H.B. 85

126th General Assembly

(As Reported by H. Public Utilities and Energy)

Rep.　Blessing

BILL SUMMARY

- Requires that any governmental aggregation of the retail electric loads of mercantile commercial customers be done on an opt-in (prior individual consent) basis and prohibits a governmental aggregation from including such mercantile loads in an automatic, opt-out aggregation.

- Prohibits governmental aggregators from including in any retail electric aggregation the accounts of customers who have opted out of the aggregation, buy electricity from another competitive supplier, have a special contract with an electric distribution utility, are not located within the governmental boundaries, or appear on the Do Not Aggregate List authorized under the bill.

- Requires the Public Utilities Commission (PUCO) to establish and maintain the Do Not Aggregate List relating to governmental, retail electric aggregation.

CONTENT AND OPERATION

Governmental aggregation

(R.C. 4928.20)

Continuing Electric Restructuring Law authorizes the aggregation of retail electric loads by nongovernmental and governmental aggregators. Regarding governmental aggregation, a municipality, township, or county may serve as a purchasing agent for an aggregation of electric load centers located within its respective boundaries, excluding load centers located in the certified service territory of an electric cooperative or served by transmission or distribution

facilities of a municipal electric utility.[1] The government aggregator can form an aggregation through either an "opt-out" or "opt-in" method. Under the opt-in method, no load center is includable in the aggregation unless the customer provides prior consent. Under an opt-out aggregation--which requires voter preapproval--all retail electric loads located within the governmental boundaries are includable in the aggregation except the loads of customers that follow the locally prescribed procedure to opt out of the aggregation (without paying a switching fee) prior to the aggregation's starting date, or later at required two-year, opt-out intervals.

The bill provides that a mercantile commercial customer can be included in a government aggregation only with the customer's prior consent, thus, only under the opt-in method. A "mercantile commercial customer" under continuing law is a commercial or industrial customer whose nonresidential electricity consumption amounts to more than 700,000 kilowatt hours per year or is part of a national account involving multiple facilities in one or more states (R.C. 4928.01(A)(19)).

The bill additionally prohibits a governmental aggregator from including in its aggregation the accounts of any customers that have opted out of the aggregation, are in contract with a certified competitive retail electric services provider, have a special contract with an electric distribution utility, are not located within the governmental boundaries, or appear on the Do Not Aggregate List authorized under the bill.

Do Not Aggregate List

(R.C. 4928.21)

The bill requires the PUCO to establish by rule, and to maintain, a Do Not Aggregate List relating to governmental aggregation of retail electric loads. According to the bill, a customer that desires to remove itself from the pool of customers eligible to participate in such a governmental aggregation may register with the PUCO to appear on the list. If a customer is enrolled in a governmental aggregation at the time the customer first appears on the list, the governmental aggregator must remove the customer from the program at the next two-year opt-out opportunity. The PUCO must make the list publicly available on its web site.

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[1] _The political subdivisions also can join together to create larger aggregations of electric loads located within their respective boundaries._

HISTORY

ACTION	DATE	JOURNAL ENTRY	
Introduced	02-23-05	pp.	233-234
Reported, H. Public			
Utilities & Energy	10-25-05	p.	1764

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