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Week in Review

October 19, 2018

As a service to the clients and friends of Governmental Policy Group, Inc. and RH Resources we would like to extend the following weekly update of events happening around Capitol Square.

ADDICTION/SUBSTANCE ABUSE

The 2018 Ohio Health Issues Poll (OHIP) asked respondents if they believe addiction is a disease. It found that six in 10 Ohio adults (62 percent) consider addiction a disease, while three in 10 Ohio adults (31 percent) do not believe it is a disease and seven percent are unsure.

AFFORDABLE CARE ACT

Small businesses and their employees benefited from the implementation of the Affordable Care Act (ACA) and Medicaid expansion, reducing uninsured rates and stabilizing costs for employers, according to a new report from The Commonwealth Fund. The report examines existing research on the effects of the ACA regulations in light of criticisms leveled at the effectiveness of the program. The brief shows that from 2013 to 2016, the percentage of uninsured small-business employees (working at businesses with fewer than 50 employees) fell from 28.1 percent to 19.4 percent. Self-employed individuals saw a similar effect, having their uninsured rate drop from 29 percent to 19.2 percent.

BALLOT ISSUES

An Ohio faith-based addiction recovery coordinator who has publicly advocated for passage of Issue 1 changed his mind and is now calling for voters to reject the proposed constitutional amendment. During a "Vote No! Protect Ohio" committee news conference at the Ohio Chamber of Commerce, Pastor Greg Delaney said he took a closer look at the measure after being contacted by colleagues, faith leaders and mental health specialists. Delaney, who was recently featured in a pro-Issue 1 radio advertisement, resigned from his position as Ohio justice initiatives director at the Christian Coalition of America, which backs the amendment.

Is Issue 1 the "outside the box" drug public policy change needed after decades of the so-called War on Drugs that has put thousands of offenders in prison instead of treatment? Or will it remove accountability for drug offenders going through the courts? Those were the arguments about the proposed constitutional amendment before voters during a forum co-sponsored by *Hannah News* at the Columbus Metropolitan Club on Wednesday. The event featured Ohio Supreme Court Chief Justice Maureen O'Connor and Franklin County Common Pleas Judge Stephen McIntosh speaking against Issue 1, and Ohio Justice and Policy Center Deputy Director for Policy Stephen Johnson Grove and Sen. Cecil Thomas (D-Cincinnati) speaking in support.

The Ohio State Bar Association (OSBA) announced Wednesday that it has launched a statewide campaign educating Ohio voters on why they should vote against Issue 1. The group said their message targets ticket-splitting, highly-likely voters in the November election.

ECONOMIC DEVELOPMENT

The Ohio Development Services Agency's (DSA) Export Assistance Office is now accepting applications for the International Market Access Grant for Exporters (IMAGE) program -- a program that helps small and medium-sized Ohio businesses sell their goods and services overseas.

EDUCATION

A new review of the effect of property tax abatement programs on the amount of revenue flowing to Ohio's schools shows that 180 of Ohio's roughly 600 school districts missed out on \$125.6 million in revenue in FY17. The report, produced by Policy Matters Ohio (PMO) in conjunction with data collected by Good Jobs First, shows that, while the amount schools forgo in these taxes is relatively small compared to all state K-12 funding, it represents a still-significant amount of revenue that could otherwise address specific needs.

A pastor and two higher education administrators are Superintendent Paolo DeMaria's picks for the state oversight panel that will take control of East Cleveland City Schools. The remaining two appointments on the commission are made by the local board of education president and city mayor. DeMaria's appointees are Rev. Stanley Miller, pastor of Rust United Methodist Church in Oberlin and a former executive director of the Cleveland NAACP; Michael Schoop, president of Cuyahoga Community College's Metropolitan Campus; and Tachelle Banks, associate vice president of institutional diversity at Cleveland State University, where she is also a professor and chair of the Department of Teacher Education.

The State Board of Education Tuesday voted to send a proposed FY19-20 budget for the Ohio Department of Education (ODE) to the Office of Budget and Management (OBM), despite the

objections of some members. This followed a Monday briefing by State Superintendent Paolo DeMaria on the proposed FY20-21 spending plan. Much of the discussion focused on how board members and ODE leadership can make their cases for additional spending beyond OBM's guidelines -- the office asked for separate submissions reflecting 90 percent and 100 percent of FY19 spending -- as well as some concern about a multi-million dollar funding shift to backfill ODE accountability operations that were paid for with one-time money in the current biennium.

The State Board of Education's Educators and Student Options Committee told Ohio Department of Education (ODE) officials Monday that any applicants to sponsor or operate new online charter schools should be required to specify whether or not they have had any prior issues concerning falsification of student full-time equivalency (FTE) credits. ODE Superintendent Paolo DeMaria said the department would do "due diligence" on crafting application language pertaining to this concern before the committee's November meeting.

The State Board of Education moved closer Tuesday to final approval of recommendations for big changes to the high school graduation system, also discussing how it can sell lawmakers not only on the reforms but on a multi-year transition period. The board's Achievement and Graduation Requirements Committee voted unanimously to approve the proposal, which was developed by an advisory group of local officials convened by Superintendent Paolo DeMaria.

The State Board of Education Tuesday heard public testimony from the leadership of East Cleveland City Schools who were in attendance to tout their progress and success as a district while criticizing the school report card and impending academic distress commission process.

There are concerning trends about the readiness of high school graduates in areas like math and English according to the ACT test results for the class of 2018 released Wednesday. The Condition of College and Career Readiness 2018 Annual Report highlights the fact that college readiness in math has declined to its lowest level in 14 years. According to the results, just 40 percent of 2018 ACT-tested high school graduates met the math readiness benchmark, down from a high of 46 percent in 2012.

ELECTIONS 2018

Ohio voters should take advantage of their forthcoming once-in-a-lifetime opportunity to push back against the "moral vandalism" being carried out in the Trump White House, U.S. Sen. Cory Booker (D-NJ) said Friday. Booker, who was joined by Columbus City Councilwoman Elizabeth Brown to campaign for her father, U.S. Sen. Sherrod Brown (D-OH), said most people aren't swayed by "partisanship" and "rancor," pointing to issues he frequently discusses with voters.

U.S. Sen. Sherrod Brown's re-election campaign announced Friday that it has raised \$27.1 million during this cycle, more than any other U.S. Senate campaign in Ohio's history. The previous record was set by U.S. Sen. Rob Portman in his 2016 re-election campaign with \$25.8 million.

Ohio Supreme Court candidate and 8th District Appeals Court Judge Melody Stewart stepped back from new calls for state recusal mandates Monday but said all judges should withdraw from cases in which former legal clients are parties. Stewart added that, while political diversity is important to the Court, she does not want to see judicial races become partisan in the General Election cycle. Stewart spoke with reporters outside Franklin County Board of Elections offices in Columbus, where Democratic volunteers

were out in force with sample ballots and vocal support for their candidates.

U.S. Sen. Sherrod Brown (D-OH) and U.S. Rep. Jim Renacci (R-Wadsworth) clashed over immigration, health care, and tariffs during their first debate held in Cleveland on Sunday, with the two getting the most audience reaction near the end of the debate. Fielding a question about the nomination process of now U.S. Supreme Court Justice Brett Kavanaugh, Renacci brought up Brown's 1980s divorce, which Renacci has also used in his campaign ads as well. He and other Republicans, along with an outside group, have been highlighting court records filed during Brown's divorce from ex-wife Larke Recchie where she claimed in an affidavit that she felt in fear of the safety of her well-being and her children "due to [Brown's] physical violence and abusive nature." Brown responded, "My former wife asked you to stop attacking our family, she called these charges and your attacks despicable, she is supporting me and you should be ashamed of yourself."

Democratic state auditor nominee Zack Space released his first television advertisement of the campaign, titled "Crossroads." Space's campaign said the advertisement will highlight the central theme of his campaign that Ohio's democratic system has been rigged against working families by corporations and special interests.

Ohio Democrats were quick to criticize Republican candidate for auditor Rep. Keith Faber (R-Celina) after reports surfaced last week detailing a series of late property tax payments and subsequent penalties for the former Senate president's properties.

In the final quarterly fundraising filing before the November midterms, a number of Democratic congressional challengers reported outraising the Republican incumbent. According to reports filed with the Federal Elections Commission (FEC), the incumbents in the 1st, 7th, 10th, 12th and 14th congressional districts were outraised by their opponents. The largest hauls were in the first district, where Aftab Pureval is looking to unseat U.S. Rep. Steve Chabot (R-Cincinnati) and in the 12th District, where Danny O'Connor reloaded his campaign coffers after a narrow loss in August to now U.S. Rep. Troy Balderson (R-Zanesville).

Secretary of State Jon Husted's office said Tuesday that more Ohio voters have requested absentee ballots than at this point in the last statewide election in 2014. Husted encouraged voters to cast their ballots early, dropping off his absentee ballot at the Franklin County Board of Elections Tuesday afternoon before speaking to reporters. According to Husted's office, an estimated 910,982 absentee ballots had been requested as of Friday, Oct. 12, and 42,470 had been cast statewide. The number includes more than 7,900 ballot requests from military and overseas voters, whose absentee ballots began getting mailed Saturday, Sept. 22. Nearly 1,200 military and overseas voter ballots have been cast.

Ohio can't continue to be "backwards" on the issues of LGBT rights, clean energy, criminal justice and local government funding if the state wants to retain young professionals and attract investment from outside companies, Democratic gubernatorial candidate Richard Cordray said Tuesday. Cordray said he would represent "change" and "the future" on Capitol Square, while Republican opponent Attorney General Mike DeWine represents the "status quo," pointing specifically to criminal justice reform and the opioid epidemic.

Speaking for the Republican ticket at the Columbus Chamber of Commerce event was DeWine's running mate, Secretary of State Jon Husted, who boasted about the state's progress over the past eight years under complete GOP control. "We've come a long way. We've changed policies. And

today as I stand here eight years later, the unemployment rate in the state is around four percent. Over that time, 575,000 new jobs have been created. The budget's balanced. People in the state are working. Businesses are growing. The biggest problem that businesses have today, just eight years later, is they can't find enough people to fill all the jobs that they're creating. They're problems of prosperity," Husted said.

Speaking on the upcoming elections, Senate President Larry Obhof (R-Medina) said this week that he is confident Republicans will "retain a substantial Senate majority" and possibly pick up a seat. "A really good night would be 25-8 [majority], and there's a good chance that will happen," Obhof said. "I think across the state our candidates have worked hard. We have a good story to tell."

A new poll released this week by the University of Akron's Bliss Institute shows Ohio voters split on the gubernatorial race but giving U.S. Sen. Sherrod Brown (D-OH) a double-digit lead over opponent Rep. Jim Renacci. In the gubernatorial race, 37 percent of voters favor Republican Mike DeWine and 36 percent favor Democrat Richard Cordray. Bliss said that of those numbers, about five percent of voters lean toward each candidate with the rest being a solid vote for their candidate, and another 27 percent are undecided. The U.S. Senate race shows Brown leading Renacci 43 percent to 31 percent, with 26 percent undecided. The poll found a high-level of interest by voters in the midterm election, with seven in 10 Ohio voters saying they are very interested, while the remaining three in 10 expressed some or no interest.

The promises made by Democratic gubernatorial candidate Richard Cordray are so costly -- to the tune of \$4 billion per year -- that they would require excessive spending cuts, higher taxes or are simply empty promises, according to Republican legislative leaders who gathered at the Ohio Chamber of Commerce Thursday. House Speaker Ryan Smith (R-Bidwell) and Senate President Larry Obhof (R-Medina) touted their balanced biennial budgets and Ohio's economic growth since 2010, saying that Cordray's proposals would upset that process. However, Cordray has previously said he would not raise taxes, citing the following examples of increasing revenue to the state from sports gambling, medical marijuana and Internet sales tax.

Indicators from polling to advertising topics to Google search trends show that health care is the dominant issue in the 2018 mid-term election, advocacy groups said Thursday on a conference call, arguing the data also show voters favoring Democratic candidates because of their stances on the issue.

The call and report were organized by Protect Our Care, an advocacy group stressing the importance of health care in the upcoming election, often attacking Republican officials and candidates for their stances on the Affordable Care Act and other health care policies.

The following endorsements were made over the week:

- The *Cleveland Plain Dealer* endorsed Zack Space for state auditor.
- The *Akron Beacon Journal* endorsed Melody Stewart and Michael Donnelly for Ohio Supreme Court.
- The *Akron Beacon Journal* endorsed Sherrod Brown for U.S. Senate, Steve Dettelbach for Ohio attorney general and Robert Sprague for Ohio treasurer.

- The *Plain Dealer* endorsed Richard Cordray for governor.
- U.S. Sen. Sherrod Brown (D-OH) endorsed Richard Brown for Ohio House and John Boccieri for Ohio Senate.
- The Ohio Democratic Party announced that longtime GOP officeholder and former Hamilton County Commissioner Phil Heimlich endorsed Democrat Aftab Pureval for Ohio's First Congressional District over incumbent Rep. Steve Chabot (R-Cincinnati).
- The *Akron Beacon Journal* endorsed Kathleen Clyde for secretary of state.
- The Ohio Council of Behavioral Health and Family Services Providers announced its opposition to Issue 1.
- NFL player and former Ohio State University football star Malcolm Jenkins endorsed Issue 1 through a video he posted on Twitter.
- The *Youngstown Vindicator* endorsed Glenn Holmes and Michael O'Brien for re-election to the Ohio House.
- The Ohio Farm Bureau Federation endorsed a "No" vote on Issue 1.

ENERGY

The 13-state regional transmission organization (RTO) overseeing Ohio's wholesale electric market is preparing to issue new recommendations for a power grid increasingly dominated by natural gas generators -- the target of Trump administration calls for federally mandated subsidies to aging nuclear- and coal-fired plants. PJM Interconnection President/CEO Andrew Ott told a Senate committee his agency will address grid resilience in ways the Federal Energy Regulatory Commission (FERC) has not, despite FERC's having taken initial steps to address the issue last January.

ENVIRONMENT

Ohio businesses diverted 3.5 million pounds of waste material from landfills in the first year of the Ohio Materials Marketplace (OMM), Ohio Environmental Protection Agency (Ohio EPA) Director Craig Butler announced Monday. The online service, which allows companies to advertise and acquire potentially useful products and materials that might otherwise be destined for disposal in landfills, saved businesses \$200,000 in disposal costs, Butler said.

The U.S. Environmental Protection Agency's (USEPA) proposal to loosen regulations on methane emissions would put Ohioans' health at risk, environmental advocates said Thursday. "Standards for methane emissions coming from oil and gas operations should be made stronger, not gutted," said clean air advocate Peggy Berry, discussing the federal agency's proposed changes during a press call organized by the Ohio Environmental Council (OEC).

FEDERAL

The U.S. Centers for Medicare and Medicaid Services (CMS) Friday announced the 2019 premiums, deductibles, and coinsurance amounts for Medicare Parts A and B. According to CMS, the Medicare Part B premium -- which covers physician services, outpatient hospital services, certain home health services, durable medical equipment, and certain other medical and health services not covered by Medicare Part A -- will increase by \$1.50/month. That means it will cost \$135.50/month for 2019, up from \$134 in 2018. CMS also announced that the annual deductible for Medicare Part B beneficiaries is \$185 in 2019, an increase from \$183 in 2018.

U.S. Sen. Sherrod Brown (D-OH) touted the signing of federal legislation he co-sponsored that would bar gag clauses placed on pharmacists by pharmacy benefit managers, preventing pharmacists from informing patients when a cheaper alternative might be available. Brown made brief remarks Wednesday in support of the legislation, known as the "Patient Right to Know Drug Prices Act," that was recently signed by President Donald Trump.

GAMING/GAMBLING

The Ohio Casino Control Commission (OCCC) on Wednesday approved 81 entities for skill-based amusement machine (SBAM) licensure, OCCC spokesperson Jessica Franks told *Hannah News*. It's the first round of approvals since the commission began regulating skill games earlier this year.

GENERAL ASSEMBLY/STATEHOUSE

The Capitol Square Review and Advisory Board (CSRAB) Thursday gave staff the go-ahead to begin planning major Statehouse parking garage renovations that will cost around \$20 million. Laura Battocletti, the executive director of CSRAB, told the board that they had originally planned to request repair funds through the next capital budget in 2020, but have decided that is too long to wait. Asked if it would be part of the next state budget, she said she hopes for a sooner timeline, possibly even during the lame duck session.

The Joint Committee on Agency Rule Review (JCARR) approved all rules on the Monday agenda without discussion or questions, leading Chair Sen. Joe Uecker (R-Loveland) to note it stood in "stark contrast" to the previous month's meeting of more than four hours. The "bucket of invalidation" will return at the Nov. 5 JCARR hearing, and Uecker said agencies will be notified Monday if they have rules in the bucket.

The Legislature sent the following bills to the governor for his signature:

- HB353 (Reineke) - To make changes to the exemptions under the Unclaimed Funds Law.
- HB405 (Perales) - To create the offense of counterfeiting and to include counterfeiting within the definition of "corrupt activity" under the Corrupt Activities Law.

GOVERNOR

Appointments made during the week include the following:

- Tamera L. Brown of Cleveland Heights (Cuyahoga County) to the TourismOhio Advisory Board for a term beginning Oct. 12, 2018 and ending Sept. 27, 2021.

- Jonathan Abbott of Columbus (Franklin County) to the Small Business Stationary Source Technical and Environmental Compliance Assistance Council for a term beginning Oct. 15, 2018 and ending July 30, 2019.

- Andrew R. Thomas of Pepper Pike (Cuyahoga County) to the Oil and Gas Commission for a term beginning Oct. 16, 2018 and ending Oct. 14, 2023.

- Christine H. Dennison of Canfield (Mahoning County) and David H. Coy of Poland (Mahoning County) reappointed to the Eastern Gateway Community College Board of Trustees for terms beginning Oct. 17, 2018 and ending Oct. 16, 2023.

- Roy D. Sensabaugh Jr. of Columbus (Franklin Co.) to the Motor Vehicle Dealers Board for a term beginning Oct. 18, 2018, and ending Oct. 4, 2019.

GREAT LAKES

Significant majorities of individuals living near the Great Lakes support immediate action to install new structures to protect against Asian carp invasion, according to a poll commissioned by the Great Lakes Partnership to Block Asian Carp. The poll is the first effort to survey residents in Ohio, Illinois, Indiana, Michigan and Wisconsin about their understanding of the risk of invasive carp, the Michigan Department of Natural Resources (MDNR) said.

Two Ohio State University (OSU) educators have received nearly \$50,000 from the National Oceanic and Atmospheric Administration (NOAA) to teach South Bass Island visitors about the effects of plastic trash, Ohio Sea Grant has announced.

JUDICIAL

A practicing lawyer may advertise credentials other than a law degree, and an attorney working simultaneously in another field may promote his or her juris doctor (J.D.). Lawyers may not, however, equate other competencies with a legal specialty and may not imply that a bar license provides clients in a law-related field the protections of an attorney-client relationship, the Board of Professional Conduct states in its sixth advisory opinion of the year.

The Ohio Supreme Court is offering courts around the state new funding for technology projects to remove barriers to the efficient and effective administration of justice. Some funding also will be set aside to pay for courtroom or related building security equipment upgrades or new installations.

LOCAL GOVERNMENT

State appeals judges focused on the definition of "levy" and whether the state's imposition of a fee on centralized collections is permissible during a hearing Wednesday on a lawsuit challenging Ohio's new law on municipal taxation of business income. The FY18-19 state budget, HB49 (R. Smith), allowed taxpayers to opt to file their municipal net profits tax returns with the state rather than individually with each city in which they did business. Dozens of Ohio cities and villages sued

the state after enactment of HB49, alleging it violates their constitutional home rule powers. The communities lost at trial in cases filed in Lorain and Franklin counties.

Ohio Auditor of State Dave Yost Tuesday said that financial stability has returned to the village of Manchester, where officials and citizens have spent the past 21 years navigating the longest financial crisis in state history. Yost officially released the Adams County village from fiscal emergency as its financial planning and supervision commission held its final meeting. The fiscal emergency status was declared on Oct. 1, 1997, in response to four fund deficits that totaled \$105,447 at the time.

MARIJUANA

Medical marijuana processor applicants planning to submit clarifying information to the Ohio Department of Commerce (DOC) now have until Wednesday, Oct. 24 to do so. The previous due date was Oct. 17.

PENSIONS

Trustees of the Ohio Public Employees Retirement System (OPERS) voted Wednesday to cut the long-term outlook for investment earnings, though they opted for a smaller reduction than that recommended by outside actuaries. The system lowered its assumed annual average rate of return from 7.5 percent to 7.2 percent, two years after cutting it from 8.0 percent. According to estimates, the latest reduction likely avoids for now triggering a state law that requires pension systems to devise plans to strengthen finances when they are projected to need more than 30 years to pay down their unfunded accrued liabilities. That's not to say it won't prompt system changes, however.

PEOPLE

Ohio University (OU) President M. Duane Nellis recently presented Pete Souza with the Outstanding Federal Government Alumnus Award at OU's Seventh Annual Federal Government Alumni Luncheon.

Unice Smith, chief of the Ohio Auditor of State's (AOS) Local Government Services Section, recently received the Hugh Dorrian "Lifetime Achievement Award" for her service to the public and through the Ohio Government Finance Officers Association (GFOA).

Dr. Gary LeRoy, associate dean for student affairs and admissions at Wright State University's (WSU) Boonshoft School of Medicine has been named president-elect of the American Academy of Family Physicians (AAFP), the university announced.

Charter school founder and philanthropist David Brennan died Sunday, Oct. 14 at the age of 87. His funeral is set for Saturday, Oct. 27 at 11 a.m. at St. Sebastian Catholic Church in Akron. Brennan was the founder of the for-profit charter school company White Hat Management which, according to the *Akron Beacon Journal*, sold the last of its contracts to run charter schools in August. White Hat was a major player in the expansion of charter schools in Ohio.

PUBLIC SAFETY

A bill that would place more restrictions on drivers younger than 18 should be a top priority during lame duck session, Reps. Gary Scherer (R-Circleville) and Michael Sheehy (D-Oregon) said

Thursday. The legislation, HB 293 (Scherer-Sheehy), was reported out of the House Transportation and Public Safety Committee in February.

SECRETARY OF STATE

Ohio Secretary of State Jon Husted announced Monday that 9,375 new entities filed to do business in Ohio in September, an increase of 617 when compared to September 2017.

STATE GOVERNMENT

The Ohio Controlling Board approved its entire agenda Monday despite one hold from Sen. Charleta Tavares (D-Columbus) -- a request from the Ohio Department of Job and Family Services (ODJFS) for \$100,000 to contract with a Columbus-based research firm to conduct the Child Care Market Rate Survey as required biannually by Ohio Revised Code (ORC) to analyze the pay rates of child care providers across the state. After some discussion, the item was approved.

Two recent reports from the Ohio Inspector General found rule violations by public employees: one, an Ohio Department of Commerce (DOC) employee who falsified pay stubs in order to obtain child care benefits, and a second, an Ohio Department of Natural Resources (ODNR) employee who instructed park staff to reserve campsites for her family members and friends, failing to follow proper procedures and to pay applicable reservation fees.

TECHNOLOGY

Another Republican-appointed advisory board facing lame duck status gathered Wednesday to weigh remaining work in 2018, including any role it might have in crafting new legislation on cyber-security.

Attorney General Mike DeWine's two-year-old CyberOhio, a driving force behind "safe harbor" legal protections for private companies in cyber-security bill SB220 (Hackett-Bacon), reviewed its achievements this year, including passage and signing of a law that takes effect on Friday, Nov. 2. The legislation does not require but incentivizes businesses to implement cyber protections of consumer information by providing a so-called safe harbor or affirmative defense against lawsuits in the wake of a data breach, meaning evidence of security protocols could shield companies from civil liability.

TRANSPORTATION/INFRASTRUCTURE

A state committee would be required to conduct an electric vehicle (EV) infrastructure study under forthcoming legislation from Rep. Kent Smith (D-Euclid). While EV sales having been increasing as consumers find that they are a more cost-effective method of transportation than traditional vehicles, Ohio's charging infrastructure has not kept up with demand, Smith said.

UTILITIES

The Public Utilities Commission of Ohio (PUCO) is sending gas pipeline safety experts to Massachusetts to help its department of public utilities restore natural gas service in areas of Merrimack Valley hit by last month's Columbia Gas explosions. The commission said Monday its

staff will be watching for any conditions relevant to Ohio, where Columbia Gas serves 1.3 million customers.

The Ohio Consumers' Counsel (OCC) and Ohio Manufacturers' Association (OMA) Energy Group say the Supreme Court of Ohio's recent "unjust" decision denying relief from illegal charges for a half million Dayton Power and Light (DP&L) customers likely will be repeated in other ratemaking cases that drag out at the Public Utilities Commission of Ohio (PUCO) and the Court before utilities file a new electric security plan (ESP), mooted charges under their old ESP. In a request for reconsideration, OCC, OMA and The Kroger Company agreed this week with the fourth and deciding vote in the 4-3 ruling -- a concurrence in judgment only -- in which Justice Sharon Kennedy said the majority's dismissal of the appeal provides DP&L a "windfall" of unlawful customer charges totaling nearly \$300 million.

WORKERS' COMPENSATION

The Ohio Bureau of Workers' Compensation (BWC) awarded \$695,000 in grants to 30 Ohio employers to purchase equipment designed to substantially reduce or eliminate workplace injuries and illnesses. BWC said employers receiving grants operate in 27 counties, and the recipients included eight local governments or schools.

LEGISLATIVE ACTIVITY:

SENATE:

No legislative activity to report.

HOUSE:

No legislative activity to report.