

As Introduced

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

S. B. No. 275

**Senator Dolan
Cosponsor: Senator Wilson**

A BILL

To enact sections 4928.675, 4928.676, 4928.677,
4928.678, 4928.679, 4928.6710, and 4928.6711 of
the Revised Code regarding virtual net metering
and meter aggregation.

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

Section 1. That sections 4928.675, 4928.676, 4928.677,
4928.678, 4928.679, 4928.6710, and 4928.6711 of the Revised Code
be enacted to read as follows:

Sec. 4928.675. As used in sections 4928.675 to 4928.6711
of the Revised Code:

(A) "Virtual net metering" means measuring the difference
in an applicable billing period between the electricity supplied
by an electric utility and the electricity from a virtual net
metering system attributed to a virtual net metering customer
that is fed to the electric utility.

(B) "Virtual net metering customer" means a person,
including a hospital as defined in section 3701.01 of the
Revised Code, that contracts for or otherwise acquires
electricity generated by a virtual net metering system.

(C) "Virtual net metering system" means a facility that 19
satisfies all of the requirements of section 4928.676 of the 20
Revised Code. 21

Sec. 4928.676. A virtual net metering system shall satisfy 22
all of the following: 23

(A) The system is a facility for the production of 24
electrical energy. 25

(B) (1) The system, subject to divisions (B) (2) and (3) of 26
this section, uses as its fuel either solar, wind, biomass, 27
landfill gas, or hydropower, or uses a microturbine, natural 28
gas-fired generator, battery-storage system, or a fuel cell. 29

(2) If the system uses either a battery-storage system or 30
natural gas-fired generator, then the battery-storage system or 31
generator shall not be sized so as to exceed the size of any co- 32
located facility using solar, wind, biomass, landfill gas, or 33
hydropower as its fuel. 34

(3) If the system uses both a battery-storage system and 35
natural gas-fired generator, then the combined nameplate 36
capacity of the system and the generator shall not be sized so 37
as to exceed the size of any co-located facility using solar, 38
wind, biomass, landfill gas, or hydropower as its fuel. 39

(C) The system is not a net metering system. 40

(D) The system is not located on agricultural land as 41
defined in section 901.61 of the Revised Code. 42

(E) The system is located on one of the following: 43

(1) Property affected by subsidence from mining, including 44
property adversely affected by past coal mining, as described in 45
division (A) (1) of section 1513.37 of the Revised Code; 46

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| <u>(2) A brownfield as defined in section 122.6511 of the</u> | 47 |
| <u>Revised Code;</u> | 48 |
| <u>(3) A site, location, tract of land, installation, or</u> | 49 |
| <u>building for incineration, composting, sanitary landfilling, or</u> | 50 |
| <u>other approved methods of disposal of solid wastes as defined in</u> | 51 |
| <u>section 3734.01 of the Revised Code;</u> | 52 |
| <u>(4) Property owned by a county land reutilization</u> | 53 |
| <u>corporation as defined in section 1724.01 of the Revised Code;</u> | 54 |
| <u>(5) A disposal system as defined in section 6111.01 of the</u> | 55 |
| <u>Revised Code;</u> | 56 |
| <u>(6) The roof of a facility that meets both of the</u> | 57 |
| <u>following:</u> | 58 |
| <u>(a) The facility is used exclusively for commercial or</u> | 59 |
| <u>industrial purposes;</u> | 60 |
| <u>(b) The facility is at least eighty thousand square feet.</u> | 61 |
| <u>(F) The system is in the certified territory of the</u> | 62 |
| <u>electric utility that provides electric service to all electric</u> | 63 |
| <u>meters that the virtual net metering customer intends to</u> | 64 |
| <u>attribute electricity to or aggregate with under section</u> | 65 |
| <u>4928.6710 of the Revised Code.</u> | 66 |
| <u>(G) The system operates in parallel with the electric</u> | 67 |
| <u>utility's transmission and distribution facilities.</u> | 68 |
| <u>(H) The system is sized so as to not exceed one hundred</u> | 69 |
| <u>twenty per cent of the customer's requirements for electricity</u> | 70 |
| <u>at the time of interconnection, as determined pursuant to</u> | 71 |
| <u>section 4928.678 of the Revised Code, regardless of whether the</u> | 72 |
| <u>customer intends to take service through an electric utility or</u> | 73 |
| <u>a competitive retail electric service provider.</u> | 74 |

(I) The virtual net metering customer maintains an 75
electric meter where the system is located. 76

(J) The system serves exactly one virtual net metering 77
customer. 78

Sec. 4928.677. A virtual net metering system may be 79
located on the same site as one or more other virtual net 80
metering systems. 81

Sec. 4928.678. (A) The electric utility shall communicate 82
with and assist a virtual net metering customer or person 83
interested in becoming a virtual net metering customer in 84
calculating the customer's or prospective customer's 85
requirements for electricity based on the average amount of 86
electricity supplied by the electric utility to the customer 87
annually over the previous three years. 88

(B) In instances in which the electric utility cannot 89
provide data without divulging confidential or proprietary 90
information, or in circumstances in which the electric utility 91
does not have the data or cannot calculate the average annual 92
electricity supplied to the virtual net metering customer or 93
person interested in becoming a virtual net metering customer 94
over the previous three years due to new construction, vacant 95
properties, facility expansions, or other unique circumstances, 96
the electric utility shall use any available consumption data or 97
measures to establish an appropriate consumption estimate. 98

(C) Upon request from any virtual net metering customer or 99
person interested in becoming a virtual net metering customer, 100
the electric utility shall provide or make available to the 101
customer or prospective customer either the average electricity 102
supplied to the customer over the previous three years or a 103

reasonable consumption estimate for the customer. 104

Sec. 4928.679. (A) An electric utility shall develop a 105
standard contract or tariff providing for virtual net metering. 106
The contract or tariff shall be identical in rate structure, all 107
retail rate components, and any monthly charges to the contract 108
or tariff to which the same customer would be assigned if that 109
customer was not a virtual net metering customer. 110

(B) Consistent with the other provisions of this section, 111
the measurement of net electricity supplied or generated for 112
virtual net metering shall be calculated in the following 113
manner: 114

(1) The electric utility shall measure the net electricity 115
produced or consumed during the billing period, in accordance 116
with normal metering practices. 117

(2) If the electricity supplied by the electric utility 118
exceeds the electricity generated by the virtual net metering 119
system attributed to the virtual net metering customer and fed 120
to the utility during the billing period, the virtual net 121
metering customer shall be billed for the net electricity 122
supplied by the utility, in accordance with normal metering 123
practices. 124

(3) If the electric utility receives more electricity from 125
the virtual net metering customer than the utility supplied to 126
the customer during the billing period, the excess electricity 127
shall be converted to a monetary credit at the energy component 128
of the electric utility's standard service offer and shall 129
continuously carry forward as a monetary credit on the 130
customer's future bills. The electric utility shall not be 131
required to pay the monetary credit, other than to credit it to 132

future bills, and the monetary credit may be lost if a virtual net metering customer does not use the credit or stops taking service from the electric utility. 133
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(C) A virtual net metering system shall meet all applicable safety and performance standards established by the national electrical code, the institute of electrical and electronics engineers, and underwriters laboratories. 136
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(D) An electric utility shall not require a virtual net metering customer or other person who owns a virtual net metering system that meets the standards and requirements provided for in division (C) of this section and in section 4928.6711 of the Revised Code to do any of the following: 140
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(1) Comply with additional safety or performance standards; 145
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(2) Perform or pay for additional tests; 147

(3) Purchase additional liability insurance. 148

Sec. 4928.6710. A virtual net metering customer may aggregate any or all of the customer's electric meters that are in the same electric utility certified territory as a virtual net metering system where the electricity generated by the system is attributable to the customer. 149
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Sec. 4928.6711. The public utilities commission shall adopt rules to administer virtual net metering and meter aggregation under sections 4928.675 to 4928.6710 of the Revised Code, including rules relating to additional control and testing requirements for virtual net metering systems that the commission determines are necessary to protect public and worker safety and system reliability. 154
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