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FirstEnergy

Deferred Prosecution Agreement (DPA) Partially Ended

Summary: As you may recall, in the wake of House Bill 6 (HB 6), FirstEnergy Corp. entered into a three-year DPA with the U.S. Attorney's office on July 21, 2021. As part of the agreement, FirstEnergy Corp. paid a fine of \$230 million, which was split between the state and federal governments, and admitted to bribing Former Speaker Larry Householder, Former PUCO Chair Samuel Randazzo, and others. The DPA also imposed various reporting requirements.

As of July 21, 2024, FirstEnergy Corp. "successfully completed" the terms of the DPA, meaning that some of the DPA's requirements will expire within the next thirty days. These include the obligation to inform prosecutors at least once a year of the company's remediation and compliance efforts.

However, the remaining provisions of the DPA are still in place, and the U.S. Attorney's office has not yet dropped the wire fraud charge against FirstEnergy Corp. These other obligations and the criminal charge will remain in place until thirty days after the completion of any investigation, criminal prosecution, or civil lawsuit related to HB 6. This means that FirstEnergy Corp. must continue cooperating with the government's investigations, disclose its contributions to 501(c)(4) nonprofits (the "dark money" groups used to finance Householder), and refrain from making statements contradicting FirstEnergy Corp.'s acceptance of responsibility for HB 6.