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## **Statewide**

### **Birch Solar Files Reply Brief in its Supreme Court of Ohio Appeal (Case No. 2023-1011)**

**Summary:** In its reply opposing the Ohio Power Siting Board's (OPSB) decision to deny Birch Solar, LLC's request for a certificate to construct a solar-powered electric generation facility, Birch argued that the OPSB's arguments were not supported by the record evidence in the case before the OPSB, emphasizing that OPSB's decision was based solely on the opinions of local government officials rather than factual findings of adverse impacts resulting from the proposed project. Birch also emphasized the consequences of allowing OPSB's decision to stand, noting that if local government opposition renders everything else before OPSB irrelevant, then "there is no siting process left" and no more point to OPSB itself.

## **AES**

### **OMAEG and OCC Contest Increasing Auditor's Fee in AES' OVEC Audit (Case No. 20-165-EL-RDR)**

**Summary:** On December 31, 2023, the auditor asked the PUCO to increase its service fee by more than 50%. OMAEG and OCC filed a joint [letter](#) protesting this excessive increase, noting that (1) the audit report was strikingly short and conspicuously lacking in detail (the auditor failed to perform large amounts of analysis), (2) any additional expenses incurred by a replacement expert witness could have been avoided by moving the hearing date, *and* (3) the auditor failed to even complete one of its assigned tasks—determining whether AES' actions were in the best interest of customers.

## **Duke Energy Ohio**

### **Commission Approves Settlement of Duke's Power Forward Rider (Rider PF) Case (Case No. 21-0012-EL-RDR)**

(Continued)

**Summary:** The PUCO approved without modification Duke's settlement agreement regarding its request to recover costs associated with Phase 2 of its Infrastructure Modernization Plan from customers through Rider PF. Under the settlement, Duke agreed to use a fixed charge rate design rather than the proposed percentage of customers' base distribution revenue design, and to allocate the revenue requirement for Rider PF in accordance with the allocations approved in the most recent rate case (i.e., 64% of the revenue requirement will be allocated to residential customers). In exchange for a reduction in costs and other consumer protections, OMAEG agreed to not oppose the settlement.

### **Federal Energy Regulatory Commission (FERC)**

#### **The Office of the Ohio Consumers' Counsel (OCC) Answers PJM and the Ohio Transmission Utilities (Transmission Owners) (Case No. 23EL-105-000)**

**Summary:** In its answer to PJM and the Ohio Transmission Utilities' (Transmission Owners) previous response to OCC's complaint filed at FERC, OCC explained how the Transmission Owners mischaracterized the complaint and the current tariff language. For example, OCC pointed out that nothing in the current tariff's language requires consideration of cost-efficiency or cost-effectiveness for local transmission projects. Additionally, OCC reiterated that the focus of its complaint is whether the current tariff and the Transmission Owners' current rate formulas provide sufficient protection for Ohio consumers from paying unjust, unreasonable, and unduly discriminatory transmission rates (which they do not).

### **FirstEnergy**

#### **OMAEG Files Brief Opposing FirstEnergy's ESP V (Case No. 23-301-EL-SSO, et al.)**

**Summary:** OMAEG's [brief](#) urged the Public Utilities Commission of Ohio (PUCO) to reject FirstEnergy's proposed ESP V, which would collect billions from customers over an eight-year term on the heels of FirstEnergy squandering *at least* \$60 million from customers for the House Bill 6 (HB 6) scandal (the Delivery Capital Recovery Rider alone will collect up to \$3.88 billion). In addition to the various above-market riders that will cost customers billions, OMAEG also opposed FirstEnergy's proposals to (1) continue its duplicative and discriminatory interruptible

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program as proposed, (2) implement unlawful, involuntary energy efficiency programs, and (3) have an unreasonably long ESP term. Over a dozen other intervenors—including commercial and industrial customers, residential customers, suppliers, retail customers, and market participants—also filed briefs protesting all or some of FirstEnergy’s proposals. Reply briefs will be filed in February.