

Volume 10, Issue 43 • October 29, 2021

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## **Federal**

### **FES Bankruptcy Judge Questions Lobbyists on H.B. 6 Work (Case No. 18-50757 N.D. Ohio)**

**Summary:** A hearing occurred on Tuesday in the FES bankruptcy case, where the judge heard testimony on whether the law firm of Akin Gump Strauss Hauer & Feld (Akin Gump) should receive \$2.8 million owed for lobbying work to enact scandal-ridden H.B. 6. The hearing allowed the judge to examine the Akin Gump associates' work in support of H.B. 6 and their involvement with and knowledge of FES' political contribution strategy, which included contributing millions of dollars to Generation Now, a dark money group that pled guilty to racketeering in the federal criminal H.B. 6 proceeding. At the hearing, each Akin Gump attorney acknowledged that as early as 2018, they were aware of Generation Now's ties to former Ohio House Speaker Larry Householder and that Juan Cespedes, who also pled guilty in the federal criminal H.B. 6 proceeding, was a field operative working with Akin Gump to enact H.B. 6. Despite these admissions, one Akin Gump attorney stated, "It would be unfair to penalize Akin Gump for the misconduct of others that had absolutely nothing to do with the services being provided." The judge stated he was "struggling with ... the fundamental question of whether these fees or all of these fees should be allowed because they are actually reasonable and necessary" and that given the public interest in the case, he will announce his decision on the lobbying fees on November 16, 2021.

## **Statewide**

### **Energy Harbor Provides Notice that Sammis Coal Plant Will Close in 2028**

**Summary:** In a [letter](#) to the Ohio Environmental Protection Agency, Energy Harbor (formerly FirstEnergy Solutions or FES) stated that the Sammis coal power plant in Jefferson County, Ohio will close its remaining units by December 31, 2028 but did not offer any details as to why it is closing the plant. Although H.B. 6 ultimately did not directly subsidize Sammis, Energy Harbor's CEO John Judge previously stated that the \$1.1 billion H.B. 6 nuclear bailout would keep Energy Harbor "economically healthy" enough to keep the Sammis plant operating.

**AEP**

**Settlement Filed to Resolve AEP GridSMART Phase 3 Case  
(Case No. 19-1475-EL-RDR)**

**Summary:** AEP, PUCO Staff, OMAEG, and several other parties reached a nearly unanimous settlement, which was submitted to the PUCO on October 27, 2021, to resolve AEP's GridSMART Phase 3 Case. AEP originally proposed building a fiber network that would have placed all of the risk on customers and reserved all of the profits for AEP. As part of the settlement, AEP removed the fiber optic proposal. AEP also committed to providing OMAEG and other parties with access to distribution circuit capacity data, conducting a study to improve customers' understanding of how their behavior affects peak electrical load and electricity costs, and determining the level of customers' interest in a coincident peak load management program for distribution service.