

December 7th, 2023

Randall J. Meyer, Inspector General
Ohio Inspector General's Office
30 E. Broad Street, Suite 2940
Columbus, Ohio 43215

CC: Ohio Attorney General Dave Yost
30 E. Broad St., 14th Floor
Columbus, OH 43215

Dear Inspector General Meyer,

Following the recent indictment of former Public Utilities Commission of Ohio Chairman, Samuel Randazzo, the undersigned organizations request a comprehensive investigation under R.C. 121.42 into the PUCO during his time as Chairman of this important agency. The legislature granted the PUCO authority to regulate utilities under R.C. 4905.5 and 4905.6, recognizing the importance of the Commission's role in protecting the interests of the Ohio utilities' customers. We also call on Attorney General Yost to utilize his authority to address the concerns outlined below, including sharing all relevant evidence in his possession with the Inspector General's office.

On November 29, 2023, the U.S. Attorney General for the Southern District of Ohio indicted Mr. Randazzo on 11 counts including bribery and embezzlement charges. The indictment alleges Mr. Randazzo accepted bribes from the FirstEnergy corporation in exchange for preferential treatment through his position as PUCO chair.¹ Mr. Randazzo is also a defendant in a lawsuit led by Ohio Attorney General Dave Yost.²

The full scope of preferential treatment FirstEnergy and other Ohio utilities received from the PUCO under Mr. Randazzo's leadership remains unknown. However, we do know the indictment alleges Mr. Randazzo worked to deliver on his promise of favorable treatment to FirstEnergy. As Chairman, Mr. Randazzo helped draft the now scandal-ridden HB6 legislation³ and exempted FirstEnergy from a requirement to file a rate case in May 2024.⁴ Additionally, two months before Mr. Randazzo resigned from the PUCO, Commission staff directed an independent auditor to remove language from its report that charges to support

¹ The indictment is included with this letter as Attachment 1 ("Indictment").

² Ohio Attorney General Davy Yost, AG Yost Adds Jones, Dowling, Randazzo as Defendants in Amedend FirstEnergy Racketeering Lawsuit (Aug. 5, 2023) available at: <https://www.ohioattorneygeneral.gov/Media/News-Releases/August-2021/AG-Yost-Adds-Jones-Dowling-Randazzo-as-Defendants>.

³ See, Indictment at p. 10; see also, Andrew J. Tobias, *Former top Ohio utility regulator was involved with writing tainted nuclear bill, emails show*, Cleveland.com (Jan. 11, 2021, 7:00 a.m.) available at: <https://www.cleveland.com/open/2021/01/former-top-ohio-utility-regulator-was-involved-with-writing-tainted-nuclear-bill-emails-show.html>.

⁴ See, Indictment at p. 10; see also, Marty Schladen, *Money paid, favors done. Messages detail relationship between Ohio regulator and energy executives*, Ohio Capital Journal (Aug. 8, 2023, 5:00 a.m.) available at: <https://ohiocapitaljournal.com/2023/08/08/money-paid-favors-done-messages-detail-relationship-between-ohio-regulator-and-energy-executives/>.

two coal plants, the same coal plants bailed out by HB6, were not in the best interest of consumers.⁵

The undersigned organizations request that the Inspector General's office launch an investigation into PUCO action during the time Mr. Randazzo served as chair, in particular:

- Any and all preferential treatment Ohio investor-owned utilities received from Mr. Randazzo, or other PUCO agents under his direction;
- Any and all ex parte communications prohibited by R.C. 4903.81 between Mr. Randazzo, or PUCO agents under his direction, and Ohio investor-owned utilities; and
- Any and all communications between Mr. Randazzo, or PUCO agents under his direction, and the Ohio legislature reasonably considered to support policies against the public interest of Ohioans.

Under your office's responsibility to investigate the management and operation of state agencies, the civil and criminal allegations against Mr. Randazzo raise serious concerns about PUCO operations while under his direction. We request your office initiate a comprehensive investigation to determine whether PUCO violated Ohio law related to R.C. 4905.22, and any other applicable Ohio laws and PUCO regulations.

Very respectfully,

Dion Mensah, Outreach Coordinator
Black Environmental Leaders Action Fund

Rachael Belz, Chief Executive Officer
Ohio Citizen Action

Melissa K. English, Director
Ohio Consumers Power Alliance

Pete Bucher, Chief of Staff
Ohio Environmental Council

Joe Florida, Executive Director
Power a Clean Future Ohio

Ericka Copeland, State Director
Sierra Club Ohio

Tristan Rader, Ohio Director
Solar United Neighbors of Ohio

⁵ Jake Zuckerman, *State regulators made 'utility-friendly' edits to audit of coal plant bailout, emails show*, (Oct. 4, 2021, 1:00 a.m.) available at: <https://ohiocapitaljournal.com/2021/10/04/state-regulators-made-utility-friendly-edits-to-audit-of-coal-plant-bailout-emails-show/>.