



Senator Andrew O. Brenner – 19th District
Public Utilities Committee
March 5th, 2025
Senate Bill 108 – Sponsor Testimony

Good morning, Chairman Wilkin, Vice Chair Reineke, Ranking Member DeMora, and members of the Senate Public Utilities Committee. Thank you for allowing me to present testimony today on Senate Bill 108, a reintroduction of SB 123 from the previous General Assembly. This legislation seeks to preserve the rights of property owners to use existing and future technologies currently available to them.

Property owners currently have the option to purchase utility services, including electricity, water, or sewage, and resell that service to consumers by using a submeter that records usage for each housing unit in a multi-unit property. Private businesses have used this option in Ohio for decades to manage their energy usage. The current submetering market is open to competition from a number of providers. This legislation is intended to preserve that open market and prevent utility companies from garnering a monopoly through abuse of regulatory processes.

Despite the PUCO and the Ohio Supreme Court ruling that submetering is allowed many times over the last 30 years, the lack of specific statutory authority for this practice has kept the door open for gamesmanship and delays at the PUCO.

For example, recent cases have been brought testing the definition of a “public utility” and questioning the legality of private companies offering submetering services. Public utilities cannot operate in another public utility’s territory. The PUCO again sided with the submetering companies to determine that they are not operating as public utilities, however, the case lasted two years and costs millions of dollars in litigation. Common sense dictates a private company operating on private property is not a public utility.

Senate Bill 108 seeks to ensure that it is the general assembly determining which business can operate in Ohio and preventing monopoly attempts to restrict competition and private investment in our state.

The bill does this by:

- Clarifying that the monopoly public utility ends at the meter and that an entity that provides “behind-the-meter utility services” is not considered a public utility.
- Giving the PUCO clear authority to regulate landlords who service residential tenants.
- Establishing consumer protections including language to cap the total amount a landlord may bill a residential tenant for electricity services to ensure residents will never be billed more for their usage than if they were a customer of the local host utility.
- Retaining PUCO authority to review complaints brought up in cases where privately-operated technology crosses beyond a private property’s borders.

My hope is that the clarity we provide with this legislation will ensure that private businesses are able to operate in an open market. I should note that nothing in Senate Bill 108 prevents a public utility from offering such services behind their meter, and they would still be able to compete to provide them.

Chairman Wilkin, members of the Committee, thank you again for allowing me to present sponsor testimony today on this legislation. I appreciate the Committee’s time and attention to this matter and would be happy to answer any questions as I am able.