

Volume 11, Issue 11 • March 18, 2022

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FirstEnergy

FirstEnergy Challenges Ruling Requiring the Production of FERC Audit Materials (Case No. 20-1502-EL-UNC)

Summary: As you may recall, last week in the PUCO House Bill 6 spending audit case, an administrative law judge ordered FirstEnergy to produce information to parties that was also provided to FERC staff in connection with a federal audit of FirstEnergy Corp. and its subsidiaries. That information determined that customers were charged for HB 6 lobbying expenses in violation of federal regulations.

The PUCO's ruling was in response to a motion filed by the OMAEG and another consumer group, who were the only parties to oppose FirstEnergy's attempt to avoid its discovery obligations.

This week, FirstEnergy filed an interlocutory appeal with the PUCO, challenging the administrative law judge's March 11 ruling that would compel the production of the FERC audit materials. Although the administrative law judge determined that the OMAEG's arguments were well-founded, FirstEnergy argues that the ruling unlawfully expands the scope of the PUCO's audit and compels the production of protected materials.

Duke

Settlement Filed to Resolve Duke SEET Case (Case No. 21-412-EL-UNC)

Summary: This week, Duke and the PUCO staff submitted a settlement to the PUCO in order to resolve Duke's Significantly Excessive Earnings Test (SEET) case for calendar year 2020. Given that Duke earned less than its authorized rate of return in 2020, making it unlikely that litigation would result in customer refunds, the OMAEG agreed not to oppose the settlement.

AES Ohio

AES Ohio Submits Status Letter (Case Nos. 18-1875-EI-GRD, et al.)

Summary: AES Ohio (formerly DP&L) has submitted a letter reporting the status of its work with the Natural Resources Defense Council (NRDC) to evaluate and pursue energy resilience projects at Wright-Patterson Air Force Base and the surrounding neighborhoods. These projects are part of the global settlement joined by AES Ohio, the OMAEG, and other signatory parties. Pursuant to the settlement, AES Ohio committed to providing a shareholder contribution of \$250,000 to fund the projects.

AES Ohio Files Transmission Cost Recovery Rider Update (Case No. 22-152-EL-RDR)

Summary: AES Ohio has filed an application to update its Transmission Cost Recovery Rider – Non-Bypassable (TCRR-N) rider. The TCRR-N is designed to recover transmission-related costs imposed on or charged to AES Ohio by FERC or PJM, such as Network Integration Transmission Service (NITS). Pursuant to the PUCO's October 20, 2017 order in Case No. 16-395-EL-SSO, AES Ohio continued the TCRR-N and implemented the TCRR-N Opt-Out Pilot Program, which allows certain customers to opt out of the TCRR-N. If approved, AES Ohio's proposed updates would result in bill increases for secondary service customers, but bill decreases for primary service customers.