

Duke Class Benefit Board (CBF) Meeting Minutes

April 6, 2016 | 8:00 – 11:00 am

Location: Freking Myers & Reul

525 Vine St., 6th Floor | Cincinnati OH 45202

Approved May 23, 2016

Board Members: Debbie Brooks, Kathy Merchant, Brewster Rhoads, Mark Shanahan, Kevin Bright

Attorneys: Paul De Marco, Bill Markovits, Randy Freking

Staff: Megan Kennedy

1. Minutes of March 9, 2016

Approved as corrected.

2. Proposal to revise the Board's process for recording and approving minutes

Kathy reported on logistics challenges experienced while searching for documents to draft the Board's presentation to the Court, and her conclusion that a hierarchy of electronic folders for meeting agendas and minutes would make it easier for all to easily access documents using Dropbox. On the Board's behalf, she created a new hierarchy. Kathy then offered to serve as Secretary to the Board, and to take responsibility for uniformly editing and finalizing meeting minutes as well as other documents pertaining to the Board's deliberations and actions. Board members unanimously accepted her offer.

3. Updates: Settlement Hearing process and class member feedback on funding priorities

The hearing date has been rescheduled to April 19. The change of date means that Kevin Bright will not be able to attend as planned due to travel commitments.

For information only: the attorneys shared that one objection had been filed, explained various scenarios to educate Board members about the process, and outlined the potential ramifications to the settlement timetable and final decision.

Class members were invited to complete a survey to weigh in on the residential and non-residential priority funding areas proposed in the Draft Blueprint. There has already been a significant response from the nearly 50,000 class members for whom there is a correct email address. All feedback available just prior to the Settlement Hearing will be incorporated into the court presentation. Thus far, the responses have been quite favorable for all priority areas.

4. Review draft court presentation and logistics for the Settlement Hearing

In advance of the meeting, Kathy drafted an outline for the Board's 10-minute presentation at the Settlement Hearing. After a thorough discussion of the content and flow, Bill offered to have a member of the staff at Markovits, Stock & DeMarco design the presentation in

PowerPoint format. Kathy will meet with the attorneys on April 13 (2:00 pm) to review the final presentation.

CBF Board members and class representatives will meet at 9:00 am at the offices of Freking Myers & Ruhl, then walk to the federal building for the 10:00 am hearing. Bill reviewed the likely order of the proceedings which will include presentations from both plaintiffs' and defendant's attorneys, class representatives, CBF Board and, if present, any objectors.

5. Review implementation timeline and action steps

- a) List of Stakeholders: Megan Kennedy started a list of organizations potentially eligible to apply for grants and/or revolving loan funds. This list will need to be finalized by mid-June.
- b) Letter of Interest: The application process will be conducted in two phases, starting with a short "Letter of Interest" (LOI). CBF Board members will screen the LOIs and use them as the basis for inviting full applications.
- c) Solicitation letter: A letter of invitation will need to be drafted. It may be mailed, emailed and posted using the www.dukeclassaction.com website. An "FAQ" piece could also be developed for the website. A press release may be wise at that time. Kathy offered to draft the solicitation letter. The Board also discussed hosting a "bidder's conference" to present the opportunity and answer questions from potential applicants.
- d) Blueprint Implementation Plan: update the Blueprint with specifics on eligibility, application guidelines, and a timetable with specific dates.
- e) Application: investigate whether the CBF Board can use an existing online grant application system and portal instead of developing a customized system for this purpose. Kevin offered to check with Duke Energy staff about the formats used in the company's online CyberGrants system. Kathy offered to check with The Greater Cincinnati Foundation about using the online Foundant system.
- f) Scoring: the Blueprint will be used to devise criteria for evaluating LOIs and full proposals.
- g) Responding to questions from applicants: a spokesperson should be identified to answer all questions from potential applicants. Conflict of interest protocols will be strictly followed.

6. Special presentation on revolving loan funds: Jeanne Golliher, president, Cincinnati Development Fund (CDF)

Jeanne provided a general overview of CDF, which was founded in 1988 to engage in community development lending primarily in low-income areas. CDF is a certified Community Development Financial Institution. Today CDF is servicing \$185 million in loans.

More recently, CDF has partnered with the IFF (Chicago) and Greater Cincinnati Energy Alliance to develop lending products in the energy space. In 2010, CDF designed a \$3 million lending program to fill a gap in the Cincinnati metro area not filled by the existing PACE program. However, the program has not been funded due to lack of resources.

Jeanne indicated that she works with a small cadre of developers who understand and are committed to community development. She identified them as key “validators” who are relatively well informed about energy efficiency measures.

One of the major barriers Jeanne identified is that there is not a huge incentive for landlords (owners) to invest in energy efficiency because tenants typically pay utility bills. A potential target audience is landlords who pay the utility bills. Another barrier is reaching customers who live in outlying counties such as Brown and Clinton.

Others to contact:

- Kathy Schwab, LISC
- Andy Holzhauser, GCEA
- Rick Williams, Homeownership Center [Brewster will contact]
- Susan Thomas, Greater Cincinnati Port Authority [Brewster will contact]
- There may be some national organizations interested in working in the Cincinnati metro area such as The Sustainability Institute in Charleston SC.

7. Administrative matters

Megan Kennedy has taken a new job that will prevent her from continuing to support the CBF Board (time constraint). The Board agreed to amend Megan’s contract to pay her on an hourly basis, as needed, rather than a flat minimum weekly rate, effective immediately. The attorneys will help Board members explore other options for securing administrative support.

8. Future meeting dates:

April 19: Settlement Hearing, 10:00 am

June 13: next board meeting, 1:00 – 4:00 pm

*Meeting notes recorded by Megan Kennedy
Meeting minutes prepared by Kathy Merchant*