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

Meeting of November 19, 2025

The members present were:

Mr. Michael Watkins, Chair
Ms. Cheryl Grossman, Vice Chair
Mr. Randy Brown
Mr. David Fleetwood
Mr. Dorsey Hager
Mr. Josh Yoder

Members Absent: Mr. Bruce Lackey, Ms. Connie Skinner, and Ms. Jan Shannon

CALL TO ORDER BY CHAIR:

Chair Watkins called the meeting to order at 10:02 a.m. Matt Corlett, Board Secretary, called the roll. The members answering as present were as shown above.

APPROVAL OF THE MINUTES:

Chair Watkins asked for a motion to approve the minutes of the September 2025 Board meeting. A motion was made by Mr. Yoder to approve the minutes as written. Vice Chair Grossman seconded the motion. Mr. Corlett called the roll. The motion was approved unanimously by members present.

BOARD MEETING DATES FOR 2026:

Chair Watkins next reviewed the proposed meeting dates for 2026 and asked the members for any potential conflicts. A motion to establish the dates as discussed was made by Vice Chair Grossman. Mr. Brown seconded the motion. The motion was approved unanimously by members present. The dates were agreed upon as follows: January 20, March 17, May 19, July 22, September 15, and November 17, 2026.

CONSUMERS' COUNSEL'S REPORT:

Consumers' Counsel Willis shared good news about OCC's recent legal victory at the FERC regarding transmission investment profits. The Sixth Circuit ruled in favor of Ohio consumers, stating that utilities cannot earn an incentive profit when required to belong to a transmission organization. The case was appealed to the US Supreme Court, which denied the petition for certiorari. She detailed the cumulative savings and expected refunds for consumers and emphasized the importance of the ruling for consumers, especially in light of rising transmission prices. She congratulated the team on the victory and its impact on consumer advocacy and highlighted the collaboration with the Ohio Solicitor General and the US Solicitor General in the case. Vice Chair Grossman noted that this is significant for the credibility and reputation of OCC and offered her congratulations. Mr. Yoder commented on the broader implications of the ruling in the context of the bifurcation of energy demands between industry and residential consumers.

Ms. Willis next talked about the recent NASUCA and NARUC annual meetings in Seattle. OCC staff attended and found the sessions fruitful. Topics included addressing barriers to accessing energy affordability programs, matters related to large loads and data centers, and more. Ms. Willis also participated in a panel discussion at NARUC on Promoting Consumer Protections for Gas Supply Choice Consumers in Regulatory Frameworks. This was a great opportunity to present OCC's work on behalf of consumers to members of regulatory commissions across the nation.

Ms. Willis next discussed HB15 and multi-year rate plans. She explained the provisions of HB15, including multi-year rate plans and the elimination of coal subsidies, and noted that AES has filed the first new rate case under HB15 and FirstEnergy is expected to do the same. Both cases will be reviewed for consumer protections, as will any others that get filed. She discussed the challenges of forecasting and the importance of reasonable and prudent expenditures. The conversation shifted to transmission costs and the allocation of costs to residential customers. Mr. Fleetwood asked if there was a limit on how far out the forecast periods can go, and Ms. Willis stated that the rules are still being developed so we don't know yet.

Ms. Willis next discussed various rules that are coming up for review at JCARR under the five-year review rule, including new PIPP rules under HB96, electric service and safety standards, and minimum gas service standards.

Ms. Willis next discussed the impact of large load additions, particularly data centers, on the grid and consumer costs. She talked about FERC's advance notice of proposed rulemaking and PJM's critical issue fast path process, and OCC's support of mandatory Bring Your Own

Generation/Capacity (BYOG/BYOC) for data centers. She also discussed the potential for demand response and the need for a balanced approach to data center development.

She also discussed two cases involving marketer misconduct and OCC's involvement in those cases to ensure the PUCO staff pursue remedies that are reasonable and provide consumers with real relief. She highlighted that OCC efforts succeeded in getting bill payment assistance included in the settlements with these two marketers and noted that bill payment assistance was not part of the conversation prior to OCC's involvement. With the affordability crisis, ensuring that consumers have access to these assistance programs is a priority for OCC.

Returning to HB15, Ms. Willis next discussed the end of the OVEC subsidies and that the subsidies were intended to support OVEC operations when energy was sold at low prices. Consumers should have seen credits when energy sold at high prices. AEP agreed in the settlement that it would issue $15 million in credits if the subsidies did not turn around to the consumers' benefit. Since that turnaround never occurred, AEP needs to fulfill its promise and credit consumers with $15 million. OCC continues to pursue this issue. She also noted that AEP, Duke, and AES all prepaid long-term debt costs before HB15 passed and are now seeking to get these prepayments collected from consumers through the remaining charges. OCC is fighting this in the hope that the PUCO agrees that it is inappropriate for consumers to pay those costs related to coal subsidies. Chair Watkins asked if the utilities prepaid the debt expenses in anticipation of HB15 passing. Ms. Willis indicated that she would have to check on that and advise.

Ms. Willis next discussed ongoing issues with FirstEnergy's service in northern Ohio, particularly in Lakewood and Barberton. The communities have experienced frequent outages despite significant investments in distribution modernization and smart grid. She mentioned coordination with local representatives and senators to address these issues, and how this highlights broader concerns about reliability and the impact of outages on consumers.

Finally, Ms. Willis highlighted recent and anticipated rate cases involving AES and FirstEnergy and upcoming local public hearings for AEP and Suburban Gas. The recent AES settlement resulted in several key benefits for consumers as a result of OCC's efforts, including a lower increase than proposed, no increase in fixed delivery charges, and $1 million per year in shareholder-funded payment assistance for consumers.

DEPUTY CONSUMERS' COUNSEL'S REPORT:

Deputy Consumers' Counsel O'Brien stated that OCC continues to be busy at the Ohio Supreme Court and provided an update on OCC's win with respect to AES Ohio's significantly excessive earnings test case. The Supreme Court reversed PUCO's 2021 decision to allow AES Ohio to retain $61 million in significantly excessive profits based on future capital commitments to their system. OCC argued successfully that the statute specifically requires these excessive earnings to be refunded to consumers. The Court did not order an immediate refund to consumers but rather remanded the matter back to PUCO where the case is currently pending. OCC participated in an evidentiary hearing and recommended refunds to consumers totaling $82 million ($61 million plus interest). AES proposed $1.6 million in refunds to consumers and PUCO staff recommended $11 million. Evidentiary hearings are complete, and the case is in the briefing stages. OCC is hopeful that it will get meaningful relief for consumers in the PUCO's decision. She emphasized that these excess earnings go back to 2018 and 2019, and there's a need to provide refunds to the consumers who actually paid the costs.

Ms. O'Brien noted that OCC recently had oral arguments in its appeal of the Duke gas rate case which concerned propane caverns. PUCO allowed recovery of costs but OCC maintains that the caverns were not used and useful and that PUCO allowed Duke to recover $17 million from consumers for the cost of these propane caverns. OCC argued that these are capital costs that should be subject to the used and useful test, and that they were not used and useful at the date certain in the rate case. OCC is awaiting a decision and will provide updates.

Ms. O'Brien shared that OCC continues to be active at the regional and national level, advocating for Ohio's consumers with the Federal Energy Regulatory Commission and at PJM. She noted that the U.S. Department of Energy recently directed FERC to issue an Advanced Notice of Proposed Rulemaking (ANOPR) to address the interconnection of large loads. This deals with the issues related to all of the data centers coming online with extremely large loads. That causes problems for other consumers in terms of reliability and having adequate access to energy. FERC issued the ANOPR and requested comments. OCC is preparing comments and will likely reply to comments others submit.

PJM commenced a critical issue fast path to address large load additions as well, and several different stakeholders have proposed different plans on how to deal with these issues of data centers connecting to the grid. PJM anticipates making a decision on a path forward that they will file with FERC by the end of the year. PJM members will be voting on these different proposals. One feature of the proposals for which OCC is advocating is mandatory "bring your own generation" (BYOG), which means that these data centers who want to interconnect would be required to provide their own generation to prevent a drain on the system. An issue that arises is the question of whose energy gets cut off first if there are reliability issues, the data center or residential consumers? Naturally, OCC advocates that it should not be residential consumers. The data centers should be the ones to be first hit, which leads to the issue of BYOG/BYOC. The independent market monitor also has a proposal advocating mandatory BYOG. There is also a plan put forth by consumer advocates from Maryland and Pennsylvania that aligns with our advocacy positions.

Ms. Willis added that OCC had a proceeding involving AEP and the large load tariff, which required the data centers to have skin in the game. OCC's testimony noted that passive customers like these multi-billion dollar companies need to stop being passive and take care of their own needs and take on their own risks. They are much better equipped to do that than the residential consumers and other consumers. In that case, OCC was advocating for BYOG. Economic growth is great, and OCC appreciates the role data centers play in that but wants to ensure that does not result in higher costs or lower reliability for other customers. The data centers are well-financed and causing the need for additional generation and transmission. They should bear the risks and pay the costs associated with the capacity they need to function.

Mr. Yoder asked if BYOG would be on a day-to-day basis or for load-shedding in emergencies. Ms. Willis responded that it is for day-to-day operations and would be required as a condition of interconnection to the grid.

Vice Chair Grossman commented that the topic of data center usage is trending and more questions are being raised. She noted the meetings with the County Commissioners and Ohio Township Association and that this is an opportune time to educate decision makers on the ramifications. Ms. Willis concurred that it is a topic everyone is talking about. She mentioned that data centers' demands are unique and should be treated as such, including having tariffs and rules that specifically address their needs.

Ms. O'Brien stated that there are proposals from a variety of stakeholders and some involve capacity for data centers that do not bring their own generation or capacity. Those proposals would address the issue with interruptions or curtailing service to the large load customers. All of the proposals are geared to help bring down the capacity prices in subsequent base residual auctions.

Ms. Willis discussed the large increases in the last two summer auctions and that led to a cap being placed on the upcoming December auction due to a settlement led by Pennsylvania. Governors and state legislatures are getting involved and there is broader awareness of the problem and recognition that we need to find solutions.

Chair Watkins asked what impact BYOG is going to have on natural gas prices. Ms. Willis stated that natural gas prices and electricity go hand in hand. It will depend in part on what FERC decides to do and how quickly the interconnection rules come out. She noted that states are concerned about the federal government trying to take away authority that has historically belonged to the states. She also noted that FERC has two new commissioners, including its chair.

Mr. Brown raised the topic of portable nuclear generators. Ms. Willis agreed that small modular reactors (SMRs) are part of the conversation as are renewables. She reiterated that data centers and other large load users need to come with solutions, not just with their needs.

Mr. Yoder asked about the utilities' perspective and said he could see them being supportive of BYOG as a way to protect their own grid, but at the same time they need a long-term pathway to generate a return on the transmission lines. Ms. Willis responded that the utilities would like to get into behind the meter generation but Ohio law precludes that. She added that the utilities are used to being the biggest party in the room on utility regulation and rate matters and Meta, Google, and Amazon make the utilities look small in terms of their revenue and market capitalization. Mr. Yoder followed up by asking if it was fair to say that utilities could end up being strange allies to OCC or find themselves in opposition to OCC's views, depending on what decisions get made. Ms. Willis agreed with that and noted that OCC and AEP were allies in the recent tariff case involving data centers. She added that there are indications that many utilities would like to get back into generation, not only in Ohio but in other states where they are pitching that idea. OCC's view is that generation should remain in a competitive space and let the risks fall on those firms and their financing arrangements. If EDUs get back into generation, the revenue responsibility falls back onto consumers. Plants are getting built and HB15 provides incentives that OCC thinks will encourage more generation capacity to be built.

Ms. O'Brien concluded her report by noting OCC works with other states to develop collaborative approaches to these issues. OCC is a member of Consumer Advocates of PJM States and actively looks at what other states are doing to learn from them and leverage the combined power and advocacy in coordinated approaches to common challenges.

LEGISLATIVE UPDATE:

Nick Stallard, legislative liaison, next discussed OCC's current legislative activities. He first updated the Board on activities around SB103, which was originally pitched as the natural gas version of HB15. He also discussed HB173, legislation involving submetering, and noted that it began as an industry bill but now has more consumer protections. OCC and some other parties are pushing for PIPP to be part of the bill. Ms. Willis noted that because the PUCO has said that submetering is not a public utility, financial assistance is one of the typical utility protections that is not available to submetering consumers. Mr. Stallard noted that HB265 was the original submetering bill that OCC supported, but it does not look like that bill is moving. HB173 is the vehicle for submetering legislation in the House. He noted that Beau Euton testified on HB173 on behalf of the OCC.

Mr. Stallard next provided an update on HB427, which allows consumers to voluntarily enroll into a program that would allow the utility, using smart thermostats, to lower consumers' power usage during high demand. Consumers would receive certain bill credits and could override the changes the utility makes, but after some number of overrides, the consumer would lose the bill credits. OCC is an interested party in this bill. He noted that there is an amendment that would allow consumers to enter into billing agreements with their marketers rather than their electric distribution utility. OCC opposes this change, as it would cause a lot of confusion for both consumers and EDUs. EDUs have built out billing systems to take in data from suppliers and consumers are already paying for those systems. This amendment, if enacted, would add work and complexity to utilities, confusion for consumers who would get two bills instead of one, and open more inroads for marketers to reach consumers directly. Marketers are a major source of consumer complaints and this proposal adds to those concerns.

Mr. Stallard next discussed HB303 regarding community energy and noted that this is the third iteration for this legislation and noted productive conversations with the bill sponsors. OCC's suggestions were well received and many have been adopted in the most recent substitute bill. He described OCC as a supportive interested party and noted that he provided testimony on the bill.

FISCAL INFORMATION:

Matt Corlett introduced himself as the new Operations Director, succeeding Susan Loe who retired on October 31. He noted Susan's retirement, along with the retirement of Dr. Daniel Duann who also retired on October 31. He discussed the employee of the third quarter of 2025, Donald Kral and noted his exceptional work on a recent case involving Christi Water. He next gave the Board an update on OCC's Fiscal Year 2026 expenditures thus far and noted that spending was as expected four months into the fiscal year. He next updated the Board on the number of full-time and part-time employees and efforts underway to fill two vacant analytical positions.

Mr. Yoder requested that a resolution be prepared honoring Susan Loe's service and recognizing her retirement.

PUBLIC AFFAIRS REPORT:

Merrilee Embs, Public Affairs Director, gave the Board a brief update on public outreach and website activities. She noted that Ms. Willis has been very busy with interviews and included a photo of her being interviewed by 10 TV (Columbus) regarding HB15 and rising consumer utility costs. She shared statistical information on the release of the second newsletter on November 10 and noted the newsletter is currently issued quarterly with a goal to make it monthly.

Vice Chair Grossman asked if the newsletter will highlight all the good things OCC is doing. Ms. Embs said yes and noted that the Outreach and Education team has interacted with over 6200 consumers in the past couple of months at 151 outreach events. She highlighted one example where the team talked with a veteran in the Dayton area who was struggling to pay his bills and provided him with all the information he needed. The individual was very appreciative of the help received from OCC.

Ms. Embs next provided additional details about outreach events, including an upcoming presentation by Ms. Willis at the Ohio Township Association meeting in February. She next reviewed statistics regarding website and media engagement.

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

The meeting was adjourned at 11:33 a.m.

I verify that the above meeting minutes have been approved and ratified by the Consumers' Counsel Governing Board on January 20, 2026.

Michael Watkins, Governing Board Chair

Matt Corlett, Board Secretary
Ohio Consumers' Counsel Governing Board