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FirstEnergy

OMAEG Responds to FirstEnergy Withdrawing its Fifth Electric Service Plan (ESP V) (Case No. 23-301-EL-SSO)

Summary: This week, OMAEG responded to FirstEnergy’s withdrawal of the fully litigated ESP V. OMAEG explained how this gamesmanship would forcibly return customers to an outdated status quo (ESP IV) and force customers to pay increased and unlawful costs that the Commission previously modified or rejected. Among other things, OMAEG explained how certain above-market charges will be significantly higher under ESP IV (several of these charges have been linked to the corrupt House Bill 6 (HB 6)). OMAEG also challenged FirstEnergy’s flawed rationale that the withdrawal provides “certainty,” highlighting that customers have relied on ESP V for the past five months and that FirstEnergy could have easily obtained “certainty” by appealing the Public Utilities Commission of Ohio’s (PUCO) approval of ESP V to the Supreme Court of Ohio.

OMAEG Files Reply Comments on FirstEnergy H.B. 6 Spending Audit (Case No. 20-1502-EL-UNC)

Summary: Last week, OMAEG submitted [reply comments](#) on the audit report reviewing FirstEnergy’s political and charitable spending in support of HB 6 and subsequent referendum efforts. OMAEG urged the PUCO to find that FirstEnergy failed to demonstrate that its HB 6-related costs were not passed on to customers, and to order FirstEnergy to refund the full amount of those costs totaling over \$21.4 million that were or could have been passed on to customers (this amount includes known payments that funded HB 6 (\$4.9 million), rider revenues collected from customers (\$5.8 million), additional bribes paid to former PUCO Chair Randazzo (\$5.5 million), and money paid to the Tony George Entities (\$5.2 million)). OMAEG, supported by other intervenors, once more emphasized the auditor’s inability to conduct a thorough and comprehensive audit due to FirstEnergy withholding pertinent information, and the auditor’s improper adoption of a different auditor’s findings. As such, OMAEG urged the PUCO to also order a second, supplemental audit of FirstEnergy’s spending.

**FirstEnergy Lobbyists Refuse to Answer Questions at Depositions
(Case No. 17-0974-EL-UNC)**

Summary: This week, depositions were held for FirstEnergy's former lobbyist (Joel Bailey) and former Director of State and Regulatory Affairs (Justin Blitz). For nearly every question at these back-to-back depositions, Bailey and Blitz invoked their Fifth Amendment Right Against Self-Incrimination. The groups deposing Baily and Blitz sought information regarding the \$4.3 million in bribes paid to former PUCO Chair Randazzo and the role that Bailey and Blitz played in the H.B. 6 scandal. Given Baily and Blitz's refusal to answer questions, the PUCO would have to obtain an order from the Franklin County Court of Common Pleas to require substantive responses. If the order is obtained, Baily and Blitz would receive federal and state immunity in order to testify about their crimes or FirstEnergy's crimes in PUCO proceedings.

Former Ohio House Speaker Larry Householder Seeks Presidential Pardon

Summary: This week, former Ohio House Speaker Larry Householder's attorney announced (but an official request has not yet been filed) that Householder will seek a presidential pardon from President-Elect Donald Trump for his HB 6-related racketeering charges and use of political influence to obtain a bailout. The Department of Justice (DOJ) rules require a five-year waiting period for such pardon requests unless exceptional circumstances exist. While previous presidents have disfavored pardoning those convicted of public corruption, during his first term, President-Elect Trump granted pardons to several politicians facing corruption sentences. Notably, a presidential pardon would be limited to Householder's federal charges and would not affect Attorney General Yost's ongoing corruption prosecution of Householder in state court.