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PUCO

IN THE SUPREME COURT OF OHIO

In the Matter of the Review of the Power)	Case No. 2024-_____
Purchase Agreement Rider of Ohio Power)	
Company for 2018.)	Appeal from the Public Utilities
	Commission of Ohio

In the Matter of the Review of the Power)	Pub. Util. Comm. Nos. 18-1004-EL-
Purchase Agreement Rider of Ohio Power)	RDR, 18-1759-EL-RDR
Company for 2019.)	

NOTICE OF APPEAL
BY
OFFICE OF THE OHIO CONSUMERS' COUNSEL
AND
THE OHIO MANUFACTURERS' ASSOCIATION ENERGY GROUP

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NOTICE OF APPEAL

Appellants, the Office of the Ohio Consumers' Counsel ("OCC") and the Ohio Manufacturers' Association Energy Group ("OMAEG") (collectively "Joint Appellants"), consistent with R.C. 4903.11 and 4903.13, and S.Ct.Prac.R. 3.11(B)(2), 3.11(D)(2), and 10.02, give notice to this Court and to the Public Utilities Commission of Ohio ("PUCO") of this appeal.

The decisions being appealed are the PUCO's Opinion and Order entered in its journal on August 21, 2024 (Attachment A), its October 15, 2024 Entry on Rehearing (Attachment B) and its December 4, 2024 Second Entry on Rehearing (Attachment C). Those orders resulted in charging AEP's 1.5 million consumers \$74.5 million in coal plant subsidies.

The PUCO's rulings are unlawful and unreasonable in the following respects, all of which were raised in OCC and OMAEG's Applications for Rehearing filed September 20, 2024 and November 12, 2024:

1. The PUCO's finding that AEP Ohio's \$74.5 million in coal subsidy charges to consumers were "prudent and in the best interest of retail ratepayers" is unlawful and unreasonable and against the manifest weight of the evidence, violating R.C. 4903.09. (OCC/OMAEG Assignment of Error 1, Second Application for Rehearing (Nov. 12, 2024).
2. The PUCO erred when it prevented OCC from obtaining the PUCO-approved independent auditor's file and from calling as a witness the PUCO Staff member who attempted to influence (and did in fact influence) the PUCO-appointed independent auditor. The PUCO's ruling violated due process and parties' discovery rights and denied parties the opportunity to be heard, in violation of the Fourteenth Amendments to the U.S. Constitution and Article I, Section 16 of the Ohio Constitution and R.C. 4903.082 (OCC/OMAEG Assignment of Error 2, Application for Rehearing (Sept. 20, 2024).
3. The PUCO erred by failing to order a new independent audit be conducted when evidence showed that its staff had influenced the filed audit report of the PUCO-appointed independent auditor. The PUCO Staff created, at the very least, an appearance of impropriety when it asked the PUCO-appointed independent auditor to "tone down" language from its draft audit report that running the coal

plants was “not in the best interests of the ratepayers.” The PUCO-appointed independent auditor complied and deleted that conclusion from its filed, public audit report. OCC/OMAEG Assignment of Error 3, Application for Rehearing (Sept. 20, 2024).

OCC respectfully requests that the Court reverse the PUCO’s orders, and vacate its findings. The Court should also issue a remand to the PUCO with specific instructions to prospectively reduce consumers’ Legacy Generation Rider rates by \$74.5 million. In the alternative, OCC respectfully requests the Court to reverse and remand with instructions that the PUCO conduct a new audit by a different auditor, with the opportunity for parties to challenge the \$74.5 million coal subsidy charge to consumers.

Respectfully submitted,

/s/ Kimberly W. Bojko

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Appeal by Office of the Ohio Consumers' Counsel and The Ohio Manufacturers' Association Energy Group was served upon the Chairman of the Public Utilities Commission of Ohio by leaving a copy at the Office of the Chairman in Columbus and upon all parties of record via electronic transmission this 16th day of December 2024.

/s/ John Finnigan

John Finnigan

Assistant Consumers' Counsel

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CERTIFICATE OF FILING

I hereby certify that a Notice of Appeal by Office of the Ohio Consumers' Counsel and The Ohio Manufacturers' Association Energy Group was filed with the docketing division of the Public Utilities Commission of Ohio as required by O.A.C. 4901-1-02(A) and 4901-1-36.

/s/ John Finnigan

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