Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC UTILITIES - OHIO

Matter of Establishing the Solar Generation Fund Rider

Supreme Court of Ohio - December 7, 2022 - N.E.3d - 2022 WL 17478659 - 2022-Ohio-4348

Manufacturers' advocacy group sought judicial review of an order of the Public Utilities Commission authorizing a solar-generation-fund rider with a fixed annual revenue requirement of $20 million.

The Supreme Court held that:

- Statute governing collection of amounts for solar-generation fund established a fixed annual revenue requirement of $20 million;
- Commission did not violate statute governing its written opinions in contested cases;
- Group failed to show reversible error with respect to Commission's establishment of rider on per-account basis;
- Group failed to show reversible error with respect to Commission's extension of $242 monthly rate cap to all nonresidential customers eligible to become self-assessing purchasers for excise tax purposes;
- Remand was required for clarification as to order's treatment of commercial activity tax; and
- Group's contention that Commission erred in failing to require refund language in tariffs to rider was moot.

Statute requiring electric-distribution utilities to charge customers an aggregate amount for solar-generation fund established a fixed annual revenue requirement of $20 million, rather than an amount up to $20 million conditioned on generation output of solar resources, and thus Public Utilities Commission properly established an annual revenue requirement of $20 million for solar-generation-fund rider; statute did not use language such as "up to" to qualify the revenue requirement.

Public Utilities Commission did not violate statute governing its written opinions in contested cases by failing to provide citations to the record in support of its order establishing a fixed annual revenue requirement of $20 million for solar-generation-fund rider, since statute requiring electric-distribution utilities to charge customers an aggregate amount for solar-generation fund established the revenue requirement.

Manufacturers' advocacy group failed to satisfy its burden of demonstrating reversible error with respect to Public Utilities Commission's establishment of solar-generation-fund rider on a per-account basis, rather than per-customer, where group did not offer argument against definition of "customer" used in electric-service regulations and upon which Commission based its determination.

Manufacturers' advocacy group failed to satisfy its burden of demonstrating reversible error with respect to Public Utilities Commission's extension of $242 monthly rate cap on solar-generation-fund rider to all nonresidential customers that were eligible to become self-assessing purchasers for excise tax purposes, rather than merely industrial customers eligible to become such purchasers, where group did not challenge, or even mention, Commission's reliance on a particular sentence concerning the $242 cap in statute governing collection of funds for solar-generation fund, and

group made no attempt to show how its members suffered harm or prejudice.

Remand was required for clarification with respect to treatment of commercial activity tax (CAT) in Public Utilities Commission's order establishing a solar-generation-fund rider, where order could be read to mean that no CAT amounts were to be included in the rider, but order could also be read as holding that CAT could be included in rider.

Manufacturers' advocacy group's contention that Public Utilities Commission erred in failing to require refund language in tariffs to solar-generation-fund rider was moot, since all Ohio electric-distribution utilities included language in their rider tariffs to effectuate the required refund and reconciliation process.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com