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Statewide

OMAEG Appeals PUCO Order Establishing HB 6 Rider (Appeal from PUCO Case No. 20-1143-EL-UNC)

Summary: On Dec. 9, 2020, the OMAEG filed an [appeal](#) with the Supreme Court of Ohio, challenging the PUCO's orders establishing the HB 6 Rider. The OMAEG has challenged the rider's rate design, level of the charges, the process by which the PUCO enacted the rider, and the necessity of the rider.

Absent an appeal and the granting of a request to suspend the charges, Ohio's electric distribution utilities will begin collecting the \$170 million annual HB 6 subsidies on Jan. 1, 2021.

OMAEG Files in Support of Attorney General's HB 6 Lawsuit Against Energy Harbor (Case No. 20CV07386)

Summary: On Dec. 11, 2020, the OMAEG and others filed a brief in support of Attorney General Yost's lawsuit to enjoin Energy Harbor from receiving the HB 6 nuclear subsidies. The OMAEG advocated that the State has authority to seek such relief as current law prevents customers from receiving a refund once the subsidies are dispersed to Energy Harbor.

Supreme Court Rules that PUCO Applied Incorrect Test in Submetering Case (*In re Complaint of Wingo v. Nationwide Energy Partners*, Slip Opinion No. 2020-Ohio-5583)

Summary: The PUCO dismissed a complaint against Nationwide Energy Partners (NEP), a submetering company, finding that the PUCO lacked jurisdiction over businesses not acting as "public utilities."

On appeal, the Supreme Court of Ohio held that the PUCO improperly created its own test to determine whether the submeterer is a public utility and failed to examine the relevant statutes. Accordingly, the court sent the case back to the PUCO and ordered the PUCO to apply the statutory test to determine whether it could hear the claims against NEP.

FirstEnergy

**FirstEnergy Responds to ELPC's Request to Vacate PUCO Orders
(Case Nos. 16-481-EL-UNC, et al.)**

Summary: As you may recall, the Environmental Law & Policy Center (ELPC) cited a conflict of interest between former PUCO Chair Sam Randazzo and the FirstEnergy Utilities, and requested that the PUCO vacate the orders and conduct new proceedings in several cases. In response, the FirstEnergy Utilities argued that Randazzo recused himself when necessary. ELPC could not demonstrate prejudice and failed to appeal the PUCO's orders. Industrial Energy Users-Ohio filed in support of the FirstEnergy Utilities and relied on similar arguments.