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COLUMBUS -- The Cities of Columbus and Cincinnati jointly filed a preliminary injunction to protect Ohio ratepayers by asking the Franklin County Court of Common Pleas to prohibit the State of Ohio and electric companies from collecting any of the fees authorized by House Bill 6 (HB 6). This follows their joint filing of a lawsuit on Oct. 26, 2020, against FirstEnergy, Public Utilities Commission of Ohio Chair Sam Randazzo and State Treasurer Robert Sprague to completely repeal HB 6.

“HB 6 is fraught with corruption and bribery,” said Columbus City Attorney Zach Klein. “Ratepayers should not be subject to the mandates of a law borne of corruption for the benefit of a select few. We fully expect HB 6 to be repealed by the courts based on it being unconstitutional, but this preliminary injunction is necessary to protect ratepayers while the legal process ensues. That’s \$25 million that citizens of Columbus get to keep in their pockets.”

The plaintiffs took this extra step knowing that it is highly unlikely that the lawsuit will be fully resolved before electric customers start paying the tax on Jan. 1, 2021, when HB 6 is slated to go into effect. The preliminary injunction today would grant the following relief:

- Revoking authorization for electric distribution utilities to charge customers for the HB 6 Rider; and
- Enjoining the Treasurer from remitting any money collected by the HB 6 Rider, including moneys deposited in the nuclear generation fund and the renewable generation fund.

Even if plaintiffs prevail on the merits of their constitutional claim and the court determines that the HB 6 Rider is an unlawful tax, plaintiffs may not be able to seek a full refund of tax revenue collected by the HB 6 Rider. Under Ohio law, once the fee is collected, it cannot be refunded to the ratepayer even if HB 6 is ultimately repealed, making today’s legal step even more important.

The lawsuit filed by the cities on Oct. 26 seeks to strike down HB 6 as unconstitutional and to protect Ohioans, including the residents of Cincinnati and Columbus, from nearly a billion dollars of new fees that will be collected through their utility bills over the next six years.

The cities' suit and motion for preliminary injunction are different than either of the cases that Ohio Attorney General Dave Yost has brought forward. In his first suit, the Attorney General sought to allow the State of Ohio to retain all money from HB 6 and determine how it would be paid out. With his second complaint, Attorney General Yost still permits the collection of some fees required by HB 6.

If the cities' motion is successful, that will result in no extra fees added to electrical consumers' bills starting on Jan. 1, 2021 as originally required in HB 6.

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