



MEEA's Guide to Utility Consumer Advocates in the Midwest

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Introduction

Rising energy costs are a concern for households across the Midwest.¹ Average residential electricity rates have increased 65% in the region since 2001.² Reducing customer energy usage through energy efficiency (EE), the lowest-cost energy resource, is one way to temper the bill impact of rate increases. Designing a regulatory framework that supports energy efficiency investments is not a task that the average customer can engage in. Engaging in regulatory proceedings requires significant subject matter expertise, monetary resources and time. Who is looking out for residential customers' interests, and do those interests align with support for energy efficiency? While utility regulators are responsible for ensuring that energy is reliable and affordable, utility consumer advocates (UCAs) take on the role of representing residential customers in these proceedings.

UCAs use their expertise and experience to give a voice to residential customers in complex utility proceedings and advocate for customer interests. They work to ensure ratepayer dollars are spent prudently and cost-effectively. UCAs often encourage the expansion of energy efficiency programs to meet the needs of underserved customers and work to raise residential customers' awareness of energy efficiency programs.

Understanding the views of UCAs and building relationships with the UCAs operating in states across the MEEA footprint are critical to delivering the benefits of energy efficiency to all customers. To that end, this paper provides readers with an overview of the roles and types of UCAs and a guide to the UCAs in the Midwest.

How UCAs Work

The policies, histories and needs of each state have led to a variety of functions and structures of UCAs. The UCAs in the Midwest are a mixture of government offices and non-governmental organizations (NGOs).

The Midwest's UCAs take part in energy efficiency proceedings in three general ways:

1. They intervene as parties in energy efficiency regulatory proceedings at the state utility commission.
2. They participate in statewide or utility stakeholder collaboratives.
3. They provide public comments in energy efficiency regulatory or legislative hearings.

In some states, the UCA does not directly engage in energy efficiency proceedings, though they may still be included on the service lists for energy efficiency dockets.

Types and Affiliations

Most UCAs in the Midwest are members of the National Association of Utility Consumer Advocates (NASUCA). Two, the Illinois Citizens' Utility Board and the Office of Ohio Consumers' Counsel, are current MEEA members.

¹ MEEA's 13-state footprint: IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, OH, SD and WI

² US Energy Information Administration. 2017. Average retail price of electricity, monthly. Electricity data browser. Accessed at <https://www.eia.gov/electricity/data/browser/#/topic/7?agg=0>

Cover image credits: Marcela Gara, Resource Media (left); Dennis Schroeder, NREL (middle)

Governmental UCAs are, as a rule, part of the executive branch. In six Midwest states, the office of the attorney general (AG) serves as or appoints the advocate; in two states, the governor appoints the advocate; and in four, another state agency is responsible. In most states, the AG has a broad consumer protection role. In states where the AG is a NASUCA member or takes an active role in utility proceedings, we included the AGs office in this report. In states where there is another governmental UCA and the AG does not take part, we did not include that office.

Some governmental UCAs play a role only in utility rate cases and do not weigh in on energy efficiency issues. This may be because a limited statutory-defined role does not include a mandate for energy efficiency advocacy (e.g. Nebraska). Whatever role they play in energy efficiency proceedings, it is important to remember that governmental UCAs do not determine energy policy for their states; policies are set by the legislature, regulatory commission and judiciary.

Some states have more than one active UCA. The only state in the Midwest that does not have a UCA is North Dakota. The utility commission's consumer affairs office is South Dakota's only UCA, making it the only state in the Midwest where the UCA is inside of the commission and there is no separate government agency or NGO filling a UCA role.

Of the six identified NGO consumer advocates, four are 501(c)(3) nonprofits – Minnesota Citizens Federation Northeast, the Citizens Utility Board of Minnesota, the Consumers Council of Missouri (CCM) and Citizens Utility Board of Wisconsin – and two are 501(c)(4) – Citizens Utility Board and Citizens Action Coalition (CAC). State legislatures established some of the NGOs to fill the UCA role, while others grew into it as part of broader consumer advocacy work. Most of the NGO UCAs were founded in the 1970s – the oldest is the CCM in Missouri, which was founded in 1971 – and have decades of experience in consumer advocacy. New to the UCA role is the Minnesota CUB, founded in 2016.

About This Guide

The NGO energy advocacy world is broad, and providing a detailed inventory of every possible group would be time prohibitive. We sought to limit the list to in-state organizations that have a specific focus on the interest of residential consumers, whether or not that focus is only on the utility side or encompasses broader consumer advocacy. Thus, the list omits a variety of other NGO stakeholders that regularly engage in energy efficiency proceedings. These include national environmental advocates, clean energy advocates and business associations. Those organizations, though active stakeholders, are beyond the scope of this paper.

The following pages describe the organizations that serve as UCAs in the Midwest. We also provide an overview of the roles these organizations play in their state's energy efficiency activities. Information was sourced from publicly available websites and documents as well as direct input or review from the respective consumer advocates. These summaries do not state the official positions nor the opinions of the listed organizations.

Public Utilities Bureau, Office of the Illinois Attorney General	
State	Illinois
Organization Type	Government
	<ul style="list-style-type: none"> • Division of AG's office • Assistant AG appointed by AG
Office Location	Chicago, Springfield & Carbondale, IL
Website	www.illinoisattorneygeneral.gov/consumers/public_utilities.html
Role taken in EE	<ul style="list-style-type: none"> • Represents ratepayers in proceedings before the Illinois Commerce Commission (ICC) • Illinois Stakeholder Advisory Group (IL SAG) participant • Provides statutory review & interpretation
Recent Position on EE Policy	<ul style="list-style-type: none"> • Current activities include focus on low-income EE programs under the Future Energy Jobs Act (FEJA) & during the "bridge period" as Illinois transitions from fiscal year to calendar year programs • Statutory review & interpretation of low-income provisions (Presentation at IL SAG 1/31/17) <ul style="list-style-type: none"> ○ Need to maintain low-income spending ○ Favors joint gas & electric statewide low-income programs for efficient delivery of programs
Memberships	NASUCA
Additional Notes	AG's office authorized by Article V, Section 1 of the Illinois Constitution; established 1818

Citizens Utility Board (CUB)	
State	Illinois
Organization Type	NGO
	<ul style="list-style-type: none"> • 501(c)(4) nonprofit
Office Location	Chicago, IL
Website	www.citizensutilityboard.org
Role taken in EE	<ul style="list-style-type: none"> • Represents residential utility customers in proceedings before the Illinois Commerce Commission (ICC) • Illinois Stakeholder Advisory Group (IL SAG) participant • Testifies in legislative proceedings on energy legislation
Recent Position on EE Policy	<ul style="list-style-type: none"> • Supported the Future Energy Jobs Act (FEJA) in 2016 (CUB Fact Sheet) • Supports EE for bill-lowering impacts for residential customers and informs customers about programs (blog post 4/5/2017) • Recognizes the societal benefits of EE; "efficiency benefits everyone, not just the individuals who partake" (blog post 9/23/2015)

	<ul style="list-style-type: none"> Supports ICC's NextGrid initiative to explore changes to utility regulatory framework (press release, Illinois Kicks Off Ambitious Utility of the Future Process, 3/24/17)
Memberships	NASUCA, MEEA, Illinois Clean Jobs Coalition
Additional Notes	Created by Illinois General Assembly with passage of the CUB Act [220 ILCS 10] in 1983

Indiana

Indiana Office of Utility Consumer Counselor (OUCC)	
State	Indiana
Organization Type	Government
	<ul style="list-style-type: none"> Consumer Counselor appointed by Governor 4-year term
Office Location	Indianapolis, IN
Website	www.in.gov/oucc
Role taken in EE	<ul style="list-style-type: none"> Statutorily-authorized participant in all cases before the Indiana Utility Regulatory Commission (IURC) Reviews EE dockets and integrated resource plan (IRP) filings and makes recommendations in testimony or comments on a case-by-case basis Participant on oversight boards for utility EE plans
Recent Position on EE Policy	<ul style="list-style-type: none"> Broad overview of EE role and positions on OUCC site <ul style="list-style-type: none"> Need to "consider whether there are consistent tools and/or best practices that all five utilities may use" Recent recommendations include: <ul style="list-style-type: none"> Improve modeling assumptions & transparency (OUCC comments on 2014 IRPs) Stakeholder process is good, but should strive for increased transparency & more consistency between utilities in IRPs (OUCC comments on 2016 IRPs)
Memberships	NASUCA
Additional Notes	Created by General Assembly in 1933 as Office of Public Counselor; current form dates from 1981

Citizens Action Coalition	
State	Indiana
Organization Type	NGO
	<ul style="list-style-type: none"> • 501(c)(4)
Office Location	Indianapolis, IN
Website	www.citact.org
Role taken in EE	<ul style="list-style-type: none"> • Participates in proceedings before the Indiana Utility Regulatory Commission (IURC) • In-depth, independent expert analysis and testimony regarding modeling methods, avoided costs and numerous other factors in utility IRPs and EE plans – commonly challenges utility data and assumptions • Strong supporter of EE at both regulatory and legislative levels
Recent Position on EE Policy	<ul style="list-style-type: none"> • Supports 'just and reasonable' lost revenue recovery (Testimony of Karl R. Rábago in 44927 & 44645-Remand; testimony of Natalie Mims in 43955 DSM 3, 44634, 43827 DSM 5 & 44645) • Supports increased consistency in LRAM methodologies across utilities (Testimony of Shawn Kelly in 44792 & 44841; testimony of Natalie Mims in 43827 DSM 5 & 44645) • Supports IURC-managed EM&V process (Testimony of Shawn Kelly in 44792 & 44841; testimony of Karl Rábago in 44927 & 44645-Remand) • Supports performance incentives tied to both tiered levels of energy savings achieved and the net present value of the net benefits of the UCT test (Testimony of Natalie Mims in 43955 DSM 3, 44634, 43827 DSM 5 & 44645; testimony of Shawn Kelly in 44792 & 44841)
Memberships	Indiana Sustainable Energy Coalition (ISEC), Indiana Coalition for Human Services, National Energy & Utility Affordability Coalition (NEUAC)
Additional Notes	Founded 1974

Iowa

Office of Consumer Advocate (OCA)	
State	Iowa
Organization Type	Government
	<ul style="list-style-type: none"> • Division of Attorney General's office • Consumer Advocate appointed by AG
Office Location	Des Moines, IA
Website	www.iowaattorneygeneral.gov/for-consumers/office-of-consumer-advocate-utilities
Role taken in EE	<ul style="list-style-type: none"> • Represents Iowa ratepayers and public interest generally in proceedings before the Iowa Utilities Board (IUB)

	<ul style="list-style-type: none"> Coordinates collaborative EE initiatives, including 2015 Net-to-Gross report (Final Report of 11/25/15 in EEP-2012-0001) and Iowa Technical Reference Manual (TRM) in ongoing utility EE plan dockets (Multiple documents, filed on 9/30/17 in EEP-2012-0001, EEP-2012-002, EEP-2013-0001). Reviews budgets, EE plan performance and budget variance/modification requests
Recent Position on EE Policy	<ul style="list-style-type: none"> Timely EM&V is important for utility EE programs (Reply of 5/18/17 in EEP-2012-002) Opposes industrial opt-out (Bodine-Surrebuttal Testimony of 6/11/13 in EEP-2012-0001) Generally: supportive of improvement in EE programs to be more cost-effective and farther-reaching
Memberships	NASUCA
Additional Notes	Consumer Advisory Panel (9 members: 5 appointed by AG, 4 appointed by Governor) meets at request of OCA for consultation regarding utility issues

Kansas

Citizens' Utility Ratepayer Board (CURB)	
State	Kansas
Organization Type	Government <ul style="list-style-type: none"> 5-member board Appointed by Governor 4-year terms
Office Location	Topeka, KS
Website	curb.kcc.state.ks.us
Role taken in EE	<ul style="list-style-type: none"> Participates in proceedings before the Kansas Corporation Commission (KCC)
Recent Position on EE Policy	<ul style="list-style-type: none"> Should minimize any rate increase from energy-efficiency programs. (Direct Testimony of Stacey Harden on Behalf of CURB of 8/8/16 in 16-KCPE-446-TAR) Places emphasis on TRC and RIM tests – opposes using TRC as sole screen (Post-Hearing Brief of CURB of 5/8/17 in 16-KCPE-446-TAR) Opposes utility-specific TRM – feel that DEER proven reliable and should be used at this time (Post-Hearing Brief of CURB of 5/8/17 in 16-KCPE-446-TAR) “EE programs often fail to perform as advertised” (Post-Hearing Brief of CURB of 5/8/17 in 16-KCPE-446-TAR) Favors use of rate rider for cost recovery; opposes LRAM and prefers lost revenues handled through rate case (Post-Hearing Brief of CURB of 5/8/17 in 16-KCPE-446-TAR)
Memberships	NASUCA
Additional Notes	Established by KCC in 1988; made state agency by legislature in 1989; became independent from KCC in 1991

Kentucky

Office of Rate Intervention, Office of the Attorney General	
State	Kentucky
Organization Type	Government <ul style="list-style-type: none"> • Branch of the Civil Division in AG's office • Assistant AG appointed by AG
Office Location	Frankfort, KY
Website	ag.ky.gov/civil/rate
Role taken in EE	<ul style="list-style-type: none"> • Utility collaborative participant • On service list for EE docket filings but has not appeared as an party in recent cases before the Kentucky Public Service Commission (PSC) • Statutorily authorized to appear as a party in regulatory proceedings (KRS 367.150 (8))
Recent Position on EE Policy	<ul style="list-style-type: none"> • No identified recent filings in EE dockets
Memberships	NASUCA

Michigan

Environment, Natural Resources, and Agriculture Division, Michigan Department of the Attorney General	
State	Michigan
Organization Type	Government <ul style="list-style-type: none"> • Division of AG's office • Division Chief hired by AG
Office Location	Lansing, MI
Website	www.michigan.gov/ag/0,4534,7-164-18157---,00.html
Role taken in EE	<ul style="list-style-type: none"> • Is not on service lists and has not appeared as an party in recent EE proceedings before the Michigan Public Service Commission (MPSC) • Energy role focuses on rate cases
Recent Position on EE Policy	<ul style="list-style-type: none"> • The AG's website does not list any issued opinion on energy efficiency matters in several decades.
Memberships	NASUCA

Utility Consumer Participation Board (UCPB)	
State	Michigan
Organization Type	Government
	<ul style="list-style-type: none"> • Five-member board • Appointed by the governor for 2-year terms • Organized under the Department of Licensing and Regulatory Affairs (LARA)
Office Location	Lansing, MI
Website	www.michigan.gov/lara/0,4601,7-154-10573_76244---,00.html
Role taken in EE	<ul style="list-style-type: none"> • Provides grants to organizations that represent utility customers at residential proceedings before the Michigan Public Service Commission (MPSC)
Recent Position on EE Policy	<ul style="list-style-type: none"> • Indirect policy role through funding of advocacy groups only – statutorily forbidden from direct advocacy • Provides approval of funded organizations' expert witnesses for MPSC cases (e.g. UCPB Meeting Minutes 8/7/17) • Review of meeting minutes indicates a general support for energy efficiency as one path to lower customer energy bills
Memberships	N/A
Additional Notes	Created by PA 304 of 1982; activities governed by § MCL460.6l and MCL460.6m of the Michigan Compiled Laws

Minnesota

Residential and Small Business Utilities Division, Office of the Minnesota Attorney General	
State	Minnesota
Organization Type	Government
	<ul style="list-style-type: none"> • Division of AG's office
Office Location	St. Paul, MN
Website	www.ag.state.mn.us
Role taken in EE	<ul style="list-style-type: none"> • On service lists for EE dockets • No appearance as an intervener in recent EE proceedings before the Minnesota Public Utilities Commission (PUC)
Recent Position on EE Policy	<ul style="list-style-type: none"> • No issued opinions on EE in recent years found on <i>AG Opinions</i> page on website
Memberships	NASUCA

Minnesota Citizens Federation Northeast	
State	Minnesota
Organization Type	NGO
	<ul style="list-style-type: none"> • 501(c)(3) nonprofit
Office Location	Duluth, MN
Website	www.citizensfed.org
Role taken in EE	<ul style="list-style-type: none"> • Coalition building with clean energy organizations • Intervenes in some proceedings before the Minnesota Public Utilities Commission (PUC)
Recent Position on EE Policy	<ul style="list-style-type: none"> • Encourage adoption of multifamily-specific EE programs • Encourage coordination of dual-fuel EE program collaboration • Reach additional multifamily <i>affordable</i> housing with EE programs • (Comments with Fresh Energy, et al. of 7/13/16 in 16-117; no direct link, search at MN DOC eDockets)
Memberships	Energy CENTS Coalition (a MN low-income utility affordability coalition)
Additional Notes	Originated as a senior citizens' advocacy organization in 1976; energy role primarily around rate issues and in coalitions

Citizens Utility Board of Minnesota (CUB Minnesota)	
State	Minnesota
Organization Type	NGO
	<ul style="list-style-type: none"> • 501(c)(3) nonprofit
Office Location	St. Paul, MN
Website	www.cubminnesota.org
Role taken in EE	<ul style="list-style-type: none"> • Is not on service lists or an intervener in recent EE dockets • Provides EE advice to consumers
Recent Position on EE Policy	<ul style="list-style-type: none"> • Supportive of EE policies, but as a new organization has had limited activity – likely to take a more active role in future proceedings • Most work at the Public Utility Commission (PUC) so far has been around rate issues • Opposed exemption for small utilities from Conservation Improvement Program, which passed as part of the Legislature's 2017 Jobs and Energy Omnibus Bill (SF 1456)
Memberships	NASUCA (Associate Member)
Additional Notes	Founded 2016 with the assistance of CUB Illinois

Missouri Office of the Public Counsel	
State	Missouri
Organization Type	Government
	<ul style="list-style-type: none"> Public Counsel appointed by director of Department of Economic Development
Office Location	Jefferson City, MO
Website	opc.mo.gov
Role taken in EE	<ul style="list-style-type: none"> Participates in proceedings before the Missouri Public Service Commission (PSC)
Recent Position on EE Policy	<ul style="list-style-type: none"> Explore Pay-as-you-save (PAYS) and on-bill financing models (Testimony of Geoff Marke in ER-2016-0285) Utilities should adhere to approved EE budgets (OPC comments 4/27/17 in EX-2016-0334, the PSC rulemaking to update Missouri Energy Efficiency Investment Act (MEEIA) regulations) Non-energy benefits are subjective and should not be included in rules (OPC comments 4/27/17 in EX-2016-0334) Technical Reference Manual (TRM) is of limited value to ratepayers(OPC comments 4/27/17 in EX-2016-0334) Generally: Supportive of larger emphasis on peak demand savings in MEEIA (Missouri Energy Efficiency Investment Act) Cycle II programs and current cycle
Memberships	NASUCA
Additional Notes	Established 1975

Consumers Council of Missouri	
State	Missouri
Organization Type	NGO
	<ul style="list-style-type: none"> 501(c)(3) nonprofit
Office Location	St. Louis, MO
Website	www.moconsumers.org
Role taken in EE	<ul style="list-style-type: none"> Is not on service lists and does not appear as a party in recent EE proceedings before the Missouri Public Service Commission (PSC)
Recent Position on EE Policy	<ul style="list-style-type: none"> No hits for searches for "efficiency" on CCM website dated later than 2015 2015 activities related to participation in a coalition to fight fixed charge increases
Memberships	NASUCA (Associate Member)
Additional Notes	Originated in 1971; current form since 2006

Nebraska

Public Advocate	
William F. Austin, Baylor Evnen Curtiss Gruit & Witt, LLP	
State	Nebraska
Organization Type	Government
	<ul style="list-style-type: none"> • Authorized by Nebraska Revised Statute 66-1830. • Appointed by executive director of Nebraska Public Service Commission (PSC) for a four-year term • Statutorily-required to be an attorney • Position outsourced by PSC to a private law firm
Office Location	Lincoln, NE
Website	www.baylorevnen.com
Role taken in EE	<ul style="list-style-type: none"> • Represents the public in natural gas cases before the PSC, primarily rate cases
Recent Position on EE Policy	<ul style="list-style-type: none"> • Mandate under Neb. Rev. Stat. 66-1830 does not extend to promoting energy efficiency nor has EE come up as an issue in rate cases • There have not been any natural gas EE cases in Nebraska
Memberships	NASUCA
Additional Notes	Nebraska's unique status as a public power electricity state means that electricity is not regulated by the PSC; Advocate's role only concerns natural gas

North Dakota

No state utility consumer advocate	
State	North Dakota
Notes	The Consumer Protection office of the North Dakota AG investigates consumer fraud cases, but the AG and staff are prohibited by law from providing legal services, advice or interpretation to the public. No non-governmental consumer advocates was identified.

Office of the Ohio Consumers' Counsel (OCC)	
State	Ohio
Organization Type	Government
	<ul style="list-style-type: none"> Counsel is selected by 9-member governing board, which is appointed by AG and confirmed by Senate
Office Location	Columbus, OH
Website	www.occ.ohio.gov/
Role taken in EE	<ul style="list-style-type: none"> Represents ratepayers in proceedings before the Public Utility Commission of Ohio (PUCO) Testifies in legislative proceedings on energy legislation
Recent Position on EE Policy	<ul style="list-style-type: none"> Should have an annual cap on total energy efficiency spending, including program costs, shareholder incentives (utility profits), and lost revenues Utilities should not be permitted to charge customers higher shareholder incentives based on energy efficiency that customers achieve on their own Should preclude use of banked savings for shared savings Residential consumers should be given opportunity to opt out of energy efficiency, similar to nonresidential customers Competitive bidding should be required for all EE vendors and implementers (Testimony on SB 320, Senate Energy and Natural Resource Committee, 11/22/16; Testimony on House Bill 554, Senate Energy and Nat. Resources Committee, 12/8/16; Testimony on House Bill 114, House Public Utilities Committee, 3/21/17)
Memberships	NASUCA, MEEA
Additional Notes	Established in 1976; founding member of NASUCA

South Dakota

Complaints and Consumer Affairs, South Dakota Public Utilities Commission	
State	South Dakota
Organization Type	Government
	<ul style="list-style-type: none"> Consumer Affairs Manager hired by South Dakota Public Utility Commission (PUC)
Office Location	Pierre, SD
Website	puc.sd.gov/consumer
Role taken in EE	<ul style="list-style-type: none"> No identified role in EE
Recent Position on EE Policy	<ul style="list-style-type: none"> No evidence of any EE involvement beyond a few pamphlets on website

Memberships	NARUC
Additional Notes	There is not a governmental advocate that is independent of the regulatory commission in South Dakota. No NGO advocates were identified.

Wisconsin

Citizens Utility Board of Wisconsin	
State	Wisconsin
Organization Type	NGO <ul style="list-style-type: none"> • 501(c)(3) nonprofit
Office Location	Madison, WI
Website	www.wiscub.org
Role taken in EE	<ul style="list-style-type: none"> • Comments on Public Service Commission of Wisconsin (PSC) cases related to efficiency planning
Recent Position on EE Policy	<ul style="list-style-type: none"> • Supported 2010 Focus on Energy funding increase (press release 5/3/2011) • Supported increased EE goals and EE as a way to meet carbon standards in PSC's 2014 Quadrennial Planning Process II (description of 5-FE-100 on website)
Memberships	NASUCA (Associate Member)
Additional Notes	Created by legislature in 1975; reorganized as nonprofit in 1986