

Exploratory Committee Minutes -

April 27, 2021

Zoom meeting

Committee Members call in: Don Moore, Micah Brown, Phil Boyle, Melanie Lewis, Connor Toney & Kitty O'Keefe

Guest call in: OPUC reps: Lori Koho, Kevin Hennessy, Cody Cox and Paul Pinto.

Agenda

1) Announcements and Introductions

- a) Don Moore called the meeting to order at 3:02pm and introductions were made
- b) Phil Boyle moved to accept the minutes from 2.18.21 and Micah Brown 2nd the motion. The minutes were accepted. Kitty will post on the OUNC website.
- c) Chair Statement: Don stated the purpose of this meeting is to continue the discussion of the OUNC's involvement in OAR – related investigations and enforcement. Don welcomed guests and members.

2) Old Business –

3) New Business -

- a) Evaluate the OUNC's involvement in OAR – related investigations and enforcements.

- i) Don asked Micah to give a background to the group on OUNC's involvement with enforcement.

- ii) Micah first thanked the PUC reps for joining today's meeting. Micah shared that there have been efforts in the past to put communication in place between the OUNC and the OPUC with regard to OAR investigations and enforcements. The enforcement committee had statements of purpose and the standard manual included a process for how to report and handle OAR complaints. The enforcement committee dissolved in late 2019. OUNC removed from the Standards Manual much of the verbiage previously written in the manual concerning the complaint process. There is a desire to keep the OUNC board informed and updated on investigations.

- iii) Lori Koho shared some background on how investigations and enforcements have evolved over the years. Lori stated the OPUC has the statutory authority to conduct investigations and the authority to levy civil penalties. The OPUC also has statutory authority work with gas utilities on damage prevention.

- iv) Kevin Hennessy added there are increased expectations from federal partners on damage prevention programs. Kevin shared there is an opportunity to share enforcement and investigation information with the OUNC board. Kevin welcomed a conversation about what type of information the board would like to see. Complaint level data vs. damage data.

- v) Micah would like to see that sharing established as part of a committee, possibly the OAR committee. Micah would like a PUC rep as a committee member to provide feedback and help educate the public.

vi) Phil Boyle said the committee should come up with a list of items they would like to see reported from the PUC. Phil mention Kevin Hennessy would be a great addition to that committee.

vii) Lori emphasized the importance of the OUNC examining damage data. She also mentioned one of strengths of the OUNC board is its ability to understand the OARs that work effectively and those that don't. The OUNC has the opportunity to change a rule if it's not working. The OPUC has skin in the game because of the statutory authority to conduct investigations and enforcements and it has a budget for those judicious functions.

viii) Don Moore said that when the committee was initially formed, he asked if the OUNC has the statutory authority to conduct or participate in enforcements or investigations. He could not find any language that suggested judicial functions were within the scope of the OUNC's authority.

ix) Lori confirmed that statues give the OPUC that authority.

x) Kevin recognized role of the OUNC to develop administrative rules and run the One Call Center. The OPUC uses its judicial authority to investigate, make conclusions of fact and enforce when appropriate.

xi) Micah stressed the importance of collaboration and communication between the agencies writing the rules and the agencies enforcing those rules.

xii) Lori said the OUNC has done a good job continuously improving the administrative rules to make them clear and understandable. The question is how can the OPUC provide the appropriate enforcement data to help the OUNC continue to create constructive rules.

xiii) Don summarized: The OPUC has the statutory authority to conduct investigations and the authority to levy civil penalties through enforcement. The OUNC does not have the statutory authority to investigate or enforce. The OUNC is open to receiving feedback from the OPUC to enhance our legislative duties.

4) For the Good of the Order –

5) Next Meeting - tbd

Motion to adjourn by Micah and 2nd by Phil. Meeting adjourned at 3:43pm.

Minutes submitted by Kitty O'Keefe on 4.28.21