

Bond Case Briefs

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PUBLIC UTILITIES - OHIO

In re OVEC Generation Purchase Rider Audits Required by R.C. 4928.148

Supreme Court of Ohio - June 25, 2026 - N.E.3d - 2026 WL 1825867 - 2026-Ohio-2382

Manufacturers' advocacy group and environmental advocacy organization sought judicial review of decision of the Public Utilities Commission approving and adopting prudence and performance audits of electric-distribution utilities' legacy-generation-resource riders.

The Supreme Court held that:

- Commission did not abuse its discretion in excluding testimony of expert witness;
- Commission did not commit reversible error in improperly determining that utilities could not be held accountable for any imprudent decisions regarding commitment strategy utilized for legacy-generation resource for particular year;
- Group failed to show that Commission's determination as to reasonableness of commitment strategy was against manifest weight of evidence;
- Group failed to show that Commission's determination as to reasonableness of costs incurred by utilities lacked record support;
- Organization failed to show that Commission's prudence determination as to commitment strategy violated statute requiring opinion supported by record and setting forth Commission's rationale;
- Commission's improper application of presumption of prudence to utilities' management decisions was not reversible error; and
- Commission was not required to evaluate whether utilities' actions benefited ratepayers and public interest under a reasonableness standard.