

October 21, 2024

Testimony to JCARR on Rule 109:4-3-31

Chairs Callendar and Gavarone and members of the Joint Committee, Representatives Hillyer, Humphrey, Mathews and Skindell and Senators Brenner, Craig, DeMora and Kunze;

My name is Roxanne Groff and I reside in Amesville, Athens County. I am here today in support of Attorney General's Yost Rule 109:4-3-31 on Consent and Solicitation of Signature.

It is no small act when an attorney general writes a rule to enhance existing law especially when the rule will help to protect the people who live work and thrive in our state. As you likely know, the rule will further protect consumers from anyone using their name and personal information for communications or transactions by an entity without their permission. And here is the story behind the investigation into deceptive practices used to influence a state commission charged with making decision on whether to lease our public lands for fracking.

It was mid July 2023 and I was home on a Friday night doing what many people do on Fridays, sitting on the porch swing with my husband, drinking a beer and reading the public comments I received through a public records request, submitted to the Oil and Gas Land Management Commission during the public process to decide whether the commission should approve or disapprove leases on our parks, wildlife areas and other public lands for fracking. There were over 2000 comments and I very quickly noticed a strange pattern in the email comments that were identical, submitted in batches of more than 100 at the exact same time. I decided since there were phone numbers on the emails that I would call a sender in Athens County and ask if in fact that person submitted the email. That person stated emphatically that he did NOT send the email and could not understand how someone got his cell number let alone use it without his permission. This led to more phone calls and more people telling me they did not make the calls.

I alerted the group Save Ohio Parks with whom I was working, the next day. Members of our group took it upon themselves to call hundreds more names on the email comments and came up with the same results. People whose names appeared on the public comments supporting leasing our public lands for fracking, who said they did NOT send the emails.

In addition to writing and talking to the Oil and Gas Land Management Commission and the AG's office, Cleveland.com released a story on the deceptive emails outing the reality that there indeed was an attempt to influence the commission with hundreds of public comments that were not submitted by the individual whose name appeared on the emails. Attorney General Yost started an investigation into the possible deception that was being carried out by Consumer Energy Alliance, a Houston-based public relations firm for the oil and gas industry who solicited personal information for the purpose of influencing the Oil and Gas Land Management Commission. CEA has engaged in this type of practice in Ohio and in other states in the U.S. In September 2023, when the discovery of the deceptive emails was made public, Attorney General Yost agreed with the Save Ohio Parks members who helped uncover the deception and said *this isn't about energy development policy; it's about using people's identities for political messaging without their knowledge or consent, and it's not OK.*

Many Ohioans wrote to the Attorney General supporting this rule and I stand here today in hope that this rule will pass out of this committee and on to its final filing and when in effect will further protect consumers from this type of deceptive practice.

Thank you.

Sincerely,

Roxanne Groff

Former Athens County Commissioner and Bern Township Trustee

Amesville 45711

740-707-3610

**Please see the comment letter concerning the deceptive mails, sent to the Oil and Gas Land Management Commission as part of the public process on Nominations for leasing mineral rights on Public lands.**

**Comment on DNR-0008, 0009,0010, DOT-0005**

**Roxanne Groff 9/10/2023**

Dear Commissioners Richardson, Buehrer, McGregor Warnock, and Wise,

The matter of the suspicious emails is of grave concern to all Ohioans. The commission has been asked to dismiss the current 2700 emails from Secure Ohio's Energy Future and My Voice at One Click Politics because of the suspicious nature of how they were generated. Several volunteers throughout Ohio have discovered that 97 of the emails from Secure Ohio's Energy Future were not sent by the person identified as the sender of the email.

In our diligent volunteer work, I believe the Consumer Energy Alliance (CEA) is the generator of 1 petition on line that was used as a template for the emails sent by Secure Ohio's Energy Future. The commission has been asked to reveal what you have investigated as far as the legitimacy of these emails. We have asked for the metadata (email header) or details about a

file that describe or identify it for each email. The emails came in with that information and should be available to the public.

The CEA has a history of trying to influence decision makers on issues concerning rate hikes, pipelines, and a sale of an energy company. Quoting from the Energy and Policy Institute *Consumer Energy Alliance (CEA) likes to call itself “the voice of the energy consumer,” but it really is an advocacy front group for some of the country’s largest fossil fuel corporations and trade associations.* Also, Energy and Policy Institute calls CEA *an industry front group, and its positions align closely with fossil fuel interests. CEA has been accused of engaging in astroturfing on behalf of the major extractive energy industries.* Quoted from the Congressional 2022 House Natural Resources Committee.

forro <https://www.congress.gov/117/meeting/house/115094/documents/HHRG-117-II15-20220914-SD007.pdf>.

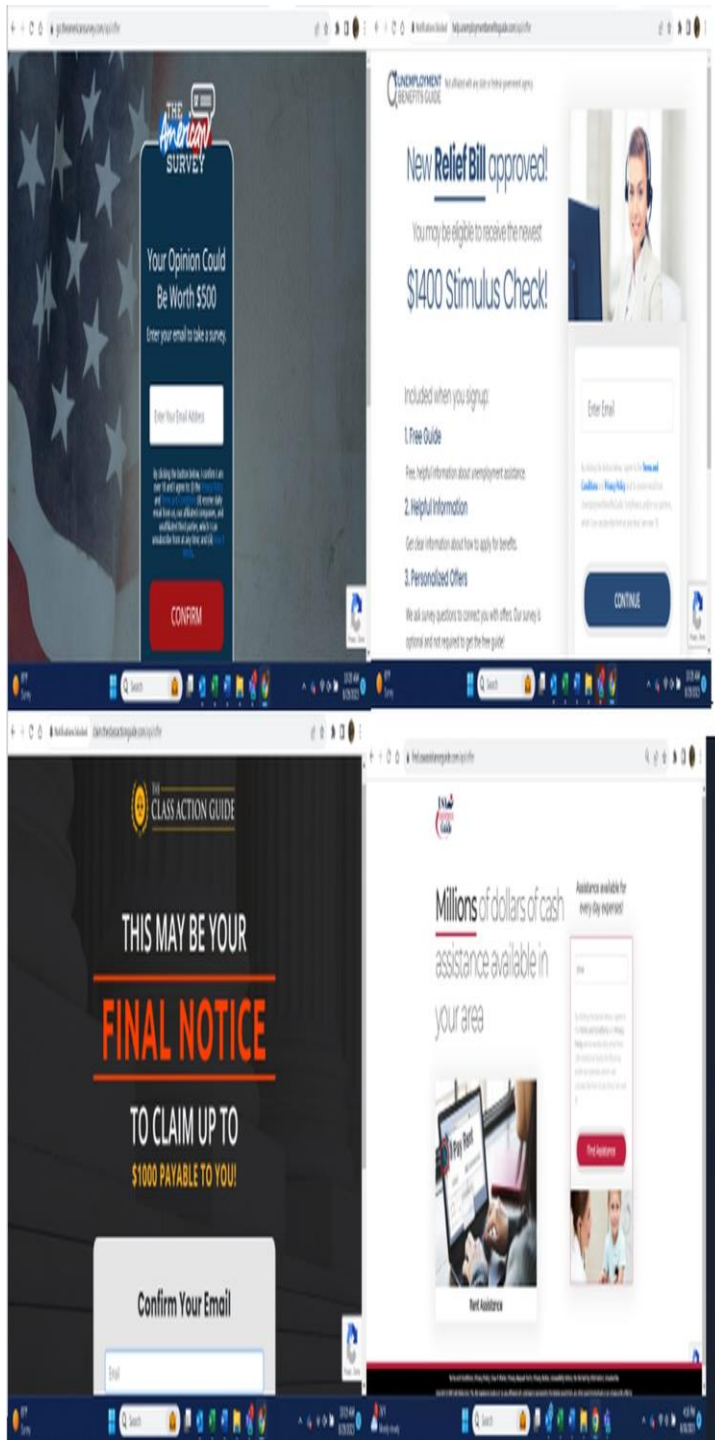
Listed are some of the campaigns CEA was found to have tried to influence outcomes by false petitions and emails. <https://energyandpolicy.org/consumer-energy-alliance/>

[https://www.cleveland.com/metro/2016/09/nexus\\_pipeline\\_opponents\\_urge\\_us\\_postal\\_service\\_to\\_investigate\\_lobbying\\_group\\_photos.html](https://www.cleveland.com/metro/2016/09/nexus_pipeline_opponents_urge_us_postal_service_to_investigate_lobbying_group_photos.html)

[https://www.postandcourier.com/politics/south-carolina-lawmakers-getting-pro-sce-g-emails-impersonating-constituents/article\\_f47cff0a-14db-11e8-b2a0-b7747aca35bd.html](https://www.postandcourier.com/politics/south-carolina-lawmakers-getting-pro-sce-g-emails-impersonating-constituents/article_f47cff0a-14db-11e8-b2a0-b7747aca35bd.html)

<https://www.prnewswire.com/news-releases/groups-ask-wisconsin-public-service-commission-to-investigate-fraudulent-petition-in-electric-rate-cases-280818442.html>

Further, in today’s Cleveland Plain Dealer, <https://www.cleveland.com/open/2023/09/their-names-appeared-on-letters-urging-fracking-ohios-state-parks-they-dont-know-how.html> it was uncovered by Jake Zuckerman that CEA used a vendor that places ads about how to make \$\$ money or claim money. Bryson Hull Spokesperson for CEA said in the article, *the Alliance works with a vendor and “funnels” people from different websites, which he provided.*



*Screenshots of some of the most common websites the Consumer Energy Alliance used to contact people whose names appeared on its form letter, according to data CEA provided. Those form letters were sent as comments to the Ohio Oil and Gas Land Management Commission. A CEA spokesman said the websites collected information about users, such as names and email addresses, and that a vendor placed ads that directed individuals to a system to submit a form letter supportive of drilling in Ohio's*

*state parks. All but one of 26 people whose names appeared on CEA's letters who Cleveland.com and The Plain Dealer could reach said they didn't knowingly allow anyone to put their name on such a letter. (Jake Zuckerman/Cleveland.com)*

In addition to the 35 people Jake Zuckerman reached, (*Cleveland.com and The Plain Dealer have interviewed 35 citizens who say they didn't write, send, or even know about letters sent in their name urging the state to allow for drilling at state parks*) many of the volunteers working on this issue called hundreds of people who allegedly sent the comments, and found 97 people who said they did not send the letter! I made many of those calls myself. The reason more people were not reached is that many phone numbers on the emails were out of service, had no voicemailbox, or voicemail box full. Who puts their phone number on anything that is not a working number!

Compare that to Save Ohio Parks. Yes, there were hundreds of emails that went to known environmental groups through an Action Alert. Zuckerman contacted many of those folks. *Indeed, Save Ohio Parks encourages Ohioans to comment to the commission via an online submission that offers "sample text." But Cleveland.com and The Plain Dealer reached 27 authors of those letters. Most were unique and didn't rely on the provided sample text. Every author who responded to inquiries confirmed that they wrote their letter, and many went on to press their case against fracking in state parks.*

**The folks contacted about the Secure Ohio's Energy Future comments said they did not send the letters. The folks contacted about their Save Ohio Parks letters said they did!!**

The second petition from My Voice at One Click Politics letters did not have phone numbers, therefore people were much harder to reach. In researching that petition, it was found it was generated by Ohio's Energy Future Coalition. There is a petition on line that represents the different comment submissions through One Click Politics.

<https://www.ohiosenergyfuturecoalition.com/> . Looking further into OEFC it was found that the name was registered as an LLC in June 2023, Ohio's Energy Future Coalition registered with the Ohio Secretary of State. The statutory agent for this LLC is listed as James G. Ryan Esq., at 10 W. Broad St., Suite 2100, Columbus 43215. That is the address for the Bailey Cavalieri law firm. This is not unusual except that the LLC was formed shortly before the comments to the commission were due in July.

Also, OEFC has the same address (found in their Private Policy on the petition) <https://www.ohiosenergyfuturecoalition.com/privacy-policy/> as does a PAC, Affordable Energy fund in Virginia. Ohio's Energy Future Coalition is 1520 BELLE VIEW BLVD Number 3438, ALEXANDRIA, VA 22307. Affordable Energy Fund PAC. [www.affordableenergyfundpac.com](http://www.affordableenergyfundpac.com) is also 1520 BELLE VIEW BLVD SUITE 3438 ALEXANDRIA, **which is a digital mailbox!**

All the comment submissions until July 20<sup>th</sup>, that come from Ohio's Energy Future coalition and My Voice at One Click Politics, are for all the nominations, even ODOT, and none mention parks, leasing, or fracking. One might think this is misleading....many of us certainly do!

My conclusion is that these two petitions are generated by lobbying organizations or someone hired to do the petition by a lobbying group or entity. This kind of effort to influence decision makers is not representative of how Ohioans feel about their parks and public lands. Fraudulent? Misleading? Deceitful? Very possibly all of these! Compared to the thousands of passionate Ohioans who are telling the commission NO, hands off our Public Lands, these suspicious comments are at best weak and at worst fraudulent. You have all the information to pursue the truth. **WE** did all the work; the reporters did their own deep dive. You did not even call One Click Politics and get proof that the OEFC petitions were sent to them and the company sent them out. Even if the emails came through One Click Politics, the generator of the emails is a lobbyist, not concerned citizens.

I am asking that the commission at their September 18 meeting discuss in detail how they have handled these emails. The commission is charged with reviewing and considering comments <https://codes.ohio.gov/ohio-revised-code/section-155.33> . In making its decision to approve or disapprove the nomination, the commission shall consider all the following:

*(h) Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination;*

When reviewing the thousands of comments, how did you review and consider the 2700 emails from Consumer Energy Alliance using the names Secure Ohio's Energy Future and Ohio's Energy Future Coalition from My Voice at One Click Politics?

We expect this to be on the agenda as discussion about the 9 mandated considerations reviewed by the commission, including the issue of the suspicious emails. We expect thorough discussion from each of the commissioners on how you all made your conclusion on all the 9 mandated considerations.

For the record, there are to this date 9/10/23, 6 identified support letters that are not from the mass emails from the 2 petitions on line:

Bill Johnson  
Andrea Felix EOG  
NARO  
Summer hired Park Ranger from 1969-1972  
Consumer Energy Alliance  
Ohio Chamber of Commerce

Those against leasing and fracking represent hundreds of Ohioans that either read about the issue, received action alerts from environmental organizations, learned about it at a public event. This includes;

Veterans  
Hazmat experts

Professors  
Muskie's Inc  
Doctors  
Izaak Walton League  
Former First Ladies Hope Taft and Frances Strickland  
Rotary members  
Ohio Friends for the Preservation of Ohio State Parks  
Engineers  
Pastors  
Outdoor Recreation Coalition of Appalachia ORCA  
Backwoods Hunters and Anglers  
Ohio Environmental Council  
Sierra Club  
And very likely more!

Democracy does not stop at the door! The public process MUST be fair and transparent, and ensure that people have a voice. To date, we have had to struggle to get the few things we have asked for from the commission. The most important democratic public process requirement is interaction in the public meetings. You have denied us that interaction. You can change your minds and make that happen. Do the right thing!!

Roxanne Groff  
Amesville Ohio 45711

**Testimony of Cathy Cowan Becker**  
**Steering Committee Member, Save Ohio Parks**  
**Rule Number 109:4-3-31**  
**Consent and Solicitation of Signature**

Chair Callender, Chair Gavarone, and members of the Joint Committee on Agency Rule Review,

Thank you for the opportunity to offer testimony on draft Rule Number 109:4-3-31, Consent and Solicitation of Signature. My name is Cathy Cowan Becker, and I am a co-founder and steering committee member of Save Ohio Parks, an all-volunteer citizens group concerned about fracking of Ohio state parks, wildlife areas, and public lands.

Save Ohio Parks got its start after the Ohio legislature passed HB 507, which for a time mandated fracking of Ohio public lands. We the citizens own and pay for this land through our taxes. We use our state parks and wildlife areas for hiking, camping, bird watching, nature study, hunting, fishing, boating, and more, and it was meant to be protected.

In the process jump started by HB 507, the Oil and Gas Land Management Commission takes “nominations” of parcels of public land for fracking. There is a 45-day commenting period – which we successfully asked to have expanded from the 21 days provided in statute – in which the citizens of Ohio can submit public comments on these nominations.

Save Ohio Parks has built a list of 2800 interested citizens across the state, and we’ve helped Ohioans submit thousands of public comments opposed to fracking our public lands. We do that by alerting our list when a nomination is opened, explaining the facts about the park or wildlife area and providing instructions on how to submit a comment.

Because the commission will not allow citizens to speak at the meetings in which they decide the fate of our public lands, these written public comments are the only avenue by which the citizens of Ohio can voice our opinions on whether our protected public lands – only 3% of land in Ohio that we pay for and use – should be irrevocably altered by fracking.

In July 2023, the first nominations for Salt Fork State Park were opened for comment, and as comments were submitted, they were posted on the commission’s website.

In browsing the posted comments, one of our steering committee members was surprised to find 1100 supposedly pro-fracking comments, all with the exact same text, other than the names, street addresses, email addresses, and phone numbers at the bottom.

The language of the comment sounded like industry speak – not how a regular person would write. But what really tipped us off that something was wrong were the time stamps. These 1100 comments were submitted in five batches – with hundreds of letters in each batch submitted at the exact same minute. This is just not how public commenting works.



Our steering committee member called 40 of the people whose names were on these comments at random and talked to six. All six told her they had not submitted the comment. We then brought this anomaly to the attention of the commission chair. She declined to take any action, instead telling us to report the matter to the attorney general.

Before we reported this to the AG's office, we decided to do some additional research. Twelve volunteers from Save Ohio Parks called 735 people whose names were on the comments. Of those, we reached a little over 100, and of those 102 told us they did not submit the comment. Many did not know what fracking is. Some did not speak English, some did not have a computer, and some were children – we talked with their parents.

We learned that the organization responsible for submitting these comments was Consumer Energy Alliance, an oil and gas public relations firm based in Houston. According to Energy and Policy Institute, CEA has a long track record of using people's personal information on public comments for oil and gas projects without their consent. CEA had done this in Wisconsin, South Carolina, and on the Nexus Pipeline in Ohio.

We sent our findings to the AG's office in September 2023. We did not hear anything more until May 2024, when I happened to see that the AG's office was seeking public comments on a draft administrative rule that sought to regulate the level of consent and appropriate disclosures that businesses are required to provide for using consumers' signatures and/or personal information on communications other than the initial consumer transaction. I submitted a comment, and Save Ohio Parks urged our supporters to comment as well.

It now appears draft Rule 109:4-3-31 has been finalized and is the subject of this hearing. The rule would label what CEA did – taking people's personal information for one purpose and using it for a totally different purpose without the people's knowledge and consent – as a “deceptive act,” making it prosecutable under Ohio consumer protection law.

Save Ohio Parks supports this rule and is grateful to the attorney general's office for investigating this matter. In the previous cases where CEA was found to submit deceptive comments, FERC declined to take any action on the Nexus Pipeline case in Ohio, and we could find no record that the South Carolina attorney general took any action on that case. So we are happy to see this situation result in real change to Ohio administrative code.

However, we do have a couple of additional asks:

First, when we reported to the Oil and Gas Land Management Commission chair that the AG's office had closed its investigation and was proposing a new rule labeling this practice as a deceptive act, she was surprised and told us she had not gotten any follow-up from the AG's office about this case. Save Ohio Parks never received any follow up either, even though we provided a great deal of evidence, including the logs of all our calls.

We think if an organization or business is involved in a case in which the AG investigates whether some entity committed a deceptive act, that all stakeholders in the situation should be kept apprised about the progress and results of the AG's investigation.

Second, on a related note: Most cases of solicitation and use of people's personal information without their consent are not likely to involve public comments posted on a public website. However, for those that do, if the AG finds that these comments are the result of a deceptive act, then the AG should ask the agency that received these comments to strike them from the public record.

It makes no sense for a public agency to consider comments that the attorney general has found were not submitted with the permission of the people whose name are on those comments. It makes even less sense for those comments to remain posted publicly.

These people already had their personal information taken once. Allowing these comments to remain on a government website does nothing to serve the public interest, and only invites identity thieves to take these people's personal information again.

Thank you again for the opportunity to testify about Rule Number 109:4-3-31. I urge its swift finalization and passage.

Callender, Chair Gavarone, and members of the Joint Committee on Agency Rule Review,

I am providing testimony in support of Ohio Administrative Code Rule 109:4-3-31 on Consent and Solicitation of Signature.

I am a supporter of Save Ohio Parks, which was instrumental in identifying over 100 people whose personal information — name, address, phone number, and email address — was used on public comments supposedly in support of fracking Ohio state parks and public lands — comments these people did not submit.

During an investigation, Attorney General Dave Yost's office found that Consumer Energy Alliance, a Houston-based public relations firm for the oil and gas industry, solicited personal information from at least 1100 Ohioans for an unrelated purpose, then used it without their knowledge or consent on these public comments.

That is wrong. Such practices not only give the false impression that there is more support for fracking our state parks than there actually is, but posting these people's personal information on a state website puts them at increased risk for identity theft.

I support the proposed rule that would label this practice as a deceptive act and make it prosecutable under Ohio consumer protection law. This is not the first time Consumer Energy Alliance has done this. There are at least three previous instances, including in Ohio in 2016.

However, I ask for two additions to the proposed rule for any future events in which a public agency is involved: 1) the public agency should be notified if they are found to have posted public comments not submitted by the people whose names are on the comment; and 2) the public agency should remove any comments found to be submitted as a deceptive act from public view.

Please approve OAC Rule 109:4-3-31 on Consent and Solicitation of Signature, with these two additions so that if Consumer Energy Alliance or any other organization does this again in Ohio, they can be prosecuted to the fullest extent of the law and the deceptive comments are not posted publicly.

Thank you,

Kevin Peterca

**Subject:** testimony in support of Ohio Administrative Code Rule 109:4-3-31 on Consent and Solicitation of Signature

Chair Callender, Chair Gavarone, and members of the Joint Committee on Agency Rule Review,

I am providing testimony in support of Ohio Administrative Code Rule 109:4-3-31 on Consent and Solicitation of Signature. I am a real person, a tax payer and voter in Dayton, Ohio.

I am a supporter of Save Ohio Parks, which was instrumental in identifying over 100 people whose personal information — name, address, phone number, and email address — was used on public comments supposedly in support of fracking Ohio state parks and public lands — comments these people did not submit.

During an investigation, Attorney General Dave Yost's office found that Consumer Energy Alliance, a Houston-based public relations firm for the oil and gas industry, solicited personal information from at least 1100 Ohioans for an unrelated purpose, then used it without their knowledge or consent on these public comments.

That is wrong. Such practices not only give the false impression that there is more support for fracking our state parks than there actually is, but posting these people's personal information on a state website puts them at increased risk for identity theft.

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Please approve OAC Rule 109:4-3-31 on Consent and Solicitation of Signature, with these two additions so that if Consumer Energy Alliance or any other organization does this again in Ohio, they can be prosecuted to the fullest extent of the law and the deceptive comments are not posted publicly.

Thank you.

Amy S. Brown

**Subject:** Testimony in support of Rule 109:4-3-31

**Chair Callender, Chair Gavarone, and members of the Joint Committee on Agency Rule Review,**

I am providing testimony in support of Ohio Administrative Code Rule 109:4-3-31 on Consent and Solicitation of Signature. I am a frequent user of Ohio State Parks. More importantly, **I believe that citizens' voices should be accurately reflected, not co-opted, in administrative and legislative rulemaking.**

Save Ohio Parks was instrumental in identifying over 100 people whose personal information — name, address, phone number, and email address — was used on public comments supposedly in support of fracking Ohio state parks and public lands — comments these people did not submit.

During an investigation, Attorney General Dave Yost's office found that Consumer Energy Alliance, a Houston-based public relations firm for the oil and gas industry, solicited personal information from at least 1100 Ohioans for an unrelated purpose, then used it without their knowledge or consent on these public comments.

That is wrong. Such practices not only give the false impression that there is more support for fracking our state parks than there actually is, **but posting these people's personal information on a state website puts them at increased risk for identity theft.**

I support the proposed rule that would label this practice as a deceptive act and make it prosecutable under Ohio consumer protection law. This is not the first time Consumer Energy Alliance has done this. There are at least three previous instances, including in Ohio in 2016.

However, I ask for two additions to the proposed rule for any future events in which a public agency is involved: **1) the public agency should be notified if they are found to have posted public comments not submitted by the people whose names are on the comment; and 2) the public agency should remove any comments found to be submitted as a deceptive act from public view.**

Please approve OAC Rule 109:4-3-31 on Consent and Solicitation of Signature, with these two additions so that if Consumer Energy Alliance or any other organization does this again in Ohio, they can be prosecuted to the fullest extent of the law and the deceptive comments are not posted publicly.

Thank you.

Leah Ceperley

Kettering, OH

**Subject:** Rule Number 109:4-3-31

I would like you to record my comments on the proposed rule regarding consent and solicitation of consumers' signatures in connection with consumer transactions.

First, I thank AG Yost for recognizing the wrongdoing done to Ohioans by the fraudulent submission of comments to the Oil and Gas Commission by the Consumer Energy Alliance. I appreciate his willingness to change the law to prevent this from happening again and support the rule.

I strongly support the prosecution of Consumer Energy Alliance for this fraudulent activity they undertook. There must be existing rules or laws that were broken even without this new proposed rule. If so, Attorney General Yost should proceed with indictment against this company for violating the public's trust, lying to the O&G Commission, and theft of the identities of the individuals whose names they used.

Thank you,  
Susan Righi  
Athens, OH