

Senate Finance Committee  
Interested Party Testimony on Substitute House Bill 33  
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Chair Dolan, Vice Chair Cirino, Ranking Member Sykes, and members of the Committee, thank you for the opportunity to provide interested party testimony. My name is Teresa Ringenbach, I am the VP of Business Development for Nationwide Energy Partners (“NEP”). I joined NEP after more than twenty years of working for and with competitive energy services companies in Ohio.

In Ohio, a landlord can choose what is called a master meter for their property. This means there is a single utility business account for all energy flowing to the property rather than multiple resident accounts. The landlord may choose to either divide up their energy bill among their residents, bill based on a usage to the resident, or incorporate the costs as a portion of rent. Many property owners utilize a third-party agent such as NEP to bill residents on their behalf.

Over the course of the last 22 years, NEP’s business has grown and today we still offer construction, engineering, and design services for private infrastructure, as well as billing for submetering systems owned by landlords. However, we also now provide property owners the ability to control demand on their property and participate in PJM products which pay the property owner for shifting energy and bringing in revenue through new technologies which measure, shift, or use carbon free energy. Landlords and developers who finance their projects are now given questionnaires where they can receive points off financing simply for how and what they do with energy on their property. Just like any other commercial and industrial customer.

The unique aspect of using NEP is that while many companies offer all or a portion of these energy services, we also ensure that their residents are billed at or below what they would have paid their local utility for the same usage. This total bill cap requires extensive energy and tariff understanding. Like private energy efficiency companies, NEP is paid based on the savings of the property this is commonly referred to as energy performance contracting.

Over the past decade NEP has asked this legislature to pass legislation to give the PUCO authority to regulate submetering providers similar to retail electric providers. During that time both AEP and the Ohio Consumers’ Counsel have opposed such legislation contending that NEP is acting as a public utility and in turn the legislation has not passed. **Under no circumstances in our company’s 23 year history in Central Ohio have we ever claimed to be or represented ourselves as a public utility.**

AEP has recently taken this claim to the PUCO by filing a complaint of public utility against NEP. In the complaint AEP has stated that an entity who touches a wire on private property or who interacts with a consumer who uses a dishwasher or lights is a public utility. This very dangerous ask of the PUCO to interpret our state’s vague definition of public utility that touching a wire or interacting with someone over an appliance makes the service provide a public utility is the slipperiest of slopes.

Make no mistake- allowing monopoly public utilities to file complaints of public utility against a private business is NOT allowing that entity to be regulated by the PUCO, as suggested by OCC's lobbyist before this committee. An entity deemed to be a public utility cannot operate in the same service territory as another electric utility. NEP would be put out of business and our 70 employees out of jobs- not regulated- should the PUCO side with AEP.

Using the PUCO as a weapon to put companies out of business is not their role, but absent a statutory change, it could happen. A recent electric vehicle order by the PUCO declared EV charging companies not public utilities unless they charge for the usage and in that case during a complaint those companies may now be found to be a public utility.

A clear definition of public utility is necessary and needed now. I ask for your support of language to clearly exclude services provided behind the utility meter and within the boundaries of private property from the definition of "public utility." This change is vital to protect free markets that are critical to property owners and businesses.

To be clear, this amendment does not prohibit or restrict a utility from participating in behind the meter offerings. However, it does ensure they are not the only provider available for those services.

The PUCO is a creature of statute. The language we support would put a clear definition in place by this legislature to determine who is and who is not a public utility. Protecting businesses and free markets as well as property owner rights.

I urge this committee to include this language in this bill. I'm happy to answer any questions you may have.