coal power plants

This case summarizes a good outcome for consumers in 2020, but it is necessary to provide some case history. A consumer issue arose in the U.S. Bankruptcy Court in the bankruptcy case involving FirstEnergy Solutions (now Energy Harbor). FirstEnergy Solutions proposed to spare itself from continued payments for the two OVEC coal plants, which the Court granted. The result could have been that consumers of AEP, DP&L and Duke would become responsible for those FirstEnergy Solutions subsidy payments.

In Aug. 2018, OCC appealed the U.S. Bankruptcy Court's ruling on the coal plant costs. Energy Harbor had estimated that its subsidy of the two coal plants (one in Indiana and one in Ohio) could cost \$268 million through 2040. On June 26, 2019, the OCC participated in oral argument in front of the Sixth Circuit and argued the Bankruptcy Court failed to take into account the interest of consumers.

On December 12, 2019, the Sixth Circuit Court of Appeals agreed with OCC and others that the Bankruptcy Court improperly denied consideration of the public interest, among other things. The Court of Appeals remanded the case to the Bankruptcy Court.

In 2020, OCC continued to advocate for consumers. After the reversal by the Court of Appeals, Energy Harbor agreed (with OVEC) to continue to shoulder its share of the coal plant subsidies. And the Bankruptcy Court entered an order approving this on June 15, 2020.

U.S. Bankruptcy Court Northern District of Ohio Eastern Division, Case No. 18-50757; In Re FirstEnergy Solutions Corp. et al. v FERC et al., Nos. 18-3787/3788/4095/4097/4107/4110 (Sixth Circuit)

Electric Consumer Protection

Ohio Supreme Court cases affecting electric consumers

FirstEnergy (Ohio Edison) Consumers: OCC's advocacy creates opportunity for consumer refunds of Ohio Edison's profits

This summary provides an update on a 2020 decision by the Ohio Supreme Court. As background, under the utility-friendly 2008 energy law, a utility is not required to refund excessive profits to customers. Only if the utility's profits are deemed "significantly excessive" is the utility required to refund profits to customers.

In a 2019 decision, the PUCO excluded certain revenues (Distribution Modernization Charges) from the 2017 profits test. This decision reduced the potential that a million consumers would receive a refund of any Ohio Edison profits. This can harm consumers by allowing the utility to charge and then keep profits that it is not entitled to keep under the law. OCC appealed the PUCO's decision, on July 15, 2019.

In a Dec. 1, 2020, decision, the Ohio Supreme Court agreed with OCC. The Court found it was unreasonable and unlawful for the PUCO to exclude Distribution Modernization revenues from Ohio Edison's profits review.

The Ohio Supreme Court remanded the case to the PUCO and directed the PUCO to include Distribution Modernization Charge revenue in its analysis.

The PUCO is expected to hear the case in 2021.

OSC Case No. 19-961

Ohio Consumers: Supreme Court to determine whether PUCO properly granted a new FirstEnergy affiliate a certificate to operate

This case involves an appeal to protect the benefits of competition for electric consumers.

Specifically, the PUCO approved an application by FirstEnergy Advisors to provide competitive retail electric service (power brokering and aggregating) to consumers. This approval was over objections from OCC and the Northeast Ohio Public Energy Council that the PUCO had not followed procedures and law. In August of 2020, NOPEC and OCC appealed the PUCO's decision.

In the case before the Ohio Supreme Court, there are two main issues. The first issue concerns whether FirstEnergy Advisors showed the ability to provide service as required under Ohio law and PUCO rules. The second issue relates to the PUCO's failure to hold an evidentiary hearing to allow due process for OCC and NOPEC.

The case has been briefed and the Ohio Supreme Court oral arguments have been scheduled for June of 2021.

OSC Case No. 20-1009



OCC attorney Maureen Willis representing Ohio consumers at the Supreme Court of Ohio.

Electric Consumer Protection

Federal Energy Regulatory Commission (FERC) cases affecting electric consumers

DP&L Consumers: OCC settles transmission case to protect Dayton area consumers

OCC participated in settlement discussions with parties at FERC to obtain more reasonable rates for DP&L's electric transmission services to customers. (Transmission systems are the big wires and towers that carry electricity from power plants to the local utilities' distribution grids.)

OCC and others reached a Settlement on Dec. 10, 2020. The Settlement will reduce by about \$4 million annually DP&L's originally proposed rate increase of \$6 million annually for its Ohio consumers. The Settlement also provides additional protections for consumers. The Settlement was approved on Jan. 12, 2021, by FERC.

FERC Docket No. ER20-1150

Ohio Consumers: OCC advocates for additional oversight on charges to consumers for supplemental transmission projects

To protect Ohio consumers who pay for electric transmission, OCC filed comments in July of 2020 at FERC in two separate investigations. OCC and others asserted that PJM's review and oversight for replacement of transmission facilities does not adequately protect consumers. PJM is the transmission grid manager for Ohio and 12 other states and the District of Columbia.

These replacement transmission facilities are known as Supplemental Transmission Projects. In 2019, over \$785 million in Supplemental Transmission Projects were planned by Ohio electric utilities, at consumer expense. In 2018, these same utilities added \$1.5 billion in Supplemental Projects to their transmission plans in Ohio. These projects have significantly increased electric rates that Ohioans pay.

To protect Ohio consumers, OCC recommended greater transparency in the planning process and recommended



competitive project bidding. FERC rejected OCC's proposals on Aug. 11, 2020, and allowed supplemental projects to continue with no rate or prudence oversight. An update is that House Bill 128 in 2021 contains a provision for possible future state oversight of supplemental transmission projects, for consumer protection.

FERC Docket Nos. ER20-2046, ER20-2308

Ohio Consumers: OCC advocates to continue Standard Service Offer for consumers

The Standard Service Offer made available by Ohio's electric utilities (under Ohio law) is an important option for consumers for their generation service. It also serves as a reference for consumers evaluating offers from energy marketers.

In comments filed at FERC on June 22, 2020, OCC supported a proposal by PJM to exempt fully competitive state standard service offer auctions from unnecessary federal regulations. These regulations could potentially have ended the standard service offer in Ohio (and elsewhere).

Ohio's fully competitive standard service offers provides Ohioans a critical service at market-driven prices. It serves as a benchmark price for consumers to compare to other retail rates offered by energy marketers.

FERC approved PJM's proposal on Oct. 15, 2020.

FERC Docket Nos. ER18-1314-000, EL18-178-000, EL16-49



Natural Gas Consumer Protection



Natural Gas Consumer Protection



The Ohio Consumers' Counsel advocated in 2020 for millions of Ohio natural gas consumers, in a number of cases affecting their monthly natural gas bills. This overview describes some of the significant consumer issues that OCC addressed.

In 2020, utility consumers needed additional protections due to the coronavirus pandemic. OCC's efforts related to this special need for consumer protections are described in the Pandemic Cases section of this Report.

A full listing of the Agency's case activities can be found at the back of this Annual Report. Some of OCC's activities on behalf of natural gas consumers are spotlighted below.

State cases affecting natural gas consumers

Dominion Consumers: PUCO Staff and Dominion settle case for \$640 million in charges to consumers for capital expenditures and high profits, during the pandemic, over objections by OCC and NOPEC

A settlement was signed by Dominion and the PUCO Staff, without any consumer parties signing. OCC and the Northeast Ohio Public Energy Council opposed the settlement and asked the PUCO for consumer protection. Under the settlement's terms, a million Dominion customers could pay more than \$640 million over the next five years through a new charge called the Capital Expenditure Program. The charge for residential customers starts in early 2021 at \$3.86 per month per customer and quickly increases to more than \$5.50 later in 2021. The charge has the potential to increase to \$7.51 per month in 2024.

OCC and NOPEC sought to avoid an increase of this magnitude based on ratemaking principles and the public interest, including concern that the increase was inequitable for Dominion's consumers during the pandemic. The PUCO Staff/Dominion settlement allows Dominion to use a return on equity (profit) rate that was set 12 years ago when market conditions resulted in higher profits and debt costs than now. The windfall to Dominion's shareholders for high profits and debt costs would be nearly \$100 million over the next five years—all paid by consumers.

Unfortunately, the PUCO sided with the PUCO Staff (its employees) and Dominion, and approved the settlement without adopting any of OCC's recommended consumer protections.

PUCO Case No. 19-468-GA-ALT

Duke Natural Gas Consumers: OCC seeks to protect customers from overpaying for Duke's environmental cleanup of two abandoned manufactured gas plants in Cincinnati

This summary provides a 2020 update on a longstanding and costly issue for Duke consumers. As background, manufactured gas was a form of gas that was created by heating coal in large brick ovens. The gas was popular for street lighting and heating from the mid-1800s until the early 1900s, when it was replaced by natural gas and electric lighting. These gas plants are long defunct. But the industrial process of creating the manufactured gas left behind environmental contaminants at the sites that the current owners of the sites are required to cleanup.

Fundamentally, OCC's view is that the clean-up costs for these long-abandoned plants should not be chargeable to Duke's current 440,000 natural gas consumers. But the PUCO began to allow the charges (then \$55 million) in 2013, in a 3-2 decision. Duke has made additional filings over the years, which are not summarized here.

In 2020, Duke applied to the PUCO for authority to collect from customers approximately \$39 million in additional

Natural Gas Consumer Protection

2019 clean-up costs. In response to a PUCO Staff report, OCC filed comments with the following recommendations.

First, the PUCO should adopt the PUCO Staff's recommended full \$3.9 million adjustment to remove certain costs to which Duke is not entitled. Second, the PUCO should order Duke to identify and remove all clean-up costs that go beyond the standards identified by OCC's expert witness (in a 2019 case). Finally, the PUCO should direct Duke to immediately pay customers approximately \$50.6 million in insurance proceeds that it collected from insurers and is currently holding in a non-interest-bearing account.

These cases remain pending at the end of 2020.

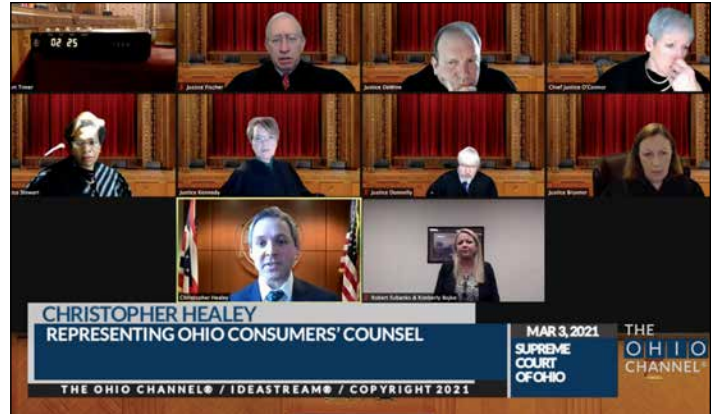
PUCO Case Nos. 14-375-GA-RDR, 14-376-GA-ATA, 15-452-GA-RDR, 15-453-GA-ATA, 16-542-GA-RDR, 16-543-GA-ATA, 16-1106-GA-AAM, 16-1107-GA-UNC, 17-596-GA-RDR, 17-597-GA-ATA, 18-283-GA-RDR, 18-284-GA-ATA, 19-174-GA-RDR, 19-175-GA-ATA, 19-1085-GA-AAM, 19-1086-GA-UNC, 20-53-GA-RDR, 20-54-GA-ATA

Ohio Supreme Court case affecting natural gas consumers

Suburban Gas Consumers: OCC challenges a PUCO ruling charging Suburban gas consumers for unneeded pipeline extension

On June 22, 2020, OCC filed an appeal to challenge a PUCO ruling that increased rates to residential consumers of Suburban Natural Gas.

The case involves Suburban's decision to build a pipeline extension that was substantially longer than needed. A Suburban witness admitted that the pipeline was more than double the length necessary. The PUCO allowed Suburban to charge consumers for the entire pipeline extension, via a rate increase phase-in. OCC advocated that the pipeline extension was not used and useful in providing service and resulted in unjust and unreasonable rates for Suburban's customers.



OCC attorney Christopher Healey representing Ohio consumers at the Supreme Court of Ohio.

An update is that the Court held an oral argument on this appeal in March 2021 and a decision is pending.

OSC Case No. 20-781

Federal Energy Regulatory Commission (FERC) Natural Gas case affecting consumers

Natural Gas Consumers: OCC objects to huge rate increase proposed by Columbia Transmission

Columbia Transmission Company (no longer affiliated with Columbia Gas) filed to increase rates that local consumers would ultimately pay, for use of its interstate pipelines. The increase would be more than \$2.3 billion over its currently approved cost-of-service of \$602 million.

To protect consumers, OCC and the Northeast Ohio Public Energy Council jointly objected, on Aug. 12, 2020, to Columbia Transmission's proposed rate increase and sought an evidentiary hearing and rate suspension.

In response to various comments and protests, FERC determined public hearings should be held to more thoroughly consider Columbia Transmission's request. Settlement discussions are ongoing.

FERC Docket No. RP20-1060

Anatomy of a Consumer Rip-Off

Consumers need more protections with regard to energy marketing, including more protections from a smaller subset of marketers that are unscrupulous.

Ohioans are busy. They have jobs. They have concerns with regards to the pandemic health and financial crises. They have responsibilities raising families and caring for elderly parents. Adding to their plate problems involving time and money are not welcomed. That would include some problems that can result from a knock on the door, a phone call during dinner or other intrusions from energy marketers.

Some of these interactions can come at an unfair and high price for consumers. In 2020, OCC was active in efforts to protect consumers from some marketers who took advantage of Ohio consumers to their detriment.

As an update, The Wall Street Journal (WSJ) ran several articles about energy marketing on March 8, 2021. The WSJ reported that consumers of energy marketers had been charged more than \$19 billion above the standard offer available from their utility.

Closer to home, Columbia Gas of Ohio has performed a study since the beginning of its natural gas choice program. Columbia's analysis is known as "shadow billing." Columbia's analysis has shown that its customers who have shopped with marketers for natural gas service between 1997 and March 2021 have paid nearly \$2 billion more than they would have paid had those customers been served on Columbia's own standard offer. Columbia Gas is required by a settlement to provide the shadow billing information to OCC.

The PUCO has recently conducted investigations into some marketers, after receiving complaints by consumers alleging these marketers were guilty of unfair, misleading, deceptive and unconscionable marketing practices. These cases are discussed below:

OCC stands up for consumers as the PUCO investigates marketers

PALMco Energy

The PUCO Staff conducted two investigations into PALMco, a marketer of natural gas and electricity to Ohioans. The first investigation (in 2019) was initiated after the PUCO Staff received hundreds of customer contacts and complaints regarding PALMco. The PUCO Staff found, in a publicly filed Staff Report, that PALMco engaged in unfair, misleading, deceptive and unconscionable marketing practices against Ohioans. The PUCO Staff and PALMco reached a settlement that prohibits PALMco from serving customers in Ohio for five years. OCC opposed the settlement because it did not provide sufficient consumer

protections from PALMco. The PUCO adopted the settlement without modification.

The PUCO Staff then found that PALMco had continued its improper tactics toward consumers while the first investigation was in progress. That led to a second investigation, in which OCC participated in 2020. The PUCO Staff recommended that PALMco be required to pay a forfeiture of more than \$10 million. PALMco filed a complaint with the Ohio Supreme Court, arguing that the PUCO did not have jurisdiction to conduct its investigation. The Ohio Supreme Court dismissed that complaint. The case currently awaits the establishment of a procedural schedule by the PUCO.

PUCO Case Nos. 19-957-GE-COI, 19-2153-GE-COI

Anatomy of a Consumer Rip-Off

Statewise Energy/SFE Energy

In 2020, the PUCO opened an investigation of Statewise and SFE, affiliated marketers of natural gas and electricity. In a June 29, 2020 letter, the PUCO Staff stated that it is “concerned that the nature of SFE Energy and Statewise’s deceptive and misleading tactics need to be immediately addressed by the Commission.” The PUCO Staff further stated that it was “deeply concerning that [Marketers] in Ohio would prey upon customers’ anxiety and fears in the middle of the current global pandemic.”

The PUCO Staff received customer contacts and complaints regarding Statewise and SFE between January 1, 2020 and June 26, 2020. That information included a consumer’s doorbell video showing the inappropriate marketing of an SFE Energy agent at the consumer’s home. Among other issues, the video shows the SFE Energy agent as not wearing a protective mask, in possible violation of the PUCO’s regulations for marketing during the pandemic.

OCC’s advocated for consumers in this PUCO investigation. The case was resolved by a settlement, on Dec. 21, 2020, with the PUCO Staff, OCC and Statewise/SFE signing. Under the settlement, there are a number of consumer protections. For example, Statewise Energy and SFE Energy were barred from soliciting customers in Ohio until March 15, 2021. And Statewise/SFE may resume soliciting customers then only if they file an acceptable compliance plan. Further, Statewise and SFE must make a six-figure restitution payment (refund or credit) to Ohio customers.

PUCO Case No. 20-1216-GE-COI

Verde Energy

The PUCO opened an investigation of electricity and natural gas marketer Verde, in April 2019, after receiving hundreds of customer contacts and complaints. The PUCO Staff found that Verde engaged in unfair, misleading,



Anatomy of a Consumer Rip-Off

deceptive and unconscionable marketing practices against Ohioans. Among the most egregious of Verde's marketing practices was the spoofing of Ohio customers (which means Verde's Caller ID information was not properly presented when it made calls to consumers).

In addition to the PUCO's investigation case regarding Verde's mismarketing to consumers, another issue became Verde's request to be re-certified to market electricity and natural gas to Ohioans. In 2020, OCC made consumer protection filings to oppose re-certification of Verde. Note that the PUCO Staff previously stated in the separate investigation case that Verde is "managerially unfit to provide competitive services in the state." With great understatement, the PUCO Commissioners had described Verde as not a "sympathetic actor."

Verde misled and deceived Ohioans into signing up for Verde's unreasonably high electric and natural gas rates. Even customers of other marketers were not safe from Verde, given the claims of IGS that "some of IGS's customers were victims of Verde's potentially misleading and deceptive sales tactics."

Unfortunately for consumers, on the last day of 2020, the PUCO agreed with its Staff and approved renewal of Verde's operating certificates to serve Ohio's natural gas and electric customers.

PUCO Case Nos. 19-958-GE-COI, 13-2164-GA-CRS, 11-5886-EL-CRS

Dominion Consumers: OCC, PUCO Staff, Dominion and others negotiate a settlement to protect consumers in Dominion's service area, by ending the marketer rip-off in the "monthly variable rate" program

This summary is an update for the resolution, in 2020, of a marketing rip-off that plagued some Dominion-area consumers. Ending the marketer rip-off of some consumers in Dominion's service area, via the so-called Monthly Variable Rate (MVR) program, was a top priority for Consumers' Counsel Bruce Weston. OCC filed a motion

in 2019 that ultimately led to the adoption and approval of a milestone settlement by OCC and others that ended this awful situation for consumers.

For consumer protection, OCC asked the PUCO to order Dominion to re-establish its Standard Choice Offer as the default service for all residential customers and eliminate the Monthly Variable Rate program. The Standard Choice Offer is a competitively bid rate that is at historic low prices. The MVR, on the other hand, is a rate that has been exploited by some marketers who charge exorbitant rates.

Under the MVR, Dominion randomly assigned customers to a marketer to provide natural gas supply at a rate set by the marketer. Some rates charged by natural gas marketers under the MVR program were unconscionably high. In fact, some consumers were paying nearly four times the price of Dominion's Standard Choice Offer.

On Feb. 5, 2020, OCC, the PUCO Staff, Dominion and several gas marketers filed a Settlement. In the Settlement it was recommended to the PUCO Commissioners that they end the problem-plagued program for all residential consumers and the smallest commercial customers. OCC appreciated the efforts of the PUCO Staff and Dominion in reaching the Settlement to protect consumers.

In a victory for consumers, the PUCO approved the Settlement on Feb. 26, 2020. By April 2020, the problematic program no longer applied to residential and small-use commercial customers, who were protected by being transferred to Dominion's competitive Standard Choice Offer rate.

PUCO Case No. 18-1419-GA-EXM



Telephone Consumer Protection



Telephone Consumer Protection



The telephone industry has obtained regulatory changes that significantly reduce the PUCO's oversight of wireline telephone service. However, many Ohioans continue to rely on traditional service (including in some rural areas of Ohio where cellphone signal is not universal). The OCC seeks to protect consumers' access to basic telephone service that is reasonably priced and of adequate quality, as the telephone industry transitions from traditional wireline service to wireless and internet services.

In 2020, utility consumers needed additional protections due to the coronavirus pandemic. OCC's efforts related to this special need for consumer protections are described in the Pandemic Cases section of this Report. A full listing of the Agency's case activities can be found at the back of this Annual Report.

What follows are summaries spotlighting OCC's activities on behalf of wireline telephone consumers.

Frontier Consumers: OCC helps consumers receive improved service quality in PUCO investigation of Frontier North

On Aug. 14, 2019, the PUCO opened a complaint case against Frontier North due to its failure to provide available, adequate, and reliable basic local exchange service (BLES) to its customers across the state of Ohio. Frontier's alleged violations adversely impact customers' access to voice and emergency 9-1-1 services, which threatens Ohioans' public safety and welfare.

On Aug. 13, 2019, the PUCO Staff had filed a letter asking the PUCO to open the complaint and investigation, due to problems for consumers with Frontier's service quality, based on the Staff's review of numerous customer complaints against Frontier. The Staff cited cases from around Ohio where Frontier customers lost dial-tone for their basic telephone service and the service was not restored for extended periods. The PUCO Staff then filed a complaint against Frontier alleging violations of Ohio law and the PUCO's rules.

During 2020, discussions between the PUCO Staff, OCC and Frontier continued, for improving Frontier's customer service. Ultimately, the discussion resulted in a settlement between the PUCO Staff and Frontier, on June 24, 2020. OCC obtained enough consumer protection in the settlement to agree not to oppose it. But OCC filed a letter explaining that continuing concerns about consumer protection issues were

significant enough for OCC to not sign the settlement. The PUCO approved the settlement on Aug. 12, 2020.

PUCO Case No. 19-1582-TP-COC

AT&T Landline Consumers: OCC and other groups work together to preserve the printed phonebook for consumers who need it

AT&T filed a request with the PUCO to end its obligation to provide printed telephone directories, asserting that consumers may reference the information online. AT&T sought this waiver because, under the PUCO's rules, it otherwise must provide a printed telephone directory to customers who request it, at no additional charge.

OCC, in a filing with five other consumer groups on June 29, 2020, opposed AT&T's request because many Ohioans do not have access to broadband services, and some who may have access cannot afford the service. AT&T's request would have created inconvenience and risk for some of its most vulnerable customers. The printed telephone directory not only includes residential and commercial customers' telephone numbers, but also provides customers with emergency numbers including 9-1-1, the local police and fire departments, the county sheriff, the Ohio relay service, operator service and directory assistance.

In its ruling, the PUCO agreed with OCC and the five consumer groups, finding that AT&T failed to demonstrate

Telephone Consumer Protection

that customers have a reasonable alternative source for directory information, and finding that online alternatives are not viable substitutes for the printed physical directory. The PUCO also noted that AT&T's toll-free number (1-800-FREE411) for directory assistance is not a comparable alternative to the White Pages residential directory due to the additional time required to listen to advertising prior to receiving the desired listing.

The PUCO ordered that, for AT&T to be granted the waiver, it must provide requesting customers with advertising-free local directory assistance that consumers can access from their landline phone at no charge. AT&T did not avail itself of that option, and thus the printed directories will be preserved for consumers.

PUCO Case No. 20-1139-TP-WVR



Water Consumer Protection



Water Consumer Protection



Under Ohio law, the PUCO regulates price and service quality for the investor-owned water and wastewater companies that provide utility service to consumers. Many water utilities in Ohio are operated by local governments, which the PUCO does not regulate.

Aqua Ohio is the major water utility regulated by the PUCO. Aqua Ohio serves approximately 152,000 customers and approximately 6,000 wastewater customers. The PUCO also regulates seven smaller water companies and eight smaller wastewater companies, each serving fewer than 2,500 customers. The rates for water and wastewater services are regulated by the PUCO under traditional ratemaking standards found in O.R.C. Chapter 4909.

In 2020, utility consumers needed additional protections due to the coronavirus pandemic. OCC's efforts related to this special need for consumer protections are described in the Pandemic Cases section of this Report.

A full listing of the Agency's case activities can be found at the back of this Annual Report. What follows are summaries spotlighting OCC's activities on behalf of water consumers.

Aqua Consumers: Aqua Ohio's Water and Sewer "System Improvement Charge"

Aqua Ohio filed an application with the PUCO for authority to increase rates to its customers through another System Improvement Charge, in March 2020. This is a charge assessed on Aqua's customers for the utility's infrastructure replacement costs through a single-issue rate increase allowed by Ohio law outside of a traditional distribution rate increase. (For utility consumer protection, OCC does not favor single-issue ratemaking.)

Under Aqua's proposal, its residential customers would each pay a surcharge equal to 3.5% of their total water service bill. Aqua's request was on top of the 3.66% and the 3.73% it was authorized to collect in 2019, in System Improvement Charges. By state statute, no more than three such Charges may be in effect at any given time.

Aqua claimed that it had invested \$17 million in system improvements. OCC conducted discovery for case preparation and found that, by and large, the items for which Aqua sought to charge customers did fall within the eligible plant items under Ohio law. The items were predominantly main replacements, service line replacements, hydrant replacements, and pumping equipment.



OCC and the PUCO Staff recommended minor adjustments, which slightly reduced Aqua's requested surcharge of 3.5% to approximately 3.4%, and thus slightly lowered customers' bills.

Aqua accepted these adjustments and filed revised schedules accordingly. The PUCO approved Aqua's Charge, on Sept. 23, 2020.

PUCO Case No. 20-532-WW-SIC

Consumer Education

The Office of the Ohio Consumers' Counsel provides Ohioans with a reliable source for information about their utility services and competitive choices. Our consumer education is provided through OCC's website, fact sheets, social media, outreach presentations to consumers, and direct communication with consumers.

OCC helped Ohioans make informed decisions for saving money

OCC's several Outreach and Education Specialists help Ohio's consumers make informed decisions regarding their utilities. 2020 began with specialists traveling throughout Ohio as usual. They spoke to consumers at various venues including senior centers, social service agencies, health fairs, food pantries, and community events to educate residential utility consumers. Things changed in March due to the arrival of the pandemic, with the state's instruction to work remotely and with consumer concerns about health safety.

OCC's specialists then transitioned to video-conferencing and tele-conferencing, for outreach events including presentations, attending and sharing information at community meetings, and virtual resource fairs. Throughout the pandemic, OCC's specialists worked to keep the public and organizations informed. The topics included utility disconnection suspensions, resumption of utility service disconnections, how to keep utilities' services connected, and how residential utility consumers could save money on their utility bills through energy efficiency while sheltering at home. And topics for consumer information included protection against scams. Sadly, there were scams designed to take advantage of people even during the pandemic.

The OCC Public Affairs Department is available to assist Ohioans. On OCC's website (www.occ.ohio.gov) consumers can view fact sheets and other valuable information. Consumers may also follow OCC on Twitter @OCC4Consumers to keep up to date on utility news and other OCC activities. Videos pertaining to choosing an energy supplier and other consumer topics can also be found on OCC's website and YouTube.

OCC continued to sponsor the Low-Income Dialogue Group for working with other consumer groups to help at-risk Ohioans

In 2020, OCC continued its longstanding work with organizations dedicated to protecting the rights and interests of the thousands of Ohio families living in poverty. That work includes regular meetings with low-income advocates including legal aid societies, community action agencies, senior advocates and others.

For more than a decade, OCC has facilitated the Low-Income Dialogue Group. The Group seeks to identify and find solutions to utility issues affecting families and individuals on fixed or limited incomes. OCC shares its expertise in utility matters with LIDG member organizations and OCC learns about their concerns in the effort to help Ohioans.

A primary focus for the Low-Income Dialogue Group in 2020 was the impact of the pandemic-related emergency on Ohioans. Issues included the challenges (and solutions) for some Ohioans to stay connected to their utility services, among other concerns.



OCC's Outreach & Education booth during National Consumer Protection Week.

Employee Recognition

Exceptional employees are recognized as Employee of the Quarter by the Consumers' Counsel, the Deputy Consumers' Counsel, and the Agency's directors. Employees are acknowledged for their outstanding work on behalf of Ohio's residential utility consumers and for exemplifying OCC's mission, vision and values.



J.P. Blackwood

J.P. Blackwood was named OCC's Employee of the First Quarter in 2020. Mr. Blackwood joined the OCC as a Public and Legislative Affairs Specialist in March 2018. Currently he serves as Public Affairs Department Acting

Manager. He has 20 years of experience with the City of Columbus Department of Public Service where he led a federally funded communications program and served as part of the department's communications team. J.P. earned a Master of Public Administration and Master of Arts in Political Science from the Ohio State University. Prior to this, J.P. earned his Bachelor of Arts Degree from the University of Oklahoma where he studied political science, public relations and economics.



Colleen Shutrump

Colleen Shutrump was named OCC's Employee of the Second Quarter in 2020. Ms. Shutrump joined the Office of the Ohio Consumers' Counsel as an Energy Resource Planning Advisor in August 2015. Prior to joining OCC,

Ms. Shutrump served as an Electricity Analyst and Advisory Staff member for five years at the Indiana Utility Regulatory Commission. In that role, she reviewed energy efficiency programs and assisted in electric cases filed with the commission. She earned a bachelor's degree in Management and Economics from Youngstown State University and an MBA from Baldwin Wallace.



Jim Williams

Jim Williams was named OCC's Employee of the Third Quarter in 2020. Jim Williams began his OCC career as a Compliance Specialist in 1996. In 2015, Jim became Senior Utility Consumer Policy Analyst for OCC. As a Consumer Policy Analyst, Jim is

responsible for identifying ways to reduce residential utility bills and to oppose inappropriate rate increases. He provides expert testimony and serves the agency as a witness in litigation as needed. Jim received his bachelor's degree in engineering technology from Franklin University and his master's in business administration from Webster University.



Deb Bingham

Deb Bingham was named OCC's Employee of the Fourth Quarter in 2020. Since September 2005, Ms. Bingham has served as the Case Team Coordinator for the Electric and Water teams in OCC's legal department. As coordinator, she

schedules meetings for the teams, formats briefs, discoveries, pleadings, and testimony in cases and organizes case work for the teams. Deb worked in the Union County Prosecuting Attorney's Office for 14 years before joining the Ohio Consumers' Counsel. Deb attended Ohio Hi-Point Career Center in Bellefontaine with a focus on higher and legal education.

Honoring the Memory of Dave Bergmann, Consumer Advocate and Friend



OCC lost a friend, mentor and colleague when Dave Bergmann passed away unexpectedly in September 2020.

After nearly 30 years of service to OCC and Ohio consumers prior to 2011, Dave returned to OCC in 2019 to support OCC’s advocacy again as an Assistant Consumers’ Counsel.

Dave, a former OCC Legal Director, dedicated his career to protecting consumers, especially consumers in need. He was active in the creation of Ohio’s Percentage of Income Payment Plan program. That program has, over the years, helped millions of low-income Ohio families stay connected to essential utility services at an affordable price. Dave also was a champion of the Lifeline Program which has helped countless low-income Ohioans maintain their access to telephone services. Dave’s work on telecommunications issues helped not only Ohio consumers but also helped consumers across the country through his advocacy at the Federal Communications Commission.

Dave was recognized statewide and nationally as a tireless and persistent voice for consumers who otherwise would not have had a voice. He received many awards during his distinguished career including the Robert F. Manifold Lifetime Service Award from the National Association of State Utility Consumer Advocates, which is NASUCA’s highest award. He also received the “Golden Phone Award” for his work on the Lifeline Program which helps Americans in need access telephone service.

Dave’s passion and expertise in consumer advocacy will be missed by the Agency and the consumers who benefited from his public service. We extend our heartfelt sympathies to Dave’s family.

2020 Fiscal Report

The Agency is funded through an assessment on the intrastate gross receipts of entities regulated by the PUCO, based on Section 4911.18 of the Ohio Revised Code.

The Agency assessed more than 1,000 regulated entities for operating funds for fiscal year 2020.

Operating budget expenditures

Payroll and benefits	\$ 4,008,866.45
Purchased personal services.....	\$ 616,607.28
Supplies and maintenance.....	\$ 464,037.87
Equipment.....	\$ 0.00
Other refunds.....	\$ 0.00
Total	\$ 5,089,511.60

2020 Case Activity

<i>Case Number</i>	<i>Utility</i>	<i>Issue</i>	<i>Consumer Impact</i>
Electric Cases at the Public Utilities Commission of Ohio			
20-1708-EL-ATA	Dayton Power & Light	Clean Air Fund Rider	This case implemented H.B.6 nuclear plants and solar resource subsidy charges to consumers. DP&L sought to charge consumers \$18.5 million for these subsidies. The PUCO approved the charge. Before consumers were to begin paying this charge, a Franklin County Common Pleas Court stopped the charge, at least temporarily.
20-1706-EL-ATA	AEP Ohio	Clean Air Fund Rider	This case implemented H.B.6 subsidies for nuclear plants and solar resources. AEP Ohio sought to charge consumers \$57 million in subsidies. The PUCO approved the charge. Before consumers were to begin paying this charge, a Franklin County Common Pleas Court recently stopped the charge at least temporarily.
20-1704-EL-ATA	Duke Energy	Clean Air Fund Rider	This case implemented H.B.6 nuclear plants and solar resources. subsidy charges to consumers. Duke sought to charge consumers \$26 million in subsidies. The PUCO approved the charge. Before consumers were to begin paying this charge, a Franklin County Common Pleas Court recently stopped the charge, at least temporarily.
20-1699-EL-ATA	FirstEnergy	Clean Air Fund Rider	This case implemented H.B.6 subsidies for nuclear plants and solar resources. FirstEnergy sought to charge consumers \$67.9 million in subsidies. The PUCO approved the charge. Before consumers were to begin paying this charge, a Franklin County Common Pleas Court recently stopped the charge at least temporarily.
20-1673-EL-RDR; 20-1748-EL-ATA	FirstEnergy	Energy efficiency-demand side management	If approved, consumers would continue to be charged by FirstEnergy for energy efficiency, even though the Ohio General Assembly expressly ended the energy efficiency mandates in H.B.6. Consumers will face charges of \$2.6 million in the first six months of 2021.
20-1651-EL-AIR; 20-1652-EL-AAM; 20-1653-EL-ATA	Dayton Power & Light	Rate increase	DP&L has filed to increase rates consumers pay by an additional \$121 million per year for distribution service. A typical customer using 1,000 kWh per month would pay an additional \$161 per year. And low usage customers could see an increase of up to 70% for their distribution rates.
20-1603-EL-ATA; 20-1604-EL-AAM	AEP Ohio	Residential Green Tariff Program	AEP proposes to allow standard service offer customers the ability to purchase renewable energy credits under a voluntary program.
20-1502-EL-UNC	FirstEnergy	House Bill 6	In response to OCC's September 8, 2020 motions regarding H.B.6 spending by the FirstEnergy utilities, the PUCO opened this case. OCC will be exploring whether FirstEnergy used customers' funds in the illegal H.B.6 activities.
20-1476-EL-UNC	FirstEnergy	Electric security plan quadrennial review	FirstEnergy must show that its current electric security plan continues to be more favorable than a market rate offer and will not result in significantly excessive profits. If FirstEnergy cannot do so, then the PUCO can end the electric security plan which would benefit consumers.
20-1444-EL-RDR	Duke Energy	Energy efficiency/Demand side management	Duke wants to charge residential customers up to \$7 million in 2021 for energy efficiency programs, including utility profits on the programs, despite mandates for such programs ending in 2020 under H.B.6.
20-1408-EL-UNC	AEP Ohio	Bill format	AEP seeks to add information to customer bills about what they pay to a marketer compared to what they could have paid under AEP's standard service offer. OCC supports AEP's application for its transparency objectives.

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Case Number	Utility	Issue	Consumer Impact
20-1344-EL-UNC; 20-1345-EL-WVR	FirstEnergy	Transition from emergency	Despite the continuation of the consumer suffering from the pandemic, the PUCO discontinued the protections against disconnections for nonpayment afforded them under the PUCO's coronavirus emergency orders.
20-1205-EL-RDR	Duke Energy	Distribution Capital Investment rider	Duke charges customers for the replacement of aging infrastructure. In this case, the PUCO is auditing those expenditures to determine whether the resulting charges are just and reasonable.
20-1111-EL-ESS; 20-1112-EL-WVR	AEP Ohio	Reliability standards	The reliability of AEP's electric service to its customers is being reviewed.
20-1103-EL-USF	Ohio Department Services Agency	Universal Service Fund rider	This case sets what electric utility customers will pay for the PIPP surcharge on their bills for low-income customer assistance programs.
20-1061-EL-RDR	AEP Ohio	Energy efficiency	AEP seeks to charge residential customers more than \$33 million for its energy efficiency programs, including more than \$4.3 million in utility profits ("shared savings") for 2020, despite the fact that H.B.6 ended the energy efficiency mandates.
20-1041-EL-UNC	Dayton Power & Light	Electric security plan profits	The PUCO must on a yearly basis review the profits utilities earn under their electric security plan. This case looks at the 2019 profits DP&L earned from its plan. OCC has estimated that consumers are entitled to a refund of \$150 million because of the significantly excessive level of profits DP&L earned.
20-1034-EL-UNC	FirstEnergy	Electric security plan profits	The PUCO must on a yearly basis review the profits utilities earn under their electric security plan. This case looks at the 2019 profits FirstEnergy earned from its plan.
20-1013-EL-POR; 20-1114-EL-ATA	Duke Energy	Energy efficiency/Demand side management portfolio	Dukes seeks approval to charge residential consumers \$14.5 million in 2021 for energy efficiency programs, including \$2.5 million in profits ("shared savings"), despite the fact that H.B.6 ended the energy efficiency mandates.
20-0944-EL-ESS	Duke Energy	Amended vegetation management	Duke has proposed amendments to Duke's vegetation management portion of its transmission and distribution inspection, maintenance, repair, and replacement programs. The PUCO approved Duke's plan on 7/29/2020.
20-0859-EL-RDR	AEP Ohio	Storm damage	AEP is asking for approval to charge consumers \$1.29 million for storm damages.
20-0857-EL-RDR	Duke Energy	Reasonable arrangement as part of Emergency Plan	Duke sought PUCO approval to provide assistance to non-residential customers, due to the coronavirus emergency, by entering into reasonable arrangements (for discounts to customers' utility bills) subsidized by all customers. Duke's request was rejected based on OCC's arguments.
20-0856-EL-AEC	Duke Energy	Reasonable arrangement	Duke asked for authority to enter into a reasonable arrangement with certain non-residential customers with the costs subsidized by all customers. Duke's request was rejected based on OCC's arguments.
20-0755-EL-AEC	Dayton Power & Light	Reasonable arrangement	DPL asked for authority to enter into a reasonable arrangement with certain non-residential customers with the costs subsidized by all customers.

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Case Number	Utility	Issue	Consumer Impact
20-0734-EL-AEC	AEP Ohio	Reasonable arrangement	AEP asked for authority to enter into a reasonable arrangement with certain non-residential customers and to have the costs subsidized by all customers.
20-0680-EL-UNC	Dayton Power & Light	3-year review of ESP I	DP&L seeks a finding from the PUCO that its decade-old electric security plan will not produce significantly excessive profits and continues to be more favorable to consumers than a market rate offer. This would allow DP&L to charge customers for, among other things, about \$79 million per year in subsidies under DP&L's so-called "rate stabilization charge."
20-0666-EL-RDR	Duke Energy	Power Forward Rider	Duke wants to charge residential customers more than \$4.5 million through the utility's PowerForward Rider for its capital investments and operations and maintenance costs of grid modernization not otherwise collected from customers.
20-0650-EL-AAM; 20-0651-EL-UNC; 20-0652-EL-WVR	Dayton Power & Light	Emergency plan	DP&L requested waivers of certain obligations under the PUCO's rules, in order to respond to the PUCO's directives regarding the COVID-19 emergency. The PUCO directed all public utilities to review their service disconnection policies, practices, and tariff provisions and to seek suspension of such requirements that impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.
20-0613-EL-RDR	Duke Energy	Energy efficiency	Duke seeks to charge customers for energy efficiency programs, including utility profits on those programs and financial incentives for Duke employees despite the fact that H.B.6 ended energy efficiency mandates.
20-0602-EL-UNC; 20-0603-EL-WVR; 20-0604-EL-AAM	AEP Ohio	Emergency plan/Deferral request	AEP requested waivers of certain obligations under the PUCO's rules in order to respond to the PUCO's directives regarding the COVID-19 emergency. The PUCO directed all public utilities to review their service disconnection policies, practices, and tariff provisions and to seek suspension of such requirements that impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.
20-0599-EL-UNC	Duke Energy	State of emergency	Duke requested waivers of certain obligations under the PUCO's rules in order to respond to the PUCO's directives regarding the COVID-19 emergency. The PUCO directed all public utilities to review their service disconnection policies, practices, and tariff provisions and to seek suspension of such requirements that impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.
20-0585-EL-AIR; 20-0586-EL-ATA; 20-0587-EL-AAM	AEP Ohio	Rate increase	AEP is asking the PUCO to increase distribution rates that it charges customers for distribution service. AEP requested a \$36.2 million revenue increase.
20-0580-EL-ESS; 20-0581-EL-WVR	FirstEnergy	Reliability standards	The PUCO is reviewing FirstEnergy's service reliability standards applicable for serving its customers.
20-0547-EL-RDR	Dayton Power & Light	Transmission Cost Recovery Rider	This case involved DP&L's annual update to its Transmission Cost Recovery Rider. The PUCO approved an annual \$8.6 increase to the rates customers pay for transmission costs.

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Case Number	Utility	Issue	Consumer Impact
20-0530-EL-RDR	AEP Ohio	Pilot Throughput Balancing Adjustment Rider ("PT-BAR")	AEP sought to bill its 1.5 million residential customers an additional \$21.1 million. This was to be automatically approved on July 1, 2020. The PUCO has not issued a ruling yet, however, and final tariffs have not been filed.
20-0434-EL-COI	PUCO Investigation	Electric vehicle charging	The PUCO ruled that an entity that provides electric vehicle charging service is not a public utility subject to the jurisdiction of the PUCO.
20-0169-EL-RDR	AEP Ohio	Delivery Capital Investment Rider	The PUCO is auditing AEP's 2019 Delivery Capital Investment Rider charges paid by consumers to determine if those charges were just and reasonable. In 2019 consumers were charged nearly \$262 million by AEP.
20-0167-EL-RDR	Duke Energy	Price Stabilization Rider (OVEC)	Duke has collected from Ohio customers \$ 23.6 million in charges to subsidize Duke's interest in two dirty old, unprofitable power plants owned by OVEC, one of which is not even in Ohio. The PUCO is auditing this charge that Duke's customers paid during 2019.
20-0165-EL-RDR	Dayton Power & Light	Reconciliation Rider	DP&L has collected from Ohio customers \$18.7 million in charges to subsidize DP&L's interest in two dirty old, unprofitable power plants owned by OVEC, one of which is not even in Ohio. The PUCO is auditing this charge that DP&L's customers paid during 2019.
20-0140-EL-AAM	Dayton Power & Light	Defer distribution decoupling cost	DP&L is seeking to defer certain costs for later collection from customers for decoupling-related charges. (with interest). "Decoupling" charges, are charges collected from consumers to make DP&L whole for the revenues it allegedly lost when its customers engaged in energy efficiency activities either on their own or through utility programs.
20-0103-EL-AGG	Power Brokers Suvon d/b/a FirstEnergy Advisors	Certification for electric aggregators	The PUCO reviewed FirstEnergy Advisors' application (an affiliate of the FirstEnergy utilities) to provide competitive power broker and aggregator services in Ohio. The application raises concerns under Ohio law and the PUCO's rules regarding corporate separation, which protect monopoly customers against (among other things) subsidizing the unregulated activities of a utility affiliate.
20-0095-EL-RDR	AEP Ohio	Update basic transmission cost rider	AEP seeks PUCO approval to pass on to consumers \$736 million costs associated with transmission system investments.
20-0050-EL-ATA	FirstEnergy	Time-varying rate	FirstEnergy seeks PUCO approval of voluntary time-of-use rates for residential standard service offer customers.
19-2223-EL-UNC	Duke Energy	Battery storage project	Duke proposed charging customers \$11.7 million to build a battery storage system. Duke alleged distribution system benefits would be derived from this project. OCC opposed Duke's application, and shortly after OCC filed its opposition, Duke withdrew its battery storage application.
19-2141-EL-EDI; 19-2144-EL-UNC; 19-2150-EL-UNC; 19-2151-EL-EDI	AEP Ohio; FirstEnergy; Dayton Power & Light; Duke Energy	Seamless move mechanism	This PUCO investigation addresses the utilities' plans to address what happens to an AEP customer's contract with a marketer when that customer terminates service at one address and commences service at a new address in AEP's service territory.
19-2120-EL-RDR	FirstEnergy	Non-market-based rider	FirstEnergy updated its Non-Market-Based Rider charges paid by consumers, for \$163 million in transmission costs imposed by FERC.
19-2080-EL-ATA; 19-2081-EL-AAM	FirstEnergy	Guaranteed utility revenues charged to customers under H.B.6	FirstEnergy proposed to charge residential customers more than \$12 million in 2020 for "decoupling" charges as permitted under H.B.6.

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Case Number	Utility	Issue	Consumer Impact
19-1904-EL-RDR	FirstEnergy	Energy efficiency charges to customers	FirstEnergy seeks to charge residential customers \$15.9 million for its energy efficiency programs (including utility profits) in the first six months of 2020. The PUCO approved these charges over OCC's objection that FirstEnergy failed to show that the charges were just and reasonable.
19-1887-EL-RDR	FirstEnergy	Delivery Capital Recovery Rider (Distribution charges to customers)	FirstEnergy seeks approval to charge consumers \$338 million for investment in distribution and plant through the Delivery Capital Recovery Rider. These charges are being audited to determine if the rates charged to consumers were prudent and reasonable.
19-1808-EL-UNC	Electric	Designing rates to collect OVEC subsidies	H.B.6 requires the PUCO to establish a charge to customers for utilities' prudently incurred costs related to coal power plants in Ohio and Indiana through Dec. 31, 2030. The PUCO will decide the rate design for collecting the authorized costs from customers.
19-1771-EL-AAM	Duke Energy	Tree-trimming charges	Duke Energy seeks PUCO approval to defer for later collection from customers \$7 million (and financing costs) in 2019 tree trimming expenses. These charges exceed the \$20 million cap on tree-trimming expenses that the PUCO approved.
19-1747-EL-RDR	AEP Ohio	Enhanced service reliability	AEP seeks authority to charge consumers approximately \$13.6 million for 2018 tree trimming costs. The PUCO ordered AEP to reduce the proposed rate to account for prior overcollections. The reduction in the charge is expected to result in a credit to consumers.
19-1475-EL-RDR	AEP Ohio	gridSMART Phase III	AEP filed an application with the PUCO to seek authority to spend more than \$1 billion on Phase 3 of AEP's gridSMART project.
19-1389-EL-WVR	AEP Ohio	Proposal to shorten the time customers have to pay their bill coming from out-of-state	AEP sought PUCO permission to shorten the time frame for residential customers to pay their utility bills from 21 days to 15 days when the bill is mailed from out-of-state. AEP is moving its bill printing and mailing functions to Nebraska. OCC's objections led the PUCO to limit the utility's proposal to a one-year pilot.
19-1338-EL-UNC	FirstEnergy	2018 Electric security plan profits	FirstEnergy requested the Significantly Excessive Earnings Test for 2018 be reviewed by the PUCO with \$134.7 million Distribution Modernization charge revenues excluded from the profits review. That exclusion was appealed by OCC. The Ohio Supreme Court ruled such revenues should be included in the profits test. The Court's ruling should result in consumers receiving a refund.
19-1287-EL-RDR	Duke Energy	Distribution charges to customers	The distribution capital investment rider enables Duke Energy to charge customers for its distribution infrastructure investments. The PUCO has audited this charge for accounting accuracy, prudence, and compliance with PUCO orders. A settlement (with consumer protection provisions) between Duke, the PUCO and OCC was approved by the PUCO.
19-1121-EL-UNC	Dayton Power & Light	Electric security plan profits	DP&L wants to charge its customers significantly excessive profits, using a profit margin threshold of 22.35%. OCC recommended that DP&L has significantly excessive profits of \$40 million under a 12% threshold. The PUCO is considering this matter.
19-1029-EL-RDR	Ohio Power	4th quarter update to gridSMART program	The PUCO will conduct its annual audit of the AEP's \$27 million gridSMART charges to consumers.
19-0662-EL-RDR	Dayton Power & Light	Storm restoration charges	The PUCO approved DP&L's request to charge consumers \$0.65 per month for restoring electric service following major storms that occurred in 2018.

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Case Number	Utility	Issue	Consumer Impact
19-0460-EL-UNC	Duke Energy	Electric security plan profits	The PUCO will determine whether Duke Energy had significantly excessive earnings in 2018 from its electric security plan and whether customers are entitled to a refund.
19-0002-EL-UNC	Electric	Energy efficiency charges to customers	The PUCO ordered an independent audit of all electric utilities charges to consumers for their energy efficiency programs from 2014 to 2018. The auditor did not recommend any disallowances that would have benefited customers by reducing the charges they had paid.
18-1875-EL-GRD; 18-1876-EL-WVR; 18-1877-EL-AAM	Dayton Power & Light	Grid modernization and advance metering charges to customers	DP&L seeks to settle various cases with a “Global” Settlement. OCC opposes this Settlement for numerous issues that harm consumers.
18-1542-EL-RDR; 19-1887-EL-RDR	FirstEnergy	Distribution charges to customers	FirstEnergy charges customers under its Delivery Capital Recovery Rider for approximately \$337 million in capital investments. The PUCO examined the accuracy and prudence of FirstEnergy’s 2017 capital investments. An audit found that FirstEnergy had improperly charged approximately \$54 million to consumers.
18-1190-EL-ORD	Electric	Commission rules review	The PUCO is reviewing its rules regarding the relationship between regulated electric utilities and their unregulated, competitive affiliates. The PUCO rejected some rules revisions proposed by utilities that were detrimental to consumers, such as allowing utilities to provide services behind customers’ meters. The PUCO also rejected some OCC proposed rules revisions to further protect consumers, such as utilities’ unregulated affiliates to operate as structurally separate entities funded by shareholders, not consumers.
18-1188-EL-ORD	Electric	Commission rules review	The PUCO is reviewing its rules regarding electric security plans. Electric Security Plans are favorable to electric utilities and since 2008 have been used to charge consumers billions of dollars in above market charges, primarily through single-issue ratemaking.
18-1004-EL-RDR; 18-1759-EL-RDR	AEP Ohio	OVEC coal plant subsidy	The PUCO ordered an independent audit of AEP’s \$110 million in charges to consumers to subsidize two dirty, uneconomic coal plants during the 2018 to 2019 period.
18-1003-EL-RDR	AEP Ohio	OVEC coal plant subsidy	The PUCO ordered an independent audit of AEP’s \$40 million charges to consumers to subsidize two coal plants during the 2016 to 2017 period.
18-0884-EL-ORD	Electric	Interconnection rules review	The PUCO is reviewing rules regarding electric interconnection services, which apply when a customer wants to connect services to the electric grid, for example, wind turbines and solar panels.
18-0874-EL-RDR	AEP Ohio	Energy efficiency update	AEP filed an application to charge customers for its energy efficiency and peak demand reduction programs, including the costs of the programs and utility profits (shared savings). AEP is permitted to charge customers up to \$20 million per year in profits. Those costs are grossed up for the federal income taxes that AEP must pay. There is a dispute over the Federal corporate income tax rates that should be applied, 35% or the lower 21% as a result of the Tax Cuts and Jobs Act of 2017. The customer impact of this dispute is \$31 million.

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Case Number	Utility	Issue	Consumer Impact
18-0501-EL-FOR; 18-1392-EL-RDR; 18-1393-EL-ATA	AEP Ohio	Need for customers to subsidize power plants	The PUCO determined, consistent with OCC's advocacy, that there is no need for 900 MW of solar plants to be subsidized by AEP customers at \$100 million over 20 years. OCC supported the General Assembly's 1999 vision of competitive markets for providing customers electric power instead of monopoly supplied power.
18-0381-EL-RDR	Dayton Power & Light	Storm damage charges to customers	The PUCO approved DP&L's request to charge consumers \$0.29 per month for restoring electric service following major storms in 2017. DP&L had originally requested \$0.34, per residential customer, per month, for 12 months.
17-2474-EL-RDR	FirstEnergy	Application for tariff riders	In this case, an audit was undertaken of the Distribution Modernization Rider. The audit was to determine if FirstEnergy was using the funds collected to support grid modernization. The PUCO recently reopened the proceeding and expanded the audit scope to cover the period of H.B.6 activities.
17-2276-EL-RDR	FirstEnergy	Quarterly update to rider AMI	FirstEnergy seeks to charge its residential customers \$2.7 million for grid modernization and new meters.
17-1914-EL-RDR	AEP Ohio	Tree trimming charges to customers	The PUCO reviewed the charges by AEP to customers for tree trimming in 2016 to determine if the spending was prudent and improved service reliability. The PUCO approved AEP's \$33 million charges, over OCC objections.
17-1842-EL-ORD	Electric	Commission rules review	The PUCO is reviewing its rules regarding how electric utilities provide service to consumers. OCC recommended additional consumer protections, such as that the utilities maintain an online bill calculator and perform more frequent actual meter readings, be included in these rules.
17-0974-EL-UNC	FirstEnergy	Corporate separation	In this case the PUCO will be exploring whether FirstEnergy was complying with its obligations to keep its monopoly distribution utility business separate from its competitive electric generation business. In response to OCC's September 8, 2020 motions, the PUCO will be expanding the audit to include the time period associated with H.B.6.
16-0776-EL-UNC; 17-0957-EL-UNC; 17-2391-EL-UNC; 18-6000-EL-UNC	FirstEnergy; Dayton Power & Light; AEP Ohio; Duke Energy	SSO auctions	The PUCO is considering revising its procedures for pricing capacity through SSO auctions as a result of uncertain future wholesale capacity prices.
16-0574-EL-POR; 16-0576-EL-POR; 16-0743-EL-POR; 17-1398-EL-POR	Electric	Utilities' energy efficiency plans	Under H.B.6, electric utilities will no longer be required to offer energy efficiency programs to customers after 2020. The PUCO ordered programs to begin winding down in September 2020 and to end by December 31, 2020.
16-0481-EL-UNC; 17-2436-EL-UNC; 18-1604-EL-UNC; 18-1656-EL-ATA	FirstEnergy	Grid modernization-Federal tax cuts	On July 17, 2019, the PUCO approved a Settlement allowing FirstEnergy (FE) to charge customers more than \$500 million for grid modernization. The Settlement reached by OCC and others required FE to pass savings from the Tax Cuts & Jobs Act (around \$800 million) to customers. FE filed an application for a Tariff change, which OCC challenged. The Staff Review and Recommendation found that the tariffs demonstrated potential noncompliance with the PUCO's orders.

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<i>Case Number</i>	<i>Utility</i>	<i>Issue</i>	<i>Consumer Impact</i>
16-0395-EL-SSO; 16-0396-EL-ATA; 16-0397-EL-AAM	Dayton Power & Light	Electric security plan charges to customers	DP&L obtained PUCO approval to set the rates that the utility's residential customers will pay for electric service for the next six years. The PUCO removed DP&L's so-called distribution modernization rider, in response to arguments by OCC and others, saving consumers \$96 million. In response to the PUCO stopping the distribution modernization charge, DP&L withdrew from its electric security plan and went back to ESP 1, which allows it to charge customers \$79 million per year in stability charges.
15-1843-EL-RDR	FirstEnergy	Demand side management	The PUCO is auditing FirstEnergy's 2014-2018 charges to customers for energy efficiency. This includes \$173 million of so-called "lost revenues" charged to customers.
13-1937-EL-ATA; 17-1234-EL-ATA	AEP Ohio	gridSMART termination of experiment	AEP seeks to end the opportunity for residential customers to take advantage of voluntary time-differentiated pricing opportunities. AEP Ohio's proposal will harm those consumers participating in the pricing programs by eliminating a potential pricing advantage.
11-5886-EL-CRS	Verde	Renewal of CRES	Verde seeks a renewal to its certificate in order to continue marketing electricity to Ohioans. Verde is a marketer that was investigated by the PUCO for misleading and unconscionable marketing tactics and other customer abuses.
08-1094-EL-SSO; 08-1095-EL-ATA; 08-1096-EL-AAM; 08-1097-EL-UNC	Dayton Power & Light	Electric security plan charges to customers	Following the PUCO's rejection of DP&L's distribution modernization rider (DMR), DP&L withdrew from its current electric security plan (ESP) and reinstated 2009 rates from a prior ESP. DP&L's customers should have received rate decreases when the DMR charge was taken out of rates. But DP&L replaced the DMR charge with another subsidy charge from its previous ESP and customers failed to get the full rate decreases they should have received.

Electric Cases at the Court of Common Pleas Franklin County, Ohio

20CV07386	State of Ohio v. Energy Harbor Corp., et al	Power plant subsidy for nuclear plants — H.B.6	The common pleas court enjoined Energy Harbor from collecting the \$150 million annual nuclear generation payout under H.B.6, due to the alleged criminal acts that led to the bill's enactment. The Court has not yet ruled to permanently stop the collection of the decoupling subsidy.
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Water Cases at the Public Utilities Commission of Ohio

20-0532-WW-SIC	Aqua Ohio	System improvement charge	Aqua proposed to charge its customers for \$17 million (a 3.5 % increase) in water main replacement and infrastructure improvement costs.
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Telephone Cases at the Public Utilities Commission of Ohio

20-1139-TP-WVR	AT&T	Waiver of directories	AT&T sought to provide the White Pages residential telephone directory in an electronic format and discontinue the printed version of its directory. The PUCO agreed with OCC that basic service phone customers do not have a reasonable alternative source for directory information, and that online alternatives are not viable substitutes for the printed directory.
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2020 Case Activity

<i>Case Number</i>	<i>Utility</i>	<i>Issue</i>	<i>Consumer Impact</i>
19-1582-TP-COC	Frontier	Consumer service quality complaints	The PUCO initiated this complaint and investigation case against Frontier North Telephone Company as a result of customer complaints regarding Frontier's failure to provide adequate and reliable basic local exchange service. Frontier and the PUCO Staff entered into a Settlement resolving the issues. OCC did not join the agreement but did not oppose the Settlement. The Settlement requires Frontier to make significant capital expenditures through 2023 to improve its infrastructure and 9-1-1 systems and contains improved performance and service quality metrics,

Natural Gas Cases at the Public Utilities Commission of Ohio

20-1703-GA-EDP	Dominion East Ohio	Economic development – Tractor Supply Company	OCC opposed Dominion's proposal to use an economic development rider to improperly collect costs for relocating its own facilities. This issue will be addressed by the PUCO during the June 2021 annual rider audit.
20-1427-GA-ALT	Northeast Natural Gas	Alternative regulation	Northeast Ohio Gas seeks to charge residential customers an additional \$9 million (or 3% increase) as a result of the utility's acquisition of an intrastate natural gas pipeline.
20-1120-GA-AIS; 20-1121-GA-AEM	Suburban Natural Gas	Emergency rate increase	Suburban sought an emergency rate increase but subsequently withdrew its request.
20-1104-GA-AAM	Columbia Gas	Application to change accounting methods	This case involved Columbia's request for authority to defer costs for later collection from customers for expenses related to the COVID- pandemic.
20-0794-GA-RDR	Duke Energy	Charges for natural gas distribution system	Duke sought to change the methodology for calculating charges for balancing its system. Based on OCC's input, there will be no cost impact on residential gas cost recovery customers.
20-0664-GA-UNC	Suburban Natural Gas	Emergency plan	Suburban requested waivers of certain obligations under the PUCO's rules, in order to respond to the PUCO's directives regarding the COVID-19 emergency. The PUCO directed all public utilities to review their service disconnection policies, practices, and tariff provisions and to seek suspension of such requirements that impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.
20-0649-GA-UNC	Vectren	Emergency plan	Vectren requested waivers of certain obligations under the PUCO's rules, in order to respond to the PUCO's directives regarding the COVID-19 emergency. The PUCO directed all public utilities to review their service disconnection policies, practices, and tariff provisions and to seek suspension of such requirements that impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.
20-0640-GA-RDR	Vectren	Energy efficiency adjustment rider	The PUCO approved Vectren's request to charge customers nearly \$6 million for natural gas energy efficiency programs in 2020.
20-0637-GA-UNC; 20-1104-GA-AAM	Columbia Gas	Emergency plan	Columbia requested waivers of certain obligations under the PUCO's rules, in order to respond to the PUCO's directives regarding the COVID-19 emergency. The PUCO directed all public utilities to review their service disconnection policies, practices, and tariff provisions and to seek suspension of such requirements that impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.

2020 Case Activity

Case Number	Utility	Issue	Consumer Impact
20-0600-GA-UNC	Dominion East Ohio	Emergency plan	Dominion requested waivers of certain obligations under the PUCO's rules, in order to respond to the PUCO's directives regarding the COVID-19 emergency. The PUCO directed all public utilities to review their service disconnection policies, practices, and tariff provisions and to seek suspension of such requirements that impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.
20-0146-GA-ATA	Northeast Natural Gas	Tax Cut & Jobs Act	This case involved Northeast Ohio's efforts to return to consumers the benefits of the 2017 federal tax cuts - \$1.9 million.
20-0053-GA-RDR	Duke Energy	Collecting costs from customers for manufactured gas plant cleanup	Duke seeks to collect \$39 million from customers to clean-up hazardous waste from defunct manufactured gas plants.
20-0043-GA-ATA; 20-0044-GA-UNC	Suburban Natural Gas	Establish a TCJA Credit Rider	Suburban will pass back to customers about \$2.2 million in savings resulting from the 2017 Tax Cuts Jobs Act.
19-2084-GA-UNC	Vectren	Energy efficiency charges to customers	Vectren seeks to charge customers about \$6 million per year in subsidies to pay for its natural gas energy efficiency programs for three more years, 2021-2023. Vectren also wants to charge customers up to \$450,000 in utility profits.
19-1944-GA-RDR	DEO	Pipeline infrastructure replacement program (replacement of bare steel and cast-iron pipelines and service lines)	Dominion charges its residential gas customers for pipeline infrastructure replacement. The PUCO approved an increase in the monthly charge to consumers by \$1.71 (\$13.45/month; up from \$11.74/month) beginning May 6, 2020.
19-1940-GA-RDR	Columbia Gas	Distribution and energy efficiency charges to customers	The PUCO approved Columbia's request to charge customers more than \$25 per year to fund its natural gas energy efficiency programs, including charges for utility profits.
19-1429-GA-ORD	Gas	Commission review of minimum gas service standards	The PUCO has opened this investigation in order to review the minimum gas service standards.
19-0791-GA-ALT	Duke Energy	Distribution charges to customers	Duke Energy is seeking to charge customers approximately \$387 million for its capital expenditure program spending on infrastructure expansion that is not already collected from customers as part of its main replacement program.
19-0468-GA-ALT	Dominion Energy Ohio	Distribution charges to customers	The PUCO approved a Settlement that allows Dominion to charge customers \$400 million or more under a new "capital expenditure program". This program will permit Dominion to charge customers for the following investments in infrastructure: a training facility building, compressor station improvements and replacements, customer line extensions, and fleet vehicles
14-0375-GA-RDR; 15-0452-GA-RDR; 16-0542-GA-RDR; 17-0452-GA-RDR; 18-0283-GA-RDR; 19-0174-GA-RDR; 19-0175-GA-ATA	Duke Energy	Collecting costs from customers for manufactured gas plant cleanup	Duke seeks to charge customers about \$45.8 million to clean up hazardous waste from its defunct manufactured gas plant sites. OCC advocated that customers should receive a \$46.7 million refund based on insurance proceeds received by Duke.
19-0029-GA-ATA	Vectren	Federal tax cuts	Vectren proposes to pass back to customers some, but not all, of the savings resulting from the 2017 Tax Cuts. OCC is advocating that the PUCO should protect consumers by returning all tax savings to customers.

2020 Case Activity

<i>Case Number</i>	<i>Utility</i>	<i>Issue</i>	<i>Consumer Impact</i>
18-1419-GA-EXM	Dominion East Ohio	OCC's request to eliminate the monthly variable rate program	OCC sought to protect consumers from unreasonably high natural gas prices that some marketers charge to residential customers through Dominion's Monthly Variable Rate (MVR). The PUCO approved a settlement between OCC, Dominion and others that establishes the standard choice offer as the default service for residential customers and small commercial customers instead of the MVR.
18-1205-GA-AIR; 18-1206-GA-ATA; 18-1207-GA-AAM	Suburban Natural Gas	Increased rates to customers	OCC opposed a Settlement that would allow Suburban to charge customers for an \$8.9 million pipeline (4.9 mile) extension that was not used and useful in the provision of utility service. The PUCO approved the Settlement. OCC appealed, arguing that customers should only pay for 2.0 miles of the pipeline that was actually being used.
13-2164-GA-CRS	Verde	Marketer request to continue to serve Ohioans	Verde Energy seeks to renew its certification to be a natural gas supplier in Ohio and expand its service to customers in the Dayton area. OCC has opposed Verde's renewal application given its previous abuse of Ohio consumers through deceptive marketing practices and unconscionable rates for service.

Gas & Electric Cases at the Public Utilities Commission of Ohio

20-1252-GE-UNC	Gas & Electric	Winter Reconnect	The PUCO issued the annual Winter Reconnect Order which allows consumers to avoid disconnection or reconnect for \$175. This usually goes into effect in early November. Due to the coronavirus, the PUCO moved up the effective date to Oct. 5, 2020. OCC advocated for an even earlier effective date to help consumers suffering from the pandemic, but the PUCO denied this request.
20-1216-GE-COI	SFE Energy	Commission investigation into SFE compliance with ORC	PUCO Staff identified a pattern of misleading and deceptive practices, disputed enrollments, and possible violations of the PUCO's Entry allowing marketers to resume door-to-door marketing.
20-1040-GE-UNC	RESA/AEP Energy; Direct Energy; Energy Harbor; Energy Professionals of Ohio; Interstate Gas Supply; Vistra Energy	Waiver of in-person marketing	Electric and natural gas marketers sought to resume door-to-door and in-store marketing to enroll new consumers during the coronavirus pandemic. The PUCO's order allows this.
20-1011-GE-AAM	Duke Energy	Emergency deferral	Duke seeks to defer costs related to the COVID 19 emergency for later collection from customers.
20-599-GE-UNC	Duke Energy	Emergency plan	Duke requested waivers of certain obligations under the PUCO's rules in order to respond to the PUCO's directives regarding the COVID-19 emergency. The PUCO directed all public utilities to review their service disconnection policies, practices, and tariff provisions and to seek suspension of such requirements that impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.

2020 Case Activity

<i>Case Number</i>	<i>Utility</i>	<i>Issue</i>	<i>Consumer Impact</i>
19-2153-GE-COI	PALMco	Customer complaints regarding energy marketing	This case involves the PUCO Staff requesting that the PUCO open a second investigation regarding the “unconscionable” rates PALMco changed to its Ohio electric and gas customers.
19-1873-GE-AAM	Duke Energy	Accounting for pension costs	The PUCO Staff reviewed Duke Energy’s application to defer \$1.3 million for electric and \$539,000 for gas pension expenses it incurred in 2019. To protect Duke’s residential customers, the OCC recommended that the PUCO deny the utility’s application.
19-1750-EL-UNC; 19-1751-GE-AAM	Duke Energy	Grid modernization charges to customers	Duke seeks to charge its customers more than \$111 million for four new grid modernization projects. This is in addition to the \$486 million that Duke has been charging customers to replace its current smart grid that is obsolete or doesn’t work for consumers.
19-0958-GE-COI	Verde	PUCO investigation of retail energy marketing practices	The PUCO Staff investigated numerous customer complaints about Verde’s misleading and deceptive marketing practices to electric and natural gas customers. OCC advocated that the PUCO should revoke Verde’s authority to provide service in Ohio. The PUCO approved a Settlement reached by Verde and the PUCO Staff but opposed by OCC. OCC opposed the Settlement because it did not provide adequate protection for consumers harmed by Verde’s actions.
19-0957-GE-COI	Gas & Electric	PUCO investigation of retail energy marketing practices	The PUCO Staff investigated numerous customer complaints about PALMco’s marketing of electricity and natural gas to Ohioans. The PUCO approved a Settlement reached by PALMco and the PUCO Staff, which was opposed by OCC.

Water Cases at the Public Utilities Commission of Ohio

20-1428-WW-AIR	Christi Water System, Inc.	Rate increase	Christi Water System, Inc. (“Christi” or “Utility”) seeks a \$74.47/month (up from \$18.32/month) for up to 350cf per month, (406%) increase in the rates that its customers pay for water service. Annually, this is an \$894 charge per customer annually.
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Other Cases at the Public Utilities Commission of Ohio

20-0591-AU-UNC	All Utilities	State of Emergency – COVID-19	Utilities requested waivers of certain obligations under the PUCO’s rules in order to respond to the PUCO’s directives regarding the COVID-19 emergency. The PUCO directed all public utilities to review their service disconnection policies, practices, and tariff provisions and to seek suspension of such requirements that impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact.
19-0052-AU-ORD	All Utilities	Commission review of low-income payment plans (Percentage of Income Payment Plan), residential disconnection, and residential credit rules	The PUCO adopted rules under its five-year review of the PIPP, residential disconnection and credit rules. The PUCO’s Order capped the number of missed PIPP payments up to 24 months in order for a customer to re-enroll in PIPP (an improved consumer protection from the prior rules). The PUCO’s Order also clarified that customers may pay their bills electronically without requiring consumers to accept all notices be sent to them electronically.

2020 Case Activity

Case Number	Utility	Issue	Consumer Impact
18-0278-AU-ORD	All Utilities	Customer complaint rules	PUCO five-year review of the PUCO rules regarding complaints. The PUCO proposed a new rule that it can declare a person or party a “vexatious” litigator. OCC objected to this proposed rule because consumers have a statutory right to file complaints against utilities. OCC also argued that jurisdiction to declare someone a “vexatious” litigator belongs to the civil courts, not the PUCO. The PUCO has not yet made a decision on this new rule.
18-0277-AU-ORD	All Utilities	Open meetings/Sunshine law	PUCO five-year review of the PUCO rules regarding open meetings. OCC recommended that all PUCO deliberations shall be conducted in open meetings, to provide transparency for consumers.
18-0276-AU-ORD	All Utilities	Rules for utility tariffs	In this PUCO five-year review of its rules regarding utility tariffs, OCC has advocated that all utility tariffs should contain refund language to protect consumers if a utility’s charge is later determined to be unlawful.
18-0275-AU-ORD	All Utilities	Rules of practice	PUCO five-year review of the PUCO Rules regarding practice and procedures.
Cases at the Ohio Supreme Court			
OSC 20-1009	Suvon, LLC d/b/a FirstEnergy Advisors	Energy markets	This case involves OCC’s appeal of the PUCO’s order approving FirstEnergy Advisors’ Application to provide competitive retail power broker and aggregator services in Ohio.
OSC 20-0781	Suburban Natural Gas	Unjust, unreasonable and unlawful rates	OCC opposed a Settlement that would allow Suburban to charge customers for an \$8.9 million pipeline (4.9 mile) extension that was not used and useful in the provision of utility service to customers. The PUCO approved the Settlement. OCC appealed, arguing that customers should only pay for 2.0 miles of the pipeline that was being used.
OSC 2019-1269	Duke Energy	Coal plant charges to customers	OCC asserted that the PUCO wrongly approved a Duke charge to collect from consumers the costs of the Ohio Valley Electric Corporation (OVEC) power plant subsidies. The appeal was withdrawn after the Supreme Court affirmed PUCO rulings in other appeals on this issue.
OSC 2019-0961	Ohio Edison	Electric security plan profits	The PUCO excluded Ohio Edison’s Distribution Modernization Rider revenues collected from customers in the utility’s 2017 annual profit review. This understated Ohio Edison’s profits and denied customers potential refunds of significantly excessive earnings. The Court agreed with OCC and remanded the case back to the PUCO to redo the 2017 profits review
OSC 2019-0020	Dayton Power & Light	Electric security plan charges to customers	The PUCO unlawfully allowed DP&L’s Distribution Modernization Rider revenues to be excluded when calculating excessive profits. OCC also challenged the DP&L charge, which collects subsidy costs from consumers for the Ohio Velley Electric Corporation power plants. The appeal was withdrawn and the PUCO subsequently stopped DP&L from collecting the charge, on the basis of the Supreme Court’s reversal of the PUCO decision in FirstEnergy’s DMR case.
Cases at the Federal Energy Regulatory Commission			
FERC ER20-2308	PJM	End of life joint stakeholder proposal	FERC seeks to provide regulatory oversight to ensure the lowest cost transmission project is constructed.

2020 Case Activity

<i>Case Number</i>	<i>Utility</i>	<i>Issue</i>	<i>Consumer Impact</i>
FERC ER20-2100	Dayton Power & Light	Supplemental filing to application	FERC granted a May 3, 2020 effective date for the transmission rate incentives sought in Docket No. ER20-1068. FERC requested supplemental briefs on the 50-basis point ROE adder (profits) for belonging to an RTO. OCC challenged the extra monies as unnecessary because such participation is required by Ohio law.
FERC ER20-2046	PJM	Supplemental transition project	FERC approved the PJM Transmission Owners' proposal to revise the process for oversight of local transmission planning. The revised process favors the transmission owners and lacks the necessary consumer protections OCC recommended.
FERC ER20-1150	Dayton Power & Light	Formula rate	FERC accepted Dayton's proposal to move to a formula rate. The final Settlement will result in an approximate \$4 million annual rate reduction to DP&L's original \$6 million annual increase request. OCC challenged the 50-basis point ROE adder (profits) as being unnecessary because such participation is required by Ohio law.
FERC ER20-1068	Dayton Power & Light	Transmission rate incentives	FERC granted Dayton only about half of the transmission incentives sought. The order should reduce rates for Ohio consumers over time as more transmission projects are planned.
FERC ER20-1060	Columbia Gas	Pipeline rate increase	FERC set Columbia's proposal to increase rates for Ohio gas consumers by more than 75% for hearing and settlement procedures. Settlement discussions are on-going.
FERC EL20-35	PJM	OVEC 206 Investigation – Energy Harbor	FERC opened an investigation into FirstEnergy Solution's proposal to reject the OVEC Agreement in bankruptcy. However, the proposal in bankruptcy court to have Energy Harbor acquire the OVEC Agreement obligations resolved this issue.
EL18-178; EL16-49	PJM/Calpine	MOPR compliance	FERC accepted PJM's plan to not subject states' standard service auctions to its minimum offer price rule. It is uncertain whether Ohio's subsidized power plants will continue to clear PJM's capacity auctions.

Case at the U.S. Court of Appeals for the Sixth Circuit

18-314	FirstEnergy Solutions	Appeal of bankruptcy – power plant subsidy	OCC and other parties appealed the Bankruptcy Court's rulings granting FirstEnergy Solutions' (now Energy Harbor) request to reject its contract with Ohio Valley Electric Corporation (OVEC) to the Sixth Circuit Court of Appeals. Energy Harbor had estimated the OVEC Agreement would cost \$268 million through June 2040. OCC's appeal was intended to prevent other OVEC owners from being held responsible for Energy Harbor's share of OVEC costs and thus charging those costs to their customers. As a result of the bankruptcy Settlement, Energy Harbor agreed not to reject the OVEC agreement, which was a good outcome for consumers.
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Case at the Bankruptcy Court of Northern District of Ohio

18-50757	FirstEnergy Solutions	Bankruptcy – power plant subsidy	FirstEnergy Solutions, a marketer and affiliate of FirstEnergy, filed for bankruptcy in 2018. FES attempted to avoid its obligations related to the Ohio Valley Electric Corporation, which could push an estimated \$268 million in power plant costs on to Ohio consumers.
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**\$14.7 Billion
Charged to Customers
(2000 - 2019)**

SUBSIDY SCORECARD

**\$1.7 Billion Projected
Charges to Customers
(2020 - 2030)**

- ELECTRICITY CHARGES TO OHIOANS -

FirstEnergy

\$10.2 Billion

DP&L

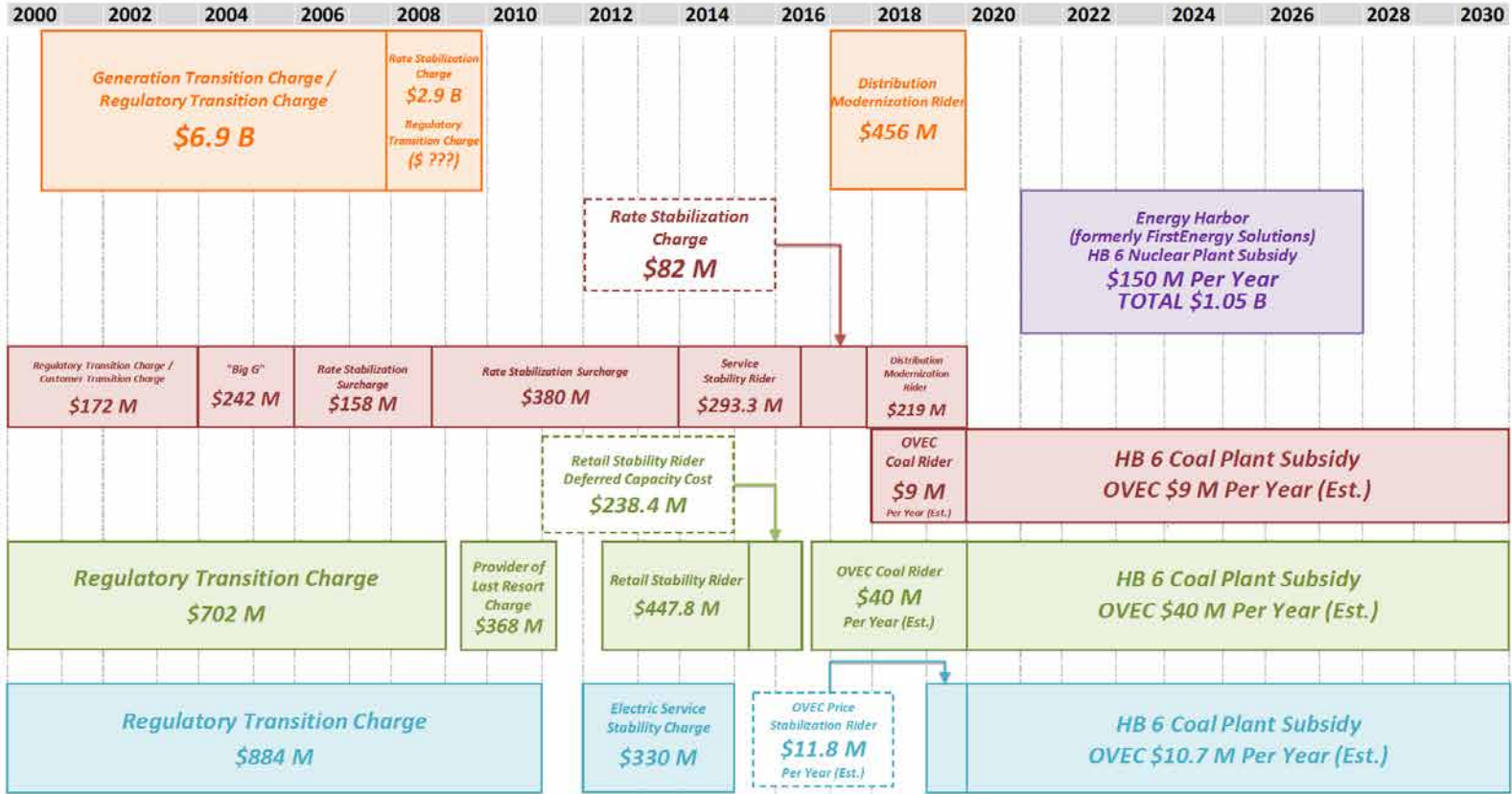
\$1.5 Billion

AEP

\$1.8 Billion

Duke

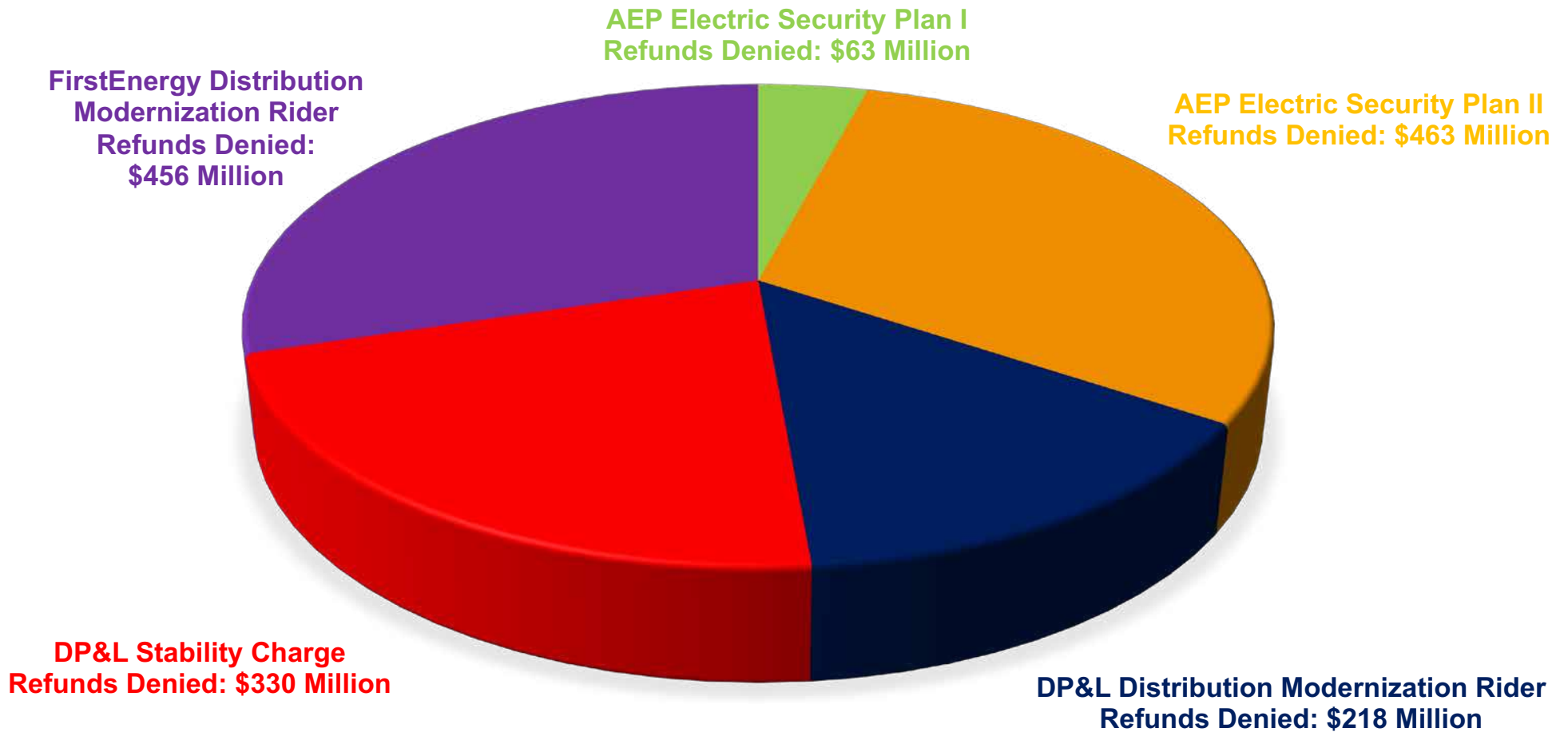
\$1.2 Billion



B=Billions; M=Millions

Rev. 09/22/2020

OHIOANS DENIED \$1.5 BILLION IN ELECTRIC REFUNDS SINCE 2009





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