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PUBLIC UTILITIES . - OHIO

In re Application of Ohio Edison Company

Supreme Court of Ohio - October 15, 2019 - N.E.3d - 2019 WL 5150987 - 2019 -Ohio- 4196

Electric distribution utilities sought review of Public Utilities Commission order approving their portfolio plans concerning energy-efficiency and peak-demand-reduction statutory benchmarks, but with annual cost caps on recovery of costs incurred in implementing utilities' energy-efficiency, peak-demand-reduction, and shared-saving programs.

The Supreme Court held that Commission lacked statutory authority to impose a cost-recovery cap.

Public Utilities Commission lacked authority under statute governing energy efficiency programs to impose annual cost caps on recovery of costs that electric distribution utilities incurred in implementing energy-efficiency, peak-demand-reduction, and shared-saving programs, as set forth in utilities' portfolio plans concerning energy-efficiency and peak-demand-reduction statutory benchmarks; statute contained no language authorizing Commission to impose such a cap, unlike a renewable-energy-resource statute that was enacted at same time and that contained cost-cap language.