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PUBLIC UTILITIES - OHIO

In re Application of Ohio Power Company

Supreme Court of Ohio - August 27, 2025 - N.E.3d - 2025 WL 2456670 - 2025-Ohio-3034

Power company sought review of Public Utilities Commission decision authorizing electric distribution company's implementation of its fifth electric-security plan, including provisions denying power company's motion to establish a reasonable protective agreement for discovery and authorizing electric distribution company to continue its basic-transmission-cost rider as nonbypassable.

The Supreme Court held that:

- Power company failed to establish that electric distribution company's proposed protective agreement harmed power company;
- Commission did not abuse its discretion when it authorized electric distribution company to continue the basic-transmission-cost rider as nonbypassable;
- Electric distribution company was not required to cite to statute in its application to implement a fifth electric-security plan in order for the commission to rely upon statute when issuing authorization of nonbypassable basic-transmission costs rider under statute;
- Supreme Court lacked jurisdiction to consider power company's argument that the commission should have analyzed transmission rider in electric distribution company's fifth electric-security plan only under repealed electric security plan statute;
- Commission did not violate administrative code; and
- Commission's approval of nonbypassable basic-transmission-cost rider did not violate electric policies embodied in state policy statute.