

CARPENTER LIPPS LLP

TELEPHONE: (614) 365-4100

180 NORTH LaSALLE  
SUITE 2105  
CHICAGO, ILLINOIS 60601  
TELEPHONE: (312) 777-4300

1025 CONNECTICUT AVENUE N.W.  
SUITE 1000  
WASHINGTON, DC 20036-5417  
TELEPHONE: (202) 365-2808

ATTORNEYS AT LAW

280 PLAZA, SUITE 1300  
280 NORTH HIGH STREET  
COLUMBUS, OHIO 43215

WWW.CARPENTERLIPPS.COM

WRITER'S DIRECT NUMBER:

(614)365-4124  
bojko@carpenterlipps.com

February 2, 2024

**VIA ELECTRONIC FILING**

Tanowa M. Troupe, Secretary  
Public Utilities Commission of Ohio  
180 East Broad Street, 11th Floor  
Columbus, OH 43215

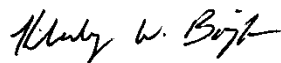
**RE:** Late-Filed Revised OMAEG Exhibit 1, *In the Matter of the OVEC Generation Purchase Rider Audits Required by R.C. 4928.148 for Duke Energy Ohio, Inc., the Dayton Power and Light Company d/b/a AES Ohio, and Ohio Power Company d/b/a AEP Ohio*, Case No. 21-477-EL-RDR.

Dear Ms. Troupe,

During the evidentiary hearing in the above-captioned case, OMAEG Ex. 1 was entered into evidence as the public version of the Direct Testimony of the Ohio Manufacturers' Association Energy Group's (OMAEG) Witness John Seryak. After the disclosure of additional information from the Audit Reports filed in this case, parties were instructed to review the information marked as confidential in the transcripts, exhibits, and testimonies filed in the above-captioned case and re-file revised exhibits consistent with the disclosure of additional information. Accordingly, OMAEG hereby files with limited redactions Revised OMAEG Ex. 1 (Public) as a late-filed exhibit. Concurrently with this filing, OMAEG also hereby files a revised confidential version of the same exhibit, the Direct Testimony of OMAEG Witness John Seryak. The confidential version was marked during the hearing as OMAEG Ex. 2C (Confidential) and will be filed as Revised OMAEG Ex. 2C under seal.

Please do not hesitate to contact me if there are any questions.

Sincerely,



Kimberly W. Bojko

cc: Parties of Record

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the OVEC Generation Purchase    )  
Rider Audits Required by R.C. 4928.148 for    )  
Duke Energy Ohio, Inc., the Dayton Power and    ) Case No. 21-477-EL-RDR  
Light Company d/b/a AES Ohio, and Ohio    )  
Power Company d/b/a AEP Ohio.                    )

---

**DIRECT TESTIMONY OF JOHN A. SERYAK  
ON BEHALF OF  
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP  
(PUBLIC VERSION)**

---

**October 10, 2023**

1    **I.     INTRODUCTION**

2    **Q1.    Please state your name and business address.**

3    A1.    My name is John A. Seryak. My principal place of business is at 5701 N. High  
4           Street, Suite 112, Worthington, Ohio 43085.

5    **Q2.    By whom are you employed and in what capacity?**

6    A2.    I am the lead analyst at RunnerStone, LLC (RunnerStone) on energy regulatory,  
7           policy, and market matters. I am also the Chief Executive Officer (CEO) of Go  
8           Sustainable Energy, LLC (Go Sustainable Energy), a consultancy that provides  
9           technical assistance on energy technology and energy management matters to the  
10          industrial, commercial, residential, and utility sectors. RunnerStone is a wholly-  
11          owned subsidiary of Go Sustainable Energy.

12   **Q3.    On whose behalf are you testifying in this proceeding?**

13   A3.    My testimony is being sponsored by the Ohio Manufacturers' Association Energy  
14          Group (OMAEG). OMAEG is a non-profit entity that strives to improve business  
15          conditions in Ohio and drive down the cost of doing business for Ohio  
16          manufacturers. OMAEG members take service under transmission, sub-  
17          transmission, primary, and secondary electric services in the Duke Energy Ohio  
18          (Duke) service territory; under primary, secondary, primary-substation, and high  
19          voltage rate schedules in the Dayton Power and Light Company, d/b/a AES Ohio  
20          (AES Ohio) service territory; and under transmission, sub-transmission, primary,  
21          and secondary electric rate schedules in the Ohio Power Company (AEP Ohio)  
22          service territory.

1   **Q4.   Please describe your professional experience and qualifications.**

2   A4.   I received a Bachelor's degree in Mechanical Engineering and a Master's of  
3       Science degree in Mechanical Engineering from the University of Dayton. I am a  
4       licensed Professional Engineer in the state of Ohio. I have worked extensively on  
5       energy matters for over twenty years. My experience includes fieldwork at  
6       industrial, commercial, and residential buildings, identifying energy savings  
7       opportunities, and quantifying the energy and dollar savings. This experience has  
8       been for the last seventeen years chiefly through my responsibilities as the founding  
9       partner of Go Sustainable Energy. I have also worked extensively with electric  
10      distribution utilities on customer programming and technology integration. Finally,  
11      I have ten years of experience in regulatory and policy analysis in the energy  
12      industry and have authored or co-authored over thirty peer-reviewed academic  
13      papers on technical, programmatic, cultural, and regulatory issues concerning  
14      energy rates, programs, resources, and policies.

15   **Q5.   Have you participated in proceedings before the Public Utilities Commission**  
16   **of Ohio (Commission) previously?**

17   A5.   Yes. I have provided testimony and advised clients on numerous energy-related  
18       issues before the Commission. More specifically, I have filed testimony in the  
19       following proceedings:

- 20       • *In the Matter of the Application of Ohio Power Company for Authority to*  
21       *Establish a Standard Service Offer Pursuant to 4928.143, Ohio Rev. Code, in*  
22       *the Form of an Electric Security Plan, Case Nos. 23-23-EL-SSO, et al., Direct*  
23       *Seryak Testimony (June 9, 2023);*
- 24       • *In the Matter of the Review of the Reconciliation Rider of Duke Energy Ohio,*  
25       *Inc., Case No. 20-167-EL-RDR, Direct Seryak Testimony (October 27, 2021);*

- 1       • *In the Matter of the Review of the Reconciliation Rider of The Dayton Power*  
2       *and Light Company*, Case No. 20-165-EL-RDR, Direct Seryak Testimony  
3       (September 12, 2023);
- 4       • *In the Matter of the Review of the Power Purchase Agreement Rider of Ohio*  
5       *Power Company for 2018*, Case Nos. 18-1004-EL-RDR, et al., Direct Seryak  
6       Testimony (December 29, 2021);
- 7       • *In the Matter of the Long-Term Forecast Report of AEP Ohio and Related*  
8       *Matters*, Case Nos. 18-0501-EL-FOR, et al., Direct Seryak Testimony (January  
9       2, 2019);
- 10      • *In the Matter of the Application of the Ohio Power Company for Authority to*  
11      *Establish a Standard Service Offer*, Case Nos. 16-1852-EL-SSO, et al., Direct  
12      Seryak Testimony (May 2, 2017);
- 13      • *In the Matter of the Application of Ohio Edison Company, The Cleveland*  
14      *Electric Illuminating Company, and The Toledo Edison Company For Approval*  
15      *of Their Energy Efficiency and Peak Demand Reduction Program Portfolio*  
16      *Plans for 2017 through 2019*, Case No. 16-0743-EL-POR, Direct Seryak  
17      Testimony (September 13, 2016);
- 18      • *In the Matter of the Application Seeking Approval of Ohio Power Company's*  
19      *Proposal to Enter into an Affiliate Power Purchase Agreement for Inclusion in*  
20      *the Power Purchase Agreement Rider*, Case Nos. 14-1693-EL-RDR, et al.,  
21      Direct Seryak Testimony (December 28, 2015);
- 22      • *In the Matter of the Application of AEP Ohio, Inc., for Approval to Continue*  
23      *Cost Recovery Mechanism for Energy Efficiency Programs through 2016*, Case  
24      No. 14-1580-EL-RDR, Direct Seryak Testimony (June 30, 2015);
- 25      • *In the Matter of the Application of Ohio Edison Company, The Cleveland*  
26      *Electric Illuminating Company, and the Toledo Edison Company for Authority*  
27      *to Provide for a Standard Service Offer Pursuant to R.C. 4928.143 in the Form*  
28      *of an Electric Security Plan*, Case No. 14-1297-EL-SSO, Direct Seryak  
29      Testimony (March 2, 2015) and Supplemental Seryak Testimony (December  
30      30, 2015); and,
- 31      • *In the Matter of the Application of AEP Ohio, Inc., for Recovery of Program*  
32      *Costs, Lost Distribution Revenue and Performance Incentives Related to its*  
33      *Energy Efficiency and Demand Response Programs*, Case Nos. 14-0457-EL-  
34      RDR, et al., Direct Seryak Testimony (March 4, 2016).

1     **II.     OVERVIEW AND CONCLUSIONS**

2     **Q6.     What is the purpose of your testimony in this proceeding?**

3     A6.     The purpose of my testimony is to address the prudency review and audit of Duke’s,  
4             AES Ohio’s, and AEP Ohio’s (collectively, EDUs) Legacy Generation Resource  
5             Riders (LGR Riders) concurrently conducted by London Economics International,  
6             LLC (LEI or the auditor). These audits were conducted pursuant to a provision in  
7             Ohio law (R.C. 4928.148(A)(1)), which establish the nonbypassable LGR Riders  
8             and also require the Commission to determine the prudence and reasonableness of  
9             the EDUs’ actions, “including their decisions related to offering the contractual  
10            commitment into the wholesale markets, and exclude from recovery those costs that  
11            the commission determined imprudent and unreasonable.”

12            The General Assembly created the LGR Riders to replace AEP Ohio’s  
13            Power Purchase Agreement Rider (PPA Rider),<sup>1</sup> Duke’s Price Stabilization Rider  
14            (PSR),<sup>2</sup> and AES Ohio’s Reconciliation Rider<sup>3</sup> (collectively, OVEC Riders). Like  
15            their predecessors, the LGR Riders allow the EDUs to recover *prudently incurred*  
16            net costs resulting from owning and operating the Ohio Valley Electric Corporation  
17            (OVEC) coal plants.<sup>4</sup> Importantly, the law explicitly describes “prudently incurred

---

<sup>1</sup> *In the Matter of the Application Seeking Approval of Ohio Power Company’s Proposal to Enter into an Affiliate Power Purchase Agreement for Inclusion in the Power Purchase Agreement Rider*, Case Nos. 14-1693-EL-RDR, et al., Opinion and Order at 21 (March 31, 2016) (hereinafter, AEP Rider PPA Order).

<sup>2</sup> *In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan, Accounting Modifications, and Tariffs for Generation Service*, Case Nos. 17-1263-EL-SSO, et al., Opinion and Order at ¶ 266 (December 19, 2018) (hereinafter, Duke PSR Order).

<sup>3</sup> *In the Matter of the Application of Dayton Power and Light Company to Establish a Standard Service Offer in the Form of an Electric Security Plan*, Case No. 16-395-EL-SSO (hereinafter, AES ESP III Case), Opinion and Order at ¶ 14 (October 20, 2017) (hereinafter, AES RR Order).

<sup>4</sup> *In the Matter of Establishing the Nonbypassable Recovery Mechanism for Net Legacy Generation Resource Costs Pursuant to R.C. 4928.148*, Case No. 19-1808-EL-UNC, Entry at ¶ 30 (November 21, 2019).

1 costs” as the *same* costs that the Commission previously authorized the EDUs to  
2 recover through their OVEC Riders, stating:

3 On January 1, 2020, any mechanism authorized by the public utilities  
4 commission prior to the effective date of this section for retail recovery of  
5 *prudently incurred costs* related to a legacy generation resource shall be  
6 replaced by a nonbypassable rate mechanism established by the commission  
7 for recovery of *those costs* through December 31, 2030, from customers of  
8 all electric distribution utilities in this state.<sup>5</sup>

9 Whether “those costs” recovered through the previous OVEC Riders were prudent,  
10 reasonable, and in the best interests of customers remains contested.<sup>6</sup>  
11 Notwithstanding the contested cases still pending, from my reading of the law, any  
12 potential cost recovery of “those costs” through the LGR Riders should be  
13 considered under the same standard applied to the previous OVEC Riders: whether  
14 the incurred OVEC-related costs were prudent, reasonable, and in the best interests  
15 of customers.

16 Specifically, based upon my regulatory analysis and expertise regarding this  
17 issue, my testimony concludes:

18 • that the LGR Riders are part and parcel of the corrupt House Bill 6 (HB6),  
19 which remains under investigation. Therefore, the Commission should not  
20 allow the EDUs to continue to recover costs through the LGR Riders until  
21 all HB6-related investigations have concluded or determine that such costs

---

<sup>5</sup> R.C. 4928.148(A) (emphasis added).

<sup>6</sup> OMAEG and others have appealed the Commission’s decision allowing Duke to recover costs through the PSR (see OMAEG-Kroger Joint Application for Rehearing, Case No. 20-167-EL-RDR (October 6, 2023) and the Office of the Ohio Consumers’ Counsel Application for Rehearing, Case No. 20-167-EL-RDR (October 6, 2023)), and decisions regarding the prudence and reasonableness of costs recovered through AEP Ohio’s PPA Rider and AES Ohio’s RR remain pending (see Case No. 18-1004-EL-RDR and 20-165-EL-RDR).

1                   were in fact reasonable, prudently incurred, and in the best of interest of  
2                   customers;

- 3                   • that a former Commissioner has been implicated in the HB6 bribery scandal  
4                   that established the LGR Riders. Given that this Commissioner may have  
5                   assisted in creating and implementing the LGR Riders, the Commission  
6                   should not continue to authorize cost recovery through the LGR Riders or  
7                   determine the prudence and reasonableness of such costs while open  
8                   corruption investigations remain ongoing;
- 9                   • that the LGR Riders should only credit or charge customers the same types  
10                  of net costs that were approved for recovery through the OVEC Riders;
- 11                  • that, as explained by the Commission through its orders, the LGR Riders  
12                  should be functioning as meaningful “financial hedge[s] that mitigate price  
13                  spikes in market prices”<sup>7</sup> and “provide added rate stability,”<sup>8</sup> and they “must  
14                  not impose unreasonable costs on customers.”<sup>9</sup>

- 15                  ▪ The LGR Riders are currently not functioning as rate stability  
16                  charges, and thus the costs collected through the LGR Riders during  
17                  the Audit Period are unreasonable, imprudent, and not in the best  
18                  interests of customers. Accordingly, the Commission should order  
19                  that the unreasonable and imprudent costs collected during the Audit  
20                  Period be refunded to customers, which equals \$111,896,346.<sup>10</sup>

---

<sup>7</sup> AES RR Order at ¶ 63. *See also* AEP PPA Rider Order at 83; Duke PSR Order at ¶ 282.

<sup>8</sup> AEP PPA Rider Order at 83. *See also* Duke PSR Order at ¶ 283; AES RR Order at ¶ 63.

<sup>9</sup> Duke PSR Order at ¶ 283. *See also* AEP PPA Rider Order at 78.

<sup>10</sup> Attachment A - Confidential



1                   ▪ Only costs related to a contractual entitlement or a wholesale market  
2                   transaction are eligible for recovery through the LGR Riders. The  
3                   costs for debt, return-on-equity, and other non-marginal costs are  
4                   not a contractual entitlement or a cost related to a wholesale market  
5                   transaction. Rather, they are a contractual *unconditional obligation*.  
6                   Accordingly, the Commission should disallow these costs.

7                   ▪ Only costs that are in the best interests of customers are eligible for  
8                   recovery through the LGR Riders. The costs recovered through the  
9                   LGR Riders were not in the best interest of customers. Accordingly,  
10                  the Commission should disallow these costs in their entirety.

11               • That the EDUs' decision to take their share of their entitlement to OVEC's  
12               energy under a must-run strategy is imprudent, as are decisions to run  
13               OVEC at losses in the energy market. Accordingly, the Commission should  
14               disallow these costs, which equals at least \$12,652,380;

15               • That unconditional obligation charges are not recoverable. Accordingly,  
16               the Commission should order that unconditional obligated demand charges  
17               be refunded to customers, which equals \$102,280,428; and

18               • That OVEC paid above-market prices for select coal contracts.  
19               Accordingly, the Commission should disallow these costs, which equal  
20               \$4,217,118.

21               Given the wide scope of the issues addressed in the LEI Audit Reports, my  
22               recommendations are concentrated on a limited number of issues. Absence of a  
23               comment on my part regarding a particular aspect of the LEI Audit Reports does

1 not signify agreement or disagreement with that aspect. I reserve the right to offer  
2 comments on other issues covered in the LEI Audit Reports related to cost recovery  
3 through the LGR Riders.

4 **Q7. Based on your primary conclusions, what are your recommendations?**

5 A7. For the period spanning January 1, 2020 through December 31, 2020 (Audit  
6 Period),<sup>11</sup> Ohio ratepayers were charged \$111,896,346 of OVEC costs through the  
7 LGR Riders. To date, the EDUs have collected over \$400 million from customers  
8 to subsidize the OVEC plants, and I estimate that they could collect in total around  
9 \$850 million by 2030.<sup>12</sup> The costs included in the LGR Riders are unreasonable  
10 and not in the best interest of customers.

11 The LGR Riders are a drain on both Ohio's customers and the economy.  
12 About half of the costs recovered through the LGR Riders relate to a coal plant in  
13 *Indiana*. Worse, LGR Rider costs do not even improve the OVEC power plants  
14 because the EDUs must pay OVEC whether they have the LGR Riders or not.<sup>13</sup>  
15 OVEC makes no more or less money because of the LGR Riders. As such, the  
16 LGR Riders are effectively a tool to increase the EDUs' profits at the expense of  
17 their ratepayers.

18 The Commission has a duty to act and protect customers by disallowing the  
19 imprudent and unreasonable costs recovered through the LGR Riders in their

---

<sup>11</sup> LGR Audit, Entry at ¶ 1 (May 5, 2021).

<sup>12</sup> John Seryak, *House Bill 6's Legacy: Utility Power Plant Subsidies Poised to Cost Ohioans Millions More* at 1, RUNNERSTONE (March 29, 2023), available at <https://www.ohiomfg.com/wp-content/uploads/HB6s-Legacy-Power-Plant-Subsidies-Cost-Ohioans-Millions-3.21.23-2.pdf>.

<sup>13</sup> See Amended and Restated Inter-Company Power Agreement at Art. 4 § 4.03 (March 13, 2006), available at <https://www.sec.gov/Archives/edgar/data/73986/000000490406000041/x10a2.htm> (hereinafter, ICPA).

1 entirety.<sup>14</sup> At a minimum, the Commission should refrain from continuing to  
2 authorize recovery of LGR Rider costs until all federal investigations into HB6  
3 conclude.

4 **III. COST RECOVERY THROUGH THE LGR RIDERS SHOULD NOT BE**  
5 **AUTHORIZED OR DEEMED PRUDENT WHILE THERE ARE OPEN**  
6 **FEDERAL INVESTIGATIONS**

7 **Q8. Was the LGR Rider mechanism part of House Bill 6?**

8 A8. Yes. As mentioned previously, R.C. 4928.148 created the LGR Rider mechanism,  
9 which was enacted by the 133<sup>rd</sup> General Assembly pursuant to HB6.<sup>15</sup>

10 **Q9. Have the investigations into HB6 concluded?**

11 A9. No. The US Attorney of the Southern District of Ohio has stated that investigations  
12 remain ongoing.<sup>16</sup>

13 **Q10. Is there any indication that OVEC sponsors or supporters could be part of the**  
14 **HB6 investigation?**

15 A10. Yes, OVEC sponsors and/or supporters have been named as entities or individuals  
16 in HB6-related investigations and documents:

---

<sup>14</sup> R.C. 4928.148(A)(1).

<sup>15</sup> Section 4928.148 | Nonbypassable rate mechanism for recovery of costs, <https://codes.ohio.gov/ohio-revised-code/section-4928.148>,

<sup>16</sup> See *In the Matter of the Review of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company's Compliance with R.C. 4928.17 and Ohio Adm.Code Chapter 4901:1-37*, Case No. 17-974-EL-UNC, Correspondence From the U.S. Department of Justice (August 10, 2023); *In the Matter of the Review of the Distribution Modernization Rider of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company*, Case No. 17-2474-EL-RDR, Correspondence From the U.S. Department of Justice (August 10, 2023); *In the Matter of the Review of the Political and Charitable Spending by Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company*, Case No. 20-1502-EL-UNC, Correspondence From the U.S. Department of Justice (August 10, 2023); *In the Matter of the 2020 Review of the Delivery Capital Recovery Rider of Ohio Edison Company, the Cleveland Electric Illuminating Company, and the Toledo Edison Company*, Case No. 20-1629-EL-RDR, Correspondence From the U.S. Department of Justice (August 10, 2023)..

1           • AEP Ohio – As a primary beneficiary of costs collected through the LGR  
2           Riders, AEP Ohio will receive \$67,897,706 for its shareholders in 2020 alone  
3           from HB6’s LGR Rider mechanism.<sup>17</sup> From 2017 to 2019, AEP Ohio donated  
4           a total of \$700,000 to Generation Now concealed through 501c4s.<sup>18</sup> Generation  
5           Now has pled guilty to racketeering conspiracy for its role in the HB6 bribery  
6           scheme, albeit for concealing payments from “Company A,” which is widely  
7           reported to be FirstEnergy.<sup>19</sup> Empowering Ohio’s Economy (EOE), an AEP-  
8           supported non-profit that has received a total of \$8.7 million from American  
9           Electric Power, Inc. (AEP Inc. is AEP Ohio’s parent company) between 2015  
10          and 2020,<sup>20</sup> provided the payments to Generation Now that totaled \$700,000.<sup>21</sup>  
11          When asked what the \$700,000 in donations was used for, the president of

---

<sup>17</sup> Audit of the Legacy Generation Resource Rider of AEP Ohio (Confidential Version) at Figure 9, Column G (December 15, 2021) (hereinafter, Confidential AEP Audit Report).

<sup>18</sup> Empowering Ohio’s Economy Form 990 2017 at 13, available at [https://www.causeiq.com/organizations/view\\_990/472628428/ce585c7870c2353ec9b0cf2a4f0b5a68](https://www.causeiq.com/organizations/view_990/472628428/ce585c7870c2353ec9b0cf2a4f0b5a68); Empowering Ohio’s Economy Form 990 2018 at 17, available at <https://www.documentcloud.org/documents/7002591-Empower-Ohio-s-Economy-Form-990-2018>; Empowering Ohio’s Economy Form 990 2019 at 15, available at <https://www.documentcloud.org/documents/20418362-empowering-ohios-economy-form-990-2019#document/p15>.

<sup>19</sup> See *United States v. Generation Now*, Case No. 1:20-CR-077, Plea Agreement at 7 (February 5, 2021), available at <https://www.documentcloud.org/documents/20473186-generation-now-plea-agreement>; *United States of America vs. FirstEnergy Corp.*, Deferred Prosecution Agreement at 17 (July 20, 2021), available at <https://www.sec.gov/Archives/edgar/data/1031296/000103129621000071/ex101-8k7x22x21.htm> (hereinafter, DPA).

<sup>20</sup> American Electric Power Company, Inc. (AEP) CEO Nick Akins on Q2 2020 Results - Earnings Call Transcript (August 6, 2020), available at <https://seekingalpha.com/article/4365410-american-electric-power-company-inc-aep-ceo-nick-akins-on-q2-2020-results-earnings-call> (stating, “Starting in 2015, AEP contributed a total of \$8.7 million to Empowering Ohio’s Economy”).

<sup>21</sup> Empowering Ohio’s Economy Form 990 2017 at 13, available at [https://www.causeiq.com/organizations/view\\_990/472628428/ce585c7870c2353ec9b0cf2a4f0b5a68](https://www.causeiq.com/organizations/view_990/472628428/ce585c7870c2353ec9b0cf2a4f0b5a68); Empowering Ohio’s Economy Form 990 2018 at 17, available at <https://www.documentcloud.org/documents/7002591-Empower-Ohio-s-Economy-Form-990-2018>; Empowering Ohio’s Economy Form 990 2019 at 15, available at <https://www.documentcloud.org/documents/20418362-empowering-ohios-economy-form-990-2019#document/p15>.

1 EOE’s Board stated, “I don’t know what they were up to.”<sup>22</sup> AEP Inc.’s  
2 Chairman, President, and CEO Nicholas Akins has said that AEP’s role in HB6  
3 was “on the outside looking in.”<sup>23</sup> However, AEP, Inc. has also disclosed that  
4 it has been subpoenaed by the Securities and Exchange Commission (SEC) for  
5 its donations to Generation Now.<sup>24</sup> Since AEP Ohio is a primary financial  
6 beneficiary of the LGR Rider mechanism, and thus HB6, and since its parent is  
7 under SEC investigation, the Commission should delay authorization of the  
8 recovery of costs through the LGR Riders until such investigations conclude.

- 9 • Resource Fuels, LLC (Resource Fuels) – In the July 16, 2020 indictment of  
10 former House Speaker Larry Householder, an executive of “Company C” is  
11 mentioned as a contributor to Generation Now and as having “interests aligned  
12 with Company A.”<sup>25</sup> Company C has been reported as the Boich Companies,  
13 which is a Columbus, Ohio-based coal supply company<sup>26</sup> that Resource Fuels  
14 listed as a member-owner in its Articles of Organization filed with the Secretary

---

<sup>22</sup> Dave Anderson, “More Generation Now dark money traced to AEP in Ohio corruption scandal,” ENERGY AND POLICY INSTITUTE (December 2, 2020), available at <https://energyandpolicy.org/aep-dark-money/>.

<sup>23</sup> Darren Sweeney, “As Ohio bribery probe proceeds, AEP ‘on the outside looking in,’ CEO says,” S&P GLOBAL (November 16, 2020), available at <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/as-ohio-bribery-probe-proceeds-aep-on-the-outside-looking-in-ceo-says-61310500>.

<sup>24</sup> AEP, Inc. Securities and Exchange Commission Form 10-Q Quarterly Report at 23 (June 30, 2023), available at <https://d18rn0p25nwr6d.cloudfront.net/CIK-0000004904/2011d338-5ffa-48fb-863d-a44e6948787c.pdf>.

<sup>25</sup> *United States v. Householder*, Case No. 1:20-MJ-00-526, Complaint at 31 (July 17, 2020).

<sup>26</sup> Randy Ludlow, “Householder case: ‘Company C’ CEO Wayne Boich gave cash to HB 6 ‘dark money’ groups,” THE COLUMBUS DISPATCH (August 25, 2020), available at <https://www.dispatch.com/story/news/politics/state/2020/08/05/householder-case-lsquo-company-crsquo-ceo-wayne-boich-gave-cash-to-hb-6-lsquodark-moneysquo-groups/112806486/>.

1 of State.<sup>27</sup> For years, Resource Fuels has sold unreasonably priced coal to  
2 OVEC's Clifty Creek.<sup>28</sup>

3 **Q11. Is there any indication that the former Chairman of the Commission could be**  
4 **investigated for HB6-related matters?**

5 A11. Yes. On November 16, 2020, the Federal Bureau of Investigation (FBI) raided  
6 Former Commission Chairman Samuel Randazzo's condominium.<sup>29</sup> On July 22,  
7 2021, the US Attorney of the Southern District of Ohio published a Deferred  
8 Prosecution Agreement (DPA) with FirstEnergy.<sup>30</sup> In the DPA, FirstEnergy stated  
9 that it bribed "Public Official B" for favorable official actions. The DPA described  
10 Public Official B as "the Chairman of the Public Utilities Commission of Ohio  
11 ("PUCO") from April 2019 until November 21, 2020," who has since been  
12 identified in pleadings filed by the Attorney General of Ohio David Yost as former  
13 Chairman Randazzo.<sup>31</sup> From these same documents, it appears that Mr. Randazzo,  
14 while serving as Chairman, likely played a significant role in drafting HB6.

15 **Q12. Why is all of this information about HB6 important to this case?**

16 A12. While my previous statements do not presume the guilt of any person or entity  
17 based on association with HB6, it is important to explain the genesis of the LGR  
18 Riders. Additionally, I believe the Commission should demonstrate care and  
19 caution with how it proceeds in this matter and should not authorize the recovery

---

<sup>27</sup> Resource Fuels LLC, Articles of Organization, [https://bizimage.ohiosos.gov/api/image/pdf/6183\\_1442](https://bizimage.ohiosos.gov/api/image/pdf/6183_1442).

<sup>28</sup> Energy Information Administration Form 923, Years 2012–2020, available at <https://www.eia.gov/electricity/data/eia923/>.

<sup>29</sup> *State of Ohio ex rel. Dave Yost v. FirstEnergy Corp., et al.*, Appellant Merit Brief at 2, Case No. 202201286 (March 3, 2023) (hereinafter, Yost Brief).

<sup>30</sup> See DPA.

<sup>31</sup> DPA at 17; Yost Brief at 2.

1 of OVEC-related costs from customers while there are ongoing investigations into  
2 HB6 and how the LGR Riders were created.

3 **Q13. What is your recommendation?**

4 A13. The Commission should not continue to authorize cost recovery through the LGR  
5 Riders or deem that the costs were prudent, reasonable, and in the best interest of  
6 customers until all investigations into HB6 and the LGR Riders have concluded.

7 **IV. LGR RIDER COSTS ARE UNREASONABLE, IMPRUDENT, AND NOT IN**  
8 **THE BEST INTEREST OF CUSTOMERS**

9 **Q14. Do previous Commission cases impose limits on what costs are eligible for**  
10 **recovery through the LGR Riders?**

11 A14. Yes. Ohio law explicitly describes “prudently incurred costs” that may be  
12 recovered through the LGR Riders as the same costs that the Commission  
13 previously authorized the EDUs to recover through their OVEC Riders, stating:

14 On January 1, 2020, any mechanism authorized by the public utilities  
15 commission prior to the effective date of this section for retail recovery *of*  
16 *prudently incurred costs* related to a legacy generation resource shall be  
17 replaced by a nonbypassable rate mechanism established by the commission  
18 for recovery *of those costs* through December 31, 2030, from customers of  
19 all electric distribution utilities in this state.<sup>32</sup>

20 **Q15. Are the LGR Riders required to constitute rate stability charges?**

21 A15. Yes. The LGR Riders must constitute a rate stability charge in order to recover  
22 “those costs” previously approved for recovery through the OVEC Riders. Based  
23 on my understanding of prior Commission orders, the OVEC Riders were intended  
24 to function as meaningful “financial hedge[s] that mitigate price spikes in market

---

<sup>32</sup> R.C. 4928.148(A) (emphasis added).

1 prices”<sup>33</sup> and “provide added rate stability.”<sup>34</sup> In my opinion, when establishing  
2 the OVEC Riders, the Commission orders consistently determined that such riders  
3 are required to constitute rate stability charges.<sup>35</sup> However, for the reasons detailed  
4 below, the OVEC Riders, and thus the LGR Riders, are not functioning as proper  
5 rate stability charges.

6 **Q16. Are the LGR Riders required to function as a substantive financial hedge?**

7 A16. Yes. In the Commission order authorizing AEP Ohio’s PPA Rider, two  
8 Commissioners offered concurring opinions. Commissioner Trombold stated that,  
9 “it is my clear expectation, just as it is Commissioner Haque’s, that the PPA rider  
10 approved today will result in a credit (i.e. benefit) to ratepayers over the next eight  
11 years.”<sup>36</sup>

12 Additionally, Commissioner Haque explained that a rate stability charge  
13 can cease being a rate stability charge/financial hedge and instead become an  
14 “illusory insurance policy” if “ratepayers never experience the credits.”<sup>37</sup> He also  
15 implied that such an illusory insurance policy would be a “blank check” for a utility

---

<sup>33</sup> AES RR Order at ¶ 63. *See also* AEP PPA Rider Order at 83; Duke PSR Order at ¶ 282.

<sup>34</sup> AEP PPA Rider Order at 83. *See also* Duke PSR Order at ¶ 283; AES RR Order at ¶ 63.

<sup>35</sup> AEP Rider PPA Order at 102; Duke Rider PSR Order at ¶ 265; AES RR III at ¶ 119.

<sup>36</sup> AEP PPA Rider Order, Concurring Opinion of Beth Trombold at 2

<sup>37</sup> AEP PPA Rider Order, Concurring Opinion of Asim Haque at 4.



1 and stated that, “consumers should not be treated like a trust account. It is not  
2 right.”<sup>38</sup>

3 Moreover, the Commission has historically not approved ostensible rate  
4 stability charges that are expected to create significant costs to customers over the  
5 lifetime of the charge and therefore not function as a substantive hedge.<sup>39</sup>

6 As demonstrated in the Audit Reports filed in this case, the LGR Riders are  
7 not producing net credits to customers, nor are they expected to.<sup>40</sup> As such, the  
8 LGR Riders have become an “illusory insurance policy” treating consumers as a  
9 “trust account” and offering the EDUs a “blank check.”

10 Ohio law does not authorize illusory insurance policies, it does not authorize  
11 blank checks to utilities, and it does not condone treating consumers as a trust  
12 account for utility shareholders. The Commission has previously rejected a  
13 proposed OVEC rider because “the rider may result in a net cost to customers, with  
14 little offsetting benefit from the rider’s intended purpose as a hedge against market  
15 volatility.”<sup>41</sup> The LGR Riders *have* resulted in net costs to customers with little  
16 offsetting benefit from the riders’ intended purpose as a hedge against market

---

<sup>38</sup> *Id.* at 5.

<sup>39</sup> See, e.g., *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4928.143 in the Form of an Electric Security Plan*, Case Nos. 13-2385-EL-SSO, Opinion and Order at 24 (February 25, 2015) (denying AEP’s proposed Rider PPA because “the rider may result in a net cost to customers, with little offsetting benefit from the rider’s intended purpose as a hedge against market volatility”); Duke Rider PSR Order at ¶ 66 (explaining how a previous Rider PSR proposal was rejected because it “would not provide a sufficiently beneficial financial hedge”).

<sup>40</sup> See Confidential AEP Audit Report; Audit of the Legacy Generation Resource Rider of AES Ohio (Confidential Version) (December 15, 2021) (hereinafter, Confidential AES Audit Report); Audit of the Legacy Generation Resource Rider of Duke Energy Ohio (Confidential Version) (December 15, 2021) (hereinafter, Confidential Duke Audit Report).

<sup>41</sup> Case Nos. 13-2385-EL-SSO, Opinion and Order at 24 (February 25, 2015).

1 volatility. Consequently, the LGR Rider costs should be disallowed in their  
2 entirety.

3 **Q17. Are LGR Rider costs required to be related to a contractual entitlement?**

4 A17. Yes. All of the OVEC Riders were constrained by Commission orders, and those  
5 same restraints should apply to the LGR Riders. In approving AEP Ohio's PPA  
6 Rider, the Commission stated that costs eligible for recovery were those related to  
7 AEP Ohio's "contractual entitlement" to OVEC.<sup>42</sup> Similarly, when approving  
8 Duke's PSR, the Commission stated that costs eligible for recovery were those  
9 "resulting from transactions, in the wholesale market, relating to Duke Energy  
10 Ohio's entitlement under the Inter-Company Power Agreement (ICPA)."<sup>43</sup> When  
11 approving AES Ohio's RR, the Commission stated that "[t]here is no evidence in  
12 the record of this proceeding to distinguish our determination in [the AEP PPA  
13 Rider case] from the facts of this case."<sup>44</sup> Costs incurred from a contractual  
14 entitlement are the same as costs incurred in a wholesale market transaction: the  
15 marginal costs of energy and capacity, also called the variable cost. Based on  
16 estimates that I have made using information from the LEI Audit Reports, the  
17 marginal cost of energy from OVEC to the EDUs in 2020 was about \$12,652,380  
18 more than what OVEC was paid by PJM for this same energy.<sup>45</sup>

---

<sup>42</sup> AEP PPA Rider Order at 21.

<sup>43</sup> Duke PSR Order at ¶ 136.

<sup>44</sup> AES RR Order at ¶ 119.

<sup>45</sup> Attachment B - Confidential.

1           However, the EDUs collected \$111,896,346 from customers for OVEC-  
2           related costs incurred in 2020<sup>46</sup> because the EDUs are passing on other charges not  
3           detailed in the enabling orders, which are called “unconditional obligations” in the  
4           OVEC ICPA.<sup>47</sup> Based upon my regulatory expertise and analysis of the ICPA and  
5           as I have testified to previously, charges that are unconditional obligations differ  
6           from contractual entitlement charges.<sup>48</sup> This is demonstrated by there being two  
7           separate sections of the ICPA outlining the difference between the charges. Article  
8           4 and Section 5.02 of the ICPA describe energy and the charges associated with  
9           contractual entitlement to available energy,<sup>49</sup> while unconditional obligation  
10          charges are separately described in Section 8.05.<sup>50</sup>

11          The unconditional obligation’s demand charges listed in Section 8.05 and  
12          detailed in Section 5.03 of the ICPA are being improperly passed through to  
13          customers via the LGR Riders. Unconditional obligations are comprised of debt,  
14          taxes, shareholder returns, and other expenses.<sup>51</sup> Notably, these costs are not  
15          related to a wholesale market transaction, as required in prior Commission  
16          decisions approving the OVEC Riders.<sup>52</sup> These unconditional obligation costs do  
17          not relate to the price that OVEC or the EDUs bid into PJM’s market for energy,

---

<sup>46</sup> Note that while OVEC charged the EDUs \$111,896,346 in 2020, the EDUs only collected about \$89,571,982 from ratepayers that year. The remaining net charges from 2020 were carried forward and collected in 2021 through the LGR Riders

<sup>47</sup> ICPA at Art. 8 § 8.05.

<sup>48</sup> Case Nos. 18-1004-EL-RDR, et al., Tr. Vol. V at 1339 (Cross Examination of Seryak); *id.*, OMAEG Ex. 1 at 17 (Direct Testimony of John A. Seryak)

<sup>49</sup> *Id.* at Art. 4 and Art. 5 § 5.02.

<sup>50</sup> *Id.* at Art. 8 § 8.05.

<sup>51</sup> *Id.* at Art. 5 § 5.03.

<sup>52</sup> *See, e.g.*, Duke PSR Order at ¶ 136.

1 capacity, or ancillary services. Additionally, because unconditional obligations are  
2 not a wholesale market-related cost, these charges cannot increase or decrease in  
3 response to market prices. Therefore, unconditional obligation charges are not a  
4 rate stability charge; they are not a financial hedge; and they are not a contractual  
5 entitlement charge. Unconditional obligation charges are instead flat charges to  
6 ratepayers that subsidize EDU debt payments through OVEC at a constant rate no  
7 matter the current market prices. Allowing the EDUs to recover these kinds of  
8 charges through the LGR Riders creates a clear conflict of interest for the EDUs  
9 because it incentivizes them to act in the best interests of their shareholders rather  
10 than the best interests of their customers. Accordingly, the Commission should  
11 disallow unconditional obligation charges from recovery through the LGR Riders,  
12 which equals \$102,280,428.<sup>53</sup>

13 Lastly, Ohio law seems to provide a second, different definition for an LGR  
14 Rider cost.<sup>54</sup> It states that prudently incurred costs are those “allocated pursuant to  
15 a power agreement approved by the federal energy regulatory commission that  
16 relates to a legacy generation resource.” Section 4 and Section 5.02 of the ICPA  
17 detail the power agreement between OVEC and its sponsoring companies, and the  
18 costs described for power in these sections are marginal, or variable, costs of  
19 energy.<sup>55</sup> Therefore, the costs allocated pursuant to the ICPA only include marginal  
20 and variable costs of energy, not the unconditional obligations being recovered

---

<sup>53</sup> Attachment C - Confidential.

<sup>54</sup> R.C. 4928.01.

<sup>55</sup> See ICPA at Art. 4 and Art. 5 § 5.02.

1 through the LGR Riders, which further supports disallowing the unconditional  
2 obligation charges of \$102,280,428.

3 **Q18. Are LGR Rider costs required to be in the best interest of ratepayers?**

4 A18. Yes. As stated by Commissioner Haque when approving AEP Ohio's PPA Rider,  
5 "what exactly is the point [. . .] if ratepayers never experience the credits?"<sup>56</sup> The  
6 LGR Riders and their predecessors have cost Ohio ratepayers about \$400 million  
7 to date, and I estimate that they will cost Ohioans up to \$850 million by 2030.<sup>57</sup>  
8 The LGR Riders are what Commissioner Haque described as an "illusory insurance  
9 policy" and a "blank check" for utility shareholders. This is not in the best interests  
10 of Ohio's customers.

11 A rate stability charge like the LGR Riders must be designed by a neutral  
12 arbiter with the end goal of stabilizing rates for ratepayers. However, the EDUs all  
13 own shares in OVEC, which creates a clear conflict of interest. Because they are  
14 OVEC shareholders and have unconditional financial obligations to OVEC as  
15 sponsoring companies, the EDUs all financially benefit from the LGR Riders at the  
16 expense of customers. Therefore, the LGR Riders are not a prudent, reasonable  
17 rate stability charge that benefits customers by functioning as a financial hedge.  
18 Rather, they are functioning as an EDU shareholder subsidy.

19 The Commission should recognize that the EDUs have a fiduciary  
20 responsibility to their shareholders that creates a conflict of interest with their  
21 customers with regard to the LGR Riders. For this reason, all costs collected

---

<sup>56</sup> AEP PPA Rider Order, Concurring Opinion of Asim Haque at 4.

<sup>57</sup> Seryak, *House Bill 6's Legacy: Utility Power Plant Subsidies Poised to Cost Ohioans Millions More* at 1.

1 through the LGR Riders should be disallowed because a shareholder subsidy cannot  
2 per se be a prudent and reasonable rate stability charge for the benefit of customers.

3 Additionally, the Commission should consider that a draft audit report—  
4 also created by LEI— previously determined that “keeping the [OVEC] plants  
5 running does not seem to be in the best interests of the ratepayers.”<sup>58</sup> LEI’s  
6 previous determinations that keeping the two OVEC plants running is not in the  
7 best interests of customers remains true today.

8 It is my professional opinion that the costs recovered through the LGR  
9 Riders are not in the best interests of customers. For this reason, I recommend the  
10 Commission disallow the costs recovered through the LGR Riders for the Audit  
11 Period in their entirety.

12 **V. THE COMMISSION SHOULD DEEM THE MUST-RUN STRATEGY TO**  
13 **BE IMPRUDENT**

14 **Q19. Can you describe must-run versus economic dispatch strategies for power**  
15 **plants?**

16 A19. A must-run strategy means that the power plant operator operates a power plant no  
17 matter the price of electricity in the wholesale market. In contrast, an economic  
18 dispatch strategy would result in the power plant only operating when it is  
19 economical to do so. Therefore, a plant offered into the market with an economic  
20 dispatch strategy operates when the price of power is greater than the marginal cost  
21 to produce that power, and PJM calls for the plant to operate.

---

<sup>58</sup> *In the Matter of the Review of the Power Purchase Agreement Rider of Ohio Power Company for 2018*, Case No. 18-1004-EL-RDR, Tr. Vol. II at 497 (Cross Examination of the Auditor).

1   **Q20. How did OVEC operate its plants during the Audit Period?**

2   A20. OVEC has historically operated its plants as must-run.<sup>59</sup> However, from April 14  
3       to June 30, 2020, OVEC's plants were operated as economic.<sup>60</sup> The decision to  
4       operate the plants on economic dispatch was reportedly based in part on low  
5       electricity prices occurring during the onset of the COVID-19 pandemic.<sup>61</sup>

6   **Q21. Is there proof that OVEC can run as economic dispatch?**

7   A21. Yes. OVEC has continuously lost money at certain times because of its must-run  
8       strategy.<sup>62</sup> OVEC and the EDUs have repeatedly cited start-up and shut-down costs  
9       as reasons to not run the plants in economic mode.<sup>63</sup> However, because OVEC ran  
10      in economic mode for a large part of 2020, this demonstrates that the plants can run  
11      and be offered into the market as economic plants with an economic dispatch  
12      commitment strategy.

13   **Q22. Have the EDUs provided proof that OVEC's operation was prudent?**

14   A22. No. Although the EDUs claim that their decisions and that of OVEC to operate  
15      OVEC as must-run units are not imprudent, they offer no evidence to support these  
16      decisions.<sup>64</sup> Previous OVEC prudency audits simply note that the EDUs claim that

---

<sup>59</sup> Public Duke Audit Report at 50.

<sup>60</sup> *Id.* at 42.

<sup>61</sup> *Id.*

<sup>62</sup> See *In the Matter of the Review of the Reconciliation Rider of The Dayton Power and Light Company*, Case No. 20165-EL-RDR, Audit Report (October 7 2020); *In the Matter of the Review of the Reconciliation Rider of Duke Energy Ohio, Inc.*, Case No. 20-167-EL-RDR, Audit Report (October 21, 2020); *In the Matter of the Review of the Power Purchase Agreement Rider of Ohio Power Company for 2018*, Case Nos. 18-1004-EL-RDR, et al., Audit Report (September 16, 2020).

<sup>63</sup> Case No. 20-165-EL-RDR, Crusey Direct Testimony at 9 (September 12, 2023); Case No. 20-167-EL-RDR, Swez Direct Testimony at 16 (October 19, 2021); Case Nos. 18-1004-EL-RDR, et al., Stegall Direct Testimony at 10 (December 22, 2021).

<sup>64</sup> See Case No. 20-165-EL-RDR, Crusey Direct Testimony; Case No. 20-167-EL-RDR, Swez Direct Testimony; Case Nos. 18-1004-EL-RDR, et al., Stegall Direct Testimony.

1 start-up costs and difficulty ramping the units up and down are why it is prudent to  
2 operate as must-run.<sup>65</sup> However, as noted previously, in 2020, it was demonstrated  
3 that OVEC *can* be operated as an economic dispatch resource and in fact was  
4 operated in that manner.

5 **Q23. Could the EDUs have made different decisions regarding the operation of the**  
6 **OVEC power plants?**

7 A23. Yes. The EDUs are not required to take title to their share of the energy output  
8 from OVEC, as outlined in Section 4.03 of the ICPA, which states that “No  
9 Sponsoring Company, however, shall be obligated to avail itself of any Available  
10 Energy.”<sup>66</sup> In other words, the EDUs have a contractual *entitlement* to take title to  
11 OVEC’s available energy, *not* a contractual obligation. If the EDUs chose not to  
12 take title, they would also not be subject to the marginal cost of energy from OVEC.  
13 Their entitled allotment of energy would instead be offered to other OVEC  
14 sponsoring companies. If no sponsoring company takes title to the energy, then  
15 OVEC would need to produce less energy or could decide to choose a different  
16 commitment strategy.

17 **Q24. Did the Audit Reports sufficiently address this issue?**

18 A24. No. The Audit Reports only evaluated OVEC’s energy and capacity revenue versus  
19 total costs on a monthly basis.<sup>67</sup> To fully ascertain whether OVEC should have run  
20 with an economic dispatch strategy, and whether the EDUs should have foregone  
21 taking title to energy at certain times, the auditor would have had to perform a

---

<sup>65</sup> See Case No. 20165-EL-RDR, Audit Report; Case No. 20-167-EL-RDR, Audit Report; Case Nos. 18-1004-EL-RDR, et al., Audit Report.

<sup>66</sup> ICPA at Art. 4 § 4.03.

<sup>67</sup> See Confidential Duke Audit Report; Confidential AEP Audit Report; Confidential AES Audit Report.



1           redispatch analysis on an hourly or daily basis. Only then would it be clear whether  
2           OVEC would have saved customers money (less net costs passed onto customers)  
3           by utilizing an economic dispatch commitment strategy.

4   **Q25. What is your recommendation?**

5   A25. The Commission should find that operating OVEC with a must-run commitment  
6           strategy was imprudent and require the EDUs and OVEC to submit a redispatch  
7           analysis of OVEC's operation on an hourly basis for the Audit Period. For each  
8           hour that OVEC is calculated to have lost money in the wholesale energy market  
9           due to its commitment strategy, those costs should be disallowed and refunded to  
10          customers through the LGR Riders.

11   **VI. THE COMMISSION SHOULD DISALLOW COST RECOVERY OF**  
12   **OVEC'S UNREASONABLE CLIFTY CREEK COAL PURCHASES**

13   **Q26. Did LEI evaluate OVEC's coal contracts during the Audit Period?**

14   A26. Yes, they did.

15   **Q27. Were there unreasonable or imprudently incurred costs collected through the**  
16   **LGR Riders due to OVEC's coal contracts?**

17   A27. LEI has repeatedly found that the cost of coal under the Resource Fuels coal  
18          contracts is unusually high, and therefore results in OVEC's coal costs being above  
19          the market price.<sup>68</sup>

20   **Q28. Are Resource Fuels' high coal prices defensible?**

21   A28. No. According to the LEI Audit Reports, "the high average price is mainly  
22          attributable to the expensive coal purchased from Resource Fuels, LLC through a

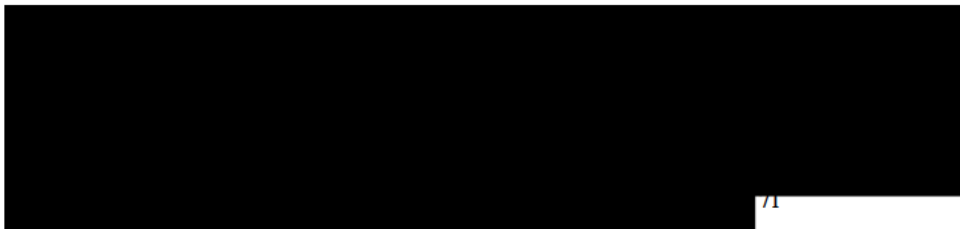
---

<sup>68</sup> Confidential Duke Audit Report at 60; Confidential AEP Audit Report 57; Confidential AES Audit Report at 54.

1 contract entered into in 2012.”<sup>69</sup> The Audit Reports note that the “coal contract  
2 with Resource Fuel, LLC [*sic*], which was entered into nearly ten years ago,  
3 featured a higher price than the rest of the coal supply contracts.”<sup>70</sup> Such statements  
4 seem to be implying that the above-market Resource Fuels coal contract is prudent  
5 simply because it is old, but an old coal contract is not evidence of prudence and  
6 reasonableness. Rather, it is evidence of the opposite. It is evidence that OVEC  
7 made poor decisions when entering into its coal contract, and the EDUs are using  
8 the LGR Riders to cover losses incurred as a result of this bad contract. Using the  
9 LGR Riders to recoup losses resulting from an unreasonable decision demonstrates  
10 that the EDUs are acting in the interests of their shareholders, not in the best  
11 interests of their customers.

12 **Q29. Could OVEC have terminated or renegotiated its coal contract with Resource**  
13 **Fuels?**

14 A29. I am not a lawyer, but from my experience as an owner and CEO of a company  
15 who routinely reviews and enters into contracts, yes. The Resource Fuels contract  
16 identifies certain circumstances where the contract can be broken or renegotiated.  
17 It states:

18   
19  
20  
21  
22  
23

---

<sup>69</sup> *Id.*

<sup>70</sup> Confidential Duke Audit Report at 58; Confidential AEP Audit Report 56; Confidential AES Audit Report at 52.

<sup>71</sup> Duke LEI-DR-01-018 CONF Attachment 3b, Coal Purchase and Sale Agreement, No. 31-10-11-900, between Resources Fuels and Indiana-Kentucky Electric Corporation, Section 9.2 (emphasis added).

1 When the Commission authorized the EDUs to recover OVEC net costs from  
2 Ohio's ratepayers on the condition that those costs be prudent, reasonable, and in  
3 the best interest of customers, OVEC could have and should have used this  
4 [REDACTED] the unreasonable Resource Fuels coal  
5 contract. Furthermore, the [REDACTED] created by HB6 could and should have also  
6 been used to [REDACTED] the coal contract with Resource Fuels.

7 **Q30. Are the high coal prices paid to Resource Fuels reasonable?**

8 A30. No. Regardless of when the contract was initially executed and what price coal  
9 may have been at that time, this contract could have been—and should have been—  
10 terminated or renegotiated based on [REDACTED] in order  
11 to protect ratepayers. The EDUs' decision not to terminate or renegotiate the coal  
12 contract in this way with Resource Fuels was imprudent and not in the best interests  
13 of ratepayers.

14 In addition to being imprudent, the costs of the Resource Fuels contract  
15 were also unreasonable and not in the best interest of ratepayers. OVEC and the  
16 EDUs knew that the coal pricing under the Resource Fuels contract was  
17 unreasonably high, yet the contract was never terminated or renegotiated. This  
18 decision was not in the best interests of customers. The EDUs' conflict of interest  
19 resulted in the unreasonable decision to not terminate or renegotiate a bad coal  
20 contract when the opportunity to renegotiate arose. Instead, the EDUs chose to  
21 impose the costs of this bad coal contract on Ohio customers rather than bear the  
22 consequences themselves.

1 **Q31. Do you have a recommendation regarding the Clifty Creek coal purchases?**

2 A31. I recommend that the Commission disallow the excessive costs associated with the  
3 coal purchased from Resource Fuels at significantly above-market prices, as the  
4 cost of this coal is unreasonable and the decision to maintain this highly-priced coal  
5 contract was imprudent. Accordingly, \$4,217,118 should be refunded.<sup>72</sup>

6 **VII. CONCLUSION**

7 **Q32. What are your conclusions and recommendations?**

8 A32. I conclude that the costs collected through the LGR Riders during the Audit Period  
9 should be disallowed in their entirety. I also conclude that costs recovered for  
10 energy market losses due to OVEC's must-run strategy are imprudent, as are certain  
11 above-market coal purchases, and both of these costs should be disallowed as well.  
12 Specifically, I recommend the following:

- 13 • The LGR Riders only exist because of the corrupt HB6, which remains  
14 under investigation. Therefore, the Commission should not authorize the  
15 EDUs to continue to recover costs through the LGR Riders or determine  
16 that such costs were prudent, reasonable, or in the best interest of customers  
17 until all HB6-related investigations have concluded.
- 18 • A former Commissioner has been implicated in a related bribery scandal.  
19 Accordingly, the Commission should not authorize continued cost recovery  
20 through the LGR Riders or deem costs to be reasonable, prudent, and in the  
21 best interest of customers while open corruption investigations remain  
22 ongoing.

---

<sup>72</sup> Attachment D.

- The LGR Riders should only credit or charge customers the types of costs that were approved for recovery through the OVEC Riders. Therefore, the LGR Riders should be functioning as meaningful “financial hedge[s] that mitigate price spikes in market prices”<sup>73</sup> and “provide added rate stability,”<sup>74</sup> and they “must not impose unreasonable costs on customers.”<sup>75</sup>.

- The LGR Riders are not functioning as rate stability charges, and thus the costs collected through the LGR Riders during the Audit Period are unreasonable, imprudent, and not in customers’ best interests. Accordingly, the Commission should order that the unreasonable and imprudent costs collected during the Audit Period be disallowed and refunded to customers, which equals \$111,896,346.

- Only costs related to a contractual entitlement or a wholesale market transaction are eligible for recovery through the LGR Riders. The costs for debt, return-on-equity, and other non-marginal costs are not a contractual entitlement or a cost related to a wholesale market transaction. Rather, they are a contractual *unconditional obligation*. Accordingly, the Commission should disallow these costs.

---

<sup>73</sup> AES RR Order at ¶ 63. *See also* AEP PPA Rider Order at 83; Duke PSR Order at ¶ 282.

<sup>74</sup> AEP PPA Rider Order at 83. *See also* Duke PSR Order at ¶ 283; AES RR Order at ¶ 63.

<sup>75</sup> Duke PSR Order at ¶ 283. *See also* AEP PPA Rider Order at 78.

1                                   ▪ Only costs that are in the best interests of customers are  
2                                   eligible for recovery through the LGR Riders. The costs  
3                                   recovered through the LGR Riders were not in the best  
4                                   interest of customers. Accordingly, the Commission should  
5                                   disallow these costs in their entirety.

6                   • The EDUs' decision to take their share of their entitlement to OVEC's  
7                   energy under a must-run strategy is imprudent, as are decisions to run  
8                   OVEC at losses in the energy market. Accordingly, the Commission should  
9                   disallow these costs, which equals at least \$12,652,380;

10                  • The unconditional obligation charges are also not recoverable.  
11                  Accordingly, the Commission should order that unconditional obligated  
12                  demand charges be refunded to customers, which equals \$102,280,428; and

13                  • OVEC's above-market priced coal contracts were unreasonable and the  
14                  decision to not terminate or renegotiate such contracts was imprudent.  
15                  Accordingly, the Commission should disallow these costs, which equal  
16                  \$4,217,118.

17                  Taken together, the Commission should disallow all costs collected through the  
18                  LGR Riders during the Audit Period, and the Commission should order that all such  
19                  costs collected from customers through the LGR Riders during the Audit Period be  
20                  refunded to customers.

21   **Q33. Does this conclude your testimony?**

22   A33. Yes, but I reserve the right to supplement or revise my testimony with any new  
23   information that becomes available through discovery or otherwise.

## ATTACHMENT A

Total Net Charge (Credit) of OVEC to Ohio Sponsoring Company EDUs

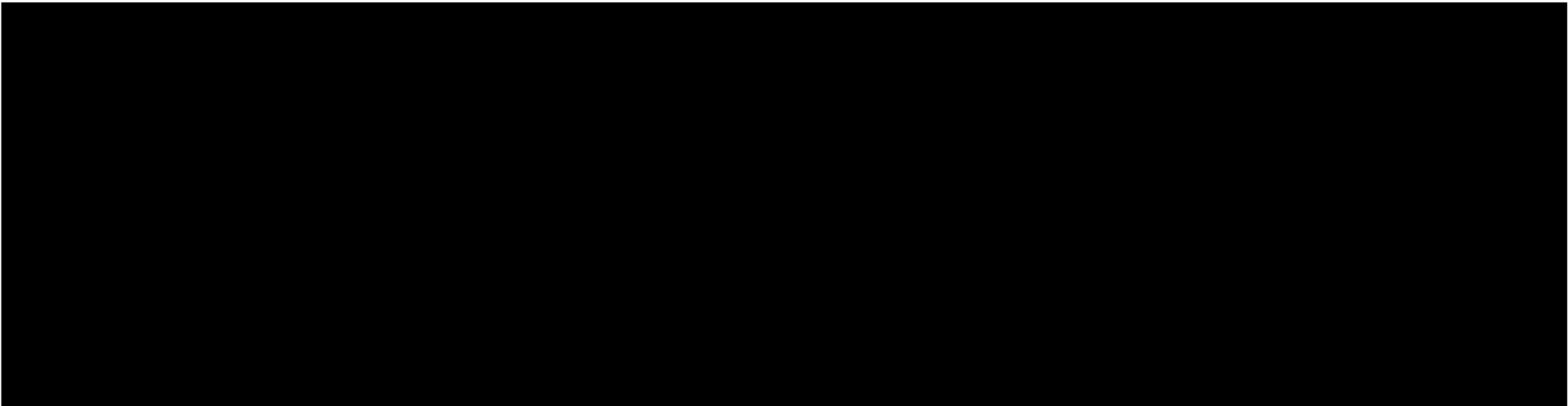
Month	Total Net Charge or (Credit)				Total
	AEP Ohio Audit Report Fig. 9, Column G	AES Ohio Audit Report Fig. 13, Column E	Duke Energy Ohio Audit Report Fig. 9, Column J		
Jan-20	\$5,449,997	\$818,567	\$2,932,716		\$9,201,280
Feb-20	\$3,996,475	\$941,668	\$522,116		\$5,460,259
Mar-20	\$6,364,647	\$1,303,784	\$2,421,954		\$10,090,385
Apr-20	\$7,013,882	\$1,436,526	\$3,616,594		\$12,067,001
May-20	\$5,829,050	\$1,165,801	\$2,943,215		\$9,938,066
Jun-20	\$5,277,720	\$1,027,571	\$2,393,597		\$8,698,888
Jul-20	\$4,796,816	\$940,115	\$2,187,596		\$7,924,526
Aug-20	\$5,692,878	\$1,023,265	\$2,334,090		\$9,050,232
Sep-20	\$5,321,190	\$1,271,738	\$1,488,086		\$8,081,014
Oct-20	\$5,992,209	\$1,250,174	\$2,640,445		\$9,882,828
Nov-20	\$5,846,279	\$1,209,991	\$451,845		\$7,508,115
Dec-20	\$6,316,563	\$1,634,930	\$6,042,257		\$13,993,750
<b>Total</b>	<b>\$67,897,706</b>	<b>\$14,024,130</b>	<b>\$29,974,511</b>		<b>\$111,896,346</b>



## ATTACHMENT B - Confidential

Total Net Charge (Credit) of OVEC Energy Entitlement to Ohio Sponsoring  
Company EDUs

LGR - Net Energy-Component Charge (Credit)					
Month					Total
Jan-20					\$1,453,291
Feb-20					\$1,378,262
Mar-20					\$1,547,210
Apr-20					\$1,705,787
May-20					\$1,016,986
Jun-20					\$589,909
Jul-20					\$786,498
Aug-20					\$538,263
Sep-20					\$1,179,746
Oct-20					\$524,696
Nov-20					\$1,407,678
Dec-20					\$524,054
Total					\$12,652,380



## ATTACHMENT C - Confidential

Total Net Charge (Credit) of OVEC Demand/Capacity to Ohio Sponsoring  
Company EDUs

Month	Net Charges (Credit )	Unconditional Obligation	Demand - Capacity Credit	Total
Jan-20				\$6,685,076
Feb-20				\$6,595,245
Mar-20				\$8,768,507
Apr-20				\$9,461,279
May-20				\$8,425,911
Jun-20				\$7,015,075
Jul-20				\$7,888,869
Aug-20				\$8,146,053
Sep-20				\$8,662,583
Oct-20				\$9,601,742
Nov-20				\$8,482,301
Dec-20				\$12,547,787
<b>Total</b>				<b>\$102,280,428</b>

## ATTACHMENT D

*Above Market Costs of Resource Fuels' Coal*

2020		
Mine	River View Mine	
Supplier	Alliance Coal	Resource Fuels
Energy Content (million Btu/ton)	23.11	23.03
Coal Purchase (ton)	1,249,160	1,016,071
Coal Price (cents/million Btu)	202.89	256.85
Coal Price (\$/ton)	\$ 46.89	\$ 59.16
Above-market Coal Payments (\$)		\$ 12,465,618
AES Ohio Share of Above-market Coal Payments (\$)		\$ 610,815
AEP Ohio Share of Above-market Coal Payments (\$)		\$ 2,484,398
Duke Energy Ohio Share of Above Market Coal Payments (\$)		\$ 1,121,906
Total LGR Share of Above Market Coal Payments (\$)		\$ 4,217,118

U.S. Department of Energy, The Energy Information Administration (EIA)  
Fuel Receipts and Cost Time Series File, 2020 Final Revision  
Sources EIA-923 and EIA-860 Reports

Calculations

U.S. Department of Energy, The Energy Information Administration (EIA) Fuel Receipts and Cost Time Series File, 2020 Final Revision Sources: EIA-623 and EIA-860 Reports																											Calculations				Average Heat Content (million Btu)		City (Btu)		Average Price (cents/Btu)		Average Heat Content (million Btu)		City (Btu)		Average Price (cents/Btu)		Btu	
Resource Pools																											1,019,071		257.03		Adjusted Cost		1,240,190		204.80		202.89							
Weighted Ave. 256.85																																												
YEAR	MONTH	Plant Id	Plant Name	Plant State	Purchase Type	Contract Expiration Date	ENERGY SOURCE	FUEL GROUP	Coastline Type	Coastline State	Coastline County	Coastline Mile ID	Coastline Name	SUPPLIER	QUANTITY T	Average Heat Content	Average Sulfur Content	Average Ash Content	Average Mercury Content	FUEL COST T	Regulated	Operator Name	Operator ID	Reporting Frequency	Primary Transportation Mode	Secondary Transportation Mode	Natural Gas Supply Contract Type	Natural Gas Delivery Contract Type	Moisture Content	Chlorine Content	Heat Content	City	Price	Heat Content	City	Price	Btu							
2020	1	983	City Creek	IN	C	1202	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	25,364.0	22,275	2.84	0.00	0.00	217.4	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.33															
2020	1	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	44,324.0	22,962	2.91	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.22															
2020	1	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,368.0	23,004	2.83	0.00	0.00	202.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.13															
2020	1	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	RESOURCE RULES	86,958.0	22,914	2.80	0.00	0.00	259.4	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.32															
2020	2	983	City Creek	IN	C	1202	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	24,854.0	23,944	2.82	0.00	0.00	204.8	REG	Indiana-Kentucky Electric Corp	6206	M	RV				8.07															
2020	2	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	69,710.0	23,012	2.91	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.2															
2020	2	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	RESOURCE RULES	82,421.0	23,026	2.86	0.00	0.00	259.3	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.02															
2020	2	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	27,391.0	23,028	2.85	0.00	0.00	216.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.01															
2020	2	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,079.0	23,112	2.85	0.00	0.00	217.3	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.73															
2020	2	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	17,862.0	22,962	2.80	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.36															
2020	2	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	RESOURCE RULES	85,834.0	22,934	2.88	0.00	0.00	259.4	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.57															
2020	3	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	23,320.0	22,962	2.85	0.00	0.00	203.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.16															
2020	4	983	City Creek	IN	C	1202	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,368.0	23,112	2.85	0.00	0.00	204.3	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.73															
2020	4	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	RESOURCE RULES	91,420.0	22,882	2.94	0.00	0.00	260.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.41															
2020	4	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,368.0	22,886	2.84	0.00	0.00	203.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.57															
2020	5	983	City Creek	IN	C	1202	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,161.0	23,042	2.85	0.00	0.00	217.3	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.06															
2020	5	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	47,444.0	23,064	2.85	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.85															
2020	5	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,131.0	22,984	2.05	0.00	0.00	203.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.01															
2020	5	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	RESOURCE RULES	91,167.0	22,980	2.90	0.00	0.00	259.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.16															
2020	6	983	City Creek	IN	C	1202	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,064.0	23,016	2.86	0.00	0.00	216.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.82															
2020	6	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,521.0	23,024	2.84	0.00	0.00	202.3	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.75															
2020	6	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	9,808.0	23,026	2.85	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				12.04															
2020	6	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	RESOURCE RULES	91,380.0	23,146	2.95	0.00	0.00	253.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.86															
2020	7	983	City Creek	IN	C	1202	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	27,271.0	23,196	2.87	0.00	0.00	213.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.61															
2020	7	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	80,771.0	23,080	2.82	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.89															
2020	7	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,913.0	23,142	2.85	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.59															
2020	7	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	RESOURCE RULES	85,118.0	23,080	2.83	0.00	0.00	259.4	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.73															
2020	8	983	City Creek	IN	C	1202	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,907.0	23,066	2.84	0.10	0.00	214.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.56															
2020	8	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	RESOURCE RULES	86,908.0	23,130	2.83	0.00	0.00	254.3	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.85															
2020	8	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	66,275.0	23,090	2.80	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.72															
2020	8	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,720.0	23,094	2.84	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.72															
2020	9	983	City Creek	IN	C	1202	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	24,176.0	23,040	2.82	0.10	0.00	215.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.72															
2020	9	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	RESOURCE RULES	80,260.0	23,080	2.85	0.10	0.00	254.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.55															
2020	9	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,704.0	23,192	2.82	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.87															
2020	9	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	36,076.0	23,192	2.87	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.59															
2020	10	983	City Creek	IN	C	1202	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	26,076.0	23,124	2.83	0.00	0.00	215.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.6															
2020	10	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	60,830.0	23,140	2.80	0.00	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.72															
2020	10	983	City Creek	IN	C	1201	BT	Coal	U	KY	225	1519274	REVER VIEW MINE	ALLIANCE COAL	24,087.0	23,176	2.82	0.10	0.00	190.0	REG	Indiana-Kentucky Electric Corp	6206	M	RV				11.58															

## **CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on October 10, 2023 upon the parties listed below.

*/s/ Kimberly W. Bojko*  
Kimberly W. Bojko

*Counsel for the Ohio Manufacturers'  
Association Energy Group*

### **SERVICE LIST**

[rdove@keglerbrown.com](mailto:rdove@keglerbrown.com)  
[jeanne.kingery@duke-energy.com](mailto:jeanne.kingery@duke-energy.com)  
[Rocco.dascenzo@duke-energy.com](mailto:Rocco.dascenzo@duke-energy.com)  
[larisa.vaysman@duke-energy.com](mailto:larisa.vaysman@duke-energy.com)  
[elyse.akhbari@duke-energy.com](mailto:elyse.akhbari@duke-energy.com)  
[John.finnigan@occ.ohio.gov](mailto:John.finnigan@occ.ohio.gov)  
[William.michael@occ.ohio.gov](mailto:William.michael@occ.ohio.gov)  
[tallexander@beneschlaw.com](mailto:tallexander@beneschlaw.com)  
[trent@hubaydougherty.com](mailto:trent@hubaydougherty.com)  
[randall.griffin@aes.com](mailto:randall.griffin@aes.com)  
[christopher.hollon@aes.com](mailto:christopher.hollon@aes.com)  
[ctavenor@theoec.org](mailto:ctavenor@theoec.org)

[paul@carpenterlipps.com](mailto:paul@carpenterlipps.com)  
[dproano@bakerlaw.com](mailto:dproano@bakerlaw.com)  
[ahaque@bakerlaw.com](mailto:ahaque@bakerlaw.com)  
[eprouthy@bakerlaw.com](mailto:eprouthy@bakerlaw.com)  
[pwillison@bakerlaw.com](mailto:pwillison@bakerlaw.com)  
[jsharkey@ficlaw.com](mailto:jsharkey@ficlaw.com)  
[mwatt@ficlaw.com](mailto:mwatt@ficlaw.com)  
[knordstrom@theoec.org](mailto:knordstrom@theoec.org)  
[ctavenor@theoec.org](mailto:ctavenor@theoec.org)  
[Thomas.Lindgren@OhioAGO.gov](mailto:Thomas.Lindgren@OhioAGO.gov)  
[Alana.Noward@occ.ohio.gov](mailto:Alana.Noward@occ.ohio.gov)  
[stnourse@aep.com](mailto:stnourse@aep.com)

Attorney Examiners:

[Megan.Addison@puco.ohio.gov](mailto:Megan.Addison@puco.ohio.gov)  
[Jesse.Davis@puco.ohio.gov](mailto:Jesse.Davis@puco.ohio.gov)



**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**2/2/2024 11:33:32 AM**

**in**

**Case No(s). 21-0477-EL-RDR**

Summary: Exhibit Public Seryak Direct Testimony with Attachments (Revised  
OMAEG Ex. 1) - Redacted electronically filed by Mrs. Kimberly W. Bojko on behalf  
of The Ohio Manufacturers' Association Energy Group.