As Introduced

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Representatives Rader, Thomas, D.

Cosponsors: Representatives Cockley, Pizzulli, Glassburn, Brennan, Somani, Upchurch, Miller, J., Troy, Sims, Lett, Piccolantonio, McNally, Bryant Bailey, Synenberg, Manning, Sweeney

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To enact sections 4928.106, 4928.107, 4928.108, 4928.109, 4928.1010, 4928.1011, and 4928.1012 of the Revised Code to require bill credits and customer reimbursements after certain power outages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4928.106, 4928.107, 4928.108, 4928.109, 4928.1010, 4928.1011, and 4928.1012 of the Revised Code be enacted to read as follows:

Sec. 4928.106. As used in sections 4928.106 to 4928.1011 of the Revised Code:

(A) "Catastrophic conditions" means either of the following:

(1) Severe weather conditions that result in sustained interruptions for ten per cent or more of an electric distribution utility's customers;

(2) Events of sufficient magnitude that result in the issuance of an official state of emergency declaration by the

local, state, or federal government.

(B) "Consumer price index" means the consumer price index for all consumers located in the midwest region of the United States as prepared by the United States bureau of labor statistics, or its successor in responsibility, or, if that index is no longer published, a generally available comparable index.

(C) "Gray sky conditions" means conditions that result in sustained interruptions for greater than one per cent but less than ten per cent of an electric distribution utility's customers.

(D) "Minimum bill prorated on a daily basis" means the amount that results from dividing the customer's minimum bill amount by the number of days in the billing period and then by multiplying that quotient by the number of days during which the customer remained out of service.

(E) "Normal conditions" means conditions that result in sustained interruptions for one per cent or less of an electric distribution utility's customers.

(F) "Prevailing customer accommodation rate" means the minimum amount of a bill credit provided to customers pursuant to sections 4928.107 and 4928.108 of the Revised Code which, as of the effective date of this section, shall be equal to fifty dollars until adjusted pursuant to division (A)(2) of section 4928.108 of the Revised Code.

(G) "Sustained interruption" means any electric utility service interruption that lasts more than five minutes, measured from the time that the utility is notified or otherwise becomes aware of the full or partial loss of service to one or more customers.

Sec. 4928.107. Notwithstanding section 4905.32 of the Revised Code, and except as provided for in section 4928.1011 of the Revised Code, an electric distribution utility shall provide bill credits to any customers affected by a sustained interruption under the following circumstances:

(A) If the utility fails to restore electric utility service to affected customers within seventy-two hours after the start of a sustained interruption that occurred during catastrophic conditions;

(B) If the utility fails to restore electric utility service to affected customers within thirty-six hours after the start of a sustained interruption that occurred during gray sky conditions;

(C) If the utility fails to restore electric utility service to affected customers within sixteen hours after the start of a sustained interruption that occurred during normal conditions;

(D) If any customer experiences six or more sustained interruptions in a twelve-month period.

Sec. 4928.108. (A)(1) The amount of the bill credits described in section 4928.107 of the Revised Code for residential customers shall be calculated as follows:

(a) For customers described in division (A) of section 4928.107 of the Revised Code, the bill credit shall be equal to the prevailing customer accommodation rate or the customer's monthly utility charge, whichever is higher, for each sustained interruption over seventy-two hours plus an additional credit of equal amount for each additional twenty-four hour period of a sustained interruption.

(b) For customers described in division (B) of section 4928.107 of the Revised Code, the bill credit shall be equal to the prevailing customer accommodation rate or the customer's monthly utility charge, whichever is higher, for each sustained interruption over thirty-six hours plus an additional credit of equal amount for each additional twenty-four hour period of a sustained interruption.

(c) For customers described in division (C) of section 4928.107 of the Revised Code, the bill credit shall be equal to the prevailing customer accommodation rate or the customer's monthly utility charge, whichever is higher, for each sustained interruption over sixteen hours plus an additional credit of equal amount for each additional twenty-four hour period of a sustained interruption.

(d) For customers described in division (D) of section 4928.107 of the Revised Code, the bill credit shall be equal to the prevailing customer accommodation rate or the customer's monthly utility charge, whichever is higher. Upon the provision of the bill credit, the count for sustained interruptions resets to zero.

(2) Not sooner than September 1, 2027, and by the first day of October every year thereafter, the public utilities commission shall adjust the prevailing customer accommodation rate by multiplying the rate by the difference between the consumer price index for the month of October immediately preceding the commission's order implementing the inflation adjustment and the consumer price index for the previous October. All adjustments made under this division shall be rounded up to the nearest dollar.

(B) The amount of the bill credit for any nonresidential customer described in section 4928.107 of the Revised Code shall be equal to the customer's minimum bill prorated on a daily basis.

(C) Bill credits provided pursuant to this section shall be applied to affected customers' monthly utility service bills within ninety days from the end of the sustained interruption. Any remaining bill credit amounts shall be applied to subsequent monthly utility service bills until the credit is fully used.

Sec. 4928.109. (A) Notwithstanding section 4905.32 of the Revised Code, as soon as reasonably practicable after a sustained interruption, an electric distribution utility shall provide to each affected residential customer a form for reimbursement of food and medicine that was spoiled or otherwise rendered unconsumable due to a lack of refrigeration directly related to a sustained interruption.

(B) A customer that receives a form described in division (A) of this section may provide documentation or other proof of actual losses or may choose to only submit a self-certified list of items that spoiled or were otherwise rendered unconsumable.

(C) A claim for reimbursement under this section shall be for, at least, the prevailing customer accommodation rate, as determined pursuant to division (A)(2) of section 4928.108 of the Revised Code, up to the following amounts:

(1) For a customer that chooses to only provide an itemized list of losses, up to two hundred fifty dollars;

(2) For a customer that provides proof of actual losses, up to six hundred dollars;

(3) For a customer that provides proof of actual losses

with regards to refrigerated prescription medicine, the actual documented loss of such medication.

Sec. 4928.1010. An electric distribution utility shall not recover from any of the utility's customers any costs from providing bill credits pursuant to sections 4928.107 and 4928.108 of the Revised Code or reimbursements pursuant to section 4928.109 of the Revised Code.

Sec. 4928.1011. (A) Not later than fourteen calendar days after a sustained interruption that would result in an electric distribution utility having to provide bill credits under sections 4928.107 and 4928.108 of the Revised Code or reimbursement under section 4928.109 of the Revised Code, the utility may petition the public utility commission for a waiver of such requirements. The utility has the burden of demonstrating that granting the waiver is fair, reasonable, and in the public interest.

(B) In determining whether to grant a waiver, the commission shall consider whether:

(1) The circumstances were genuinely outside the utility's reasonable control;

(2) The utility followed its emergency response plan;

(3) The utility's acts or omissions contributed to the duration of the outage;

(4) The utility had adequately maintained and invested in the affected system;

(5) Granting a waiver is fair and in the public interest.

(C) No later than forty-five days after the utility submits the waiver petition, the commission shall issue a final order.

Sec. 4928.1012. The public utilities commission shall adopt rules to implement sections 4928.106 to 4928.1011 of the Revised Code.