



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

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Sub. H.B. 249

132nd General Assembly
(H. Public Utilities)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version adopted by the committee. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (L_132_0668-1)	Sub. Version (L_132_0668-5)
Public utilities commission (PUCO) rules regarding reselling		
Limits on purchases of utility service from competitive provider	No provision.	Requires PUCO rules to prohibit residential utility (RU) resellers that purchase a component of utility service through a competitive provider at a rate that is different from the provider's standard offer from purchasing it at a rate that exceeds the rate for that component under the utility provider's standard offer (<i>R.C. 4941.07(F)</i>).
Utility service transfer order	No provision.	Requires PUCO, if it does not adopt rules regulating RU resellers within one year of the bill's effective date, to do the following: <ul style="list-style-type: none"> • Order the transfer of reseller customers to utility providers appropriate to the utility services provided by the resellers, other than electric services companies;

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		<ul style="list-style-type: none"> • Complete the transfers no later than two years after the bill's effective date; • Prevent the transferred customer from being charged more than the receiving utility provider charges other similar customers <i>(R.C. 4941.06).</i>
Waiver <i>(R.C. 4941.02(B))</i>	Specifies that RU resellers may obtain a waiver from PUCO regulation as a public utility as applicable to the utility service they provide.	Specifies that RU resellers may obtain a waiver from the pricing restriction under a provision of the bill that provides pricing freedom, not a restriction. ¹
Waiver application procedure <i>(R.C. 4941.03(B))</i>	Requires PUCO to adopt rules governing the application procedure for a waiver from PUCO regulation of an RU as a public utility.	Requires PUCO to adopt rules governing the application procedure for a waiver designed to preserve a competitive result for alternative pricing.
Electric distribution utility (EDU) right of first refusal		
Right of first refusal	No provision.	Specifies that an EDU has the right of first refusal to serve, and to build out the facilities needed to serve, individual end-use customers in its service territory <i>(R.C. 4941.02(D))</i> .
Right of first refusal waiver	No provision.	Prohibits RU resellers from engaging in redistribution or resale of electricity upon purchase from a utility provider at a specific location or premises unless an EDU waives its first refusal rights established under the PUCO waiver rules <i>(R.C. 4941.02(D))</i> .

¹ See, R.C. 4941.11.

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Right of first refusal rules	No provision.	Requires PUCO to adopt rules governing the process for an EDU to waive its right of first refusal to build the distribution facilities needed to serve an individual end-use customer in lieu of an RU reseller (R.C. 4941.03(C)).
Limitations on effect of R.C. Chapter 4941. and PUCO rules		
R.C. Chapter 4941. and rules effect purchases of utility service through a competitive provider (R.C. 4941.11)	Provides that nothing in R.C. Chapter 4941. or PUCO rules prevents an RU reseller from purchasing a component of utility service through a competitive provider at a rate that is different than the rate for that component under the utility provider's <i>standard service offer</i> if the RU reseller obtains a waiver and complies with PUCO rules.	Changes <i>standard service offer</i> to <i>standard offer</i> .
R.C. Chapter 4941. effect on authority to regulate RU resellers (R.C. 4941.13)	Provides that nothing in R.C. Chapter 4941. limits the authority of PUCO, a municipality, or another local jurisdiction to prohibit or limit residential utility reselling.	Changes the provision to specify that nothing limits their authority to prohibit or limit residential utility reselling, <i>including through existing or future tariffs</i> .
Third-party billing service (TPBS)		
Proprietor arrangement with TPBS	No provision.	Permits a proprietor to arrange for a TPBS to administer billing for utility service to occupants if the following requirements are met for the TPBS cost: <ul style="list-style-type: none"> • It is included in the occupant's standard monthly charge; • It is disclosed to the potential occupant prior to the occupant signing the lease, rental agreement, or association service agreement; • The occupant is not charged a distinct charge for it;



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		<ul style="list-style-type: none"> It is nonvariable for the duration of the lease, rental agreement, or association service agreement. <p>(R.C. 4941.10.)</p>
Definitions		
RU reselling (R.C. 4941.01(H))	Defines RU reselling as a person charging an occupant for billing <i>and</i> provision of utility service. Includes situations in which (1) submeters or only a master meter is used, and (2) a proprietor contracts with another entity to assist with billing <i>and</i> provision of utility service. Excludes situations in which an occupant is a direct customer of a utility provider or <i>is charged for a utility service by a TPBS.</i>	Defines RU reselling as a person charging an occupant for billing <i>or</i> provision of utility service. Includes (1) situations in which (a) submeters or only a master meter is used, and (b) a proprietor contracts with another entity to assist with billing <i>or</i> provision of utility service, and (2) <i>an entity that is not a utility provider and that meets either of the following:</i> <ul style="list-style-type: none"> <i>It provides utility service;</i> <i>It is owned or controlled by, or affiliated with, an entity that provides utility service.</i> Excludes situations in which an occupant is a direct customer of a public utility or in which an <i>entity only charges</i> an occupant for TPBS.
TPBS	Defines TPBS as any person, corporation, or other entity charging an occupant on behalf of a proprietor (1) the amount for utility service that does not exceed the actual cost of the service provided to the occupant, and (2) a <i>reasonable monthly administrative fee as part of the standard monthly charge, such as rent or condominium-association fee (R.C. 4941.01(K)).</i>	In the definition of a TPBS, changes the monthly administrative fee to a <i>reasonable monthly cost included in the occupant's standard monthly charge.</i> Defines TPBS to exclude both (1) an entity that provides utility service, and (2) an entity that is owned or controlled by, or affiliated with, an entity that provides utility service. (R.C. 4941.01(L)).
Electric services company as a utility provider	No provision.	Defines "utility provider" to include an electric services company (R.C. 4941.01(O)(3)).



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Standard monthly charge	Referred to charges "such as rent or condominium-association fees," but did not define the term (<i>R.C. 4941.01(H)(1) and (K)(2) and 4941.09(A)(1) and (2)</i>).	Defines "standard monthly charge" to mean an occupant's regular payment to a proprietor for the use or maintenance of property or land, such as rent or a condominium-association fee (<i>R.C. 4941.01(J)</i>).
Standard mercantile rate (<i>R.C. 4941.01(I)</i>)	Defines "standard mercantile rate" to mean, with respect to a utility service provided to an RU reseller by a utility provider, the mercantile rate collected in the immediate service area from <i>merchant</i> customers for utility service of the same type and quantity.	Changes "standard mercantile rate" to refer to the mercantile rate collected from <i>mercantile</i> customers instead of <i>merchant</i> customers.

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