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Statewide

Attorney General Yost Seeks Preliminary and Permanent Injunctions to Stop the Collection of Nuke Subsidies (Case Nos. 20CV-6281, et al.)

Summary: As you may recall, the judge overseeing the State of Ohio's civil lawsuit regarding the H.B. 6 scandal denied the state's preliminary request on First Amendment grounds, which sought to prevent defendants from making political contributions or publicly speaking about the modification, repeal, or replacement of H.B. 6 through the end of 2020. Subsequently, FirstEnergy Corp. and its affiliates requested that the court dismiss the case, asserting that the state lacked a legal basis for the suit, failed to allege a pattern of corrupt activity by FirstEnergy Corp., and could not punish FirstEnergy Corp. for engaging in constitutionally protected political speech. The state must file a response to the request for dismissal by Dec. 7, 2020.

Today, Nov. 13, Ohio Attorney General Dave Yost filed a related lawsuit to prevent the collection and distribution of H.B. 6's nuclear generation fee. Specifically, the complaint requested preliminary and permanent injunctive relief directing the Ohio Air Quality Development Authority (OAQDA) to revoke its acceptance of Energy Harbor's application. The complaint further requested an order from the court prohibiting the Ohio treasurer from disbursing funds from the nuclear generation fund to Energy Harbor, or from receiving any funds into the nuclear generation fund from any retail electric customer or any electric distribution utility.

AEP

AEP Proposes Reduction to Distribution Investment Rider (Case No. 12-1969-EL-ATS)

Summary: After reconciling the final balance of AEP's Deferred Asset Recovery Rider in Relation to the Issuance of Phase-In Bonds (DAPIR), there is an over-collection of approximately \$277,520. Now that the DAPIR rates have been set to zero, AEP requested approval to terminate DAPIR. Staff and AEP recommended that the \$277,520 over-collection be included as a one-time reduction to the Distribution Investment Rider.