

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

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

**October 8, 2025**

Chairman Holmes, Vice Chair Mathews, Ranking Member Rader and members of the House Energy Committee, my name is Kim Bojko. 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 Substitute House Bill 173 (HB 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 consists of nearly 5,000 units and over \$1 billion in real estate. Champion is an Ohio company, with its headquarters in Westerville, Ohio.

As I explained in my previous testimony before this Committee, HB 173 would codify a recent PUCO decision that offers protections to residential 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. This authorizes landlords 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 landlords are required to separately meter the units on their property to ensure that each dwelling unit pays for the amount of utility services that it consumes. The tenants benefit from the property owners obtaining competitive rates for the commercial property and reselling the electricity to them.

To be clear, the PUCO did not find that the resale of utilities was unlawful. Instead, the PUCO specifically authorized the resale of utilities and instituted protections for tenants. The PUCO determined that the business owners' redistribution or resale of the utility services behind their meter on their property did not fall under the definition of public

utilities as those businesses are not utility monopolies and do not have certified territories in the state. If the PUCO would have concluded that businesses 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.

HB 173 seeks to codify the PUCO's determination that the resale or provision of electricity and other utilities by landlords (including the landlord's agent) 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. 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. This oversight may take the form of registration requirements and/or rules that involve reasonable regulations to hold the businesses accountable for bad policies and practices.

The sub bill provides additional protections to tenants. It not only requires biennial registration with the PUCO, it requires compliance plans to be approved by the PUCO, which explain how a landlord intends to comply with the pricing limitations, leasing disclosure requirements, and disconnection standards in current law. Additionally, the sub bill requires public utilities to maintain current reference tools on their websites so that tenants can verify the pricing limitations set forth in the law.

Importantly, the sub bill also protects all public utility customers by authorizing the sale of utility equipment to landlords during a conversion to a master meter property and requiring that a public utility credit any proceeds received from the sale to its customers. The sub bill also holds landlords and their agents accountable for compliance by allowing the PUCO to hear complaints and assess penalties for compliance failures that are not cured and forfeitures.

Finally, in response to concerns raised regarding the lack of customer assistance programs, 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, tenants of businesses who resell electricity and provide individual utility bills to tenants are eligible for HEAP. It is also true that PIPP is not available for tenants who receive resold electricity. 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. The ineligibility for PIPP is due to state regulations, which could be changed if the legislature seeks to extend these programs.

In summary, the sub bill benefits businesses and residential customers because it:

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 utility services to their tenants.
2. Codifies a recent PUCO order mandating a bill cap for residential tenants that purchase resold electricity from businesses.
3. Provides the PUCO with regulatory and compliance oversight, authorizing penalties and forfeitures over behind the meter utility services and providers.
4. Provides consumer protections, including price limitations, lease disclosures, and disconnection standards.

Champion believes this legislation will end lengthy litigation that has caused uncertainty in the business community for landlords who choose to resell utility services to their tenants and will bring protections to tenants. This legislation will provide a future path for businesses while protecting consumers and property owners.

Champion supports the sub bill and asks for your support as well.

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.