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Statewide

Former Speaker Larry Householder, Lobbyist Matt Borges Found Guilty

Summary: Two and a half years after their arrests, and after more than six weeks of trial, former Ohio House Speaker Larry Householder and lobbyist Matt Borges were found guilty by a federal jury on March 9 for their roles in a bribery scheme linked to House Bill 6. The jury returned a verdict of guilty after less than ten hours of deliberation. Both were accused of leveraging \$60 million in FirstEnergy dark money funds into a pay-to-play scheme tied to the passage of HB 6 in 2019. Having been found guilty of felony racketeering conspiracy, each now faces up to 20 years in prison.

PUCO Allows EDUs to Implement Minimum Stay Provisions (Case Nos. 22-1127-EL-ATA, et al.)

The Public Utilities Commission of Ohio (PUCO) has approved all four electric distribution utilities' (EDUs) proposed minimum stay provisions, subject to amendments meant to create consistency.

Governmental aggregators that prematurely return more than 5,000 customers to the Standard Service Offer (SSO) before the prescribed end of their opt-out governmental aggregation program are now prevented from re-enrolling those customers into a new program for a period of 12 months. However, the minimum stay provisions are not triggered if the governmental aggregator is forced to prematurely return customers due to a supplier default, and the provisions do not prevent customers who return to the SSO after shopping with a certified retail electric service provider.

Remember, small commercial customers and facilities may be included in governmental aggregation programs unless they affirmatively opt-out.

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AEP

AEP Corrects Basic Transmission Cost Rider Application (Case No. 23-57-EL-SSO)

Summary: As you may recall, AEP filed an application to update its Basic Transmission Cost Rider (BTCR) back in January. The OMAEG discovered that AEP miscalculated the rates, seeking to over-collect \$1.4 million from customers. After the OMAEG filed comments raising the error, AEP corrected its application. Not only will the change lower rates for OMAEG members in the BTCR Pilot rate classes, AEP also declared its intention “to review all BTCR rate filings since inception of the BTCR pilot” to determine if this error has occurred before and promised to “make any necessary billing adjustments for affected customers.”

FirstEnergy

PUCO Stays All House Bill 6 Proceedings for Another Six Months (Case Nos. 17-0974-EL-UNC, et al.)

Summary: As expected, the Public Utilities Commission of Ohio (PUCO) granted the U.S. Attorney’s request to stay the four pending House Bill 6 proceedings for an additional six months. The PUCO cited the U.S. Attorney’s request, the then-ongoing federal criminal trial, and interference concerns. The PUCO also noted that Judge Black ordered that no evidence from the trial be publicly released until a verdict had been reached by the jury. The stay will continue until at least Sept. 8, unless the PUCO orders otherwise.

Northeast Ohio Public Energy Council (NOPEC)

PUCO Recertifies NOPEC (Case No. 00-2317-EL-GAG)

Summary: As you may recall, NOPEC transferred some 550,000 customers from its governmental aggregation program back to the Standard Service Offer (SSO) in August 2022, prior to the end of its aggregation program.

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Consequently, the PUCO ordered NOPEC to demonstrate why it should remain a certified governmental aggregator when its actions raised such concerns for the energy market's stability. Additionally, the PUCO requested comments from interested parties.

The PUCO approved NOPEC's recertification, noting that while NOPEC's actions of returning customers to the SSO likely had a negative impact on the market, it is unclear if the magnitude of the impact would have been significantly different had NOPEC waited until its aggregation program ended. Additionally, NOPEC has since made recommended changes in its operations that further convince the PUCO that it will maintain the requisite technical, managerial, and financial capability to continue as a governmental aggregator.