

I_136_1183-3

136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 173

—
To amend sections 4905.02 and 5321.04 and to enact 1
sections 4911.22, 4933.51, 4933.52, 4933.53, 2
4933.54, 4933.55, 4933.56, 4933.57, 4933.58, 3
4933.59, 4933.60, 4933.61, 4933.62, 4933.63, 4
4933.64, 4933.65, 4933.66, and 4933.68 of the 5
Revised Code regarding behind-the-meter utility 6
services. 7

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

Section 1. That sections 4905.02 and 5321.04 be amended 8
and sections 4911.22, 4933.51, 4933.52, 4933.53, 4933.54, 9
4933.55, 4933.56, 4933.57, 4933.58, 4933.59, 4933.60, 4933.61, 10
4933.62, 4933.63, 4933.64, 4933.65, 4933.66, and 4933.68 of the 11
Revised Code be enacted to read as follows: 12

Sec. 4905.02. (A) As used in this chapter, "public 13
utility" includes every corporation, company, copartnership, 14
person, or association, the lessees, trustees, or receivers of 15
the foregoing, defined in section 4905.03 of the Revised Code, 16
including any public utility that operates its utility not for 17
profit, except the following: 18

(1) An electric light company that operates its utility 19



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not for profit;	20
(2) A public utility, other than a telephone company, that is owned and operated exclusively by and solely for the utility's customers, including any consumer or group of consumers purchasing, delivering, storing, or transporting, or seeking to purchase, deliver, store, or transport, natural gas exclusively by and solely for the consumer's or consumers' own intended use as the end user or end users and not for profit;	21 22 23 24 25 26 27
(3) A public utility that is owned or operated by any municipal corporation;	28 29
(4) A railroad as defined in sections 4907.02 and 4907.03 of the Revised Code;	30 31
(5) Any provider, including a telephone company, with respect to its provision of any of the following:	32 33
(a) Advanced services as defined in 47 C.F.R. 51.5;	34
(b) Broadband service, however defined or classified by the federal communications commission;	35 36
(c) Information service as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20);	37 38 39
(d) Subject to division (A) of section 4927.03 of the Revised Code, internet protocol-enabled services as defined in section 4927.01 of the Revised Code;	40 41 42
(e) Subject to division (A) of section 4927.03 of the Revised Code, any telecommunications service as defined in section 4927.01 of the Revised Code to which both of the following apply:	43 44 45 46

(i) The service was not commercially available on	47
September 13, 2010, the effective date of the amendment of this	48
section by S.B. 162 of the 128th general assembly.	49
(ii) The service employs technology that became available	50
for commercial use only after September 13, 2010, the effective	51
date of the amendment of this section by S.B. 162 of the 128th	52
general assembly.	53
<u>(6) (a) A person, business, or other entity that, either on</u>	54
<u>its own behalf or under a contract with a property owner,</u>	55
<u>provides, constructs, or installs for customers behind-the-meter</u>	56
<u>utility service;</u>	57
<u>(b) As used in this division, "behind-the-meter utility</u>	58
<u>service" means any of the following, if provided, constructed,</u>	59
<u>or installed at a point after services provided by a public</u>	60
<u>utility are delivered to the public utility's metered points of</u>	61
<u>delivery at the customers' locations:</u>	62
<u>(i) Service or benefit from an advanced energy resource as</u>	63
<u>defined in section 4928.01 of the Revised Code;</u>	64
<u>(ii) Electric service;</u>	65
<u>(iii) Billing service for services described in divisions</u>	66
<u>(A) (6) (b) (i) and (ii) of this section;</u>	67
<u>(iv) Electric vehicle charging;</u>	68
<u>(v) Resale of electricity to a tenant's dwelling unit by a</u>	69
<u>landlord or the landlord's agent that is based on metered</u>	70
<u>consumption;</u>	71
<u>(vi) Resale of electricity to a condominium by a unit</u>	72
<u>owners association or the association's agent that is based on</u>	73
<u>metered consumption.</u>	74

<u>(7) Billing service for the resale of natural gas or water service to a tenant's dwelling unit by a landlord or the landlord's agent, or to a condominium by a unit owners association or the association's agent, that is based on metered consumption and that is delivered at a point after natural gas or water service is delivered to the public utility's metered point of delivery for that service at that location.</u>	75 76 77 78 79 80 81
<u>(B) (1) "Public utility" includes a for-hire motor carrier even if the carrier is operated in connection with an entity described in division (A) (1), (2), (4), or (5) of this section.</u>	82 83 84
<u>(2) Division (A) of this section shall not be construed to relieve a private motor carrier, operated in connection with an entity described in division (A) (1), (2), (4), or (5) of this section, from compliance with either of the following:</u>	85 86 87 88
<u>(a) Chapter 4923. of the Revised Code;</u>	89
<u>(b) Rules governing unified carrier registration adopted under section 4921.11 of the Revised Code.</u>	90 91
<u>(C) As used in this section:</u>	92
<u>(1) "Condominium" and "unit owners association" have the same meanings as in section 5311.01 of the Revised Code.</u>	93 94
<u>(2) "Dwelling unit," "landlord," and "tenant" have the same meanings as in section 5321.01 of the Revised Code.</u>	95 96
<u>Sec. 4911.22. (A) As used in this section:</u>	97
<u>(1) "Behind-the-meter utility service" has the same meaning as in section 4905.02 of the Revised Code.</u>	98 99
<u>(2) "Tenant" has the same meaning as in section 5321.01 of the Revised Code.</u>	100 101

(B) The consumers' counsel shall maintain a list of 102
billing assistance programs that may be available to a tenant 103
who receives behind-the-meter utility service on the consumers' 104
counsel's web site. 105

Sec. 4933.51. As used in sections 4933.51 to 4933.68 of 106
the Revised Code: 107

(A) "Behind-the-meter utility service" has the same 108
meaning as in section 4905.02 of the Revised Code. 109

(B) (1) "Behind-the-meter utility service provider" means, 110
subject to division (B) (2) of this section, a person, business, 111
or other entity that, either on its own behalf or under a 112
contract with a property owner, provides, constructs, or 113
installs for customers behind-the-meter utility service. 114

(2) In the case of resale of electricity to a tenant based 115
on metered consumption at the tenant's dwelling unit, the 116
behind-the-meter utility service provider is the master meter 117
account holder, or customer of record, with the public utility 118
delivering service to the premises, except to the extent that 119
such account holder or customer of record is a landlord who has 120
assigned responsibility for compliance with some or all of the 121
requirements of sections 4933.55 to 4933.59 of the Revised Code 122
to a third party by contract. The third party that assumed 123
responsibility for compliance with some or all of the 124
requirements of sections 4933.55 to 4933.59 of the Revised Code 125
is the behind-the-meter utility service provider to the extent 126
that the third party has assumed such responsibility. 127

(C) "Dwelling unit," "landlord," and "tenant" have the 128
same meanings as in section 5321.01 of the Revised Code. 129

(D) "Electric light company" has the same meaning as in 130

<u>section 4905.03 of the Revised Code.</u>	131
<u>(E) "Electric utility" has the same meaning as in section 4928.01 of the Revised Code.</u>	132
<u>(F) "Fair market value" means a value determined by considering the age, condition, price of similar assets of the same age and use in the market, and recent sale prices and expert appraisals.</u>	134
<u>(G) "Public utility" means an electric light company, natural gas company, or water-works company as defined in section 4905.03 of the Revised Code that is a public utility as defined in section 4905.02 of the Revised Code.</u>	138
<u>(H) "Qualified low-income building" has the same meaning as in section 175.16 of the Revised Code.</u>	142
Sec. 4933.52. (A) Except for reasons of safety or reliability, the public utilities commission shall not adopt any rule that permits a public utility to set the location of, or refuse to relocate, any of its meters so that the meter's location prevents either of the following:	144
<u>(1) A behind-the-meter utility service provider from providing, constructing, or installing behind-the-meter utility service at a point after the public utility service is delivered to the public utility's metered point of delivery at that location;</u>	149
<u>(2) A billing service described in division (A) (7) of section 4905.02 of the Revised Code from providing the billing service for natural gas or water service at a point after natural gas or water service is delivered to the public utility's metered point of delivery for that service at that location.</u>	154
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(B) Except for reasons of safety or reliability, no public utility shall set the location of, or refuse to relocate, any of its meters so that the meter's location prevents either of the following:

(1) A behind-the-meter utility service provider from providing, constructing, or installing behind-the-meter utility service at a point after the public utility service is delivered to the public utility's metered point of delivery at that location;

(2) A billing service described in division (A) (7) of section 4905.02 of the Revised Code from providing the billing service for natural gas or water service at a point after natural gas or water service is delivered to the public utility's metered point of delivery for that service at that location.

Sec. 4933.53. (A) Except for reasons of safety or reliability, if a public utility customer requests an alteration in the location, character, or metering of the customer's service from a public utility where the alteration would render certain personal property or equipment of the utility as no longer used and useful in providing utility service to the customer's real property, the utility shall offer to sell such personal property or equipment to the utility customer for any purpose, including for use in providing behind-the-meter utility service and to ensure certainty of ownership of the personal property or equipment following the change in service, if both of the following are met:

(1) The personal property or equipment is located exclusively within the boundaries of the customer's real property;

<u>(2) The personal property or equipment was used exclusively to provide utility service to the property.</u>	190 191
<u>(B) The public utility shall price the personal property or equipment offered for sale to a customer pursuant to this section as the amount of the fair market value of the property or equipment, as the value of such property or equipment would be represented in a ratemaking proceeding before the public utilities commission.</u>	192 193 194 195 196 197
<u>(C) The public utility shall record the proceeds from a sale pursuant to this section as a regulatory liability.</u>	198 199
<u>Sec. 4933.54. Each electric utility shall maintain up-to-date reference tools on the utility's web site, or in another conspicuous and publicly accessible location, that permit automatic calculation of what the electric utility would charge its residential customers with a specific kilowatt-hour usage during any of the most recent twelve months.</u>	200 201 202 203 204 205
<u>Sec. 4933.55. No behind-the-meter utility service provider that resells electricity to a tenant based on metered consumption at the tenant's dwelling unit may charge the tenant more than the bill for the standard service offer and all tariffed charges and riders that the electric light company, in whose certified territory the dwelling unit is located, would charge its residential customers for electric service.</u>	206 207 208 209 210 211 212
<u>Sec. 4933.56. A behind-the-meter utility service provider that resells electricity to a tenant based on metered consumption at the tenant's dwelling unit shall do all of the following:</u>	213 214 215 216
<u>(A) Register with the public utilities commission every two years and comply with the rules adopted pursuant to section</u>	217 218

<u>4933.59 of the Revised Code. Registration under this division</u>	219
<u>shall include only the provider's name, business address,</u>	220
<u>telephone number, regulatory contact, the type of services</u>	221
<u>offered by the provider, and evidence of the managerial,</u>	222
<u>financial, and technical capabilities to offer such services.</u>	223
<u>(B) At a minimum, comply with the requirements for the</u>	224
<u>disconnection of electric service established in sections</u>	225
<u>4933.121 to 4933.123 of the Revised Code and the rules adopted</u>	226
<u>pursuant to those sections, as applicable;</u>	227
<u>(C) Provide a separate disclosure and a report of historic</u>	228
<u>monthly usage and corresponding billed amounts for metered</u>	229
<u>electricity to each tenant's dwelling unit for the preceding</u>	230
<u>twelve months, if applicable, to its tenants solely for purposes</u>	231
<u>of compliance with the pricing requirements under section</u>	232
<u>4933.55 of the Revised Code;</u>	233
<u>(D) Disclose its process and procedures for the</u>	234
<u>disconnection of electric service to its tenants;</u>	235
<u>(E) Provide notice of the list of billing assistance</u>	236
<u>programs that is required pursuant to section 4911.22 of the</u>	237
<u>Revised Code to a tenant that receives behind-the-meter utility</u>	238
<u>service from the provider at both of the following times:</u>	239
<u>(1) Upon the tenant's request for behind-the-meter utility</u>	240
<u>service bill assistance;</u>	241
<u>(2) At least annually in the standard communication format</u>	242
<u>used by the provider or landlord to provide information to</u>	243
<u>tenants.</u>	244
<u>(F) Offer an alternative payment plan option to a tenant</u>	245
<u>that receives behind-the-meter utility service from the</u>	246
<u>provider;</u>	247

(G) Accept a payment from the home energy assistance 248
program when the account holder qualifies for the home energy 249
assistance program; 250

(H) Ensure that each bill issued by the provider for 251
behind-the-meter utility service complies with all of the 252
following: 253

(1) Lists each charge or fee for behind-the-meter utility 254
service in a separate and distinct manner that allows the tenant 255
to understand each charge or fee; 256

(2) Lists each common area charge or fee, including each 257
common area charge or fee for central systems air conditioning, 258
heating, and hot water, in a separate and distinct manner that 259
allows the tenant to understand each common area charge or fee; 260

(3) Clearly states the tenant's actual or estimated 261
metered electricity usage in kilowatt hours, or other standard 262
measure, in a manner that allows the tenant to effectively use 263
the reference tools required by section 4933.54 of the Revised 264
Code. 265

Sec. 4933.57. (A) Prior to the effective date of the rules 266
adopted to implement section 4933.58 of the Revised Code, a 267
behind-the-meter utility service provider that resells 268
electricity to a tenant based on metered consumption at the 269
tenant's dwelling unit shall file an interim compliance plan for 270
approval with the public utilities commission for each property 271
or community at which behind-the-meter utility service is 272
provided to tenants by either of the following dates, whichever 273
is later: 274

(1) Not more than ninety days after the commission adopts 275
rules to implement this section; 276

<u>(2) Prior to the date that the provider initiates</u>	277
<u>providing behind-the-meter utility service at the property or</u>	278
<u>community, whichever is later.</u>	279
<u>(B) The commission shall approve an interim compliance</u>	280
<u>plan filing that does all of the following:</u>	281
<u>(1) Includes the provider's name, business address,</u>	282
<u>telephone number, regulatory contact, and the type of services</u>	283
<u>offered by the provider at the community or property;</u>	284
<u>(2) Describes the methods by which the provider intends to</u>	285
<u>ensure that any bills to tenants at the property or community</u>	286
<u>comply with the pricing requirements for the resale of</u>	287
<u>electricity under section 4933.55 of the Revised Code;</u>	288
<u>(3) Describes how the provider intends to comply with the</u>	289
<u>electric service disconnection standards imposed by section</u>	290
<u>4933.56 of the Revised Code;</u>	291
<u>(4) If more than one behind-the-meter utility service</u>	292
<u>provider provides behind-the-meter utility service at a single</u>	293
<u>property or community, or if more than one party is responsible</u>	294
<u>for the compliance plan items described in this section, sets</u>	295
<u>forth the responsibilities of each provider for each of the</u>	296
<u>interim compliance plan items described in this section.</u>	297
<u>(C) The provider shall adhere to the interim compliance</u>	298
<u>plan that is approved by the commission until the plan is</u>	299
<u>terminated, unless otherwise directed by the commission.</u>	300
<u>(D) An interim compliance plan for a property or community</u>	301
<u>approved by the commission terminates upon the commission</u>	302
<u>approving a compliance plan under section 4933.58 of the Revised</u>	303
<u>Code for the same property or community. An interim compliance</u>	304
<u>plan continues until terminated pursuant to this division or</u>	305

<u>terminated by the commission.</u>	306
<u>(E) The requirement that a provider file an interim</u>	307
<u>compliance plan under this section terminates upon the effective</u>	308
<u>date of rules to implement section 4933.58 of the Revised Code.</u>	309
 <u>Sec. 4933.58. (A) A behind-the-meter utility service</u>	310
<u>provider that resells electricity to a tenant based on metered</u>	311
<u>consumption at the tenant's dwelling unit shall file a</u>	312
<u>compliance plan for approval with the public utilities</u>	313
<u>commission for each property or community at which behind-the-</u>	314
<u>meter utility service is provided to tenants by either of the</u>	315
<u>following dates, whichever is later:</u>	316
 <u>(1) Not more than ninety days after the commission adopts</u>	317
<u>rules to implement this section;</u>	318
 <u>(2) Prior to the date that the provider initiates</u>	319
<u>providing behind-the-meter utility service at the property or</u>	320
<u>community.</u>	321
 <u>(B) The commission shall approve a compliance plan filing</u>	322
<u>that does all of the following:</u>	323
 <u>(1) Describes the means by which the provider will ensure</u>	324
<u>compliance with sections 4933.56 and 4933.59 of the Revised Code</u>	325
<u>at the property or community, as applicable;</u>	326
 <u>(2) Includes the provider's name, business address,</u>	327
<u>telephone number, regulatory contact, and the type of services</u>	328
<u>offered by the provider at the community or property;</u>	329
 <u>(3) Describes the methods by which the provider intends to</u>	330
<u>ensure that any bills to tenants at the property or community</u>	331
<u>comply with the pricing requirements for the resale of</u>	332
<u>electricity under section 4933.55 of the Revised Code;</u>	333

<u>(4) Describes how the provider intends to comply with the electric service disconnection standards imposed by section 4933.56 of the Revised Code;</u>	334
<u>(5) Includes a copy of the language included, or to be included, in each tenant's lease relating to behind-the-meter electric service that complies with division (C) of this section, as applicable, and section 5321.04 of the Revised Code;</u>	337
<u>(6) For behind-the-meter utility service provided or intended to be provided to a qualified low-income building, discloses any utility assistance programs available to tenants or condominium owners of which the applicant is aware as of the date the application is submitted;</u>	341
<u>(7) If more than one behind-the-meter utility service provider provides behind-the-meter utility service at a single property or community, or if more than one party is responsible for the compliance plan items described in this section, sets forth the responsibilities of each provider for each of the compliance plan items described in this section;</u>	346
<u>(8) Discloses the standard communication format used by the provider or landlord to provide information to tenants;</u>	352
<u>(9) Provide a description of the alternative payment plan required by section 4933.56 of the Revised Code.</u>	354
<u>(C) To the extent that a landlord of a property is not the behind-the-meter utility service provider, the landlord shall separately contribute to or attest to the language included, or to be included, in each tenant's lease relating to behind-the-meter electric service.</u>	356
<u>(D) The provider shall adhere to the compliance plan that is approved by the commission, unless otherwise directed by the</u>	361
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<u>commission.</u>	363
<u>(E) The compliance plan shall be updated from time to time upon any material change to the information contained therein.</u>	364
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<u>Sec. 4933.59. (A) Not later than one year after the effective date of this section, the public utilities commission shall adopt rules to implement sections 4933.56 and 4933.58 of the Revised Code.</u>	366
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<u>(B) The commission shall adopt rules to implement section 4933.57 of the Revised Code not more than one hundred eighty days after the effective date of this section.</u>	370
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<u>(C) The commission may require behind-the-meter utility service providers that provide behind-the-meter utility service to residential end users other than providers that resell electricity to a tenant based on metered consumption at the tenant's dwelling unit to register every two years and to comply with any applicable registration requirements.</u>	373
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<u>(D) Rules adopted under this section, including any requirements regarding classifications, procedures, terms, and conditions, shall be reasonable and shall not confer any undue economic, competitive, or market advantage or preference upon any electric light company, behind-the-meter utility service provider, or competitive retail electric service provider.</u>	379
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<u>(E) The commission may charge behind-the-meter utility service providers a registration processing fee of not more than one thousand dollars per initial and each subsequent biennial registration. The commission shall use all amounts collected under this division to pay costs related to the implementation of sections 4933.51 to 4933.68 of the Revised Code.</u>	385
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<u>(F) Notwithstanding any provision of section 121.95 of the</u>	391

<u>Revised Code to the contrary, a regulatory restriction contained</u>	392
<u>in rules adopted under sections 4933.51 to 4933.68 of the</u>	393
<u>Revised Code is not subject to sections 121.95 to 121.953 of the</u>	394
<u>Revised Code.</u>	395
 <u>Sec. 4933.60. (A) The public utilities commission shall</u>	396
<u>approve or deny the following not more than thirty days after</u>	397
<u>receipt from a behind-the-meter utility service provider:</u>	398
 <u>(1) A registration application required under section</u>	399
<u>4933.56 or 4933.59 of the Revised Code;</u>	400
 <u>(2) An interim compliance plan filing required under</u>	401
<u>section 4933.57 of the Revised Code;</u>	402
 <u>(3) A compliance plan filing required under section</u>	403
<u>4933.58 of the Revised Code.</u>	404
 <u>(B) The commission shall approve a provider's application</u>	405
<u>or filing if the application or filing complies with all</u>	406
<u>requirements under sections 4933.56 to 4933.59 of the Revised</u>	407
<u>Code, as applicable.</u>	408
 <u>(C) If the commission denies a provider's application or</u>	409
<u>filings as described in this section, the commission shall notify</u>	410
<u>the provider of the reason for such denial.</u>	411
 <u>(D) Any application or filing that is not approved or</u>	412
<u>denied within the time required by this section is deemed</u>	413
<u>approved by operation of law.</u>	414
 <u>Sec. 4933.61. Notwithstanding any provision of sections</u>	415
<u>4933.51 to 4933.68 of the Revised Code to the contrary, the</u>	416
<u>public utilities commission may modify or waive any or all of</u>	417
<u>the requirements of sections 4933.56, 4933.58, and 4933.59 of</u>	418
<u>the Revised Code to account for changes in technology, law, or</u>	419

<u>for other good cause shown.</u>	420
<u>Sec. 4933.62. (A) Unless waived under section 4933.61 of the Revised Code, no behind-the-meter utility service provider shall provide a behind-the-meter utility service to a consumer in this state without first being registered with the public utilities commission, to the extent registration is required under sections 4933.56 and 4933.59 of the Revised Code.</u>	421
<u>(B) Beginning one hundred twenty days after the effective date of rules adopted to implement section 4933.57 of the Revised Code and terminating upon the effective date of rules to implement section 4933.58 of the Revised Code, no behind-the-meter utility service provider that resells electricity to a tenant based on metered consumption at the tenant's dwelling unit shall provide a behind-the-meter utility service to a consumer in this state without an approved interim compliance plan under section 4933.57 of the Revised Code.</u>	427
<u>(C) Beginning one hundred twenty days after the effective date of rules adopted to implement section 4933.58 of the Revised Code, unless waived under section 4933.61 of the Revised Code, no behind-the-meter utility service provider that resells electricity to a tenant based on metered consumption at the tenant's dwelling unit shall provide a behind-the-meter utility service to a consumer in this state without an approved compliance plan under section 4933.58 of the Revised Code.</u>	436
<u>Sec. 4933.63. (A) The public utilities commission shall receive and use reasonable diligence to investigate any reports or information regarding a possible failure to comply with, or a violation of, the requirements of sections 4933.55 to 4933.59 of the Revised Code.</u>	444

<u>(B) The commission may review any of the following in response to a report or information received under this section:</u>	449
<u>(1) A behind-the-meter utility service provider's or landlord's relevant billing practices;</u>	451
<u>(2) A behind-the-meter utility service provider's or landlord's billing history;</u>	453
<u>(3) A behind-the-meter utility service provider's or landlord's leases;</u>	455
<u>(4) Any other relevant documentation and information as the commission deems appropriate.</u>	457
<u>(C) Any portion of materials reviewed by the commission under this section that contain personally identifiable information, including banking or information which could be used to commit identity theft, shall be treated as confidential.</u>	459
<u>(D) If a review is initiated under this section as a result of a report or information from a tenant receiving behind-the-meter utility service, the commission shall report its conclusions and the results of the review to the tenant not more than one hundred eighty days after receipt of the report or information.</u>	463
<u>(E) Any behind-the-meter utility service provider that fails to cooperate with a review under this section in good faith may, at the commission's discretion, be determined liable for a violation or failure to comply with sections 4933.55 to 4933.59 of the Revised Code and may be assessed any penalties under section 4933.65 of the Revised Code.</u>	469
<u>Sec. 4933.64. (A) Any person, firm, or corporation, or the public utilities commission upon its initiative, may file a</u>	475
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written complaint against either of the following:

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(1) Any behind-the-meter utility service provider for a 478
failure to comply with, or a violation of, the requirements 479
under sections 4933.55 to 4933.59 of the Revised Code; 480

(2) Any landlord who is not a behind-the-meter utility 481
service provider for a failure to comply with division (C) of 482
section 4933.58 of the Revised Code. 483

(B) If it appears that reasonable grounds for complaint 484
are stated after a preliminary investigation, the commission 485
shall provide notice of probable noncompliance to the behind- 486
the-meter utility service provider or landlord and grant the 487
provider or landlord sixty days, or longer at the commission's 488
discretion, to cure the noncompliance. If such noncompliance is 489
not cured during the cure period, the commission may open a 490
formal investigation of the complaint. 491

(C) The commission may, after a formal investigation under 492
this section, provide reasonable notice and the opportunity for 493
a hearing to the provider or landlord subject to the 494
investigation. After such notice and opportunity for a hearing, 495
if the commission determines by a preponderance of the evidence 496
that the provider or landlord committed the violation or failure 497
to comply described in the complaint, the commission may issue 498
an order to assess any penalties described in section 4933.65 or 499
4933.66 of the Revised Code, as applicable. 500

(D) The parties to a formal investigation under this 501
section shall be entitled to be heard, represented by counsel, 502
and to have a process to enforce the attendance of witnesses. 503

(E) Nothing in this section prohibits a provider or 504
landlord from resolving any failure to comply with, or a 505

<u>violation of, the requirements under sections 4933.55 to 4933.59 of the Revised Code prior to commission action.</u>	506 507
<u>Sec. 4933.65. (A) Any behind-the-meter utility service provider that is found to have violated or failed to comply with the requirements under sections 4933.55 to 4933.59 of the Revised Code, after reasonable notice and opportunity for a hearing under section 4933.64 of the Revised Code, or if division (E) of section 4933.63 of the Revised Code applies, except as provided in division (B) of this section, may be assessed, or have any or all of the following penalties imposed, at the discretion of the public utilities commission:</u>	508 509 510 511 512 513 514 515 516
<u>(1) A forfeiture of not more than one hundred dollars for each violation or compliance failure. For purposes of a forfeiture under division (A)(1) of this section, each day that a provider violates or fails to comply with sections 4933.55 to 4933.59 of the Revised Code is a separate violation or compliance failure for each violation or compliance failure.</u>	517 518 519 520 521 522
<u>(2) A forfeiture of ten thousand dollars if the behind-the-meter utility service provider is found to have violated or failed to comply with division (C) of section 4933.62 of the Revised Code. A forfeiture under division (A)(2) of this section may be in addition to a forfeiture under division (A)(1) of this section.</u>	523 524 525 526 527 528
<u>(3) Revocation, vacation, or nullification of the provider's registration under section 4933.56 of the Revised Code and issuance of an order and entry of the order in the journal of the commission barring such provider from providing behind-the-meter utility service in this state for not more than two years.</u>	529 530 531 532 533 534

(B) The commission shall grant the provider that is assessed, or on whom is imposed, one or more penalties under this section sixty days, or longer at the commission's discretion, to cure the violation or failure to comply. If such violation or failure to comply is cured during that period, the provider is not subject to the penalties assessed under this section. 535
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(C) Forfeitures under this section shall be recovered by action prosecuted in the name of the state and may be brought in the court of common pleas of any county in which the provider who committed the violation or failed to comply is located. The action shall be commenced and prosecuted by the attorney general when directed by the public utilities commission. All forfeitures are cumulative, and an action for recovery of one does not bar the recovery of another. Forfeitures collected under this section shall be credited to the general revenue fund. 542
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Sec. 4933.66. (A) The public utilities commission may, except as provided in division (B) of this section, enter an order in the journal of the commission barring, for not more than two years, the provision of behind-the-meter utility service to the property or community of a landlord that is found to have failed to comply with division (C) of section 4933.58 of the Revised Code after reasonable notice and opportunity for a hearing under section 4933.64 of the Revised Code. 552
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(B) The commission shall grant the landlord assessed a penalty under this section sixty days, or longer at the commission's discretion, to cure the failure to comply. If such failure to comply is cured during the cure period, the landlord is not subject to the penalty assessed under this section. 560
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Sec. 4933.68. Not later than two years after the effective 565
date of the rules adopted pursuant to division (A) of section 566
4933.59 of the Revised Code, the public utilities commission 567
shall submit a report to the general assembly that contains all 568
of the following information: 569

(A) The number of behind-the-meter utility service 570
providers registered with the commission; 571

(B) The name of each behind-the-meter utility service 572
provider registered with the commission; 573

(C) The name and address of each property or community 574
served by a behind-the-meter utility service provider; 575

(D) The number of dwelling units at each property or 576
community served by a behind-the-meter utility service provider; 577

(E) The number of complaints received by the commission on 578
a monthly basis from residential customers regarding the 579
customer's behind-the-meter utility service where the commission 580
determined that a violation by a behind-the-meter utility 581
service provider occurred. 582

Sec. 5321.04. (A) A landlord who is a party to a rental 583
agreement shall do all of the following: 584

(1) Comply with the requirements of all applicable 585
building, housing, health, and safety codes that materially 586
affect health and safety; 587

(2) Make all repairs and do whatever is reasonably 588
necessary to put and keep the premises in a fit and habitable 589
condition; 590

(3) Keep all common areas of the premises in a safe and 591
sanitary condition; 592

(4) Maintain in good and safe working order and condition 593
all electrical, plumbing, sanitary, heating, ventilating, and 594
air conditioning fixtures and appliances, and elevators, 595
supplied or required to be supplied by the landlord; 596

(5) When the landlord is a party to any rental agreements 597
that cover four or more dwelling units in the same structure, 598
provide and maintain appropriate receptacles for the removal of 599
ashes, garbage, rubbish, and other waste incidental to the 600
occupancy of a dwelling unit, and arrange for their removal; 601

(6) Supply running water, reasonable amounts of hot water, 602
and reasonable heat at all times, except where the building that 603
includes the dwelling unit is not required by law to be equipped 604
for that purpose, or the dwelling unit is so constructed that 605
heat or hot water is generated by an installation within the 606
exclusive control of the tenant and supplied by a direct public 607
utility connection; 608

(7) Not abuse the right of access conferred by division 609
(B) of section 5321.05 of the Revised Code; 610

(8) Except in the case of emergency or if it is 611
impracticable to do so, give the tenant reasonable notice of the 612
landlord's intent to enter and enter only at reasonable times. 613
Twenty-four hours is presumed to be a reasonable notice in the 614
absence of evidence to the contrary. 615

(9) Promptly commence an action under Chapter 1923. of the 616
Revised Code, after complying with division (C) of section 617
5321.17 of the Revised Code, to remove a tenant from particular 618
residential premises, if the tenant fails to vacate the premises 619
within three days after the giving of the notice required by 620
that division and if the landlord has actual knowledge of or has 621

reasonable cause to believe that the tenant, any person in the
tenant's household, or any person on the premises with the
consent of the tenant previously has or presently is engaged in
a violation as described in division (A) (6) (a) (i) of section
1923.02 of the Revised Code, whether or not the tenant or other
person has been charged with, has pleaded guilty to or been
convicted of, or has been determined to be a delinquent child
for an act that, if committed by an adult, would be a violation
as described in that division. Such actual knowledge or
reasonable cause to believe shall be determined in accordance
with that division.

(10) Comply with the rights of tenants under the
Servicemembers Civil Relief Act, 117 Stat. 2835, 50 U.S.C. App.
501;

(11) If the landlord, whether by itself or with the
assistance of a behind-the-meter utility service provider,
resells or permits resale of utility service to tenants,
disclose the nature of such utility service and all related
charges or fees, including any common area charges or fees, in
its leases with tenants, and, as applicable, comply with
sections 4933.51 to 4933.68 of the Revised Code.

(B) If the landlord makes an entry in violation of
division (A) (8) of this section, makes a lawful entry in an
unreasonable manner, or makes repeated demands for entry
otherwise lawful that have the effect of harassing the tenant,
the tenant may recover actual damages resulting from the entry
or demands, obtain injunctive relief to prevent the recurrence
of the conduct, and obtain a judgment for reasonable attorney's
fees, or may terminate the rental agreement.

(C) As used in this section, "behind-the-meter utility

service provider" has the same meaning as in section 4933.51 of 652
the Revised Code. 653

Section 2. That existing sections 4905.02 and 5321.04 of 654
the Revised Code are hereby repealed. 655