

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 301

Representative Foley

**Cosponsors: Representatives Celeste, Skindell, Hagan, Stewart, Letson,
Murray, Harris, Pryor, Yuko, Domenick, Ujvagi, Yates, Harwood, Winburn,
Williams, S.**

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A B I L L

To amend section 4928.61 and to enact section 1
4928.622 of the Revised Code to replace the 2
current Advanced Energy Fund revenue rider on 3
retail electric distribution service rates with a 4
new rider that will terminate on January 1, 2025 5
and to permit aerospace institutes to receive 6
Advanced Energy Fund money for advanced energy 7
projects and economic development. 8

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

Section 1. That section 4928.61 be amended and section 9
4928.622 of the Revised Code be enacted to read as follows: 10

Sec. 4928.61. (A) There is hereby established in the state 11
treasury the advanced energy fund, into which shall be deposited 12
all advanced energy revenues remitted to the director of 13
development under division (B) of this section, for the exclusive 14
purposes of funding the advanced energy program created under 15
section 4928.62 of the Revised Code and paying the program's 16
administrative costs. Interest on the fund shall be credited to 17

the fund. 18

(B) Advanced energy revenues shall include all of the 19
following: 20

(1) Revenues remitted to the director after collection by 21
each electric distribution utility in this state of a temporary 22
rider on retail electric distribution service rates ~~as such rates~~ 23
~~are determined by the public utilities commission pursuant to this~~ 24
~~chapter. The rider shall be a uniform amount statewide, determined~~ 25
~~by the director of development, after consultation with the public~~ 26
~~benefits advisory board created by section 4928.58 of the Revised~~ 27
~~Code. The amount shall be determined by dividing an aggregate~~ 28
~~revenue target for a given year as determined by the director,~~ 29
~~after consultation with the advisory board, by the number of~~ 30
~~customers of electric distribution utilities in this state in the~~ 31
~~prior year. Such aggregate revenue target shall not exceed more~~ 32
~~than fifteen million dollars in any year through 2005 and shall~~ 33
~~not exceed more than five million dollars in any year after 2005~~ 34
imposed on residential, commercial, and industrial customers as 35
defined by rules adopted by the public utilities commission. The 36
amount of the rider shall be as follows: 37

(a) One dollar per month for residential customers; 38

(b) Ten dollars per month for commercial customers; 39

(c) Fifty dollars per month for industrial customers. The 40
rider shall be imposed beginning on the effective date of ~~the~~ this 41
~~amendment of this section by Sub. H.B. 251 of the 126th general~~ 42
~~assembly, January 4, 2007, and shall terminate at the end of ten~~ 43
~~years following the starting date of competitive retail electric~~ 44
~~service or until the advanced energy fund, including interest,~~ 45
~~reaches one hundred million dollars, whichever is first~~ on January 46
1, 2025. 47

(2) Revenues from payments, repayments, and collections under 48

the advanced energy program and from program income; 49

(3) Revenues remitted to the director after collection by a 50
municipal electric utility or electric cooperative in this state 51
upon the utility's or cooperative's decision to participate in the 52
advanced energy fund; 53

(4) Revenues from renewable energy compliance payments as 54
provided under division (C)(2) of section 4928.64 of the Revised 55
Code; 56

(5) Revenue from forfeitures under division (C) of section 57
4928.66 of the Revised Code; 58

(6) Interest earnings on the advanced energy fund. 59

(C)(1) Each electric distribution utility in this state shall 60
remit to the director on a quarterly basis the revenues described 61
in divisions (B)(1) and (2) of this section. Such remittances 62
shall occur within thirty days after the end of each calendar 63
quarter. 64

(2) Each participating electric cooperative and participating 65
municipal electric utility shall remit to the director on a 66
quarterly basis the revenues described in division (B)(3) of this 67
section. Such remittances shall occur within thirty days after the 68
end of each calendar quarter. For the purpose of division (B)(3) 69
of this section, the participation of an electric cooperative or 70
municipal electric utility in the energy efficiency revolving loan 71
program as it existed immediately prior to the effective date of 72
the amendment of this section by Sub. H.B. 251 of the 126th 73
general assembly, January 4, 2007, does not constitute a decision 74
to participate in the advanced energy fund under this section as 75
so amended. 76

(3) ~~All~~ Except for remittances from revenues described in 77
division (B)(1) of this section, all remittances under divisions 78
(C)(1) and (2) of this section shall continue only until the end 79

of ten years following the starting date of competitive retail 80
electric service or until the advanced energy fund, including 81
interest, reaches one hundred million dollars, whichever is first. 82
Remittances from revenues described in division (B)(1) of this 83
section shall continue until January 1, 2025. 84

(D) Any moneys collected in rates for non-low-income customer 85
energy efficiency programs, as of October 5, 1999, and not 86
contributed to the energy efficiency revolving loan fund 87
authorized under this section prior to the effective date of its 88
amendment by Sub. H.B. 251 of the 126th general assembly, January 89
4, 2007, shall be used to continue to fund cost-effective, 90
residential energy efficiency programs, be contributed into the 91
universal service fund as a supplement to that required under 92
section 4928.53 of the Revised Code, or be returned to ratepayers 93
in the form of a rate reduction at the option of the affected 94
electric distribution utility. 95

Sec. 4928.622. Any aerospace institute in this state is 96
eligible to receive up to two million five hundred thousand 97
dollars in assistance annually for advanced energy projects and 98
economic development from the director of development pursuant to 99
section 4928.62 of the Revised Code provided that the institute 100
meets the following requirements: 101

(A) Its mission is to develop the state's aerospace economy 102
through research, technology, education, and collaboration; 103

(B) It is exempt from federal income taxation under section 104
501(c)(3) of the "Internal Revenue Code of 1986," as amended; 105

(C) It works in conjunction with the state and with federal 106
research laboratories, private enterprises, and public and private 107
institutions of higher education statewide; 108

(D) It offers its members access to seminars, workshops, and 109

other aerospace education opportunities. 110

Section 2. That existing section 4928.61 of the Revised Code 111
is hereby repealed. 112