

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 251**

**Senator Smith**

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**A BILL**

To amend section 4909.18 and to enact section 1  
4909.181 of the Revised Code to require public 2  
utilities that serve more than 250,000 Ohio 3  
residents to file a rate case application with 4  
the Public Utilities Commission at least every 5  
four years. 6

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

**Section 1.** That section 4909.18 be amended and section 7  
4909.181 of the Revised Code be enacted to read as follows: 8

**Sec. 4909.18.** Any public utility desiring to establish any 9  
rate, joint rate, toll, classification, charge, or rental, or to 10  
modify, amend, change, increase, or reduce any existing rate, 11  
joint rate, toll, classification, charge, or rental, or any 12  
regulation or practice affecting the same, shall file a written 13  
application with the public utilities commission. Except for 14  
actions under section 4909.16 of the Revised Code, no public 15  
utility may issue the notice of intent to file an application 16  
pursuant to division (B) of section 4909.43 of the Revised Code 17  
to increase any existing rate, joint rate, toll, classification, 18  
charge, or rental, until a final order under this section has 19

been issued by the commission on any pending prior application 20  
to increase the same rate, joint rate, toll, classification, 21  
charge, or rental or until two hundred seventy-five days after 22  
filing such application, whichever is sooner. Such application 23  
shall be verified by the president or a vice-president and the 24  
secretary or treasurer of the applicant. Such application shall 25  
contain a schedule of the existing rate, joint rate, toll, 26  
classification, charge, or rental, or regulation or practice 27  
affecting the same, a schedule of the modification amendment, 28  
change, increase, or reduction sought to be established, and a 29  
statement of the facts and grounds upon which such application 30  
is based. If such application proposes a new service or the use 31  
of new equipment, or proposes the establishment or amendment of 32  
a regulation, the application shall fully describe the new 33  
service or equipment, or the regulation proposed to be 34  
established or amended, and shall explain how the proposed 35  
service or equipment differs from services or equipment 36  
presently offered or in use, or how the regulation proposed to 37  
be established or amended differs from regulations presently in 38  
effect. The application shall provide such additional 39  
information as the commission may require in its discretion. If 40  
the commission determines that such application is not for an 41  
increase in any rate, joint rate, toll, classification, charge, 42  
or rental, the commission may permit the filing of the schedule 43  
proposed in the application and fix the time when such schedule 44  
shall take effect. If it appears to the commission that the 45  
proposals in the application may be unjust or unreasonable, the 46  
commission shall set the matter for hearing and shall give 47  
notice of such hearing by sending written notice of the date set 48  
for the hearing to the public utility and publishing notice of 49  
the hearing one time in a newspaper of general circulation in 50  
each county in the service area affected by the application. At 51

such hearing, the burden of proof to show that the proposals in 52  
the application are just and reasonable shall be upon the public 53  
utility. After such hearing, the commission shall, where 54  
practicable, issue an appropriate order within six months from 55  
the date the application was filed. 56

If the commission determines that said application is for 57  
an increase in any rate, joint rate, toll, classification, 58  
charge, or rental there shall also, unless otherwise ordered by 59  
the commission, be filed with the application in duplicate the 60  
following exhibits: 61

(A) A report of its property used and useful, or, with 62  
respect to a natural gas, water-works, or sewage disposal system 63  
company, projected to be used and useful as of the date certain, 64  
in rendering the service referred to in such application, as 65  
provided in section 4909.05 of the Revised Code; 66

~~(B) A (B) (1) Except as provided in division (B) (2) of this 67  
section, a complete operating statement of its last fiscal year, 68  
showing; 69~~

(2) Complete operating statements of its last ten fiscal 70  
years, if the public utility serves more than two hundred fifty 71  
thousand residents of the state and, during the ten-year period 72  
prior to the effective date of the amendments to this section by 73  
this act, the public utility has not filed an application 74  
pursuant to this section; 75

(3) The operating statements described in divisions (B) (1) 76  
and (2) of this section shall show in detail all ~~its~~ of the 77  
public utility's receipts, revenues, and incomes from all 78  
sources, all of its operating costs and other expenditures, and 79  
any analysis such public utility deems applicable to the matter 80

referred to in said application; 81

(C) A statement of the income and expense anticipated 82  
under the application filed; 83

(D) A statement of financial condition summarizing assets, 84  
liabilities, and net worth; 85

(E) Such other information as the commission may require 86  
in its discretion. 87

Sec. 4909.181. (A) As used in this section, "public 88  
utility" means a public utility as defined in section 4905.02 of 89  
the Revised Code that serves more than two hundred fifty 90  
thousand residents of the state. 91

(B) At least every four years, each public utility shall 92  
file a rate case application under section 4909.18 of the 93  
Revised Code. 94

(C) (1) Except as provided in division (C) (2) of this 95  
section, a public utility shall file a rate case application not 96  
later than four years after the effective date of this section. 97

(2) (a) If, on the effective date of this section, a public 98  
utility has a rate case pending with the public utilities 99  
commission, the public utility shall file a rate case 100  
application four years after the date the commission order 101  
setting rates for the pending rate case becomes final. 102

(b) If, during the ten-year period prior to the effective 103  
date of this section, the public utility has not filed a rate 104  
case application, the public utility shall file a rate case 105  
application not later than six months after the effective date 106  
of this section. 107

**Section 2.** That existing section 4909.18 of the Revised 108

Code is hereby repealed.