



**Office of the Ohio  
Consumers' Counsel**  
*"Your Residential Utility Consumer Advocate"*  
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**Maureen Willis**  
Ohio Consumers' Counsel

**Michael Watkins**  
Board Chair

**Before  
The Ohio House of Representatives  
Energy Committee**

**Testimony on Sub. House Bill 173  
(Regards Entities Providing Behind-the-Meter Utility Services)**

**Angela O'Brien, Deputy Agency Director  
Office of the Ohio Consumers' Counsel**

**October 15, 2025**

Chair Holmes, Vice-Chair Mathews, Ranking Member Rader, and Committee Members.

Thank you for the opportunity to testify today on Sub. House Bill 173 as an interested party. My name is Angela O'Brien, Deputy Director of the Ohio Consumers' Counsel. OCC represents Ohio's 4.5 million residential utility consumers. I am testifying on their behalf.

OCC genuinely appreciates the time and efforts of Chair Holmes and the Committee Members to add protections for consumers of behind-the-meter utility service (also known as submetering). The consumer protections added to Sub. House Bill 173 are a step in the right direction. However, OCC recommends strengthening the provisions of the bill to make sure that consumers receiving behind-the-meter utility service receive protections comparable to those available to other Ohio utility consumers.

In this regard, OCC continues to support House Bill 265 introduced by Representatives Brennan and Fischer. From a consumer perspective, behind-the-meter utility service providers look like utilities, bill like utilities and profit like utilities. They should be regulated like utilities and their consumers should be able to be represented by the Ohio Consumers' Counsel.

A fundamental issue with Sub. House Bill 173 is that it requires tenants to purchase power from their behind-the-meter utility service provider, without the ability to shop for electricity like other Ohio consumers. This runs counter to the state policy of promoting customer choice under R.C. 4928.02(C). While this arrangement may simplify service for landlords, it limits options for consumers, and stifles competition.

OCC appreciates that Sub. House Bill 173 adopts consumer protections, like requiring behind-the-meter utility service providers to register with the PUCO, provide evidence of managerial, financial, and technical capabilities, and comply with disconnection requirements under the law.

But importantly the bill permits the PUCO to waive these requirements for “good cause shown.” (Sec. 4933.61). Unfortunately, instances where the PUCO waives disconnection notice requirements or other protections for purported “good cause” are all too common. Adding consumer protections but then empowering the PUCO to easily take them away is not fair.

OCC appreciates the inclusion of fines for non-compliance. However, the fine for most violations is capped at \$100 per violation per day. That may not be sufficient to deter misconduct. Fines should not be set so low that they become a cost of doing business. Forfeitures should be set at levels consistent with R.C. 4905.54 to ensure compliance, as is the case for competitive retail electric and natural gas providers.

Sub. House Bill 173 requires a behind-the-meter utility service provider to disclose to tenants of “qualified low-income buildings” the availability of utility assistance programs that the provider is “aware” of. The growing number of at-risk consumers who struggle to pay their utility bills need more. They need access to the percentage of income payment program (PIPP) and other budget billing programs utilities must provide. And they need to be able to receive benefits of these programs on an individual consumer basis, unrelated to the building status.

Finally, proponents of Sub. House Bill 173 testified that the bill will allow complaints against behind-the-meter utility service providers. That is positive. However, OCC’s ability to advocate for residential consumers in those cases before the PUCO is unlikely. The PUCO has denied OCC’s intervention to advocate for consumers where submetering company Nationwide Energy Partners has opposed OCC’s participation. The PUCO determined that OCC has no interest in matters that do not involve public utilities.<sup>1</sup>

In sum, Sub. House Bill 173 is an important step forward in protecting consumers of behind-the-meter utility service. But OCC urges the Committee to do more. Consumers who have no choice but to receive resold utility service should not be treated like second-class utility consumers.

Thank you again for your time, efforts and consideration of this important issue affecting Ohio’s residential utility consumers.

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<sup>1</sup> Case No. 21-990-EL-CSS, Entry (July 27, 2022), at ¶ 53.