

**As Introduced**

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

**H. B. No. 443**

**Representative Gerberry**

**Cosponsors: Representatives Hagan, Harwood, Phillips, Fende, Ujvagi,  
Murray, Mallory, Williams, B., Bolon, Letson, Domenick, Lundy, Harris,  
Newcomb, Moran, Yuko, Winburn, Dyer, Weddington**

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**A BILL**

To enact sections 4930.01, 4930.02, 4930.03, 4930.04, 1  
4930.05, 4930.06, 4930.07, 4930.08, 4930.09, 2  
4930.10, 4930.11, 4930.12, 4930.13, and 4930.14 of 3  
the Revised Code to create the Energy Efficiency 4  
Stakeholder Advisory Group to review energy 5  
efficiency and peak demand reduction programs and 6  
related matters and to require the group to make a 7  
recommendation regarding its continuation to the 8  
General Assembly by December 31, 2024. 9

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

**Section 1.** That sections 4930.01, 4930.02, 4930.03, 4930.04, 10  
4930.05, 4930.06, 4930.07, 4930.08, 4930.09, 4930.10, 4930.11, 11  
4930.12, 4930.13, and 4930.14 of the Revised Code be enacted to 12  
read as follows: 13

**Sec. 4930.01.** As used in this chapter: 14

(A) "Electric distribution utility" has the same meaning as 15  
in section 4928.01 of the Revised Code. 16

(B) "Natural gas company" has the same meaning as in section 4929.01 of the Revised Code. 17  
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(C) "Energy efficiency or peak demand reduction program" means a program designed so that an electric distribution utility or natural gas company achieves measurable energy savings or measurable reductions in peak demand for energy. An energy efficiency or peak demand reduction program includes an energy efficiency program or peak demand reduction program required under section 4928.66 of the Revised Code or by public utilities commission rule or order. 19  
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Sec. 4930.02. (A) There is hereby created the energy efficiency stakeholder advisory group. 27  
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(B) The group shall consist of all electric distribution utilities and all natural gas companies operating within the state and any stakeholders interested in advising utilities about the design, selection, implementation, and criteria for compliance measurement and evaluation of energy efficiency and peak demand reduction programs. Stakeholders may include the following: 29  
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(1) Any person that has intervened in an electric distribution utility standard service offer application proceeding filed under section 4928.141 of the Revised Code for which there has been a final opinion and order issued by the public utilities commission; 35  
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(2) Any person that has intervened in a natural gas company rate case application proceeding filed under section 4909.18 or 4929.05 of the Revised Code for which there has been a final opinion and order issued by the commission; 40  
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(3) Any other person that, after petitioning the commission, receives commission approval to be a member of the group. 44  
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(C) The group shall meet at least once every two months and 46

may meet more often as agreed to by its members. 47

(D) If the group determines it to be necessary, the group may 48  
establish subgroups that may meet to perform additional energy 49  
efficiency and peak demand reduction reviews. 50

**Sec. 4930.03.** A facilitator hired as provided in section 51  
4930.10 of the Revised Code shall conduct all meetings of the 52  
energy efficiency stakeholder advisory group, provide expert 53  
analysis of energy efficiency and peak demand reduction programs, 54  
and perform other duties as determined by the group. The 55  
facilitator shall work for and, as appropriate, share information 56  
with all members of the group. 57

**Sec. 4930.04.** The energy efficiency stakeholder advisory 58  
group shall provide an opportunity for electric distribution 59  
utilities and natural gas companies to work with interested 60  
stakeholders to compare and review proposed and existing energy 61  
efficiency and peak demand reduction programs. The group shall 62  
review the following: 63

(A) Energy efficiency and peak demand reduction programs 64  
proposed by an electric distribution utility, a natural gas 65  
company, or a stakeholder; 66

(B) The status and outcome of existing energy efficiency and 67  
peak demand reduction programs conducted by an electric 68  
distribution utility, a natural gas company, or a stakeholder, 69  
including but not limited to, such information as energy savings 70  
and program costs; 71

(C) Any other matters related to energy efficiency or peak 72  
demand reduction that the group determines to be appropriate. 73

**Sec. 4930.05.** (A) Before an application for approval of an 74  
energy efficiency or peak demand reduction program may be filed 75

with the public utilities commission, an electric distribution utility, a natural gas company, or a stakeholder shall request the energy efficiency stakeholder advisory group to conduct a review by submitting a written description of the program to the facilitator. The facilitator shall distribute the description to the members of the group at least two weeks prior to the next meeting of the group. 76  
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(B) When conducting a review, the group shall consider the compliance measurements for, and cost effectiveness of, the program in comparison to other potential programs, as well as the program's potential for energy efficiency or peak demand reduction. In order to determine whether there is a balanced allocation of energy efficiency and peak demand reduction programs among all customer classes, the group also shall consider the following: 83  
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(1) The percentage of such programs attributable to each customer class by the electric distribution company to meet the energy savings and peak demand reductions required under section 4928.66 of the Revised Code; 91  
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(2) The percentage of such programs attributable to each customer class by the natural gas company to meet the energy savings and peak demand reductions required under public utilities commission rule or order. 95  
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(C) Any member of the group may recommend alternative or additional energy efficiency or peak demand reduction programs to the electric distribution utility or natural gas company proposing a program that is under review by the group. 99  
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(D) Following its review of a program, the group shall record each member's vote to recommend the program's approval or disapproval. Each member of the group shall have one vote. For purposes of voting only, each organization or entity that is part 103  
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of the group shall be considered one member regardless of the 107  
number of individuals representing that organization or entity at 108  
any group meeting. 109

**Sec. 4930.06.** After the energy efficiency stakeholder 110  
advisory group completes its review under section 4930.05 of the 111  
Revised Code, an electric distribution utility or a natural gas 112  
company may file an application for public utilities commission 113  
approval of the proposed energy efficiency or peak demand 114  
reduction program whether or not a majority of the members of the 115  
group that reviewed the program voted to recommend its approval. 116  
No electric distribution utility or natural gas company may file 117  
an application for commission approval of a program until the 118  
program has been reviewed by and has received from the group a 119  
record of participating members' recommendations for the program's 120  
approval or disapproval. 121

**Sec. 4930.07.** If an electric distribution utility or a 122  
natural gas company submits an energy efficiency or peak demand 123  
reduction program to the public utilities commission for approval 124  
after its review by the energy efficiency stakeholder advisory 125  
group, the group shall submit a record of participating members' 126  
recommendations to the commission that includes the following: 127

(A) A list detailing the members that voted to approve the 128  
program and those that voted to disapprove the program; 129

(B) Any written letters in support of or in opposition to the 130  
program; 131

(C) Any additional comments about the program. 132

**Sec. 4930.08.** Members of the energy efficiency stakeholder 133  
advisory group retain the right to file comments, to be docketed 134  
at the public utilities commission, regarding any application 135

filed by an electric distribution utility or a natural gas company 136  
for approval of an energy efficiency or peak demand reduction 137  
program. 138

Sec. 4930.09. The public utilities commission shall docket 139  
all recommendations, comments, and accompanying written letters 140  
submitted by the energy efficiency stakeholder advisory group and 141  
its members in relation to an application filed by an electric 142  
distribution utility or a natural gas company for approval of an 143  
energy efficiency or peak demand reduction program. 144

Sec. 4930.10. (A) The public utilities commission shall 145  
submit a request for proposals to hire a facilitator for the 146  
energy efficiency stakeholder advisory group to perform the duties 147  
described in section 4930.03 of the Revised Code. 148

The commission shall publish a notice of a request for 149  
proposals in at least five major newspapers of general circulation 150  
in this state once each week for two consecutive weeks before a 151  
date specified by the commission as the date on which the 152  
commission will begin accepting proposals. The commission also 153  
shall publish the notice of the request for proposals in two or 154  
more trade papers or other publications designated by the 155  
commission. Such notice shall be published at least twice in each 156  
trade paper or publication at least two weeks prior to the date 157  
specified by the commission as the date on which the commission 158  
will begin accepting proposals. The notice shall contain a general 159  
description of the requirements for the position of facilitator 160  
and the location where the request for proposals may be obtained. 161  
The request for proposals shall include instructions and 162  
information for respondents concerning the submission of 163  
proposals, including the name and address of the office where 164  
proposals are to be submitted. 165

(B) The commission shall forward all responses to the request for proposals to the members of the group. The group shall select a facilitator from among the qualified respondents provided that the group shall not consider a submission from a respondent unless the following requirements are met: 166  
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(1) The respondent has submitted a resume, including references, listing the respondent's qualifications and experience evaluating energy efficiency and peak demand reduction programs. 171  
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(2) The respondent currently is not under any other contract with and, for the duration of employment as the facilitator, agrees not to enter into a contract with either of the following: 174  
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(a) An electric distribution utility that operates in this state or its subsidiary or parent or affiliated company that operates in this or another state; 177  
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(b) A natural gas company that operates in this state or its subsidiary or parent or affiliated company that operates in this or another state. 180  
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The group may establish other requirements for respondents as it considers necessary. 183  
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(C) If the members of the group are not able to reach an agreement about whom to select as a facilitator from among the qualified respondents, then the commission, after considering any comments made by members of the group, shall select the facilitator from among the qualified respondents. 185  
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**Sec. 4930.11.** The public utilities commission shall provide administrative support, including meeting space, necessary for the energy efficiency statewide advisory group to perform its duties. 190  
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**Sec. 4930.12.** (A) The energy efficiency statewide advisory group, with the assistance of the public utilities commission, may 193  
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apply for and receive funds from a private foundation or other 195  
entity to support the facilitator and energy efficiency and peak 196  
demand reduction review and evaluation. The funds shall be 197  
deposited into the energy efficiency stakeholder advisory group 198  
fund created in section 4930.13 of the Revised Code. 199

(B) In the event that the group is unable to obtain 200  
sufficient funds from a private foundation or other entity, the 201  
group shall receive additional funds through an assessment that 202  
the commission shall apportion among and assess against electric 203  
distribution utilities and natural gas companies within the state 204  
for the sole purpose of funding the group. The assessment shall be 205  
an amount determined by the commission and may be recoverable from 206  
all electric distribution utility and natural gas company 207  
customers using a method of recovery approved by the commission. 208

The commission shall notify each electric distribution 209  
utility and natural gas company of the sum assessed against it, 210  
whereupon payment shall be made to the commission. Assessments 211  
collected pursuant to division (B) of this section shall be 212  
deposited into the energy efficiency stakeholder advisory group 213  
fund created under section 4930.13 of the Revised Code. 214

**Sec. 4930.13.** (A) There is hereby created the energy 215  
efficiency stakeholder advisory group fund, which shall be in the 216  
custody of the treasurer of state but shall not be part of the 217  
state treasury. The fund shall consist of the money received from 218  
the following: 219

(1) Grants or other money received from private foundations 220  
or other entities in support of evaluating energy efficiency and 221  
peak demand reduction programs and related matters pursuant to 222  
sections 4930.05 to 4930.08 and section 4930.12 of the Revised 223  
Code; 224

(2) Assessments collected pursuant to division (B) of section 225

<u>4930.12 of the Revised Code.</u>	226
<u>All investment earnings of the fund shall be credited to the fund.</u>	227 228
<u>(B) The public utilities commission shall administer the fund and, for the members' review, shall provide members of the energy efficiency stakeholder advisory group with reports of fund expenditures and the fund's balance, as appropriate. All money in the fund shall be used by the group to do the following:</u>	229 230 231 232 233
<u>(1) Hire and pay reasonable compensation to the facilitator to assist the group;</u>	234 235
<u>(2) Pay the expenses incurred to evaluate proposed and existing energy efficiency and peak demand reduction programs and related matters pursuant to sections 4930.05 to 4930.08 of the Revised Code.</u>	236 237 238 239
<u>Sec. 4930.14. The energy efficiency stakeholder advisory group shall assess the effectiveness of its review of energy efficiency and peak demand reduction matters, including its review of programs proposed and conducted by electric distribution utilities, natural gas companies, and stakeholders under sections 4930.01 to 4930.14 of the Revised Code. Not later than December 31, 2024, the group shall issue a report to the general assembly recommending that the group continue in existence or cease to exist.</u>	240 241 242 243 244 245 246 247 248