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

### **FERC Regulatory Efforts in Danger of Stalling**

**Summary:** Shortly after President Biden announced that acting FERC chair Willie Phillips is now the official FERC chair, Commissioner Allison Clements confirmed that she will not seek another term, which could potentially leave the five-member Commission without its requisite three members to issue decisions. While FERC has indicated that it will continue moving forward as usual, without a quorum, the Commission will be at a standstill.

## **Statewide Issues**

### **State of Ohio Indicts Former FirstEnergy Officials and Randazzo for Their Role in the HB 6 Bribery Scheme**

**Summary:** Almost four years after the HB 6 corruption was uncovered, Former FirstEnergy CEO Charles Jones and former Vice President Michael Dowling were finally indicted on state criminal public corruption charges for devising and orchestrating a scheme where FirstEnergy paid public officials in exchange for favorable legislation and regulatory action. Former Public Utilities Commission of Ohio (PUCO) chair Randazzo was also indicted for his role in the scheme (this is in addition to his federal indictment). The three men were indicted on a combined twenty-seven counts asserting that they “highjacked” Ohio’s regulatory structure to benefit FirstEnergy.

### **Governor DeWine Appoints PUCO Chair**

**Summary:** PUCO Chairwoman Jenifer French was reappointed to her position for a term commencing April 11, 2024 and ending on April 10, 2029.

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## Statewide Cases

### **OMAEG Files Brief Opposing 2020 Legacy Generation Resource (LGR) Rider Charges (Case No. 21-477-EI-RDR)**

**Summary:** OMAEG's [brief](#) urged the Public Utilities Commission of Ohio (PUCO) to disallow to customers the \$114 million charged through the House Bill 6 (HB 6)-created Legacy Generation Resource Riders to subsidize two aging, uneconomic coal plants—one of which is in Indiana. During the hearing, OMAEG demonstrated that AEP Ohio, AES Ohio, and Duke Energy Ohio acted unreasonably and imprudently and that the costs incurred during the audit period were imprudent and unreasonable. Therefore, by law, the costs passed through to Ohio customers should be disallowed.

## AEP

### **Oral Arguments Presented on AEP Rate Case (Case No. 20-585-EL-AIR; Supreme Court Case No. 2023-0464)**

**Summary:** The Supreme Court of Ohio heard oral arguments on Interstate Gas Supply's (IGS) appeal of the AEP rate case settlement. IGS argued that the PUCO's approval of the settlement allows AEP to unlawfully recover \$4.7 million in generation costs through distribution rates. The PUCO and AEP argued that there was insufficient evidence to conclude the settlement included an anti-competitive subsidy. AEP further argued that even if a subsidy exists, it is "de minimis" and therefore not anti-competitive.

## Dominion Gas

### **Dominion Decreases Default Standard Choice Offer (SCO) Rate**

**Summary:** Based on recent competitive auctions, the default service rate for Dominion decreased to \$2.880/Mcf from \$3.009/Mcf, effective February 13, 2024.

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**FirstEnergy**

**OMAEG Files Reply Brief Opposing FirstEnergy's Proposed ESP V  
(Case No. 23-301-EL-SSO)**

**Summary:** After squandering away *at least* \$60 million on the HB 6 scandal, FirstEnergy now seeks approval to impose over \$1.6 billion in new charges on Ohio customers through ESP V (in addition to what FirstEnergy already collects from customers under ESP IV). OMAEG's [reply brief](#) urged the PUCO to reject ESP V and opposed, among other things, (1) the continuation/establishment of various above-market riders that will cost customers billions, (2) the implementation of unlawful, involuntary energy efficiency programs for non-low-income customers, (3) the continuation of the current duplicative and discriminatory interruptible program without modifications, and (4) an unreasonably long ESP term. Over a dozen other intervenors—including commercial and industrial customers, residential customers, suppliers, retail customers, and market participants—also opposed all or some of FirstEnergy's proposals.