

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Review
of the Public Utilities Case No. 19-832-AU-ORD
Nominating Council Rules in
Ohio Administrative
Code 4901:7-1.

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PROCEEDINGS

Before Jeff Jones, Attorney Examiner, held at
the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-B, Columbus,
Ohio, on Tuesday, May 14, 2019, at 10:00 A.M.

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Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481

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Tuesday Morning,
May 14, 2019.
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ATTORNEY EXAMINER: The Public
Utilities Commission of Ohio Nominating Council
has assigned at this time and place a public
hearing in order for interested persons to
provide written or oral comments pursuant to
Section 119.03 of the Ohio Revised Code on
the rules governing Nominating Council
proceedings found in Ohio Administrative Code
Chapter 4901:7-1.

My name is Jeff Jones and I will be
moderating today's public hearing. For those of
you who have not had an opportunity to do so,
there are copies of the amended, the two
proposed amended rules and a sign-in sheet over
to my left as you came in the door and if you
wouldn't mind signing the sign-in sheet.

Today's public hearing is being
transcribed by a court reporter. Anyone that is
going to offer oral testimony I would ask you to
come up and have a seat at the Bench. If you
have a prepared written statement that you will
be reading from it would be helpful if you

1 provide a copy to the court reporter when you
2 have finished your remarks.

3 By way of background, the Nominating
4 Council at its January 31, 2019 meeting approved
5 for filing the six no change and two amended
6 rules that make up Ohio Admin. Code Chapter
7 4901: 7-1.

8 The six no change rules cover
9 generally meetings of the Nominating Council,
10 the three types of meetings the Nominating
11 Council may hold, which are regular, special and
12 emergency meetings, notice of the Nominating
13 Council meetings, the schedule following the
14 death of, resignation or, termination of service
15 by a Commissioner of the Public Utilities
16 Commission, multiple vacancies, and notice of
17 meetings when multiple vacancies occur.

18 The proposed amendments to two of
19 the rules within this chapter include:

20 Ohio Admin. Code 4901:7-1-03,
21 entitled "Notice of meetings to the public"
22 which describes the process of notifying
23 interested persons of regularly scheduled,
24 special, and emergency meetings of the
25 Nominating Council.

1 Proposed changes to paragraph A of
2 this rule include striking the word
3 "Coordinator" from this paragraph and also
4 correcting the address of the Public Utilities
5 Commission of Ohio.

6 Ohio Admin. Code 4901: 7-1-04
7 entitled "Selection and duties of chairperson,
8 secretary, and coordinator" and outlines the
9 process of these three positions in the
10 hierarchy of Nominating Council business.

11 The proposed change to paragraph G
12 of this rule clarifies that the Nominating
13 Council Coordinator position is a full-time
14 employee of the Public Utilities Commission of
15 Ohio and is designated by the Chairperson of the
16 PUCO to assist the Nominating Council in the
17 performance of its duties.

18 At this time if there anyone in
19 attendance that would like to present oral or
20 written comments on the rules in Ohio Admin.
21 Code 4901:7-1 for the Nominating Council's
22 consideration please come forward and do so.

23 I would ask that you give your name
24 and address and on whose behalf you are
25 representing today.

1 MR. MCKENNEY: Bryce McKenney on
2 behalf of the Ohio Consumers' Counsel, Bruce
3 Weston, 65 East State Street, 7th Floor,
4 Columbus, Ohio 43215. Also with me today is Dan
5 Shields who is the Director of Analytical.

6 The Ohio Consumers' Counsel, Bruce
7 Weston, has long advocated reform of the 1982
8 law for nomination of PUCO Commissioners. Today
9 OCC makes four recommendations regarding the
10 Ohio Administrative Code rules for selecting
11 PUCO Commissioners.

12 I note that these recommendations
13 are not red lined edits and OCC reserves its
14 right to file comments including red lined edits
15 when the Commission affords it that opportunity.

16 The first recommendation made by the
17 Ohio Consumers' Counsel is to increase the
18 transparency of the PUCO Nominating Council.
19 The PUCO Nominating Council should have a public
20 website with its members' names and biographical
21 information posted, including any history of
22 work for the industries that the PUCO regulates.

23 The second recommendation is that
24 the rules require that the PUCO contain at least
25 one Commissioner with experience representing

1 consumers, and that Commissioner be recommended
2 by the Ohio Consumer's Counsel. This procedure
3 should be similar to the procedure in Ohio
4 Revised Code 4906.02 where one of the governor's
5 appointments to the Ohio Power Siting Board
6 comes from a list of nominees recommended by
7 OCC.

8 The third is to limit the 12-person
9 membership of the PUCO Nominating Council to
10 only one current or former representative of
11 utilities.

12 And the fourth recommendation is to
13 expand the law's qualifications for PUCO
14 Commissioners to include more consumer oriented
15 backgrounds, such as work in the social sciences
16 and services to the public, and not just the
17 current requirements for physical or natural
18 sciences, law, economics, et cetera.

19 I would note that these are the same
20 four recommendations that the Ohio Consumers'
21 Counsel, Bruce Weston, has made each year during
22 the selection of PUCO Commissioners.

23 One recommendation that I would like
24 to make is that rules being adopted or amended
25 pursuant to Section 111 or Section 119 of the

1 Ohio Revised Code, that any notice of any public
2 hearing be published in the docket for which the
3 rules are being amended.

4 And that any proposed amendments be
5 submitted into that docket. In this case anyone
6 watching the docket would first receive notice
7 of the public hearing in the docket when
8 the transcripts in this case are posted in the
9 docket.

10 I understand that the rules and
11 the workshops are posted to the Ohio website. It
12 is common Commission practice for notice of
13 workshops when rules are being adopted under 111
14 be published in the docket. We recommend that
15 the same procedure be used for rules adopted
16 under Section 119 of the Ohio Revised Code.
17 Thank you.

18 ATTORNEY EXAMINER: Thank you, Mr.
19 McKenney.

20 Are there any other comments on
21 the proposed rule changes to Ohio Admin. Code
22 Chapter 4901:7-1?

23 If not, that will conclude today's
24 public hearing on the rules in this chapter.
25 And these comments will be considered on

1 the record. Thank you. We are adjourned.

2 (At 10:07 A.M. the hearing was
3 concluded)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on May
14, 2019, and carefully compared with my
original stenographic notes.

Michael O. Spencer

Michael O. Spencer,
Registered Professional
Reporter.

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 19-0832-AU-ORD

Summary: Transcript In the Matter of the Review of the Public Utilities Nominating Council Rules in Ohio Administrative Code 4901:7-1, hearing held on May 14th, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.