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Federal

PUCO to Submit Comments on PJM Capacity Market Proposal (Docket No. ER21-2582-000)

Summary: The PUCO announced that it and the Pennsylvania Public Utilities Commission are finalizing joint comments regarding PJM's July 30, 2021 proposal before FERC for a "narrow" and "targeted" Minimum Offer Price Rule (MOPR). PJM's proposal to modify the MOPR currently in the tariff was filed pursuant to Section 205 of the Federal Power Act.

Under Section 205, the proposal will go through an automatic approval process, in which the application could be approved through operation of law 30 days after comments are filed, unless a majority of FERC commissioners rejects the proposal. Courts have ruled that Section 205 filings are subject to an "all or nothing" approach, which would restrict FERC's ability to modify the filing.

Statewide

Randazzo Challenges Court-Ordered Garnishment, Bank Account Seizures (Case No. 20-CV-006281)

Summary: Former PUCO Chair Sam Randazzo and his consulting firm, Sustainability Funding Alliance of Ohio Inc. (SFA), filed a motion challenging a Franklin County Court of Common Pleas order that garnished various accounts in their names as part of the state's HB 6 civil lawsuit. The motion argued that the order was unlawful and procedurally improper because: (1) the lawsuit is currently stayed due to a Feb. 8, 2021 order pending the resolution of the federal criminal HB 6 proceeding; (2) garnishment is only a remedy that may be had against defendants and neither Randazzo nor SFA are defendants to the lawsuit at this time; (3) the order garnished Randazzo's individual retirement account, which is exempt by law from garnishment; and (4) garnishment is only a remedy available to a judgment creditor and there has been no judgment awarded in favor of the State of Ohio against FirstEnergy.

The motion further argues that Randazzo and SFA have been denied their constitutional right to due process and that “[t]he [state’s] layering of unproven conclusions, including claims of criminal conduct, in combination with the stay, enable [Ohio Attorney General Yost] to assume the position of prosecutor, judge and jury” Finally, the motion asked the court for expedited consideration “due to the impact the orders have upon their ability to pay daily living expenses and ongoing financial obligations.”

AES Ohio (formerly DP&L)

AES Ohio Proposes Decrease to Tax Savings Credit (Case No. 19-568-EL-ATA)

Summary: AES Ohio proposed that a decrease to its non-bypassable Tax Savings Credit Rider become effective on a bills-rendered basis on Nov. 1, 2021. If approved, the credit would be reduced from 4.2735% of customers’ distribution charges to 2.4939% of customers’ distribution charges.