

Interested Party Testimony; HB 153

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Thank you Mr Chairman. I would first like to make clear that I am here as a private citizen, and not here in my day job, but in my role as a Governing Board member of the Ohio Consumers' Counsel. I would also like to point out that my testimony is my own, and does not reflect the sentiments of the board or the staff. They are my own and have not been pre-approved by any formal body.

I am on the board, simply, because then AG Jim Petro asked me to serve. I was somewhat familiar of course with the OCC, having gone through SB 3, the electric restructuring bill. In that light, and in light of the recent changes called for in HB 153, I have some suggestions.

But before I go too far, why does a former member of the Cave Man Caucus, the most conservative wing of the conservative party see a need for the OCC? Simply because the invisible hand of the free market does not work in Ohio as long as we have protected territories and mandatory price mark-ups for utilities. The OCC acts as the balance to the interests represented in the utilities.

But...I have also been a long standing advocate on the board that the system needs to change, and that it is currently more reflective of the mid 1970s when the board was set up than now. If any of you saw my last talking head session on TV then you know I advocate to open up any section of code that has lain dormant for a decade or more. The OCC, and to an extent, the PUCO, are frozen in the amber of the 1970s. That might explain the recent proposal to cut OCC funds.

So...my suggestion is that you add language to HB 153 setting up a task force, dominated by members of the GA, to examine if the OCC, and by extension, the PUCO are constituted in a manner consistent with the age we live in now and have the duties needed to help propel Ohio into the next economy. One example is the makeup of the board; three farmers, three residential and three labor union representatives may have made sense back then, but we need to have representation of the emerging entrepreneur, the small business person with less

than 25 employees. In addition, the single biggest impediment to business activity in rural Ohio is the lack of true high speed internet (if there is such a thing as the information super highway, my farm is on the information dirt road) and good cell phone service. On my farm, my Droid X is an expensive fishing weight. 25% of Ohioans have no hard line phones, yet the OCC has no oversight on cell phones, and most of us either live in or travel though cell free Ohio. (Ever been to Europe? Never a dropped call or lack of service.)

So...do a task force to examine this issue. Six members of the House, four from the majority and six from the Senate, four from the majority, one from the OCC, one from the PUCO, one from each of the utilities covered jointly by those two bodies, (telcom, electric, water and gas), and three from the general public, with House and Senate members appointed by their leadership and the Governor appointing the remaining seven. Have the report issued by December 15, 2011, and use typical boilerplate language. I can give it to LSC in my sleep.

Then you'll know what duties are needed, and perhaps you can request that the AOS finish early an audit of both the OCC and PUCO, so you can know more about their various aspects and how the agencies should change.

Thank you Mr Chairman and I'll be happy to answer any questions.