

# As Reported by the Senate Ways and Means Committee

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Sub. H. B. No. 9

REPRESENTATIVES Setzer, Olman, Manning, Hollister, Goodman, Niehaus,  
Hagan, Schmidt, Womer Benjamin, Metzger, Carey, Kilbane, Peterson, Evans,

Jolivette, Salerno

SENATORS Blessing, Spada

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## A BILL

To amend sections 4719.01, 4905.10, 4905.302, 4911.18, 1  
4929.01, 4929.02, 4929.14, 4935.03, 5727.01, and 2  
5727.02 and to enact sections 4929.20 to 4929.30 of 3  
the Revised Code and to amend Section 37 of Am. 4  
Sub. H.B. 283 of the 123rd General Assembly, as 5  
subsequently amended, to require certain 6  
governmental aggregators and retail natural gas 7  
suppliers to be certified by the Public Utilities 8  
Commission; to authorize governmental aggregation 9  
for competitive retail natural gas services under 10  
specified circumstances; to authorize the 11  
Commission to require large natural gas companies 12  
to provide distribution service on a fully open, 13  
equal, and nondiscriminatory basis to its 14  
nonmercantile distribution customers upon 15  
Commission approval of an application of a retail 16  
gas supplier, or of a governmental aggregator 17  
within the area of a governmental aggregation; to 18  
consolidate consumer protection enforcement 19  
authority with respect to natural gas transactions; 20  
to authorize Project Temporary Heating Assistance 21  
for Warmth; and to make an appropriation. 22

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4719.01, 4905.10, 4905.302, 4911.18, 24  
4929.01, 4929.02, 4929.14, 4935.03, 5727.01, and 5727.02 be 25  
amended and sections 4929.20, 4929.21, 4929.22, 4929.23, 4929.24, 26  
4929.25, 4929.26, 4929.27, 4929.28, 4929.29, and 4929.30 of the 27  
Revised Code be enacted to read as follows: 28

**Sec. 4719.01.** (A) As used in sections 4719.01 to 4719.18 of 29  
the Revised Code: 30

(1) "Affiliate" means a business entity that is owned by, 31  
operated by, controlled by, or under common control with another 32  
business entity. 33

(2) "Communication" means a written or oral notification or 34  
advertisement that meets both of the following criteria, as 35  
applicable: 36

(a) The notification or advertisement is transmitted by or on 37  
behalf of the seller of goods or services and by or through any 38  
printed, audio, video, cinematic, telephonic, or electronic means. 39

(b) In the case of a notification or advertisement other than 40  
by telephone, either of the following conditions is met: 41

(i) The notification or advertisement is followed by a 42  
telephone call from a telephone solicitor or salesperson. 43

(ii) The notification or advertisement invites a response by 44  
telephone, and, during the course of that response, a telephone 45  
solicitor or salesperson attempts to make or makes a sale of goods 46  
or services. As used in division (A)(2)(b)(ii) of this section, 47  
"invites a response by telephone" excludes the mere listing or 48  
inclusion of a telephone number in a notification or 49

advertisement. 50

(3) "Gift, award, or prize" means anything of value that is 51  
offered or purportedly offered, or given or purportedly given by 52  
chance, at no cost to the receiver and with no obligation to 53  
purchase goods or services. As used in this division, "chance" 54  
includes a situation in which a person is guaranteed to receive an 55  
item and, at the time of the offer or purported offer, the 56  
telephone solicitor does not identify the specific item that the 57  
person will receive. 58

(4) "Goods or services" means any real property or any 59  
tangible or intangible personal property, or services of any kind 60  
provided or offered to a person. "Goods or services" includes, but 61  
is not limited to, advertising; labor performed for the benefit of 62  
a person; personal property intended to be attached to or 63  
installed in any real property, regardless of whether it is so 64  
attached or installed; timeshare estates or licenses; and extended 65  
service contracts. 66

(5) "Purchaser" means a person that is solicited to become or 67  
does become financially obligated as a result of a telephone 68  
solicitation. 69

(6) "Salesperson" means an individual who is employed, 70  
appointed, or authorized by a telephone solicitor to make 71  
telephone solicitations but does not mean any of the following: 72

(a) An individual who comes within one of the exemptions in 73  
division (B) of this section; 74

(b) An individual employed, appointed, or authorized by a 75  
person who comes within one of the exemptions in division (B) of 76  
this section; 77

(c) An individual under a written contract with a person who 78  
comes within one of the exemptions in division (B) of this 79  
section, if liability for all transactions with purchasers is 80

assumed by the person so exempted. 81

(7) "Telephone solicitation" means a communication to a 82  
person that meets both of the following criteria: 83

(a) The communication is initiated by or on behalf of a 84  
telephone solicitor or by a salesperson. 85

(b) The communication either represents a price or the 86  
quality or availability of goods or services or is used to induce 87  
the person to purchase goods or services, including, but not 88  
limited to, inducement through the offering of a gift, award, or 89  
prize. 90

(8) "Telephone solicitor" means a person that engages in 91  
telephone solicitation directly or through one or more 92  
salespersons either from a location in this state, or from a 93  
location outside this state to persons in this state. "Telephone 94  
solicitor" includes, but is not limited to, any such person that 95  
is an owner, operator, officer, or director of, partner in, or 96  
other individual engaged in the management activities of, a 97  
business. 98

(B) A telephone solicitor is exempt from the provisions of 99  
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 100  
Code if the telephone solicitor is any one of the following: 101

(1) A person engaging in a telephone solicitation that is a 102  
one-time or infrequent transaction not done in the course of a 103  
pattern of repeated transactions of a like nature; 104

(2) A person engaged in telephone solicitation solely for 105  
religious or political purposes; a charitable organization, 106  
fund-raising counsel, or professional solicitor in compliance with 107  
the registration and reporting requirements of Chapter 1716. of 108  
the Revised Code; or any person or other entity exempt under 109  
section 1716.03 of the Revised Code from filing a registration 110  
statement under section 1716.02 of the Revised Code; 111

(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply.

(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States.

(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation;

(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following:

(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code;

(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited

circulation to at least fifty per cent of the households in the 143  
newspaper's retail trade zone as defined by the audit. 144

(6)(a) An issuer, or its subsidiary, that has a class of 145  
securities to which all of the following apply: 146

(i) The class of securities is subject to section 12 of the 147  
"Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is 148  
registered or is exempt from registration under 15 U.S.C.A. 149  
781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 150

(ii) The class of securities is listed on the New York stock 151  
exchange, the American stock exchange, or the NASDAQ national 152  
market system; 153

(iii) The class of securities is a reported security as 154  
defined in 17 C.F.R. 240.11Aa3-1(a)(4). 155

(b) An issuer, or its subsidiary, that formerly had a class 156  
of securities that met the criteria set forth in division 157  
(B)(6)(a) of this section if the issuer, or its subsidiary, has a 158  
net worth in excess of one hundred million dollars, files or its 159  
parent files with the securities and exchange commission an S.E.C. 160  
form 10-K, and has continued in substantially the same business 161  
since it had a class of securities that met the criteria in 162  
division (B)(6)(a) of this section. As used in division (B)(6)(b) 163  
of this section, "issuer" and "subsidiary" include the successor 164  
to an issuer or subsidiary. 165

(7) A person soliciting a transaction regulated by the 166  
commodity futures trading commission, if the person is registered 167  
or temporarily registered for that activity with the commission 168  
under 7 U.S.C.A. 1 et. seq. and the registration or temporary 169  
registration has not expired or been suspended or revoked; 170

(8) A person soliciting the sale of any book, record, audio 171  
tape, compact disc, or video, if the person allows the purchaser 172  
to review the merchandise for at least seven days and provides a 173

full refund within thirty days to a purchaser who returns the  
merchandise or if the person solicits the sale on behalf of a  
membership club operating in compliance with regulations adopted  
by the federal trade commission in 16 C.F.R. 425;

(9) A supervised financial institution or its subsidiary. As  
used in division (B)(9) of this section, "supervised financial  
institution" means a bank, trust company, savings and loan  
association, savings bank, credit union, industrial loan company,  
consumer finance lender, commercial finance lender, or institution  
described in section 2(c)(2)(F) of the "Bank Holding Company Act  
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an  
official or agency of the United States, this state, or any other  
state of the United States; or a licensee or registrant under  
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to  
1321.83 of the Revised Code.

(10)(a) An insurance company, association, or other  
organization that is licensed or authorized to conduct business in  
this state by the superintendent of insurance pursuant to Title  
XXXIX of the Revised Code or Chapter 1751. of the Revised Code,  
when soliciting within the scope of its license or authorization.

(b) A licensed insurance broker, agent, or solicitor when  
soliciting within the scope of the person's license. As used in  
division (B)(10)(b) of this section, "licensed insurance broker,  
agent, or solicitor" means any person licensed as an insurance  
broker, agent, or solicitor by the superintendent of insurance  
pursuant to Title XXXIX of the Revised Code.

(11) A person soliciting the sale of services provided by a  
cable television system operating under authority of a  
governmental franchise or permit;

(12) A person soliciting a business-to-business sale under  
which any of the following conditions are met:

(a) The telephone solicitor has been operating continuously 205  
for at least three years under the same business name under which 206  
it solicits purchasers, and at least fifty-one per cent of its 207  
gross dollar volume of sales consists of repeat sales to existing 208  
customers to whom it has made sales under the same business name. 209

(b) The purchaser business intends to resell the goods 210  
purchased. 211

(c) The purchaser business intends to use the goods or 212  
services purchased in a recycling, reuse, manufacturing, or 213  
remanufacturing process. 214

(d) The telephone solicitor is a publisher of a periodical or 215  
of magazines distributed as controlled circulation publications as 216  
defined in division (CC) of section 5739.01 of the Revised Code 217  
and is soliciting sales of advertising, subscriptions, reprints, 218  
lists, information databases, conference participation or 219  
sponsorships, trade shows or media products related to the 220  
periodical or magazine, or other publishing services provided by 221  
the controlled circulation publication. 222

(13) A person that, not less often than once each year, 223  
publishes and delivers to potential purchasers a catalog that 224  
complies with both of the following: 225

(a) It includes all of the following: 226

(i) The business address of the seller; 227

(ii) A written description or illustration of each good or 228  
service offered for sale; 229

(iii) A clear and conspicuous disclosure of the sale price of 230  
each good or service; shipping, handling, and other charges; and 231  
return policy; 232

(b) One of the following applies: 233

(i) The catalog includes at least twenty-four pages of 234



written material and illustrations, is distributed in more than 235  
one state, and has an annual postage-paid mail circulation of not 236  
less than two hundred fifty thousand households; 237

(ii) The catalog includes at least ten pages of written 238  
material or an equivalent amount of material in electronic form on 239  
the internet or an on-line computer service, the person does not 240  
solicit customers by telephone but solely receives telephone calls 241  
made in response to the catalog, and during the calls the person 242  
takes orders but does not engage in further solicitation of the 243  
purchaser. As used in division (B)(13)(b)(ii) of this section, 244  
"further solicitation" does not include providing the purchaser 245  
with information about, or attempting to sell, any other item in 246  
the catalog that prompted the purchaser's call or in a 247  
substantially similar catalog issued by the seller. 248

(14) A political subdivision or instrumentality of the United 249  
States, this state, or any state of the United States; 250

(15) A college or university or any other public or private 251  
institution of higher education in this state; 252

(16) A public utility, as defined in section 4905.02 of the 253  
Revised Code or a retail natural gas supplier as defined in 254  
section 4929.01 of the Revised Code, that if the utility or 255  
supplier is subject to regulation by the public utilities 256  
commission, or ~~its~~ the affiliate of the utility or supplier; 257

(17) A travel agency or tour promoter that is registered in 258  
compliance with section 1333.96 of the Revised Code when 259  
soliciting within the scope of the agency's or promoter's 260  
registration; 261

(18) A person that solicits sales through a television 262  
program or advertisement that is presented in the same market area 263  
no fewer than twenty days per month or offers for sale no fewer 264  
than ten distinct items of goods or services; and offers to the 265

purchaser an unconditional right to return any good or service 266  
purchased within a period of at least seven days and to receive a 267  
full refund within thirty days after the purchaser returns the 268  
good or cancels the service; 269

(19)(a) A person that, for at least one year, has been 270  
operating a retail business under the same name as that used in 271  
connection with telephone solicitation and both of the following 272  
occur on a continuing basis: 273

(i) The person either displays goods and offers them for 274  
retail sale at the person's business premises or offers services 275  
for sale and provides them at the person's business premises. 276

(ii) At least fifty-one per cent of the person's gross dollar 277  
volume of retail sales involves purchases of goods or services at 278  
the person's business premises. 279

(b) An affiliate of a person that meets the requirements in 280  
division (B)(19)(a) of this section if the affiliate meets all of 281  
the following requirements: 282

(i) The affiliate has operated a retail business for a period 283  
of less than one year; 284

(ii) The affiliate either displays goods and offers them for 285  
retail sale at the affiliate's business premises or offers 286  
services for sale and provides them at the affiliate's business 287  
premises; 288

(iii) At least fifty-one per cent of the affiliate's gross 289  
dollar volume of retail sales involves purchases of goods or 290  
services at the affiliate's business premises. 291

(c) A person that, for a period of less than one year, has 292  
been operating a retail business in this state under the same name 293  
as that used in connection with telephone solicitation, as long as 294  
all of the following requirements are met: 295

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises;	296 297 298
(ii) The goods or services that are the subject of telephone solicitation are sold at the person's business premises, and at least sixty-five per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises;	299 300 301 302 303
(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310.	304 305 306 307
(20) A person who performs telephone solicitation sales services on behalf of other persons and to whom one of the following applies:	308 309 310
(a) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least seventy-five per cent of its gross revenues from written telephone solicitation contracts with persons who come within one of the exemptions in division (B) of this section.	311 312 313 314 315
(b) The person is an affiliate of one or more exempt persons and makes telephone solicitations on behalf of only the exempt persons of which it is an affiliate.	316 317 318
(c) The person makes telephone solicitations on behalf of only exempt persons, the person and each exempt person on whose behalf telephone solicitations are made have entered into a written contract that specifies the manner in which the telephone solicitations are to be conducted and that at a minimum requires compliance with the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310, and the person conducts the telephone solicitations in the manner specified in	319 320 321 322 323 324 325 326

the written contract. 327

(d) The person performs telephone solicitation for religious 328  
or political purposes, a charitable organization, a fund-raising 329  
council, or a professional solicitor in compliance with the 330  
registration and reporting requirements of Chapter 1716. of the 331  
Revised Code; and meets all of the following requirements: 332

(i) The person has operated under the same ownership, 333  
control, and business name for at least five years, and the person 334  
receives at least fifty-one per cent of its gross revenues from 335  
written telephone solicitation contracts with persons who come 336  
within the exemption in division (B)(2) of this section; 337

(ii) The person does not conduct a prize promotion or offer 338  
the sale of an investment opportunity; and 339

(iii) The person conducts all telephone solicitation 340  
activities according to sections 310.3, 310.4, and 310.5 of the 341  
telemarketing sales rules adopted by the federal trade commission 342  
in 16 C.F.R. part 310. 343

(21) A person that is a licensed real estate salesperson or 344  
broker under Chapter 4735. of the Revised Code when soliciting 345  
within the scope of the person's license; 346

(22)(a) Either of the following: 347

(i) A publisher that solicits the sale of the publisher's 348  
periodical or magazine of general, paid circulation, or a person 349  
that solicits a sale of that nature on behalf of a publisher under 350  
a written agreement directly between the publisher and the person. 351

(ii) A publisher that solicits the sale of the publisher's 352  
periodical or magazine of general, paid circulation, or a person 353  
that solicits a sale of that nature as authorized by a publisher 354  
under a written agreement directly with a publisher's 355  
clearinghouse provided the person is a resident of Ohio for more 356

than three years and initiates all telephone solicitations from 357  
Ohio and the person conducts the solicitation and sale in 358  
compliance with 16 C.F.R. Part 310, as adopted by the federal 359  
trade commission. 360

(b) As used in division (B)(22) of this section, "periodical 361  
or magazine of general, paid circulation" excludes a periodical or 362  
magazine circulated only as part of a membership package or given 363  
as a free gift or prize from the publisher or person. 364

(23) A person that solicits the sale of food, as defined in 365  
section 3715.01 of the Revised Code, or the sale of products of 366  
horticulture, as defined in section 5739.01 of the Revised Code, 367  
if the person does not intend the solicitation to result in, or 368  
the solicitation actually does not result in, a sale that costs 369  
the purchaser an amount greater than five hundred dollars. 370

(24) A funeral director licensed pursuant to Chapter 4717. of 371  
the Revised Code when soliciting within the scope of that license, 372  
if both of the following apply: 373

(a) The solicitation and sale are conducted in compliance 374  
with 16 C.F.R. part 453, as adopted by the federal trade 375  
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 376  
the Revised Code; 377

(b) The person provides to the purchaser of any preneed 378  
funeral contract a notice that clearly and conspicuously sets 379  
forth the cancellation rights specified in division (G) of section 380  
1107.33 of the Revised Code, and retains a copy of the notice 381  
signed by the purchaser. 382

(25) A person, or affiliate thereof, licensed to sell or 383  
issue Ohio instruments designated as travelers checks pursuant to 384  
sections 1315.01 to 1315.11 of the Revised Code. 385

(26) A person that solicits sales from its previous 386  
purchasers and meets all of the following requirements: 387

(a) The solicitation is made under the same business name 388  
that was previously used to sell goods or services to the 389  
purchaser; 390

(b) The person has, for a period of not less than three 391  
years, operated a business under the same business name as that 392  
used in connection with telephone solicitation; 393

(c) The person does not conduct a prize promotion or offer 394  
the sale of an investment opportunity; 395

(d) The person conducts all telephone solicitation activities 396  
according to sections 310.3, 310.4, and 310.5 of the telemarketing 397  
sales rules adopted by the federal trade commission in 16 C.F.R. 398  
part 310; 399

(e) Neither the person nor any of its principals has been 400  
convicted of, pleaded guilty to, or has entered a plea of no 401  
contest for a felony or a theft offense as defined in sections 402  
2901.02 and 2913.01 of the Revised Code or similar law of another 403  
state or of the United States; 404

(f) Neither the person nor any of its principals has had 405  
entered against them an injunction or a final judgment or order, 406  
including an agreed judgment or order, an assurance of voluntary 407  
compliance, or any similar instrument, in any civil or 408  
administrative action involving engaging in a pattern of corrupt 409  
practices, fraud, theft, embezzlement, fraudulent conversion, or 410  
misappropriation of property; the use of any untrue, deceptive, or 411  
misleading representation; or the use of any unfair, unlawful, 412  
deceptive, or unconscionable trade act or practice. 413

(27) An institution defined as a home health agency in 414  
section 3701.88 of the Revised Code, that conducts all telephone 415  
solicitation activities according to sections 310.3, 310.4, and 416  
310.5 of the telemarketing sales rules adopted by the federal 417  
trade commission in 16 C.F.R. part 310, and engages in telephone 418

solicitation only within the scope of the institution's 419  
certification, accreditation, contract with the department of 420  
aging, or status as a home health agency; and that meets one of 421  
the following requirements: 422

(a) The institution is certified as a provider of home health 423  
services under Title XVIII of the Social Security Act, 49 Stat. 424  
620, 42 U.S.C. 301, as amended; and is registered with the 425  
department of health pursuant to division (B) of section 3701.88 426  
of the Revised Code; 427

(b) The institution is accredited by either the joint 428  
commission on accreditation of health care organizations or the 429  
community health accreditation program; 430

(c) The institution is providing PASSPORT services under the 431  
direction of the Ohio department of aging under section 173.40 of 432  
the Revised Code; 433

(d) An affiliate of an institution that meets the 434  
requirements of division (B)(27)(a), (b), or (c) of this section 435  
when offering for sale substantially the same goods and services 436  
as those that are offered by the institution that meets the 437  
requirements of division (B)(27)(a), (b), or (c) of this section. 438

(28) A person licensed to provide a hospice care program by 439  
the department of health pursuant to section 3712.04 of the 440  
Revised Code when conducting telephone solicitations within the 441  
scope of the person's license and according to sections 310.3, 442  
310.4, and 310.5 of the telemarketing sales rules adopted by the 443  
federal trade commission in 16 C.F.R. part 310. 444

**Sec. 4905.10.** (A) For the sole purpose of maintaining and 445  
administering the public utilities commission and exercising its 446  
supervision and jurisdiction over the railroads and public 447  
utilities of ~~the~~ this state, an amount equivalent to the 448

appropriation from the public utilities fund created under 449  
division (B) of this section to the public utilities commission 450  
for railroad and public utilities regulation in each fiscal year 451  
shall be apportioned among and assessed against each railroad and 452  
public utility within ~~the~~ this state by the commission by first 453  
computing an assessment as though it were to be made in proportion 454  
to the intrastate gross earnings or receipts, excluding earnings 455  
or receipts from sales to other public utilities for resale, of 456  
the railroad or public utility for the calendar year next 457  
preceding that in which the assessment is made. The commission may 458  
include in that first computation any amount of a railroad's or 459  
public utility's intrastate gross earnings or receipts that were 460  
underreported in a prior year. In addition to whatever penalties 461  
apply under the Revised Code to such underreporting, the 462  
commission shall assess the railroad or public utility interest at 463  
the rate stated in division (A) of section 1343.01 of the Revised 464  
Code. The commission shall deposit any interest so collected into 465  
the public utilities fund. 466

The final computation of the assessment shall consist of 467  
imposing upon each railroad and public utility whose assessment 468  
under the first computation would have been fifty dollars or less 469  
an assessment of fifty dollars and recomputing the assessments of 470  
the remaining railroads and public utilities by apportioning an 471  
amount equal to the appropriation to the public utilities 472  
commission for administration of the utilities division in each 473  
fiscal year less the total amount to be recovered from those 474  
paying the minimum assessment, in proportion to the intrastate 475  
gross earnings or receipts of the remaining railroads and public 476  
utilities for the calendar year next preceding that in which the 477  
assessments are made. 478

In the case of an assessment based on intrastate gross 479  
receipts under this section against a public utility that is an 480



electric utility as defined in section 4928.01 of the Revised  
Code, or an electric services company, electric cooperative, or  
governmental aggregator subject to certification under section  
4928.08 of the Revised Code, such receipts shall be those  
specified in the utility's, company's, cooperative's, or  
aggregator's most recent report of intrastate gross receipts and  
sales of kilowatt hours of electricity, filed with the commission  
pursuant to division (F) of section 4928.06 of the Revised Code,  
and verified by the commission.

In the case of an assessment based on intrastate gross  
receipts under this section against a retail natural gas supplier  
or governmental aggregator subject to certification under section  
4929.20 of the Revised Code, such receipts shall be those  
specified in the supplier's or aggregator's most recent report of  
intrastate gross receipts and sales of hundred cubic feet of  
natural gas, filed with the commission pursuant to division (B) of  
section 4929.23 of the Revised Code, and verified by the  
commission. However, no such retail natural gas supplier or such  
governmental aggregator serving or proposing to serve customers of  
a particular natural gas company, as defined in section 4929.01 of  
the Revised Code, shall be assessed under this section until after  
the commission, pursuant to section 4905.26 or 4909.18 of the  
Revised Code, has removed from the base rates of the natural gas  
company the amount of assessment under this section that is  
attributable to the value of commodity sales service, as defined  
in section 4929.01 of the Revised Code, in the base rates paid by  
those customers of the company that do not purchase that service  
from the natural gas company.

(B) On or before the first day of October in each year, the  
commission shall notify each such railroad and public utility of  
the sum assessed against it, whereupon payment shall be made to  
the commission, which shall deposit it into the state treasury to

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the credit of the public utilities fund, which is hereby created. 513  
Any such amounts paid into the fund but not expended by the 514  
commission shall be credited ratably, after first deducting any 515  
deficits accumulated from prior years, by the commission to 516  
railroads and public utilities that pay more than the minimum 517  
assessment, according to the respective portions of such sum 518  
assessable against them for the ensuing calendar year. The 519  
assessments for such calendar year shall be reduced 520  
correspondingly. 521

(C) Within five days after the beginning of each fiscal year, 522  
the director of budget and management shall transfer from the 523  
general revenue fund to the public utilities fund an amount 524  
sufficient for maintaining and administering the public utilities 525  
commission and exercising its supervision and jurisdiction over 526  
the railroads and public utilities of the state during the first 527  
four months of the fiscal year. The director shall transfer the 528  
same amount back to the general revenue fund from the public 529  
utilities fund at such time as the director determines that the 530  
balance of the public utilities fund is sufficient to support the 531  
appropriations from the fund for the fiscal year. The director may 532  
transfer less than that amount if the director determines that the 533  
revenues of the public utilities fund during the fiscal year will 534  
be insufficient to support the appropriations from the fund for 535  
the fiscal year, in which case the amount not paid back to the 536  
general revenue fund shall be payable to the general revenue fund 537  
in future fiscal years. 538

(D) For the purpose of this section only, "public utility" 539  
includes, ~~in:~~ 540

(1) In addition to an electric utility as defined in section 541  
4928.01 of the Revised Code, an electric services company, an 542  
electric cooperative, or a governmental aggregator subject to 543  
certification under section 4928.08 of the Revised Code, to the 544

extent of the company's, cooperative's, or aggregator's engagement 545  
in the business of supplying or arranging for the supply in this 546  
state of any retail electric service for which it must be so 547  
certified; 548

(2) In addition to a natural gas company as defined in 549  
section 4929.01 of the Revised Code, a retail natural gas supplier 550  
or governmental aggregator subject to certification under section 551  
4929.20 of the Revised Code, to the extent of the supplier's or 552  
aggregator's engagement in the business of supplying or arranging 553  
for the supply in this state of any competitive retail natural gas 554  
service for which it must be certified. 555

(E) Each public utilities commissioner shall receive a salary 556  
fixed at the level set by pay range 49 under schedule E-2 of 557  
section 124.152 of the Revised Code. 558

**Sec. 4905.302.** (A)(1) For the purpose of this section, the 559  
term "purchased gas adjustment clause" means: 560

(a) A provision in a schedule of a gas company or natural gas 561  
company that requires or allows the company to, without adherence 562  
to section 4909.18 or 4909.19 of the Revised Code, adjust the 563  
rates that it charges to its customers in accordance with any 564  
fluctuation in the cost to the company of obtaining the gas that 565  
it sells, that has occurred since the time any order has been 566  
issued by the public utilities commission establishing rates for 567  
the company pertaining to those customers; 568

(b) A provision in an ordinance adopted pursuant to section 569  
743.26 or 4909.34 of the Revised Code or Section 4 of Article 570  
XVIII of ~~the~~ Ohio Constitution, with respect to which a gas 571  
company or natural gas company is required or allowed to adjust 572  
the rates it charges under such an ordinance in accordance with 573  
any fluctuation in the cost to the company of obtaining the gas 574  
that it sells, that has occurred since the time of the adoption of 575

the ordinance. 576

(2) For the purpose of this section, the term "special 577  
purchase" means any purchase of interstate natural gas, any 578  
purchase of liquified natural gas, and any purchase of synthetic 579  
natural gas from any source developed after the effective date of 580  
this section, April 27, 1976, provided that this purchase be of 581  
less than one hundred twenty days duration and the price for this 582  
purchase is not regulated by the federal power commission. For the 583  
purpose of this division, the expansion or enlargement of a 584  
synthetic natural gas plant existing at such date shall be 585  
considered a source so developed. 586

(3) For the purpose of this section, the term "residential 587  
customer" means urban, suburban, and rural patrons of gas 588  
companies and natural gas companies insofar as their needs for gas 589  
are limited to their residence. Such term includes those patrons 590  
whose rates have been set under an ordinance adopted pursuant to 591  
sections 743.26 and 4909.34 of the Revised Code or Section 4 of 592  
Article XVIII ~~of the~~, Ohio Constitution. 593

(B) A purchased gas adjustment clause may not allow, and no 594  
such clause may be interpreted to allow, a gas company or natural 595  
gas company that has obtained an order from the public utilities 596  
commission permitting the company to curtail the service of any 597  
customer or class of customers other than residential customers, 598  
such order being based on the company's inability to secure a 599  
sufficient quantity of natural gas, to distribute the cost of any 600  
special purchase made subsequent to the effective date of such 601  
order, to the extent that such purchase decreases the level of 602  
curtailment of any such customer or class of customers, to any 603  
class of customers of the company that was not curtailed, to any 604  
class of residential customers of the company, or to any class of 605  
customers of the company whose level of curtailment was not 606  
decreased and whose consumption increased as a result of, or in 607

connection with, the special purchase.

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(C)(1) The commission shall promulgate a purchased gas adjustment rule, consistent with this section, that establishes a uniform purchased gas adjustment clause to be included in the schedule of gas companies and natural gas companies subject to the jurisdiction of the public utilities commission and that establishes investigative procedures and proceedings including, but not limited to, periodic reports, audits, and hearings.

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(2) Unless otherwise ordered by the commission for good cause shown:

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(a) The commission's staff shall conduct any audit or other investigation of a natural gas company having fifteen thousand or fewer customers in this state that may be required under the purchased gas adjustment rule.

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(b) Except as provided in section 4905.10 of the Revised Code, the commission shall not impose upon such company any fee, expense, or cost of such audit or other investigation or any related hearing under this section.

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(3) Unless otherwise ordered by the commission for good cause shown either by an interested party or by the commission on its own motion, no natural gas company having fifteen thousand or fewer customers in this state shall be subject under the purchased gas adjustment rule to any audit or other investigation or any related hearing, other than a financial audit or, as necessary, any hearing related to a financial audit.

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(4) In issuing an order under division (C)(2) or (3) of this section, the commission shall file a written opinion setting forth the reasons showing good cause under such division and the specific matters to be audited, investigated, or subjected to hearing. Nothing in division (C)(2) or (3) of this section relieves such a natural gas company from the duty to file such

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information as the commission may require under the rule for the 639  
purpose of showing that a company has charged its customers 640  
accurately for the cost of gas obtained. 641

(D) Nothing in this section or any other provision of law 642  
shall be construed to mean that the commission, in the event of 643  
any cost distribution allowed under this section, may issue an 644  
order pursuant to which the prudent and reasonable cost of gas to 645  
a gas company or natural gas company of any special purchase may 646  
not be recovered by the company. For the purpose of this division, 647  
such cost of gas neither includes any applicable franchise taxes 648  
nor the ordinary losses of gas experienced by the company in the 649  
process of transmission and distribution. 650

(E) The commission shall not at any time prevent or restrain 651  
such costs as are distributable under this section from being so 652  
distributed, unless the commission has reason to believe that an 653  
arithmetic or accounting inaccuracy exists with respect to such a 654  
distribution or that the company has not accurately represented 655  
the amount of the cost of a special purchase, or has followed 656  
imprudent or unreasonable procurement policies and practices, has 657  
made errors in the estimation of cubic feet sold, or has employed 658  
such other practices, policies, or factors as the commission 659  
considers inappropriate. 660

(F) The cost of natural gas under this section shall not 661  
include any cost recovered by a natural gas company pursuant to 662  
section 4929.25 of the Revised Code. 663

**Sec. 4911.18.** (A) For the sole purpose of maintaining and 664  
administering the office of the consumers' counsel and exercising 665  
the powers of the consumers' counsel under this chapter, an amount 666  
equal to the appropriation to the office of the consumers' counsel 667  
in each fiscal year shall be apportioned among and assessed 668  
against each public utility within ~~the~~ this state, as defined in 669

section 4911.01 of the Revised Code, by first computing an 670  
assessment as though it were to be made in proportion to the 671  
intrastate gross earnings or receipts of the public utility for 672  
the calendar year next preceding that in which the assessment is 673  
made, excluding earnings or receipts from sales to other public 674  
utilities for resale. The office may include in that first 675  
computation any amount of a public utility's intrastate gross 676  
earnings or receipts underreported in a prior year. In addition to 677  
whatever penalties apply under the Revised Code to such 678  
underreporting, the office shall assess the public utility 679  
interest at the rate stated in division (A) of section 1343.01 of 680  
the Revised Code. The office shall deposit any interest so 681  
collected into the consumers' counsel operating fund. 682

The final computation of the assessment shall consist of 683  
imposing upon each public utility whose assessment under the first 684  
computation would have been fifty dollars or less an assessment of 685  
fifty dollars and recomputing the assessment of the remaining 686  
companies by apportioning an amount equal to the appropriation to 687  
the office of consumers' counsel in each fiscal year less the 688  
total amount to be recovered from those paying the minimum 689  
assessment, in proportion to the intrastate gross earnings or 690  
receipts of the remaining companies for the calendar year next 691  
preceding that in which the assessments are made, excluding 692  
earnings or receipts from sales to other public utilities for 693  
resale. 694

In the case of an assessment based on intrastate gross 695  
receipts under this section against a public utility that is an 696  
electric utility as defined in section 4928.01 of the Revised 697  
Code, or an electric services company, electric cooperative, or 698  
governmental aggregator subject to certification under section 699  
4928.08 of the Revised Code, such receipts shall be those 700  
specified in the utility's, company's, cooperative's, or 701

aggregator's most recent report of intrastate gross receipts and sales of kilowatt hours of electricity, filed with the public utilities commission pursuant to division (F) of section 4928.06 of the Revised Code, and verified by the commission.

In the case of an assessment based on intrastate gross receipts under this section against a retail natural gas supplier or governmental aggregator subject to certification under section 4929.20 of the Revised Code, such receipts shall be those specified in the supplier's or aggregator's most recent report of intrastate gross receipts and sales of hundred cubic feet of natural gas, filed with the commission pursuant to division (B) of section 4929.23 of the Revised Code, and verified by the commission. However, no such retail natural gas supplier or such governmental aggregator serving or proposing to serve customers of a particular natural gas company, as defined in section 4929.01 of the Revised Code, shall be assessed under this section until after the commission, pursuant to section 4905.26 or 4909.18 of the Revised Code, has removed from the base rates of the natural gas company the amount of assessment under this section that is attributable to the value of commodity sales service, as defined in section 4929.01 of the Revised Code, in the base rates paid by those customers of the company that do not purchase that service from the natural gas company.

(B) On or before the first day of October in each year, the office of consumers' counsel shall notify each public utility of the sum assessed against it, whereupon payment shall be made to the counsel, who shall deposit it into the state treasury to the credit of the consumers' counsel operating fund, which is hereby created. Any such amounts paid into the fund but not expended by the office shall be credited ratably by the office to the public utilities that pay more than the minimum assessment, according to the respective portions of such sum assessable against them for

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the ensuing calendar year, after first deducting any deficits 734  
accumulated from prior years. The assessments for such calendar 735  
year shall be reduced correspondingly. 736

(C) Within five days after the beginning of each fiscal year, 737  
the director of budget and management shall transfer from the 738  
general revenue fund to the consumers' counsel operating fund an 739  
amount sufficient for maintaining and administering the office of 740  
the consumers' counsel and exercising the powers of the consumers' 741  
counsel under this chapter during the first four months of the 742  
fiscal year. Not later than the thirty-first day of December of 743  
the fiscal year, the same amount shall be transferred back to the 744  
general revenue fund from the consumers' counsel operating fund. 745  
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(D) As used in this section, "public utility" includes, ~~in:~~ 747

(1) In addition to an electric utility as defined in section 748  
4928.01 of the Revised Code, an electric services company, an 749  
electric cooperative, or a governmental aggregator subject to 750  
certification under section 4928.08 of the Revised Code, to the 751  
extent of the company's, cooperative's, or aggregator's engagement 752  
in the business of supplying or arranging for the supply in this 753  
state of any retail electric service for which it must be so 754  
certified; 755

(2) In addition to a natural gas company as defined in 756  
section 4929.01 of the Revised Code, a retail natural gas supplier 757  
or governmental aggregator subject to certification under section 758  
4929.20 of the Revised Code, to the extent of the supplier's or 759  
aggregator's engagement in the business of supplying or arranging 760  
for the supply in this state of any competitive retail natural gas 761  
service for which it must be certified. 762

**Sec. 4929.01.** As used in this chapter: 763

(A) "Alternative rate plan" means a method, alternate to the method of section 4909.15 of the Revised Code, for establishing rates and charges, under which rates and charges may be established for a commodity sales service or ancillary service that is not exempt pursuant to section 4929.04 of the Revised Code or for a distribution service. Alternative rate plans may include, but are not limited to, methods that provide adequate and reliable natural gas services and goods in this state; minimize the costs and time expended in the regulatory process; tend to assess the costs of any natural gas service or goods to the entity, service, or goods that cause such costs to be incurred; afford rate stability; promote and reward efficiency, quality of service, or cost containment by a natural gas company; or provide sufficient flexibility and incentives to the natural gas industry to achieve high quality, technologically advanced, and readily available natural gas services and goods at just and reasonable rates and charges. Alternative rate plans also may include, but are not limited to, automatic adjustments based on a specified index or changes in a specified cost or costs.

(B) "Ancillary service" means a service that is ancillary to the receipt or delivery of natural gas to consumers, including, but not limited to, storage, pooling, balancing, and transmission.

(C) "Commodity sales service" means the sale of natural gas to consumers, exclusive of any distribution or ancillary service.

(D) "Comparable service" means any regulated service or goods whose availability, quality, price, terms, and conditions are the same as or better than those of the services or goods that the natural gas company provides to a person with which it is affiliated or which it controls, or, as to any consumer, that the natural gas company offers to that consumer as part of a bundled service that includes both regulated and exempt services or goods.

(E) "Consumer" means any person or association of persons

purchasing, delivering, storing, or transporting, or seeking to 796  
purchase, deliver, store, or transport, natural gas, including 797  
industrial consumers, commercial consumers, and residential 798  
consumers, but not including natural gas companies. 799

(F) "Distribution service" means the delivery of natural gas 800  
to a consumer at the consumer's facilities, by and through the 801  
instrumentalities and facilities of a natural gas company, 802  
regardless of the party having title to the natural gas. 803

(G) "Natural gas company" means a natural gas company, as 804  
defined in section 4905.03 of the Revised Code, that is a public 805  
utility as defined in section 4905.02 of the Revised Code and 806  
excludes a retail natural gas supplier. 807

(H) "Person," except as provided in division (N) of this 808  
section, has the same meaning as in section 1.59 of the Revised 809  
Code, and includes this state and any political subdivision, 810  
agency, or other instrumentality of this state and includes the 811  
United States and any agency or other instrumentality of the 812  
United States. 813

(I) "Billing or collection agent" means a fully independent 814  
agent, not affiliated with or otherwise controlled by a retail 815  
natural gas supplier or governmental aggregator subject to 816  
certification under section 4929.20 of the Revised Code, to the 817  
extent that the agent is under contract with such supplier or 818  
aggregator solely to provide billing and collection for 819  
competitive retail natural gas service on behalf of the supplier 820  
or aggregator. 821

(J) "Competitive retail natural gas service" means any retail 822  
natural gas service that may be competitively offered to consumers 823  
in this state as a result of revised schedules approved under 824  
division (C) of section 4929.29 of the Revised Code, a rule or 825  
order adopted or issued by the public utilities commission under 826

Chapter 4905. of the Revised Code, or an exemption granted by the 827  
commission under sections 4929.04 to 4929.08 of the Revised Code. 828  
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(K) "Governmental aggregator" means either of the following: 830

(1) A legislative authority of a municipal corporation, a 831  
board of township trustees, or a board of county commissioners 832  
acting exclusively under section 4929.26 or 4929.27 of the Revised 833  
Code as an aggregator for the provision of competitive retail 834  
natural gas service; 835

(2) A municipal corporation acting exclusively under Section 836  
4 of Article XVIII, Ohio Constitution, as an aggregator for the 837  
provision of competitive retail natural gas service. 838

(L)(1) "Mercantile customer" means a customer that consumes, 839  
other than for residential use, more than five hundred thousand 840  
cubic feet of natural gas per year at a single location within 841  
this state or consumes natural gas, other than for residential 842  
use, as part of an undertaking having more than three locations 843  
within or outside of this state. "Mercantile customer" excludes a 844  
customer for which a declaration under division (L)(2) of this 845  
section is in effect pursuant to that division. 846

(2) A not-for-profit customer that consumes, other than for 847  
residential use, more than five hundred thousand cubic feet of 848  
natural gas per year at a single location within this state or 849  
consumes natural gas, other than for residential use, as part of 850  
an undertaking having more than three locations within or outside 851  
this state may file a declaration under division (L)(2) of this 852  
section with the public utilities commission. The declaration 853  
shall take effect upon the date of filing, and by virtue of the 854  
declaration, the customer is not a mercantile customer for the 855  
purposes of this section and sections 4929.20 to 4929.29 of the 856  
Revised Code or the purposes of a governmental natural gas 857  
aggregation or arrangement or other contract entered into after 858

the declaration's effective date for the supply or arranging of 859  
the supply of natural gas to the customer to a location within 860  
this state. The customer may file a rescission of the declaration 861  
with the commission at any time. The rescission shall not affect 862  
any governmental natural gas aggregation or arrangement or other 863  
contract entered into by the customer prior to the date of the 864  
filing of the rescission and shall have effect only with respect 865  
to any subsequent such aggregation or arrangement or other 866  
contract. The commission shall prescribe rules under section 867  
4929.10 of the Revised Code specifying the form of the declaration 868  
or a rescission and procedures by which a declaration or 869  
rescission may be filed. 870

(M) "Retail natural gas service" means commodity sales 871  
service, ancillary service, natural gas aggregation service, 872  
natural gas marketing service, or natural gas brokerage service. 873

(N) "Retail natural gas supplier" means any person, as 874  
defined in section 1.59 of the Revised Code, that is engaged on a 875  
for-profit or not-for-profit basis in the business of supplying or 876  
arranging for the supply of a competitive retail natural gas 877  
service to consumers in this state that are not mercantile 878  
customers. "Retail natural gas supplier" includes a marketer, 879  
broker, or aggregator, but excludes a natural gas company, a 880  
governmental aggregator as defined in division (K)(1) or (2) of 881  
this section, an entity described in division (B) or (C) of 882  
section 4905.02 of the Revised Code, or a billing or collection 883  
agent, and excludes a producer or gatherer of gas to the extent 884  
such producer or gatherer is not a natural gas company under 885  
section 4905.03 of the Revised Code. 886

**Sec. 4929.02.** (A) It is the policy of this state to, 887  
throughout this state: 888

(1) Promote the availability to consumers of adequate, 889

reliable, and reasonably priced natural gas services and goods;	890
(2) Promote the availability of unbundled and comparable natural gas services and goods that provide wholesale and retail consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs;	891 892 893 894
(3) Promote diversity of natural gas supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers;	895 896 897
(4) Encourage innovation and market access for cost-effective supply- and demand-side natural gas services and goods;	898 899 900
(5) Encourage cost-effective and efficient access to information regarding the operation of the distribution systems of natural gas companies in order to promote effective customer choice of natural gas services and goods;	901 902 903 904
(6) Recognize the continuing emergence of competitive natural gas markets through the development and implementation of flexible regulatory treatment;	905 906 907
(7) Promote an expeditious transition to the provision of natural gas services and goods in a manner that achieves effective competition and transactions between willing buyers and willing sellers to reduce or eliminate the need for regulation of natural gas services and goods under Chapters 4905. and 4909. of the Revised Code;	908 909 910 911 912 913
(8) Promote effective competition in the provision of natural gas services and goods by avoiding subsidies flowing to or from regulated natural gas services and goods;	914 915 916
(9) Ensure that the risks and rewards of a natural gas company's offering of nonjurisdictional and exempt services and goods do not affect the rates, prices, terms, or conditions of	917 918 919

nonexempt, regulated services and goods of a natural gas company 920  
and do not affect the financial capability of a natural gas 921  
company to comply with the policy of this state specified in this 922  
section; 923

(10) Facilitate the state's competitiveness in the global 924  
economy; 925

(11) Facilitate additional choices for the supply of natural 926  
gas for residential consumers, including aggregation. 927

(B) The public utilities commission shall follow the policy 928  
specified in this section in carrying out sections 4929.03 to 929  
~~4929.10~~ 4929.30 of the Revised Code. 930

(C) Nothing in Chapter 4929. of the Revised Code shall be 931  
construed to alter the public utilities commission's construction 932  
or application of division (A)(6) of section 4905.03 of the 933  
Revised Code. 934

**Sec. 4929.14.** ~~(A) Subject to division (B) of this section,~~ 935  
~~sections~~ Sections 1345.01 to 1345.13 of the Revised Code shall 936  
apply to transactions between a natural gas company and its 937  
customers that involve natural gas services or goods that are 938  
exempt from or otherwise not subject to the jurisdiction of the 939  
public utilities commission pursuant to section 4929.03 to 4929.05 940  
of the Revised Code. 941

~~(B) For purposes of investigating and enforcing division (A)~~ 942  
~~of this section:~~ 943

~~(1) The attorney general, except as provided in division 944~~  
~~(B)(2) of this section, shall have the responsibilities and powers 945~~  
~~set forth in Chapter 1345. of the Revised Code.~~ 946

~~(2) With respect to consumer transactions described in 947~~  
~~division (A) of this section, the consumers' counsel shall have 948~~  
~~the investigatory and enforcement powers set forth in sections 949~~

~~1345.06 and 1345.07 of the Revised Code.~~

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Sec. 4929.20. (A) No governmental aggregator as defined in  
division (K)(1) of section 4929.01 of the Revised Code or no  
retail natural gas supplier shall provide a competitive retail  
natural gas service on or after thirteen months following the  
effective date of this section to a consumer in this state without  
first being certified by the public utilities commission regarding  
its managerial, technical, and financial capability to provide  
that service and providing reasonable financial assurances  
sufficient to protect customers and natural gas companies from  
default. In addition, a retail natural gas supplier may be  
required to provide a performance bond sufficient to protect  
customers and natural gas companies from default. Certification  
shall be granted pursuant to procedures and standards the  
commission shall prescribe in accordance with rules adopted under  
section 4929.10 of the Revised Code. However, certification or  
certification renewal shall be deemed approved thirty days after  
the filing of an application with the commission unless the  
commission suspends that approval for good cause shown. In the  
case of such a suspension, the commission shall act to approve or  
deny certification or certification renewal to the applicant not  
later than ninety days after the date of the suspension.

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(B) Capability standards adopted in rules pursuant to  
division (A) of this section shall be sufficient to ensure  
compliance with section 4929.22 of the Revised Code and with the  
minimum service requirements established under section 4929.23 of  
the Revised Code. The standards shall allow flexibility for  
voluntary aggregation, to encourage market creativity in  
responding to consumer needs and demands. The rules shall include  
procedures for biennially renewing certification.

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(C)(1) The commission may suspend, rescind, or conditionally

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rescind the certification of any retail natural gas supplier or governmental aggregator issued under this section if the commission determines, after reasonable notice and opportunity for hearing, that the retail natural gas supplier or governmental aggregator has failed to comply with any applicable certification standards prescribed in rules adopted pursuant to this section or section 4929.22 of the Revised Code.

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(2) An affected natural gas company may file an application with the commission for approval of authority to recover in accordance with division (C)(2) of this section incremental costs reasonably and prudently incurred by the company in connection with the commission's continuation, suspension, rescission, or conditional rescission of a particular retail natural gas supplier's certification under division (C)(1) of this section. Upon the filing of such an application, the commission shall conduct an audit of such incremental costs as are specified in the application. Cost recovery shall be through a rider on the base rates of customers of the company for which there is a choice of supplier of commodity sales service as a result of revised schedules approved under division (C) of section 4929.29 of the Revised Code, a rule or order adopted or issued by the commission under Chapter 4905. of the Revised Code, or an exemption granted by the commission under sections 4929.04 to 4929.08 of the Revised Code. The rider shall take effect ninety days after the date of the application's filing unless the commission, based on the audit results and for good cause shown, sets the matter for hearing. After the hearing, the commission shall approve the application, and authorize such cost recovery rider effective on the date specified in the order, only for such incremental costs as the commission determines were reasonably and prudently incurred by the company in connection with the continuation, suspension, rescission, or conditional rescission of a retail natural gas

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supplier's certification under division (C)(1) of this section. 1013  
Any proceeding under division (C)(2) of this section shall be 1014  
governed by Chapter 4903. of the Revised Code. 1015

(D) No natural gas company, on and after thirteen months 1016  
following the effective date of this section, shall knowingly 1017  
distribute natural gas, to a retail consumer in this state, for 1018  
any governmental aggregator, as defined in division (K)(1) of 1019  
section 4929.01 of the Revised Code, or retail natural gas 1020  
supplier, that has not been certified by the commission pursuant 1021  
to this section. 1022

Sec. 4929.21. (A)(1) Beginning on the effective date of 1023  
initial rules adopted pursuant to division (A) of section 4929.20 1024  
of the Revised Code, no person shall operate in this state as a 1025  
retail natural gas supplier, unless that person first does both of 1026  
the following: 1027

(a) Consents irrevocably to the jurisdiction of the courts of 1028  
this state and service of process in this state, including, 1029  
without limitation, service of summonses and subpoenas, for any 1030  
civil or criminal proceeding arising out of or relating to such 1031  
operation, by providing that irrevocable consent in accordance 1032  
with division (A)(4) of this section; 1033

(b) Designates an agent authorized to receive that service of 1034  
process in this state, by filing with the public utilities 1035  
commission a document designating that agent. 1036

(2) Beginning on the effective date of initial rules adopted 1037  
pursuant to division (A) of section 4929.20 of the Revised Code, 1038  
no person shall continue to operate as such retail natural gas 1039  
supplier unless that person continues to consent to such 1040  
jurisdiction and service of process in this state and continues to 1041  
designate an agent as provided under this division, by refileing in 1042  
accordance with division (A)(4) of this section the appropriate 1043

documents filed under division (A)(1) of this section or, as 1044  
applicable, the appropriate amended documents filed under division 1045  
(A)(3) of this section. Such refiling shall occur during the month 1046  
of December of every fourth year after the initial filing of a 1047  
document under division (A)(1) of this section. 1048

(3) If the address of the person filing a document under 1049  
division (A)(1) or (2) of this section changes, or if a person's 1050  
agent or the address of the agent changes, from that listed on the 1051  
most recently filed of such documents, the person shall file an 1052  
amended document containing the new information. 1053

(4) The consent and designation required by divisions (A)(1), 1054  
(2), and (3) of this section shall be in writing, on forms 1055  
prescribed by the commission. The original of each such document 1056  
or amended document shall be legible and shall be filed with the 1057  
commission, with a copy filed with the office of the consumers' 1058  
counsel and with the attorney general's office. 1059

(B) A person who enters this state pursuant to a summons, 1060  
subpoena, or other form of process authorized by this section is 1061  
not subject to arrest or service of process, whether civil or 1062  
criminal, in connection with other matters that arose before the 1063  
person's entrance into this state pursuant to such summons, 1064  
subpoena, or other form of process. 1065

(C) Divisions (A) and (B) of this section do not apply to any 1066  
of the following: 1067

(1) A corporation incorporated under the laws of this state 1068  
that has appointed a statutory agent pursuant to section 1701.07 1069  
or 1702.06 of the Revised Code; 1070

(2) A foreign corporation licensed to transact business in 1071  
this state that has appointed a designated agent pursuant to 1072  
section 1703.041 of the Revised Code; 1073

(3) Any other person that is a resident of this state or that 1074

files consent to service of process and designates a statutory 1075  
agent pursuant to other laws of this state. 1076

Sec. 4929.22. For the protection of consumers in this state, 1077  
the public utilities commission shall adopt rules under section 1078  
4929.10 of the Revised Code specifying the necessary minimum 1079  
service requirements of a retail natural gas supplier or 1080  
governmental aggregator subject to certification under section 1081  
4929.20 of the Revised Code regarding the marketing, solicitation, 1082  
sale, or provision, directly or through its billing and collection 1083  
agent, of any competitive retail natural gas service for which it 1084  
is subject to certification. Rules adopted under this section 1085  
shall include additional consumer protections concerning all of 1086  
the following: 1087

(A) Contract disclosure. The rules shall include requirements 1088  
that a retail natural gas supplier or governmental aggregator 1089  
subject to certification under section 4929.20 of the Revised Code 1090  
do both of the following: 1091

(1) Provide consumers with adequate, accurate, and 1092  
understandable pricing and terms and conditions of service, 1093  
including any switching fees, and with a document containing the 1094  
terms and conditions of pricing and service before the consumer 1095  
enters into the contract for service; 1096

(2) Disclose the conditions under which a customer may 1097  
rescind a contract without penalty. 1098

(B) Service qualification and termination. The rules shall 1099  
include a requirement that, before a consumer is eligible for 1100  
service from a retail natural gas supplier or governmental 1101  
aggregator subject to certification under section 4929.20 of the 1102  
Revised Code, the consumer shall discharge, or enter into a plan 1103  
to discharge, all existing arrearages owed to or being billed by 1104  
the natural gas company from which the consumer presently is 1105

receiving service. The rules also shall provide for disclosure of 1106  
the terms identifying how customers may switch or terminate 1107  
service, including any required notice and any penalties. 1108

(C) Minimum content of customer bills. The rules shall 1109  
include all of the following requirements, which shall be 1110  
standardized: 1111

(1) Price disclosure and disclosures of total billing units 1112  
for the billing period and historical annual usage; 1113

(2) To the maximum extent practicable, separate listing of 1114  
each service component to enable a customer to recalculate its 1115  
bill for accuracy; 1116

(3) Identification of the supplier of each service; 1117

(4) Statement of where and how payment may be made and 1118  
provision of a toll-free or local customer assistance and 1119  
complaint number for the retail natural gas supplier or 1120  
governmental aggregator, as well as a consumer assistance 1121  
telephone number or numbers for state agencies, such as the 1122  
commission, the office of the consumers' counsel, and the attorney 1123  
general's office, with the available hours noted; 1124

(5) Other than for the first billing after the effective date 1125  
of initial rules adopted pursuant to division (A) of section 1126  
4929.20 of the Revised Code, highlighting and clear explanation on 1127  
each customer bill, for two consecutive billing periods, of any 1128  
changes in the rates, terms, and conditions of service. 1129

(D) Disconnection and service termination, including 1130  
requirements with respect to master-metered buildings. The rules 1131  
shall include policies and procedures that are consistent with 1132  
sections 4933.12 and 4933.122 of the Revised Code and the 1133  
commission's rules adopted under those sections, and that provide 1134  
for all of the following: 1135

<u>(1) Coordination between suppliers for the purpose of</u>	1136
<u>maintaining service;</u>	1137
<u>(2) The allocation of partial payments between suppliers when</u>	1138
<u>service components are jointly billed;</u>	1139
<u>(3) A prohibition against switching, or authorizing the</u>	1140
<u>switching of, a customer's supplier of competitive retail natural</u>	1141
<u>gas service without the prior consent of the customer in</u>	1142
<u>accordance with appropriate confirmation practices, which may</u>	1143
<u>include independent, third-party verification procedures;</u>	1144
<u>(4) A requirement of disclosure of the conditions under which</u>	1145
<u>a customer may rescind a decision to switch its supplier without</u>	1146
<u>penalty;</u>	1147
<u>(5) Specification of any required notice and any penalty for</u>	1148
<u>early termination of contract.</u>	1149
<u>(E) Minimum service quality, safety, and reliability.</u>	1150
<u>(F) Customer information. The rules shall include</u>	1151
<u>requirements that a natural gas company make generic customer load</u>	1152
<u>pattern information available to a retail natural gas supplier or</u>	1153
<u>governmental aggregator as defined in division (K)(1) or (2) of</u>	1154
<u>section 4929.01 of the Revised Code on a comparable and</u>	1155
<u>nondiscriminatory basis, and make customer information available</u>	1156
<u>to a retail natural gas supplier or governmental aggregator as</u>	1157
<u>defined in division (K)(1) or (2) of section 4929.01 of the</u>	1158
<u>Revised Code on a comparable and nondiscriminatory basis unless,</u>	1159
<u>as to customer information, the customer objects. The rules shall</u>	1160
<u>ensure that each natural gas company provide clear and frequent</u>	1161
<u>notice to its customers of the right to object and of applicable</u>	1162
<u>procedures. The rules shall establish the exact language that</u>	1163
<u>shall be used in all such notices. The rules also shall require</u>	1164
<u>that, upon the request of a governmental aggregator defined in</u>	1165
<u>division (K)(1) of section 4929.01 of the Revised Code, solely for</u>	1166

purposes of the disclosure required by division (D) of section 4929.26 of the Revised Code, or for purposes of a governmental aggregator defined in division (K)(2) of section 4929.01 of the Revised Code, a natural gas company or retail natural gas supplier must provide the governmental aggregator, in a timely manner and at such cost as the commission shall provide for in the rules, with the billing names and addresses of the customers of the company or supplier whose retail natural gas loads are to be included in the governmental aggregation. 1167  
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(G) Ohio office. The rules shall require that a retail natural gas supplier maintain an office and an employee in this state. 1176  
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**Sec. 4929.23.** (A) A retail natural gas supplier or governmental aggregator subject to certification under section 4929.20 of the Revised Code shall provide the public utilities commission with such information, regarding a competitive retail natural gas service for which it is subject to certification, as the commission considers necessary to carry out sections 4929.20 to 4929.24 of the Revised Code. The commission shall take such measures as it considers necessary to protect the confidentiality of any such information. 1179  
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(B) The commission shall require each retail natural gas supplier or governmental aggregator subject to certification under section 4929.20 of the Revised Code to file an annual report of such receipts and sales from the provision of those competitive retail natural gas services for which it is subject to certification. For the purpose of the reports, sales of hundred cubic feet of natural gas are deemed to occur at the meter of the retail customer. 1188  
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**Sec. 4929.24.** (A)(1) The public utilities commission has jurisdiction under section 4905.26 of the Revised Code, upon 1196  
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complaint of any person or complaint or initiative of the 1198  
commission regarding the provision by a retail natural gas 1199  
supplier subject to certification under section 4929.20 of the 1200  
Revised Code of any service for which it is subject to 1201  
certification. 1202

(2) The commission also has jurisdiction under section 1203  
4905.26 of the Revised Code, upon complaint of any person or 1204  
complaint or initiative of the commission to determine whether a 1205  
retail natural gas supplier subject to certification under section 1206  
4929.20 of the Revised Code has violated or failed to comply with 1207  
any provision of sections 4929.20 to 4929.23 of the Revised Code 1208  
regarding a competitive retail natural gas service for which it is 1209  
subject to certification or any rule or order adopted or issued by 1210  
the commission for purposes of those sections. 1211

(B) In addition to its authority under division (C)(1) of 1213  
section 4929.20 of the Revised Code and to any other remedies 1214  
provided by law, the commission, after reasonable notice and 1215  
opportunity for hearing in accordance with section 4905.26 of the 1216  
Revised Code, may do any of the following: 1217

(1) Order rescission of a contract, or restitution to 1218  
customers, in any complaint brought pursuant to division (A)(1) or 1219  
(2) of this section; 1220

(2) Order any remedy or forfeiture provided under sections 1221  
4905.54 to 4905.60 and 4905.64 of the Revised Code upon a finding 1222  
under division (A)(2) of this section that the retail natural gas 1223  
supplier subject to certification under section 4929.20 of the 1224  
Revised Code has violated or failed to comply, regarding a 1225  
competitive retail natural gas service for which it is subject to 1226  
certification, with any provision of sections 4929.20 to 4929.23 1227  
of the Revised Code or any rule or order adopted or issued under 1228



those sections.

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(C)(1) In addition to the authority conferred under section 4911.15 of the Revised Code, the consumers' counsel may file a complaint under division (A)(1) or (2) of this section on behalf of residential consumers in this state or appear before the commission as a representative of those consumers pursuant to any complaint filed under division (A)(1) or (2) of this section.

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(2) In addition to the authority conferred under section 4911.19 of the Revised Code, the consumers' counsel, upon reasonable grounds, may file with the commission under section 4905.26 of the Revised Code a complaint for discovery if the recipient of an inquiry under section 4911.19 of the Revised Code fails to provide a response within the time specified in that section.

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(D) The commission's jurisdiction with respect to a natural gas company under Chapter 4905. of the Revised Code extends to any violation of division (D) of section 4929.20 or any failure to comply with division (C) of section 4929.29 of the Revised Code.

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**Sec. 4929.25.** (A) Upon the filing of an application by a natural gas company in such form and pursuant to such procedures as shall be prescribed by rule of the commission under section 4929.10 of the Revised Code for the purpose of this division, the commission shall determine the total allowable amount of capacity and commodity costs, and costs incidental thereto, of the company to be received as revenues under this division. Such amount shall be the just and reasonable costs of the company that the commission by order determines meet all of the following criteria:

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(1) The costs were prudently incurred.

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(2) The costs are legitimate, net, verifiable, and directly due to capacity and commodity obligations entered into by the

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natural gas company on behalf of consumers that take commodity sales service from other than the natural gas company. 1259  
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(3) The costs are otherwise unrecoverable. 1261

(4) The company would otherwise be entitled to an opportunity to recover those costs. 1262  
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The commission shall not authorize such revenue opportunity for a company under this division without first setting the matter for hearing, giving notice of the hearing date to the company, and publishing notice of the hearing one time in a newspaper of general circulation in each county affected by the application. At the hearing, the company shall have the burden of demonstrating allowable costs under this division. 1264  
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(B) Upon the issuance of an order under division (A) of this section determining any allowable capacity and commodity costs, and costs incidental thereto, of a natural gas company, the company shall file with the commission under section 4905.30 of the Revised Code revised schedules allowing the recovery of such costs as the commission authorized in the order, and containing such necessary and appropriate cost recovery mechanism or mechanisms as the commission prescribes in the order. The commission shall act promptly to approve such revised schedules as it determines comply with the order. 1271  
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**Sec. 4929.26.** (A)(1) The legislative authority of a municipal corporation may adopt an ordinance, or the board of township trustees of a township or the board of county commissioners of a county may adopt a resolution, under which, in accordance with this section and except as otherwise provided in division (A)(2) of this section, the legislative authority or board may aggregate automatically, subject to the opt-out requirements of division (D) of this section, competitive retail natural gas service for the retail natural gas loads that are located, respectively, within 1281  
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the municipal corporation, township, or unincorporated area of the 1290  
county and for which there is a choice of supplier of that service 1291  
as a result of revised schedules approved under division (C) of 1292  
section 4929.29 of the Revised Code, a rule or order adopted or 1293  
issued by the commission under Chapter 4905. of the Revised Code, 1294  
or an exemption granted by the commission under sections 4929.04 1295  
to 4929.08 of the Revised Code. An ordinance or a resolution 1296  
adopted under this section shall expressly state that it is 1297  
adopted pursuant to the authority conferred by this section. The 1298  
legislative authority or board also may exercise its authority 1299  
under this section jointly with any other such legislative 1300  
authority or board. For the purpose of the aggregation, the 1301  
legislative authority or board may enter into service agreements 1302  
to facilitate the sale and purchase of the service for the retail 1303  
natural gas loads. 1304

(2)(a) No aggregation under an ordinance or resolution 1305  
adopted under division (A)(1) of this section shall include the 1306  
retail natural gas load of any person that meets any of the 1307  
following criteria: 1308

(i) The person is both a distribution service customer and a 1309  
mercantile customer on the date of commencement of service to the 1310  
aggregated load, or the person becomes a distribution service 1311  
customer after that date and also is a mercantile customer. 1312

(ii) The person is supplied with commodity sales service 1313  
pursuant to a contract with a retail natural gas supplier that is 1314  
in effect on the effective date of the ordinance or resolution. 1315

(iii) The person is supplied with commodity sales service as 1316  
part of a retail natural gas load aggregation provided for 1317  
pursuant to a rule or order adopted or issued by the commission 1318  
under this chapter or Chapter 4905. of the Revised Code. 1319

(b) Nothing in division (A)(2)(a) of this section precludes a 1320

governmental aggregation under this section from permitting the 1321  
retail natural gas load of a person described in division 1322  
(A)(2)(a) of this section from being included in the aggregation 1323  
upon the expiration of any contract or aggregation as described in 1324  
division (A)(2)(a)(ii) or (iii) of this section or upon the person 1325  
no longer being a customer as described in division (A)(2)(a)(i) 1326  
of this section or qualifying to be included in an aggregation 1327  
described under division (A)(2)(a)(iii) of this section. 1328

(B) An ordinance or resolution adopted under division (A) of 1329  
this section shall direct the board of elections to submit the 1330  
question of the authority to aggregate to the electors of the 1331  
respective municipal corporation, township, or unincorporated area 1332  
of a county at a special election on the day of the next primary 1333  
or general election in the municipal corporation, township, or 1334  
county. The legislative authority or board shall certify a copy of 1335  
the ordinance or resolution to the board of elections not less 1336  
than seventy-five days before the day of the special election. No 1337  
ordinance or resolution adopted under division (A) of this section 1338  
that provides for an election under this division shall take 1339  
effect unless approved by a majority of the electors voting upon 1340  
the ordinance or resolution at the election held pursuant to this 1341  
division. 1342

(C) Upon the applicable requisite authority under divisions 1343  
(A) and (B) of this section, the legislative authority or board 1344  
shall develop a plan of operation and governance for the 1345  
aggregation program so authorized. Before adopting a plan under 1346  
this division, the legislative authority or board shall hold at 1347  
least two public hearings on the plan. Before the first hearing, 1348  
the legislative authority or board shall publish notice of the 1349  
hearings once a week for two consecutive weeks in a newspaper of 1350  
general circulation in the jurisdiction. The notice shall 1351  
summarize the plan and state the date, time, and location of each 1352

hearing. 1353

(D) No legislative authority or board, pursuant to an ordinance or resolution under divisions (A) and (B) of this section, shall aggregate any retail natural gas load located within its jurisdiction unless it in advance clearly discloses to the person whose retail natural gas load is to be so aggregated that the person will be enrolled automatically in the aggregation and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the aggregation the opportunity to opt out of the aggregation every two years, without paying a switching fee. Any such person that opts out of the aggregation pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier. 1354  
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(E)(1) With respect to a governmental aggregation for a municipal corporation that is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.41 of the Revised Code. 1370  
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(2) With respect to a governmental aggregation for a township or the unincorporated area of a county, which aggregation is authorized pursuant to divisions (A) to (D) of this section, resolutions may be proposed by initiative or referendum petitions in accordance with sections 731.28 to 731.40 of the Revised Code, except that: 1375  
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(a) The petitions shall be filed, respectively, with the township clerk or the board of county commissioners, who shall perform those duties imposed under those sections upon the city auditor or village clerk. 1381  
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(b) The petitions shall contain the signatures of not less than ten per cent of the total number of electors in the township or the unincorporated area of the county, respectively, who voted for the office of governor at the preceding general election for that office in that area.

(F) A governmental aggregator under division (A) of this section is not a public utility engaging in the wholesale purchase and resale of natural gas, and provision of the aggregated service is not a wholesale utility transaction. A governmental aggregator shall be subject to supervision and regulation by the public utilities commission only to the extent of any competitive retail natural gas service it provides and commission authority under this chapter.

**Sec. 4929.27.** (A)(1) The legislative authority of a municipal corporation may adopt an ordinance, or the board of township trustees of a township or the board of county commissioners of a county may adopt a resolution, under which, in accordance with this section and except as otherwise provided in division (A)(2) of this section, the legislative authority or board may aggregate, with the prior consent of each person whose retail natural gas load is proposed to be aggregated, competitive retail natural gas service for any such retail natural gas load that is located, respectively, within the municipal corporation, township, or unincorporated area of the county and for which there is a choice of supplier of that service as a result of revised schedules approved under division (C) of section 4929.29 of the Revised Code, a rule or order adopted or issued by the commission under Chapter 4905. of the Revised Code, or an exemption granted by the commission under sections 4929.04 to 4929.08 of the Revised Code. An ordinance or a resolution adopted under this section shall expressly state that it is adopted pursuant to the authority conferred by this section. The legislative authority or board also

may exercise such authority jointly with any other such 1417  
legislative authority or board. For the purpose of the 1418  
aggregation, the legislative authority or board may enter into 1419  
service agreements to facilitate the sale and purchase of the 1420  
service for the retail natural gas loads. 1421

(2)(a) No aggregation under an ordinance or resolution 1422  
adopted under division (A)(1) of this section shall include the 1423  
retail natural gas load of any person that meets either of the 1424  
following criteria: 1425

(i) The person is supplied with commodity sales service 1426  
pursuant to a contract with a retail natural gas supplier that is 1427  
in effect on the effective date of the ordinance or resolution. 1428

(ii) The person is supplied with commodity sales service as 1429  
part of a retail natural gas load aggregation provided for 1430  
pursuant to a rule or order adopted or issued by the commission 1431  
under this chapter or Chapter 4905. of the Revised Code. 1432

(b) Nothing in division (A)(2)(a) of this section precludes a 1433  
governmental aggregation under this section from permitting the 1434  
retail natural gas load of a person described in division 1435  
(A)(2)(a) of this section from being included in the aggregation 1436  
upon the expiration of any contract or aggregation as described in 1437  
division (A)(2)(a)(i) or (ii) of this section or upon the person 1438  
no longer qualifying to be included in such an aggregation. 1439

(B) Upon the applicable requisite authority under division 1440  
(A) of this section, the legislative authority or board shall 1441  
develop a plan of operation and governance for the aggregation 1442  
program so authorized. Before adopting a plan under this division, 1443  
the legislative authority or board shall hold at least two public 1444  
hearings on the plan. Before the first hearing, the legislative 1445  
authority or board shall publish notice of the hearings once a 1446  
week for two consecutive weeks in a newspaper of general 1447

circulation in the jurisdiction. The notice shall summarize the 1448  
plan and state the date, time, and location of each hearing. 1449

(C)(1) With respect to a governmental aggregation for a 1450  
municipal corporation that is authorized pursuant to division (A) 1451  
of this section, resolutions may be proposed by initiative or 1452  
referendum petitions in accordance with sections 731.28 to 731.41 1453  
of the Revised Code. 1454

(2) With respect to a governmental aggregation for a township 1455  
or the unincorporated area of a county, which aggregation is 1456  
authorized pursuant to division (A) of this section, resolutions 1457  
may be proposed by initiative or referendum petitions in 1458  
accordance with sections 731.28 to 731.40 of the Revised Code, 1459  
except that: 1460

(a) The petitions shall be filed, respectively, with the 1461  
township clerk or the board of county commissioners, who shall 1462  
perform those duties imposed under those sections upon the city 1463  
auditor or village clerk. 1464

(b) The petitions shall contain the signatures of not less 1465  
than ten per cent of the total number of electors in the township 1466  
or the unincorporated area of the county, respectively, who voted 1467  
for the office of governor at the preceding general election for 1468  
that office in that area. 1469

(D) A governmental aggregator under division (A) of this 1470  
section is not a public utility engaging in the wholesale purchase 1471  
and resale of natural gas, and provision of the aggregated service 1472  
is not a wholesale utility transaction. A governmental aggregator 1473  
shall be subject to supervision and regulation by the public 1474  
utilities commission only to the extent of any competitive retail 1475  
natural gas service it provides and commission authority under 1476  
this chapter. 1477



Sec. 4929.28. Any governmental aggregator as defined in 1478  
division (K)(1) or (2) of section 4929.01 of the Revised Code or 1479  
retail natural gas supplier shall act in good faith with a natural 1480  
gas company to resolve any issues regarding an aggregation prior 1481  
to the date of commencement of service to the aggregated load. In 1482  
the event agreement cannot be reached, either party may petition 1483  
the public utilities commission to resolve the issues. 1484

Sec. 4929.29. (A)(1) The legislative authority of a municipal 1485  
corporation described in division (K)(1) of section 4929.01 of the 1486  
Revised Code, the board of township trustees of a township, or the 1487  
board of county commissioners of a county may petition the public 1488  
utilities commission to require a natural gas company with fifteen 1489  
thousand or more customers in this state to provide, upon the 1490  
effective date of an ordinance or resolution authorized and 1491  
adopted under section 4929.26 or 4929.27 of the Revised Code, 1492  
distribution service on a fully open, equal, and nondiscriminatory 1493  
basis to consumers that are not mercantile customers and are 1494  
within the area of the governmental aggregation and to which the 1495  
company provides distribution service through distribution 1496  
facilities it singly or jointly owns or operates. 1497

(2) The legislative authority of a municipal corporation 1498  
described in division (K)(2) of section 4929.01 of the Revised 1499  
Code may petition the commission to require a natural gas company 1500  
with fifteen thousand or more customers in this state to provide, 1501  
upon the effective date of an ordinance adopted under Section 5 of 1502  
Article XVIII, Ohio Constitution, distribution service on a fully 1503  
open, equal, and nondiscriminatory basis to consumers that are 1504  
within the area of the governmental aggregation and to which the 1505  
company provides distribution service through distribution 1506  
facilities it singly or jointly owns or operates. 1507

(3) A retail natural gas supplier may petition the commission 1508

to require a natural gas company with fifteen thousand or more customers in this state to so provide such fully open, equal, and nondiscriminatory service to all consumers that are not mercantile customers and to which the company provides distribution service through distribution facilities it singly or jointly owns or operates. 1509  
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(B) Upon petition under division (A)(1), (2), or (3) of this section, the commission, after notice and opportunity for hearing and by order, may require that the natural gas company provide the service within the area specified in the petition, provided that the commission finds that the provision of the service within the area is in the public interest. The applicant shall have the burden of proof under this division. Chapter 4903. of the Revised Code shall apply to a proceeding under this division. 1515  
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(C) Upon the issuance of an order under division (B) of this section requiring distribution service on a comparable and nondiscriminatory basis within the area specified in the order, the natural gas company shall file with the commission under section 4905.30 of the Revised Code revised schedules under which the company shall provide the service so ordered. The commission shall act promptly to approve the schedules. 1523  
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Sec. 4929.30. (A) Nothing in sections 4929.20 to 4929.29 of the Revised Code affects any arrangement or other contract to supply or arrange for the supply of commodity sales service or ancillary service to a consumer in this state, which arrangement or contract was entered into prior to the effective date of initial rules adopted pursuant to division (A) of section 4929.20 of the Revised Code, and was authorized as a result of a rule or order adopted or issued by the public utilities commission under Chapter 4905. of the Revised Code; and nothing in sections 4929.20 to 4929.29 of the Revised Code affects any rights or duties of any 1530  
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person under such an arrangement or contract for the term of the 1540  
arrangement or contract. 1541

(B) Nothing in sections 4929.20 to 4929.29 of the Revised 1542  
Code applies to a community aggregation program that is designed 1543  
and operated to avoid gaps in the cumulative coverage of the 1544  
aggregation and under which more than fifty per cent of a natural 1545  
gas company's customers were enrolled in the program as of January 1546  
1, 2001. A municipal corporation served under such a program by 1547  
the facilities of a natural gas company may continue to provide 1548  
competitive retail natural gas service to customers in the 1549  
aggregation, including school districts and customers outside the 1550  
boundaries of the municipal corporation. 1551

**Sec. 4935.03.** (A) The public utilities commission shall 1552  
adopt, and may amend or rescind, rules in accordance with section 1553  
111.15 of the Revised Code, with the approval of the governor, 1554  
defining various foreseen types and levels of energy emergency 1555  
conditions for critical shortages or interruptions in the supply 1556  
of electric power, natural gas, coal, or individual petroleum 1557  
fuels and specifying appropriate measures to be taken at each 1558  
level or for each type of energy emergency as necessary to protect 1559  
the public health or safety or prevent unnecessary or avoidable 1560  
damage to property. The rules may prescribe different measures for 1561  
each different type or level of declared energy emergency, and for 1562  
any type or level shall empower the governor to: 1563

(1) Restrict the energy consumption of state and local 1564  
government offices and industrial and commercial establishments; 1565

(2) Restrict or curtail public or private transportation or 1566  
require or encourage the use of car pools or mass transit systems; 1567

(3) Order, during a declared energy emergency, any electric 1568  
light, natural gas or gas, or pipeline company; any supplier 1569

subject to certification under section 4928.08 or 4929.20 of the Revised Code; electric power or gas utility that is owned by a municipal corporation or not for profit; coal producer or supplier; electric power producer or marketer; or petroleum fuel producer, refiner, wholesale distributor, or retail dealer to sell electricity, gas, coal, or petroleum fuel in order to alleviate hardship, or if possible to acquire or produce emergency supplies to meet emergency needs;

(4) Order, during a declared energy emergency, other energy conservation or emergency energy production or distribution measures to be taken in order to alleviate hardship;

(5) Mobilize emergency management, national guard, law enforcement, or emergency medical services.

The rules shall be designed to protect the public health and safety and prevent unnecessary or avoidable damage to property. They shall encourage the equitable distribution of available electric power and fuel supplies among all geographic regions in the state.

(B) The governor may, after consultation with the ~~chairman~~ chairperson of the commission, declare an energy emergency by filing with the secretary of state a written declaration of an energy emergency at any time ~~he~~ the governor finds that the health, safety, or welfare of the residents of this state or of one or more counties of this state is so imminently and substantially threatened by an energy shortage that immediate action of state government is necessary to prevent loss of life, protect the public health or safety, and prevent unnecessary or avoidable damage to property. The declaration shall state the counties, utility service areas, or fuel market areas affected, or its statewide effect, and what fuels or forms of energy are in critically short supply. An energy emergency goes into immediate effect upon filing and continues in effect for the period

prescribed in the declaration, but not more than thirty days. At 1602  
the end of any thirty-day or shorter energy emergency, the 1603  
governor may issue another declaration extending the emergency. 1604  
The general assembly may by concurrent resolution terminate any 1605  
declaration of an energy emergency. The emergency is terminated at 1606  
the time of filing of the concurrent resolution with the secretary 1607  
of state. When an energy emergency is declared, the commission 1608  
shall implement the measures which it determines are appropriate 1609  
for the type and level of emergency in effect. 1610

(C) Energy emergency orders issued by the governor pursuant 1611  
to this section shall take effect immediately upon issuance, and 1612  
the person to whom the order is directed shall initiate compliance 1613  
measures immediately upon receiving the order. During an energy 1614  
emergency the attorney general or the prosecuting attorney of the 1615  
county where violation of a rule adopted or order issued under 1616  
this section occurs may bring an action for immediate injunction 1617  
or other appropriate relief to secure prompt compliance. The court 1618  
may issue an ex parte temporary order without notice which shall 1619  
enforce the prohibitions, restrictions, or actions that are 1620  
necessary to secure compliance with the rule or order. Compliance 1621  
with rules or orders issued under this section is a matter of 1622  
statewide concern. 1623

(D) During a declared energy emergency the governor may use 1624  
the services, equipment, supplies, and facilities of existing 1625  
departments, offices, and agencies of the state and of the 1626  
political subdivisions thereof to the maximum extent practicable 1627  
and necessary to meet the energy emergency, and the officers and 1628  
personnel of all such departments, offices, and agencies shall 1629  
cooperate with and extend such services and facilities to the 1630  
governor upon request. 1631

(E) During an energy emergency declared under this section, 1632  
no person shall violate any rule adopted or order issued under 1633

this section. Whoever violates this division is guilty of a minor  
misdemeanor on a first offense, and a misdemeanor of the first  
degree upon subsequent offenses or if the violation was purposely  
committed.

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**Sec. 5727.01.** As used in this chapter:

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(A) "Public utility" means each person referred to as a  
telephone company, telegraph company, electric company, natural  
gas company, pipe-line company, water-works company, water  
transportation company, heating company, rural electric company,  
railroad company, or combined company.

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(B) "Gross receipts" means the entire receipts for business  
done by any person from operations as a public utility, or  
incidental thereto, or in connection therewith, including any  
receipts received under Chapter 4928. of the Revised Code. The  
gross receipts for business done by an incorporated company  
engaged in operation as a public utility includes the entire  
receipts for business done by such company under the exercise of  
its corporate powers, whether from the operation as a public  
utility or from any other business.

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(C) "Rural electric company" means any nonprofit corporation,  
organization, association, or cooperative engaged in the business  
of supplying electricity to its members or persons owning an  
interest therein in an area the major portion of which is rural.

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(D) Any person:

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(1) Is a telegraph company when engaged in the business of  
transmitting telegraphic messages to, from, through, or in this  
state;

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(2) Is a telephone company when primarily engaged in the  
business of providing local exchange telephone service, excluding  
cellular radio service, in this state;

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(3) Is an electric company when engaged in the business of 1664  
generating, transmitting, or distributing electricity within this 1665  
state for use by others, but excludes a rural electric company; 1666

(4) Is a natural gas company when engaged in the business of 1667  
supplying or distributing natural gas for lighting, power, or 1668  
heating purposes to consumers within this state, excluding a 1669  
person that is a governmental aggregator or retail natural gas 1670  
supplier as defined in section 4929.01 of the Revised Code; 1671

(5) Is a pipe-line company when engaged in the business of 1672  
transporting natural gas, oil, or coal or its derivatives through 1673  
pipes or tubing, either wholly or partially within this state; 1674

(6) Is a water-works company when engaged in the business of 1675  
supplying water through pipes or tubing, or in a similar manner, 1676  
to consumers within this state; 1677

(7) Is a water transportation company when engaged in the 1678  
transportation of passengers or property, by boat or other 1679  
watercraft, over any waterway, whether natural or artificial, from 1680  
one point within this state to another point within this state, or 1681  
between points within this state and points without this state; 1682

(8) Is a heating company when engaged in the business of 1683  
supplying water, steam, or air through pipes or tubing to 1684  
consumers within this state for heating purposes; 1685

(9) Is a railroad company when engaged in the business of 1686  
owning or operating a railroad either wholly or partially within 1687  
this state on rights-of-way acquired and held exclusively by such 1688  
company, or otherwise, and includes a passenger, street, suburban, 1689  
or interurban railroad company. 1690

As used in division (D)(2) of this section, "local exchange 1691  
telephone service" means making available or furnishing access and 1692  
a dial tone to all persons within a local calling area for use in 1693  
originating and receiving voice grade communications over a 1694

switched network operated by the provider of the service within 1695  
the area and for gaining access to other telecommunication 1696  
services. 1697

(E) "Taxable property" means the property required by section 1698  
5727.06 of the Revised Code to be assessed by the tax 1699  
commissioner, but does not include either of the following: 1700

(1) An item of tangible personal property that for the period 1701  
subsequent to the effective date of an air, water, or noise 1702  
pollution control certificate and continuing so long as the 1703  
certificate is in force, has been certified as part of the 1704  
pollution control facility with respect to which the certificate 1705  
has been issued; 1706

(2) An item of tangible personal property that during the 1707  
construction of a plant or facility and until the item is first 1708  
capable of operation, whether actually used in operation or not, 1709  
is incorporated in or being held exclusively for incorporation in 1710  
that plant or facility. 1711

(F) "Taxing district" means a municipal corporation of 1712  
township, or part thereof, in which the aggregate rate of taxation 1713  
is uniform. 1714

(G) "Telecommunications service" has the same meaning as in 1715  
division (AA) of section 5739.01 of the Revised Code. 1716

(H) "Interexchange telecommunications company" means a person 1717  
that is engaged in the business of transmitting telephonic 1718  
messages to, from, through, or in this state, but that is not a 1719  
telephone company. 1720

(I) "Sale and leaseback transaction" means a transaction in 1721  
which a public utility or interexchange telecommunications company 1722  
sells any tangible personal property to a person other than a 1723  
public utility or interexchange telecommunications company and 1724  
leases that property back from the buyer. 1725



(J) "Production equipment" means all taxable steam, nuclear, hydraulic, and other production plant equipment used to generate electricity. For tax years prior to 2001, "production equipment" includes taxable station equipment that is located at a production plant.

(K) "Tax year" means the year for which property or gross receipts are subject to assessment under this chapter. This division does not limit the tax commissioner's ability to assess and value property or gross receipts outside the tax year.

(L) "Combined company" means any person engaged in the activity of an electric company or rural electric company that is also engaged in the activity of a heating company or a natural gas company, or any combination thereof.

**Sec. 5727.02.** As used in this chapter, "public utility," "electric company," "natural gas company," "pipe-line company," "water-works company," "water transportation company" or "heating company" does not include any of the following:

(A) Any person that is engaged in some other primary business to which the supplying of electricity, heat, natural gas, water, water transportation, steam, or air to others is incidental. As used in this division, "supplying of electricity" means generating, transmitting, or distributing electricity.

(B) Any person that supplies electricity, natural gas, water, water transportation, steam, or air to its tenants, whether for a separate charge or otherwise;

(C) Any person whose primary business in this state consists of producing, refining, or marketing petroleum or its products.

(D) Any person whose primary business in this state consists of producing or gathering natural gas rather than supplying or distributing natural gas to consumers.

**Section 2.** That existing sections 4719.01, 4905.10, 4905.302, 1756  
4911.18, 4929.01, 4929.02, 4929.14, 4935.03, 5727.01, and 5727.02 1757  
of the Revised Code are hereby repealed. 1758

**Section 3.** Any person, as defined in section 4929.01 of the 1759  
Revised Code, as amended by this act, that, prior to the effective 1760  
date of section 4929.20 of the Revised Code, as enacted by this 1761  
act, is engaged in supplying or arranging for the supply of 1762  
commodity sales service to consumers in this state as authorized 1763  
by law, may continue to so engage until the person's initial 1764  
application for certification under division (A) of section 1765  
4929.20 of the Revised Code, as enacted by this act, is approved 1766  
or denied pursuant to that division. 1767

**Section 4.** All items in this section are hereby appropriated 1768  
as designated out of any moneys in the state treasury to the 1769  
credit of the General Revenue Fund. For all appropriations made in 1770  
this act, those in the first column are for fiscal year 2000 and 1771  
those in the second column are for fiscal year 2001. The 1772  
appropriations made in this act are in addition to any other 1773  
appropriations made for the 1999-2001 biennium. 1774

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 1775

GRF 600-437 Temporary Heating	\$	0	\$	20,000,000	1776
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Assistance for Warmth

TOTAL GRF General Revenue Fund	\$	0	\$	20,000,000	1777
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TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	20,000,000	1778
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TEMPORARY HEATING ASSISTANCE FOR WARMTH 1779

The foregoing appropriation item 600-437, Temporary Heating 1780  
Assistance for Warmth, shall be used for Project Temporary Heating 1781  
Assistance for Warmth, which is a program hereby authorized to 1782  
provide assistance with the payment of winter heating expenses for 1783  
persons not eligible for assistance under Title IV-A of the Social 1784

Security Act, and whose gross monthly income does not exceed 200  
per cent of the federal poverty guidelines, as established by the  
United States Secretary of Health and Human Services. The  
Department of Job and Family Services may provide funds for this  
program from this appropriation to county departments of job and  
family services to provide assistance on behalf of eligible  
households. Each eligible household may receive a one-time benefit  
of 50 per cent of one primary heating bill for any heating fuel,  
including any arrearages that arose due to primary heating bills  
incurred between December 1, 2000, and April 1, 2001, not to  
exceed \$250. No assistance shall be provided for fuel purchased  
prior to October 1, 2000, or after March 31, 2001. The Department  
of Job and Family Services may issue guidelines for the  
implementation of this program. Total expenditures for this  
program shall not exceed \$20,000,000.

If the balance in the General Revenue Fund is not sufficient  
to fund the foregoing appropriation item 600-437, Temporary  
Heating Assistance for Warmth, the Director of Budget and  
Management is authorized to reduce other General Revenue Fund  
appropriations for fiscal year 2001 proportionately to fund this  
appropriation item.

Within the limits set forth in this act, the Director of  
Budget and Management shall establish accounts indicating the  
source and amount of funds for each appropriation made in this  
act, and shall determine the form and manner in which  
appropriation accounts shall be maintained. Expenditures from  
appropriations contained in this act shall be accounted for as  
though made in Am. Sub. H.B. 283 of the 123rd General Assembly.  
The appropriations made in this act are subject to all provisions  
of Am. Sub. H.B. 283 of the 123rd General Assembly that are  
generally applicable to such appropriations.

**Section 5.** That Section 37 of Am. Sub. H.B. 283 of the 123rd 1816  
 General Assembly, as most recently amended by Am. Sub. H.B. 640 of 1817  
 the 123rd General Assembly, be amended to read as follows: 1818

**"Sec. 37. DEV DEPARTMENT OF DEVELOPMENT 1819**

General Revenue Fund 1820

GRF 195-100 Personal Services \$ 2,578,880 \$ 2,583,300 1821

GRF 195-200 Maintenance \$ 608,000 \$ 608,000 1822

GRF 195-300 Equipment \$ 111,550 \$ 111,550 1823

GRF 195-401 Thomas Edison Program \$ 25,553,540 \$ 25,528,749 1824

GRF 195-404 Small Business \$ 2,445,388 \$ 2,465,504 1825

Development

GRF 195-405 Minority Business \$ 2,323,570 \$ 2,324,418 1826

Development Division

GRF 195-406 Transitional and \$ 2,760,270 \$ 2,826,679 1827

Permanent Housing

GRF 195-407 Travel and Tourism \$ 6,300,000 \$ 6,327,600 1828

GRF 195-408 Coal Research \$ 588,465 \$ 587,907 1829

Development

GRF 195-409 Energy Credit \$ 0 \$ 694,814 1830

Administration

GRF 195-410 Defense Conversion \$ 740,000 \$ 500,000 1831

Assistance Program

GRF 195-412 Business Development \$ 15,005,000 \$ 10,005,000 1832

Grants

GRF 195-414 First Frontier Match \$ 485,000 \$ 496,628 1833

GRF 195-415 Regional Offices and \$ 6,414,854 \$ 6,338,038 1834

Economic Development

GRF 195-416 Governor's Office of \$ 1,628,800 \$ 5,059,376 1835

Appalachia

GRF 195-417 Urban/Rural Initiative \$ 1,000,000 \$ 1,000,000 1836

GRF 195-422 Technology Action \$ 15,100,000 \$ 15,100,000 1837

## As Reported by the Senate Ways and Means Committee

GRF 195-428	Project 100	\$	2,000,000	\$	2,000,000	1838	
GRF 195-429	Y2K Compliance	\$	10,000,000	\$	0	1839	
GRF 195-431	Community Development Corporation Grants	\$	2,520,386	\$	2,582,510	1840	
GRF 195-432	International Trade	\$	5,291,540	\$	5,416,621	1841	
GRF 195-434	Industrial Training Grants	\$	18,000,000	\$	20,000,000	1842	
GRF 195-436	Labor/Management Cooperation	\$	1,164,000	\$	1,164,000	1843	
GRF 195-440	Emergency Shelter Housing Grants	\$	2,930,029	\$	2,999,139	1844	
GRF 195-441	Low and Moderate Income Housing	\$	7,760,000	\$	7,760,000	1845	
GRF 195-497	CDBG Operating Match	\$	1,147,067	\$	1,176,608	1846	
GRF 195-498	State Energy Match	\$	147,221	\$	151,299	1847	
GRF 195-501	Appalachian Local Development Districts	\$	452,370	\$	463,227	1848	
GRF 195-502	Appalachian Regional Commission Dues	\$	190,000	\$	194,400	1849	
GRF 195-505	Utility Bill Credits	\$	0	\$	7,500,000	1850	
GRF 195-507	Travel & Tourism Grants	\$	1,795,000	\$	1,640,000	1851	
GRF 195-513	Empowerment Zones/Enterprise Communities	\$	2,000,000	\$	0	1852	
TOTAL GRF	General Revenue Fund	\$	139,040,930	\$	135,605,367	1853	
	General Services Fund Group					1854	
135	195-605	Supportive Services	\$	7,463,030	\$	7,472,165	1855
136	195-621	International Trade	\$	75,000	\$	0	1856
685	195-636	General Reimbursements	\$	1,199,500	\$	1,222,233	1857
TOTAL GSF	General Services Fund Group	\$	8,737,530	\$	8,694,398	1858 1859	

Federal Special Revenue Fund Group				1860
3K8 195-613 Community Development	\$	65,000,000	\$ 65,000,000	1861
Block Grant				
3K9 195-611 Home Energy Assistance	\$	55,000,000	\$ <del>55,000,000</del>	1862
Block Grant			<u>75,000,000</u>	1863
3K9 195-614 HEAP Weatherization	\$	10,421,000	\$ 10,412,041	1864
3L0 195-612 Community Services	\$	20,090,000	\$ 20,090,000	1865
Block Grant				
308 195-602 Appalachian Regional	\$	650,000	\$ 650,000	1866
Commission				
308 195-603 Housing and Urban	\$	34,895,700	\$ 34,895,700	1867
Development				
308 195-605 Federal Projects	\$	7,871,000	\$ 7,855,501	1868
308 195-609 Small Business	\$	3,701,900	\$ 3,701,900	1869
Administration				
308 195-616 Technology Programs	\$	117,700	\$ 0	1870
308 195-618 Energy Federal Grants	\$	2,832,325	\$ 2,803,560	1871
335 195-610 Oil Overcharge	\$	8,500,000	\$ 8,500,000	1872
380 195-622 Housing Development	\$	3,711,800	\$ 3,938,200	1873
Operating				
TOTAL FED Federal Special Revenue				1874
Fund Group	\$	212,791,425	\$ <del>212,846,902</del>	1875
			<u>232,846,902</u>	1876
State Special Revenue Fund Group				1877
4F2 195-639 State Special Projects	\$	1,530,000	\$ 1,030,100	1878
4H4 195-641 First Frontier	\$	1,000,000	\$ 1,000,000	1879
4S0 195-630 Enterprise Zone	\$	323,079	\$ 323,355	1880
Operating				
4S1 195-634 Job Creation Tax	\$	251,856	\$ 258,422	1881
Credit Operating				
4W1 195-646 Minority Business	\$	3,898,213	\$ 3,972,954	1882
Enterprise Loan				

**Sub. H. B. No. 9**  
**As Reported by the Senate Ways and Means Committee**

444	195-607	Water and Sewer Commission Loans	\$	500,000	\$	500,000	1883
445	195-617	Housing Finance Agency	\$	3,669,522	\$	3,532,181	1884
450	195-624	Minority Business Bonding Program Administration	\$	12,644	\$	12,947	1885
451	195-625	Economic Development Financing Operating	\$	1,906,075	\$	1,970,014	1886
586	195-653	Scrap Tire Loans and Grants	\$	1,000,000	\$	1,000,000	1887
5F7	195-658	Local Government Y2K Loan Program	\$	10,000,000	\$	0	1888
611	195-631	Water and Sewer Administration	\$	15,000	\$	15,000	1889
617	195-654	Volume Cap Administration	\$	200,000	\$	196,640	1890
646	195-638	Low and Moderate Income Housing Trust Fund	\$	20,445,200	\$	21,034,500	1891
TOTAL SSR State Special Revenue							1892
Fund Group			\$	44,751,589	\$	34,846,113	1893
Facilities Establishment Fund							1894
037	195-615	Facilities Establishment	\$	53,970,000	\$	55,481,100	1895
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	5,000,000	1896
5D1	195-649	Port Authority Bond Reserves	\$	2,500,000	\$	2,500,000	1897
5D2	195-650	Urban Redevelopment Loans	\$	10,000,000	\$	10,000,000	1898
5H1	195-652	Family Farm Loan	\$	2,246,375	\$	2,246,375	1899
TOTAL 037 Facilities Establishment Fund							1900
			\$	71,716,375	\$	75,227,475	1901

Coal Research/Development Fund				1902
046 195-632 Coal Research and	\$	12,276,000	\$	12,570,624
Development Fund				1903
TOTAL 046 Coal Research/				1904
Development Fund	\$	12,276,000	\$	12,570,624
TOTAL ALL BUDGET FUND GROUPS	\$	489,313,849	\$	<del>479,790,879</del>
				<u>499,790,879"</u>

**Section 6.** That existing Section 37 of Am. Sub. H.B. 283 of  
the 123rd General Assembly, as most recently amended by Am. Sub.  
H.B. 640 of the 123rd General Assembly, is hereby repealed.

**Section 7.** Sections 4, 5, 6, and 7 of this act are not  
subject to the referendum. Therefore, under Ohio Constitution,  
Article II, Section 1d and section 1.471 of the Revised Code,  
Sections 4, 5, 6, and 7 of this act go into immediate effect when  
this act becomes law.