

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Long-Term</b>	)	
<b>Forecast Report of Ohio Power</b>	)	<b>Case No. 18-0501-EL-FOR</b>
<b>Company and Related Matters.</b>	)	
	)	
<b>In the Matter of the Application Seeking</b>	)	
<b>Approval of Ohio Power Company’s</b>	)	
<b>Proposal to Enter Into Renewable Energy</b>	)	<b>Case No. 18-1392-EL-RDR</b>
<b>Purchase Agreements for Inclusion in the</b>	)	
<b>Renewable Generation Rider.</b>	)	
	)	
<b>In the Matter of the Application of Ohio</b>	)	<b>Case No. 18-1393-EL-ATA</b>
<b>Power Company to Amend its Tariffs</b>	)	

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**JOINT MOTION OF NATURAL RESOURCES DEFENSE COUNCIL AND OHIO  
PARTNERS FOR AFFORDABLE ENERGY TO EXCLUDE THE DIRECT  
TESTIMONY OF NOAH DORMADY**

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Natural Resources Defense Council and Ohio Partners for Affordable Energy (collectively, “Joint Movants”) respectfully request, pursuant to Ohio Admin. Code 4901-1-12 and the Attorney Examiner’s Order at the Evidentiary Hearing on January 25, 2019, that the Direct Testimony of Noah Dormady, filed on behalf of the Office of the Ohio Consumers’ Counsel (“OCC”), be excluded from this proceeding. Dr. Dormady has an application for consideration of future employment pending with the Public Utilities Commission of Ohio (“PUCO” or “Commission”) to be a Commissioner while concurrently employed by the OCC as an expert witness and actively participating in this current case.

Therefore, under R.C. 102.03(D) & (E) and various Opinions of the Ohio Ethics Commission Dr. Dormady’s participation in this case represents a conflict of interest and should cease immediately. In addition to the conflict of interest, if appointed, Dr. Dormady, a sitting Commissioner, would have direct testimony filed in a pending case. This would be incredibly

prejudicial to every party that does not share the same positions in this proceeding as Dr. Dormady and the OCC, for whom he is currently an active participant.

For all of these reasons, as more fully described in the attached Memorandum in Support, Joint Movants respectfully request that the Commission exclude the Direct Testimony of Witness Dormady to acknowledge the conflict prohibitions in Ohio law, to protect the interests of the parties in this proceeding, and to avoid any appearance of impropriety.

Respectfully submitted,

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## **MEMORANDUM IN SUPPORT**

### **I. INTRODUCTION**

AEP Ohio (the “Company”) submitted an amendment to its 2018 Long-Term Forecast Report (“2018 LTFR”) in the Long-Term Forecast Case, consistent with the Commission’s orders in Case Nos. 14-1693-EL-RDR, et al., and 16-1852-EL-SSO, et al., to demonstrate the need for at least 900 megawatts of renewable energy projects in Ohio.<sup>1</sup> In the subsequently filed REPA and Green Tariff Cases (collectively, the “Project Cases”), which were also filed consistent with the Commission’s orders in Case Nos. 14-1693-EL-RDR, et al., and 16-1852-EL-SSO, et al., the Company seeks an order approving the inclusion in the Company’s Renewable Generation Rider (“RGR”) of two solar energy resources totaling approximately 400 MW of nameplate capacity solar energy, as well as the creation of a new Green Power Tariff, pursuant to which customers may purchase renewable energy credits.<sup>2</sup>

On September 27, 2018, AEP Ohio moved to consolidate the Long-Term Forecast and Tariff cases.<sup>3</sup> On October 22, 2018, the Attorney Examiners determined that consolidating all three cases is “reasonable and appropriate” in light of the administrative efficiencies to be gained from consolidation.<sup>4</sup> On January 2, 2019, the OCC filed the Direct Testimony of Noah Dormady in the LTFR (“Need”) Case. On January 17, 2019, Dr. Dormady filed an application to become a Commissioner at the PUCO on April 11, 2019, when a seat opens.<sup>5</sup> On January 25, 2019, the

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<sup>1</sup> *Amendment to 2018 Long Term Forecast Report*, filed in Pub. Util. Comm. Case No. 18-0501-EL-FOR (“Need Case”) on Sept. 9, 2018.

<sup>2</sup> *In the Matter of the Application Seeking Approval of Ohio Power Company’s Proposal to Enter Into Renewable Energy Purchase Agreements for Inclusion in the Renewable Generation Rider and to amend its tariffs*, filed in Pub. Util. Comm. Case Nos. 18-1392-EL-RDR et al. (“Project Cases”) on Sept. 27, 2018.

<sup>3</sup> *Motion to Consolidate Proceedings*, filed in the Need and Projects Cases on Sept. 27, 2018.

<sup>4</sup> Entry filed in Need and Project Cases on Oct. 22, 2018, ¶32.

<sup>5</sup> Dr. Dormady’s application is attached as Exhibit A.

PUCO Nominating Council announced Dr. Dormady would be one of the nine applicants selected to be interviewed for the position.<sup>6</sup> At the evidentiary hearing in the Need Case, on January 25, 2019, Joint Movants made a motion to exclude the Direct Testimony of Dr. Noah Dormady. The Attorney Examiners ordered the Joint Movants to file a written motion by January 28, 2019 and that any party opposing should file a memo contra by January 29, 2019.

## **II. LAW AND ARGUMENT**

### **A. Fairness, Equity, and Protecting the Integrity of the Process Demand that Dr. Dormady's Direct Testimony be Excluded.**

An expert witness, who is participating in an active matter before the PUCO, and was presumably compensated to present an opinion on how the Commission should decide this active matter, is simultaneously seeking to become one of the decision-makers at the Commission. This presents, upon information and belief, a conflict that hereto has not been presented to the Commission.

To be clear, it is not unusual for professionals who have otherwise worked for or represented clients before the PUCO to seek a position within the PUCO, including as Commissioner. But to Joint Movants' understanding, never has an individual attempted to simultaneously participate in an active case on behalf of a State of Ohio agency while also seeking to be one of the PUCO's decision-makers. In fact, it is common practice among those who may be involved in matters before the Commission to withdraw themselves from all active cases if they choose to seek a position within the Commission to avoid even the appearance of impropriety. Such a withdrawal is even more necessary when the position ultimately sought is that of Commissioner.

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<sup>6</sup> <https://www.puco.ohio.gov/media-room/media-releases/puco-nominating-council-to-meet-january-31/>

Dr. Dormady's Direct Testimony in this proceeding was filed on January 2, 2019. On January 17, 2019, Dr. Dormady applied to the PUCO for the Commissioner position that will commence on April 11, 2019. On January 25, 2019, the same day Dr. Dormady appeared in this proceeding for cross-examination, he was announced as one of the nine candidates being interviewed for the opening Commissioner seat.<sup>7</sup> Pursuant to the procedures governing the appointment process, after interviewing candidates the PUCO Nominating Council chooses four of the interviewees to recommend to the governor.<sup>8</sup> The governor may then choose to appoint one of the four nominees or at the governor's discretion can reject all four nominees and request four new nominees.<sup>9</sup> The appointment process is not resolved, even if a candidate does not make the initial list of four nominees, until the governor appoints a new Commissioner. Thus, Dr. Dormady is participating in an active case before the PUCO, on behalf of a state agency, while simultaneously having been granted an interview for the position of PUCO Commissioner. Dr. Dormady's application – and therefore the prohibited conflict of interest – will continue until the governor appoints the next Commissioner.

If Dr. Dormady's testimony is not excluded and he is appointed then the record will contain the direct testimony of a pending or sitting Commissioner. OCC has claimed, in the event that were to happen, Dr. Dormady would simply recuse himself from the proceeding. But recusal is a hollow remedy when the record will still reflect his opinion by virtue of his direct testimony. Additionally, his direct testimony would effectively be transformed into an improper advisory opinion of a pending or sitting Commissioner. While the other Commissioners can choose the appropriate weight to apply, it would be highly prejudicial to the parties that did not

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<sup>7</sup> Id.

<sup>8</sup> R.C. 4901.021(D)(2).

<sup>9</sup> R.C. 4901.021(F).

sponsor his testimony, and may not agree with it, to then have to argue against the testimony of a pending or sitting Commissioner. Withdrawal after the fact would also be an inadequate remedy as his testimony will have been employed and addressed in various parties' briefs.

The fair and equitable solution is to exclude Dr. Dormady's testimony immediately. First and foremost, the Commission has previously stated that an appearance of impropriety in its hearing process is "most disturbing".<sup>10</sup> Therefore, Dr. Dormady's testimony should be excluded in order to protect the integrity of the process and avoid even the appearance of impropriety. Additionally, as will be shown, under Revised Code Chapter 102 he should have ceased participating in this proceeding as of January 17, 2019, when he filed his application to be a Commissioner. Finally, Dr. Dormady's testimony should be excluded now because OCC, as the proffering party, should bear the prejudice of his decision to apply to the Commission. It would be inequitable and unjust to foist the risk of Dr. Dormady being appointed after his direct testimony has been admitted in this proceeding upon the other parties.

**B. Chapter 102 of the Revised Code Prohibits Public Officials or Employees Seeking Employment from Agencies Involved in Matters in Which the Public Office or Employee is Actively Participating.**

The Ohio Ethics Commission ("OEC") is the state agency that is tasked with promoting "ethics in public service to strengthen the public's confidence that Government business is conducted with impartiality and integrity."<sup>11</sup> The OEC was created by and derives its jurisdiction, and authority from Chapter 102 of the Ohio Revised Code. The OEC has the authority to interpret

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<sup>10</sup> *In the Matter of the Regulation of the Electric Fuel Component Contained within the Rate Schedules of The Dayton Power & Light Company*, Opinion and Order in Pub. Util. Comm. Case No. 86-07-EL-FC, 1987 Ohio PUC LEXIS 107, at \*70 (Feb. 18, 1987).

<sup>11</sup> <https://www.ethics.ohio.gov/about/index.html>

Chapter 102 of the Revised Code as well as sections 2921.42 and 2921.43 of the Revised Code and to investigate violations.<sup>12</sup>

1. Dr. Dormady is a “public official or employee” because he exercises the sovereign authority of government and is therefore subject to Revised Code Chapter 102.

The OCC is a “public agency” as defined by R.C. 102.01(C)(1). The OEC has held that individuals working for a public agency on a temporary contractual basis, even if characterized as an independent contractor, may still be considered public employees for the purposes of R.C. 102.03 (D) and (E).<sup>13</sup> According to the OEC, the “essential requirement that determines whether a position falls within the statutory definition of ‘public official or employee’ is that the individual or firm holding the position exercises ‘sovereign power,’ which has been described as discretionary, decision-making duties made on behalf of the public authority which the official or employee serve.”<sup>14</sup> The Ohio Supreme Court held that “if a person is empowered to act in those multitudinous cases involving business or political dealings with individuals in the public, wherein the latter must necessarily act through an official agency then such functions are a part of the sovereignty of the state.” *State ex rel Milburn et al v. Pethel*, 153 Ohio St. 1, 6 (1950). (Emphasis added.)

In Advisory Opinion 75-004, the OEC applied *Milburn* to the question of whether members of the Ohio Crime Prevention Council were subject to Chapter 102 of the Revised Code. The OEC quoted the Court’s statement in *Milburn* and looked to the authority granted to the Ohio Crime Prevention Council to determine if it exercised sovereign powers of government.<sup>15</sup> The OEC found that every provision granting the Council its authority began with “advise” or develop” and

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<sup>12</sup> Ohio Admin. Code 102-1-01 and 102-1-02.

<sup>13</sup> OEC Adv. Op. No. 98-05.

<sup>14</sup> Id. at page 4.

<sup>15</sup> OEC Adv. Op. No. 75-004 at page 4.

therefore the Council was only created to make recommendations and not authorized to exercise any power.<sup>16</sup> Because the Council had no sovereign power, its members could not and did not exercise any sovereign power.<sup>17</sup> The OEC noted that “‘sovereign power’ is a concept meant to imply the exercise of duty entrusted to one by virtue of statute or some other public authority. Those duties are not merely clerical but involve some discretionary, decision-making qualities.”<sup>18</sup> The OEC stated that “acts which constitute sovereign power are more than mere clerical acts” citing to the Ohio Supreme Court Case *State ex rel Landis v. Board of Commissioners of Butler County et al.*, 95 Ohio St. 157 (1917).<sup>19</sup>

The Ohio Consumers’ Counsel was created and empowered by Chapter 4911 of the Ohio Revised Code. Revised Code 4911.02 delineates the powers and duties conferred to the Ohio Consumers’ Counsel which include:

- (B)(1) The counsel may sue or be sued and has the powers and duties granted the counsel under this chapter, and all necessary powers to carry out the purposes of this chapter.
- (2) Without limitation because of enumeration, the counsel:
  - (a) Shall have all the rights and powers of any party in interest appearing before the public utilities commission regarding examination and cross-examination of witnesses, presentation of evidence, and other matters;
  - (b) May take appropriate action with respect to residential consumer complaints concerning quality of service, service charges, and the operation of the public utilities commission;
  - (c) May institute, intervene in, or otherwise participate in proceedings in both state and federal courts and administrative agencies on behalf of the residential consumers concerning review of decisions rendered by, or failure to act by, the public utilities commission;<sup>20</sup>

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<sup>16</sup> Id. at 5.

<sup>17</sup> Id.

<sup>18</sup> Id. at 4.

<sup>19</sup> Id.

<sup>20</sup> R.C. 4911.02(B). (Emphasis Added).



These functions are clearly discretionary and involve decision-making qualities. The OCC may choose, but is not required, to participate in proceedings and it has all the powers necessary to participate in those proceedings. In short, it is entrusted with the discretion and authority to decide when it will intervene and how it will participate in various proceedings, including those before the PUCO.

Dr. Dormady's participation in the present proceeding is an exercise of the OCC's sovereign power. Dr. Dormady is exercising OCC's statutory right to participate in this case by filing direct testimony on OCC's behalf. As an expert witness for the OCC, he is advocating on behalf of all of AEP Ohio's residential utility customers. This is an act statutorily granted to the OCC.<sup>21</sup> Therefore, because Dr. Dormady is advocating a position for all of AEP Ohio's residential utility customers, and not merely as an individual, under *Milburn*, he is participating on behalf of the public in one of the multitudinous of cases where the public "must necessarily act through a public agency" and thus exercising the sovereign power, in this case the OCC's, of the government. *Milburn* at 6.

Additionally, Dr. Dormady's participation is more than just a "merely clerical act". He is advocating on behalf of all of AEP Ohio's residential utility customers, an act statutorily granted to the OCC. Dr. Dormady drafted testimony advocating for a specific position in this case and appeared at the hearing to be cross-examined. Both the drafting of testimony, and if he was able, responding to cross-examination go beyond "merely clerical acts" and require Dr. Dormady to exercise his own discretion and decision making on behalf of the OCC. Therefore, under *Landis*, these acts constitute an exercise of the OCC's sovereign power. Under the Ohio Supreme Court's

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<sup>21</sup> Revised Code Chapter 4911 authorizes OCC to represent and advocate on behalf of all Ohio residential utility customers. This necessarily includes all residential customers of AEP Ohio.

findings in both *Milburn* and *Landis* as well as various OEC advisory opinions, Dr. Dormady is exercising the sovereign power of the state, as granted to OCC, and is therefore a “public official or employee” of OCC and subject to Chapter 102 of the Revised Code.

2. Revised Code Chapter 102 prohibits public officials or employees from soliciting, accepting, or using his position to seek employment from improper sources.

Ohio Revised Code 102.03 (D) states,

No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

Ohio Revised Code 102.03 (E) states, “No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.”

The OEC has reviewed and interpreted the various elements of both of these statutes and, as to applications for employment, held them to mean that a public employee or official is prohibited from soliciting, accepting, or using his position to seek employment (anything of value) from improper sources.<sup>22</sup> “Anything of value” expressly includes future employment pursuant to R.C. 102.01(G) and R.C. 1.03. The OEC has held that “improper sources” for a public official or employee to seek employment from are organizations regulated by, doing business or seeking to business with, or is interested in matters before, the officials or employee's public agency.<sup>23</sup> Finally, it has been held that there does not need to be an existence of a quid pro quo for a violation to have occurred. *Adams v. Northeastern Local School Dist. Bd. Of Edn.*, 98 CA 46, Ct. of App.

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<sup>22</sup> OEC Adv. Op. No. 2004-03. See also *Ohio Ethics Law Outline* I(A)(4) found at: [https://www.ethics.ohio.gov/education/factsheets/full\\_outline\\_of\\_the\\_ohio\\_ethics\\_law.pdf](https://www.ethics.ohio.gov/education/factsheets/full_outline_of_the_ohio_ethics_law.pdf) (Accessed on January 24, 2019.)

<sup>23</sup> See Advisory Opinions No. 77-003, 77-006, and 82-002.

2<sup>nd</sup> Dist. (Clark County), 1998 Ohio App. Lexis 5727, \*18 (Dec. 4, 1998). (“We are not persuaded by appellant’s argument that he actually had to have been influenced in some particular manner to have violated the statute.”)

The only exception to this rule is that a public employee may still solicit or accept employment from an improper source if he **immediately** ceased participation in any matters involving the improper source as soon as employment is sought or offered.<sup>24</sup> However, there is no exception to the prohibition on public employees using their current position to seek employment from an improper source.

- i. Dr. Dormady’s application to the PUCO for the opening Commissioner seat constitutes soliciting “anything of value” from an “improper source”.

Under Revised Code Chapter 102, a “public official or employee” is prohibited from seeking employment from another agency that does business with his unless he **immediately** ceases participation in any matters involving the agency with which he is seeking employment. As shown above, Dr. Dormady is, for the purposes of this proceeding, an employee of the OCC. The OCC regularly does business with the PUCO and both agencies have an interest in the matters before the PUCO. Therefore, he is prohibited from seeking employment from the PUCO unless he **immediately** ceases participation in every pending case in which he is active on behalf of the OCC at the PUCO pursuant to R.C. 102.03(E) and OEC Adv. Op. No. 2008-02.

Dr. Dormady’s Direct Testimony was filed on January 2, 2019, and his application for the open Commission seat was filed on January 17, 2019. On January 17, 2019, his participation in this proceeding was required to stop. On January 25, 2019, the PUCO Nominating Council

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<sup>24</sup> OEC Adv. Op. No. 2008-02. See also *Ohio Ethics Law Outline* I(A)(4)(b) found at: [https://www.ethics.ohio.gov/education/factsheets/full\\_outline\\_of\\_the\\_ohio\\_ethics\\_law.pdf](https://www.ethics.ohio.gov/education/factsheets/full_outline_of_the_ohio_ethics_law.pdf) (Accessed on January 24, 2019.)

announced nine candidates, including Dr. Dormady, who it will interview for the opening Commissioner seat.<sup>25</sup> Pursuant to R.C. 102.03(E) and OEC Adv. Op. No. 2008-02, Dr. Dormady's participation in this case was required to cease the moment he sought employment. Furthermore, now that Dr. Dormady has made it a step further in the process and will be interviewed, and the process will not resolve until an appointment is made by the governor, his testimony must be immediately withdrawn or excluded pursuant to the above cited rules.

- ii. Dr. Dormady's application to the PUCO for the opening Commissioner seat while actively participating in this proceeding constitutes a violation of R.C. 102.03(D).

Revised Code Ohio Revised Code 102.03 (D) states,

No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

As previously shown, for purposes of this proceeding, Dr. Dormady is an employee of the OCC and therefore subject to the prohibitions in Revised Code Chapter 102. The distinction between R.C. 102.03(D) and (E) is that subsection (E) prohibits public employees from merely soliciting or accepting employment from improper sources while subsection (D) prohibits them from acting to use their position as a public employee to secure anything of value; including employment. The OEC has held that R.C. 102.03(D) prohibits public officials or employees from, among other things,

[U]sing his relationship with other public officials and employees to secure a favorable decision or action by the other officials or employees regarding his private interests;<sup>26</sup>

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<sup>25</sup> <https://www.puco.ohio.gov/media-room/media-releases/puco-nominating-council-to-meet-january-31/>

<sup>26</sup> OEC Adv. Op. No. 98-05 at pp. 10-11. (Citing to OEC Adv. Op. No. 96-04.)

In this instance, as shown on Exhibit 1, Dr. Dormady identifies his experience as an expert witness on behalf of the OCC as a qualification for his fitness to be a Commissioner in his application's cover letter. Though he uses the past tense, as he has testified on OCC's behalf before, the fact that his testimony was not withdrawn and he continues to participate in this present proceeding makes this position a present position. As previously discussed, his current status as an expert witness for OCC makes him an employee of OCC. His cover letter evidences an attempt to use his status as an expert witness to gain a favorable decision from the Nominating Council regarding his private interests of future employment with the Commission.

Dr. Dormady's application and cover letter were filed just over two weeks after his expert testimony was filed in this proceeding. He knew he was participating in this proceeding at the time he filed his application. His failure to withdraw his testimony and subsequent appearance for cross examination at the hearing on January 25, 2019, demonstrates he did not cease his participation in this proceeding. Instead, he uses his position as an expert witness to attempt to garner favor for his application to the Commission. This is a violation of R.C. 102.03(D). Dr. Dormady's testimony should be immediately withdrawn or excluded from this proceeding.

### **III. CONCLUSION**

For the foregoing reasons, Joint Movants respectfully request Dr. Dormady's Direct Testimony be excluded from the record. As a current applicant for the opening Commissioner seat he should not be participating in this proceeding, his testimony carries at least the appearance of impropriety, and admitting his testimony would be highly prejudicial to the other parties.

*[Signatures on the next page]*

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been served via electronic mail upon the following counsel of record, this 28<sup>th</sup> day of January, 2019:

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Letter of Application: Noah Dormady, PhD

2019 JAN 17 PM 3: 14

PUCO

Mike Koren, Nominating Council Chairperson  
 Public Utilities Commission of Ohio  
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At the urging of numerous stakeholders in the Ohio policy community, I respectfully submit my candidacy for the upcoming vacancy on the Public Utilities Commission of Ohio (PUCO). I have been encouraged to submit this application for a variety of reasons, including my commitment to objective and dispassionate evidence-based decision-making, my experience in training a diverse workforce in the field as a professor of public policy, and my expertise as an energy and environmental economist.

As a professor at The Ohio State University, my research and teaching have produced publications in the leading peer-reviewed journals in energy economics and have led to the placement of numerous highly-trained graduates in public service agencies across our nation. I have received millions of dollars in competitive grant funding from agencies such as the National Science Foundation and the U.S. Department of Homeland Security (DHS). And, I am a Co-PI who helped start one of DHS's newest National Centers of Excellence—the Critical Infrastructure Resilience Institute (CIRI)—a \$20 million grant-funded national research center devoted to research and training for our nation's critical infrastructure, including our energy sector.

I hold a PhD in Public Policy, Planning and Development from the Price School of Public Policy at USC (US News Rank #2). I have testified as an expert witness before the PUCO on matters of public and economic policy for the Office of the Ohio Consumers' Counsel, and my energy and environmental economics research has been sponsored by more than 17 state governments. My peer-reviewed research funded by the State of Pennsylvania was awarded the prestigious national REMI award for its contributions to macroeconomic impact analysis.

As a professor, I have demonstrated the ability to effectively collaborate with several commissioners and commission staff. In addition to co-authoring with a former commissioner, I have a positive relationship with Chairman Haque, who has guest-lectured in my graduate energy policy class on more than one occasion. I have offered collaborative support to Commissioner Johnson, and have worked directly with Commissioner Trombold (a Glenn College alumna) on addressing some of the workforce and training issues on the staff side of the PUCO. I have personal relationships with current and former members of the commission staff, and as an educator, I look forward to helping address the ongoing need for highly-qualified staff who can effectively address the energy challenges of the 21<sup>st</sup> Century. Additionally, I have a demonstrated ability to work collaboratively on large-scale energy projects with a diverse and multidisciplinary team. As a member of the Ohio State Comprehensive Energy Management Faculty Advisory Committee, I had the honor of assisting the university in developing its 50-year, \$1.1 billion energy concession agreement with Axiom-Engie.

Regarding partisan affiliation, I am not affiliated with any political party. In an effort to be welcoming and accessible to a diverse body of students, I abstain from all primaries and do not declare partisan affiliation.

I have a desire to answer this call to public service, by helping to improve the long-term macroeconomic future of the State of Ohio in this important role. As a professor at The Ohio State University, it is not my intention for this role to become a new career, and I intend to return to the university after my service is completed.

Noah Dormady, Ph.D.  
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 Fellow | Center for Risk & the Economic Analysis of Terrorism Events (CREATE)  
 University of Southern California



# Noah C. Dormady

The Ohio State University  
John Glenn College of Public Affairs  
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## EDUCATION

Ph.D., *Public Policy, Planning and Development* 2012  
Price School of Public Policy  
University of Southern California (USC)  
Winner: *Henry Reining Jr. Award for Best Dissertation in Public Policy*

M.A., *Political Science* 2006  
University of California, Riverside

B.A., *Political Science (Cum Laude)* 2004  
University of California, Riverside

## APPOINTMENTS

Assistant Professor (tenure-track) 2012—  
John Glenn College of Public Affairs  
The Ohio State University

Fellow 2016—  
Center for Risk and the Economic Analysis of Terrorism Events (CREATE)  
U.S. Dept. of Homeland Security (DHS) National Center of Excellence  
University of Southern California (USC)

Faculty Affiliate and Co-PI 2016—  
Critical Infrastructure Resilience Institute (CIRI)  
U.S. Dept. of Homeland Security (DHS) National Center of Excellence  
University of Illinois, Urbana-Champaign

Associated Faculty 2012—  
Battelle Center for Science and Technology Policy  
The Ohio State University

Associate/Adjunct Faculty 2008  
Department of Political Science  
Chaffey College

Associate/Adjunct Faculty 2008  
Department of Political Science  
Mt. San Jacinto College

Staff Member 2004—2008  
United States Senate  
Office of U.S. Senator Barbara Boxer

**RESEARCH  
FIELDS**

Energy & Environmental Policy; Economic Resilience; Energy Markets; Deregulation; Emissions Markets; Auctions & Strategic Behavior; Economics of Disasters; Risk & Decision Analysis

**JOURNAL  
ARTICLES**  
(EXCLUDES SECURITY-  
RESTRICTED PAPERS)

- Dormady, N., Hoyt, M. Roa-Henriquez, A. & Welch, W.** 2019. Who Pays for Retail Electric Deregulation?: Evidence of Cross-Subsidization from Complete Bill Data. *The Energy Journal*, 40(2): 161-194.
- Dormady, N. & Healy, P.J.** Forthcoming. The Consignment Mechanism in Carbon Markets: A Laboratory Investigation. *Journal of Commodity Markets*, xx(x): x-xx.
- Dormady, N. Roa-Henriquez, A. & Rose, A.** Forthcoming. Economic Resilience of the Firm: A Production Theory Approach. *International Journal of Production Economics*, xx(x): x-xx.
- Dormady, N., Jiang, Z. & Hoyt, M.** Forthcoming. Do Markets Make Good Commissioners: A Quasi-Experimental Analysis of Retail Electric Restructuring in Ohio. *Journal of Public Policy*, xx(x): x-xx.
- Dormady, N., & Ellis, R.** 2018. Energy-Transport Sector Interdependence in Extreme Events: The Case of a Hurricane Event in Boston. *Current Sustainable/Renewable Energy Reports*, Special Issue: Energy Markets. 1-13.
- Young, K., Greenbaum, R. & Dormady, N.** 2017. Sex, Gender and Disasters: Experimental Evidence on the Decision to Invest in Resilience. *International Journal of Disaster Risk Reduction*, 24: 439-450.
- Dormady, N.** 2017. Having Your Cake and Eating it, Too: Ohio's Proposals to Re-Regulate through Power Purchase Agreements. *The Electricity Journal*, 30(5): 42-46.
- Dormady, N.** 2016. Carbon Auction Revenue and Market Power: An Experimental Analysis. *Energies*, 9(11): Article No. 897.
- Dormady, N. & Englander, A.G.** 2016. Carbon Allowances and the Demand for Offsets: A Comprehensive Assessment of Imperfect Substitutes. *Journal of Public Policy*, 36(1): 139-167.
- Wei, D., Dormady, N. & Rose, A.** 2015. Development of Reduced-Form Models to Evaluate Macroeconomic Impacts of Greenhouse Gas Mitigation. *Journal of Sustainable Energy Engineering*, 2(4): 377-397.
- Dormady, N.** 2014. Carbon Auctions, Energy Markets & Market Power: An Experimental Analysis. *Energy Economics*, 44: 468-482.
- Dormady, N., Szelazek, T. & Rose, A.** 2014. The Potential Impact of an Anthrax Attack on Real Estate Prices and Foreclosures in Seattle. *Risk Analysis*, 34(1): 187-201.
- Dormady, N.** 2013. Market Power in Cap-and-Trade Auctions: A Monte Carlo Approach. *Energy Policy*, 62: 788-797.

**Dormady, N.** 2013. The Political Economy of Collaborative Organization. *Administration & Society*, 45(6): 748-772.

Rose, A., Wei, D. & **Dormady, N.** 2011. Macroeconomic Assessment of the Pennsylvania Climate Action Plan. *Regional Science Policy and Practice*, 3(4): 357-379.

Winner: Economic Analysis Award, Regional Economic Models Inc. (REMI), 2012

Rose, A., & **Dormady, N.** 2011. A Meta-Analysis of the Economic Impacts of Climate Change Policy in the United States. *The Energy Journal*, 32(2): 143-166.

#### BOOK CHAPTERS

**Dormady, N.**, Rose, A., Rosoff, H. & Roa-Henriquez, A. Forthcoming. Estimating the Cost-Effectiveness of Resilience to Disasters: Survey Instrument Design & Refinement of Primary Data. In, Ruth, M., & Reisman, S.G. (Eds). *Handbook on Resilience of Socio-Technical Systems*. Cheltenham: Edward Elgar.

Rose, A., & **Dormady, N.** 2018. Advances in Analyzing and Measuring Dynamic Economic Resilience. In, Trump, B. D., Florin, M.V., & Linkov, I. (Eds.). IRGC Resource Guide on Resilience (vol. 2): Domains of resilience for complex interconnected systems. Lausanne, CH: EPFL International Risk Governance Center.

#### PAPERS IN PROGRESS

**Dormady, N.** Greenbaum, R. & Young, K. Resilience Decisions of the Firm: An Experimental Analysis of Dynamic Decision-Making in Repeated Disasters. (in preparation)

**Dormady, N.**, Jones, D., Roe, B., & Rub, G. An Intersection of Privatization and Public Utility Regulation: The Long-Term Concession Agreement for Ohio State University's Energy Utility System. (in preparation)

**Dormady, N.**, Rose, A., Roa-Henriquez, A. The Cost-Effectiveness of Static Economic Resilience Actions. (in preparation)

**Dormady, N.**, Greenbaum, R., & Young, K. The Value of Information on Resilience Decision Making in Repeated Disaster Environments. (in preparation)

Young, K., Greenbaum, R., & **Dormady, N.** Experimental Evidence of the Effects of Gender and Group Dynamics on Firm-Level Resilience Decisions. (in preparation)

**Dormady, N.** Convergence Bidding in Deregulated Electricity Markets. (in preparation)

#### TEXTBOOK PROJECT

**Dormady, N.** *Public Policy Analysis for the 21<sup>st</sup> Century.* Undergraduate textbook for BA/BS programs in Public Affairs, Public Policy, and related fields.

#### RECENT GRANTS

National Science Foundation (NSF). 2018-2019. *Research Experiences for Undergraduates (REU)*. \$8k. (PIs: **Dormady, N.**)

National Science Foundation (NSF). 2016-2019. *A Novel Dynamically-Coupled Storm Surge Hazard-Infrastructure Model for Effective Real-Time Risk-Informed Decision Making*. \$487k. (PIs: Shafieezadeh, A., **Dormady, N.** & Kubatko, E.).

Department of Homeland Security (DHS). 2017-2018. *Measuring Business and Economic Resilience in Disasters*. \$190k. (PIs: Rose, A., **Dormady, N.** & Rosoff, H.).

Department of Homeland Security (DHS). 2017-2018. *Resilience Governance for Infrastructure Dependencies and Interdependencies*. \$175k. (PIs: Flynn, S., Holdeman, E., Ruth, M, Stephens, J., Ellis, R., White, R. & **N. Dormady**).

Department of Homeland Security (DHS). 2016-2018. *Analyzing and Measuring Economic Resilience to Disasters*. \$250k. (PIs: Rose, A., **Dormady, N.** & Rosoff, H.).

Department of Homeland Security (DHS). 2016-2017. *Resilience Governance*. \$400k. (PIs: Flynn, S., Ruth, M. & **Dormady, N.**).

Office of Energy and Environment, The Ohio State University. 2016-2017. *Energy and Water Infrastructure Planning Under Extreme Events*. Sustainable, Resilient Economy (SRE) Seed Grant. \$35k. (PIs: Bayraksan, G., Conejo Navarro, A., Sioshansi, R., **Dormady, N.** & Greenbaum, R.).

National Science Foundation (NSF). 2014-2017. *An Integrated Approach to Measuring Dynamic Economic Resilience Following Disasters*. \$493k. (PIs: Rose, A., Tierney, K. & **Dormady, N.**).

National Center for the Middle Market. 2014-2015. *An Experimental Analysis of Middle Market Resilience: Gender, Frequency & Information*. \$68k. (PIs: **Dormady, N.** & Greenbaum, R.).

## REPORTS & POLICY BRIEFS

**Dormady, N.**, Jiang, Z. & Hoyt, M. Why Ohio's Retail Electric Deregulation Has Been Bad for Households and Why Re-Regulation Would Be Even Worse. *John Glenn College of Public Affairs Policy Brief*. March, 2017.

Rose, A. & **Dormady, N.** Israeli-Palestinian Land Swap Auction Model, Final Report. *RAND Intelligence Policy Center*. Santa Monica, CA. January, 2014.

Roberto, C. & **Dormady, N.** The Costs of Inefficiency: Ignoring Ohio's Energy Efficiency Potential. *John Glenn School of Public Affairs Policy Brief*. March, 2013.

Rose, A., & **Dormady, N.** Three-State Regression Analysis of the Macroeconomic Impacts of Climate Mitigation Options: Report to the State of Maryland. *The Center for Climate Strategies*. August, 2011.

Rose, A., Szelazek, T. & **Dormady, N.** Economic Analysis of the Consequences of a Potential Anthrax Terrorist Attack in the Pacific Northwest: Business Income Losses and Real Estate Price Declines. *Center for Risk and the Economic Analysis of Terrorism Events (CREATE)*, University of Southern California. Final Report to the United States Department of Homeland Security. August, 2011.

Rose, A. et al. Aggregate and Distributional Impacts of AB32 on the California Economy: Alternative Allocation Strategies for Cap and Trade. *The Next 10 Foundation*. December, 2010.

Rose, A. et al. Impacts of Comprehensive Climate and Energy Policy Options on the U.S. Economy. *The Center for Climate Strategies*. July, 2010.

**SELECTED  
CONFERENCE  
PAPERS**

- Rose, A. & **Dormady, N.** Global Economic Impacts of an International Climate Change Treaty. *CENTRA Technologies National Security Impacts of a Prospective Climate Change Treaty Workshop*. Washington, D.C., 2010.
- Rose, A., et al. Southern Regional Economic Assessment of Climate Policy Options and Review of Economic Studies of Climate Policy: A White Paper Report. Prepared for The Southern Governors' Association. *The Center for Climate Strategies*. October, 2009.
- Who Pays for Retail Electric Deregulation?: Evidence of Cross-Subsidization from Complete Bill Data (with Hoyt, M., Roa-Henriquez, A., & Welch, W.). *Western Regional Science Association*. Pasadena, CA., February, 2018.
- A Multi-Party Auction Model for Land Exchanges. *Regional Science Academy*. Los Angeles, CA., February, 2018.
- Who Pays for Retail Electric Deregulation?: Evidence of Cross-Subsidization from Complete Bill Data (with Hoyt, M., Roa-Henriquez, A., & Welch, W.). *American Economic Association*. Philadelphia, PA., January, 2018.
- Who Pays for Retail Electric Deregulation?: Evidence of Cross-Subsidization from Complete Bill Data (with Hoyt, M., Roa-Henriquez, A., & Welch, W.). *International Association for Energy Economics*. Houston, TX., November, 2017.
- Resilience Decisions of the Firm: An Experimental Analysis of Dynamic Decision-Making in Repeated Disasters (with Greenbaum, R., & Young, K.). *Association for Public Policy Analysis and Management*. Chicago, IL., November, 2017.
- Do Markets Make Good Commissioners?: A Quasi-Experimental Analysis of Retail Electric Deregulation In Ohio (with Jiang, Z. & Hoyt, M.). *Midwest Public Affairs Conference*. Columbus, OH., June, 2016.
- An Experimental Analysis of Middle Market Resilience: Gender, Frequency and Information (with Young, K. & Greenbaum, R.). *Association of Public Policy Analysis and Management*. Miami, FL., November, 2015.
- Pollution Permit Consignment Auctions: Theory and Experiments (with Healy, P.J.). *Polish-American Science and Technology Association*. Columbus, OH., May, 2015.
- Pollution Permit Consignment Auctions: Theory and Experiments (with Healy, P.J.). *American Economic Association*. Boston, MA., January, 2015.
- Pollution Permit Consignment Auctions: Theory and Experiments (with Healy, P.J.). *International Association for Energy Economics*. New York, June, 2014.
- Emissions Markets, Power Markets and Market Power: An Experimental Approach, *Association of Environmental and Resource Economists: Western Economic Association International*. San Francisco, CA., June–July, 2012.
- Emissions Markets, Power Markets and Market Power: Regulatory Mechanisms and Policy Approaches, *Association for Environmental Studies and Sciences*. Santa Clara, CA., 2012.

Anthrax Outbreak in Downtown Seattle: A Spatial and Longitudinal Assessment of Terrorism's Impact on Real Estate Prices, *Second International Conference on Integrated Disaster Risk Management*. Los Angeles, CA., July, 2011.

Market Power in Cap and Trade Auctions: A Monte Carlo Approach, *Western Economics Association International*. San Diego, CA., July, 2011.

The Exercise of Market Power in Contemporary Transferable Property Rights Markets, *Southern Political Science Association*. Atlanta, GA., January, 2010.

Global Economic Impacts of an International Climate Change Treaty. (with Rose, A.), *CENTR-1 Technologies National Security Impacts of a Prospective Climate Change Treaty Workshop*. Washington, D.C., 2010.

Climate Change Mitigation Policy and Energy Markets: Cooperation and Competition in Integrating Renewables into Deregulated Markets (with Maggioni, E.), *Forging Closer Ties: Transatlantic Relations, Climate and Energy*. Freie University Berlin, (Germany), 2009.

#### **EXPERT TESTIMONY**

Before the Public Utilities Commission of Ohio, Pre-filed Written Direct Testimony on Dayton Power and Light Co.'s Electric Security Plan (Case No. 16-0395-EL-SSO), Columbus, Ohio, September 18, 2016.

Before the Public Utilities Commission of Ohio, Hearing on Ohio Power Company's Stipulation Agreement to Enter into an Affiliate Power Purchase Agreement (Case No. 14-1693-EL-RDR), Columbus, Ohio, January 8, 2016.

Before the Public Utilities Commission of Ohio, Pre-filed Written Direct Testimony on Ohio Power Company's Stipulation Agreement to Enter into an Affiliate Power Purchase Agreement (Case No. 14-1693-EL-RDR), Columbus, Ohio, December 28, 2015.

Before the Public Utilities Commission of Ohio, Hearing on Ohio Power Company's Application to Enter into an Affiliate Power Purchase Agreement (Case No. 14-1693-EL-RDR), Columbus, Ohio, October 2, 2015.

Before the Public Utilities Commission of Ohio, Pre-filed Written Direct Testimony on Ohio Power Company's Application to Enter into an Affiliate Power Purchase Agreement (Case No. 14-1693-EL-RDR), Columbus, Ohio, September 11, 2015.

#### **INVITED PRESENTATIONS & EXPERT INTERVIEWS**

*Powering Tomorrow: Energy Infrastructure Challenges*. Building Resilient Communities in a Changing Climate Forum. Ohio State University. May, 2018.

*A Multi-Party Auction Model for Land Exchanges*. Regional Science Academy. Los Angeles, CA. February, 2018.

*Understanding the Clean Power Plan's Impact in Ohio*. NPR-WOSU. All Sides with Ann Fisher. February, 2016.

*Dialogue: Can Ohio Meet the Clean Power Plan*. John Glenn School of Public Affairs Dialogue Policy Forum Series, The Ohio State University, February, 2016.

*Markets and Regulation: COMP-15 Conference.* The Ohio State University, January, 2016.

*Dialogue: Ohio's Algae Crisis.* John Glenn School of Public Affairs Dialogue Policy Forum Series. The Ohio State University, April, 2015.

*Carbon Allowances and the Demand for Offsets: A Comprehensive Assessment of Imperfect Substitutes.* John Glenn School of Public Affairs Seminar Series, The Ohio State University, March, 2015.

*Pollution Permit Consignment Auctions: Theory and Experiments.* Knowlton School of Architecture Seminar Series, The Ohio State University, February, 2015.

*Climate Change, Public Policy and the Economy.* (Keynote Panelist) American Lung Association, Columbus Public Health, Ohio Sea Grant, Byrd Polar Research Center, et al., Climate Explorations Series. *A Matter of Dollars and Sense: Climate Change, Carbon Standards and Public Health*, October, 2014

*Pollution Permit Consignment Auctions: Theory and Experiments.* John Glenn School of Public Affairs Seminar Series, The Ohio State University, December, 2013.

*Energy and the Environment.* Battelle Center for Science and Technology Policy, The Ohio State University, January, 2013.

*Emissions Markets, Power Markets, and Market Power: An Experimental Approach.* The Ohio State University, Department of Agricultural, Environmental and Development Economics (AEDE), Seminar Series, November, 2012.

*Energy and Environmental Policy: An Introduction.* John Glenn School of Public Affairs, The Ohio State University, Guest lecture, October, 2012.

*Anthrax Outbreak in Downtown Seattle: A Spatial and Longitudinal Assessment of Terrorism's Impact on Real Estate Prices.* USC Center for Risk and the Economic Analysis of Terrorism Events (CREATE) Fall Seminar Series, October, 2011.

*Transferable Property Rights Markets (Cap and Trade).* School of Policy, Planning and Development (SPPD), University of Southern California, November, 2010.

*California's Perspective on Progressive Electricity and Feed-In Tariffs.* University of Meunster, (Germany), August, 2010.

*Succeeding on the PhD Qualifying Examination.* School of Policy, Planning and Development (SPPD), University of Southern California, May, 2010.

*Climate Change Mitigation Policy and Energy Markets: Cooperation and Competition in Integrating Renewables into Deregulated Markets* (with E. Maggioni). Forging Closer Ties: Transatlantic Relations, Climate and Energy, Freie University Berlin, (Germany), November–December, 2009.

## TEACHING FIELDS

Public Policy Analysis; Public Sector Economics; Risk & Decision Analysis; Energy Policy; Environmental Policy; Graduate Capstone (Thesis)

## TEACHING

(D) Course Developed  
(T) Course Taught  
(R) Course Revised

The Ohio State University

Graduate Courses:

*Public Sector Economics & Applied Policy Analysis Capstone* (Public Affairs 7920) (D, T)  
*Energy and Environmental Policy Capstone* (Public Affairs 7910) (D, T)  
*Graduate Capstone Research Paper* (Public Affairs 7900) (T)  
*Public Sector Economics* (Public Affairs 6030) (T)  
*Risk & Decision Analysis* (Public Affairs/City & Regional Planning 5880) (D, T)  
*Environmental & Energy Policy* (Public Affairs 5800) (D, T)

Undergraduate Courses:

*Environmental & Energy Policy* (Public Affairs 5800) (D, T)  
*Policy Evaluation* (Public Affairs 4000) (D)  
*Public Policy Analysis* (Public Affairs 3000) (D, T, R)

Chaffey College

Undergraduate Courses:

*American Government* (Political Science 1) (T)

Mt. San Jacinto College

Undergraduate Courses:

*American Government* (Political Science 100) (T)

## SOFTWARE

Pollution Permit Consignment Auction Human Experiment Software

*Utility:* Zurich Toolbox for Readymade Economics Experiments (Z-TREE)  
application for conducting Coasian auction market experiments utilizing a consignment mechanism.

Oligopsony 1.0

*Utility:* Windows-based (C# .NET 3.0) stochastic Monte Carlo simulation  
environment for simulating market power in uniform price auctions.

Simultaneous Energy-Emissions Market Experiment Software

*Utility:* Zurich Toolbox for Readymade Economics Experiments (Z-TREE)  
application for conducting energy-emissions market experiments, Control and  
Experimental Treatments.

## AWARDS

Economic Analysis of Award (National)  
(Inaugural Recipient of Annual Award)  
Regional Economic Models Inc. (REMI)

2012

*Henry Reining Jr. Award*, Best Dissertation in Public Policy  
University of Southern California (USC)

2012

*Excellence in Publication Award*  
University of Southern California (USC)

2012

## OLDER RESEARCH FUNDING SOURCES

John Randolph & Dora Haynes Foundation; The Southern Governors' Association; The  
Center for Climate Strategies; The Pennsylvania Department of Environmental  
Protection; The Next 10 Foundation; The University of Southern California; The  
University of California; U.S. Communications Agency; The RAND Corporation



**PEER-REVIEW,  
REFEREE &  
EXTERNAL  
ADVISORY**

Referee/Panel Review:

*Canadian Journal of Economics; Earthquake Spectra; Eastern European Economics; Economic Modelling; Economics of Disasters & Climate Change; Energy Economics; The Energy Journal; Energy Policy; Journal of Public Policy; Journal of Public Administration Research & Theory; The National Science Foundation (NSF); Oxford Press; Risk Analysis; Journal of Regional Science; Norton Press; Science and Public Policy*

Guest Editor:

*Natural Hazards Review*

Advisory Reviewer:

*Maritime Security Center; A U.S. Department of Homeland Security National Center of Excellence*

**RECENT MEDIA  
COVERAGE**

Cleveland Plain Dealer (Print/Online)—Cleveland, Ohio (2017, 2015)  
Columbus Dispatch (Print/Online)—Columbus, Ohio (2015)  
Gannett News Service (Print/Online)  
Govplan.com (Online)—National (2017)  
Midwest Energy News (Online)—Midwest U.S. (2018, 2017, 2016)  
NBC News (Online)—National (2014)  
NBC News (Television)—Columbus, Ohio (2014)  
NPR-WOSU (Radio)—Ohio (2016)  
Ohio Citizen Action (Online)—Ohio (2017)  
Press & Sun Bulletin (Print/Online)—New York State (2017)  
S&P Global (Online)—National (2017)  
Seattle PI (Print/Online)—Seattle, Washington (2013)  
TBS eFM (Radio)—National (Korea) (2015)  
The Regulatory Review (Online)—National (2017)  
UtilityDive (Online)—National (2018; 2017)

**UNIVERSITY  
COMMITTEE  
SERVICE**

University level:

1. Energy Management Faculty Advisory Committee (2014; 2015; 2016; 2017)
2. Sustainability Curriculum Committee (2014; 2015; 2016)

College level:

1. Faculty Search Committee (2016; 2017)
2. Graduate Studies Committee (2017; 2018; 2019)
3. Budget & Strategic Planning (2018; 2019)
4. Rewards & Recognition Committee (2017; 2018)
5. Curriculum Development Committee: Program Evaluation and Public Policy Analysis (2013)
6. Robert Backoff Research Award Committee (2012; 2013; 2014; 2015; 2016; 2018)
7. (Ad hoc) Appointment, Promotion & Tenure (APT) Review (2014; 2015)
8. Search Committee for School of Environment and Natural Resources, Ohio State University (2014; 2015)
9. Masters Examination Review Committee (2014; 2016; 2017)
10. Discovery Themes Research Advisory Committee (2014; 2015)
11. Wellness Committee (2018; 2019)

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**1/28/2019 3:54:14 PM**

**in**

**Case No(s). 18-0501-EL-FOR, 18-1392-EL-RDR, 18-1393-EL-ATA**

Summary: Motion to Exclude the Direct Testimony of Noah Dormady electronically filed by Mr. Robert Dove on behalf of Natural Resources Defense Council and Ohio Partners for Affordable Energy