

**BEFORE THE HOUSE ENERGY COMMITTEE
PROPONENT TESTIMONY ON HOUSE BILL 173**

**TESTIMONY
OF
KIM BOJKO
ON BEHALF OF
THE CHAMPION COMPANIES**

May 14, 2025

Chairman Holmes, Vice Chair Klopfenstein, Ranking Member Glassburn and members of the House Energy Committee, my name is Kim Bojko and I am a partner with Carpenter Lipps LLP. I specialize in energy, public utilities, and regulatory law, as well as energy policy, and have been practicing in this area for over 26 years. I am here today to testify in support of House Bill 173 on behalf of The Champion Companies (Champion).

Champion is a vertically integrated real estate investment, development, and management firm focused on multi-family housing. Champion's expertise is in buying, renovating, developing, and repositioning multifamily properties. Champion's current portfolio of nearly 5,000 units and over \$1 billion in real estate is a result of the company's strategy and execution, with over \$3 billion and 20,000 units of multifamily transactions since 2010. Champion/s headquarters are in Westerville, Ohio.

House Bill 173 would codify a recent PUCO decision that offers protections to tenants while allowing them to receive electricity and other utility services from their landlords. The PUCO decision settled ongoing litigation between the utility companies and multifamily housing businesses (landlords) to allow the provision of electricity to tenants at a cost that is at or below the total cost for the local utility's default service. As Representative Thomas rightfully pointed out last week in his sponsor testimony, businesses (landlords) are authorized to establish a single commercial utility account on their property to serve the property and to shop for generation service on behalf of their tenants. The businesses are required to separately meter the units to ensure that each dwelling unit pays for the amount of utility services that it consumes. The tenant customers benefit from the property owners obtaining competitive rates for the commercial property and reselling the electricity to them.

The business owners' redistribution of the utility services behind their meter on their property do not fall under the definition of public utilities as they are not monopolies and do not have certified territories in the state. If the PUCO would have concluded that business owners who redistribute utility services on their properties constitute public

utilities, these businesses would have been shuttered immediately since only a single monopolistic utility can operate in a given service territory.

Some utilities and other stakeholders have alleged that if the business owner is providing utility services and is regulated by the PUCO, they must be a “public utility.” Nothing could be further from the truth. Thousands of competitive businesses in Ohio are regulated by the PUCO, including natural gas suppliers, electricity suppliers, truckers, and moving companies, but none of these entities are deemed to be public utilities.

HB 173 seeks to codify the PUCO’s determination that the resale or provision of electricity by landlords or their agents to tenants is authorized and does not deem those businesses to be public utilities. Additionally, the bill gives the PUCO full authority to regulate the businesses that are reselling electricity the same way that they regulate other non-utility entities under the PUCO’s purview. This oversight may take the form of certification requirements and/or rules that involve reasonable regulations to hold the businesses accountable for bad policies and practices.

Also, in light of the concerns regarding customer assistance programs or lack thereof, it is important to provide some clarification. Although it is true that customers who have utility charges simply lumped into their rent payments are not eligible for HEAP, businesses who resell electricity do provide individual utility bills to customers. Therefore, by virtue of this individual bill, tenant customers are eligible for HEAP. It is also true that PIPP is not available for tenants who receive resold electricity from business owners. However, PIPP is also not available to those customers who shop for their generation service on the local utility’s system, or those who are customers of a municipal utility or cooperative utility. This ineligibility for PIPP is due to state regulations, which could be changed if the legislature seeks to extend these programs to behind the meter utility service providers.

In summary, we believe this legislation will end lengthy litigation that has brought Ohio to this current moment, as well as help clarify the path forward for competitive business owners who choose to resell electricity to their customers. HB 173:

1. Creates a new definition of “behind the meter utility service provider” to distinguish a monopoly utility provider from service providers who operate on private property at the direction of the property owner and resell electricity to their tenants.
2. Provides the PUCO with regulatory and consumer protection authority over behind the meter utility services and providers.

3. Codifies a recent PUCO order mandating a bill cap for residential tenants that purchase resold electricity from businesses. Additionally, the bill gives the PUCO authority to enforce the cap.

This legislation will provide a future path for businesses while protecting consumers and property owners. Champion looks forward to continuing progress on this legislation, and we ask for favorable consideration of the bill. Mr. Chairman and members of the committee, that concludes my testimony. I would be happy to answer any questions that you may have. Thank you.