

Bond Case Briefs

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PUBLIC UTILITIES - OHIO

In re Review of Alternative Energy Rider Contained in Tariffs of Ohio Edison Company

Supreme Court of Ohio - January 16, 2018 - N.E.3d - 2018 WL 549915 - 2018 -Ohio- 229

Public Utilities Commission initiated action against electric-distribution utility to review prudence of utility's purchases of renewable energy credits.

The Commission ordered utility to credit customers' bills based on some imprudent purchases of in-state renewable energy credits. Utility appealed, and environmental group and Office of the Ohio Consumers' Counsel filed cross-appeals.

The Supreme Court of Ohio held that:

- Commission engaged in unlawful retroactive rulemaking when it ordered electric-distribution utility to credit customers' bills for failing to act prudently in purchasing renewable energy credits;
- Evidence did not support determination that information about utility's renewal-energy-credit suppliers and auction process derived independent economic value from not being generally known, as required to find information was a trade secret; and
- Utility took reasonable steps to maintain the secrecy of information regarding renewal-energy-credit suppliers and auction process, as required to find information was a trade secret.