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136th General Assembly
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2025-2026

Sub. H. B. No. 142

To amend sections 4909.042, 4909.05, 4909.06,
4909.07, 4909.08, 4909.15, 4909.156, 4909.159,
4909.18, and 4909.421 and to enact sections
4929.052, 4929.053, 4929.054, 4929.055,
4929.056, and 4929.057 of the Revised Code to
allow for alternative rate plans for natural gas
companies to serve large load customers and to
make changes to the process of valuating natural
gas company property.

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

Section 1. That sections 4909.042, 4909.05, 4909.06,
4909.07, 4909.08, 4909.15, 4909.156, 4909.159, 4909.18, and
4909.421 be amended and sections 4929.052, 4929.053, 4929.054,
4929.055, 4929.056, and 4929.057 of the Revised Code be enacted
to read as follows:

Sec. 4909.042. (A) With respect to an electric light
company or natural gas company that chooses to file a forecasted
test period under section 4909.18 of the Revised Code, the
public utilities commission shall prescribe the form and details
of the valuation report of the property of the utilitycompany.



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Such report shall include all the kinds and classes of property, 20
with the value of each, owned, held, or projected to be owned or 21
held during the test period, by the utility company for the 22
service and convenience of the public. 23

(B) Such report shall contain the following facts in 24
detail: 25

(1) The original cost of each parcel of land owned in fee 26
and projected to be owned in fee and in use during the test 27
period, determined by the commission; and also a statement of 28
the conditions of acquisition, whether by direct purchase, by 29
donation, by exercise of the power of eminent domain, or 30
otherwise; 31

(2) The actual acquisition cost, not including periodic 32
rental fees, of rights-of-way, trailways, or other land rights 33
projected to be held during the test period, by virtue of 34
easements, leases, or other forms of grants of rights as to 35
usage; 36

(3) The original cost of all other kinds and classes of 37
property projected to be used and useful during the test period, 38
in the rendition of service to the public. Such original costs 39
of property, other than land owned in fee, shall be the cost, as 40
determined to be reasonable by the commission, to the person 41
that first dedicated or dedicates the property to the public use 42
and shall be set forth in property accounts and subaccounts as 43
prescribed by the commission; 44

(4) The cost of property constituting all or part of a 45
project projected to be leased to or used by the utility company 46
during the test period, under Chapter 165., 3706., 6121., or 47
6123. of the Revised Code and not included under division (B) (3) 48

of this section exclusive of any interest directly or indirectly 49
paid by the ~~utility~~company with respect thereto whether or not 50
capitalized; 51

(5) In the discretion of the commission, the cost to a 52
~~utility~~company, in an amount determined to be reasonable by the 53
commission, of property constituting all or part of a project 54
projected to be leased to the ~~utility~~company during the test 55
period, under a lease purchase agreement or a leaseback and not 56
included under division (B) (3) of this section exclusive of any 57
interest directly or indirectly paid by the ~~utility~~company with 58
respect thereto whether or not capitalized; 59

(6) The proper and adequate reserve for depreciation, as 60
determined to be reasonable by the commission; 61

(7) Any sums of money or property that the ~~utility~~company 62
is projected to receive during the test period, as total or 63
partial defrayal of the cost of its property; 64

(8) The valuation of the property of the ~~utility~~company, 65
which shall be the sum of the amounts contained in the report 66
pursuant to divisions (B) (1) to (5) of this section, less the 67
sum of the amounts contained in the report pursuant to divisions 68
(B) (6) and (7) of this section. 69

(C) The report shall show separately the property 70
projected to be used and useful to or held by the ~~utility~~company 71
company during the test period, and such other items as the 72
commission considers proper. The commission may require an 73
additional report showing the extent to which the property is 74
projected to be used and useful during the test period. Such 75
reports shall be filed in the office of the commission for the 76
information of the governor and the general assembly. 77

(D) Any financial information required to be submitted by 78
an electric light company or a natural gas company under this 79
section shall be provided from the company's full books. The 80
commission shall ensure appropriate protections against the 81
disclosure of the company's trade secrets or proprietary 82
information. 83

Sec. 4909.05. ~~As used in this section:~~ 84

(A) With respect to every public utility, ~~other than an~~ 85
~~electric light company that chooses to file a forecasted test-~~ 86
~~period under section 4909.18 of the Revised Code,~~ the public 87
utilities commission shall prescribe the form and details of the 88
valuation report of the property of each public utility or 89
railroad in the state. Such report shall include all the kinds 90
and classes of property, with the value of each, owned, held, 91
or, with respect to a natural gas, water-works, or sewage 92
disposal system company, projected to be owned or held as of the 93
date certain, by each public utility or railroad used and 94
useful, or, with respect to a natural gas, water-works, or 95
sewage disposal system company, projected to be used and useful 96
as of the date certain, for the service and convenience of the 97
public. 98

(B) Such report shall contain the following facts in 99
detail: 100

(1) The original cost of each parcel of land owned in fee 101
and in use, or, with respect to a natural gas, water-works, or 102
sewage disposal system company, projected to be owned in fee and 103
in use as of the date certain, determined by the commission; and 104
also a statement of the conditions of acquisition, whether by 105
direct purchase, by donation, by exercise of the power of 106
eminent domain, or otherwise; 107

(2) The actual acquisition cost, not including periodic 108
rental fees, of rights-of-way, trailways, or other land rights 109
held, or, with respect to a natural gas, water-works, or sewage 110
disposal system company, projected to be held as of the date 111
certain, by virtue of easements, leases, or other forms of 112
grants of rights as to usage; 113

(3) The original cost of all other kinds and classes of 114
property used and useful, or, with respect to a natural gas, 115
water-works, or sewage disposal system company, projected to be 116
used and useful as of the date certain, in the rendition of 117
service to the public. Subject to section 4909.052 of the 118
Revised Code, such original costs of property, other than land 119
owned in fee, shall be the cost, as determined to be reasonable 120
by the commission, to the person that first dedicated or 121
dedicates the property to the public use and shall be set forth 122
in property accounts and subaccounts as prescribed by the 123
commission. To the extent that the costs of property comprising 124
a coal research and development facility, as defined in section 125
1555.01 of the Revised Code, or a coal development project, as 126
defined in section 1551.30 of the Revised Code, have been 127
allowed for recovery as Ohio coal research and development costs 128
under section 4905.304 of the Revised Code, none of those costs 129
shall be included as a cost of property under this division. 130

(4) The cost of property constituting all or part of a 131
project leased to or used by the utility, or, with respect to a 132
natural gas, water-works, or sewage disposal system company, 133
projected to be leased to or used by the utility as of the date 134
certain, under Chapter 165., 3706., 6121., or 6123. of the 135
Revised Code and not included under division (B) (3) of this 136
section exclusive of any interest directly or indirectly paid by 137
the utility with respect thereto whether or not capitalized; 138

(5) In the discretion of the commission, the cost to a 139
utility, in an amount determined to be reasonable by the 140
commission, of property constituting all or part of a project 141
leased to the utility, or, with respect to a natural gas, water- 142
works, or sewage disposal system company, projected to be leased 143
to the utility as of the date certain, under a lease purchase 144
agreement or a leaseback and not included under division (B) (3) 145
of this section exclusive of any interest directly or indirectly 146
paid by the utility with respect thereto whether or not 147
capitalized; 148

(6) The cost of the replacement of water service lines 149
incurred by a water-works company under section 4909.173 of the 150
Revised Code and the water service line replacement 151
reimbursement amounts provided to customers under section 152
4909.174 of the Revised Code; 153

(7) The proper and adequate reserve for depreciation, as 154
determined to be reasonable by the commission; 155

(8) Any sums of money or property that the company may 156
have received, or, with respect to a natural gas, water-works, 157
or sewage disposal system company, is projected to receive as of 158
the date certain, as total or partial defrayal of the cost of 159
its property; 160

(9) The valuation of the property of the company, which 161
shall be the sum of the amounts contained in the report pursuant 162
to divisions (B) (1) to (6) of this section, less the sum of the 163
amounts contained in the report pursuant to divisions (B) (7) and 164
(8) of this section. 165

(C) The report shall show separately the property used and 166
useful to such public utility or railroad in the furnishing of 167

the service to the public, the property held by such public 168
utility or railroad for other purposes, and the property 169
projected to be used and useful to or held by a natural gas, 170
water-works, or sewage disposal system company as of the date 171
certain, and such other items as the commission considers 172
proper. The commission may require an additional report showing 173
the extent to which the property is used and useful, or, with 174
respect to a natural gas, water-works, or sewage disposal system 175
company, projected to be used and useful as of the date certain. 176
Such reports shall be filed in the office of the commission for 177
the information of the governor and the general assembly. 178

(D) The requirements of section 4909.05 of the Revised 179
Code do not apply to an electric light company or a natural gas 180
company that chooses to file a forecasted test period under 181
section 4909.18 of the Revised Code. 182

Sec. 4909.06. The investigation and report required by 183
section 4909.042 or 4909.05 of the Revised Code shall show, when 184
the public utilities commission deems it necessary, the amounts, 185
dates, and rates of interest of all bonds outstanding against 186
each public utility or railroad, the property upon which such 187
bonds are a lien, the amounts paid for them, and, the original 188
capital stock and the moneys received by any such public utility 189
or railroad by reason of any issue of stock, bonds, or other 190
securities. Such report shall also show the net and gross 191
receipts of such public utility or railroad and the method by 192
which moneys were expended or paid out and the purpose of such 193
payments. The commission may prescribe the procedure to be 194
followed in making the investigation and valuation, the form in 195
which the results of the ascertainment of the value of each 196
public utility or railroad shall be submitted, and the 197
classifications of the elements that constitute the ascertained 198

value. Such investigation shall also show the value of the 199
property of every public utility or railroad as a whole, and if 200
such property is in more than one county, the value of its 201
property in each of such counties. 202

"Valuation" and "value," as used in this section, may 203
include: 204

(A) With respect to a public utility that is a natural 205
gas, water-works, or sewage disposal system company, projected 206
valuation and value as of the date certain, if applicable 207
because of a future date certain under section 4909.15 of the 208
Revised Code; 209

(B) With respect to an electric light company or natural 210
gas company that chooses to file a forecasted test period under 211
section 4909.18 of the Revised Code, the valuation and value 212
during the forecasted test period. 213

Sec. 4909.07. The public utilities commission, during the 214
making of the valuation provided for in sections 4909.04 to 215
4909.13 of the Revised Code, and after its completion, shall in 216
like manner keep itself informed through its engineers, experts, 217
and other assistants of all extensions, improvements, or other 218
changes in the condition and value of the property of all public 219
utilities or railroads and shall ascertain the value of such 220
extensions, improvements, and changes. The commission shall, as 221
is required for the proper regulation of such public utilities 222
or railroads, revise and correct its valuations of property, 223
showing such revisions and corrections as a whole and as to each 224
county. Such revisions and corrections shall be filed in the 225
same manner as original reports. 226

"Valuation" and "value," as used in this section, may 227

include: 228

(A) With respect to a public utility that is a natural 229
gas, water-works, or sewage disposal system company, projected 230
valuation and value as of the date certain, if applicable 231
because of a future date certain under section 4909.15 of the 232
Revised Code; 233

(B) With respect to an electric light company or natural 234
gas company that chooses to file a forecasted test period under 235
section 4909.18 of the Revised Code, the valuation and value 236
during the forecasted test period. 237

Sec. 4909.08. When the public utilities commission has 238
completed the valuation of the property of any public utility or 239
railroad and before such valuation becomes final, it shall give 240
notice by registered letter to such public utility or railroad, 241
and if a substantial portion of said public utility or railroad 242
is situated in a municipal corporation, then to the mayor of 243
such municipal corporation, stating the valuations placed upon 244
the several kinds and classes of property of such public utility 245
or railroad and upon the property as a whole and give such 246
further notice by publication or otherwise as it shall deem 247
necessary to apprise the public of such valuation. If, within 248
thirty days after such notification, no protest has been filed 249
with the commission, such valuation becomes final. If notice of 250
protest has been filed by any public utility or railroad, the 251
commission shall fix a time for hearing such protest and shall 252
consider at such hearing any matter material thereto presented 253
by such public utility, railroad, or municipal corporation, in 254
support of its protest or by any representative of the public 255
against such protest. If, after the hearing of any protest of 256
any valuation so fixed, the commission is of the opinion that 257

its inventory is incomplete or inaccurate or that its valuation 258
is incorrect, it shall make such changes as are necessary and 259
shall issue an order making such corrected valuations final. A 260
final valuation by the commission and all classifications made 261
for the ascertainment of such valuations shall be public and are 262
prima-facie evidence relative to the value of the property. 263

"Valuation" and "value," as used in this section, may 264
include: 265

(A) With respect to a public utility that is a natural 266
gas, water-works, or sewage disposal system company, projected 267
valuation and value as of the date certain, if applicable 268
because of a future date certain under section 4909.15 of the 269
Revised Code; 270

(B) With respect to an electric light company or natural 271
gas company that chooses to file a forecasted test period under 272
section 4909.18 of the Revised Code, the valuation and value 273
during the forecasted test period. 274

Sec. 4909.15. (A) The public utilities commission, when 275
fixing and determining just and reasonable rates, fares, tolls, 276
rentals, and charges, shall determine: 277

(1) (a) With respect to a public utility that is a ~~natural~~ 278
~~gas,~~ water-works, or sewage disposal system company, or that is 279
an electric light company or a natural gas company that chooses 280
not to file a forecasted test period under section 4909.18 of 281
the Revised Code, the valuation as of the date certain of the 282
property of the public utility that is used and useful or, with 283
respect to a natural gas that chooses not to file a forecasted 284
test period under section 4909.18 of the Revised Code, water- 285
works, or sewage disposal system company, is projected to be 286

used and useful as of the date certain, in rendering the public 287
utility service for which rates are to be fixed and determined. 288

(b) With respect to an electric light company or natural 289
gas company that chooses to file a forecasted test period under 290
section 4909.18 of the Revised Code, the valuation of the 291
property of the utility that is projected to be used and useful 292
during the forecasted test period in rendering the public 293
utility service for which rates are to be fixed and determined. 294

(c) The valuation so determined under division (A) (1) of 295
this section for any public utility shall be the total value as 296
set forth in division (B) (8) of section 4909.042 of the Revised 297
Code and division (B) (9) of section 4909.05 of the Revised Code, 298
and a reasonable allowance for materials and supplies and a 299
reasonable allowance for cash working capital as determined by 300
the commission. 301

(2) A fair and reasonable rate of return to the utility on 302
the valuation as determined in division (A) (1) of this section; 303

(3) The dollar annual return to which the utility is 304
entitled by applying the fair and reasonable rate of return as 305
determined under division (A) (2) of this section to the 306
valuation of the utility determined under division (A) (1) of 307
this section; 308

(4) The cost to the utility of rendering the public 309
utility service for the test period used for the determination 310
under division (C) (1) of this section by the utility during the 311
test period. 312

Federal, state, and local taxes imposed on or measured by 313
net income may, in the discretion of the commission, be computed 314
by the normalization method of accounting, provided the utility 315

maintains accounting reserves that reflect differences between 316
taxes actually payable and taxes on a normalized basis, provided 317
that no determination as to the treatment in the rate-making 318
process of such taxes shall be made that will result in loss of 319
any tax depreciation or other tax benefit to which the utility 320
would otherwise be entitled, and further provided that such tax 321
benefit as redounds to the utility as a result of such a 322
computation may not be retained by the company, used to fund any 323
dividend or distribution, or utilized for any purpose other than 324
the defrayal of the operating expenses of the utility and the 325
defrayal of the expenses of the utility in connection with 326
construction work. 327

(B) The commission shall compute the gross annual revenues 328
to which the utility is entitled by adding the dollar amount of 329
return under division (A) (3) of this section to the cost, for 330
the test period used for the determination under division (C) (1) 331
of this section, of rendering the public utility service under 332
division (A) (4) of this section. 333

(C) (1) Except as provided in division (D) of this section, 334
the revenues and expenses of the utility shall be determined 335
during a test period as follows: 336

(a) Electric light companies and natural gas companies may 337
propose a forecasted test period. If the company proposes a 338
forecasted test period, the company shall propose annual base 339
rates for three consecutive twelve-month periods in a single 340
forecasted test period application. 341

During the first twelve-month period, the company shall 342
propose a reasonably forecasted rate base using a thirteen-month 343
average, revenues, and expenses for the first twelve months that 344
new base rates will be in effect. 345

During the second twelve-month period, the base rate 346
revenue requirement shall be adjusted for the return of, and 347
return on, incremental rate base additions approved by the 348
commission in the initial application. During the third twelve- 349
month period, the base rate revenue requirement shall be 350
adjusted for the return of and return on incremental rate base 351
additions approved by the commission in the initial application. 352

For each twelve-month period, forecasted plant investment, 353
forecasted revenues, and forecasted expenses versus actual 354
investment, actual revenues, and actual expenses shall be trued 355
up via a cost recovery mechanism approved by the commission. 356

Each true-up process shall include an adjustment to actual 357
for the rate of return that the company is authorized to earn on 358
the actual investments made. The company shall provide the 359
commission with actual financial information during the true-up 360
process to ensure accuracy. As part of the true-up process, the 361
commission shall include only rate base components that have 362
been found by the commission to be used and useful in rendering 363
public utility service. 364

At the end of the last test period, the company shall file 365
for a rate case under section 4909.18 of the Revised Code. 366

(b) All utilities, except for electric light companies or 367
natural gas companies that choose to file under division (C) (1) 368
(a) of this section, shall propose a test period that is any 369
twelve-month period beginning not more than six months prior to 370
the date the application is filed and ending not more than nine 371
months subsequent to that date. 372

(2) For utilities filing under division (C) (1) (b) of this 373
section, the date certain shall be not later than the date of 374

filing, except that it shall be, for a natural gas, water-works, 375
or sewage disposal system company, not later than the end of the 376
test period. 377

(D) Utilities filing under division (C)(1)(b) of this 378
section may propose adjustments to the revenues and expenses for 379
any changes that are, during the test period or the twelve-month 380
period immediately following the test period, reasonably 381
expected to occur. The utility shall identify and quantify, 382
individually, any proposed adjustments. The commission shall 383
incorporate the proposed adjustments into the determination if 384
the adjustments are just and reasonable. 385

(E) When the commission is of the opinion, after hearing 386
and after making the determinations under divisions (A) and (B) 387
of this section, that any rate, fare, charge, toll, rental, 388
schedule, classification, or service, or any joint rate, fare, 389
charge, toll, rental, schedule, classification, or service 390
rendered, charged, demanded, exacted, or proposed to be 391
rendered, charged, demanded, or exacted, is, or will be, unjust, 392
unreasonable, unjustly discriminatory, unjustly preferential, or 393
in violation of law, that the service is, or will be, 394
inadequate, or that the maximum rates, charges, tolls, or 395
rentals chargeable by any such public utility are insufficient 396
to yield reasonable compensation for the service rendered, and 397
are unjust and unreasonable, the commission shall: 398

(1) With due regard among other things to the value of all 399
property of the public utility as determined under division (A) 400
(1) of this section, excluding from such value the value of any 401
franchise or right to own, operate, or enjoy the same in excess 402
of the amount, exclusive of any tax or annual charge, actually 403
paid to any political subdivision of the state or county, as the 404

consideration for the grant of such franchise or right, and 405
excluding any value added to such property by reason of a 406
monopoly or merger, with due regard in determining the dollar 407
annual return under division (A) (3) of this section to the 408
necessity of making reservation out of the income for surplus, 409
depreciation, and contingencies, and; 410

(2) With due regard to all such other matters as are 411
proper, according to the facts in each case, 412

(a) Including a fair and reasonable rate of return 413
determined by the commission with reference to a cost of debt 414
equal to the actual embedded cost of debt of such public 415
utility, 416

(b) But not including the portion of any periodic rental 417
or use payments representing that cost of property that is 418
included in the valuation report under divisions (B) (4) and (5) 419
of section 4909.042 of the Revised Code and divisions (B) (4) and 420
(5) of section 4909.05 of the Revised Code, fix and determine 421
the just and reasonable rate, fare, charge, toll, rental, or 422
service to be rendered, charged, demanded, exacted, or collected 423
for the performance or rendition of the service that will 424
provide the public utility the allowable gross annual revenues 425
under division (B) of this section, and order such just and 426
reasonable rate, fare, charge, toll, rental, or service to be 427
substituted for the existing one. After such determination and 428
order no change in the rate, fare, toll, charge, rental, 429
schedule, classification, or service shall be made, rendered, 430
charged, demanded, exacted, or changed by such public utility 431
without the order of the commission, and any other rate, fare, 432
toll, charge, rental, classification, or service is prohibited. 433

(F) Upon application of any person or any public utility, 434

and after notice to the parties in interest and opportunity to 435
be heard as provided in Chapters 4901., 4903., 4905., 4907., 436
4909., 4921., and 4923. of the Revised Code for other hearings, 437
has been given, the commission may rescind, alter, or amend an 438
order fixing any rate, fare, toll, charge, rental, 439
classification, or service, or any other order made by the 440
commission. Certified copies of such orders shall be served and 441
take effect as provided for original orders. 442

Sec. 4909.156. In fixing the just, reasonable, and 443
compensatory rates, joint rates, tolls, classifications, 444
charges, or rentals to be observed and charged for service by 445
any public utility, the public utilities commission shall, in 446
action upon an application filed pursuant to section 4909.18 of 447
the Revised Code, require a public utility to file a report 448
showing the proportionate amounts of the valuation of the 449
property of the utility, as determined under section 4909.042 or 450
4909.05 of the Revised Code, and the proportionate amounts of 451
the revenues and expenses of the utility that are proposed to be 452
considered as attributable to the service area involved in the 453
application. 454

"Valuation," as used in this section, may include: 455

(A) With respect to a public utility that is a natural 456
gas, water-works, or sewage disposal system company, projected 457
valuation as of the date certain, if applicable because of a 458
future date certain under section 4909.15 of the Revised Code; 459

(B) With respect to an electric light company or a natural 460
gas company that chooses to file a forecasted test period under 461
section 4909.18 of the Revised Code, the valuation and value 462
during the forecasted test period. 463

Sec. 4909.159. An electric light company or a natural gas 464
company proposing a forecasted test period under division (C) (1) 465
(a) of section 4909.15 of the Revised Code shall provide any 466
financial information required by that section from the 467
company's full books. The public utilities commission shall 468
ensure appropriate protections against the disclosure of the 469
company's trade secrets or proprietary information. 470

Sec. 4909.18. Any public utility desiring to establish any 471
rate, joint rate, toll, classification, charge, or rental, or to 472
modify, amend, change, increase, or reduce any existing rate, 473
joint rate, toll, classification, charge, or rental, or any 474
regulation or practice affecting the same, shall file a written 475
application with the public utilities commission. Except for 476
actions under section 4909.16 of the Revised Code, no public 477
utility may issue the notice of intent to file an application 478
pursuant to division (B) of section 4909.43 of the Revised Code 479
to increase any existing rate, joint rate, toll, classification, 480
charge, or rental, until a final order under this section has 481
been issued by the commission on any pending prior application 482
to increase the same rate, joint rate, toll, classification, 483
charge, or rental or until two hundred seventy-five days after 484
filing such application, whichever is sooner. Such application 485
shall be verified by the president or a vice-president and the 486
secretary or treasurer of the applicant. Such application shall 487
contain a schedule of the existing rate, joint rate, toll, 488
classification, charge, or rental, or regulation or practice 489
affecting the same, a schedule of the modification amendment, 490
change, increase, or reduction sought to be established, and a 491
statement of the facts and grounds upon which such application 492
is based. If such application proposes a new service or the use 493
of new equipment, or proposes the establishment or amendment of 494

a regulation, the application shall fully describe the new 495
service or equipment, or the regulation proposed to be 496
established or amended, and shall explain how the proposed 497
service or equipment differs from services or equipment 498
presently offered or in use, or how the regulation proposed to 499
be established or amended differs from regulations presently in 500
effect. The application shall provide such additional 501
information as the commission may require in its discretion. If 502
the commission determines that such application is not for an 503
increase in any rate, joint rate, toll, classification, charge, 504
or rental, the commission may permit the filing of the schedule 505
proposed in the application and fix the time when such schedule 506
shall take effect. If it appears to the commission that the 507
proposals in the application may be unjust or unreasonable, the 508
commission shall set the matter for hearing and shall give 509
notice of such hearing by sending written notice of the date set 510
for the hearing to the public utility and publishing notice of 511
the hearing one time in a newspaper of general circulation in 512
each county in the service area affected by the application. At 513
such hearing, the burden of proof to show that the proposals in 514
the application are just and reasonable shall be upon the public 515
utility. After such hearing, the commission shall, where 516
practicable, issue an appropriate order within six months from 517
the date the application was filed. 518

If the commission determines that said application is for 519
an increase in any rate, joint rate, toll, classification, 520
charge, or rental there shall also, unless otherwise ordered by 521
the commission, be filed with the application in duplicate the 522
following exhibits: 523

(A) A report of its property used and useful, or, with 524
respect to a natural gas company that chooses not to file a 525

forecasted test period under division (C) (1) (a) of section 526
4909.15 of the Revised Code, water-works, or sewage disposal 527
system company, projected to be used and useful, as of the date 528
certain, or during the forecasted test period, if the 529
application is filed under division (C) (1) (a) of section 4909.15 530
of the Revised Code, in rendering the service referred to in 531
such application, as provided in sections 4909.042 and 4909.05 532
of the Revised Code; 533

(B) A complete operating statement of its last fiscal 534
year, showing in detail all its receipts, revenues, and incomes 535
from all sources, all of its operating costs and other 536
expenditures, and any analysis such public utility deems 537
applicable to the matter referred to in said application; 538

(C) A statement of the income and expense anticipated 539
under the application filed; 540

(D) A statement of financial condition summarizing assets, 541
liabilities, and net worth; 542

(E) Such other information as the commission may require 543
in its discretion. 544

Sec. 4909.421. (A) If the proceeding on an application 545
filed with the public utilities commission under section 4909.18 546
of the Revised Code by an electric light company or a natural 547
gas company requesting an increase on any rate, rate mechanism, 548
joint rate, toll, classification, charge, or rental or 549
requesting a change in a regulation or practice affecting the 550
same has not been concluded and an opinion and order entered 551
pursuant to section 4909.19 of the Revised Code at the 552
expiration of two hundred seventy-five days from the date of the 553
filing of the application, the company may request a temporary 554

increase, and any party to the proceeding may request a 555
temporary decrease, which shall go into effect and remain in 556
effect until modified in accordance with the commission's order 557
based upon the merits of the application. 558

(B) Not later than three hundred sixty days from the date 559
of filing the application as established by section 4909.193 of 560
the Revised Code, the commission shall issue an order to 561
approve, deny, or modify an application filed under section 562
4909.18 of the Revised Code. If the commission does not issue an 563
order within three hundred sixty days after the date of filing 564
of the application, the application shall be deemed approved by 565
operation of law. A temporary increase or decrease under this 566
section shall not exceed the midpoint of the rates recommended 567
in the staff report filed pursuant to section 4909.19 of the 568
Revised Code and shall be subject to reconciliation and refund. 569

(C) Nothing in this section shall be construed to mitigate 570
any duty of the commission to issue a final order under section 571
4909.19 of the Revised Code. 572

Sec. 4929.052. (A) As used in sections 4929.052 to 573
4929.057 of the Revised Code, "large load customer" means a 574
customer that a natural gas company projected or anticipated to 575
consume, or actually consumed, in a prior, current, or future 576
twelve-month period, more than one million two hundred thousand 577
Mcf of natural gas. 578

(B) A natural gas company that has applied for, or already 579
has approved for, an infrastructure development rider pursuant 580
to section 4929.161 of the Revised Code may file an application 581
to the public utilities commission for an alternative rate plan 582
to serve large load customers. 583

(C) An alternative rate plan established under division 584
(B) of this section must support commercial agreements entered 585
into between the natural gas company and a large load customer. 586

Sec. 4929.053. (A) An alternative rate plan proposed by a 587
natural gas company pursuant to section 4929.052 of the Revised 588
Code shall be approved by the public utilities commission if the 589
natural gas company meets its burden of proof in a proceeding 590
before the commission that the alternative rate plan does all of 591
the following to protect existing customers: 592

(1) Protects the company's customers that are not served 593
under the alternative rate plan pursuant to section 4929.052 of 594
the Revised Code from paying direct or indirect costs, including 595
any stranded costs, associated with the large load customer's 596
share of infrastructure investments made under any commercial 597
agreements entered into under that plan; 598

(2) Provides any commercial agreement entered into under 599
the plan, once the large load customer begins natural gas 600
service and monthly payments to the natural gas company, shall 601
require a monthly cost credit, to compensate other customers for 602
the cost of the large load customer's use of the natural gas 603
company's system and infrastructure, to the annual 604
infrastructure development rider rate charged by the natural gas 605
company pursuant to section 4929.162 of the Revised Code, which 606
will be the cost of the large load customer's use of the natural 607
gas company system and infrastructure; 608

(3) Supports economic development in the state by serving 609
the large load customer, which is proven by a letter of support 610
by an economic development entity, as defined in division (C) (4) 611
of section 4929.163 of the Revised Code. 612

(B) The monthly cost credit described in division (A) (2) 613
of this section shall be determined pursuant to a separate 614
infrastructure development rider regulatory liability proceeding 615
in which the natural gas company shall propose the credit amount 616
based on cost allocation principles. 617

Sec. 4929.054. Any payment received from a large load 618
customer pursuant to a commercial agreement under an alternative 619
rate plan filed and approved under sections 4929.052 and 620
4929.053 of the Revised Code shall not be considered revenue in 621
any proceeding held pursuant to Chapter 4909. of the Revised 622
Code. 623

Sec. 4929.055. An alternative rate plan application filed 624
and approved pursuant to sections 4929.052 and 4929.053 of the 625
Revised Code shall not be considered an application for an 626
increase in rates. 627

Sec. 4929.056. (A) A natural gas company shall file a 628
commercial agreement with a large load customer entered into 629
pursuant to a proposed or approved alternative rate plan under 630
sections 4929.052 and 4929.053 of the Revised Code with the 631
public utilities commission. 632

(B) A commercial agreement described in division (A) of 633
this section shall be deemed automatically approved unless the 634
commission determines within ninety days from the date of the 635
filing that the commercial agreement is inconsistent with the 636
requirements of this section or sections 4929.052 and 4929.053 637
of the Revised Code. 638

(C) A natural gas company may propose that the commercial 639
agreement include any negotiated terms that differ from the 640
rates or terms of service approved in the company's most recent 641

rate case proceeding under section 4909.18 of the Revised Code. 642

Sec. 4929.057. If the public utilities commission does not 643
issue an order within ninety days from the date a natural gas 644
company files an alternative rate plan application pursuant to 645
sections 4929.052 and 4929.053 of the Revised Code, the 646
company's proposed alternative rate plan shall be deemed 647
approved by operation of law. 648

Section 2. That existing sections 4909.042, 4909.05, 649
4909.06, 4909.07, 4909.08, 4909.15, 4909.156, 4909.159, 4909.18, 650
and 4909.421 of the Revised Code are hereby repealed. 651