

Volume 11, Issue 48 • December 9, 2022

**This Summary Contains Confidential and Privileged Information Pursuant to a Confidentiality Agreement and the Attorney-Client Privilege.
DO NOT DISTRIBUTE OR SHARE WITH NON-MEMBERS.**

Statewide

Supreme Court of Ohio Issues Decision on the Solar Generation Fund Rider Appeal (Case Nos. 21-447-EL-UNC, 2021-Ohio-1374)

Summary: As you may recall, pursuant to Am. Sub. H.B. 128 (H.B. 128), the PUCO authorized the creation of the nonbypassable Solar Generation Fund Rider (Rider SGF) for the retail recovery of \$20 million annually for disbursements required from the solar generation fund for the period up to December 31, 2027. OMAEG opposed this decision and later appealed the case to the Supreme Court of Ohio.

While the Court's 5-2 decision dismissed most of the challenges, it did determine that the PUCO's order regarding whether certain tax amounts could be included in the amounts collected from customers was ambiguous. As such, the Court reversed that part of the order and remanded it back to the PUCO for clarification. Importantly, Justice Dewine and Justice Kennedy issued a dissenting opinion, agreeing with OMAEG that the plain language of the statute requires that the rider be applied on a per customer basis instead of a per account basis.

Public Utilities Commission of Ohio (PUCO)

OMAEG Submits Comments on the Infrastructure Investment and Jobs Act's (IIJA) Grid Innovation Program (GIP) (Case No. 22-755-AU-COI)

Summary: The PUCO has solicited comments on (1) whether Ohio should seek funding under the IIJA's GIP, (2) how the PUCO should meet the program's 50% cost share requirement, and (3) examples of the kinds of programs/projects the PUCO could advance in a concept paper.

OMAEG submitted **comments** encouraging the PUCO to prioritize customer-sited resiliency projects and to expand no-cost programs that facilitate customer-sited generation projects. Such projects and programs meet federal requirements, allow utility involvement, and help ensure that federal funds are passed through to customers rather than going directly to utilities.

Some stakeholder comments recommended projects that focused on environmental justice, adaptive storage and microgrids, and increasing reliability and resilience. Other stakeholders echoed OMAEG's recommendation that the PUCO require transparency with regards to federal funds given to investor-owned utilities.

AES

AES Increases its LGR Credit (Case No. 22-1071-EL-RDR)

Summary: AES increased the credit for its LGR to \$0.000647/kWh from \$0.000218/kWh for non-residential customers.

FirstEnergy

The FirstEnergy Utilities Update Rider Rates (Case Nos. 89-6001-EL-TRF, 89-6006-EL-TRF, and 89-6008-EL-TRF)

Summary: Each of the FirstEnergy Utilities updated their Generation Cost Reconciliation (GCR) Rider and Legacy Generation Rider (LGR) to rates that are identical for each utility and will become effective January 1, 2023. Each of the Utilities will:

- Decrease the GCR Rider to a credit of \$0.002374/kWh from a charge of \$0.000762/kWh for General Service – Primary (GP), and to a credit of \$0.002459/kWh from a charge of \$0.000790/kWh for General Service – Secondary (GS); and
- Decrease the LGR to a credit of \$0.000777/kWh from a charge of \$0.000036/kWh for both GP and GS.

Furthermore, each of the FirstEnergy Utilities updated several other riders to new rates, which differ between the utilities and will become effective January 1, 2023. The Cleveland Illuminating Company will:

- Increase its Distribution Uncollectible (DUN) Rider to \$0.000297/kWh from \$0.000180/kWh for all customers;
- Decrease its PIPP Uncollectible Rider (PUR) to a credit of \$0.000016 from a charge of \$0.000015/kWh for all customers;
- Increase its Economic Developer Rider (EDR) to \$0.004609/kWh from \$0.003984/kWh for GP, and to \$0.002765/kWh from \$0.002406/kWh for GS; and

OMA ENERGY GROUP
WEEKLY BRIEFING



- Decrease its Advanced Metering Infrastructure (AMI) Rider to \$163.283 per month from \$208.232 per month for GP, and to \$16.892 per month from \$23.143 per month for GS.

The Ohio Edison Company will:

- Decrease its DUN Rider credit to \$0.000318/kWh from \$0.000329/kWh for all customers;
- Decrease its PUR to a credit of \$0.000007/kWh from a charge of \$0.000013/kWh for all customers;
- Increase its EDR to \$0.002704/kWh from \$0.002341/kWh for GP, and to \$0.002894/kWh from \$0.002518/kWh for GS; and
- Decrease its AMI Rider to \$191.021 per month \$257.628 per month for GP, and to \$10.446 per month from \$13.729 per month for GS.
-

Lastly, the Toledo Edison Company will:

- Increase its DUN Rider to a charge of \$0.000009/kWh from a credit of \$0.000348/kWh for all customers;
- Decrease its PUR to a credit of \$0.000006/kWh from a charge of \$0.000009/kWh for all customers;
- Increase its EDR to \$0.005828/kWh from \$0.005053/kWh for GP, and to \$0.001524/kWh from \$0.001336/kWh for GS; and
- Decrease its AMI Rider to \$110.307 per month from \$148.325 per month for GP, and to \$11.028 per month from \$14.599 per month for GS.