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### **Statewide**

#### **Randazzo and Consulting Firm Appeal Court-Ordered Asset Seizure (Case Nos. 20-CV-6281, et al.)**

**Summary:** Former PUCO Chair Sam Randazzo and his consulting firm, Sustainability Funding Alliance of Ohio Inc. (SFA), appealed an order from the Franklin County Court of Common Pleas to freeze \$8 million worth of their assets after Randazzo/SFA were named as defendants in the state's HB 6 civil lawsuit. Randazzo/SFA also requested that the order be stayed during the pendency of the appeal and argued that no bond is required to pursue the stay. In response, the state cited the requirement that a litigant must post a bond twice the amount of the attachment to halt the seizure. "In sum, the issue is not whether a bond is required; it is the amount," the state argued.

### **AEP**

#### **AEP Files to Implement New HB 128 Solar Subsidy Rider (Case No. 21-942-EL-ATA)**

**Summary:** AEP filed to implement the non-bypassable HB 128 Solar Generation Fund Rider (Rider SGF), which will subsidize certain qualifying solar facilities. The proposed non-residential rate is \$0.000285/kWh up to 833,000 kWh (with a per-account monthly cap of \$242). The new rider will become effective Nov. 1, unless the PUCO orders otherwise.

### **AES Ohio (formerly DP&L)**

#### **OCC Provides Notice of Withdrawal From AES Ohio ESP I Settlement (Case Nos. 08-1094-EL-SSO, et al.)**

**Summary:** The Office of the Ohio Consumers' Counsel (OCC) has provided the PUCO with notice of its termination and withdrawal from the February 2009

settlement resolving AES Ohio's first electric security plan (ESP I) and related cases. OCC asserted that the PUCO failed to adopt the settlement "in its entirety and without material modification" by allowing AES Ohio to implement the Rate Stabilization Charge (RSC) and increase its distribution rates.

OCC argued that the settlement considered the RSC as a benefit to AES Ohio in exchange for a distribution rate freeze for customers. OCC further stated that under the settlement, the filing of such notice invalidates the settlement and forces the PUCO to hold an evidentiary hearing on the cases as if the settlement was never executed.

### **FirstEnergy**

#### **Auditor Files FirstEnergy Corporate Separation Report With PUCO (Case No. 17-974-EL-UNC)**

**Summary:** The PUCO initiated an audit of the FirstEnergy Utilities' corporate separation practices in response to a FirstEnergy Corp. filing with the U.S. Securities and Exchange Commission (SEC), disclosing that FirstEnergy Corp. terminated certain corporate officers for violating the company's code of conduct.

This week, the auditor filed the report with the PUCO and determined that the FirstEnergy Utilities complied with only 23 of Ohio's 44 corporate separation requirements. Disturbingly, the report stated that the auditor could not access the records of FirstEnergy's compliance officer in place during 2016-2020 (the time that the HB 6 scandal occurred) because the individual no longer works for the company. Further, the report said the FirstEnergy Utilities have no detailed processes or procedural documents addressing corporate separation compliance; have not conducted a corporate separation audit since 2014; have little visibility or

understanding of what charges are being allocated to them from affiliates; and use PUCO-approved tariffs to generate profits for some of their competitive affiliates. Despite these findings, the report somehow concluded that it "did not find [any] major non-compliance with the requirements."