



House Energy Committee

Proponent testimony on HB 173 Amended -3

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Chairman Holmes, Vice Chair Mathews, Ranking Member Rader, and members of the committee, thank you for the opportunity to provide testimony.

For more than a decade, Ohio has faced an unresolved regulatory question: *Who is responsible for overseeing submetering services?* This question has appeared repeatedly before the General Assembly, the Public Utilities Commission of Ohio (PUCO), the Attorney General, and the courts. Yet each attempt to resolve it has stalled.

HB 173 is grounded in a clear purpose:

1. Define the services involved in submetering.
2. Establish an oversight process for entities offering these services to be regulated.
3. Provide explicit statutory authority to embed current PUCO protections so they cannot be undone by future legal challenges.

This clarity is critical. A pending Ohio Supreme Court case brought by AEP challenges the PUCO's existing limited authority in this area, arguing that the Commission lacks legislative authorization. Without statutory guidance, those protections remain vulnerable.

Over time, the bill has been improved and expanded. It now includes:

- Specific operational standards
- Clear lease disclosure requirements
- Billing transparency provisions
- Authority for PUCO to enforce compliance

Throughout this process, both consumer advocates and industry participants have consistently engaged in good faith. The Office of the Ohio Consumers' Counsel (OCC),



submetering companies, and developers have all worked openly and collaboratively to shape balanced, workable protections. Businesses operating in this space have been transparent about their practices, aiming to create a system that protects residents while allowing fair and lawful operation.

OCC has emphasized the importance of PUCO oversight, enforceable penalties, and a structured pathway for residents to access assistance. Amendments incorporated into the legislation reflect those priorities while also addressing PUCO's workload concerns and clarifying the penalty structure.

The alternative is maintaining the status quo which provides no resolution. Without legislative action:

- The PUCO remains without the clear authority it needs.
- Renters lack a single, reliable avenue for assistance or complaint resolution.
- OCC and other consumer advocates remain unable to identify or monitor submetering companies.
- The pending Supreme Court case may eliminate even the modest protections currently in place.

In other words, the existing gap continues creating uncertainty for businesses, insufficient transparency, and limited protections for renters.

Doing nothing leaves Ohio exactly where it has been for more than a decade without clarity, without consistency, and without a regulatory framework that reflects the reality of today's submetering marketplace.

We urge the committee to pass HB 173 as amended.