

**As Introduced**

**128th General Assembly  
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**H. B. No. 375**

**Representative Yates**

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**A B I L L**

To amend sections 4928.01 and 4928.10 and to enact 1  
section 4905.67 of the Revised Code to require 2  
certain public utilities to provide billing and 3  
collection services to customers at no charge. 4

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

**Section 1.** That sections 4928.01 and 4928.10 be amended and 5  
section 4905.67 of the Revised Code be enacted to read as follows: 6

**Sec. 4905.67.** A public utility that is an electric light 7  
company, a telephone company, or a water-works company shall not 8  
use a third party for billing and collection services and shall 9  
provide such services to customers at no charge. 10

**Sec. 4928.01.** (A) As used in this chapter: 11

(1) "Ancillary service" means any function necessary to the 12  
provision of electric transmission or distribution service to a 13  
retail customer and includes, but is not limited to, scheduling, 14  
system control, and dispatch services; reactive supply from 15  
generation resources and voltage control service; reactive supply 16  
from transmission resources service; regulation service; frequency 17  
response service; energy imbalance service; operating 18  
reserve-spinning reserve service; operating reserve-supplemental 19

reserve service; load following; back-up supply service; 20  
real-power loss replacement service; dynamic scheduling; system 21  
black start capability; and network stability service. 22

(2) "Billing and collection agent" means a fully independent 23  
agent, not affiliated with or otherwise controlled by an ~~electric~~ 24  
~~utility, electric services company,~~ electric cooperative, or 25  
governmental aggregator subject to certification under section 26  
4928.08 of the Revised Code, to the extent that the agent is under 27  
contract with such ~~utility, company,~~ cooperative, or aggregator 28  
solely to provide billing and collection for retail electric 29  
service on behalf of the ~~utility company,~~ cooperative, or 30  
aggregator. 31

(3) "Certified territory" means the certified territory 32  
established for an electric supplier under sections 4933.81 to 33  
4933.90 of the Revised Code. 34

(4) "Competitive retail electric service" means a component 35  
of retail electric service that is competitive as provided under 36  
division (B) of this section. 37

(5) "Electric cooperative" means a not-for-profit electric 38  
light company that both is or has been financed in whole or in 39  
part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 40  
7 U.S.C. 901, and owns or operates facilities in this state to 41  
generate, transmit, or distribute electricity, or a not-for-profit 42  
successor of such company. 43

(6) "Electric distribution utility" means an electric utility 44  
that supplies at least retail electric distribution service. 45

(7) "Electric light company" has the same meaning as in 46  
section 4905.03 of the Revised Code and includes an electric 47  
services company, but excludes any self-generator to the extent 48  
that it consumes electricity it so produces, sells that 49  
electricity for resale, or obtains electricity from a generating 50

facility it hosts on its premises.	51
(8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code.	52 53
(9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent.	54 55 56 57 58 59 60 61
(10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code.	62 63
(11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis either in the business of supplying a noncompetitive retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent.	64 65 66 67 68 69 70
(12) "Firm electric service" means electric service other than nonfirm electric service.	71 72
(13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners acting as an aggregator for the provision of a competitive retail electric service under authority conferred under section 4928.20 of the Revised Code.	73 74 75 76 77
(14) A person acts "knowingly," regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is	78 79 80 81

aware that such circumstances probably exist. 82

(15) "Level of funding for low-income customer energy 83  
efficiency programs provided through electric utility rates" means 84  
the level of funds specifically included in an electric utility's 85  
rates on October 5, 1999, pursuant to an order of the public 86  
utilities commission issued under Chapter 4905. or 4909. of the 87  
Revised Code and in effect on October 4, 1999, for the purpose of 88  
improving the energy efficiency of housing for the utility's 89  
low-income customers. The term excludes the level of any such 90  
funds committed to a specific nonprofit organization or 91  
organizations pursuant to a stipulation or contract. 92

(16) "Low-income customer assistance programs" means the 93  
percentage of income payment plan program, the home energy 94  
assistance program, the home weatherization assistance program, 95  
and the targeted energy efficiency and weatherization program. 96

(17) "Market development period" for an electric utility 97  
means the period of time beginning on the starting date of 98  
competitive retail electric service and ending on the applicable 99  
date for that utility as specified in section 4928.40 of the 100  
Revised Code, irrespective of whether the utility applies to 101  
receive transition revenues under this chapter. 102

(18) "Market power" means the ability to impose on customers 103  
a sustained price for a product or service above the price that 104  
would prevail in a competitive market. 105

(19) "Mercantile customer" means a commercial or industrial 106  
customer if the electricity consumed is for nonresidential use and 107  
the customer consumes more than seven hundred thousand kilowatt 108  
hours per year or is part of a national account involving multiple 109  
facilities in one or more states. 110

(20) "Municipal electric utility" means a municipal 111  
corporation that owns or operates facilities to generate, 112

transmit, or distribute electricity.	113
(21) "Noncompetitive retail electric service" means a	114
component of retail electric service that is noncompetitive as	115
provided under division (B) of this section.	116
(22) "Nonfirm electric service" means electric service	117
provided pursuant to a schedule filed under section 4905.30 of the	118
Revised Code or pursuant to an arrangement under section 4905.31	119
of the Revised Code, which schedule or arrangement includes	120
conditions that may require the customer to curtail or interrupt	121
electric usage during nonemergency circumstances upon notification	122
by an electric utility.	123
(23) "Percentage of income payment plan arrears" means funds	124
eligible for collection through the percentage of income payment	125
plan rider, but uncollected as of July 1, 2000.	126
(24) "Person" has the same meaning as in section 1.59 of the	127
Revised Code.	128
(25) "Advanced energy project" means any technologies,	129
products, activities, or management practices or strategies that	130
facilitate the generation or use of electricity or energy and that	131
reduce or support the reduction of energy consumption or support	132
the production of clean, renewable energy for industrial,	133
distribution, commercial, institutional, governmental, research,	134
not-for-profit, or residential energy users, including, but not	135
limited to, advanced energy resources and renewable energy	136
resources. "Advanced energy project" also includes any project	137
described in division (A), (B), or (C) of section 4928.621 of the	138
Revised Code.	139
(26) "Regulatory assets" means the unamortized net regulatory	140
assets that are capitalized or deferred on the regulatory books of	141
the electric utility, pursuant to an order or practice of the	142
public utilities commission or pursuant to generally accepted	143

accounting principles as a result of a prior commission 144  
rate-making decision, and that would otherwise have been charged 145  
to expense as incurred or would not have been capitalized or 146  
otherwise deferred for future regulatory consideration absent 147  
commission action. "Regulatory assets" includes, but is not 148  
limited to, all deferred demand-side management costs; all 149  
deferred percentage of income payment plan arrears; 150  
post-in-service capitalized charges and assets recognized in 151  
connection with statement of financial accounting standards no. 152  
109 (receivables from customers for income taxes); future nuclear 153  
decommissioning costs and fuel disposal costs as those costs have 154  
been determined by the commission in the electric utility's most 155  
recent rate or accounting application proceeding addressing such 156  
costs; the undepreciated costs of safety and radiation control 157  
equipment on nuclear generating plants owned or leased by an 158  
electric utility; and fuel costs currently deferred pursuant to 159  
the terms of one or more settlement agreements approved by the 160  
commission. 161

(27) "Retail electric service" means any service involved in 162  
supplying or arranging for the supply of electricity to ultimate 163  
consumers in this state, from the point of generation to the point 164  
of consumption. For the purposes of this chapter, retail electric 165  
service includes one or more of the following "service 166  
components": generation service, aggregation service, power 167  
marketing service, power brokerage service, transmission service, 168  
distribution service, ancillary service, metering service, and 169  
billing and collection service. 170

(28) "Starting date of competitive retail electric service" 171  
means January 1, 2001. 172

(29) "Customer-generator" means a user of a net metering 173  
system. 174

(30) "Net metering" means measuring the difference in an 175

applicable billing period between the electricity supplied by an 176  
electric service provider and the electricity generated by a 177  
customer-generator that is fed back to the electric service 178  
provider. 179

(31) "Net metering system" means a facility for the 180  
production of electrical energy that does all of the following: 181

(a) Uses as its fuel either solar, wind, biomass, landfill 182  
gas, or hydropower, or uses a microturbine or a fuel cell; 183

(b) Is located on a customer-generator's premises; 184

(c) Operates in parallel with the electric utility's 185  
transmission and distribution facilities; 186

(d) Is intended primarily to offset part or all of the 187  
customer-generator's requirements for electricity. 188

(32) "Self-generator" means an entity in this state that owns 189  
or hosts on its premises an electric generation facility that 190  
produces electricity primarily for the owner's consumption and 191  
that may provide any such excess electricity to another entity, 192  
whether the facility is installed or operated by the owner or by 193  
an agent under a contract. 194

(33) "Rate plan" means the standard service offer in effect 195  
on the effective date of the amendment of this section by S.B. 221 196  
of the 127th general assembly, July 31, 2008. 197

(34) "Advanced energy resource" means any of the following: 198

(a) Any method or any modification or replacement of any 199  
property, process, device, structure, or equipment that increases 200  
the generation output of an electric generating facility to the 201  
extent such efficiency is achieved without additional carbon 202  
dioxide emissions by that facility; 203

(b) Any distributed generation system consisting of customer 204  
cogeneration of electricity and thermal output simultaneously, 205

primarily to meet the energy needs of the customer's facilities; 206

(c) Clean coal technology that includes a carbon-based 207  
product that is chemically altered before combustion to 208  
demonstrate a reduction, as expressed as ash, in emissions of 209  
nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or 210  
sulfur trioxide in accordance with the American society of testing 211  
and materials standard D1757A or a reduction of metal oxide 212  
emissions in accordance with standard D5142 of that society, or 213  
clean coal technology that includes the design capability to 214  
control or prevent the emission of carbon dioxide, which design 215  
capability the commission shall adopt by rule and shall be based 216  
on economically feasible best available technology or, in the 217  
absence of a determined best available technology, shall be of the 218  
highest level of economically feasible design capability for which 219  
there exists generally accepted scientific opinion; 220

(d) Advanced nuclear energy technology consisting of 221  
generation III technology as defined by the nuclear regulatory 222  
commission; other, later technology; or significant improvements 223  
to existing facilities; 224

(e) Any fuel cell used in the generation of electricity, 225  
including, but not limited to, a proton exchange membrane fuel 226  
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 227  
solid oxide fuel cell; 228

(f) Advanced solid waste or construction and demolition 229  
debris conversion technology, including, but not limited to, 230  
advanced stoker technology, and advanced fluidized bed 231  
gasification technology, that results in measurable greenhouse gas 232  
emissions reductions as calculated pursuant to the United States 233  
environmental protection agency's waste reduction model (WARM). 234

(g) Demand-side management and any energy efficiency 235  
236



improvement;	237
(h) Methane gas emitted from an operating or abandoned coal mine.	238 239
(35) "Renewable energy resource" means solar photovoltaic or solar thermal energy, wind energy, power produced by a hydroelectric facility, geothermal energy, fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion, biomass energy, biologically derived methane gas, or energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors. "Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; storage facility that will promote the better utilization of a renewable energy resource that primarily generates off peak; or distributed generation system used by a customer to generate electricity from any such energy. As used in division (A)(35) of this section, "hydroelectric facility" means a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state and meets all of the following standards:	240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263
(a) The facility provides for river flows that are not detrimental for fish, wildlife, and water quality, including seasonal flow fluctuations as defined by the applicable licensing agency for the facility.	264 265 266 267
(b) The facility demonstrates that it complies with the water	268

quality standards of this state, which compliance may consist of 269  
certification under Section 401 of the "Clean Water Act of 1977," 270  
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 271  
not contributed to a finding by this state that the river has 272  
impaired water quality under Section 303(d) of the "Clean Water 273  
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 274

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(c) The facility complies with mandatory prescriptions 276  
regarding fish passage as required by the federal energy 277  
regulatory commission license issued for the project, regarding 278  
fish protection for riverine, anadromous, and catadromus fish. 279

(d) The facility complies with the recommendations of the 280  
Ohio environmental protection agency and with the terms of its 281  
federal energy regulatory commission license regarding watershed 282  
protection, mitigation, or enhancement, to the extent of each 283  
agency's respective jurisdiction over the facility. 284

(e) The facility complies with provisions of the "Endangered 285  
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 286  
amended. 287

(f) The facility does not harm cultural resources of the 288  
area. This can be shown through compliance with the terms of its 289  
federal energy regulatory commission license or, if the facility 290  
is not regulated by that commission, through development of a plan 291  
approved by the Ohio historic preservation office, to the extent 292  
it has jurisdiction over the facility. 293

(g) The facility complies with the terms of its federal 294  
energy regulatory commission license or exemption that are related 295  
to recreational access, accommodation, and facilities or, if the 296  
facility is not regulated by that commission, the facility 297  
complies with similar requirements as are recommended by resource 298  
agencies, to the extent they have jurisdiction over the facility; 299

and the facility provides access to water to the public without 300  
fee or charge. 301

(h) The facility is not recommended for removal by any 302  
federal agency or agency of any state, to the extent the 303  
particular agency has jurisdiction over the facility. 304

(B) For the purposes of this chapter, a retail electric 305  
service component shall be deemed a competitive retail electric 306  
service if the service component is competitive pursuant to a 307  
declaration by a provision of the Revised Code or pursuant to an 308  
order of the public utilities commission authorized under division 309  
(A) of section 4928.04 of the Revised Code. Otherwise, the service 310  
component shall be deemed a noncompetitive retail electric 311  
service. 312

**Sec. 4928.10.** For the protection of consumers in this state, 313  
the public utilities commission shall adopt rules under division 314  
(A) of section 4928.06 of the Revised Code specifying the 315  
necessary minimum service requirements, on or after the starting 316  
date of competitive retail electric service, of an electric 317  
utility, electric services company, electric cooperative, or 318  
governmental aggregator subject to certification under section 319  
4928.08 of the Revised Code regarding the provision, directly or 320  
through ~~its~~ an electric cooperative's or governmental aggregator's 321  
billing and collection agent, of competitive retail electric 322  
services for which it is subject to certification. Rules adopted 323  
under this section shall include a prohibition against unfair, 324  
deceptive, and unconscionable acts and practices in the marketing, 325  
solicitation, and sale of such a competitive retail electric 326  
service and in the administration of any contract for service, and 327  
also shall include additional consumer protections concerning all 328  
of the following: 329

(A) Contract disclosure. The rules shall include requirements 330

that an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code do both of the following:

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

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

(B) Service termination. The rules shall include disclosure of the terms identifying how customers may switch or terminate service, including any required notice and any penalties.

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

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

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

(3) Identification of the supplier of each service;

(4) Statement of where and how payment may be made and provision of a toll-free or local customer assistance and complaint number for the electric utility, electric services company, electric cooperative, or governmental aggregator, as well as a consumer assistance telephone number or numbers for state agencies, such as the commission, the office of the consumers' counsel, and the attorney general's office, with the available

hours noted;	361
(5) Other than for the first billing after the starting date	362
of competitive retail electric service, highlighting and clear	363
explanation on each customer bill, for two consecutive billing	364
periods, of any changes in the rates, terms, and conditions of	365
service.	366
(D) Disconnection and service termination, including	367
requirements with respect to master-metered buildings. The rules	368
shall include policies and procedures that are consistent with	369
sections 4933.121 and 4933.122 of the Revised Code and the	370
commission's rules adopted under those sections, and that provide	371
for all of the following:	372
(1) Coordination between suppliers for the purpose of	373
maintaining service;	374
(2) The allocation of partial payments between suppliers when	375
service components are jointly billed;	376
(3) A prohibition against blocking, or authorizing the	377
blocking of, customer access to a noncompetitive retail electric	378
service when a customer is delinquent in payments to the electric	379
utility or electric services company for a competitive retail	380
electric service;	381
(4) A prohibition against switching, or authorizing the	382
switching of, a customer's supplier of competitive retail electric	383
service without the prior consent of the customer in accordance	384
with appropriate confirmation practices, which may include	385
independent, third-party verification procedures.	386
(5) A requirement of disclosure of the conditions under which	387
a customer may rescind a decision to switch its supplier without	388
penalty;	389
(6) Specification of any required notice and any penalty for	390

early termination of contract. 391

(E) Minimum service quality, safety, and reliability. 392  
However, service quality, safety, and reliability requirements for 393  
electric generation service shall be determined primarily through 394  
market expectations and contractual relationships. 395

(F) Generation resource mix and environmental characteristics 396  
of power supplies. The rules shall include requirements for 397  
determination of the approximate generation resource mix and 398  
environmental characteristics of the power supplies and disclosure 399  
to the customer prior to the customer entering into a contract to 400  
purchase and four times per year under the contract. The rules 401  
also shall require that the electric utility, electric services 402  
company, electric cooperative, or governmental aggregator provide, 403  
or cause ~~its~~ the electric cooperative's or governmental 404  
aggregator's billing and collection agent to provide, a customer 405  
with standardized information comparing the projected, with the 406  
actual and verifiable, resource mix and environmental 407  
characteristics. This disclosure shall occur not less than 408  
annually or not less than once during the contract period if the 409  
contract period is less than one year, and prior to any renewal of 410  
a contract. 411

(G) Customer information. The rules shall include 412  
requirements that the electric utility, electric services company, 413  
electric cooperative, or governmental aggregator make generic 414  
customer load pattern information available to other electric 415  
light companies on a comparable and nondiscriminatory basis, and 416  
make customer-specific information available to other electric 417  
light companies on a comparable and nondiscriminatory basis 418  
unless, as to customer-specific information, the customer objects. 419  
The rules shall ensure that each such utility, company, 420  
cooperative, or aggregator provide clear and frequent notice to 421  
its customers of the right to object and of applicable procedures. 422

The rules shall establish the exact language that shall be used in 423  
all such notices. 424

**Section 2.** That existing sections 4928.01 and 4928.10 of the 425  
Revised Code are hereby repealed. 426