

Volume 9, Issue 19 • May 15, 2020 CORRECTED

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Statewide

Supreme Court Dismisses Challenge to Net Metering Rule (Case No. 2019-573; Appealed from PUCO Case No. 12-2050-EL-ORD)

Summary: After initiating a rulemaking process, the PUCO adopted a net metering rule that established a methodology that utilities must use when crediting a customer-generator. The PUCO moved to dismiss the environmental groups' challenge to the rule, asserting that the challenge of the rule was based upon policy and not legal grounds, and that any alleged harm was hypothetical. The Supreme Court of Ohio agreed and dismissed the appeal.

AEP Ohio

Supreme Court Affirms AEP's Riders in ESP III Case (Case No. 2018-1396; Appealed from PUCO Case Nos. 16-1852-EL-SSO, et al.)

Summary: The Supreme Court of Ohio rejected the Office of the Ohio Consumers' Counsel's (OCC) challenge of three AEP riders: (1) the Power Purchase Agreement Rider; (2) the Smart City Rider; and (3) the Renewable Generation Rider. The Court upheld the Power Purchase Rider on a technicality. The Court upheld the Smart City Rider because OCC failed show how the rider does not relate to power distribution. The Court also upheld the Renewable Generation Rider because OCC did not show how approval of the rider harmed or prejudiced ratepayers.

DP&L

Supreme Court Grants OCC's Application for Dismissal in DMR Case (Case No. 2019-0020; Appealed from PUCO Case Nos. 16-0395-EL-SSO, et al.)

Summary: The Supreme Court of Ohio granted OCC's request to dismiss its appeal of DP&L's Distribution Modernization Rider (DMR). OCC opted to not pursue the matter in light of DP&L withdrawing its ESP and the PUCO eliminating the DMR.

FirstEnergy

FirstEnergy Requests Waiver of the Required Load Response Test Under its Interruptible Tariff (Case No. 20-1025-EL-WVR)

Summary: Due to COVID-19, on May 11, 2020, Ohio Edison Company, The Toledo Edison Company, and The Cleveland Electric Illuminating Company (collectively FirstEnergy) requested a waiver for a testing requirement for their Economic Load Response Program Rider (Rider ELR) for the 2019/2020 delivery year. The test interrupts service for one hour for non-residential customers in the Rider ELR interruptible tariff program. Without a waiver from the PUCO and Federal Energy Regulatory Commission, the test must occur by May 29, 2020.

Energy Harbor (FES)

After H.B. 6 Bailout, Energy Harbor Implements Additional Share Buybacks of \$300 Million

Summary: Following the \$1 billion ratepayer-funded nuclear bailout that Ohio legislators passed last year, Energy Harbor LLC, formerly FirstEnergy Solutions, has moved to spend an additional \$300 million to repurchase the company's stock. On May 8, 2020, Energy Harbor LLC's board of directors voted to increase authorization for its stock buyback program from \$500 million to \$800 million. The company can buy back its stock at any time until August 26, 2020 under the terms of the company's plan. This benefit to corporate shareholders comes after FirstEnergy Solutions declared bankruptcy and lobbied aggressively for the H.B. 6 subsidy, which will increase costs to Ohio electricity customers.