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## **Federal**

### **FERC Issues New Order in PJM MOPR Proceeding (Docket Nos. EL18-178-003, et al.)**

**Summary:** In an October 2020 order, FERC determined that competitive, non-discriminatory state default auctions and revenue from Fixed Resource Requirement (FRR) capacity plans are not “state subsidies” subject to the expanded Minimum Offer Price Rule (MOPR). FERC also ordered that replacement capacity restrictions for state subsidized resources include transactions within a portfolio as well as bilateral transactions.

FERC then directed PJM to submit a compliance filing no later than November 16, 2020 revising: (1) resource exemptions from the MOPR; (2) sellers’ requirements to notify PJM of material change in subsidy status; and (3) provisions determining when a resource that claims a competitive exemption and then accepts a state subsidy will forfeit its capacity revenue. FERC granted PJM waivers from several tariff provisions relating to the timing and pre-auction processes of the base residual auction (BRA) but prohibited PJM from commencing the BRA schedule until FERC issues a subsequent order on a compliance filing in another proceeding.

Subsequently, the Independent Market Monitor for PJM requested that FERC provide an exact definition of FRR revenues and clarify that additional revisions are necessary to address FERC’s directive regarding replacement capacity transactions.

### **FERC to Consider New Tariffs in Columbia Rate Case (Docket Nos. RP20-1159-000, et al.)**

**Summary:** FERC approved Columbia’s application to construct, modify, abandon, and operate a natural gas pipeline and various associated facilities as part of the Buckeye Xpress Project (BXP) in Southern Ohio and West Virginia, including revised tariffs to recover BXP-related costs, effective November 1, 2020. FERC further ordered that because the tariffs are effective during the relevant test period, the BXP rates will be considered along with the other rates and costs being evaluated in Columbia’s ongoing Transmission Rate Case.

## AEP

### **The PUCO Extends AEP's CHP Program (Case No. 16-574-EL-POR)**

**Summary:** AEP previously sought approval of a plan to wind-down the energy efficiency/peak demand reduction (EE/PDR) programs, including \$2.45 million in remaining costs for the Combined Heat and Power and Waste Energy Recovery (CHP) rebate program, which encourages non-residential customers to install on-site installations for electric and process heating. The PUCO directed the CHP program to terminate at the end of 2020, and ordered AEP to recover the estimated costs in the EE/PDR Rider now but hold the funds as a regulatory liability subject to final reconciliation to cover future customer rebate payments through 2024 based on the customer's actual energy production.

### **The PUCO Approves Increase to AEP's ESRR Charge (Case No. 18-1371-EL-RDR)**

**Summary:** The PUCO approved an increase to AEP's nonbypassable Enhanced Service Reliability Rider (ESRR), increasing the charge from 1.44775% to 3.12075% of the customer's base distribution charges. The increase becomes effective the first billing cycle of January 2021.

## DP&L

### **DP&L Files Notice of New Rate Case (Case No. 20-1651-EL-AIR)**

**Summary:** On October 30, 2020, DP&L provided notice that in the next month it will file an application to increase its base distribution rates. DP&L proposed a test year of June 1, 2020 through May 31, 2021 and a date certain of June 30, 2020.

## Duke

### **Duke Proposes Increase to Rider DCI Charge (Case No. 20-1530-EL-RDR)**

**Summary:** Duke proposed to increase its nonbypassable Distribution Capital Investment Rider (Rider DCI) charge from 14.400% to 18.626% of the customer's base distribution charges. If approved, the increase would become effective the first billing cycle of January 2021.

## FirstEnergy

### **OMAEG Opposes FirstEnergy's Attempt to Limit the PUCO's H.B. 6 Investigation (Case No. 20-1502-EL-UNC)**

**Summary:** On November 2, 2020, OMAEG [responded](#) to the FirstEnergy Utilities' attempt to limit the scope of the PUCO's H.B. 6 investigation and methods of discovery available to participating parties. Specifically, OMAEG challenged the FirstEnergy Utilities' claims that depositions are unduly burdensome and explained that Ohio law grants parties ample discovery rights once the PUCO opens a proceeding. While the FirstEnergy Utilities argued that the investigation only concerns whether H.B. 6 costs were included in customers' rates, OMAEG advocated that the PUCO also has authority to review utilities' political and charitable spending of revenue collected from customers.

### **The PUCO Announces Corporate Separation Audit of FirstEnergy (Case No. 17-974-EL-UNC)**

**Summary:** On November 4, 2020, the PUCO initiated an audit of the FirstEnergy Utilities' compliance with corporate separation laws and regulations. The audit will be a part of an existing proceeding reviewing the FirstEnergy Utilities' compliance with corporate separation laws and rules and the Utilities' corporate separation plans. The PUCO explained that its actions were in response to FirstEnergy Corp. providing information to federal regulators indicating that it was launching an internal investigation and that its employees' actions violated the company's "code of conduct."

### **FirstEnergy Proposes Decrease to Rider PIR Charges (Case No. 13-2142-EL-RDR)**

**Summary:** The following decreases to FirstEnergy's nonbypassable Phase-In Recovery Rider (Rider PIR) charges will become effective on a services rendered basis on January 1, 2021, unless the PUCO orders otherwise.

- **General Service-Secondary**

GS: 0.1147¢ per kWh, decreased from 0.1819¢ per kWh.

- **General Service-Primary**

GP1: 0.1116¢ per kWh, decreased from 0.1770¢ per kWh.  
GP2: 0.0261¢ per kWh, decreased from 0.0414¢ per kWh.

- **General Service-Subtransmission**

GSU1: 0.1093¢ per kWh, decreased from 0.1733¢ per kWh.  
GSU2: 0.0261¢ per kWh, decreased from 0.0414¢ per kWh.

- **General Service-Transmission:**

GT1: 0.1091¢ per kWh, decreased from 0.1730¢ per kWh.

GT2: 0.0261¢ per kWh, decreased from 0.0414¢ per kWh.

The GP2, GSU2, and GT2 PIR charges are applicable to customers served under a special contract that included a fixed price for service. The GP1, GSU1, and GT1 PIR charges are applicable to all other customers.