As Introduced

136th General Assembly
Regular Session **H. B. No. 1041**
2025-2026

Representatives Mathews, A., Fischer

To amend section 4905.23 and to enact sections 4905.231, 4905.24, and 4905.25 of the Revised Code regarding settlements to close base load electric generating facilities located in Ohio.

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

Section 1. That section 4905.23 be amended and sections 4905.231, 4905.24, and 4905.25 of the Revised Code be enacted to read as follows:

Sec. 4905.23. (A) As used in ~~this section, "base~~ sections 4905.23 to 4905.25 of the Revised Code:

(1) "Base load electric generating facility" means an electric generating plant and associated facilities located in this state that primarily uses a nonrenewable fuel source to generate electricity, including coal, natural gas, and nuclear reaction, and that is not owned or operated by a public utility~~,~~ or municipal corporation~~, or electric cooperative~~.

(2) "Settlement" means an agreement between parties to a state court or state regulatory proceeding, which parties to the agreement are not state agencies, to facilitate the resolution of the proceeding, regardless of whether the agreement is submitted by the parties to the court or regulatory body for

approval.

(3) "State agency" has the same meaning as in section 149.011 of the Revised Code.

(B) No person shall enter into a settlement to abandon, close, or shut down either of the following:

(1) A base load electric generating facility;

(2) A generating plant owned or operated by a public utility.

(C) Subject to section 4905.231 of the Revised Code, no person shall abandon, close, or shut down a base load electric generating facility solely as a result of a settlement, whether entered into before, on, or after the effective date of this amendment, if that person must continue to operate the facility pursuant to section 4905.25 of the Revised Code.

Sec. 4905.231. Nothing in sections 4905.23 to 4905.25 of the Revised Code does either of the following:

(A) Prevents the owner or operator of a base load electric generating facility from abandoning, closing, or shutting down for any reason other than a settlement;

(B) Requires the owner or operator of a base load electric generating facility to resume facility operations after the base load electric generating facility has been abandoned, closed, or shut down.

Sec. 4905.24. It is the policy of this state to do the following throughout this state:

(A) Ensure customers in this state have adequate supplies of electricity to maintain transmission grid reliability and

generation resource adequacy;

(B) Ensure that customers are not negatively impacted by settlements to abandon, close, or shut down base load electric generating facilities;

(C) Permit base load electric generating facilities to operate in order to maintain transmission grid reliability and generation resource adequacy regardless of any settlement to the contrary;

(D) Encourage base load electric generating facilities to continue to operate to effectuate the policies contained in this section and section 4928.02 of the Revised Code regardless of any settlement to the contrary.

Sec. 4905.25. In accordance with the state policy under section 4905.24 of the Revised Code and subject to section 4905.231 of the Revised Code, any person subject to a settlement, whether entered into before, on, or after the effective date of this section, to abandon, close, or shut down a base load electric generating facility shall continue to operate the facility notwithstanding any contrary requirement in the settlement, provided all of the following are met:

(A) The person has received an order or request to continue operations of the base load electric generating facility to maintain transmission grid reliability, generation resource adequacy, or both.

(B) The order or request described in division (A) of this section is issued or made by one of the following:

(1) A regional transmission organization, independent transmission system operator, or similar organization approved by the federal energy regulatory commission;

(2) The federal energy advocate employed in accordance with section 4928.24 of the Revised Code;

(3) The United States department of energy;

(4) Any other state or federal governmental or regulatory body with responsibility to maintain transmission grid reliability or generation resource adequacy.

(C) The period of the continued operations of the electric generating plant extends no longer than necessary to maintain transmission grid reliability, generation resource adequacy, or both, as requested by the entities described in division (B) of this section.

Section 2. That existing section 4905.23 of the Revised Code is hereby repealed.