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**Sub. H. B. No. 276**

**Representative Sayre**

**Cosponsors: Representatives Williams, B., Harris, Domenick, Daniels,  
Grossman, Brown, Huffman, Pillich, Pryor, Fende, Combs, Newcomb,  
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Phillips, Reece, Snitchler, Stebelton, Szollosi, Uecker, Ujvagi, Wachtmann,  
Weddington, Winburn, Yuko**

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**A B I L L**

To amend sections 324.01, 324.03, 1332.24, 2317.02,	1
2917.21, 2929.01, 4901.01, 4901.02, 4901.11,	2
4901.15, 4901.22, 4903.01, 4903.20, 4903.22,	3
4903.23, 4905.01, 4905.02, 4905.03, 4905.04,	4
4905.09, 4905.12, 4905.14, 4905.16, 4905.18,	5
4905.20, 4905.21, 4905.26, 4905.30, 4905.34,	6
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4905.59, 4905.61, 4905.63, 4905.71, 4905.73,	9
4905.84, 4905.90, 4905.99, 4907.01, 4907.14,	10
4907.30, 4909.01, 4909.02, 4909.03, 4909.17,	11
4911.01, 4921.01, 4923.01, 4927.01, 4927.02,	12
4929.02, 4931.02, 4931.03, 4931.04, 4931.11,	13
4931.99, 4933.14, 4933.18, 4933.19, 4939.01,	14
5515.01, 5733.57, 6101.17, and 6115.21, to amend	15
sections 4931.11 (4931.05) and 4931.35 (4931.06)	16

for the purpose of adopting new section numbers as 17  
shown in parentheses, to enact new sections 18  
4927.03 and 4927.04 and sections 4927.05, 4927.06, 19  
4927.07, 4927.08, 4927.09, 4927.10, 4927.11, 20  
4927.12, 4927.13, 4927.14, 4927.15, 4927.16, 21  
4927.17, 4927.18, 4927.19, 4927.20, 4927.21, and 22  
4931.01, and to repeal sections 4905.041, 4905.23, 23  
4905.231, 4905.24, 4905.241, 4905.242, 4905.243, 24  
4905.244, 4905.25, 4905.381, 4905.49, 4905.491, 25  
4905.50, 4927.03, 4927.04, 4931.06, 4931.07, 26  
4931.12, 4931.13, 4931.14, 4931.15, 4931.16, 27  
4931.17, 4931.18, 4931.19, 4931.21, 4931.22, 28  
4931.25, 4931.26, 4931.27, 4931.28, 4931.29, 29  
4931.30, and 4931.31 of the Revised Code to revise 30  
state regulation of telephone companies, remove 31  
telegraph companies from utility regulation, and 32  
revise law concerning confidential information of 33  
public utilities. 34

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

**Section 1.** That sections 324.01, 324.03, 1332.24, 2317.02, 35  
2917.21, 2929.01, 4901.01, 4901.02, 4901.11, 4901.15, 4901.22, 36  
4903.01, 4903.20, 4903.22, 4903.23, 4905.01, 4905.02, 4905.03, 37  
4905.04, 4905.09, 4905.12, 4905.14, 4905.16, 4905.18, 4905.20, 38  
4905.21, 4905.26, 4905.30, 4905.34, 4905.40, 4905.402, 4905.41, 39  
4905.42, 4905.45, 4905.46, 4905.47, 4905.51, 4905.52, 4905.58, 40  
4905.59, 4905.61, 4905.63, 4905.71, 4905.73, 4905.84, 4905.90, 41  
4905.99, 4907.01, 4907.14, 4907.30, 4909.01, 4909.02, 4909.03, 42  
4909.17, 4911.01, 4921.01, 4923.01, 4927.01, 4927.02, 4929.02, 43  
4931.02, 4931.03, 4931.04, 4931.11, 4931.99, 4933.14, 4933.18, 44  
4933.19, 4939.01, 5515.01, 5733.57, 6101.17, and 6115.21 be 45  
amended, that sections 4931.11 (4931.05) and 4931.35 (4931.06) be 46

amended for the purpose of adopting new section numbers as shown 47  
in parentheses, and that new sections 4927.03 and 4927.04 and 48  
sections 4927.05, 4927.06, 4927.07, 4927.08, 4927.09, 4927.10, 49  
4927.11, 4927.12, 4927.13, 4927.14, 4927.15, 4927.16, 4927.17, 50  
4927.18, 4927.19, 4927.20, 4927.21, and 4931.01 of the Revised 51  
Code be enacted to read as follows: 52

**Sec. 324.01.** As used in sections 324.01 to 324.12 of the 53  
Revised Code: 54

(A) "Utility" means: 55

(1) An electric company, gas company, heating company, 56  
cooling company, telephone company, ~~telegraph company~~, or 57  
communications company supplying a utility service; 58

(2) Any municipal corporation, county, or other political 59  
subdivision, instrumentality, or agency of the state supplying a 60  
utility service; 61

(3) Any individual, firm, partnership, association, trust, 62  
joint-stock company, joint venture, corporation, nonprofit 63  
corporation, cooperative, receiver, assignee, trustee in 64  
bankruptcy, estate, trustee, or organization of any kind which 65  
owns or operates any office building, storeroom building, shopping 66  
center, apartment building, apartment hotel, condominium, or other 67  
multiple business or dwelling unit, and which sells, furnishes, or 68  
delivers a utility service to the tenants or occupants thereof, 69  
provided the charge for such utility service is separately stated. 70

(B) Any individual, firm, partnership, association, trust, 71  
joint-stock company, joint venture, corporation, municipal 72  
corporation, county, or other political subdivision, 73  
instrumentality, or agency of the state, nonprofit corporation, 74  
cooperative, receiver, assignee, trustee in bankruptcy, estate, 75  
trustee, or organization of any kind: 76

(1) Is an electric company when supplying electricity for	77
light, heat, cooling, or power purposes to customers within a	78
county levying a utilities service tax;	79
(2) Is a gas company when supplying artificial gas or natural	80
gas for light, heat, cooling, or power purposes to customers	81
within a county levying a utilities service tax;	82
(3) Is a heating company when supplying water, steam, or air	83
through pipes or tubing for heating purposes to customers within a	84
county levying a utilities service tax;	85
(4) Is a cooling company when supplying water, steam, or air	86
through pipes or tubing for cooling purposes to customers within a	87
county levying a utilities service tax;	88
(5) Is a telephone company when transmitting telephonic	89
messages to, from, or within a county levying a utilities service	90
tax;	91
<del>(6) Is a telegraph company when transmitting telegraphic</del>	92
<del>messages to, from, or within a county levying a utilities service</del>	93
<del>tax;</del>	94
<del>(7)</del> Is a communications company when supplying the services	95
described in section <del>4931.11</del> <u>4931.05</u> of the Revised Code, other	96
than transmitting telephonic <del>or telegraphic</del> messages, to, from, or	97
within a county levying a utilities service tax.	98
(C) "Utility service" means the supplying of water, steam, or	99
air through pipes or tubing for heating or cooling purposes to	100
customers within the county, the supplying of electricity,	101
artificial gas, or natural gas to customers within the county, and	102
the transmission of telephonic <del>or telegraphic</del> messages or the	103
supplying of any of the services described in section <del>4931.11</del>	104
<u>4931.05</u> of the Revised Code when the transmission or supplying	105
originates from and is charged to or is received by and charged to	106
a customer within the county.	107

(D) "Charge for utility service" means the amount charged to 108  
the customer for a utility service without deduction for any 109  
discount for early payment but after deducting the amount of any 110  
federal excise tax on such utility service, and excluding the 111  
amount paid for the purchase of appliances or other merchandise, 112  
and the amount paid for the installation of pipes, meters, poles, 113  
apparatus, instruments, switchboards, and other facilities by the 114  
utility for the purpose of rendering utility service to the 115  
customer if the charge therefor is separately stated by the 116  
utility in its bill to the customer and is not included in the 117  
basic rates charged to customers of the utility. 118

(E) "Customer" means any individual, firm, partnership, 119  
association, trust, joint-stock company, joint venture, 120  
corporation, nonprofit corporation, cooperative, receiver, 121  
assignee, trustee in bankruptcy, estate, trustee, or organization 122  
of any kind receiving utility service from a utility, but does not 123  
include the United States, the state, any political subdivision of 124  
the state, or any agency or instrumentality of any of them. 125

(F) "Business" has the same meaning as in division (E) of 126  
section 5701.08 of the Revised Code. 127

**Sec. 324.03.** The utilities service tax shall not apply to the 128  
following: 129

(A) The first five dollars per month of any charge for 130  
utility service for each utility service rendered by a utility to 131  
a customer; 132

(B) The supplying of a utility service to a customer for 133  
resale; provided, that this division shall not include the 134  
supplying of a utility service to a utility as defined in division 135  
(A)(3) of section 324.01 of the Revised Code if the utility 136  
receiving the service when supplying the service to its customers 137  
does not separately state the charge therefor; 138

(C) The supplying of a utility service through a 139  
coin-operated device; 140

(D) Telephone service, ~~telegraph service~~, and services 141  
described in section ~~4931.11~~ 4931.05 of the Revised Code, to or 142  
from a point outside the state for which a separate charge is 143  
made; 144

(E) The supplying of a utility service not within the taxing 145  
power of the county under the constitution of the United States or 146  
the constitution of this state; 147

(F) The supplying of a utility service to a person engaged in 148  
business, for use or consumption in the production of tangible 149  
personal property. 150

For the purpose of the proper administration of the utilities 151  
service tax and to prevent the evasion of the tax, it is presumed 152  
that any supplying of utility service is subject to the tax until 153  
the contrary is shown. 154

**Sec. 1332.24.** (A)(1) In accordance with section 1332.25 of 155  
the Revised Code, the director of commerce may issue to any 156  
person, or renew, a video service authorization, which 157  
authorization confers on the person the authority, subject to 158  
sections 1332.21 to 1332.34 of the Revised Code, to provide video 159  
service in its video service area; construct and operate a video 160  
service network in, along, across, or on public rights-of-way for 161  
the provision of video service; and, when necessary to provide 162  
that service, exercise the power of a ~~telegraph~~ telephone company 163  
under section 4931.04 of the Revised Code. The term of a video 164  
service authorization or authorization renewal shall be ten years. 165

(2) For the purposes of the "Cable Communications Policy Act 166  
of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et 167  
seq., a video service authorization shall constitute a franchise 168

under that law, and the director shall be the sole franchising 169  
authority under that law for video service authorizations in this 170  
state. 171

(3) The director may impose upon and collect an annual 172  
assessment on video service providers. All money collected under 173  
division (A)(3) of this section shall be deposited to the credit 174  
of the division of administration fund created under section 175  
121.08 of the Revised Code. The total amount assessed in a fiscal 176  
year shall not exceed the lesser of four hundred fifty thousand 177  
dollars or, as shall be determined annually by the director, the 178  
department's actual, current fiscal year administrative costs in 179  
carrying out its duties under sections 1332.21 to 1332.34 of the 180  
Revised Code. The director shall allocate that total amount 181  
proportionately among the video service providers to be assessed, 182  
using a formula based on subscriber counts as of the thirty-first 183  
day of December of the preceding calendar year, which counts shall 184  
be submitted to the director not later than the thirty-first day 185  
of January of each year, via a notarized statement signed by an 186  
authorized officer. Any information submitted by a video service 187  
provider to the director for the purpose of determining subscriber 188  
counts shall be considered trade secret information, shall not be 189  
disclosed except by court order, and shall not constitute a public 190  
record under section 149.43 of the Revised Code. On or about the 191  
first day of June of each year, the director shall send to each 192  
video service provider to be assessed written notice of its 193  
proportional amount of the total assessment. The provider shall 194  
pay that amount on a quarterly basis not later than forty-five 195  
days after the end of each calendar quarter. After the initial 196  
assessment, the director annually shall reconcile the amount 197  
collected with the total, current amount assessed pursuant to this 198  
section, and either shall charge each assessed video service 199  
provider its respective proportion of any insufficiency or 200  
proportionately credit the provider's next assessment for any 201

excess collected. 202

(B)(1) The director may investigate alleged violations of or 203  
failures to comply with division (A) of section 1332.23, division 204  
(A) of this section, division (C) of section 1332.25, division (C) 205  
or (D) of section 1332.26, division (A), (B), or (C) of section 206  
1332.27, division (A) of section 1332.28, division (A) or (B) of 207  
section 1332.29, or section 1332.30 or 1332.31 of the Revised 208  
Code, or complaints concerning any such violation or failure. 209  
Except as provided in this section, the director has no authority 210  
to regulate video service in this state, including, but not 211  
limited to, the rates, terms, or conditions of that service. 212

(2) In conducting an investigation under division (B)(1) of 213  
this section, the director, by subpoena, may compel witnesses to 214  
testify in relation to any matter over which the director has 215  
jurisdiction and may require the production of any book, record, 216  
or other document pertaining to that matter. If a person fails to 217  
file any statement or report, obey any subpoena, give testimony, 218  
produce any book, record, or other document as required by a 219  
subpoena, or permit photocopying of any book, record, or other 220  
document subpoenaed, the court of common pleas of any county in 221  
this state, upon application made to it by the director, shall 222  
compel obedience by attachment proceedings for contempt, as in the 223  
case of disobedience of the requirements of a subpoena issued from 224  
the court or a refusal to testify. 225

(C)(1) If the director finds that a person has violated or 226  
failed to comply with division (A) of section 1332.23, division 227  
(A) of this section, division (C) of section 1332.25, division (C) 228  
or (D) of section 1332.26, division (A), (B), or (C) of section 229  
1332.27, division (A) of section 1332.28, division (A) or (B) of 230  
section 1332.29, or section 1332.30 or 1332.31 of the Revised 231  
Code, and the person has failed to cure the violation or failure 232  
after reasonable, written notice and reasonable time to cure, the 233



director may do any of the following:	234
(a) Apply to the court of common pleas of any county in this state for an order enjoining the activity or requiring compliance. Such an action shall be commenced not later than three years after the date the alleged violation or failure occurred or was reasonably discovered. Upon a showing by the director that the person has engaged in a violation or failure to comply, the court shall grant an injunction, restraining order, or other appropriate relief.	235 236 237 238 239 240 241 242
(b) Enter into a written assurance of voluntary compliance with the person;	243 244
(c) Pursuant to an adjudication under Chapter 119. of the Revised Code, assess a civil penalty in an amount determined by the director, including for any failure to comply with an assurance of voluntary compliance under division (C)(1)(b) of this section. The amount shall be not more than one thousand dollars for each day of violation or noncompliance, not to exceed a total of ten thousand dollars, counting all subscriber impacts as a single violation or act of noncompliance. In determining whether a civil penalty is appropriate under division (C)(1)(c) of this section, the director shall consider all of the following factors:	245 246 247 248 249 250 251 252 253 254
(i) The seriousness of the noncompliance;	255
(ii) The good faith efforts of the person to comply;	256
(iii) The person's history of noncompliance;	257
(iv) The financial resources of the person;	258
(v) Any other matter that justice requires.	259
Civil penalties collected pursuant to division (C)(1)(c) of this section shall be deposited to the credit of the video service enforcement fund in the state treasury, which is hereby created, to be used by the department of commerce in carrying out its	260 261 262 263

duties under this section. 264

(2) Pursuant to an adjudication under Chapter 119. of the 265  
Revised Code, the director may revoke, in whole or in part, the 266  
video service authorization of any person that has repeatedly and 267  
knowingly violated or failed to comply with division (A) of 268  
section 1332.23, division (A) of this section, division (C) of 269  
section 1332.25, division (C) or (D) of section 1332.26, division 270  
(A), (B), or (C) of section 1332.27, division (A) of section 271  
1332.28, division (A) or (B) of section 1332.29, or section 272  
1332.30 or 1332.31 of the Revised Code and that has failed to cure 273  
the violations or noncompliances after reasonable written notice 274  
and reasonable time to cure. Such person acts knowingly, 275  
regardless of the person's purpose, when the person is aware that 276  
the person's conduct will probably cause a certain result or will 277  
probably be of a certain nature. A person has knowledge of 278  
circumstances when the person is aware that such circumstances 279  
probably exist. 280

(3) The court shall conduct a de novo review in any appeal 281  
from an adjudication under division (C)(1)(c) or (C)(2) of this 282  
section. 283

(D) The public utilities commission has no authority over a 284  
video service provider in its offering of video service or a cable 285  
operator in its offering of cable or video service, or over any 286  
person in its offering of video service pursuant to a competitive 287  
video service agreement. 288

**Sec. 2317.02.** The following persons shall not testify in 289  
certain respects: 290

(A)(1) An attorney, concerning a communication made to the 291  
attorney by a client in that relation or the attorney's advice to 292  
a client, except that the attorney may testify by express consent 293  
of the client or, if the client is deceased, by the express 294

consent of the surviving spouse or the executor or administrator 295  
of the estate of the deceased client. However, if the client 296  
voluntarily testifies or is deemed by section 2151.421 of the 297  
Revised Code to have waived any testimonial privilege under this 298  
division, the attorney may be compelled to testify on the same 299  
subject. 300

The testimonial privilege established under this division 301  
does not apply concerning a communication between a client who has 302  
since died and the deceased client's attorney if the communication 303  
is relevant to a dispute between parties who claim through that 304  
deceased client, regardless of whether the claims are by testate 305  
or intestate succession or by inter vivos transaction, and the 306  
dispute addresses the competency of the deceased client when the 307  
deceased client executed a document that is the basis of the 308  
dispute or whether the deceased client was a victim of fraud, 309  
undue influence, or duress when the deceased client executed a 310  
document that is the basis of the dispute. 311

(2) An attorney, concerning a communication made to the 312  
attorney by a client in that relationship or the attorney's advice 313  
to a client, except that if the client is an insurance company, 314  
the attorney may be compelled to testify, subject to an in camera 315  
inspection by a court, about communications made by the client to 316  
the attorney or by the attorney to the client that are related to 317  
the attorney's aiding or furthering an ongoing or future 318  
commission of bad faith by the client, if the party seeking 319  
disclosure of the communications has made a prima facie showing of 320  
bad faith, fraud, or criminal misconduct by the client. 321

(B)(1) A physician or a dentist concerning a communication 322  
made to the physician or dentist by a patient in that relation or 323  
the physician's or dentist's advice to a patient, except as 324  
otherwise provided in this division, division (B)(2), and division 325  
(B)(3) of this section, and except that, if the patient is deemed 326

by section 2151.421 of the Revised Code to have waived any 327  
testimonial privilege under this division, the physician may be 328  
compelled to testify on the same subject. 329

The testimonial privilege established under this division 330  
does not apply, and a physician or dentist may testify or may be 331  
compelled to testify, in any of the following circumstances: 332

(a) In any civil action, in accordance with the discovery 333  
provisions of the Rules of Civil Procedure in connection with a 334  
civil action, or in connection with a claim under Chapter 4123. of 335  
the Revised Code, under any of the following circumstances: 336

(i) If the patient or the guardian or other legal 337  
representative of the patient gives express consent; 338

(ii) If the patient is deceased, the spouse of the patient or 339  
the executor or administrator of the patient's estate gives 340  
express consent; 341

(iii) If a medical claim, dental claim, chiropractic claim, 342  
or optometric claim, as defined in section 2305.113 of the Revised 343  
Code, an action for wrongful death, any other type of civil 344  
action, or a claim under Chapter 4123. of the Revised Code is 345  
filed by the patient, the personal representative of the estate of 346  
the patient if deceased, or the patient's guardian or other legal 347  
representative. 348

(b) In any civil action concerning court-ordered treatment or 349  
services received by a patient, if the court-ordered treatment or 350  
services were ordered as part of a case plan journalized under 351  
section 2151.412 of the Revised Code or the court-ordered 352  
treatment or services are necessary or relevant to dependency, 353  
neglect, or abuse or temporary or permanent custody proceedings 354  
under Chapter 2151. of the Revised Code. 355

(c) In any criminal action concerning any test or the results 356  
of any test that determines the presence or concentration of 357

alcohol, a drug of abuse, a combination of them, a controlled 358  
substance, or a metabolite of a controlled substance in the 359  
patient's whole blood, blood serum or plasma, breath, urine, or 360  
other bodily substance at any time relevant to the criminal 361  
offense in question. 362

(d) In any criminal action against a physician or dentist. In 363  
such an action, the testimonial privilege established under this 364  
division does not prohibit the admission into evidence, in 365  
accordance with the Rules of Evidence, of a patient's medical or 366  
dental records or other communications between a patient and the 367  
physician or dentist that are related to the action and obtained 368  
by subpoena, search warrant, or other lawful means. A court that 369  
permits or compels a physician or dentist to testify in such an 370  
action or permits the introduction into evidence of patient 371  
records or other communications in such an action shall require 372  
that appropriate measures be taken to ensure that the 373  
confidentiality of any patient named or otherwise identified in 374  
the records is maintained. Measures to ensure confidentiality that 375  
may be taken by the court include sealing its records or deleting 376  
specific information from its records. 377

(e)(i) If the communication was between a patient who has 378  
since died and the deceased patient's physician or dentist, the 379  
communication is relevant to a dispute between parties who claim 380  
through that deceased patient, regardless of whether the claims 381  
are by testate or intestate succession or by inter vivos 382  
transaction, and the dispute addresses the competency of the 383  
deceased patient when the deceased patient executed a document 384  
that is the basis of the dispute or whether the deceased patient 385  
was a victim of fraud, undue influence, or duress when the 386  
deceased patient executed a document that is the basis of the 387  
dispute. 388

(ii) If neither the spouse of a patient nor the executor or 389

administrator of that patient's estate gives consent under 390  
division (B)(1)(a)(ii) of this section, testimony or the 391  
disclosure of the patient's medical records by a physician, 392  
dentist, or other health care provider under division (B)(1)(e)(i) 393  
of this section is a permitted use or disclosure of protected 394  
health information, as defined in 45 C.F.R. 160.103, and an 395  
authorization or opportunity to be heard shall not be required. 396

(iii) Division (B)(1)(e)(i) of this section does not require 397  
a mental health professional to disclose psychotherapy notes, as 398  
defined in 45 C.F.R. 164.501. 399

(iv) An interested person who objects to testimony or 400  
disclosure under division (B)(1)(e)(i) of this section may seek a 401  
protective order pursuant to Civil Rule 26. 402

(v) A person to whom protected health information is 403  
disclosed under division (B)(1)(e)(i) of this section shall not 404  
use or disclose the protected health information for any purpose 405  
other than the litigation or proceeding for which the information 406  
was requested and shall return the protected health information to 407  
the covered entity or destroy the protected health information, 408  
including all copies made, at the conclusion of the litigation or 409  
proceeding. 410

(2)(a) If any law enforcement officer submits a written 411  
statement to a health care provider that states that an official 412  
criminal investigation has begun regarding a specified person or 413  
that a criminal action or proceeding has been commenced against a 414  
specified person, that requests the provider to supply to the 415  
officer copies of any records the provider possesses that pertain 416  
to any test or the results of any test administered to the 417  
specified person to determine the presence or concentration of 418  
alcohol, a drug of abuse, a combination of them, a controlled 419  
substance, or a metabolite of a controlled substance in the 420  
person's whole blood, blood serum or plasma, breath, or urine at 421

any time relevant to the criminal offense in question, and that 422  
conforms to section 2317.022 of the Revised Code, the provider, 423  
except to the extent specifically prohibited by any law of this 424  
state or of the United States, shall supply to the officer a copy 425  
of any of the requested records the provider possesses. If the 426  
health care provider does not possess any of the requested 427  
records, the provider shall give the officer a written statement 428  
that indicates that the provider does not possess any of the 429  
requested records. 430

(b) If a health care provider possesses any records of the 431  
type described in division (B)(2)(a) of this section regarding the 432  
person in question at any time relevant to the criminal offense in 433  
question, in lieu of personally testifying as to the results of 434  
the test in question, the custodian of the records may submit a 435  
certified copy of the records, and, upon its submission, the 436  
certified copy is qualified as authentic evidence and may be 437  
admitted as evidence in accordance with the Rules of Evidence. 438  
Division (A) of section 2317.422 of the Revised Code does not 439  
apply to any certified copy of records submitted in accordance 440  
with this division. Nothing in this division shall be construed to 441  
limit the right of any party to call as a witness the person who 442  
administered the test to which the records pertain, the person 443  
under whose supervision the test was administered, the custodian 444  
of the records, the person who made the records, or the person 445  
under whose supervision the records were made. 446

(3)(a) If the testimonial privilege described in division 447  
(B)(1) of this section does not apply as provided in division 448  
(B)(1)(a)(iii) of this section, a physician or dentist may be 449  
compelled to testify or to submit to discovery under the Rules of 450  
Civil Procedure only as to a communication made to the physician 451  
or dentist by the patient in question in that relation, or the 452  
physician's or dentist's advice to the patient in question, that 453

related causally or historically to physical or mental injuries 454  
that are relevant to issues in the medical claim, dental claim, 455  
chiropractic claim, or optometric claim, action for wrongful 456  
death, other civil action, or claim under Chapter 4123. of the 457  
Revised Code. 458

(b) If the testimonial privilege described in division (B)(1) 459  
of this section does not apply to a physician or dentist as 460  
provided in division (B)(1)(c) of this section, the physician or 461  
dentist, in lieu of personally testifying as to the results of the 462  
test in question, may submit a certified copy of those results, 463  
and, upon its submission, the certified copy is qualified as 464  
authentic evidence and may be admitted as evidence in accordance 465  
with the Rules of Evidence. Division (A) of section 2317.422 of 466  
the Revised Code does not apply to any certified copy of results 467  
submitted in accordance with this division. Nothing in this 468  
division shall be construed to limit the right of any party to 469  
call as a witness the person who administered the test in 470  
question, the person under whose supervision the test was 471  
administered, the custodian of the results of the test, the person 472  
who compiled the results, or the person under whose supervision 473  
the results were compiled. 474

(4) The testimonial privilege described in division (B)(1) of 475  
this section is not waived when a communication is made by a 476  
physician to a pharmacist or when there is communication between a 477  
patient and a pharmacist in furtherance of the physician-patient 478  
relation. 479

(5)(a) As used in divisions (B)(1) to (4) of this section, 480  
"communication" means acquiring, recording, or transmitting any 481  
information, in any manner, concerning any facts, opinions, or 482  
statements necessary to enable a physician or dentist to diagnose, 483  
treat, prescribe, or act for a patient. A "communication" may 484  
include, but is not limited to, any medical or dental, office, or 485



hospital communication such as a record, chart, letter, 486  
memorandum, laboratory test and results, x-ray, photograph, 487  
financial statement, diagnosis, or prognosis. 488

(b) As used in division (B)(2) of this section, "health care 489  
provider" means a hospital, ambulatory care facility, long-term 490  
care facility, pharmacy, emergency facility, or health care 491  
practitioner. 492

(c) As used in division (B)(5)(b) of this section: 493

(i) "Ambulatory care facility" means a facility that provides 494  
medical, diagnostic, or surgical treatment to patients who do not 495  
require hospitalization, including a dialysis center, ambulatory 496  
surgical facility, cardiac catheterization facility, diagnostic 497  
imaging center, extracorporeal shock wave lithotripsy center, home 498  
health agency, inpatient hospice, birthing center, radiation 499  
therapy center, emergency facility, and an urgent care center. 500  
"Ambulatory health care facility" does not include the private 501  
office of a physician or dentist, whether the office is for an 502  
individual or group practice. 503

(ii) "Emergency facility" means a hospital emergency 504  
department or any other facility that provides emergency medical 505  
services. 506

(iii) "Health care practitioner" has the same meaning as in 507  
section 4769.01 of the Revised Code. 508

(iv) "Hospital" has the same meaning as in section 3727.01 of 509  
the Revised Code. 510

(v) "Long-term care facility" means a nursing home, 511  
residential care facility, or home for the aging, as those terms 512  
are defined in section 3721.01 of the Revised Code; an adult care 513  
facility, as defined in section 3722.01 of the Revised Code; a 514  
nursing facility or intermediate care facility for the mentally 515  
retarded, as those terms are defined in section 5111.20 of the 516

Revised Code; a facility or portion of a facility certified as a 517  
skilled nursing facility under Title XVIII of the "Social Security 518  
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 519

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 520  
the Revised Code. 521

(d) As used in divisions (B)(1) and (2) of this section, 522  
"drug of abuse" has the same meaning as in section 4506.01 of the 523  
Revised Code. 524

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 525  
apply to doctors of medicine, doctors of osteopathic medicine, 526  
doctors of podiatry, and dentists. 527

(7) Nothing in divisions (B)(1) to (6) of this section 528  
affects, or shall be construed as affecting, the immunity from 529  
civil liability conferred by section 307.628 of the Revised Code 530  
or the immunity from civil liability conferred by section 2305.33 531  
of the Revised Code upon physicians who report an employee's use 532  
of a drug of abuse, or a condition of an employee other than one 533  
involving the use of a drug of abuse, to the employer of the 534  
employee in accordance with division (B) of that section. As used 535  
in division (B)(7) of this section, "employee," "employer," and 536  
"physician" have the same meanings as in section 2305.33 of the 537  
Revised Code. 538

(C)(1) A cleric, when the cleric remains accountable to the 539  
authority of that cleric's church, denomination, or sect, 540  
concerning a confession made, or any information confidentially 541  
communicated, to the cleric for a religious counseling purpose in 542  
the cleric's professional character. The cleric may testify by 543  
express consent of the person making the communication, except 544  
when the disclosure of the information is in violation of a sacred 545  
trust and except that, if the person voluntarily testifies or is 546  
deemed by division (A)(4)(c) of section 2151.421 of the Revised 547

Code to have waived any testimonial privilege under this division, 548  
the cleric may be compelled to testify on the same subject except 549  
when disclosure of the information is in violation of a sacred 550  
trust. 551

(2) As used in division (C) of this section: 552

(a) "Cleric" means a member of the clergy, rabbi, priest, 553  
Christian Science practitioner, or regularly ordained, accredited, 554  
or licensed minister of an established and legally cognizable 555  
church, denomination, or sect. 556

(b) "Sacred trust" means a confession or confidential 557  
communication made to a cleric in the cleric's ecclesiastical 558  
capacity in the course of discipline enjoined by the church to 559  
which the cleric belongs, including, but not limited to, the 560  
Catholic Church, if both of the following apply: 561

(i) The confession or confidential communication was made 562  
directly to the cleric. 563

(ii) The confession or confidential communication was made in 564  
the manner and context that places the cleric specifically and 565  
strictly under a level of confidentiality that is considered 566  
inviolable by canon law or church doctrine. 567

(D) Husband or wife, concerning any communication made by one 568  
to the other, or an act done by either in the presence of the 569  
other, during coverture, unless the communication was made, or act 570  
done, in the known presence or hearing of a third person competent 571  
to be a witness; and such rule is the same if the marital relation 572  
has ceased to exist; 573

(E) A person who assigns a claim or interest, concerning any 574  
matter in respect to which the person would not, if a party, be 575  
permitted to testify; 576

(F) A person who, if a party, would be restricted under 577

section 2317.03 of the Revised Code, when the property or thing is 578  
sold or transferred by an executor, administrator, guardian, 579  
trustee, heir, devisee, or legatee, shall be restricted in the 580  
same manner in any action or proceeding concerning the property or 581  
thing. 582

(G)(1) A school guidance counselor who holds a valid educator 583  
license from the state board of education as provided for in 584  
section 3319.22 of the Revised Code, a person licensed under 585  
Chapter 4757. of the Revised Code as a professional clinical 586  
counselor, professional counselor, social worker, independent 587  
social worker, marriage and family therapist or independent 588  
marriage and family therapist, or registered under Chapter 4757. 589  
of the Revised Code as a social work assistant concerning a 590  
confidential communication received from a client in that relation 591  
or the person's advice to a client unless any of the following 592  
applies: 593

(a) The communication or advice indicates clear and present 594  
danger to the client or other persons. For the purposes of this 595  
division, cases in which there are indications of present or past 596  
child abuse or neglect of the client constitute a clear and 597  
present danger. 598

(b) The client gives express consent to the testimony. 599

(c) If the client is deceased, the surviving spouse or the 600  
executor or administrator of the estate of the deceased client 601  
gives express consent. 602

(d) The client voluntarily testifies, in which case the 603  
school guidance counselor or person licensed or registered under 604  
Chapter 4757. of the Revised Code may be compelled to testify on 605  
the same subject. 606

(e) The court in camera determines that the information 607  
communicated by the client is not germane to the counselor-client, 608

marriage and family therapist-client, or social worker-client 609  
relationship. 610

(f) A court, in an action brought against a school, its 611  
administration, or any of its personnel by the client, rules after 612  
an in-camera inspection that the testimony of the school guidance 613  
counselor is relevant to that action. 614

(g) The testimony is sought in a civil action and concerns 615  
court-ordered treatment or services received by a patient as part 616  
of a case plan journalized under section 2151.412 of the Revised 617  
Code or the court-ordered treatment or services are necessary or 618  
relevant to dependency, neglect, or abuse or temporary or 619  
permanent custody proceedings under Chapter 2151. of the Revised 620  
Code. 621

(2) Nothing in division (G)(1) of this section shall relieve 622  
a school guidance counselor or a person licensed or registered 623  
under Chapter 4757. of the Revised Code from the requirement to 624  
report information concerning child abuse or neglect under section 625  
2151.421 of the Revised Code. 626

(H) A mediator acting under a mediation order issued under 627  
division (A) of section 3109.052 of the Revised Code or otherwise 628  
issued in any proceeding for divorce, dissolution, legal 629  
separation, annulment, or the allocation of parental rights and 630  
responsibilities for the care of children, in any action or 631  
proceeding, other than a criminal, delinquency, child abuse, child 632  
neglect, or dependent child action or proceeding, that is brought 633  
by or against either parent who takes part in mediation in 634  
accordance with the order and that pertains to the mediation 635  
process, to any information discussed or presented in the 636  
mediation process, to the allocation of parental rights and 637  
responsibilities for the care of the parents' children, or to the 638  
awarding of parenting time rights in relation to their children; 639

(I) A communications assistant, acting within the scope of 640  
the communication assistant's authority, when providing 641  
telecommunications relay service pursuant to section ~~4931.35~~ 642  
4931.06 of the Revised Code or Title II of the "Communications Act 643  
of 1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 644  
communication made through a telecommunications relay service. 645  
Nothing in this section shall limit the obligation of a 646  
communications assistant to divulge information or testify when 647  
mandated by federal law or regulation or pursuant to subpoena in a 648  
criminal proceeding. 649

Nothing in this section shall limit any immunity or privilege 650  
granted under federal law or regulation. 651

(J)(1) A chiropractor in a civil proceeding concerning a 652  
communication made to the chiropractor by a patient in that 653  
relation or the chiropractor's advice to a patient, except as 654  
otherwise provided in this division. The testimonial privilege 655  
established under this division does not apply, and a chiropractor 656  
may testify or may be compelled to testify, in any civil action, 657  
in accordance with the discovery provisions of the Rules of Civil 658  
Procedure in connection with a civil action, or in connection with 659  
a claim under Chapter 4123. of the Revised Code, under any of the 660  
following circumstances: 661

(a) If the patient or the guardian or other legal 662  
representative of the patient gives express consent. 663

(b) If the patient is deceased, the spouse of the patient or 664  
the executor or administrator of the patient's estate gives 665  
express consent. 666

(c) If a medical claim, dental claim, chiropractic claim, or 667  
optometric claim, as defined in section 2305.113 of the Revised 668  
Code, an action for wrongful death, any other type of civil 669  
action, or a claim under Chapter 4123. of the Revised Code is 670

filed by the patient, the personal representative of the estate of 671  
the patient if deceased, or the patient's guardian or other legal 672  
representative. 673

(2) If the testimonial privilege described in division (J)(1) 674  
of this section does not apply as provided in division (J)(1)(c) 675  
of this section, a chiropractor may be compelled to testify or to 676  
submit to discovery under the Rules of Civil Procedure only as to 677  
a communication made to the chiropractor by the patient in 678  
question in that relation, or the chiropractor's advice to the 679  
patient in question, that related causally or historically to 680  
physical or mental injuries that are relevant to issues in the 681  
medical claim, dental claim, chiropractic claim, or optometric 682  
claim, action for wrongful death, other civil action, or claim 683  
under Chapter 4123. of the Revised Code. 684

(3) The testimonial privilege established under this division 685  
does not apply, and a chiropractor may testify or be compelled to 686  
testify, in any criminal action or administrative proceeding. 687

(4) As used in this division, "communication" means 688  
acquiring, recording, or transmitting any information, in any 689  
manner, concerning any facts, opinions, or statements necessary to 690  
enable a chiropractor to diagnose, treat, or act for a patient. A 691  
communication may include, but is not limited to, any 692  
chiropractic, office, or hospital communication such as a record, 693  
chart, letter, memorandum, laboratory test and results, x-ray, 694  
photograph, financial statement, diagnosis, or prognosis. 695

(K)(1) Except as provided under division (K)(2) of this 696  
section, a critical incident stress management team member 697  
concerning a communication received from an individual who 698  
receives crisis response services from the team member, or the 699  
team member's advice to the individual, during a debriefing 700  
session. 701

(2) The testimonial privilege established under division 702  
(K)(1) of this section does not apply if any of the following are 703  
true: 704

(a) The communication or advice indicates clear and present 705  
danger to the individual who receives crisis response services or 706  
to other persons. For purposes of this division, cases in which 707  
there are indications of present or past child abuse or neglect of 708  
the individual constitute a clear and present danger. 709

(b) The individual who received crisis response services 710  
gives express consent to the testimony. 711

(c) If the individual who received crisis response services 712  
is deceased, the surviving spouse or the executor or administrator 713  
of the estate of the deceased individual gives express consent. 714

(d) The individual who received crisis response services 715  
voluntarily testifies, in which case the team member may be 716  
compelled to testify on the same subject. 717

(e) The court in camera determines that the information 718  
communicated by the individual who received crisis response 719  
services is not germane to the relationship between the individual 720  
and the team member. 721

(f) The communication or advice pertains or is related to any 722  
criminal act. 723

(3) As used in division (K) of this section: 724

(a) "Crisis response services" means consultation, risk 725  
assessment, referral, and on-site crisis intervention services 726  
provided by a critical incident stress management team to 727  
individuals affected by crisis or disaster. 728

(b) "Critical incident stress management team member" or 729  
"team member" means an individual specially trained to provide 730  
crisis response services as a member of an organized community or 731



local crisis response team that holds membership in the Ohio  
critical incident stress management network. 732  
733

(c) "Debriefing session" means a session at which crisis  
response services are rendered by a critical incident stress  
management team member during or after a crisis or disaster. 734  
735  
736

(L)(1) Subject to division (L)(2) of this section and except  
as provided in division (L)(3) of this section, an employee  
assistance professional, concerning a communication made to the  
employee assistance professional by a client in the employee  
assistance professional's official capacity as an employee  
assistance professional. 737  
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(2) Division (L)(1) of this section applies to an employee  
assistance professional who meets either or both of the following  
requirements: 743  
744  
745

(a) Is certified by the employee assistance certification  
commission to engage in the employee assistance profession; 746  
747

(b) Has education, training, and experience in all of the  
following: 748  
749

(i) Providing workplace-based services designed to address  
employer and employee productivity issues; 750  
751

(ii) Providing assistance to employees and employees'  
dependents in identifying and finding the means to resolve  
personal problems that affect the employees or the employees'  
performance; 752  
753  
754  
755

(iii) Identifying and resolving productivity problems  
associated with an employee's concerns about any of the following  
matters: health, marriage, family, finances, substance abuse or  
other addiction, workplace, law, and emotional issues; 756  
757  
758  
759

(iv) Selecting and evaluating available community resources; 760

(v) Making appropriate referrals; 761

(vi) Local and national employee assistance agreements;	762
(vii) Client confidentiality.	763
(3) Division (L)(1) of this section does not apply to any of the following:	764 765
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	766 767 768 769
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	770 771 772
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	773 774 775
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	776 777 778
(e) A civil or criminal malpractice action brought against the employee assistance professional;	779 780
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or disabled, the client's legal representative;	781 782 783
(g) When the testimonial privilege otherwise provided by division (L)(1) of this section is abrogated under law.	784 785
<b>Sec. 2917.21.</b> (A) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:	786 787 788 789 790

(1) Fails to identify the caller to the recipient of the 791  
telecommunication and makes the telecommunication with purpose to 792  
harass or abuse any person at the premises to which the 793  
telecommunication is made, whether or not actual communication 794  
takes place between the caller and a recipient; 795

(2) Describes, suggests, requests, or proposes that the 796  
caller, the recipient of the telecommunication, or any other 797  
person engage in sexual activity, and the recipient or another 798  
person at the premises to which the telecommunication is made has 799  
requested, in a previous telecommunication or in the immediate 800  
telecommunication, that the caller not make a telecommunication to 801  
the recipient or to the premises to which the telecommunication is 802  
made; 803

(3) During the telecommunication, violates section 2903.21 of 804  
the Revised Code; 805

(4) Knowingly states to the recipient of the 806  
telecommunication that the caller intends to cause damage to or 807  
destroy public or private property, and the recipient, any member 808  
of the recipient's family, or any other person who resides at the 809  
premises to which the telecommunication is made owns, leases, 810  
resides, or works in, will at the time of the destruction or 811  
damaging be near or in, has the responsibility of protecting, or 812  
insures the property that will be destroyed or damaged; 813

(5) Knowingly makes the telecommunication to the recipient of 814  
the telecommunication, to another person at the premises to which 815  
the telecommunication is made, or to those premises, and the 816  
recipient or another person at those premises previously has told 817  
the caller not to make a telecommunication to those premises or to 818  
any persons at those premises. 819

(B) No person shall make or cause to be made a 820  
telecommunication, or permit a telecommunication to be made from a 821

telecommunications device under the person's control, with purpose 822  
to abuse, threaten, or harass another person. 823

(C)(1) Whoever violates this section is guilty of 824  
telecommunications harassment. 825

(2) A violation of division (A)(1), (2), (3), or (5) or (B) 826  
of this section is a misdemeanor of the first degree on a first 827  
offense and a felony of the fifth degree on each subsequent 828  
offense. 829

(3) Except as otherwise provided in division (C)(3) of this 830  
section, a violation of division (A)(4) of this section is a 831  
misdemeanor of the first degree on a first offense and a felony of 832  
the fifth degree on each subsequent offense. If a violation of 833  
division (A)(4) of this section results in economic harm of five 834  
hundred dollars or more but less than five thousand dollars, 835  
telecommunications harassment is a felony of the fifth degree. If 836  
a violation of division (A)(4) of this section results in economic 837  
harm of five thousand dollars or more but less than one hundred 838  
thousand dollars, telecommunications harassment is a felony of the 839  
fourth degree. If a violation of division (A)(4) of this section 840  
results in economic harm of one hundred thousand dollars or more, 841  
telecommunications harassment is a felony of the third degree. 842

(D) No cause of action may be asserted in any court of this 843  
state against any provider of a telecommunications service or 844  
information service, or against any officer, employee, or agent of 845  
a telecommunication service or information service, for any 846  
injury, death, or loss to person or property that allegedly arises 847  
out of the provider's, officer's, employee's, or agent's provision 848  
of information, facilities, or assistance in accordance with the 849  
terms of a court order that is issued in relation to the 850  
investigation or prosecution of an alleged violation of this 851  
section ~~or section 4931.31 of the Revised Code~~. A provider of a 852  
telecommunications service or information service, or an officer, 853

employee, or agent of a telecommunications service or information 854  
service, is immune from any civil or criminal liability for 855  
injury, death, or loss to person or property that allegedly arises 856  
out of the provider's, officer's, employee's, or agent's provision 857  
of information, facilities, or assistance in accordance with the 858  
terms of a court order that is issued in relation to the 859  
investigation or prosecution of an alleged violation of this 860  
section ~~or section 4931.31 of the Revised Code.~~ 861

(E) As used in this section: 862

(1) "Economic harm" means all direct, incidental, and 863  
consequential pecuniary harm suffered by a victim as a result of 864  
criminal conduct. "Economic harm" includes, but is not limited to, 865  
all of the following: 866

(a) All wages, salaries, or other compensation lost as a 867  
result of the criminal conduct; 868

(b) The cost of all wages, salaries, or other compensation 869  
paid to employees for time those employees are prevented from 870  
working as a result of the criminal conduct; 871

(c) The overhead costs incurred for the time that a business 872  
is shut down as a result of the criminal conduct; 873

(d) The loss of value to tangible or intangible property that 874  
was damaged as a result of the criminal conduct. 875

(2) "Caller" means the person described in division (A) of 876  
this section who makes or causes to be made a telecommunication or 877  
who permits a telecommunication to be made from a 878  
telecommunications device under that person's control. 879

(3) "Telecommunication" and "telecommunications device" have 880  
the same meanings as in section 2913.01 of the Revised Code. 881

(4) "Sexual activity" has the same meaning as in section 882  
2907.01 of the Revised Code. 883

(F) Nothing in this section prohibits a person from making a telecommunication to a debtor that is in compliance with the "Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 15 U.S.C. 1692, as amended, or the "Telephone Consumer Protection Act," 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended.

**Sec. 2929.01.** As used in this chapter:

(A)(1) "Alternative residential facility" means, subject to division (A)(2) of this section, any facility other than an offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.

(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.

(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.

(B) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.

(C) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.

(D) "Community-based correctional facility" means a 914  
community-based correctional facility and program or district 915  
community-based correctional facility and program developed 916  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 917

(E) "Community control sanction" means a sanction that is not 918  
a prison term and that is described in section 2929.15, 2929.16, 919  
2929.17, or 2929.18 of the Revised Code or a sanction that is not 920  
a jail term and that is described in section 2929.26, 2929.27, or 921  
2929.28 of the Revised Code. "Community control sanction" includes 922  
probation if the sentence involved was imposed for a felony that 923  
was committed prior to July 1, 1996, or if the sentence involved 924  
was imposed for a misdemeanor that was committed prior to January 925  
1, 2004. 926

(F) "Controlled substance," "marihuana," "schedule I," and 927  
"schedule II" have the same meanings as in section 3719.01 of the 928  
Revised Code. 929

(G) "Curfew" means a requirement that an offender during a 930  
specified period of time be at a designated place. 931

(H) "Day reporting" means a sanction pursuant to which an 932  
offender is required each day to report to and leave a center or 933  
other approved reporting location at specified times in order to 934  
participate in work, education or training, treatment, and other 935  
approved programs at the center or outside the center. 936

(I) "Deadly weapon" has the same meaning as in section 937  
2923.11 of the Revised Code. 938

(J) "Drug and alcohol use monitoring" means a program under 939  
which an offender agrees to submit to random chemical analysis of 940  
the offender's blood, breath, or urine to determine whether the 941  
offender has ingested any alcohol or other drugs. 942

(K) "Drug treatment program" means any program under which a 943  
person undergoes assessment and treatment designed to reduce or 944

completely eliminate the person's physical or emotional reliance 945  
upon alcohol, another drug, or alcohol and another drug and under 946  
which the person may be required to receive assessment and 947  
treatment on an outpatient basis or may be required to reside at a 948  
facility other than the person's home or residence while 949  
undergoing assessment and treatment. 950

(L) "Economic loss" means any economic detriment suffered by 951  
a victim as a direct and proximate result of the commission of an 952  
offense and includes any loss of income due to lost time at work 953  
because of any injury caused to the victim, and any property loss, 954  
medical cost, or funeral expense incurred as a result of the 955  
commission of the offense. "Economic loss" does not include 956  
non-economic loss or any punitive or exemplary damages. 957

(M) "Education or training" includes study at, or in 958  
conjunction with a program offered by, a university, college, or 959  
technical college or vocational study and also includes the 960  
completion of primary school, secondary school, and literacy 961  
curricula or their equivalent. 962

(N) "Firearm" has the same meaning as in section 2923.11 of 963  
the Revised Code. 964

(O) "Halfway house" means a facility licensed by the division 965  
of parole and community services of the department of 966  
rehabilitation and correction pursuant to section 2967.14 of the 967  
Revised Code as a suitable facility for the care and treatment of 968  
adult offenders. 969

(P) "House arrest" means a period of confinement of an 970  
offender that is in the offender's home or in other premises 971  
specified by the sentencing court or by the parole board pursuant 972  
to section 2967.28 of the Revised Code and during which all of the 973  
following apply: 974

(1) The offender is required to remain in the offender's home 975



or other specified premises for the specified period of 976  
confinement, except for periods of time during which the offender 977  
is at the offender's place of employment or at other premises as 978  
authorized by the sentencing court or by the parole board. 979

(2) The offender is required to report periodically to a 980  
person designated by the court or parole board. 981

(3) The offender is subject to any other restrictions and 982  
requirements that may be imposed by the sentencing court or by the 983  
parole board. 984

(Q) "Intensive probation supervision" means a requirement 985  
that an offender maintain frequent contact with a person appointed 986  
by the court, or by the parole board pursuant to section 2967.28 987  
of the Revised Code, to supervise the offender while the offender 988  
is seeking or maintaining necessary employment and participating 989  
in training, education, and treatment programs as required in the 990  
court's or parole board's order. "Intensive probation supervision" 991  
includes intensive parole supervision and intensive post-release 992  
control supervision. 993

(R) "Jail" means a jail, workhouse, minimum security jail, or 994  
other residential facility used for the confinement of alleged or 995  
convicted offenders that is operated by a political subdivision or 996  
a combination of political subdivisions of this state. 997

(S) "Jail term" means the term in a jail that a sentencing 998  
court imposes or is authorized to impose pursuant to section 999  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1000  
provision of the Revised Code that authorizes a term in a jail for 1001  
a misdemeanor conviction. 1002

(T) "Mandatory jail term" means the term in a jail that a 1003  
sentencing court is required to impose pursuant to division (G) of 1004  
section 1547.99 of the Revised Code, division (E) of section 1005  
2903.06 or division (D) of section 2903.08 of the Revised Code, 1006

division (E) or (G) of section 2929.24 of the Revised Code, 1007  
division (B) of section 4510.14 of the Revised Code, or division 1008  
(G) of section 4511.19 of the Revised Code or pursuant to any 1009  
other provision of the Revised Code that requires a term in a jail 1010  
for a misdemeanor conviction. 1011

(U) "Delinquent child" has the same meaning as in section 1012  
2152.02 of the Revised Code. 1013

(V) "License violation report" means a report that is made by 1014  
a sentencing court, or by the parole board pursuant to section 1015  
2967.28 of the Revised Code, to the regulatory or licensing board 1016  
or agency that issued an offender a professional license or a 1017  
license or permit to do business in this state and that specifies 1018  
that the offender has been convicted of or pleaded guilty to an 1019  
offense that may violate the conditions under which the offender's 1020  
professional license or license or permit to do business in this 1021  
state was granted or an offense for which the offender's 1022  
professional license or license or permit to do business in this 1023  
state may be revoked or suspended. 1024

(W) "Major drug offender" means an offender who is convicted 1025  
of or pleads guilty to the possession of, sale of, or offer to 1026  
sell any drug, compound, mixture, preparation, or substance that 1027  
consists of or contains at least one thousand grams of hashish; at 1028  
least one hundred grams of crack cocaine; at least one thousand 1029  
grams of cocaine that is not crack cocaine; at least two thousand 1030  
five hundred unit doses or two hundred fifty grams of heroin; at 1031  
least five thousand unit doses of L.S.D. or five hundred grams of 1032  
L.S.D. in a liquid concentrate, liquid extract, or liquid 1033  
distillate form; or at least one hundred times the amount of any 1034  
other schedule I or II controlled substance other than marihuana 1035  
that is necessary to commit a felony of the third degree pursuant 1036  
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 1037  
Code that is based on the possession of, sale of, or offer to sell 1038

the controlled substance. 1039

(X) "Mandatory prison term" means any of the following: 1040

(1) Subject to division (X)(2) of this section, the term in 1041  
prison that must be imposed for the offenses or circumstances set 1042  
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 1043  
2929.13 and division (D) of section 2929.14 of the Revised Code. 1044  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1045  
and 2925.11 of the Revised Code, unless the maximum or another 1046  
specific term is required under section 2929.14 or 2929.142 of the 1047  
Revised Code, a mandatory prison term described in this division 1048  
may be any prison term authorized for the level of offense. 1049

(2) The term of sixty or one hundred twenty days in prison 1050  
that a sentencing court is required to impose for a third or 1051  
fourth degree felony OVI offense pursuant to division (G)(2) of 1052  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1053  
of the Revised Code or the term of one, two, three, four, or five 1054  
years in prison that a sentencing court is required to impose 1055  
pursuant to division (G)(2) of section 2929.13 of the Revised 1056  
Code. 1057

(3) The term in prison imposed pursuant to division (A) of 1058  
section 2971.03 of the Revised Code for the offenses and in the 1059  
circumstances described in division (F)(11) of section 2929.13 of 1060  
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 1061  
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 1062  
2971.03 of the Revised Code and that term as modified or 1063  
terminated pursuant to section 2971.05 of the Revised Code. 1064

(Y) "Monitored time" means a period of time during which an 1065  
offender continues to be under the control of the sentencing court 1066  
or parole board, subject to no conditions other than leading a 1067  
law-abiding life. 1068

(Z) "Offender" means a person who, in this state, is 1069

convicted of or pleads guilty to a felony or a misdemeanor. 1070

(AA) "Prison" means a residential facility used for the 1071  
confinement of convicted felony offenders that is under the 1072  
control of the department of rehabilitation and correction but 1073  
does not include a violation sanction center operated under 1074  
authority of section 2967.141 of the Revised Code. 1075

(BB) "Prison term" includes either of the following sanctions 1076  
for an offender: 1077

(1) A stated prison term; 1078

(2) A term in a prison shortened by, or with the approval of, 1079  
the sentencing court pursuant to section 2929.20, 2967.26, 1080  
5120.031, 5120.032, or 5120.073 of the Revised Code. 1081

(CC) "Repeat violent offender" means a person about whom both 1082  
of the following apply: 1083

(1) The person is being sentenced for committing or for 1084  
complicity in committing any of the following: 1085

(a) Aggravated murder, murder, any felony of the first or 1086  
second degree that is an offense of violence, or an attempt to 1087  
commit any of these offenses if the attempt is a felony of the 1088  
first or second degree; 1089

(b) An offense under an existing or former law of this state, 1090  
another state, or the United States that is or was substantially 1091  
equivalent to an offense described in division (CC)(1)(a) of this 1092  
section. 1093

(2) The person previously was convicted of or pleaded guilty 1094  
to an offense described in division (CC)(1)(a) or (b) of this 1095  
section. 1096

(DD) "Sanction" means any penalty imposed upon an offender 1097  
who is convicted of or pleads guilty to an offense, as punishment 1098  
for the offense. "Sanction" includes any sanction imposed pursuant 1099

to any provision of sections 2929.14 to 2929.18 or 2929.24 to 1100  
2929.28 of the Revised Code. 1101

(EE) "Sentence" means the sanction or combination of 1102  
sanctions imposed by the sentencing court on an offender who is 1103  
convicted of or pleads guilty to an offense. 1104

(FF) "Stated prison term" means the prison term, mandatory 1105  
prison term, or combination of all prison terms and mandatory 1106  
prison terms imposed by the sentencing court pursuant to section 1107  
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 1108  
2919.25 of the Revised Code. "Stated prison term" includes any 1109  
credit received by the offender for time spent in jail awaiting 1110  
trial, sentencing, or transfer to prison for the offense and any 1111  
time spent under house arrest or house arrest with electronic 1112  
monitoring imposed after earning credits pursuant to section 1113  
2967.193 of the Revised Code. 1114

(GG) "Victim-offender mediation" means a reconciliation or 1115  
mediation program that involves an offender and the victim of the 1116  
offense committed by the offender and that includes a meeting in 1117  
which the offender and the victim may discuss the offense, discuss 1118  
restitution, and consider other sanctions for the offense. 1119

(HH) "Fourth degree felony OVI offense" means a violation of 1120  
division (A) of section 4511.19 of the Revised Code that, under 1121  
division (G) of that section, is a felony of the fourth degree. 1122

(II) "Mandatory term of local incarceration" means the term 1123  
of sixty or one hundred twenty days in a jail, a community-based 1124  
correctional facility, a halfway house, or an alternative 1125  
residential facility that a sentencing court may impose upon a 1126  
person who is convicted of or pleads guilty to a fourth degree 1127  
felony OVI offense pursuant to division (G)(1) of section 2929.13 1128  
of the Revised Code and division (G)(1)(d) or (e) of section 1129  
4511.19 of the Revised Code. 1130

(JJ) "Designated homicide, assault, or kidnapping offense," 1131  
"violent sex offense," "sexual motivation specification," 1132  
"sexually violent offense," "sexually violent predator," and 1133  
"sexually violent predator specification" have the same meanings 1134  
as in section 2971.01 of the Revised Code. 1135

(KK) "Sexually oriented offense," "child-victim oriented 1136  
offense," and "tier III sex offender/child-victim offender," have 1137  
the same meanings as in section 2950.01 of the Revised Code. 1138

(LL) An offense is "committed in the vicinity of a child" if 1139  
the offender commits the offense within thirty feet of or within 1140  
the same residential unit as a child who is under eighteen years 1141  
of age, regardless of whether the offender knows the age of the 1142  
child or whether the offender knows the offense is being committed 1143  
within thirty feet of or within the same residential unit as the 1144  
child and regardless of whether the child actually views the 1145  
commission of the offense. 1146

(MM) "Family or household member" has the same meaning as in 1147  
section 2919.25 of the Revised Code. 1148

(NN) "Motor vehicle" and "manufactured home" have the same 1149  
meanings as in section 4501.01 of the Revised Code. 1150

(OO) "Detention" and "detention facility" have the same 1151  
meanings as in section 2921.01 of the Revised Code. 1152

(PP) "Third degree felony OVI offense" means a violation of 1153  
division (A) of section 4511.19 of the Revised Code that, under 1154  
division (G) of that section, is a felony of the third degree. 1155

(QQ) "Random drug testing" has the same meaning as in section 1156  
5120.63 of the Revised Code. 1157

(RR) "Felony sex offense" has the same meaning as in section 1158  
2967.28 of the Revised Code. 1159

(SS) "Body armor" has the same meaning as in section 1160

2941.1411 of the Revised Code. 1161

(TT) "Electronic monitoring" means monitoring through the use 1162  
of an electronic monitoring device. 1163

(UU) "Electronic monitoring device" means any of the 1164  
following: 1165

(1) Any device that can be operated by electrical or battery 1166  
power and that conforms with all of the following: 1167

(a) The device has a transmitter that can be attached to a 1168  
person, that will transmit a specified signal to a receiver of the 1169  
type described in division (UU)(1)(b) of this section if the 1170  
transmitter is removed from the person, turned off, or altered in 1171  
any manner without prior court approval in relation to electronic 1172  
monitoring or without prior approval of the department of 1173  
rehabilitation and correction in relation to the use of an 1174  
electronic monitoring device for an inmate on transitional control 1175  
or otherwise is tampered with, that can transmit continuously and 1176  
periodically a signal to that receiver when the person is within a 1177  
specified distance from the receiver, and that can transmit an 1178  
appropriate signal to that receiver if the person to whom it is 1179  
attached travels a specified distance from that receiver. 1180

(b) The device has a receiver that can receive continuously 1181  
the signals transmitted by a transmitter of the type described in 1182  
division (UU)(1)(a) of this section, can transmit continuously 1183  
those signals by a wireless or landline telephone connection to a 1184  
central monitoring computer of the type described in division 1185  
(UU)(1)(c) of this section, and can transmit continuously an 1186  
appropriate signal to that central monitoring computer if the 1187  
~~receiver is~~ device has been turned off or altered without prior 1188  
court approval or otherwise tampered with. The device is designed 1189  
specifically for use in electronic monitoring, is not a converted 1190  
wireless phone or another tracking device that is clearly not 1191

designed for electronic monitoring, and provides a means of 1192  
text-based or voice communication with the person. 1193

(c) The device has a central monitoring computer that can 1194  
receive continuously the signals transmitted by a wireless or 1195  
landline telephone connection by a receiver of the type described 1196  
in division (UU)(1)(b) of this section and can monitor 1197  
continuously the person to whom an electronic monitoring device of 1198  
the type described in division (UU)(1)(a) of this section is 1199  
attached. 1200

(2) Any device that is not a device of the type described in 1201  
division (UU)(1) of this section and that conforms with all of the 1202  
following: 1203

(a) The device includes a transmitter and receiver that can 1204  
monitor and determine the location of a subject person at any 1205  
time, or at a designated point in time, through the use of a 1206  
central monitoring computer or through other electronic means. 1207

(b) The device includes a transmitter and receiver that can 1208  
determine at any time, or at a designated point in time, through 1209  
the use of a central monitoring computer or other electronic means 1210  
the fact that the transmitter is turned off or altered in any 1211  
manner without prior approval of the court in relation to the 1212  
electronic monitoring or without prior approval of the department 1213  
of rehabilitation and correction in relation to the use of an 1214  
electronic monitoring device for an inmate on transitional control 1215  
or otherwise is tampered with. 1216

(3) Any type of technology that can adequately track or 1217  
determine the location of a subject person at any time and that is 1218  
approved by the director of rehabilitation and correction, 1219  
including, but not limited to, any satellite technology, voice 1220  
tracking system, or retinal scanning system that is so approved. 1221

(VV) "Non-economic loss" means nonpecuniary harm suffered by 1222



a victim of an offense as a result of or related to the commission 1223  
of the offense, including, but not limited to, pain and suffering; 1224  
loss of society, consortium, companionship, care, assistance, 1225  
attention, protection, advice, guidance, counsel, instruction, 1226  
training, or education; mental anguish; and any other intangible 1227  
loss. 1228

(WW) "Prosecutor" has the same meaning as in section 2935.01 1229  
of the Revised Code. 1230

(XX) "Continuous alcohol monitoring" means the ability to 1231  
automatically test and periodically transmit alcohol consumption 1232  
levels and tamper attempts at least every hour, regardless of the 1233  
location of the person who is being monitored. 1234

(YY) A person is "adjudicated a sexually violent predator" if 1235  
the person is convicted of or pleads guilty to a violent sex 1236  
offense and also is convicted of or pleads guilty to a sexually 1237  
violent predator specification that was included in the 1238  
indictment, count in the indictment, or information charging that 1239  
violent sex offense or if the person is convicted of or pleads 1240  
guilty to a designated homicide, assault, or kidnapping offense 1241  
and also is convicted of or pleads guilty to both a sexual 1242  
motivation specification and a sexually violent predator 1243  
specification that were included in the indictment, count in the 1244  
indictment, or information charging that designated homicide, 1245  
assault, or kidnapping offense. 1246

(ZZ) An offense is "committed in proximity to a school" if 1247  
the offender commits the offense in a school safety zone or within 1248  
five hundred feet of any school building or the boundaries of any 1249  
school premises, regardless of whether the offender knows the 1250  
offense is being committed in a school safety zone or within five 1251  
hundred feet of any school building or the boundaries of any 1252  
school premises. 1253

(AAA) "Human trafficking" means a scheme or plan to which all 1254  
of the following apply: 1255

(1) Its object is to compel a victim or victims to engage in 1256  
sexual activity for hire, to engage in a performance that is 1257  
obscene, sexually oriented, or nudity oriented, or to be a model 1258  
or participant in the production of material that is obscene, 1259  
sexually oriented, or nudity oriented. 1260

(2) It involves at least two felony offenses, whether or not 1261  
there has been a prior conviction for any of the felony offenses, 1262  
to which all of the following apply: 1263

(a) Each of the felony offenses is a violation of section 1264  
2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or 1265  
(2) of section 2907.323, or division (B)(1), (2), (3), (4), or (5) 1266  
of section 2919.22 of the Revised Code or is a violation of a law 1267  
of any state other than this state that is substantially similar 1268  
to any of the sections or divisions of the Revised Code identified 1269  
in this division. 1270

(b) At least one of the felony offenses was committed in this 1271  
state. 1272

(c) The felony offenses are related to the same scheme or 1273  
plan, are not isolated instances, and are not so closely related 1274  
to each other and connected in time and place that they constitute 1275  
a single event or transaction. 1276

(BBB) "Material," "nudity," "obscene," "performance," and 1277  
"sexual activity" have the same meanings as in section 2907.01 of 1278  
the Revised Code. 1279

(CCC) "Material that is obscene, sexually oriented, or nudity 1280  
oriented" means any material that is obscene, that shows a person 1281  
participating or engaging in sexual activity, masturbation, or 1282  
bestiality, or that shows a person in a state of nudity. 1283

(DDD) "Performance that is obscene, sexually oriented, or  
nudity oriented" means any performance that is obscene, that shows  
a person participating or engaging in sexual activity,  
masturbation, or bestiality, or that shows a person in a state of  
nudity.

**Sec. 4901.01.** As used in sections 4901.01 to 4901.24,  
~~inclusive,~~ of the Revised Code:

(A) "Public utility" has the same meaning ~~set forth~~ as in  
section 4905.02 of the Revised Code.

(B) ~~"Telegraph company," "telephone company," "electric light  
company," "gas company," "natural gas company," "pipe line  
company," "water works company," "sewage disposal system company,"  
"heating or cooling company," "messenger company," "street railway  
company," "suburban railroad company," "interurban railroad  
company," and "motor propelled vehicle" have the meaning set forth  
in section 4905.03 of the Revised Code.~~

~~(C) "Railroad" has the same meaning ~~set forth~~ as in section  
4907.02 of the Revised Code.~~

~~(D) "Motor transportation company" has the meaning set forth  
in sections 4905.03 and 4921.02 of the Revised Code.~~

~~(E) "Trailer," "public highway," "fixed termini," "regular  
route," and "irregular route" have the meaning set forth in  
section 4921.02 of the Revised Code.~~

~~(F) "Private motor carrier," "contract carrier by motor  
vehicle," "motor vehicle," and "charter party trip" have the  
meaning set forth in section 4923.02 of the Revised Code.~~

**Sec. 4901.02.** (A) There is hereby created the public  
utilities commission of Ohio, by which name the commission may sue  
and be sued. The commission shall consist of five public utilities

commissioners appointed by the governor with the advice and 1313  
consent of the senate. The governor shall designate one of such 1314  
commissioners to be the ~~chairman~~ chairperson of the commission. 1315  
The ~~chairman~~ chairperson of the commission shall serve as ~~chairman~~ 1316  
chairperson at the governor's pleasure. The commissioners shall be 1317  
selected from the lists of qualified persons submitted to the 1318  
governor by the public utilities commission nominating council 1319  
pursuant to section 4901.021 of the ~~bRevised~~ Revised Code. Not 1320  
more than three of said commissioners shall belong to or be 1321  
affiliated with the same political party. The commission shall 1322  
possess the powers and duties specified in, as well as all powers 1323  
necessary and proper to carry out the purposes of Chapters 4901., 1324  
4903., 4905., 4907., 4909., 4921., ~~and~~ 4923., and 4927. of the 1325  
Revised Code. 1326

(B) A majority of the public utilities commissioners 1327  
constitutes a quorum. 1328

(C) The terms of office of public utilities commissioners 1329  
shall be for five years, commencing on the eleventh day of April 1330  
and ending on the tenth day of April, except that terms of the 1331  
first commissioners shall be for one, two, three, four, and five 1332  
years, respectively, as designated by the governor at the time of 1333  
appointment. Each commissioner shall hold office from the date of 1334  
~~his~~ appointment until the end of the term for which ~~he~~ the 1335  
commissioner was appointed. Any commissioner appointed to fill a 1336  
vacancy occurring prior to the expiration of the term for which ~~he~~ 1337  
the commissioner was appointed shall hold office for the remainder 1338  
of such term. Any commissioner shall continue in office subsequent 1339  
to the expiration date of the term for which ~~he~~ the commissioner 1340  
was appointed until ~~his~~ the commissioner's successor takes office, 1341  
or until a period of sixty days has elapsed, whichever occurs 1342  
first. Each vacancy shall be filled by appointment within sixty 1343  
days after the vacancy occurs. 1344

(D) Public utilities commissioners shall have at least three 1345  
years of experience in one or more of the following fields: 1346  
economics, law, finance, accounting, engineering, physical or 1347  
natural sciences, natural resources, or environmental studies. At 1348  
least one commissioner shall be an attorney admitted to the 1349  
practice of law in any state or the District of Columbia. 1350

(E) The ~~chairman~~ chairperson of the commission shall be the 1351  
head of the commission and its chief executive officer. The 1352  
appointment or removal of employees of the commission or any 1353  
division thereof, and all contracts for special service, are 1354  
subject to the approval of the ~~chairman~~ chairperson. The ~~chairman~~ 1355  
chairperson shall designate one of the commissioners to act as 1356  
deputy ~~chairman~~ chairperson, who shall possess during the absence 1357  
or disability of the ~~chairman~~ chairperson, all of the powers of 1358  
the ~~chairman~~ chairperson. 1359

**Sec. 4901.11.** The public utilities commission may procure all 1360  
necessary books, maps, charts, stationery, instruments, office 1361  
furniture, apparatus, and appliances, including telephone ~~and~~ 1362  
~~telegraph~~ service, and may purchase from the interstate commerce 1363  
commission blank forms for the use of railroads and other 1364  
utilities in making their annual reports, necessary for the proper 1365  
administration of the affairs of ~~said~~ the public utilities 1366  
commission, which expenses shall be audited and paid in the same 1367  
manner as other expenses. 1368

**Sec. 4901.15.** The public utilities commission shall, whenever 1369  
called upon by any officer, board, or commission of this state or 1370  
any political subdivision of this state, furnish any data or 1371  
information to such officer, board, or commission and shall aid or 1372  
assist any such officer, board, or commission in performing ~~the~~ 1373  
official duties ~~of his or its office~~. All officers, boards, or 1374  
commissions of this state or any political subdivision of this 1375

state, shall furnish to the commission, upon request, any data or 1376  
information ~~which~~ that will assist the commission in the discharge 1377  
of the duties imposed upon it by Chapters 4901., 4903., 4905., 1378  
4907., 4909., 4921., 4923., and ~~4925.~~ 4927. of the Revised Code. 1379

**Sec. 4901.22.** Each of the public utilities commissioners, for 1380  
the purposes mentioned in Chapters 4901., 4903., 4905., 4907., 1381  
4909., 4921., 4923., and ~~4925.~~ 4927. of the Revised Code, may 1382  
administer oaths, certify to official acts, issue subpoenas, and 1383  
compel the attendance of witnesses and the production of papers, 1384  
waybills, books, accounts, documents, and testimony. 1385

**Sec. 4903.01.** As used in sections 4903.01 to 4903.25, 1386  
~~inclusive,~~ of the Revised Code: 1387

(A) "Public utility" has the same meaning ~~set forth~~ as in 1388  
section 4905.02 of the Revised Code. 1389

(B) ~~"Telegraph company," "telephone company," "electric light  
company," "gas company," "natural gas company," "pipe line  
company," "water works company," "sewage disposal system company,"  
"heating or cooling company," "messenger company," "street railway  
company," "suburban railroad company," "interurban railroad  
company," and "motor propelled vehicle" have the meaning set forth  
in section 4905.03 of the Revised Code.~~ 1390  
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(C) "Railroad" has the same meaning ~~set forth~~ as in section 1397  
4907.02 of the Revised Code. 1398

(D) ~~"Motor transportation company" has the meaning set forth  
in sections 4905.03 and 4921.02 of the Revised Code.~~ 1399  
1400

(E) ~~"Trailer," "public highway," "fixed termini," "regular  
route," and "irregular route" have the meaning set forth in  
section 4921.02 of the Revised Code.~~ 1401  
1402  
1403

(F) ~~"Private motor carrier," "contract carrier by motor~~ 1404

vehicle," "motor vehicle," and "charter party trip" have the 1405  
meaning set forth in section 4923.02 of the Revised Code. 1406

**Sec. 4903.20.** All actions and proceedings in the supreme 1407  
court under Chapters 4901., 4903., 4905., 4906., 4907., 4909., 1408  
4921., ~~and 4923., and 4927.~~ of the Revised Code, and all actions 1409  
of proceedings to which the public utilities commission, power 1410  
siting board, or this state is a party, and in which any question 1411  
arises under ~~such~~ those chapters, or under or concerning any order 1412  
or decision of the commission or the board, to reverse, vacate, or 1413  
modify an order of the commission or the board, shall be taken up 1414  
and disposed of by the court out of their order on the docket. 1415

**Sec. 4903.22.** Except when otherwise provided by law, all 1416  
processes in actions and proceedings in a court arising under 1417  
Chapters 4901., 4903., 4905., 4906., 4907., 4909., 4921., 4923., 1418  
and ~~4925- 4927.~~ of the Revised Code shall be served, and the 1419  
practice and rules of evidence in such actions and proceedings 1420  
shall be the same, as in civil actions. A sheriff or other officer 1421  
empowered to execute civil processes shall execute process issued 1422  
under ~~such~~ those chapters and receive compensation therefor as 1423  
prescribed by law for like services. 1424

**Sec. 4903.23.** The public utilities commission or power siting 1425  
board may charge and collect a fee, which shall not exceed cost, 1426  
for furnishing any copy of any paper, record, testimony, or 1427  
writing made, taken, or filed under Chapters 4901., 4903., 4905., 1428  
4906., 4907., 4909., 4921., ~~and 4923., and 4927.~~ of the Revised 1429  
Code, except such transcript and other papers as are required to 1430  
be filed in any court proceedings authorized in ~~such~~ those 1431  
chapters, whether under seal and certified to or otherwise; and 1432  
may charge and collect a fee for certifying a document, which 1433  
shall not exceed that charged by the secretary of state under 1434

division (K) of section 111.16 of the Revised Code. All such fees, 1435  
itemized, shall be paid into the state treasury on the first day 1436  
of each month. 1437

Upon application of any person and payment of the proper fee, 1438  
the commission or board shall furnish certified copies under the 1439  
seal of the commission or board of any order made by it, which 1440  
order is prima-facie evidence in any court of the facts stated in 1441  
such copies. The copies of schedules, classifications, and tariffs 1442  
of rates, tolls, prices, rentals, regulations, practices, 1443  
services, fares, and charges, and copies of all contracts, 1444  
agreements, and arrangements between public utilities and 1445  
railroads, or either, filed with the commission, and the 1446  
statistics, tables, and figures contained in the annual or other 1447  
reports of such companies made to the commission as required by 1448  
~~such~~ the chapters, shall be preserved as public records in the 1449  
custody of the commission and shall be received as prima-facie 1450  
evidence of what they purport to be, for the purpose of 1451  
investigations and prosecutions by the commission and in all 1452  
judicial proceedings. Copies of and extracts from any of such 1453  
schedules, classifications, tariffs, contracts, agreements, 1454  
arrangements, or reports, made public records, certified by the 1455  
commission under its seal, shall be received in evidence with like 1456  
effect as the originals. 1457

**Sec. 4905.01.** As used in this chapter: 1458

(A) "Railroad" has the same meaning ~~set forth~~ as in section 1459  
4907.02 of the Revised Code. 1460

(B) "Motor transportation company" has the same meaning ~~set~~ 1461  
~~forth~~ as in sections 4905.03 and 4921.02 of the Revised Code. 1462

(C) "Trailer~~,"~~ and "public highway~~,"~~ "~~fixed termini,~~" 1463  
"~~regular route,~~" and "~~irregular route~~" have the same meanings ~~set~~ 1464  
~~forth~~ as in section 4921.02 of the Revised Code. 1465



(D) "Private motor carrier," ~~"contract carrier by motor vehicle,"~~ and "motor vehicle," ~~and "charter party trip"~~ have the same meanings ~~set forth as~~ as in section 4923.02 of the Revised Code.

(E) "Ohio coal research and development costs" means all reasonable costs associated with a facility or project undertaken by a public utility for which a recommendation to allow the recovery of costs associated therewith has been made under division (B)(7) of section 1551.33 of the Revised Code, including, but not limited to, capital costs, such as costs of debt and equity; construction and operation costs; termination and retirement costs; costs of feasibility and marketing studies associated with the project; and the acquisition and delivery costs of Ohio coal used in the project, less any expenditures of grant moneys.

**Sec. 4905.02.** As used in this chapter, "public utility" includes every corporation, company, copartnership, person, or association, ~~their~~ the lessees, trustees, or receivers of the foregoing, defined in section 4905.03 of the Revised Code, including ~~all any public utilities utility that operate their utilities operates its utility~~ not for profit, except the following:

(A) ~~Electric~~ An electric light ~~companies company~~ that ~~operate their utilities~~ operates its utility not for profit;

(B) ~~Public utilities~~ A public utility, other than a telephone ~~companies company~~, that ~~are~~ is owned and operated exclusively by and solely for the ~~utilities'~~ utility's customers, including any consumer or group of consumers purchasing, delivering, storing, or transporting, or seeking to purchase, deliver, store, or transport, natural gas exclusively by and solely for the consumer's or consumers' own intended use as the end user or end users and not for profit;

(C) <del>Public utilities</del> <u>A public utility that are is</u> owned or operated by any municipal corporation;	1497 1498
(D) <del>Railroads</del> <u>A railroad</u> as defined in sections 4907.02 and 4907.03 of the Revised Code;	1499 1500
(E) <u>Any provider, including a telephone company, with respect to its provision of any of the following:</u>	1501 1502
<u>(1) Advanced services as defined in 47 C.F.R. 51.5;</u>	1503
<u>(2) Broadband service, however defined or classified by the federal communications commission;</u>	1504 1505
<u>(3) Information service as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20);</u>	1506 1507
<u>(4) Internet protocol-enabled services as defined in section 4927.01 of the Revised Code;</u>	1508 1509
<u>(5) Subject to division (B) of section 4927.03 of the Revised Code, any telecommunications service as defined in section 4927.01 of the Revised Code to which both of the following apply:</u>	1510 1511 1512
<u>(a) The service was not commercially available on the effective date of the amendment of this section by H.B. 276 of the 128th general assembly.</u>	1513 1514 1515
<u>(b) The service employs technology that became available for commercial use only after the effective date of the amendment of this section by H.B. 276 of the 128th general assembly.</u>	1516 1517 1518
<b>Sec. 4905.03.</b> As used in this chapter:	1519
(A) Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, is:	1520 1521 1522
(1) <del>A telegraph company, when engaged in the business of transmitting telegraphic messages to, from, through, or in this state;</del>	1523 1524 1525

~~(2)~~ A telephone company, when engaged in the business of transmitting telephonic messages to, from, through, or in this state ~~and as such is a common carrier;~~

~~(3)~~(2) A motor transportation company, when engaged in the business of carrying and transporting persons or property or the business of providing or furnishing such transportation service, for hire, in or by motor-propelled vehicles of any kind, including trailers, for the public in general, over any public street, road, or highway in this state, except as provided in section 4921.02 of the Revised Code;

~~(4)~~(3) An electric light company, when engaged in the business of supplying electricity for light, heat, or power purposes to consumers within this state, including supplying electric transmission service for electricity delivered to consumers in this state, but excluding a regional transmission organization approved by the federal energy regulatory commission;

~~(5)~~(4) A gas company, when engaged in the business of supplying artificial gas for lighting, power, or heating purposes to consumers within this state or when engaged in the business of supplying artificial gas to gas companies or to natural gas companies within this state, but a producer engaged in supplying to one or more gas or natural gas companies, only such artificial gas as is manufactured by that producer as a by-product of some other process in which the producer is primarily engaged within this state is not thereby a gas company. All rates, rentals, tolls, schedules, charges of any kind, or agreements between any gas company and any other gas company or any natural gas company providing for the supplying of artificial gas and for compensation for the same are subject to the jurisdiction of the public utilities commission.

~~(6)~~(5) A natural gas company, when engaged in the business of supplying natural gas for lighting, power, or heating purposes to

consumers within this state. Notwithstanding the above, neither 1558  
the delivery nor sale of Ohio-produced natural gas by a producer 1559  
or gatherer under a public utilities commission-ordered exemption, 1560  
adopted before, as to producers, or after, as to producers or 1561  
gatherers, January 1, 1996, or the delivery or sale of 1562  
Ohio-produced natural gas by a producer or gatherer of 1563  
Ohio-produced natural gas, either to a lessor under an oil and gas 1564  
lease of the land on which the producer's drilling unit is 1565  
located, or the grantor incident to a right-of-way or easement to 1566  
the producer or gatherer, shall cause the producer or gatherer to 1567  
be a natural gas company for the purposes of this section. 1568

All rates, rentals, tolls, schedules, charges of any kind, or 1569  
agreements between a natural gas company and other natural gas 1570  
companies or gas companies providing for the supply of natural gas 1571  
and for compensation for the same are subject to the jurisdiction 1572  
of the public utilities commission. The commission, upon 1573  
application made to it, may relieve any producer or gatherer of 1574  
natural gas, defined in this section as a gas company or a natural 1575  
gas company, of compliance with the obligations imposed by this 1576  
chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. 1577  
of the Revised Code, so long as the producer or gatherer is not 1578  
affiliated with or under the control of a gas company or a natural 1579  
gas company engaged in the transportation or distribution of 1580  
natural gas, or so long as the producer or gatherer does not 1581  
engage in the distribution of natural gas to consumers. 1582

Nothing in division (A)~~(6)~~(5) of this section limits the 1583  
authority of the commission to enforce sections 4905.90 to 4905.96 1584  
of the Revised Code. 1585

~~(7)~~(6) A pipe-line company, when engaged in the business of 1586  
transporting natural gas, oil, or coal or its derivatives through 1587  
pipes or tubing, either wholly or partly within this state; 1588

~~(8)~~(7) A water-works company, when engaged in the business of 1589

supplying water through pipes or tubing, or in a similar manner, 1590  
to consumers within this state; 1591

~~(9)~~(8) A heating or cooling company, when engaged in the 1592  
business of supplying water, steam, or air through pipes or tubing 1593  
to consumers within this state for heating or cooling purposes; 1594

~~(10)~~(9) A messenger company, when engaged in the business of 1595  
supplying messengers for any purpose; 1596

~~(11)~~(10) A street railway company, when engaged in the 1597  
business of operating as a common carrier, a railway, wholly or 1598  
partly within this state, with one or more tracks upon, along, 1599  
above, or below any public road, street, alleyway, or ground, 1600  
within any municipal corporation, operated by any motive power 1601  
other than steam and not a part of an interurban railroad, whether 1602  
the railway is termed street, inclined-plane, elevated, or 1603  
underground railway; 1604

~~(12)~~(11) A suburban railroad company, when engaged in the 1605  
business of operating as a common carrier, whether wholly or 1606  
partially within this state, a part of a street railway 1607  
constructed or extended beyond the limits of a municipal 1608  
corporation, and not a part of an interurban railroad; 1609

~~(13)~~(12) An interurban railroad company, when engaged in the 1610  
business of operating a railroad, wholly or partially within this 1611  
state, with one or more tracks from one municipal corporation or 1612  
point in this state to another municipal corporation or point in 1613  
this state, whether constructed upon the public highways or upon 1614  
private rights-of-way, outside of municipal corporations, using 1615  
electricity or other motive power than steam power for the 1616  
transportation of passengers, packages, express matter, United 1617  
States mail, baggage, and freight. Such an interurban railroad 1618  
company is included in the term "railroad" as used in section 1619  
4907.02 of the Revised Code. 1620

~~(14)~~(13) A sewage disposal system company, when engaged in 1621  
the business of sewage disposal services through pipes or tubing, 1622  
and treatment works, or in a similar manner, within this state. 1623

(B) "Motor-propelled vehicle" means any automobile, 1624  
automobile truck, motor bus, or any other self-propelled vehicle 1625  
not operated or driven upon fixed rails or tracks. 1626

**Sec. 4905.04.** ~~(A)~~ The public utilities commission is hereby 1627  
vested with the power and jurisdiction to supervise and regulate 1628  
public utilities and railroads, to require all public utilities to 1629  
furnish their products and render all services exacted by the 1630  
commission or by law, and to promulgate and enforce all orders 1631  
relating to the protection, welfare, and safety of railroad 1632  
employees and the traveling public, including the apportionment 1633  
between railroads and the state and its political subdivisions of 1634  
the cost of constructing protective devices at railroad grade 1635  
crossings. 1636

~~(B) Subject to sections 4905.041 and 4905.042 of the Revised 1637  
Code, division (A) of this section includes such power and 1638  
jurisdiction as is reasonably necessary for the commission to 1639  
perform pursuant to federal law, including federal regulations, 1640  
the acts of a state commission as defined in 47 U.S.C. 153. 1641~~

**Sec. 4905.09.** A substantial compliance by the public 1642  
utilities commission with the requirements of Chapters 4901., 1643  
4903., 4905., 4907., 4909., 4921., 4923., and ~~4925.~~ 4927. of the 1644  
Revised Code is sufficient to give effect to all its rules, and 1645  
~~orders, acts, and regulations. Such~~ Those rules, and ~~orders, acts,~~ 1646  
~~and regulations~~ shall not be declared inoperative, illegal, or 1647  
void for an omission of a technical nature ~~in respect to such~~ 1648  
~~requirements. Such~~ And, those chapters do not affect, modify, or 1649  
repeal any law fixing the rate ~~which~~ that a company operating a 1650

railroad may demand and receive for the transportation of 1651  
passengers. 1652

**Sec. 4905.12.** A railroad company ~~or telegraph company which~~ 1653  
that violates section 4905.10, 4907.13, or 4907.15 of the Revised 1654  
Code shall forfeit to the state one thousand dollars, and 1655  
twenty-five dollars for each day ~~such~~ the company fails to comply 1656  
with a requirement of any such ~~sections~~ section. ~~Such~~ The 1657  
forfeiture does not release ~~such~~ the company from the assessment 1658  
provided in section 4905.10 of the Revised Code. 1659

**Sec. 4905.14.** (A)(1) Every public utility shall file an 1660  
annual report with the public utilities commission. The report 1661  
shall be filed at the time and in the form prescribed by the 1662  
commission, shall be duly verified, and shall cover the yearly 1663  
period fixed by the commission. The commission shall prescribe the 1664  
character of the information to be embodied in the annual report, 1665  
and shall furnish to each public utility a blank form for it. 1666  
Every public utility also shall file a copy of the annual report 1667  
with the office of the consumers' counsel; the copy shall be filed 1668  
at the same time that the original is filed with the commission. 1669  
If any annual report filed with the commission is defective or 1670  
erroneous, the commission may order that it be amended within a 1671  
prescribed time. Any amendments made pursuant to such an order 1672  
shall be filed with the commission and with the office of the 1673  
consumers' counsel. Each annual report filed with the commission 1674  
shall be preserved in the office of the commission. The commission 1675  
may, at any time, require specific answers to questions upon which 1676  
it desires information. 1677

(2)(a) Except as provided in division (A)(2)(b) of this 1678  
section, in the case of a telephone company, including a wireless 1679  
service provider, the annual report shall be limited to 1680  
information necessary for the commission to calculate the 1681

assessment provided for in section 4905.10 of the Revised Code. 1682

The commission shall protect any confidential information in every 1683

company and provider report. 1684

(b) With respect to a telephone company subject to section 1685

4905.71 of the Revised Code, the commission shall adopt rules that 1686

require such a telephone company to also include in the annual 1687

report information required by the commission to calculate pole 1688

attachment and conduit occupancy rates and any other information 1689

the commission determines necessary and requires by rule for the 1690

commission to fulfill its responsibility under section 4905.71 of 1691

the Revised Code. 1692

(B) On the first day of July and the first day of November of 1693

each year, each gas company and natural gas company shall file 1694

with the commission a report in quintuplicate stating: 1695

(1) The total demand, stated in terms of cubic feet, that the 1696

company projects will be expected of the company for the following 1697

twelve months; 1698

(2) The pertinent details of supply contracts with pipeline 1699

companies and producers for the following twelve months that they 1700

have executed and the quantity of the gas that they will possess 1701

in storage and will be available for delivery as of the first day 1702

of July and the first day of November; 1703

(3) Where it appears from a comparison of the information 1704

reported in division (B)(1) of this section with that reported in 1705

division (B)(2) of this section that the total demand projected by 1706

the company for the twelve months following the date of the report 1707

will exceed the ability of the company to furnish it, the means 1708

which the company intends to employ in order to prevent any 1709

interruption or curtailment of service. 1710

~~(C) The public utilities commission may require any telephone~~ 1711

~~company to file with its annual report, supplementary reports of~~ 1712



~~each exchange area owned or operated by it, in such detail as the 1713  
commission may prescribe. Upon request of fifteen per cent of the 1714  
subscribers of any telephone exchange, the public utilities 1715  
commission shall require the report for such exchange area. 1716~~

**Sec. 4905.16.** When and as required by the public utilities 1717  
commission, every public utility shall file with it a copy of any 1718  
contract, agreement, or arrangement, in writing, with any other 1719  
public utility relating in any way to the construction, 1720  
maintenance, or use of its plant or property, or to any service, 1721  
rate, or charge. 1722

~~Unless otherwise ordered by the commission each telephone 1723  
company shall file with the commission a copy of any contract, 1724  
agreement, note, bond, or other arrangement entered into with any 1725  
telephone management, service or operating company. 1726~~

**Sec. 4905.18.** Every public utility shall carry a proper and 1727  
adequate depreciation or deferred maintenance account, whenever 1728  
the public utilities commission, after investigation, determines 1729  
that a depreciation account can be reasonably required. The 1730  
commission shall ascertain, determine, and prescribe what are 1731  
proper and adequate charges for depreciation of the several 1732  
classes of property for each public utility. ~~The public utility 1733  
commission shall require every telephone company to carry a proper 1734  
and adequate depreciation or deferred maintenance account and 1735  
shall ascertain, determine, and prescribe what are proper and 1736  
adequate charges in each exchange area of such company. The charge 1737  
for depreciation shall be such as will provide the amount required 1738  
over the cost and expense of maintenance to keep the property of 1739  
the public utility in a state of efficiency corresponding to the 1740  
progress of the art or industry. The commission may prescribe such 1741  
changes in such charges for depreciation as it finds necessary. 1742~~

**Sec. 4905.20.** No railroad as defined in section 4907.02 of 1743  
the Revised Code, operating any railroad in this state, and no 1744  
public utility as defined in section 4905.02 of the Revised Code 1745  
furnishing service or facilities within this state, shall abandon 1746  
or be required to abandon or withdraw any main track or depot of a 1747  
railroad, or main pipe line, gas line, ~~telegraph line, telephone~~ 1748  
~~toll line,~~ electric light line, water line, sewer line, steam pipe 1749  
line, or any portion thereof, pumping station, generating plant, 1750  
power station, sewage treatment plant, or service station of a 1751  
public utility, or the service rendered thereby, ~~which~~ that has 1752  
once been laid, constructed, opened, and used for public business, 1753  
nor shall any such facility be closed for traffic or service 1754  
thereon, therein, or thereover except as provided in section 1755  
4905.21 of the Revised Code. Any railroad or public utility 1756  
violating this section shall forfeit and pay into the state 1757  
treasury not less than one hundred dollars, nor more than one 1758  
thousand dollars, and shall be subject to all other legal and 1759  
equitable remedies for the enforcement of this section and section 1760  
4905.21 of the Revised Code. 1761

**Sec. 4905.21.** Any railroad or any political subdivision 1762  
desiring to abandon, close, or have abandoned, withdrawn, or 1763  
closed for traffic or service all or any part of a main track or 1764  
depot, and any public utility or political subdivision desiring to 1765  
abandon or close, or have abandoned, withdrawn, or closed for 1766  
traffic or service all or any part of any line, pumping station, 1767  
generating plant, power station, sewage treatment plant, or 1768  
service station, referred to in section 4905.20 of the Revised 1769  
Code, shall make application to the public utilities commission in 1770  
writing. The commission shall thereupon cause reasonable notice of 1771  
the application to be given, stating the time and place fixed by 1772  
the commission for the hearing of the application. 1773

Upon the hearing of the application, the commission shall 1774  
ascertain the facts and make its findings thereon, and if such 1775  
facts satisfy the commission that the proposed abandonment, 1776  
withdrawal, or closing for traffic or service is reasonable, 1777  
having due regard for the welfare of the public and the cost of 1778  
operating the service or facility, it may allow such abandonment, 1779  
withdrawal, or closing; otherwise it shall be denied, or if the 1780  
facts warrant, the application may be granted in a modified form. 1781  
If the application asks for the abandonment or withdrawal of any 1782  
main track, main pipe line, gas line, ~~telegraph line, telephone~~ 1783  
~~toll line,~~ electric light line, water line, sewer line, steam pipe 1784  
line, pumping station, generating plant, power station, sewage 1785  
treatment plant, service station, or the service rendered thereby, 1786  
in such manner as can result in the permanent abandonment of 1787  
service between any two points on such railroad, or of service and 1788  
facilities of any such public utility, no application shall be 1789  
granted unless the railroad or public utility has operated the 1790  
track, pipe line, gas line, ~~telegraph line, telephone toll line,~~ 1791  
electric light line, water line, sewer line, steam pipe line, 1792  
pumping station, generating plant, power station, sewage treatment 1793  
plant, or service station for at least five years. ~~Such~~ The notice 1794  
shall be given by publication in a newspaper of general 1795  
circulation throughout any county or municipal corporation ~~which~~ 1796  
that has granted a franchise to the railroad or public utility, 1797  
under which the track, pipe line, gas line, ~~telegraph line,~~ 1798  
~~telephone toll line,~~ electric light line, water line, sewer line, 1799  
steam pipe line, pumping station, generating plant, power station, 1800  
sewage treatment plant, or service station is operated or in which 1801  
the same is located, once a week for two consecutive weeks before 1802  
the hearing of the application. Notice of the hearing shall be 1803  
given such county, municipal corporation, or public utility in the 1804  
manner provided for the service of orders of the commission in 1805  
section 4903.15 of the Revised Code. This section and section 1806

4905.20 of the Revised Code do not apply to a gas company when it 1807  
is removing or exchanging abandoned field lines. 1808

This section applies to all service now rendered and 1809  
facilities furnished or hereafter built and operated, and an order 1810  
of the commission authorizing the abandonment or withdrawal of any 1811  
such service or facility shall not affect rights and obligations 1812  
of a railroad or public utility beyond the scope of the order, 1813  
anything in its franchise to the contrary notwithstanding. 1814

**Sec. 4905.26.** Upon complaint in writing against any public 1815  
utility by any person, firm, or corporation, or upon the 1816  
initiative or complaint of the public utilities commission, that 1817  
any rate, fare, charge, toll, rental, schedule, classification, or 1818  
service, or any joint rate, fare, charge, toll, rental, schedule, 1819  
classification, or service rendered, charged, demanded, exacted, 1820  
or proposed to be rendered, charged, demanded, or exacted, is in 1821  
any respect unjust, unreasonable, unjustly discriminatory, 1822  
unjustly preferential, or in violation of law, or that any 1823  
regulation, measurement, or practice affecting or relating to any 1824  
service furnished by the public utility, or in connection with 1825  
such service, is, or will be, in any respect unreasonable, unjust, 1826  
insufficient, unjustly discriminatory, or unjustly preferential, 1827  
or that any service is, or will be, inadequate or cannot be 1828  
obtained, and, upon complaint of a public utility as to any matter 1829  
affecting its own product or service, if it appears that 1830  
reasonable grounds for complaint are stated, the commission shall 1831  
fix a time for hearing and shall notify complainants and the 1832  
public utility thereof. ~~Such~~ The notice shall be served not less 1833  
than fifteen days before hearing and shall state the matters 1834  
complained of. The commission may adjourn such hearing from time 1835  
to time. 1836

The parties to the complaint shall be entitled to be heard, 1837

represented by counsel, and to have process to enforce the 1838  
attendance of witnesses. 1839

~~Upon the filing of a complaint by one hundred subscribers or 1840  
five per cent of the subscribers to any telephone exchange, 1841  
whichever number be smaller, or by the legislative authority of 1842  
any municipal corporation served by such telephone company that 1843  
any regulation, measurement, standard of service, or practice 1844  
affecting or relating to any service furnished by the telephone 1845  
company, or in connection with such service is, or will be, in any 1846  
respect unreasonable, unjust, discriminatory, or preferential, or 1847  
that any service is, or will be, inadequate or cannot be obtained, 1848  
the commission shall fix a time for the hearing of such complaint. 1849~~

~~The hearing provided for in the next preceding paragraph 1850  
shall be held in the county wherein resides the majority of the 1851  
signers of such complaint, or wherein is located such municipal 1852  
corporation. Notice of the date, time of day, and location of the 1853  
hearing shall be served upon the telephone company complained of, 1854  
upon each municipal corporation served by the telephone company in 1855  
the county or counties affected, and shall be published for not 1856  
less than two consecutive weeks in a newspaper of general 1857  
circulation in the county or counties affected. 1858~~

~~Such hearing shall be held not less than fifteen nor more 1859  
than thirty days after the second publication of such notice. 1860~~

**Sec. 4905.30.** Every (A) A public utility shall print and file 1861  
with the public utilities commission schedules showing all rates, 1862  
joint rates, rentals, tolls, classifications, and charges for 1863  
service of every kind furnished by it, and all rules and 1864  
regulations affecting them. ~~Such~~ The schedules shall be plainly 1865  
printed and kept open to public inspection. The commission may 1866  
prescribe the form of every such schedule, and may prescribe, by 1867  
order, changes in the form of such schedules. The commission may 1868

establish and modify rules and regulations for keeping such 1869  
schedules open to public inspection. A copy of ~~such~~ the schedules, 1870  
or so much thereof as the commission deems necessary for the use 1871  
and information of the public, shall be printed in plain type and 1872  
kept on file or posted in such places and in such manner as the 1873  
commission orders. 1874

(B) Division (A) of this section applies to a telephone 1875  
company only regarding rates, joint rates, tolls, classifications, 1876  
charges, rules, and regulations established pursuant to sections 1877  
4905.71, 4927.12, 4927.13, 4927.14, 4927.15, 4927.18, and 4931.47 1878  
of the Revised Code. 1879

**Sec. 4905.34.** Except as provided in sections 4905.33 and 1880  
4905.35 and Chapter 4928. of the Revised Code, Chapters 4901., 1881  
4903., 4905., 4907., 4909., 4921., ~~and 4923.~~ and 4927. of the 1882  
Revised Code do not prevent any public utility or railroad from 1883  
granting any of its property for any public purpose, or granting 1884  
reduced rates or free service of any kind to the United States, to 1885  
the state or any political subdivision of the state, for 1886  
charitable purposes, for fairs or expositions, to a law 1887  
enforcement officer residing in free housing provided pursuant to 1888  
section 3735.43 of the Revised Code, or to any officer or employee 1889  
of such public utility or railroad or the officer's or employee's 1890  
family. All contracts and agreements made or entered into by such 1891  
public utility or railroad for such use, reduced rates, or free 1892  
service are valid and enforceable at law. As used in this section, 1893  
"employee" includes furloughed, pensioned, and superannuated 1894  
employees. 1895

**Sec. 4905.40.** (A) A public utility or a railroad may, when 1896  
authorized by order of the public utilities commission, issue 1897  
stocks, bonds, notes, and other evidences of indebtedness, payable 1898  
at periods of more than twelve months after their date of 1899

issuance, when necessary: 1900

(1) For the acquisition of property, the construction, 1901  
completion, extension, renewal, or improvement of its facilities, 1902  
or the improvement of its service; or 1903

(2) For reorganization or readjustment of its indebtedness 1904  
and capitalization, for the discharge or lawful refunding of its 1905  
obligation, or for the reimbursement of moneys actually expended 1906  
for such purposes from income or from any other moneys in the 1907  
treasury of the public utility or railroad not secured or obtained 1908  
from the issue of stocks, bonds, notes, or other evidences of 1909  
indebtedness of such public utility or railroad. No reimbursement 1910  
of moneys expended for such purposes from income or other moneys 1911  
in the treasury shall be authorized unless the applicant has kept 1912  
its accounts and vouchers of such expenditures in such manner as 1913  
to enable the commission to ascertain the amount and purposes of 1914  
such expenditures. 1915

(B) Any public utility, subject to the jurisdiction of the 1916  
commission, may, when authorized by the commission, issue shares 1917  
of common capital stock to acquire or pay for shares of common 1918  
capital stock of a public utility of this or an adjoining state 1919  
whose property is so located as to permit the operation of the 1920  
properties of such utilities as an integrated system if the 1921  
applicant owns, or by this issue will acquire, not less than 1922  
sixty-five per cent of the issued and outstanding common capital 1923  
shares of the company whose shares are to be acquired, and if the 1924  
consideration to be capitalized by the acquiring company does not 1925  
exceed the par or stated value at which the shares so acquired 1926  
were issued. 1927

(C) Any bonds, notes, or other evidences of indebtedness 1928  
payable at periods of more than twelve months after their date may 1929  
be issued as provided in sections 4905.40 to 4905.43 of the 1930  
Revised Code, regardless of the amount of the capital stock of the 1931

public utility or railroad, subject to the approval of the 1932  
commission of the excess of such bonds, notes, or other evidences 1933  
of indebtedness above the amount of the capital stock of such 1934  
public utility or railroad. 1935

(D) The commission shall authorize on the best terms 1936  
obtainable such issues of stocks, bonds, and other evidences of 1937  
indebtedness as are necessary to enable any public utility to 1938  
comply with any contract made between such public utility and any 1939  
municipal corporation prior to June 30, 1911. 1940

(E) The commission may authorize a public utility that is an 1941  
electric light company to issue equity securities, or debt 1942  
securities having a term of more than twelve months from the date 1943  
of issuance, for the purpose of yielding to the company the 1944  
capacity to acquire a facility that produces fuel for the 1945  
generation of electricity. 1946

(F) In any proceeding under division (A)(1) of this section 1947  
initiated by a public utility, the commission shall determine and 1948  
set forth in its order: 1949

(1) Whether the purpose to which the issue or any proceeds of 1950  
it shall be applied was or is reasonably required by the utility 1951  
to meet its present and prospective obligations to provide utility 1952  
service; 1953

(2) Whether the amount of the issue and the probable cost of 1954  
such stocks, bonds, notes, or other evidences of indebtedness is 1955  
just and reasonable; 1956

(3) What effect, if any, the issuance of such stocks, bonds, 1957  
notes, or other evidences of indebtedness and the cost thereof 1958  
will have upon the present and prospective revenue requirements of 1959  
the utility. 1960

(G) Sections 4905.40 to 4905.42 of the Revised Code do not 1961  
apply to stocks, bonds, notes, or other evidence of indebtedness 1962



issued for the purpose of financing oil or natural gas drilling, 1963  
producing, gathering, and associated activities and facilities by 1964  
a producer which supplies to no more than twenty purchasers only 1965  
such gas as is produced, gathered, or purchased by such producer 1966  
within this state. 1967

(H) Each public utility seeking authorization from the 1968  
commission for the issuance of securities to finance the 1969  
installation, construction, extension, or improvement of an air 1970  
quality facility, as defined in section 3706.01 of the Revised 1971  
Code, shall consider the availability of financing therefor from 1972  
the Ohio air quality development authority and shall demonstrate 1973  
to the commission that the proposed financing will be obtained on 1974  
the best terms obtainable. 1975

(I) This section does not apply to a telephone company. 1976

**Sec. 4905.402.** (A) As used in this section: 1977

(1) "Control" means the possession of the power to direct the 1978  
management and policies of a domestic telephone company or a 1979  
holding company of a domestic telephone company, or the management 1980  
and policies of a domestic electric utility or a holding company 1981  
of a domestic electric utility, through the ownership of voting 1982  
securities, by contract, or otherwise, but does not include the 1983  
power that results from holding an official position or the 1984  
possession of corporate office with the domestic company or 1985  
utility or the holding company. Control is presumed to exist if 1986  
any person, directly or indirectly, owns, controls, holds the 1987  
power to vote, or holds with the power to vote proxies that 1988  
constitute, twenty per cent or more of the total voting power of 1989  
the domestic company or utility or the holding company. 1990

(2) "Electric utility" has the same meaning as in section 1991  
4928.07 of the Revised Code. 1992

(3) "Holding company" excludes any securities broker performing the usual and customary broker's function.

(4) "Telephone company" means any company described in division (A)~~(2)~~(1) of section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code and provides basic local exchange service, as defined in section 4927.01 of the Revised Code.

(B) No person shall acquire control, directly or indirectly, of a domestic telephone company or a holding company controlling a domestic telephone company or of a domestic electric utility or a holding company controlling a domestic electric utility unless that person obtains the prior approval of the public utilities commission under this section. To obtain approval the person shall file an application with the commission demonstrating that the acquisition will promote public convenience and result in the provision of adequate service for a reasonable rate, rental, toll, or charge. The application shall contain such information as the commission may require. If the commission considers a hearing necessary, it may fix a time and place for hearing. If, after review of the application and after any necessary hearing, the commission is satisfied that approval of the application will promote public convenience and result in the provision of adequate service for a reasonable rate, rental, toll, or charge, the commission shall approve the application and make such order as it considers proper. If the commission fails to issue an order within thirty days of the filing of the application, or within twenty days of the conclusion of a hearing, if one is held, the application shall be deemed approved by operation of law.

(C) No domestic telephone company shall merge with another domestic telephone company unless the merging companies obtain the prior approval of the commission. An application seeking such approval shall be filed, processed, and decided in the manner

provided for an application under division (B) of this section. 2025

(D) The commission shall adopt such rules as it finds 2026  
necessary to carry out the provisions of this section. 2027

~~(D)~~(E) If it appears to the commission or to any person that 2028  
may be adversely affected that any person is engaged in or about 2029  
to engage in any acts or practices that would violate division (B) 2030  
or (C) of this section or any provision of a rule adopted under 2031  
this section, the attorney general, when directed to do so by the 2032  
commission, or the person claiming to be adversely affected may 2033  
bring an action in any court of common pleas that has jurisdiction 2034  
and venue to enjoin such acts or practices and enforce compliance 2035  
~~with this section~~. Upon a proper showing, the court shall grant, 2036  
without bond, a restraining order or temporary or permanent 2037  
injunction. 2038

~~(E)~~(F) The courts of this state have jurisdiction over every 2039  
person not a resident of or domiciled or authorized to do business 2040  
in this state that files, or is prohibited from acting without 2041  
first filing, an application under division (B) or (C) of this 2042  
section, and over all actions involving such person arising out of 2043  
violations of any provision of this section or of a rule adopted 2044  
under this section. The secretary of state shall be the agent for 2045  
service of process for any such person in any action, suit, or 2046  
proceeding arising out of such violations ~~of this section~~. Copies 2047  
of all such lawful process shall be served upon the secretary of 2048  
state and transmitted by certified mail, with return receipt 2049  
requested, by the secretary of state to such person at the 2050  
person's last known address. 2051

**Sec. 4905.41.** The proceedings for obtaining the authority of 2052  
the public utilities commission for the issue of stocks, bonds, 2053  
notes and other evidences of indebtedness, as provided in section 2054  
4905.40 of the Revised Code, shall be as follows: 2055

(A) In case the stocks, bonds, notes, or other evidence of indebtedness are to be issued for money only, the public utility or railroad shall file with the commission a statement, signed and verified by the president or vice president and the secretary or treasurer of such public utility or railroad, setting forth:

(1) The amount and character of the stocks, bonds, or other evidence of indebtedness;

(2) The purposes for which they are to be issued;

(3) The terms upon which they are to be issued;

(4) The total assets and liabilities and an income statement of the public utility or railroad in such detail as the commission requires;

(5) If the issue is desired for the purpose of the reimbursement of money expended from income, as provided by section 4905.40 of the Revised Code, the amount expended and when and for what purposes it was expended;

~~(6) If the application is filed by a telephone company, a statement that such company is not in violation of section 4905.23 of the Revised Code, and is not in violation of any order of the commission made under sections 4905.231 and 4905.381 of the Revised Code; or, if it is in violation thereof, that a portion or all of the proceeds will be used to correct such violation and that none of the proceeds will be used for expansion into or acquisition of any additional territory.~~

~~(7) Such other facts and information pertinent to the inquiry as the commission requires.~~

(B) If the stocks, bonds, notes, or other evidence of indebtedness are to be issued partly or wholly for property, services, or other consideration than money, the public utility or railroad shall file with the commission a statement, signed and

verified by its president or vice president and its secretary, or 2086  
treasurer setting forth: 2087

(1) The amount and character of the stocks, bonds, or other 2088  
evidence of indebtedness proposed to be issued; 2089

(2) The purposes for which they are to be issued; 2090

(3) The description and estimated value of the property or 2091  
services for which they are to be issued; 2092

(4) The terms on which they are to be issued or exchanged; 2093

(5) The amount of money to be received in addition to the 2094  
property, service, or other consideration; 2095

~~(6) If the application is made by a telephone company, that 2096  
the company is not in violation of section 4905.23 of the Revised 2097  
Code and is not in violation of any order of the commission made 2098  
under sections 4905.231 and 4905.381 of the Revised Code. 2099~~

~~(7) The total assets and liabilities and an income statement 2100  
of the public utility or railroad in such detail as the commission 2101  
requires; 2102~~

~~(8)~~(7) Such other facts and information pertinent to the 2103  
inquiry as the commission requires. 2104

This section and section 4905.40 of the Revised Code do not 2105  
apply to union depot companies organized and under contract prior 2106  
to June 30, 1911, until the same are completed. 2107

This section does not apply to a telephone company. 2108

**Sec. 4905.42.** To determine whether it should issue the order 2109  
referred to in section 4905.40 of the Revised Code, the public 2110  
utilities commission shall hold such hearings, make such inquiries 2111  
or investigations, and examine such witnesses, books, papers, 2112  
documents, and contracts as it deems proper. 2113

An order issued under this section shall fix the amount, 2114

character, and terms of any issue of stocks, bonds, notes, or 2115  
other evidence of indebtedness, and the purposes to which the 2116  
issue or any proceeds of it shall be applied, shall recite that 2117  
the money, property, consideration, or labor procured or to be 2118  
procured or paid for by such issue was or is reasonably required 2119  
for the purposes specified in the order, and shall recite the 2120  
value of any property, consideration, or service, as found by the 2121  
commission, for which in whole or in part such issue is proposed 2122  
to be made. 2123

No public utility or railroad shall, without the consent of 2124  
the commission, apply any such issue or its proceeds to any 2125  
purpose not specified in the order. Such public utilities or 2126  
railroads may issue notes for proper corporate purposes, payable 2127  
at periods of not more than twelve months, without the consent of 2128  
the commission, but no such notes shall, in whole or in part, 2129  
directly or indirectly, be refunded by any issue of stocks or 2130  
bonds, or by any evidence of indebtedness, running for more than 2131  
twelve months, without the consent of the commission. 2132

All stocks, bonds, notes, or other evidence of indebtedness 2133  
issued by any public utility or railroad without the permission of 2134  
the commission are void. No interstate railroad or public utility 2135  
shall be required to apply to the commission for authority to 2136  
issue stocks, bonds, notes, or other evidence of indebtedness for 2137  
the acquisition of property, the construction, completion, 2138  
extension, or improvement of its facilities, or the improvement or 2139  
maintenance of its service outside this state, or for authority 2140  
for the discharge or refunding of obligations issued or incurred 2141  
for such purposes or the reimbursement of moneys actually expended 2142  
for such purposes outside this state. 2143

No pipe-line company—when engaged in the business of 2144  
transporting oil through pipes or tubing, either wholly or 2145  
partly—within this state, shall be required to apply to the 2146

commission for authority to issue stocks, bonds, notes, or other 2147  
evidence of indebtedness for the purpose of acquiring or paying 2148  
for stocks, bonds, notes, or other evidence of indebtedness of any 2149  
other corporation organized under the laws of this state, any 2150  
other state, the District of Columbia, the United States, any 2151  
territory of the United States, any foreign country, or otherwise. 2152

No company that is both a pipe-line company engaged as such 2153  
in the business of transporting natural gas through pipes or 2154  
tubing in interstate commerce, wholly or partly within this state, 2155  
and a natural gas company engaged as such in this state solely in 2156  
the business of supplying natural gas to gas companies or to 2157  
natural gas companies shall be required to apply to the commission 2158  
for authority to issue stocks, bonds, notes, or other evidence of 2159  
indebtedness. 2160

This section does not apply to a telephone company. 2161

**Sec. 4905.45.** Public utility or railroad corporations may, 2162  
incident to the sale or pledge of bonds, notes, or other 2163  
securities owned by them, jointly or severally indorse such 2164  
securities and guarantee due payment of them, in any case in which 2165  
such indorsement and guarantee is authorized by the public 2166  
utilities commission or the interstate commerce commission. 2167

This section does not apply to telephone companies. 2168

**Sec. 4905.46.** (A) No public utility or railroad shall declare 2169  
any stock, bond, or scrip dividend or distribution, or divide the 2170  
proceeds of the sale of any stock, bond, or scrip among its 2171  
stockholders, unless it is authorized to do so by the public 2172  
utilities commission. 2173

~~(B) No telephone company shall declare any cash, stock, bond,~~ 2174  
~~or scrip dividend or distribution, or divide the proceeds of the~~ 2175  
~~sale of any stock, bond, or scrip among its common or voting~~ 2176

~~shareholders, while such telephone company is in violation of any order of the commission, or against which telephone company there exists a finding of inadequate service, except when the public utilities commission makes a finding after hearing and notice, as provided in section 4905.26 of the Revised Code, that such dividend or distribution will in no way postpone compliance with any order or affect the adequacy of service rendered or to be rendered by such telephone company. If a telephone company, while in violation of any order of the commission, or against which there exists a finding of inadequate service, desires to declare a cash dividend or distribution without the consent of the commission, it shall set aside in a special reserve fund a sum of money equivalent to the amount necessary to pay the proposed dividend or distribution, which, while said company is in violation of said order or against which such finding exists, may be expended only with the consent of the commission This section does not apply to telephone companies.~~

**Sec. 4905.47.** The public utilities commission shall not authorize the capitalization of any franchise or right to own, operate, or enjoy any franchise in excess of the amount, exclusive of any tax or annual charge, actually paid to any political subdivision of the state or county as the consideration for the grant of such franchise or right, nor shall the capital stock of a public utility or railroad corporation formed by the merger or consolidation of two or more corporations exceed the sum of the capital stock of the corporations consolidated or merged, at the par value of such stock, and such sum or any additional sum actually paid in cash. No contract for consolidation or lease shall be capitalized in the stock of any public utility or railroad corporation, and no such corporation shall issue any bonds against or as a lien upon any contract for consolidation or merger. The aggregate amount of the debt of such consolidated



companies by reason of such consolidation shall not be increased. 2209

This section does not apply to telephone companies. 2210

**Sec. 4905.51.** Every public utility having any equipment on, 2211  
over, or under any street or highway shall, subject to section 2212  
4951.04 of the Revised Code, for a reasonable compensation, permit 2213  
the use of such equipment by any other public utility whenever the 2214  
public utilities commission determines, as provided in section 2215  
4905.51 of the Revised Code, that public convenience, welfare, and 2216  
necessity require such use or joint use, and that such use or 2217  
joint use will not result in irreparable injury to the owner or 2218  
other users of such equipment or any substantial detriment to the 2219  
service to be rendered by such owners or other users. 2220

In case of failure to agree upon such use or joint use, or 2221  
upon the conditions or compensation for such use or joint use, any 2222  
public utility may apply to the commission, and if after 2223  
investigation the commission ascertains that the public 2224  
convenience, welfare, and necessity require such use or joint use 2225  
and that it would not result in irreparable injury to the owner or 2226  
other users of such property or equipment or in any substantial 2227  
detriment to the service to be rendered by such owner or other 2228  
users, the commission shall direct that such use or joint use be 2229  
permitted and prescribe reasonable conditions and compensation for 2230  
such joint use. 2231

Such use or joint use so ordered shall be permitted and such 2232  
conditions and compensation so prescribed shall be the lawful 2233  
conditions and compensation to be observed, followed, and paid, 2234  
subject to recourse to the courts by any interested party as 2235  
provided in Chapters 4901., 4903., 4905., 4907., 4909., 4921., 2236  
4923., and ~~4925.~~ 4927. of the Revised Code. The commission may 2237  
revoke or revise any such order. 2238

**Sec. 4905.52.** No officer, agent, or employee of a railroad 2239  
company shall refuse to answer a question propounded to ~~him~~ the 2240  
officer, agent, or employee by a public utilities commissioner in 2241  
the course of an examination authorized by Chapters 4901., 4903., 2242  
4905., 4907., 4909., 4921., 4923., and ~~4925.~~ 4927. of the Revised 2243  
Code. The property of the railroad company of which such person is 2244  
an officer, agent, or employee, is liable to be taken in execution 2245  
to satisfy the fines and costs in case of a violation of this 2246  
section. 2247

**Sec. 4905.58.** All prosecutions against a railroad ~~or~~ 2248  
~~telegraph company,~~ or an officer, agent, or employee thereof, 2249  
under Chapters 4901., 4903., 4905., 4907., 4909., 4921., and 2250  
4923., ~~and 4925.~~ and other sections of the Revised Code for 2251  
penalties involving imprisonment shall be by indictment. 2252

**Sec. 4905.59.** If the public utilities commission, the officer 2253  
requested by it, or a village solicitor or city director of law, 2254  
when the cause of action arises in a municipal corporation, fails 2255  
to prosecute a civil action for forfeiture against a railroad ~~or~~ 2256  
~~telegraph company,~~ or an officer, agent, or employee thereof as 2257  
provided by law, the prosecuting attorney of the county in which a 2258  
cause of action for forfeiture arises, upon the request of any 2259  
taxpayer of the county, shall bring such action if ~~he~~ the 2260  
prosecuting attorney is furnished with evidence ~~which~~ that in ~~his~~ 2261  
the prosecuting attorney's judgment will sustain it. If the action 2262  
fails, the costs of the action shall be adjudged against the 2263  
county. 2264

If a cause of action for forfeiture arises within a municipal 2265  
corporation, and the commission, the officer requested by it, or 2266  
the prosecuting attorney, fails to prosecute such action, the 2267  
village solicitor or city director of law of the municipal 2268

corporation, when required by resolution of the legislative 2269  
authority, shall institute the action and prosecute it to final 2270  
judgment. If the action fails, the cost of the action shall be 2271  
adjudged against the municipal corporation. The time for notice of 2272  
appeal and giving a bond does not apply to cases within the 2273  
meaning of this section. 2274

**Sec. 4905.61.** If any public utility or railroad does, or 2275  
causes to be done, any act or thing prohibited by Chapters 4901., 2276  
4903., 4905., 4907., 4909., 4921., 4923., and ~~4925.~~ 4927. of the 2277  
Revised Code, or declared to be unlawful, or omits to do any act 2278  
or thing required by ~~such the provisions of those~~ chapters, or by 2279  
order of the public utilities commission, ~~such the~~ public utility 2280  
or railroad is liable to the person, firm, or corporation injured 2281  
thereby in treble the amount of damages sustained in consequence 2282  
of ~~such the~~ violation, failure, or omission. Any recovery under 2283  
this section does not affect a recovery by the state for any 2284  
penalty provided for in ~~such the~~ chapters. 2285

**Sec. 4905.63.** ~~Companies~~ A company formed to acquire property 2286  
or to transact business ~~which that~~ would be subject to Chapters 2287  
4901., 4903., 4905., 4907., 4909., 4921., 4923., and ~~4925.~~ 4927. 2288  
of the Revised Code, and ~~companies~~ a company owning or possessing 2289  
franchises for any of the purposes contemplated in ~~such those~~ 2290  
chapters, ~~are subject to such chapters~~ those chapters' provisions, 2291  
although no property has been acquired, no business has been 2292  
transacted, or no franchises have been exercised by ~~them the~~ 2293  
company. 2294

**Sec. 4905.71.** (A) Every telephone, ~~telegraph,~~ or electric 2295  
light company, ~~which that~~ is a public utility as defined by 2296  
section 4905.02 of the Revised Code, ~~shall permit,~~ upon reasonable 2297  
terms and conditions and the payment of reasonable charges, the 2298

attachment of any wire, cable, facility, or apparatus to its 2299  
poles, pedestals, or placement of same in conduit duct space, by 2300  
any person or entity other than a public utility that is 2301  
authorized and has obtained, under law, any necessary public or 2302  
private authorization and permission to construct and maintain the 2303  
attachment, so long as the attachment does not interfere, 2304  
obstruct, or delay the service and operation of the telephone~~7~~ 2305  
~~telegraph~~, or electric light company, or create a hazard to 2306  
safety. Every such telephone,~~telegraph~~, or electric light company 2307  
shall file tariffs with the public utilities commission containing 2308  
the charges, terms, and conditions established for such use. 2309

(B) The ~~public utilities~~ commission shall regulate the 2310  
justness and reasonableness of the charges, terms, and conditions 2311  
contained in any such tariff, and may, upon complaint of any 2312  
persons in which it appears that reasonable grounds for complaint 2313  
are stated, or upon its own initiative, investigate such charges, 2314  
terms, and conditions and conduct a hearing to establish just and 2315  
reasonable charges, terms, and conditions, and to resolve any 2316  
controversy ~~which~~ that may arise among the parties as to such 2317  
attachment. 2318

**Sec. 4905.73.** (A) The public utilities commission, upon 2319  
complaint by any person or complaint or initiative of the 2320  
commission, has jurisdiction under section 4905.26 of the Revised 2321  
Code regarding any violation of division (B) of section 4905.72 of 2322  
the Revised Code by a public utility. 2323

(B) Upon complaint or initiative under division (A) of this 2324  
section, if the commission finds, after notice and hearing 2325  
pursuant to section 4905.26 of the Revised Code, that a public 2326  
utility has violated section 4905.72 of the Revised Code, the 2327  
commission, by order, shall do all of the following: 2328

(1) Rescind the aggrieved consumer's change in service 2329

provider;	2330
(2) Require the public utility to absolve the aggrieved consumer of any liability for any charges assessed the consumer, or refund to the aggrieved consumer any charges collected from the consumer, by the public utility during the thirty-day period after the violation or failure to comply occurred or, where appropriate, during such other period after that occurrence as determined reasonable by the commission;	2331 2332 2333 2334 2335 2336 2337
(3) Require the public utility to refund or pay to the aggrieved consumer any fees paid or costs incurred by the consumer resulting from the change of the consumer's service provider or providers, or from the resumption of the consumer's service with the service provider or providers from which the consumer was switched;	2338 2339 2340 2341 2342 2343
(4) Require the public utility to make the consumer whole regarding any bonuses or benefits, such as airline mileage or product discounts, to which the consumer is entitled, by restoring bonuses or benefits the consumer lost as a result of the violation or failure to comply and providing bonuses or benefits the consumer would have earned if not for the violation or failure to comply, or by providing something of equal value.	2344 2345 2346 2347 2348 2349 2350
(C) In addition to the remedies under division (B) of this section, if the commission finds, after notice and hearing pursuant to section 4905.26 of the Revised Code, that a public utility has violated section 4905.72 of the Revised Code, the commission, by order, may impose any of the following remedies or forfeitures:	2351 2352 2353 2354 2355 2356
(1) Require the public utility to comply or undertake any necessary corrective action;	2357 2358
(2) Require the public utility to compensate the service provider or providers from which the aggrieved consumer was	2359 2360

switched in the amount of all charges the consumer would have paid 2361  
that particular service provider for the same or comparable 2362  
service had the violation or failure to comply not occurred; 2363

(3) Require the public utility to compensate the service 2364  
provider or providers from which the aggrieved consumer was 2365  
switched for any costs that the particular service provider incurs 2366  
as a result of making the consumer whole as provided in division 2367  
(B)(4) of this section or of effecting the resumption of the 2368  
consumer's service; 2369

(4) Assess upon the public utility forfeitures of not more 2370  
than one thousand dollars for each day of each violation or 2371  
failure to comply. However, if the commission finds that the 2372  
public utility has engaged or is engaging in a pattern or practice 2373  
of committing any such violations or failures to comply, the 2374  
commission may assess upon the public utility forfeitures of not 2375  
more than five thousand dollars for each day of each violation or 2376  
failure. Any forfeiture collected pursuant to this division shall 2377  
be deposited into the state treasury to the credit of the general 2378  
revenue fund. 2379

(5) Require the public utility to file with the commission a 2380  
security payable to the state in such amount and upon such terms 2381  
as the commission determines necessary to ensure compliance and 2382  
payment of any forfeitures assessed pursuant to division (C)(4) of 2383  
this section; 2384

(6) Rescind the public utility's authority to provide natural 2385  
gas service or public telecommunications service within this 2386  
state. 2387

(D) Proceedings of the commission pursuant to division (B) or 2388  
(C) of this section are governed by Chapter 4903. of the Revised 2389  
Code. 2390

(E) The commission may direct the attorney general to 2391

commence an action under section 4905.57 or 4905.60 of the Revised Code to enforce an order of the commission issued under division (B) or (C) of this section, including orders assessing forfeitures. Notwithstanding section 4905.57 of the Revised Code, an action authorized under this division may be brought in the court of common pleas of Franklin county or the court of common pleas of any county in which venue is proper under the Rules of Civil Procedure.

(F) The remedy available under section 4905.61 of the Revised Code may be applied to any violation of section 4905.72 of the Revised Code.

(G) The powers, remedies, forfeitures, and penalties provided by this section and section 4905.72 and division ~~(D)~~(C) of section 4905.99 of the Revised Code are in addition to any other power, remedy, forfeiture, or penalty provided by law.

**Sec. 4905.84.** (A) As used in this section:

(1) "Telecommunications relay service" means intrastate transmission services that provide the ability for an individual who has a hearing or speech impairment to engage in a communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech impairment to communicate using voice communication services by wire or radio. "Telecommunications relay service" includes services that enable two-way communication between an individual who uses a telecommunications device for the deaf or other nonvoice terminal device and an individual who does not use such a device.

(2) "TRS provider" means an entity selected by the public utilities commission as the provider of telecommunications relay service for this state as part of the commission's intrastate telecommunications relay service program certified pursuant to

federal law. 2423

(B) For the sole purpose of funding telecommunications relay 2424  
service, the commission shall, not earlier than January 1, 2009, 2425  
impose on and collect from each service provider that is required 2426  
under federal law to provide its customers access to 2427  
telecommunications relay service an annual assessment to pay for 2428  
costs incurred by the TRS provider for providing such service in 2429  
Ohio. The commission shall determine the appropriate service 2430  
providers to be assessed the telecommunications relay service 2431  
costs, including telephone companies as defined in division 2432  
(A)~~(2)~~(1) of section 4905.03 of the Revised Code, commercial 2433  
mobile radio service providers, and providers of advanced services 2434  
or internet protocol-enabled services that are competitive with or 2435  
functionally equivalent to basic local exchange service as defined 2436  
in section 4927.01 of the Revised Code. 2437

(C) The assessment shall be allocated proportionately among 2438  
the appropriate service providers using a competitively neutral 2439  
formula established by the commission based on the number of 2440  
retail intrastate customer access lines or their equivalent. The 2441  
commission shall annually reconcile the funds collected with the 2442  
actual costs of providing telecommunications relay service when it 2443  
issues the assessment and shall either proportionately charge the 2444  
service providers for any amounts not sufficient to cover the 2445  
actual costs or proportionately credit amounts collected in excess 2446  
of the actual costs. The total amount assessed from all service 2447  
providers shall not exceed the total telecommunications relay 2448  
service costs. 2449

Each service provider that pays the assessment shall be 2450  
permitted to recover the cost of the assessment. The method of 2451  
recovery may include, but is not limited to, a customer billing 2452  
surcharge. 2453

The commission shall deposit the money collected in the 2454



telecommunications relay service fund, which is hereby created in 2455  
the state treasury, and shall use the money in that fund solely to 2456  
compensate the TRS provider. 2457

(D) The commission shall take such measures as it considers 2458  
necessary to protect the confidentiality of information provided 2459  
to the commission pursuant to this section by service providers 2460  
required to pay the assessment. 2461

(E) The commission may assess a forfeiture of not more than 2462  
one thousand dollars on any service provider failing to comply 2463  
with this section. Each day's continuance of such failure is a 2464  
separate offense. The forfeiture shall be recovered in accordance 2465  
with sections 4905.55 to 4905.60 of the Revised Code. 2466

(F) The jurisdiction and authority granted to the commission 2467  
by this section is limited to the administration and enforcement 2468  
of this section. The commission may adopt such rules as it finds 2469  
necessary to carry out this section. The commission shall adopt 2470  
rules under section 111.15 of the Revised Code to establish the 2471  
assessment amounts and procedures. 2472

**Sec. 4905.90.** As used in sections 4905.90 to 4905.96 of the 2473  
Revised Code: 2474

(A) "Contiguous property" includes, but is not limited to, a 2475  
manufactured home park as defined in section 3733.01 of the 2476  
Revised Code; a public or publicly subsidized housing project; an 2477  
apartment complex; a condominium complex; a college or university; 2478  
an office complex; a shopping center; a hotel; an industrial park; 2479  
and a race track. 2480

(B) "Gas" means natural gas, flammable gas, or gas which is 2481  
toxic or corrosive. 2482

(C) "Gathering lines" and the "gathering of gas" have the 2483  
same meaning as in the Natural Gas Pipeline Safety Act and the 2484

rules adopted by the United States department of transportation 2485  
pursuant to the Natural Gas Pipeline Safety Act, including 49 2486  
C.F.R. part 192, as amended. 2487

(D) "Intrastate pipe-line transportation" has the same 2488  
meaning as in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1671, as 2489  
amended, but excludes the gathering of gas exempted by the Natural 2490  
Gas Pipeline Safety Act. 2491

(E) "Master-meter system" means a pipe-line system that 2492  
distributes gas within a contiguous property for which the system 2493  
operator purchases gas for resale to consumers, including tenants. 2494  
Such pipe-line system supplies consumers who purchase the gas 2495  
directly through a meter, or by paying rent, or by other means. 2496  
The term includes a master-meter system as defined in 49 C.F.R. 2497  
191.3, as amended. The term excludes a pipeline within a 2498  
manufactured home, mobile home, or a building. 2499

(F) "Natural Gas Pipeline Safety Act" means the "Natural Gas 2500  
Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. App. 1671 2501  
et seq., as amended. 2502

(G) "Operator" means any of the following: 2503

(1) A gas company or natural gas company as defined in 2504  
section 4905.03 of the Revised Code, except that division 2505  
(A)~~(6)~~(5) of that section does not authorize the public utilities 2506  
commission to relieve any producer of gas, as a gas company or 2507  
natural gas company, of compliance with sections 4905.90 to 2508  
4905.96 of the Revised Code or the pipe-line safety code created 2509  
under section 4905.91 of the Revised Code; 2510

(2) A pipe-line company, as defined in section 4905.03 of the 2511  
Revised Code, when engaged in the business of transporting gas by 2512  
pipeline; 2513

(3) A public utility that is excepted from the definition of 2514  
"public utility" under division (B) or (C) of section 4905.02 of 2515

the Revised Code, when engaged in supplying or transporting gas by pipeline within this state;	2516 2517
(4) Any person that owns, operates, manages, controls, or leases any of the following:	2518 2519
(a) Intrastate pipe-line transportation facilities within this state;	2520 2521
(b) Gas gathering lines within this state which are not exempted by the Natural Gas Pipeline Safety Act;	2522 2523
(c) A master-meter system within this state.	2524
"Operator" does not include an ultimate consumer who owns a service line, as defined in 49 C.F.R. 192.3, as amended, on the real property of that ultimate consumer.	2525 2526 2527
(H) "Operator of a master-meter system" means a person described under division (F)(4)(c) of this section. An operator of a master-meter system is not a public utility under section 4905.02 or a gas or natural gas company under section 4905.03 of the Revised Code.	2528 2529 2530 2531 2532
(I) "Person" means:	2533
(1) In addition to those defined in division (C) of section 1.59 of the Revised Code, a joint venture or a municipal corporation;	2534 2535 2536
(2) Any trustee, receiver, assignee, or personal representative of persons defined in division (H)(1) of this section.	2537 2538 2539
(J) "Safety audit" means the public utilities commission's audit of the premises, pipe-line facilities, and the records, maps, and other relevant documents of a master-meter system to determine the operator's compliance with sections 4905.90 to 4905.96 of the Revised Code and the pipe-line safety code.	2540 2541 2542 2543 2544
(K) "Safety inspection" means any inspection, survey, or	2545

testing of a master-meter system which is authorized or required 2546  
by sections 4905.90 to 4905.96 of the Revised Code and the 2547  
pipe-line safety code. The term includes, but is not limited to, 2548  
leak surveys, inspection of regulators and critical valves, and 2549  
monitoring of cathodic protection systems, where applicable. 2550

(L) "Safety-related condition" means any safety-related 2551  
condition defined in 49 C.F.R. 191.23, as amended. 2552

(M) "Total Mcfs of gas it supplied or delivered" means the 2553  
sum of the following volumes of gas that an operator supplied or 2554  
delivered, measured in units per one thousand cubic feet: 2555

(1) Residential sales; 2556

(2) Commercial and industrial sales; 2557

(3) Other sales to public authorities; 2558

(4) Interdepartmental sales; 2559

(5) Sales for resale; 2560

(6) Transportation of gas. 2561

**Sec. 4905.99.** (A) Whoever violates section 4905.52 of the 2562  
Revised Code shall be fined not less than fifty nor more than five 2563  
hundred dollars. 2564

(B) Whoever violates section 4905.56 of the Revised Code is 2565  
guilty of a felony of the fifth degree. 2566

~~(C) Coincident with the operation of section 4905.78 of the 2567  
Revised Code, whoever violates that section is guilty of a 2568  
misdemeanor of the fourth degree. 2569~~

~~(D) Whoever violates section 4905.74 of the Revised Code is 2570  
guilty of a misdemeanor of the third degree. 2571~~

**Sec. 4907.01.** As used in sections 4907.01 to 4907.63~~7~~ 2572  
~~inclusive,~~ of the Revised Code: 2573

(A) "Public utility" has the same meaning ~~set forth as~~ in section 4905.02 of the Revised Code. 2574  
2575

(B) ~~"Telegraph company," "telephone Telephone company,"~~ 2576  
~~"electric light company," "gas company," "natural gas company,"~~ 2577  
~~"pipe line company," "water works company," "sewage disposal~~ 2578  
~~system company," "heating or cooling company," "messenger~~ 2579  
~~company," "street railway company," "suburban railroad company,"~~ 2580  
and "interurban railroad company," and "motor propelled vehicle" 2581  
have the ~~meaning set forth~~ same meanings as in section 4905.03 of 2582  
the Revised Code. 2583

(C) "Railroad" has the same meaning ~~set forth as~~ in section 4907.02 of the Revised Code. 2584  
2585

(D) ~~"Motor transportation company," "trailer," "public Public~~ 2586  
~~highway," "fixed termini," "regular route," and "irregular route"~~ 2587  
have has the same meaning ~~set forth as~~ in sections 4905.03 and 2588  
4921.02 of the Revised Code. 2589

~~(E) "Private motor carrier," "contract carrier by motor~~ 2590  
~~vehicle," "motor vehicle," and "charter party trip" have the~~ 2591  
~~meaning set forth in section 4923.02 of the Revised Code.~~ 2592

**Sec. 4907.14.** Within thirty days after the election of the 2593  
directors of a railroad ~~or telegraph company~~ doing business in 2594  
this state, the secretary of ~~such companies~~ the railroad shall 2595  
forward to the public utilities commission a list of the officers 2596  
and directors thereof, giving the place of residence and 2597  
post-office address of each. If a change occurs in the 2598  
organization of the officers or board of directors of a railroad 2599  
~~or telegraph company~~, the secretary shall notify the commission of 2600  
such change and the residence and post-office address of each of 2601  
the officers and directors. 2602

**Sec. 4907.30.** No railroad company owning or operating a 2603

railroad wholly or partly within this state shall, directly or 2604  
indirectly, issue or give a free ticket, free pass, or free 2605  
transportation for passengers, except to: 2606

(A) Its employees and their families, its officers, agents, 2607  
surgeons, physicians, and attorneys at law; 2608

(B) Ministers of religion, traveling secretaries of railroad 2609  
young men's or young women's ~~christian~~ Christian associations, 2610  
inmates of hospitals and charitable institutions, and persons 2611  
exclusively engaged in charitable work; 2612

(C) Indigent, destitute, and homeless persons, and to such 2613  
persons when transported by charitable societies or hospitals, and 2614  
the necessary agents employed in such transportation; 2615

(D) Residents of the national homes or state homes for 2616  
disabled volunteer soldiers, and residents of veterans' homes, 2617  
including those about to enter and those returning home after 2618  
discharge, and boards of managers of such homes; 2619

(E) Necessary caretakers of livestock, poultry, and fruit; 2620

(F) Employees on sleeping cars, ~~and~~ or express cars; 2621

(G) Line workers of ~~telegraph and~~ telephone companies; 2622

(H) Railway mail service employees, post-office inspectors, 2623  
custom inspectors, and immigration inspectors; 2624

(I) News carriers on trains, baggage agents, witnesses 2625  
attending any legal investigation in which the railroad is 2626  
interested, persons injured in wrecks, and physicians and nurses 2627  
attending such persons. 2628

As used in this section, "employee" includes furloughed, 2629  
pensioned, and superannuated employees, persons who have become 2630  
disabled or infirm in the service of any such common carrier, the 2631  
remains of a person killed in the employment of a carrier, and 2632  
ex-employees traveling for the purpose of entering the service of 2633

any such common carrier, and "families" includes the families of 2634  
such persons and also the surviving spouses and dependent children 2635  
of employees who died while in the service of any common carrier. 2636

**Sec. 4909.01.** As used in this chapter: 2637

(A) "Public utility" has the same meaning ~~set forth~~ as in 2638  
section 4905.02 of the Revised Code. 2639

(B) ~~"Telegraph company," "telephone company," "electric~~ 2640  
Electric light company," "gas company," "natural gas company," 2641  
"pipeline company," "water-works company," "sewage disposal system 2642  
company," ~~"heating or cooling company," "messenger company," and~~ 2643  
~~"street railway company," "suburban railroad company," "interurban~~ 2644  
~~railroad company," and "motor propelled vehicle"~~ have the same 2645  
meanings ~~set forth~~ as in section 4905.03 of the Revised Code. 2646

(C) "Railroad" has the same meaning ~~set forth~~ as in section 2647  
4907.02 of the Revised Code. 2648

(D) "Motor transportation company" has the same meaning ~~set~~ 2649  
~~forth~~ as in sections 4905.03 and 4921.02 of the Revised Code. 2650

~~(E) "Trailers," "public highway," "fixed termini," "regular~~ 2651  
~~route," and "irregular route" have the meanings set forth in~~ 2652  
~~section 4921.02 of the Revised Code.~~ 2653

~~(F) "Private motor carrier," "contract carrier by motor~~ 2654  
~~vehicle," "motor vehicle," and "charter party trip" have the~~ 2655  
~~meanings set forth in section 4923.02 of the Revised Code.~~ 2656

**Sec. 4909.02.** All regulations, practices, and service of 2657  
railroad companies ~~and telegraph companies~~ prescribed by the 2658  
public utilities commission shall be in force and be prima-facie 2659  
reasonable, unless suspended or found otherwise in an action 2660  
brought for that purpose pursuant to Chapters 4901., 4903., 4905., 2661  
4907., 4909., 4921., and 4923. of the Revised Code, or until 2662

changed or modified by the commission. 2663

**Sec. 4909.03.** All rates, fares, charges, classifications, and 2664  
joint rates of railroad companies ~~and telegraph companies~~ fixed by 2665  
the public utilities commission shall be in force and be 2666  
prima-facie lawful for two years from the day they take effect, or 2667  
until changed or modified by the commission or by an order of a 2668  
competent court in an action under Chapters 4901., 4903., 4905., 2669  
4907., 4909., 4921., and 4923., ~~and 4925.~~ of the Revised Code. 2670

**Sec. 4909.17.** No rate, joint rate, toll, classification, 2671  
charge, or rental, no change in any rate, joint rate, toll, 2672  
classification, charge, or rental, and no regulation or practice 2673  
affecting any rate, joint rate, toll, classification, charge, or 2674  
rental of a public utility shall become effective until the public 2675  
utilities commission, by order, determines it to be just and 2676  
reasonable, except as provided in this section and sections 2677  
4909.18 and 4909.19 of the Revised Code. Such sections do not 2678  
apply to any rate, joint rate, toll, classification, charge, or 2679  
rental, or any regulation or practice affecting the same, of 2680  
railroads, street and electric railways, motor transportation 2681  
companies, ~~telegraph companies,~~ and pipe line companies. ~~Any~~ 2682  
~~change of any rate, joint rate, toll, classification, charge, or~~ 2683  
~~rental, or any regulation or practice affecting the same, of~~ 2684  
~~telegraph companies, may be made in the same manner as such~~ 2685  
~~changes may be made by railroad companies. All laws respecting~~ 2686  
~~such changes by railroad companies apply to such changes by~~ 2687  
~~telegraph companies.~~ 2688

**Sec. 4911.01.** As used in this chapter: 2689

(A) "Public utility" means every one as defined in divisions 2690  
(A)(1), ~~(2)~~ (3), (4), (5), (6), (7), (8), ~~(9)~~, and ~~(14)~~ (13) of 2691  
section 4905.03 of the Revised Code, including all public 2692



utilities that ~~operating~~ operate their utilities not for profit, 2693  
except the following: 2694

(1) Electric light companies that operate their utilities not 2695  
for profit; 2696

(2) Public utilities, other than telephone companies, that 2697  
are owned and operated exclusively by and solely for the 2698  
utilities' customers; 2699

(3) Public utilities that are owned or operated by any 2700  
municipal corporation; 2701

(4) Railroads as defined in sections 4907.02 and 4907.03 of 2702  
the Revised Code. 2703

(B) "Residential consumer" means urban, suburban, and rural 2704  
patrons of public utilities insofar as their needs for utility 2705  
services are limited to their residence. 2706

**Sec. 4921.01.** As used in sections 4921.01 to 4921.32~~7~~ 2707  
~~inclusive,~~ of the Revised Code: 2708

(A) "Public utility" has the same meaning ~~set forth~~ as in 2709  
section 4905.02 of the Revised Code. 2710

(B) "~~Telegraph company," "telephone company," "electric light~~ 2711  
~~company," "gas company," "natural gas company," "pipe-line~~ 2712  
~~company," "water works company," "sewage disposal system company,"~~ 2713  
~~"heating or cooling company," "messenger company," "street Street~~ 2714  
railway company," "~~suburban railroad company,~~" "interurban 2715  
railroad company," and "motor-propelled vehicle" have the ~~meaning~~ 2716  
~~set forth~~ same meanings as in section 4905.03 of the Revised Code. 2717

(C) "Railroad" has the same meaning ~~set forth~~ as in section 2718  
4907.02 of the Revised Code. 2719

(D) "Motor transportation company" has the same meaning ~~set~~ 2720  
~~forth~~ as in sections 4905.03 and 4921.02 of the Revised Code. 2721

(E) "Private motor carrier," "contract carrier by motor vehicle," "motor vehicle," and "charter party trip" have the ~~meaning set forth~~ same meanings as in section 4923.02 of the Revised Code.

**Sec. 4923.01.** As used in sections 4923.01 to 4923.17, ~~inclusive,~~ of the Revised Code:

(A) "Public utility" has the same meaning ~~set forth as~~ in section 4905.02 of the Revised Code.

(B) ~~"Telegraph company," "telephone company," "electric light company," "gas company," "natural gas company," "pipe line company," "water works company," "sewage disposal system company," "heating or cooling company," "messenger company," "street railway company," "suburban railroad company," "interurban railroad company," and "motor propelled~~ Motor-propelled vehicle" have has the same meaning ~~set forth as~~ in section 4905.03 of the Revised Code.

(C) ~~"Railroad" has the meaning set forth in section 4907.02 of the Revised Code.~~

~~(D)~~ "Motor transportation company" has the same meaning ~~set forth as~~ in sections 4905.03 and 4921.02 of the Revised Code.

~~(E)~~(D) "Trailer," "public highway," ~~"fixed termini," and "regular route," and "irregular route"~~ have the meaning ~~set forth~~ same meanings as in section 4921.02 of the Revised Code.

**Sec. 4927.01.** (A) As used in this chapter:

~~(A)~~(1) "Basic local exchange service" means:

~~(1) End~~ residential-end-user access to and usage of telephone-company-provided services over a single line or small-business-end-user access to and usage of telephone-company-provided services over the primary access line

of service, which in the case of residential and small-business 2751  
access and usage is not part of a bundle or package of services, 2752  
that ~~enable~~ does both of the following: 2753

(a) Enables a customer, ~~over the primary line serving the~~ 2754  
~~customer's premises,~~ to originate or receive voice communications 2755  
within a local service area, ~~and that consist~~ as that area exists 2756  
on the effective date of the amendment of this section by H.B. 276 2757  
of the 128th general assembly; 2758

(b) Consists of all of the following services: 2759

~~(a)~~(i) Local dial tone service; 2760

~~(b)~~(ii) For residential end users, flat-rate telephone 2761  
exchange service; 2762

(iii) Touch tone dialing service; 2763

~~(c)~~(iv) Access to and usage of 9-1-1 services, where such 2764  
services are available; 2765

~~(d)~~(v) Access to operator services and directory assistance; 2766

~~(e)~~(vi) Provision of a telephone directory in any reasonable 2767  
format for no additional charge and a listing in that directory, 2768  
with reasonable accommodations made for private listings; 2769

~~(f)~~(vii) Per call, caller identification blocking services; 2770

~~(g)~~(viii) Access to telecommunications relay service; and 2771

~~(h)~~(ix) Access to toll presubscription, interexchange or toll 2772  
providers or both, and networks of other telephone companies. 2773

(2) "Bundle or package of services" means one or more 2774  
telecommunications services or other services offered together as 2775  
one service option at a single price. 2776

(3) "Carrier access" means access to and usage of telephone 2777  
company-provided facilities that enable end user customers 2778  
originating or receiving voice grade, data, or image 2779

communications, over a local exchange telephone company network 2780  
operated within a local service area, to access interexchange or 2781  
other networks and includes special access. 2782

~~(B) "Cable television service" means any transmission of 2783  
video or other programming service to subscribers and any 2784  
subscriber interaction required for the selection of that video or 2785  
other programming service. 2786~~

~~(C)(4) "Federal poverty level" means the income level 2787  
represented by the poverty guidelines as revised annually by the 2788  
United States department of health and human services in 2789  
accordance with section 673(2) of the "Omnibus Reconciliation Act 2790  
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 2791  
size equal to the size of the family of the person whose income is 2792  
being determined. 2793~~

(5) "Incumbent local exchange carrier" means, with respect to 2794  
an area, the local exchange carrier that: 2795

(a) On February 8, 1996, provided telephone exchange service 2796  
in such area; and 2797

(b)(i) On February 8, 1996, was deemed to be a member of the 2798  
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 2799

(ii) Is a person or entity that, on or after February 8, 2800  
1996, became a successor or assign of a member described in 2801  
division (A)(5)(b)(i) of this section. 2802

(6) "Internet protocol-enabled services" means any services, 2803  
capabilities, functionalities, or applications that are provided 2804  
using internet protocol or a successor protocol to enable an end 2805  
user to send or receive communications in internet protocol format 2806  
or a successor format, regardless of how any particular such 2807  
service is classified by the federal communications commission, 2808  
and includes voice over internet protocol service. 2809

(7) "Local exchange carrier" means any person engaged in the provision of telephone exchange service, or the offering of access to telephone exchange service or facilities for the purpose of originating or terminating telephone toll service.

(8) "Local service area" means the geographic area that may encompass more than one exchange area and within which a telephone customer, by paying the rate for basic local exchange service, may complete a call calls to another other telephone customer without being assessed long distance toll charges customers at no additional charge.

~~(D) "Public telecommunications service" means the transmission by a telephone company, by electromagnetic or other means, of signs, signals, writings, images, sounds, messages, or data originating and terminating in this state regardless of actual call routing, but does not include a system, including its construction, maintenance, or operation, for the provision of telecommunications service, or any portion of such service, by any entity for the sole and exclusive use of that entity, its parent, a subsidiary, or an affiliated entity, and not for resale, directly or indirectly; the provision of terminal equipment used to originate or terminate telecommunications service; broadcast transmission by radio, television, or satellite broadcast stations regulated by the federal government; or cable television service.~~

~~(E)~~(9) "Small business" means a nonresidential service customer with three or fewer service access lines.

(10) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(11) "Telecommunications carrier" has the same meaning as in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153.

(12) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. 2841  
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(13) "Telephone company" means any a company described in division (A)~~(2)~~(1) of section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code. 2845  
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(14) "Telephone exchange service" means telecommunications service that is within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and that is covered by the exchange service charge; or comparable service provided through a system of switches, transmission equipment, or other facilities, or combination thereof, by which a customer can originate and terminate a telecommunications service. 2848  
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(15) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with customers for exchange service. 2857  
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(16) "Voice over internet protocol service" means a service that uses a broadband connection from an end user's location and enables real-time, two-way, voice communications that originate or terminate from the user's location using internet protocol or a successor protocol, including, but not limited to, any such service that permits an end user to receive calls from and terminate calls to the public switched network. 2861  
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(17) "Wireless service" means federally licensed commercial mobile service as defined in the "Telecommunications Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as commercial mobile radio service in 47 C.F.R. 20.3. Under division 2868  
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(A)(17) of this section, commercial mobile radio service is 2872  
specifically limited to mobile telephone, mobile cellular 2873  
telephone, paging, personal communications services, and 2874  
specialized mobile radio service provided by a common carrier in 2875  
this state and excludes fixed wireless service. 2876

(18) "Wireless service provider" means a facilities-based 2877  
provider of wireless service to one or more end users in this 2878  
state. 2879

(B) The definitions of this section shall be applied 2880  
consistent with the definitions in the "Telecommunications Act of 2881  
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 2882  
federal decisions interpreting those definitions. 2883

**Sec. 4927.02.** (A) It is the policy of this state to: 2884

(1) Ensure the availability of adequate basic local exchange 2885  
service to citizens throughout the state; 2886

(2) Provide incentives for competing providers of 2887  
telecommunications service to provide advanced, high-quality 2888  
telecommunications service to citizens throughout the state; 2889

(3) Rely primarily on market forces, where they are present 2890  
and capable of supporting a healthy and sustainable, competitive 2891  
telecommunications market exist, to maintain just and reasonable 2892  
rates, rentals, tolls, and charges for public telecommunications 2893  
service levels for telecommunications services at reasonable 2894  
rates; 2895

~~(3)~~(4) Encourage innovation in the telecommunications 2896  
industry and the deployment of advanced telecommunications 2897  
services; 2898

~~(4)~~(5) Create a regulatory climate that provides incentives 2899  
to create and maintain high technology jobs for Ohioans; 2900

(6) Promote diversity and options in the supply of public 2901

telecommunications services and equipment throughout the state; 2902

~~(5)(7)~~ Recognize the continuing emergence of a competitive 2903  
telecommunications environment through flexible regulatory 2904  
treatment of ~~public~~ telecommunications services where appropriate; 2905

~~(6)(8)~~ Consider the regulatory treatment of competing and 2906  
functionally equivalent services ~~in determining the scope of and,~~ 2907  
to the extent practicable, provide for equivalent regulation of 2908  
all telephone companies and services that are subject to the 2909  
~~jurisdiction of the public utilities commission;~~ 2910

~~(7)(9)~~ Not unduly favor or advantage any provider and not 2911  
unduly disadvantage providers of competing and functionally 2912  
equivalent services; and 2913

~~(8)(10)~~ Protect the affordability of telephone service for 2914  
low-income subscribers through the continuation of federal 2915  
lifeline assistance programs. 2916

(B) The public utilities commission shall consider the policy 2917  
set forth in this section in carrying out ~~sections 4927.03 and~~ 2918  
~~4927.04 of the Revised Code and in reducing or eliminating the~~ 2919  
~~regulation of telephone companies under those sections as to any~~ 2920  
~~public telecommunications service~~ this chapter. 2921

**Sec. 4927.03.** (A) Except as provided in divisions (A) and (B) 2922  
of section 4927.04 of the Revised Code and except to the extent 2923  
required to exercise authority under federal law, the commission 2924  
has no authority over any interconnected voice over internet 2925  
protocol-enabled service or any telecommunications service that is 2926  
not commercially available on the effective date of this section 2927  
and that employs technology that became available for commercial 2928  
use only after the effective date of this section, unless the 2929  
commission, upon a finding that the exercise of the commission's 2930  
authority is necessary for the protection, welfare, and safety of 2931



the public, adopts rules specifying the necessary regulation. A 2932  
consumer purchase of a service that is not commercially available 2933  
on the effective date of this section and that employs technology 2934  
that became available for commercial use only after the effective 2935  
date of this section shall constitute a consumer transaction for 2936  
purposes of sections 1345.01 to 1345.13 of the Revised Code, 2937  
notwithstanding any provision of those sections to the contrary, 2938  
unless the commission exercises jurisdiction over the service in 2939  
accordance with this division. Notwithstanding any contrary 2940  
provision of Chapter 4911. of the Revised Code, to the extent that 2941  
the commission adopts rules under division (A) of this section 2942  
regarding any interconnected voice over internet protocol enabled 2943  
service provided to residential customers or regarding any 2944  
telecommunications service that is provided to residential 2945  
customers, that is not commercially available on the effective 2946  
date of this section, and that employs technology that became 2947  
available for commercial use only after the effective date of this 2948  
section, the office of the consumers' counsel shall have authority 2949  
to assist and represent residential customers in the 2950  
implementation and enforcement of those rules. 2951

(B)(1) The commission has no authority over wireless service, 2952  
resellers of wireless service, or wireless service providers, 2953  
except as follows: 2954

(a) As provided under sections 4905.84, 4931.40 to 4931.70, 2955  
and 4931.99 of the Revised Code; 2956

(b) With respect to division (C) of section 4927.15 of the 2957  
Revised Code; 2958

(c) As provided in divisions (B)(2), (3), and (4) of this 2959  
section. 2960

(2) The commission has authority over wireless service and 2961  
wireless service providers as follows, but only to the extent 2962

<u>authorized by federal law, including federal regulations:</u>	2963
<u>(a) To the extent that the commission carries out the acts described in divisions (A), (B), (C), (D), and (F) of section 4927.04 of the Revised Code;</u>	2964 2965 2966
<u>(b) As provided in sections 4927.05, 4927.20, and 4927.21 of the Revised Code.</u>	2967 2968
<u>(3) The requirements of sections 4905.10, 4905.14, and 4911.20 of the Revised Code shall apply to a wireless service provider.</u>	2969 2970 2971
<u>(4) The commission has such authority as is necessary to enforce division (B) of this section.</u>	2972 2973
<u>(C) For purposes of sections 4927.01 to 4927.21 of the Revised Code, sections 4903.02, 4903.03, 4903.24, 4903.25, 4905.04, 4905.05, 4905.06, 4905.13, 4905.15, 4905.16, 4905.17, 4905.22, 4905.26, 4905.27, 4905.28, 4905.29, 4905.31, 4905.32, 4905.33, 4905.35, 4905.37, 4905.38, 4905.39, 4905.48, 4905.54, 4905.55, 4905.56, and 4905.60 of the Revised Code do not apply to a telephone company or, as applicable, to an officer, employee, or agent of such company or provider, except to the extent necessary for the commission to carry out sections 4927.01 to 4927.21 of the Revised Code.</u>	2974 2975 2976 2977 2978 2979 2980 2981 2982 2983
<u>(D) Except as specifically authorized in sections 4927.01 to 4927.21 of the Revised Code, the commission has no authority over the quality of service and the service rates, terms, and conditions of telecommunications service provided to end users by a telephone company.</u>	2984 2985 2986 2987 2988
<u>(E) The commission shall initially adopt the rules required by this chapter not later than one hundred twenty days after the effective date of this section. Subject to the authority granted to the commission under this chapter, the commission may adopt other rules, including rules regarding the removal from tariffs of</u>	2989 2990 2991 2992 2993

services that were required to be filed in tariffs prior to the 2994  
effective date of this section, as it finds necessary to carry out 2995  
this chapter. 2996

Sec. 4927.04. The public utilities commission has such power 2997  
and jurisdiction as is reasonably necessary for it to perform the 2998  
obligations authorized by or delegated to it under federal law, 2999  
including federal regulations, which obligations include 3000  
performing the acts of a state commission as defined in the 3001  
"Communications Act of 1934," 48 Stat. 1064, 47 U.S.C. 153, as 3002  
amended, and include, but are not limited to, carrying out any of 3003  
the following: 3004

(A) Rights and obligations under the "Telecommunications Act 3005  
of 1996," 110 Stat. 56, 47 U.S.C. 251, as amended; 3006

(B) Authority to mediate and arbitrate disputes and approve 3007  
agreements under the "Telecommunications Act of 1996," 110 Stat. 3008  
56, 47 U.S.C. 252, as amended; 3009

(C) Administration of telephone numbers and number 3010  
portability; 3011

(D) Certification of telecommunications carriers eligible for 3012  
universal-service funding under 47 U.S.C. 214(e); 3013

(E) Administration of truth-in-billing; 3014

(F) Administration of customer proprietary network 3015  
information under 47 U.S.C. 222 and federal regulations adopted 3016  
thereunder; 3017

(G) Outage reporting consistent with federal requirements. 3018

Except as provided in division (C) of section 4927.03 of the 3019  
Revised Code, the commission has power and jurisdiction under this 3020  
section over a telecommunications carrier to the extent necessary 3021  
to perform the obligations described in this section. Nothing in 3022  
this chapter limits the commission's authority under the 3023

"Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151, et 3024  
seq., as amended, including the commission's authority over the 3025  
provision of universal-service funding. 3026

Sec. 4927.05. (A)(1) No telephone company shall operate in 3027  
this state without first obtaining a certificate from the public 3028  
utilities commission, and no wireless service provider shall 3029  
operate in this state without first being registered with the 3030  
commission. A telephone company not holding such a certificate on 3031  
the effective date of this section, or a wireless service provider 3032  
not so registered on that date, shall file, respectively, a 3033  
certification application or registration with the commission, 3034  
each in the manner set forth in rules adopted by the commission. 3035  
The application or registration shall include all of the 3036  
following: 3037

(a) The company's or provider's name and address; 3038

(b) The name of a contact person and that person's contact 3039  
information; 3040

(c) A service description, including the general geographic 3041  
areas served, but not maps of service areas; 3042

(d) Evidence of registration with the secretary of state; 3043

(e) Evidence of notice to the public utilities tax division 3044  
of the department of taxation of the company's or provider's 3045  
intent to provide service; 3046

(f) As to a certification application, evidence of financial, 3047  
technical, and managerial ability to provide adequate service to 3048  
the public consistent with law. 3049

Division (A)(1) of this section does not apply to any 3050  
incumbent local exchange carrier with respect to its geographic 3051  
service area as that area existed on the effective date of this 3052  
section. 3053

(2) The commission may suspend or reject the certification application of a telephone company if it finds, within thirty days after the application's submission and based on the evidence provided under division (A)(1)(f) of this section, that the applicant lacks financial, technical, or managerial ability sufficient to provide adequate service to the public consistent with law. 3054  
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(B) If any of the filed information described in divisions (A)(1)(a) to (f) of this section changes, a telephone company shall update its certification and provide any necessary notice to customers, and a wireless service provider shall update its registration. The commission shall adopt rules governing the requirements of this division. 3061  
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**Sec. 4927.06.** (A) No telephone company shall commit any unfair or deceptive act or practice in connection with the offering or provision of any telecommunications service in this state. A failure to comply with any of the following requirements shall constitute an unfair or deceptive act or practice by a telephone company: 3067  
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(1) Any communication by the company, including, but not limited to, a solicitation, offer, or contract term or condition, shall be truthful, clear, conspicuous, and accurate in disclosing any material terms and conditions of service and any material exclusions or limitations. 3073  
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(2) Any written service solicitation, marketing material, offer, contract, or agreement, as well as any written response from the company to a service-related inquiry or complaint that the company receives from a customer or others, shall disclose the company's name and contact information. 3078  
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(3) The company shall inform its customers, as applicable and in any reasonable manner, of their rights and responsibilities 3083  
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concerning inside wire, the repair and maintenance of 3085  
customer-owned equipment, and the use of a network interface 3086  
device, and of any charges that the company imposes for a 3087  
diagnostic visit, consistent with rules adopted by the public 3088  
utilities commission. 3089

(4) The company shall not commit any act, practice, or 3090  
omission that the commission determines, by rulemaking under 3091  
section 4927.03 of the Revised Code or adjudication under section 3092  
4927.21 of the Revised Code, constitutes an unfair or deceptive 3093  
act or practice in connection with the offering or provision of 3094  
telecommunications service in this state. 3095

(B) The commission shall provide notice to all telephone 3096  
companies specifying any act, practice, or omission that it 3097  
prescribes pursuant to division (A)(4) of this section. No 3098  
telephone company is liable for any act, practice, or omission 3099  
absent that notice and adequate time for implementation. 3100

(C) This section does not apply to wireless service. A 3101  
consumer purchase of wireless service or a related product shall 3102  
constitute a consumer transaction for purposes of sections 1345.01 3103  
to 1345.13 of the Revised Code, notwithstanding any provision of 3104  
those sections to the contrary. 3105

**Sec. 4927.07.** (A) A telephone company may withdraw any 3106  
telecommunications service if it gives at least thirty days' prior 3107  
notice to the public utilities commission and to its affected 3108  
customers. 3109

(B) A telephone company may abandon entirely 3110  
telecommunications service in this state if it gives at least 3111  
thirty days' prior notice to the commission, to its wholesale and 3112  
retail customers, and to any telephone company wholesale provider 3113  
of its services. 3114

<u>(C) Divisions (A) and (B) of this section do not apply to any</u>	3115
<u>of the following:</u>	3116
<u>(1) Basic local exchange service provided by an incumbent</u>	3117
<u>local exchange carrier;</u>	3118
<u>(2) Pole attachments under section 4905.71 of the Revised</u>	3119
<u>Code;</u>	3120
<u>(3) Conduit occupancy under section 4905.71 of the Revised</u>	3121
<u>Code;</u>	3122
<u>(4) Interconnection and resale agreements approved under the</u>	3123
<u>"Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et</u>	3124
<u>seq., as amended.</u>	3125
<u>(D) An incumbent local exchange carrier may not withdraw or</u>	3126
<u>abandon basic local exchange service.</u>	3127
<u>(E) A telephone company may not, without first filing a</u>	3128
<u>request with the commission and obtaining commission approval,</u>	3129
<u>withdraw any tariff filed with the commission for pole attachments</u>	3130
<u>or conduit occupancy under section 4905.71 of the Revised Code or</u>	3131
<u>abandon service provided under that section.</u>	3132
<b><u>Sec. 4927.08. (A) A telephone company providing basic local</u></b>	3133
<b><u>exchange service shall conduct its operations so as to ensure that</u></b>	3134
<b><u>the service is available, adequate, and reliable, consistent with</u></b>	3135
<b><u>applicable industry standards.</u></b>	3136
<u>(B) The public utilities commission shall adopt rules</u>	3137
<u>prescribing the following standards for the provision of basic</u>	3138
<u>local exchange service, and shall adopt no other rules regarding</u>	3139
<u>that service except as expressly authorized in this chapter:</u>	3140
<u>(1) Basic local exchange service shall be installed within</u>	3141
<u>five business days of the receipt by a telephone company of a</u>	3142
<u>completed application for that service.</u>	3143

(2) A basic local exchange service outage or 3144  
service-affecting problem shall be repaired within seventy-two 3145  
hours after it is reported to the telephone company, and the 3146  
telephone company shall make reasonable efforts to repair a basic 3147  
local exchange service outage within twenty-four hours, excluding 3148  
Sundays and legal holidays, after the outage is reported to the 3149  
telephone company. 3150

(3)(a) Except as provided in division (B)(3)(b) of this 3151  
section, if a basic local exchange service outage is reported to 3152  
the telephone company and lasts more than seventy-two hours, the 3153  
telephone company shall credit every affected customer in the 3154  
amount of one month's charges for basic local exchange service. 3155

(b) If the outage is caused by a customer, the telephone 3156  
company may elect not to credit that customer. 3157

(4) No telephone company shall establish a due date earlier 3158  
than fourteen consecutive days after the date the bill is 3159  
postmarked for a bill for basic local exchange service provided to 3160  
end users. 3161

(5) A telephone company may disconnect basic local exchange 3162  
service for nonpayment of any amount past due on a billed account 3163  
not earlier than fourteen days after the due date of the 3164  
customer's bill, provided that the customer is given notice of the 3165  
disconnection seven days before the disconnection. 3166

(6) A telephone company may require a deposit, not to exceed 3167  
two hundred thirty per cent of a reasonable estimate of one 3168  
month's service charges, for the installation of basic local 3169  
exchange service for any person that it determines, in its 3170  
discretion, is not creditworthy. 3171

(7) A telephone company shall, unless prevented from doing so 3172  
by circumstances beyond the telephone company's control or unless 3173  
the customer requests otherwise, reconnect a customer whose basic 3174



local exchange service was disconnected for nonpayment of past due 3175  
charges not later than one business day after the day the earlier 3176  
of the following occurs: 3177

(a) The receipt by the telephone company of the full amount 3178  
of past due charges; 3179

(b) The receipt by the telephone company of the first payment 3180  
under a mutually agreed-upon payment arrangement. 3181

(C) The rules described in division (B) of this section shall 3182  
provide for a waiver of the standards described in that division 3183  
in circumstances determined appropriate by the commission. 3184

**Sec. 4927.09.** Every telephone company providing telephone 3185  
exchange service shall maintain access to 9-1-1 service on a 3186  
residential customer's line for a minimum of fourteen consecutive 3187  
days immediately following any disconnection for nonpayment of a 3188  
customer's telephone exchange service. 3189

**Sec. 4927.10.** (A) The public utilities commission shall 3190  
implement community-voicemail service for individuals who are in a 3191  
state of transition and have no access to traditional telephone 3192  
exchange service or readily available alternatives, including the 3193  
homeless, clients of battered-spouse programs, and displaced 3194  
veterans. The commission shall establish a competitive bidding 3195  
process to implement this service throughout this state. Not later 3196  
than one year after the effective date of this section, the 3197  
commission shall select one or more vendors of this service 3198  
through that competitive bidding process. The commission shall 3199  
prefer not-for-profit entities that offer this service. The 3200  
commission may not contract for the service if the contract 3201  
extends beyond five years from the effective date of this section 3202  
or if the total amount of annual expenditures under all contracts 3203  
exceeds one million dollars. 3204

(B) For the sole purpose of funding the community-voicemail service implemented under this section, the commission shall, before the first of July of each year beginning in 2011, impose on and collect from each telephone company that is a local exchange carrier an annual assessment to pay for costs incurred by vendors under any contract for the provision of the service in this state.

(C) The assessment imposed under division (B) of this section shall be allocated proportionately among all local exchange carriers using a competitively neutral formula established by the commission in rules and based on the number of retail, intrastate, customer-access lines, or the equivalent, of each carrier. The commission shall, at the time that it imposes assessments under division (B) of this section and after the first year that assessments are imposed, annually reconcile the assessments imposed with the actual costs of the provision of the community-voicemail service for the previous year and shall either proportionately charge the local exchange carriers for any amounts not sufficient to cover the actual costs or proportionately credit amounts collected in excess of the actual costs. The total amount assessed from all local exchange carriers shall not exceed the total costs of the provision of the community-voicemail service for the previous year.

(D) Each local exchange carrier that pays an assessment under division (B) of this section may recover the cost of the assessment. The method of recovery may include a customer billing surcharge. In no event may the carrier specifically reference any charge for recovery of the assessment on any customer's bill.

(E) The commission shall deposit the money collected under division (B) of this section in the community-voicemail service fund, which is hereby created in the state treasury. The commission shall use the money in that fund solely to compensate the vendors selected by the commission to provide the service.

(F) The commission shall take any measures that it considers necessary to protect the confidentiality of information provided to the commission under this section by local exchange carriers required to pay assessments. 3237  
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(G) The commission may assess a forfeiture of not more than one thousand dollars on any local exchange carrier that fails to comply with this section. Each day of continued violation of this section shall constitute a separate offense. The forfeiture shall be recovered in accordance with sections 4905.55 to 4905.60 of the Revised Code. 3241  
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(H) The commission may adopt rules as it finds necessary to carry out this section, except that the commission shall adopt rules under section 111.15 of the Revised Code to establish the competitive bidding process and the assessment amounts and procedures. 3247  
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**Sec. 4927.11.** (A) Except as otherwise provided in this section, an incumbent local exchange carrier shall provide basic local exchange service to all persons or entities in its service area requesting that service, and that service shall be provided on a reasonable and nondiscriminatory basis. 3252  
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(B)(1) An incumbent local exchange carrier is not obligated to construct facilities and provide basic local exchange service, or any other telecommunications service, to the occupants of multitenant real estate, including, but not limited to, apartments, condominiums, subdivisions, office buildings, or office parks, if the owner, operator, or developer of the multitenant real estate does any of the following to the benefit of any other telecommunications service provider: 3257  
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(a) Permits only one provider of telecommunications service to install the company's facilities or equipment during the construction or development phase of the multitenant real estate; 3265  
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(b) Accepts or agrees to accept incentives or rewards that 3268  
are offered by a telecommunications service provider to the owner, 3269  
operator, developer, or occupants of the multitenant real estate 3270  
and are contingent on the provision of telecommunications service 3271  
by that provider to the occupants, to the exclusion of services 3272  
provided by other telecommunications service providers; 3273

(c) Collects from the occupants of the multitenant real 3274  
estate any charges for the provision of telecommunications service 3275  
to the occupants, including charges collected through rents, fees, 3276  
or dues. 3277

(2) A carrier not obligated to construct facilities and 3278  
provide basic local exchange service pursuant to division (B)(1) 3279  
of this section shall notify the public utilities commission of 3280  
that fact within one hundred twenty days of receiving knowledge 3281  
thereof. 3282

(3) The commission by rule may establish a process for 3283  
determining a necessary successor telephone company to provide 3284  
service to real estate described in division (B)(1) of this 3285  
section when the circumstances described in that division cease to 3286  
exist. 3287

(4) An incumbent local exchange carrier that receives a 3288  
request from any person or entity to provide service under the 3289  
circumstances described in division (B)(1) of this section shall, 3290  
within fifteen days of such receipt, provide notice to the person 3291  
or entity specifying whether the carrier will provide the 3292  
requested service. If the carrier provides notice that it will not 3293  
serve the person or entity, the notice shall describe the person's 3294  
or entity's right to file a complaint with the commission under 3295  
section 4927.21 of the Revised Code within thirty days after 3296  
receipt of the notice. In resolving any such complaint, the 3297  
commission's determination shall be limited to whether any 3298  
circumstance described in divisions (B)(1)(a) to (c) of this 3299

section exists. Upon a finding by the commission that such a 3300  
circumstance exists, the complaint shall be dismissed. Upon a 3301  
finding that such circumstances do not exist, the person's or 3302  
entity's sole remedy shall be provision by the carrier of the 3303  
requested service within a reasonable time. 3304

(C) An incumbent local exchange carrier may apply to the 3305  
commission for a waiver from compliance with division (A) of this 3306  
section. The application shall include, at a minimum, the reason 3307  
for the requested waiver, the number of persons or entities who 3308  
would be impacted by the waiver, and the alternatives that would 3309  
be available to those persons or entities if the waiver were 3310  
granted. The incumbent local exchange carrier applying for the 3311  
waiver shall publish notice of the waiver application one time in 3312  
a newspaper of general circulation throughout the service area 3313  
identified in the application and shall provide additional notice 3314  
to affected persons or entities as required by the commission in 3315  
rules adopted under this division. The commission's rules shall 3316  
define "affected" for purposes of this division. The commission 3317  
shall afford such persons or entities a reasonable opportunity to 3318  
comment to the commission on the application. This opportunity 3319  
shall include a public hearing conducted in accordance with rules 3320  
adopted under this division and conducted in the service area 3321  
identified in the application. After a reasonable opportunity to 3322  
comment has been provided, but not later than one hundred twenty 3323  
days after the application is filed, the commission either shall 3324  
issue an order granting the waiver if, upon investigation, it 3325  
finds the waiver to be just, reasonable, and not contrary to the 3326  
public interest, and that the applicant demonstrates a financial 3327  
hardship or an unusual technical limitation, or shall issue an 3328  
order denying the waiver based on a failure to meet those 3329  
standards and specifying the reasons for the denial. The 3330  
commission shall adopt rules to implement division (C) of this 3331  
section. 3332

Sec. 4927.12. (A) As used in this section, "exchange area" 3333  
means a geographical service area established by an incumbent 3334  
local exchange carrier and approved by the public utilities 3335  
commission. 3336

(B) Subject to divisions (C), (D), and (E) of this section, 3337  
and upon not less than thirty days' notice to the public utilities 3338  
commission and to affected customers, an incumbent local exchange 3339  
carrier may alter its rates for basic local exchange service. 3340

(C) In addition to the requirements of division (B) of this 3341  
section, all of the following apply to any upward alteration of 3342  
rates for basic local exchange service made under that division: 3343

(1) If the incumbent local exchange carrier, within twelve 3344  
months prior to the effective date of this section, increased the 3345  
carrier's rates for basic local exchange service for an exchange 3346  
area, both of the following apply: 3347

(a) The incumbent local exchange carrier may not alter the 3348  
carrier's rates for basic local exchange service for the exchange 3349  
area upward by any amount during the period that ends twelve 3350  
months after the date of the last increase of the rates for basic 3351  
local exchange service. 3352

(b) In no event may the incumbent local exchange carrier, 3353  
during the twelve-month period that begins immediately after the 3354  
end date of the period described in division (C)(1)(a) of this 3355  
section, and during any subsequent twelve-month period, alter the 3356  
carrier's rates for basic local exchange service upward for the 3357  
exchange area by more than the amount authorized for an annual 3358  
increase in the rate for basic local exchange service by division 3359  
(A) of rule 4901:1-4-11 of the Ohio Administrative Code as that 3360  
rule existed on the effective date of this section. 3361

(2) If the incumbent local exchange carrier did not, within 3362

twelve months prior to the effective date of this section, 3363  
increase the carrier's rates for basic local exchange service for 3364  
an exchange area, and if the commission has made a prior 3365  
determination that the exchange area qualified for alternative 3366  
regulation of basic local exchange service under Chapter 4901:1-4 3367  
of the Ohio Administrative Code as that chapter existed on the 3368  
effective date of this section, in no event may the incumbent 3369  
local exchange carrier, during the twelve-month period that begins 3370  
on the effective date of this section, and during any subsequent 3371  
twelve-month period, alter the carrier's rates for basic local 3372  
exchange service upward for the exchange area by more than the 3373  
amount described in division (C)(1)(b) of this section. 3374

(3)(a) If the commission has not made a prior determination 3375  
that the exchange area qualified for alternative regulation of 3376  
basic local exchange service under Chapter 4901:1-4 of the Ohio 3377  
Administrative Code as that chapter existed on the effective date 3378  
of this section, an incumbent local exchange carrier may not alter 3379  
its rates for basic local exchange service upward for that 3380  
exchange area unless the carrier first applies to the commission 3381  
and the commission determines that the application demonstrates 3382  
that two or more alternative providers offer, in the exchange 3383  
area, competing service to the basic local exchange service 3384  
offered by an incumbent local exchange carrier in the exchange 3385  
area, regardless of the technology and facilities used by the 3386  
alternative provider, the alternative provider's location, and the 3387  
extent of the alternative provider's service area within the 3388  
exchange area. An alternative provider includes a telephone 3389  
company, including a wireless service provider, a 3390  
telecommunications carrier, and a provider of internet 3391  
protocol-enabled services, including voice over internet protocol. 3392

(b) Upon the filing of an application under division 3393  
(C)(3)(a) of this section, the commission shall be deemed to have 3394

found that the application meets the requirements of that division 3395  
unless the commission, within thirty days after the filing of the 3396  
application, issues an order finding that the requirements have 3397  
not been met. 3398

(c) In no event may an incumbent local exchange carrier that 3399  
applies to the commission under division (C)(3)(a) of this 3400  
section, during the twelve-month period that begins on the 3401  
thirty-first day after the company files the application, and 3402  
during any subsequent twelve-month period, alter the carrier's 3403  
rates for basic local exchange service upward for the exchange 3404  
area to which the application applies by more than the amount 3405  
described in division (C)(1)(b) of this section. 3406

(4) In no event may an incumbent local exchange carrier, 3407  
before January 1, 2012, alter the carrier's rates for basic local 3408  
exchange service upward for a customer receiving lifeline service 3409  
under section 4927.13 of the Revised Code. 3410

(D) Except as provided in division (E) of this section, no 3411  
banking of upward rate alterations made under division (B) of this 3412  
section is permitted. 3413

(E) At any time and upon not less than thirty days' notice to 3414  
the commission and to affected customers, an incumbent local 3415  
exchange carrier owned and operated exclusively by and solely for 3416  
its customers may alter its rates for basic local exchange service 3417  
by any amount. 3418

(F) The rates, terms, and conditions for basic local exchange 3419  
service and for installation and reconnection fees for basic local 3420  
exchange service shall be tariffed in the manner prescribed by 3421  
rule adopted by the commission. 3422

**Sec. 4927.13.** (A) An incumbent local exchange carrier that is 3423  
an eligible telecommunications carrier under 47 C.F.R. 54.201 3424



shall implement lifeline service throughout the carrier's 3425  
traditional service area for its eligible residential customers. 3426

(1) Lifeline service shall consist of all of the following: 3427

(a) Flat-rate, monthly, primary access line service with 3428  
touch-tone service, at a recurring discount to the monthly basic 3429  
local exchange service rate that provides for the maximum 3430  
contribution of federally available assistance; 3431

(b) Not more than once per customer at a single address in a 3432  
twelve-month period, a waiver of all nonrecurring service order 3433  
charges for establishing service; 3434

(c) Free blocking of toll service, 900 service, and 976 3435  
service. 3436

The carrier may offer to lifeline service customers any other 3437  
services and bundle or package of services at the prevailing 3438  
prices, less the lifeline discount. 3439

(2) The carrier also shall offer special payment arrangements 3440  
to lifeline service customers that have past due bills for 3441  
regulated local service charges, with the initial payment not to 3442  
exceed twenty-five dollars before service is installed, and the 3443  
balance for regulated local service charges to be paid over six, 3444  
equal, monthly payments. Lifeline service customers with past due 3445  
bills for toll service charges shall have toll restricted service 3446  
until the past due toll service charges have been paid or until 3447  
the customer establishes service with another toll service 3448  
provider. 3449

(3)(a) Every incumbent local exchange carrier required to 3450  
implement lifeline service under division (A) of this section 3451  
shall establish an annual marketing budget for promoting lifeline 3452  
service and performing outreach regarding lifeline service. All 3453  
funds allocated to this budget shall be spent for the promotion 3454

and marketing of lifeline service and outreach regarding lifeline 3455  
service and only for those purposes and not for any administrative 3456  
costs of implementing lifeline service. All activities relating to 3457  
the promotion of, marketing of, and outreach regarding lifeline 3458  
service shall be coordinated through a single advisory board 3459  
composed of staff of the public utilities commission, the office 3460  
of the consumers' counsel, consumer groups representing low-income 3461  
constituents, two representatives from the Ohio association of 3462  
community action agencies, and, except as provided in division 3463  
(A)(3)(b) of this section, every incumbent local exchange carrier 3464  
required to implement lifeline service under division (A) of this 3465  
section. The public utilities commission may review and approve 3466  
decisions of the advisory board in accordance with commission 3467  
rules, including decisions on how the lifeline marketing, 3468  
promotion, and outreach activities are implemented. 3469

(b) Division (A)(3)(a) of this section does not apply to an 3470  
incumbent local exchange carrier with fewer than fifty thousand 3471  
access lines. 3472

(4) All other aspects of the carrier's state-specific 3473  
lifeline service shall be consistent with federal requirements. 3474

(B) The rates, terms, and conditions for the carrier's 3475  
lifeline service shall be tariffed in the manner prescribed by 3476  
rule adopted by the public utilities commission. 3477

(C)(1) Eligibility for lifeline service under division (A) of 3478  
this section shall be based on either of the following criteria: 3479

(a) An individual's verifiable participation in any federal 3480  
or state low-income assistance program, specified in rules adopted 3481  
by the commission, that limits assistance based on household 3482  
income; 3483

(b) Other verification that an individual's household income 3484  
is at or below one hundred fifty per cent of the federal poverty 3485

level. 3486

The public utilities commission shall adopt rules 3487  
establishing requirements for the implementation of automatic 3488  
enrollment of eligible individuals for lifeline assistance. The 3489  
public utilities commission shall work with the appropriate state 3490  
agencies that administer federal or state low-income assistance 3491  
programs and with carriers to negotiate and acquire information 3492  
necessary to verify an individual's eligibility and the data 3493  
necessary to automatically enroll eligible individuals for 3494  
lifeline service. Every incumbent local exchange carrier required 3495  
to implement lifeline service under division (A) of this section 3496  
shall implement automatic enrollment in accordance with the 3497  
applicable rules of the public utilities commission and to the 3498  
extent that appropriate state agencies are able to accommodate the 3499  
automatic enrollment. 3500

(2) The carrier shall provide written notification if the 3501  
carrier determines that an individual is not eligible for lifeline 3502  
service and shall provide the individual an additional thirty days 3503  
to prove eligibility. 3504

(3) The carrier shall provide written customer notification 3505  
if a customer's lifeline service is to be terminated due to 3506  
failure to submit acceptable documentation for continued 3507  
eligibility for that assistance and shall provide the customer an 3508  
additional sixty days to submit acceptable documentation of 3509  
continued eligibility or dispute the carrier's findings regarding 3510  
termination of the lifeline service. 3511

(D) An incumbent local exchange carrier required to implement 3512  
lifeline service under division (A) of this section may establish 3513  
a surcharge, applied to end users of the carrier's 3514  
telecommunications service other than lifeline service customers, 3515  
to recover any lifeline service discounts and any other lifeline 3516  
service expenses that the public utilities commission prescribes 3517

by rule and that are not recovered through federal or state 3518  
funding. The public utilities commission has the authority to 3519  
review the surcharge, which shall be established to prevent 3520  
overrecovery by the carrier. No incumbent local exchange carrier 3521  
may specifically reference the surcharge on any customer's bill. 3522

(E) Every incumbent local exchange carrier required to 3523  
implement lifeline service under division (A) of this section 3524  
shall annually file with the public utilities commission a report 3525  
that identifies the number of its customers who receive, at the 3526  
time of the filing of the report, lifeline service. 3527

Sec. 4927.14. The public utilities commission may adopt rules 3528  
requiring any telephone company that is a telephone toll service 3529  
provider to offer discounts for operator-assisted and direct-dial 3530  
services for persons with communication disabilities. 3531

Sec. 4927.15. (A) The rates, terms, and conditions for 9-1-1 3532  
service provided in this state by a telephone company or a 3533  
telecommunications carrier and each of the following provided in 3534  
this state by a telephone company shall be approved and tariffed 3535  
in the manner prescribed by rule adopted by the public utilities 3536  
commission and shall be subject to the applicable laws, including 3537  
rules or regulations adopted and orders issued by the commission 3538  
or the federal communications commission and, including, as to 3539  
9-1-1 service, sections 4931.40 to 4931.70 and 4931.99 of the 3540  
Revised Code: 3541

(1) Carrier access; 3542

(2) N-1-1 services, other than 9-1-1 service; 3543

(3) Pole attachments and conduit occupancy under section 3544  
4905.71 of the Revised Code; 3545

(4) Pay telephone access lines; 3546

(5) Toll presubscription; 3547

(6) Telecommunications relay service. 3548

(B) The public utilities commission may order changes in a 3549  
telephone company's rates for carrier access in this state subject 3550  
to this division. In the event that the public utilities 3551  
commission reduces a telephone company's rates for carrier access 3552  
that are in effect on the effective date of this section, that 3553  
reduction shall be on a revenue-neutral basis under terms and 3554  
conditions established by the public utilities commission, and any 3555  
resulting rate changes necessary to comply with division (B) or 3556  
(C) of this section shall be in addition to any upward rate 3557  
alteration made under section 4927.12 of the Revised Code. 3558

(C) The public utilities commission has authority to address 3559  
carrier access policy and to create and administer mechanisms for 3560  
carrier access reform, including, but not limited to, high cost 3561  
support. 3562

**Sec. 4927.16.** (A) The public utilities commission shall not 3563  
establish any requirements for the unbundling of network elements, 3564  
for the resale of telecommunications service, or for network 3565  
interconnection that exceed or are inconsistent with or prohibited 3566  
by federal law, including federal regulations. 3567

(B) The commission shall not establish pricing for such 3568  
unbundled elements, resale, or interconnection that is 3569  
inconsistent with or prohibited by federal law, including federal 3570  
regulations, and shall comply with federal law, including federal 3571  
regulations, in establishing such pricing. 3572

**Sec. 4927.17.** (A) Except as provided in section 4927.10 of 3573  
the Revised Code, a telephone company shall provide at least 3574  
fifteen days' advance notice to its affected customers of any 3575  
material change in the rates, terms, and conditions of a service 3576

and any change in the company's operations that are not 3577  
transparent to customers and may impact service. 3578

(B) A telephone company shall inform its customers of the 3579  
public utilities commission's toll-free number and e-mail address 3580  
on all bills and disconnection notices and any residential 3581  
customers of the office of the consumers' counsel's toll-free 3582  
number and e-mail address on all residential bills and 3583  
disconnection notices. 3584

Sec. 4927.18. The public utilities commission may adopt rules 3585  
regarding the rates, terms, and conditions of intrastate 3586  
telecommunications service initiated from a telephone instrument 3587  
set aside for use by inmates or juvenile offenders by authorities 3588  
of a secured correctional facility. 3589

Sec. 4927.19. The public utilities commission may investigate 3590  
or examine the books, records, or practices of any telephone 3591  
company, but only to the extent of the commission's jurisdiction 3592  
over the company under sections 4927.01 to 4927.21 of the Revised 3593  
Code. Subject to that limitation, the commission may do any of the 3594  
following: 3595

(A) Through its commissioners or by inspectors or employees 3596  
authorized by it, examine the books, records, contracts, 3597  
documents, and papers of any such company for any purpose 3598  
incidental to the commission's authority under those sections; 3599

(B) By subpoena duces tecum, compel the production of such 3600  
books, records, contracts, documents, and papers; 3601

(C) Compel the attendance of such witnesses as it requires to 3602  
give evidence in connection with such an investigation. 3603

Sec. 4927.20. To the extent subject to the public utilities 3604

commission's jurisdiction under this chapter, all of the following 3605  
shall comply with every order, direction, and requirement of the 3606  
commission made under authority of this chapter: 3607

(A) Every telephone company, including every wireless service 3608  
provider; 3609

(B) Every telecommunications carrier; 3610

(C) Every provider of internet protocol-enabled services, 3611  
including voice over internet protocol. 3612

**Sec. 4927.21.** (A) Any person may file with the public 3613  
utilities commission, or the commission may initiate, a complaint 3614  
against a telephone company other than a wireless service 3615  
provider, alleging that any rate, practice, or service of the 3616  
company is unjust, unreasonable, unjustly discriminatory, or in 3617  
violation of or noncompliance with any provision of sections 3618  
4927.01 to 4927.20 of the Revised Code or a rule or order adopted 3619  
or issued under those sections. Any dispute between telephone 3620  
companies, between telephone companies and wireless service 3621  
providers, or between wireless service providers that is within 3622  
the commission's jurisdiction under sections 4927.01 to 4927.20 of 3623  
the Revised Code may be brought by a filing pursuant to this 3624  
division. 3625

(B) If it appears that reasonable grounds for complaint are 3626  
stated by a complaint filed under division (A) of this section, 3627  
the commission shall fix a time for hearing and shall notify 3628  
complainants and the telephone company or wireless service 3629  
provider thereof. The parties to the complaint shall be entitled 3630  
to be heard, represented by counsel, and to have a process for the 3631  
attendance of witnesses. 3632

(C) If the commission after hearing in a proceeding under 3633  
division (B) of this section makes a finding against the party 3634

complained of, the commission may do either or both of the 3635  
following: 3636

(1) Determine, but only to the extent authorized under 3637  
sections 4927.01 to 4927.20 of the Revised Code, the rate, 3638  
practice, or service thereafter to be adopted and observed, 3639  
including any appropriate remedy for a complaint; 3640

(2) Assess a forfeiture of not more than ten thousand dollars 3641  
for each violation or failure. Each day's continuance of the 3642  
violation or failure is a separate offense, and all occurrences of 3643  
a violation or failure on each such day shall be deemed one 3644  
violation. All forfeitures authorized under this section are 3645  
cumulative, and a suit for and recovery of one does not bar the 3646  
recovery of any other. Collected forfeitures shall be deposited 3647  
into the state treasury to the credit of the general revenue fund. 3648  
Actions to recover such forfeitures shall be prosecuted in the 3649  
name of the state and shall be brought in the court of common 3650  
pleas of any county in which the party complained of is located. 3651  
The attorney general shall commence such actions and prosecute 3652  
them when the commission directs. 3653

(D) The commission also may suspend, rescind, or 3654  
conditionally rescind the certification of a telephone company 3655  
under section 4927.05 of the Revised Code under either of the 3656  
following circumstances: 3657

(1) The commission determines, after notice and opportunity 3658  
for hearing, that the telephone company has failed to comply with 3659  
any provision of section 4905.10 or 4905.14 of the Revised Code. 3660

(2) The commission determines in a proceeding under division 3661  
(B) of this section that the telephone company has willfully or 3662  
repeatedly failed to comply with any other applicable state or 3663  
federal law. 3664

(E) The commission has no authority to order credits to any 3665



customer of a telephone company, except in response to a complaint 3666  
determined in accordance with this section. 3667

(F) Upon request of the commission, the attorney general may 3668  
commence and prosecute such action or proceeding in mandamus, by 3669  
injunction, or by other appropriate civil remedy in the name of 3670  
the state, as is directed by the commission, alleging any 3671  
violation or noncompliance specified in division (A) of this 3672  
section, and praying for such proper relief as the court may 3673  
prescribe. 3674

**Sec. 4929.02.** (A) It is the policy of this state to, 3675  
throughout this state: 3676

(1) Promote the availability to consumers of adequate, 3677  
reliable, and reasonably priced natural gas services and goods; 3678

(2) Promote the availability of unbundled and comparable 3679  
natural gas services and goods that provide wholesale and retail 3680  
consumers with the supplier, price, terms, conditions, and quality 3681  
options they elect to meet their respective needs; 3682

(3) Promote diversity of natural gas supplies and suppliers, 3683  
by giving consumers effective choices over the selection of those 3684  
supplies and suppliers; 3685

(4) Encourage innovation and market access for cost-effective 3686  
supply- and demand-side natural gas services and goods; 3687

(5) Encourage cost-effective and efficient access to 3688  
information regarding the operation of the distribution systems of 3689  
natural gas companies in order to promote effective customer 3690  
choice of natural gas services and goods; 3691

(6) Recognize the continuing emergence of competitive natural 3692  
gas markets through the development and implementation of flexible 3693  
regulatory treatment; 3694

(7) Promote an expeditious transition to the provision of 3695

natural gas services and goods in a manner that achieves effective 3696  
competition and transactions between willing buyers and willing 3697  
sellers to reduce or eliminate the need for regulation of natural 3698  
gas services and goods under Chapters 4905. and 4909. of the 3699  
Revised Code; 3700

(8) Promote effective competition in the provision of natural 3701  
gas services and goods by avoiding subsidies flowing to or from 3702  
regulated natural gas services and goods; 3703

(9) Ensure that the risks and rewards of a natural gas 3704  
company's offering of nonjurisdictional and exempt services and 3705  
goods do not affect the rates, prices, terms, or conditions of 3706  
nonexempt, regulated services and goods of a natural gas company 3707  
and do not affect the financial capability of a natural gas 3708  
company to comply with the policy of this state specified in this 3709  
section; 3710

(10) Facilitate the state's competitiveness in the global 3711  
economy; 3712

(11) Facilitate additional choices for the supply of natural 3713  
gas for residential consumers, including aggregation; 3714

(12) Promote an alignment of natural gas company interests 3715  
with consumer interest in energy efficiency and energy 3716  
conservation. 3717

(B) The public utilities commission and the office of the 3718  
consumers' counsel shall follow the policy specified in this 3719  
section in exercising their respective authorities relative to 3720  
sections 4929.03 to 4929.30 of the Revised Code. 3721

(C) Nothing in Chapter 4929. of the Revised Code shall be 3722  
construed to alter the public utilities commission's construction 3723  
or application of division (A)~~(6)~~(5) of section 4905.03 of the 3724  
Revised Code. 3725

Sec. 4931.01. As used in sections 4931.02 to 4931.05 of the Revised Code, "telephone company" has the same meaning as in section 4927.01 of the Revised Code.

Sec. 4931.02. A ~~telegraph~~ telephone company may construct, own, use, and maintain ~~telegraph~~ telecommunications lines and facilities, whether described in its original articles of incorporation or not, and whether such lines or facilities are wholly within or partly beyond the limits of this state. It may join with another company or association in conducting, leasing, owning, using, or maintaining such lines or facilities, on terms agreed upon between the directors or managers of the respective companies. Such companies may own and hold any interest in such lines or facilities, or become lessees thereof on such terms as they agree upon, but no such company and the owner of rights of way shall contract for the exclusive use of such rights of way for ~~telegraphic~~ telecommunications purposes. A telephone company's lines and facilities shall not unreasonably interfere with the practical uses of the property on which they are located. A telephone company shall repair defective lines and facilities, which repairs shall be consistent with reasonable business practices and applicable industry standards.

Sec. 4931.03. (A) A ~~telegraph or~~ telephone company may do either of the following in the unincorporated area of the township:

(1) Construct ~~telegraph or telephone lines~~ telecommunications lines or facilities upon and along any of the public roads and highways and across any waters within that area by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the cords or wires of those lines or facilities. ~~These~~ The lines and facilities shall be constructed so as not to

incommode the public in the use of the roads or highways, or 3756  
endanger or injuriously interrupt the navigation of the waters. 3757

(2) Construct ~~telegraph or telephone~~ telecommunications lines 3758  
and ~~the fixtures necessary for containing and protecting those~~ 3759  
~~lines~~ facilities in such a manner as to protect them beneath the 3760  
surface of any of the public roads and highways and beneath any 3761  
waters within that area. Those lines and facilities shall be 3762  
constructed so as not to incommode the public in the use of the 3763  
roads or highways, or endanger or injuriously interrupt the 3764  
navigation of the waters. 3765

(B)(1) This section does not authorize the construction of a 3766  
bridge across any waters within the state. 3767

(2) Construction under this section is subject to section 3768  
5571.16 of the Revised Code, as applicable, and any other 3769  
applicable law, including, but not limited to, any law requiring 3770  
approval of the legislative authority, the county engineer, or the 3771  
director of transportation. 3772

**Sec. 4931.04.** A ~~telegraph~~ telephone company may enter upon 3773  
any land held by an individual or a corporation, whether such land 3774  
was acquired by purchase, appropriation, or by virtue of any 3775  
provision in its charter, for the purpose of making preliminary 3776  
examination and surveys, with a view to the location and 3777  
construction of ~~telegraph~~ telecommunications lines and facilities, 3778  
and may appropriate so much of such land in accordance with 3779  
sections 163.01 to 163.22, ~~inclusive~~, of the Revised Code, as it 3780  
deems necessary for the construction and maintenance of ~~its~~ 3781  
~~telegraph poles, cables, conduits, piers, abutments, wires, and~~ 3782  
~~other necessary fixtures, stations~~ those lines and facilities, and 3783  
the right of way in, through, over, across, and under such lands 3784  
and adjacent lands, sufficient to enable it to construct and 3785  
repair ~~its~~ the lines and facilities. 3786

**Sec. ~~4931.11~~ 4931.05.** Any company organized at any time to 3787  
transact a ~~telegraph~~, telephone, or communications business may 3788  
construct, reconstruct, own, use, lease, operate, maintain, and 3789  
improve communications systems for the transmission of voices, 3790  
sounds, writings, signs, signals, pictures, visions, images, or 3791  
other forms of intelligence, as public utility services, by means 3792  
of wire, cable, radio, radio relay, or other telecommunications 3793  
facilities, methods, or media. Any such company has the powers and 3794  
is subject to the restrictions prescribed in sections 4931.02 to 3795  
~~4931.22~~ 4931.04 of the Revised Code, for ~~telegraph~~ or telephone 3796  
companies. 3797

**Sec. ~~4931.35~~ 4931.06.** (A) As used in this section and in 3798  
sections 2317.02 and 2921.22 of the Revised Code: 3799

(1) "Communications assistant" means a person who 3800  
transliterates conversation from text to voice and from voice to 3801  
text between the end users of a telecommunications relay service 3802  
provided pursuant to this section or Title II of the 3803  
"Communications Act of 1934," 104 Stat. 366 (1990), 47 U.S.C. 225. 3804

(2) "Communicative impairment" means deafness or speech 3805  
impairment. 3806

(3) "Deafness" means a hearing loss that prevents a person 3807  
from being able to understand speech over the telephone. 3808

(4) "Speech impairment" means a speech impairment that 3809  
renders a person's speech unintelligible on the telephone. 3810

(5) "Telecommunications relay service" means telephone 3811  
transmission services that provide the ability for an individual 3812  
who has a communicative impairment to engage in a communication by 3813  
wire or radio with a hearing individual in a manner that is 3814  
functionally equivalent to the ability of an individual who does 3815  
not have a communicative impairment to communicate using voice 3816

communication services by wire or radio. "Telecommunications relay service" includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device.

(B) Any communication made by or to a person with a communicative impairment with the assistance of a communications assistant at a telecommunications relay service is confidential and privileged and shall not be disclosed by the communications assistant in any civil case or proceeding or in any legislative or administrative proceeding, unless the person making the communication and the person to whom the communication is made each waive the privilege of confidentiality or the obligation to divulge the communication is mandated by federal law or regulation or pursuant to subpoena in a criminal proceeding.

(C) A communications assistant or a telecommunications relay service provider is not subject to criminal prosecution and is not liable in damages in any civil action on account of the act of transliterating or the content of any communication transliterated, or any injury, death, or loss to person or property allegedly arising from the act of transliterating or the content of any communication transliterated, between the end users of a telecommunications relay service, except in cases of willful or wanton misconduct.

**Sec. 4931.99.** (A) Whoever violates division (D) of section 4931.49 of the Revised Code is guilty of a misdemeanor of the fourth degree.

~~(B) Whoever violates section 4931.25, 4931.26, 4931.27, 4931.30, or 4931.31 of the Revised Code is guilty of a misdemeanor of the third degree.~~

~~(C) Whoever violates section 4931.28 of the Revised Code is guilty of a felony of the fourth degree.~~

~~(D)~~ Whoever violates ~~section 4931.29~~ or division (B) of  
section ~~4931.35~~ 4931.06 of the Revised Code is guilty of a  
misdemeanor in the first degree.

~~(E)~~(C) Whoever violates division (E) or (F) of section  
4931.49 or division (B)(2) of section 4931.66 of the Revised Code  
is guilty of a misdemeanor of the fourth degree on a first offense  
and a felony of the fifth degree on each subsequent offense.

~~(F)~~(D) Whoever violates section 4931.75 of the Revised Code  
is guilty of a minor misdemeanor for a first offense and a  
misdemeanor of the first degree on each subsequent offense.

**Sec. 4933.14.** (A) ~~and except~~ Except as otherwise provided in  
division (B) of this section ~~Sections, sections~~ 4931.02 to ~~4931.22~~  
4931.04 and 4933.13 to 4933.16 of the Revised Code apply to a  
company organized for supplying public and private buildings,  
manufacturing establishments, streets, alleys, lanes, lands,  
squares, and public places with electric light and power, and to  
an automatic package carrier. ~~Every and except~~ Except as otherwise  
provided in division (B) of this section, every such company has  
the powers and is subject to the restrictions prescribed for a  
~~telegraph~~ telephone company by sections 4931.02 to ~~4931.22~~ 4931.04  
of the Revised Code.

(B) ~~Sections~~ Section 4931.04, ~~4931.06, 4931.07, 4931.12, and~~  
~~4931.13~~ of the Revised Code ~~apply~~ applies to a company organized  
for supplying electricity only if the company transmits or  
distributes electricity, and every such company has the powers and  
is subject to the restrictions prescribed for a ~~telegraph~~  
telephone company by ~~those sections~~ that section except for the  
purpose of erecting, operating, or maintaining an electric  
generating station.

**Sec. 4933.18.** (A) In a prosecution for a theft offense, as

defined in section 2913.01 of the Revised Code, that involves 3878  
alleged tampering with a gas, electric, steam, or water meter, 3879  
conduit, or attachment of a utility that has been disconnected by 3880  
the utility, proof that a meter, conduit, or attachment of a 3881  
utility has been tampered with is prima-facie evidence that the 3882  
person who is obligated to pay for the service rendered through 3883  
the meter, conduit, or attachment and is in possession or control 3884  
of the meter, conduit, or attachment at the time the tampering 3885  
occurred has caused the tampering with intent to commit a theft 3886  
offense. 3887

In a prosecution for a theft offense, as defined in section 3888  
2913.01 of the Revised Code, that involves the alleged 3889  
reconnection of a gas, electric, steam, or water meter, conduit, 3890  
or attachment of a utility that has been disconnected by the 3891  
utility, proof that a meter, conduit, or attachment disconnected 3892  
by a utility has been reconnected without the consent of the 3893  
utility is prima-facie evidence that the person in possession or 3894  
control of the meter, conduit, or attachment at the time of the 3895  
reconnection has reconnected the meter, conduit, or attachment 3896  
with intent to commit a theft offense. 3897

(B) As used in this section: 3898

(1) "Utility" means any electric light company, gas company, 3899  
natural gas company, pipe-line company, water-works company, or 3900  
heating or cooling company, as defined by division (A)(3), (4), 3901  
(5), (6), (7), or (8), ~~or (9)~~ of section 4905.03 of the Revised 3902  
Code, its lessees, trustees, or receivers, or any similar utility 3903  
owned or operated by a political subdivision. 3904

(2) "Tamper" means to interfere with, damage, or by-pass a 3905  
utility meter, conduit, or attachment with the intent to impede 3906  
the correct registration of a meter or the proper functions of a 3907  
conduit or attachment so as to reduce the amount of utility 3908  
service that is registered on the meter. 3909



**Sec. 4933.19.** Each electric light company, gas company, 3910  
natural gas company, pipe-line company, water-works company, or 3911  
heating or cooling company, as defined by division (A)~~(3)~~, (4), 3912  
(5), (6), (7), or (8), ~~or (9)~~ of section 4905.03 of the Revised 3913  
Code, or its lessees, trustees, or receivers, and each similar 3914  
utility owned or operated by a political subdivision shall notify 3915  
its customers, on an annual basis, that tampering with or 3916  
bypassing a meter constitutes a theft offense that could result in 3917  
the imposition of criminal sanctions. 3918

**Sec. 4939.01.** As used in sections 4939.01 to 4939.08 of the 3919  
Revised Code: 3920

(A) "Cable operator," "cable service," and "franchise" have 3921  
the same meanings as in the "Cable Communications Policy Act of 3922  
1984," 98 Stat. 2779, 47 U.S.C.A. 522. 3923

(B) "Occupy or use" means, with respect to a public way, to 3924  
place a tangible thing in a public way for any purpose, including, 3925  
but not limited to, constructing, repairing, positioning, 3926  
maintaining, or operating lines, poles, pipes, conduits, ducts, 3927  
equipment, or other structures, appurtenances, or facilities 3928  
necessary for the delivery of public utility services or any 3929  
services provided by a cable operator. 3930

(C) "Person" means any natural person, corporation, or 3931  
partnership and also includes any governmental entity. 3932

(D) "Public utility" means any company described in section 3933  
4905.03 of the Revised Code except in divisions (A)~~(3)~~(2) and 3934  
~~(10)~~(9) of that section, which company also is a public utility as 3935  
defined in section 4905.02 of the Revised Code; and includes any 3936  
electric supplier as defined in section 4933.81 of the Revised 3937  
Code. 3938

(E) "Public way" means the surface of, and the space within, 3939

through, on, across, above, or below, any public street, public 3940  
road, public highway, public freeway, public lane, public path, 3941  
public alley, public court, public sidewalk, public boulevard, 3942  
public parkway, public drive, and any other land dedicated or 3943  
otherwise designated for a compatible public use, which, on or 3944  
after the effective date of this section, is owned or controlled 3945  
by a municipal corporation. "Public way" excludes a private 3946  
easement. 3947

(F) "Public way fee" means a fee levied to recover the costs 3948  
incurred by a municipal corporation and associated with the 3949  
occupancy or use of a public way. 3950

**Sec. 5515.01.** The director of transportation may upon formal 3951  
application being made to the director, grant a permit to any 3952  
individual, firm, or corporation to use or occupy such portion of 3953  
a road or highway on the state highway system as will not 3954  
incommode the traveling public. Such permits, when granted, shall 3955  
be upon the following conditions: 3956

(A) The director may issue a permit to any individual, firm, 3957  
or corporation for any use of a road or highway on the state 3958  
highway system that is consistent with applicable federal law or 3959  
federal regulations. 3960

(B) Such location shall be changed as prescribed by the 3961  
director when the director deems such change necessary for the 3962  
convenience of the traveling public, or in connection with or 3963  
contemplation of the construction, reconstruction, improvement, 3964  
relocating, maintenance, or repair of such road or highway. 3965

(C) The placing of objects or things shall be at a grade and 3966  
in accordance with such plans, specifications, or both, as shall 3967  
be first approved by the director. 3968

(D) The road or highway in all respects shall be fully 3969

restored to its former condition of usefulness and at the expense 3970  
of such individual, firm, or corporation. 3971

(E) Such individual, firm, or corporation shall maintain all 3972  
objects and things in a proper manner, promptly repair all damages 3973  
resulting to such road or highway on account thereof, and in event 3974  
of failure to so repair such road or highway to pay to the state 3975  
all costs and expenses ~~which~~ that may be expended by the director 3976  
in repairing any damage. 3977

(F) Such other conditions as may seem reasonable to the 3978  
director, but no condition shall be prescribed ~~which~~ that imposes 3979  
the payment of a money consideration for the privilege granted. 3980  
Nothing in this division prohibits the director from requiring 3981  
payment of money consideration for a lease, easement, license, or 3982  
other interest in a transportation facility under control of the 3983  
department of transportation. 3984

(G) Permits may be revoked by the director at any time for a 3985  
noncompliance with the conditions imposed. 3986

(H) As a condition precedent to the issuance of any permit 3987  
for telecommunications facilities or carbon capture and storage 3988  
pipelines, the director shall require the applicant to provide 3989  
proof it is party to a lease, easement, or license for the 3990  
construction, placement, or operation of such facility or pipeline 3991  
in or on a transportation facility. 3992

Except as otherwise provided in this section and section 3993  
5501.311 of the Revised Code, Chapters 5501., 5503., 5511., 5513., 3994  
5515., 5516., 5517., 5519., 5521., 5523., 5525., 5527., 5528., 3995  
5529., 5531., 5533., and 5535. of the Revised Code do not prohibit 3996  
~~telegraph,~~ telephone, and electric light and power companies from 3997  
constructing, maintaining, and using ~~telegraph,~~ telephone, or 3998  
electric light and power lines along and upon such roads or 3999  
highways under ~~sections 4931.19,~~ section 4933.14, or other 4000

sections of the Revised Code, or to affect existing rights of any 4001  
such companies, or to require such companies to obtain a permit 4002  
from the director, except with respect to the location of poles, 4003  
wires, conduits, and other equipment comprising lines on or 4004  
beneath the surface of such road or highways. 4005

This section does not prohibit steam or electric railroad 4006  
companies from constructing tracks across such roads or highways, 4007  
nor authorize the director to grant permission to any company 4008  
owning, operating, controlling, or managing a steam railroad or 4009  
interurban railway in this state to build a new line of railroad, 4010  
or to change or alter the location of existing tracks across any 4011  
road or highway on the state highway system at grade. No such 4012  
company shall change the elevation of any of its tracks across 4013  
such road or highway except in accordance with plans and 4014  
specifications first approved by the director. 4015

This section does not relieve any individual, firm, or 4016  
corporation from the obligation of satisfying any claim or demand 4017  
of an owner of lands abutting on such road or highway on the state 4018  
highway system on account of placing in such road or highway a 4019  
burden in addition to public travel. 4020

**Sec. 5733.57.** (A) As used in this section: 4021

(1) "Small telephone company" means a telephone company, 4022  
existing as such as of January 1, 2003, with twenty-five thousand 4023  
or fewer access lines ~~as shown on the company's annual report~~ 4024  
~~filed under section 4905.14 of the Revised Code~~ for the calendar 4025  
year immediately preceding the tax year, and is an "incumbent 4026  
local exchange carrier" under 47 U.S.C. 251(h). 4027

(2) "Gross receipts tax amount" means the product obtained by 4028  
multiplying four and three-fourths per cent by the amount of a 4029  
small telephone company's taxable gross receipts, excluding the 4030  
deduction of twenty-five thousand dollars, that the tax 4031

commissioner would have determined under section 5727.33 of the 4032  
Revised Code for that small telephone company for the annual 4033  
period ending on the thirtieth day of June of the calendar year 4034  
immediately preceding the tax year, as that section applied in the 4035  
measurement period from July 1, 2002, to June 30, 2003. 4036

(3) "Applicable percentage" means one hundred per cent for 4037  
tax year 2005; eighty per cent for tax year 2006; sixty per cent 4038  
for tax year 2007; forty per cent for tax year 2008; twenty per 4039  
cent for tax year 2009; and zero per cent for each subsequent tax 4040  
year thereafter. 4041

(4) "Applicable amount" means the amount resulting from 4042  
subtracting the gross receipts tax amount from the tax imposed by 4043  
sections 5733.06, 5733.065, and 5733.066 of the Revised Code for 4044  
the tax year, without regard to any credits available to the small 4045  
telephone company. 4046

(B)(1) Except as provided in division (B)(2) of this section, 4047  
beginning in tax year 2005, a small telephone company is hereby 4048  
allowed a nonrefundable credit against the tax imposed by sections 4049  
5733.06, 5733.065, and 5733.066 of the Revised Code, equal to the 4050  
product obtained by multiplying the applicable percentage by the 4051  
applicable amount. The credit shall be claimed in the order 4052  
required by section 5733.98 of the Revised Code. 4053

(2) If the applicable amount for a tax year is less than 4054  
zero, a small telephone company shall not be allowed for that tax 4055  
year the credit provided under this section. 4056

**Sec. 6101.17.** The board of directors of a conservancy 4057  
district, when it is necessary for the purposes of this chapter, 4058  
shall have a dominant right of eminent domain over the right of 4059  
eminent domain of railroad, ~~telegraph,~~ telephone, gas, water 4060  
power, and other companies and corporations, and over townships, 4061  
counties, and municipal corporations. 4062

In the exercise of this right, due care shall be taken to do 4063  
no unnecessary damage to other public utilities, and, in case of 4064  
failure to agree upon the mode and terms of interference, not to 4065  
interfere with their operation or usefulness beyond the actual 4066  
necessities of the case, due regard being paid to the other public 4067  
interests involved. 4068

**Sec. 6115.21.** The board of directors of a sanitary district, 4069  
when it is necessary for the purposes of sections 6115.01 to 4070  
6115.79, ~~inclusive~~, of the Revised Code, shall have a dominant 4071  
right of eminent domain over the right of eminent domain of 4072  
railroad, ~~telegraph~~, telephone, gas, water power, and other 4073  
companies and corporations, and over townships, counties, and 4074  
municipal corporations. 4075

In the exercise of this right due care shall be taken to do 4076  
no unnecessary damage to other public utilities, and, in case of 4077  
failure to agree upon the mode and terms of interference, not to 4078  
interfere with their operation or usefulness beyond the actual 4079  
necessities of the case, due regard being paid to the other public 4080  
interests involved. 4081

**Section 2.** That existing sections 324.01, 324.03, 1332.24, 4082  
2317.02, 2917.21, 2929.01, 4901.01, 4901.02, 4901.11, 4901.15, 4083  
4901.22, 4903.01, 4903.20, 4903.22, 4903.23, 4905.01, 4905.02, 4084  
4905.03, 4905.04, 4905.09, 4905.12, 4905.14, 4905.16, 4905.18, 4085  
4905.20, 4905.21, 4905.26, 4905.30, 4905.34, 4905.40, 4905.402, 4086  
4905.41, 4905.42, 4905.45, 4905.46, 4905.47, 4905.51, 4905.52, 4087  
4905.58, 4905.59, 4905.61, 4905.63, 4905.71, 4905.73, 4905.84, 4088  
4905.90, 4905.99, 4907.01, 4907.14, 4907.30, 4909.01, 4909.02, 4089  
4909.03, 4909.17, 4911.01, 4921.01, 4923.01, 4927.01, 4927.02, 4090  
4929.02, 4931.02, 4931.03, 4931.04, 4931.11, 4931.35, 4931.99, 4091  
4933.14, 4933.18, 4933.19, 4939.01, 5515.01, 5733.57, 6101.17, and 4092  
6115.21 and sections 4905.041, 4905.23, 4905.231, 4905.24, 4093

4905.241, 4905.242, 4905.243, 4905.244, 4905.25, 4905.381, 4094  
4905.49, 4905.491, 4905.50, 4927.03, 4927.04, 4931.06, 4931.07, 4095  
4931.12, 4931.13, 4931.14, 4931.15, 4931.16, 4931.17, 4931.18, 4096  
4931.19, 4931.21, 4931.22, 4931.25, 4931.26, 4931.27, 4931.28, 4097  
4931.29, 4931.30, and 4931.31 of the Revised Code are hereby 4098  
repealed. 4099

**Section 3.** Coincident with the adoption of initial rules as 4100  
provided for in section 4927.03 of the Revised Code as enacted by 4101  
this act, the Public Utilities Commission shall rescind the 4102  
following rules and shall file the requisite notice of the 4103  
rescissions with the Legislative Service Commission and the 4104  
Secretary of State within five days: Chapters 4901:1-4, 4901:1-5, 4105  
and 4901:1-6 of the Ohio Administrative Code, except for Rule No. 4106  
4901:1-5-09 and related definitions in Rule No. 4901:1-5-01 and 4107  
except for Rule Nos. 4901:1-6-18 and 4901:1-6-24 and related 4108  
definitions in Rule No. 4901:1-6-01. Rescission of these rules 4109  
shall take effect as provided by law and, notwithstanding any 4110  
other provision of the Revised Code, is not subject to legislative 4111  
review or invalidation. Except as provided in section 4927.12 of 4112  
the Revised Code, the Public Utilities Commission shall not 4113  
enforce on or after the effective date of this act against any 4114  
telephone company as defined in section 4905.03 of the Revised 4115  
Code as amended by this act any provision of any of the rules 4116  
specified in this section, except for Rule No. 4901:1-5-09 and 4117  
related definitions in Rule No. 4901:1-5-01 and Rule Nos. 4118  
4901:1-6-18 and 4901:1-6-24 and related definitions in Rule No. 4119  
4901:1-6-01. 4120

**Section 4.** Any complaint filed pursuant to section 4905.26 of 4121  
the Revised Code and pending on the effective date of Sections 1 4122  
and 2 of this act shall be determined by the Public Utilities 4123

Commission pursuant to the Revised Code as it existed immediately 4124  
preceding that effective date. 4125

**Section 5.** Section 2917.21 of the Revised Code is presented 4126  
in this act as a composite of the section as amended by both H.B. 4127  
565 and S.B. 215 of the 122nd General Assembly. Section 2929.01 of 4128  
the Revised Code is presented in this act as a composite of the 4129  
section as amended by both Am. Sub. H.B. 130 and Am. Sub. H.B. 280 4130  
of the 127th General Assembly. Section 4933.14 of the Revised Code 4131  
is presented in this act as a composite of the section as amended 4132  
by both H.B. 283 and S.B. 3 of the 123rd General Assembly. The 4133  
General Assembly, applying the principle stated in division (B) of 4134  
section 1.52 of the Revised Code that amendments are to be 4135  
harmonized if reasonably capable of simultaneous operation, finds 4136  
that the composites are the resulting versions of those sections 4137  
in effect prior to the effective date of those sections as 4138  
presented in this act. 4139