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Federal

FirstEnergy Criminally Charged for HB 6 Scandal (Case No. 1:21-CR-86)

Summary: FirstEnergy was criminally charged this week for the HB 6 bribery scheme. The company has entered into a deferred prosecution agreement with the U.S. Department of Justice (DOJ) regarding the company's involvement in the scandal.

Specifically, FirstEnergy admitted that it committed wire fraud in furtherance of the HB 6 conspiracy; admitted to bribing former Speaker of the House Larry Householder and the former PUCO Chairman Sam Randazzo while they were in office; agreed to pay a \$230 million penalty; agreed to continue cooperating with DOJ in its investigation; agreed to publicly disclose corporate contributions to certain charitable or political organizations; and agreed to implement a "corporate compliance" program.

Subject to FirstEnergy's compliance with the agreement, DOJ has agreed to not continue its criminal prosecution against FirstEnergy and may seek dismissal of the charges in three years if the company complies with the terms of the agreement.

Statewide

Court Dismisses State Treasurer From State HB 6 Civil Proceeding (Case Nos. 20-CV-007005, et al.)

Summary: As you may recall, in December 2020, the Franklin County Court of Common Pleas enjoined the collection of monies into the HB 6 nuclear generation and solar generation funds. The funds would otherwise be in the custody of the state treasurer and then distributed to qualifying facilities as instructed by the Ohio Air Quality Development Authority (OAQDA). Since then, the Ohio General Assembly enacted HB 128, which, in part, repealed the HB 6 nuclear generation

fund. As a result, the court dismissed the state treasurer from the lawsuit because he was no longer a necessary party, but the court has not ruled on OAQDA's pending request that it also be dismissed from the case.

Duke

Duke Requests Increase to BTR Rates (Case No. 21-713-EL-RDR)

Summary: Duke requested an increase to its non-bypassable Base Transmission Rider (BTR) rates and Regional Transmission Expansion Plan (RTEP) credits, and proposed that the following rates become effective Sept. 30, 2021:

BTR

- **DS (Secondary Distribution):** \$2.906200/kW, an increase from \$2.682600/kW.
- **DP (Primary Distribution):** \$2.749100/kW, an increase from \$2.34700/kW.
- **TS Transmission Voltage:** \$2.286100/kVA, an increase from \$2.5660300/kVA.
- **DM, Secondary (Distribution Service-Small):** \$0.010093/kWh, an increase from 0.0093950/kWh.

RTEP Credits

- **DS:** 0.000559/kWh, an increase from 0.0005490/kWh.
- **DP:** 0.000559/kWh, an increase from 0.0005490/kWh.
- **TS:** 0.000559/kWh, an increase from 0.0005490/kWh.
- **DM:** 0.000559/kWh, an increase from 0.0005490/kWh.