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136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 173

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

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

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

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

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(1) An electric light company that operates its utility

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not for profit; 20

(2) A public utility, other than a telephone company, that 21
is owned and operated exclusively by and solely for the 22
utility's customers, including any consumer or group of 23
consumers purchasing, delivering, storing, or transporting, or 24
seeking to purchase, deliver, store, or transport, natural gas 25
exclusively by and solely for the consumer's or consumers' own 26
intended use as the end user or end users and not for profit; 27

(3) A public utility that is owned or operated by any 28
municipal corporation; 29

(4) A railroad as defined in sections 4907.02 and 4907.03 30
of the Revised Code; 31

(5) Any provider, including a telephone company, with 32
respect to its provision of any of the following: 33

(a) Advanced services as defined in 47 C.F.R. 51.5; 34

(b) Broadband service, however defined or classified by 35
the federal communications commission; 36

(c) Information service as defined in the 37
"Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 38
153(20); 39

(d) Subject to division (A) of section 4927.03 of the 40
Revised Code, internet protocol-enabled services as defined in 41
section 4927.01 of the Revised Code; 42

(e) Subject to division (A) of section 4927.03 of the 43
Revised Code, any telecommunications service as defined in 44
section 4927.01 of the Revised Code to which both of the 45
following apply: 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

(6) (a) A person, business, or other entity that, either on 54
its own behalf or under a contract with a property owner, 55
provides, constructs, or installs for customers behind-the-meter 56
utility service; 57

(b) As used in this division, "behind-the-meter utility 58
service" means any of the following, if provided, constructed, 59
or installed at a point after services provided by a public 60
utility are delivered to the public utility's metered points of 61
delivery at the customers' locations: 62

(i) Service or benefit from an advanced energy resource as 63
defined in section 4928.01 of the Revised Code; 64

(ii) Electric service; 65

(iii) Billing service for services described in divisions 66
(A) (6) (b) (i) and (ii) of this section; 67

(iv) Electric vehicle charging; 68

(v) Resale of electricity to a tenant's dwelling unit by a 69
landlord or the landlord's agent that is based on metered 70
consumption; 71

(vi) Resale of electricity to a condominium by a unit 72
owners association or the association's agent that is based on 73
metered consumption. 74

(7) Billing service for the resale of natural gas or water 75
service to a tenant's dwelling unit by a landlord or the 76
landlord's agent, or to a condominium by a unit owners 77
association or the association's agent, that is based on metered 78
consumption and that is delivered at a point after natural gas 79
or water service is delivered to the public utility's metered 80
point of delivery for that service at that location. 81

(B) (1) "Public utility" includes a for-hire motor carrier 82
even if the carrier is operated in connection with an entity 83
described in division (A) (1), (2), (4), or (5) of this section. 84

(2) Division (A) of this section shall not be construed to 85
relieve a private motor carrier, operated in connection with an 86
entity described in division (A) (1), (2), (4), or (5) of this 87
section, from compliance with either of the following: 88

(a) Chapter 4923. of the Revised Code; 89

(b) Rules governing unified carrier registration adopted 90
under section 4921.11 of the Revised Code. 91

(C) As used in this section: 92

(1) "Condominium" and "unit owners association" have the 93
same meanings as in section 5311.01 of the Revised Code. 94

(2) "Dwelling unit," "landlord," and "tenant" have the 95
same meanings as in section 5321.01 of the Revised Code. 96

Sec. 4911.22. (A) As used in this section: 97

(1) "Behind-the-meter utility service" has the same 98
meaning as in section 4905.02 of the Revised Code. 99

(2) "Tenant" has the same meaning as in section 5321.01 of 100
the Revised Code. 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

section 4905.03 of the Revised Code. 131

(E) "Electric utility" has the same meaning as in section 132
4928.01 of the Revised Code. 133

(F) "Fair market value" means a value determined by 134
considering the age, condition, price of similar assets of the 135
same age and use in the market, and recent sale prices and 136
expert appraisals. 137

(G) "Public utility" means an electric light company, 138
natural gas company, or water-works company as defined in 139
section 4905.03 of the Revised Code that is a public utility as 140
defined in section 4905.02 of the Revised Code. 141

(H) "Qualified low-income building" has the same meaning 142
as in section 175.16 of the Revised Code. 143

Sec. 4933.52. (A) Except for reasons of safety or 144
reliability, the public utilities commission shall not adopt any 145
rule that permits a public utility to set the location of, or 146
refuse to relocate, any of its meters so that the meter's 147
location prevents either of the following: 148

(1) A behind-the-meter utility service provider from 149
providing, constructing, or installing behind-the-meter utility 150
service at a point after the public utility service is delivered 151
to the public utility's metered point of delivery at that 152
location; 153

(2) A billing service described in division (A) (7) of 154
section 4905.02 of the Revised Code from providing the billing 155
service for natural gas or water service at a point after 156
natural gas or water service is delivered to the public 157
utility's metered point of delivery for that service at that 158
location. 159

(B) Except for reasons of safety or reliability, no public 160
utility shall set the location of, or refuse to relocate, any of 161
its meters so that the meter's location prevents either of the 162
following: 163

(1) A behind-the-meter utility service provider from 164
providing, constructing, or installing behind-the-meter utility 165
service at a point after the public utility service is delivered 166
to the public utility's metered point of delivery at that 167
location; 168

(2) A billing service described in division (A) (7) of 169
section 4905.02 of the Revised Code from providing the billing 170
service for natural gas or water service at a point after 171
natural gas or water service is delivered to the public 172
utility's metered point of delivery for that service at that 173
location. 174

Sec. 4933.53. (A) Except for reasons of safety or 175
reliability, if a public utility customer requests an alteration 176
in the location, character, or metering of the customer's 177
service from a public utility where the alteration would render 178
certain personal property or equipment of the utility as no 179
longer used and useful in providing utility service to the 180
customer's real property, the utility shall offer to sell such 181
personal property or equipment to the utility customer for any 182
purpose, including for use in providing behind-the-meter utility 183
service and to ensure certainty of ownership of the personal 184
property or equipment following the change in service, if both 185
of the following are met: 186

(1) The personal property or equipment is located 187
exclusively within the boundaries of the customer's real 188
property; 189

(2) The personal property or equipment was used 190
exclusively to provide utility service to the property. 191

(B) The public utility shall price the personal property 192
or equipment offered for sale to a customer pursuant to this 193
section as the amount of the fair market value of the property 194
or equipment, as the value of such property or equipment would 195
be represented in a ratemaking proceeding before the public 196
utilities commission. 197

(C) The public utility shall record the proceeds from a 198
sale pursuant to this section as a regulatory liability. 199

Sec. 4933.54. Each electric utility shall maintain up-to- 200
date reference tools on the utility's web site, or in another 201
conspicuous and publicly accessible location, that permit 202
automatic calculation of what the electric utility would charge 203
its residential customers with a specific kilowatt-hour usage 204
during any of the most recent twelve months. 205

Sec. 4933.55. No behind-the-meter utility service provider 206
that resells electricity to a tenant based on metered 207
consumption at the tenant's dwelling unit may charge the tenant 208
more than the bill for the standard service offer and all 209
tariffed charges and riders that the electric light company, in 210
whose certified territory the dwelling unit is located, would 211
charge its residential customers for electric service. 212

Sec. 4933.56. A behind-the-meter utility service provider 213
that resells electricity to a tenant based on metered 214
consumption at the tenant's dwelling unit shall do all of the 215
following: 216

(A) Register with the public utilities commission every 217
two years and comply with the rules adopted pursuant to section 218

4933.59 of the Revised Code. Registration under this division 219
shall include only the provider's name, business address, 220
telephone number, regulatory contact, the type of services 221
offered by the provider, and evidence of the managerial, 222
financial, and technical capabilities to offer such services. 223

(B) At a minimum, comply with the requirements for the 224
disconnection of electric service established in sections 225
4933.121 to 4933.123 of the Revised Code and the rules adopted 226
pursuant to those sections, as applicable; 227

(C) Provide a separate disclosure and a report of historic 228
monthly usage and corresponding billed amounts for metered 229
electricity to each tenant's dwelling unit for the preceding 230
twelve months, if applicable, to its tenants solely for purposes 231
of compliance with the pricing requirements under section 232
4933.55 of the Revised Code; 233

(D) Disclose its process and procedures for the 234
disconnection of electric service to its tenants; 235

(E) Provide notice of the list of billing assistance 236
programs that is required pursuant to section 4911.22 of the 237
Revised Code to a tenant that receives behind-the-meter utility 238
service from the provider at both of the following times: 239

(1) Upon the tenant's request for behind-the-meter utility 240
service bill assistance; 241

(2) At least annually in the standard communication format 242
used by the provider or landlord to provide information to 243
tenants. 244

(F) Offer an alternative payment plan option to a tenant 245
that receives behind-the-meter utility service from the 246
provider; 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

(2) Prior to the date that the provider initiates 277
providing behind-the-meter utility service at the property or 278
community, whichever is later. 279

(B) The commission shall approve an interim compliance 280
plan filing that does all of the following: 281

(1) Includes the provider's name, business address, 282
telephone number, regulatory contact, and the type of services 283
offered by the provider at the community or property; 284

(2) Describes the methods by which the provider intends to 285
ensure that any bills to tenants at the property or community 286
comply with the pricing requirements for the resale of 287
electricity under section 4933.55 of the Revised Code; 288

(3) Describes how the provider intends to comply with the 289
electric service disconnection standards imposed by section 290
4933.56 of the Revised Code; 291

(4) If more than one behind-the-meter utility service 292
provider provides behind-the-meter utility service at a single 293
property or community, or if more than one party is responsible 294
for the compliance plan items described in this section, sets 295
forth the responsibilities of each provider for each of the 296
interim compliance plan items described in this section. 297

(C) The provider shall adhere to the interim compliance 298
plan that is approved by the commission until the plan is 299
terminated, unless otherwise directed by the commission. 300

(D) An interim compliance plan for a property or community 301
approved by the commission terminates upon the commission 302
approving a compliance plan under section 4933.58 of the Revised 303
Code for the same property or community. An interim compliance 304
plan continues until terminated pursuant to this division or 305

terminated by the commission. 306

(E) The requirement that a provider file an interim 307
compliance plan under this section terminates upon the effective 308
date of rules to implement section 4933.58 of the Revised Code. 309

Sec. 4933.58. (A) A behind-the-meter utility service 310
provider that resells electricity to a tenant based on metered 311
consumption at the tenant's dwelling unit shall file a 312
compliance plan for approval with the public utilities 313
commission for each property or community at which behind-the- 314
meter utility service is provided to tenants by either of the 315
following dates, whichever is later: 316

(1) Not more than ninety days after the commission adopts 317
rules to implement this section; 318

(2) Prior to the date that the provider initiates 319
providing behind-the-meter utility service at the property or 320
community. 321

(B) The commission shall approve a compliance plan filing 322
that does all of the following: 323

(1) Describes the means by which the provider will ensure 324
compliance with sections 4933.56 and 4933.59 of the Revised Code 325
at the property or community, as applicable; 326

(2) Includes the provider's name, business address, 327
telephone number, regulatory contact, and the type of services 328
offered by the provider at the community or property; 329

(3) Describes the methods by which the provider intends to 330
ensure that any bills to tenants at the property or community 331
comply with the pricing requirements for the resale of 332
electricity under section 4933.55 of the Revised Code; 333

(4) Describes how the provider intends to comply with the 334
electric service disconnection standards imposed by section 335
4933.56 of the Revised Code; 336

(5) Includes a copy of the language included, or to be 337
included, in each tenant's lease relating to behind-the-meter 338
electric service that complies with division (C) of this 339
section, as applicable, and section 5321.04 of the Revised Code; 340

(6) For behind-the-meter utility service provided or 341
intended to be provided to a qualified low-income building, 342
discloses any utility assistance programs available to tenants 343
or condominium owners of which the applicant is aware as of the 344
date the application is submitted; 345

(7) If more than one behind-the-meter utility service 346
provider provides behind-the-meter utility service at a single 347
property or community, or if more than one party is responsible 348
for the compliance plan items described in this section, sets 349
forth the responsibilities of each provider for each of the 350
compliance plan items described in this section; 351

(8) Discloses the standard communication format used by 352
the provider or landlord to provide information to tenants; 353

(9) Provide a description of the alternative payment plan 354
required by section 4933.56 of the Revised Code. 355

(C) To the extent that a landlord of a property is not the 356
behind-the-meter utility service provider, the landlord shall 357
separately contribute to or attest to the language included, or 358
to be included, in each tenant's lease relating to behind-the- 359
meter electric service. 360

(D) The provider shall adhere to the compliance plan that 361
is approved by the commission, unless otherwise directed by the 362

commission. 363

(E) The compliance plan shall be updated from time to time 364
upon any material change to the information contained therein. 365

Sec. 4933.59. (A) Not later than one year after the 366
effective date of this section, the public utilities commission 367
shall adopt rules to implement sections 4933.56 and 4933.58 of 368
the Revised Code. 369

(B) The commission shall adopt rules to implement section 370
4933.57 of the Revised Code not more than one hundred eighty 371
days after the effective date of this section. 372

(C) The commission may require behind-the-meter utility 373
service providers that provide behind-the-meter utility service 374
to residential end users other than providers that resell 375
electricity to a tenant based on metered consumption at the 376
tenant's dwelling unit to register every two years and to comply 377
with any applicable registration requirements. 378

(D) Rules adopted under this section, including any 379
requirements regarding classifications, procedures, terms, and 380
conditions, shall be reasonable and shall not confer any undue 381
economic, competitive, or market advantage or preference upon 382
any electric light company, behind-the-meter utility service 383
provider, or competitive retail electric service provider. 384

(E) The commission may charge behind-the-meter utility 385
service providers a registration processing fee of not more than 386
one thousand dollars per initial and each subsequent biennial 387
registration. The commission shall use all amounts collected 388
under this division to pay costs related to the implementation 389
of sections 4933.51 to 4933.68 of the Revised Code. 390

(F) Notwithstanding any provision of section 121.95 of the 391

Revised Code to the contrary, a regulatory restriction contained 392
in rules adopted under sections 4933.51 to 4933.68 of the 393
Revised Code is not subject to sections 121.95 to 121.953 of the 394
Revised Code. 395

Sec. 4933.60. (A) The public utilities commission shall 396
approve or deny the following not more than thirty days after 397
receipt from a behind-the-meter utility service provider: 398

(1) A registration application required under section 399
4933.56 or 4933.59 of the Revised Code; 400

(2) An interim compliance plan filing required under 401
section 4933.57 of the Revised Code; 402

(3) A compliance plan filing required under section 403
4933.58 of the Revised Code. 404

(B) The commission shall approve a provider's application 405
or filing if the application or filing complies with all 406
requirements under sections 4933.56 to 4933.59 of the Revised 407
Code, as applicable. 408

(C) If the commission denies a provider's application or 409
filing as described in this section, the commission shall notify 410
the provider of the reason for such denial. 411

(D) Any application or filing that is not approved or 412
denied within the time required by this section is deemed 413
approved by operation of law. 414

Sec. 4933.61. Notwithstanding any provision of sections 415
4933.51 to 4933.68 of the Revised Code to the contrary, the 416
public utilities commission may modify or waive any or all of 417
the requirements of sections 4933.56, 4933.58, and 4933.59 of 418
the Revised Code to account for changes in technology, law, or 419

for other good cause shown.

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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.

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(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.

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(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.

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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.

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(B) The commission may review any of the following in 449
response to a report or information received under this section: 450

(1) A behind-the-meter utility service provider's or 451
landlord's relevant billing practices; 452

(2) A behind-the-meter utility service provider's or 453
landlord's billing history; 454

(3) A behind-the-meter utility service provider's or 455
landlord's leases; 456

(4) Any other relevant documentation and information as 457
the commission deems appropriate. 458

(C) Any portion of materials reviewed by the commission 459
under this section that contain personally identifiable 460
information, including banking or information which could be 461
used to commit identity theft, shall be treated as confidential. 462

(D) If a review is initiated under this section as a 463
result of a report or information from a tenant receiving 464
behind-the-meter utility service, the commission shall report 465
its conclusions and the results of the review to the tenant not 466
more than one hundred eighty days after receipt of the report or 467
information. 468

(E) Any behind-the-meter utility service provider that 469
fails to cooperate with a review under this section in good 470
faith may, at the commission's discretion, be determined liable 471
for a violation or failure to comply with sections 4933.55 to 472
4933.59 of the Revised Code and may be assessed any penalties 473
under section 4933.65 of the Revised Code. 474

Sec. 4933.64. (A) Any person, firm, or corporation, or the 475
public utilities commission upon its initiative, may file a 476

written complaint against either of the following:

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

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

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

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

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

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

violation of, the requirements under sections 4933.55 to 4933.59 506
of the Revised Code prior to commission action. 507

Sec. 4933.65. (A) Any behind-the-meter utility service 508
provider that is found to have violated or failed to comply with 509
the requirements under sections 4933.55 to 4933.59 of the 510
Revised Code, after reasonable notice and opportunity for a 511
hearing under section 4933.64 of the Revised Code, or if 512
division (E) of section 4933.63 of the Revised Code applies, 513
except as provided in division (B) of this section, may be 514
assessed, or have any or all of the following penalties imposed, 515
at the discretion of the public utilities commission: 516

(1) A forfeiture of not more than one hundred dollars for 517
each violation or compliance failure. For purposes of a 518
forfeiture under division (A)(1) of this section, each day that 519
a provider violates or fails to comply with sections 4933.55 to 520
4933.59 of the Revised Code is a separate violation or 521
compliance failure for each violation or compliance failure. 522

(2) A forfeiture of ten thousand dollars if the behind- 523
the-meter utility service provider is found to have violated or 524
failed to comply with division (C) of section 4933.62 of the 525
Revised Code. A forfeiture under division (A)(2) of this section 526
may be in addition to a forfeiture under division (A)(1) of this 527
section. 528

(3) Revocation, vacation, or nullification of the 529
provider's registration under section 4933.56 of the Revised 530
Code and issuance of an order and entry of the order in the 531
journal of the commission barring such provider from providing 532
behind-the-meter utility service in this state for not more than 533
two years. 534

(B) The commission shall grant the provider that is 535
assessed, or on whom is imposed, one or more penalties under 536
this section sixty days, or longer at the commission's 537
discretion, to cure the violation or failure to comply. If such 538
violation or failure to comply is cured during that period, the 539
provider is not subject to the penalties assessed under this 540
section. 541

(C) Forfeitures under this section shall be recovered by 542
action prosecuted in the name of the state and may be brought in 543
the court of common pleas of any county in which the provider 544
who committed the violation or failed to comply is located. The 545
action shall be commenced and prosecuted by the attorney general 546
when directed by the public utilities commission. All 547
forfeitures are cumulative, and an action for recovery of one 548
does not bar the recovery of another. Forfeitures collected 549
under this section shall be credited to the general revenue 550
fund. 551

Sec. 4933.66. (A) The public utilities commission may, 552
except as provided in division (B) of this section, enter an 553
order in the journal of the commission barring, for not more 554
than two years, the provision of behind-the-meter utility 555
service to the property or community of a landlord that is found 556
to have failed to comply with division (C) of section 4933.58 of 557
the Revised Code after reasonable notice and opportunity for a 558
hearing under section 4933.64 of the Revised Code. 559

(B) The commission shall grant the landlord assessed a 560
penalty under this section sixty days, or longer at the 561
commission's discretion, to cure the failure to comply. If such 562
failure to comply is cured during the cure period, the landlord 563
is not subject to the penalty assessed under this section. 564

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 622
tenant's household, or any person on the premises with the 623
consent of the tenant previously has or presently is engaged in 624
a violation as described in division (A)(6)(a)(i) of section 625
1923.02 of the Revised Code, whether or not the tenant or other 626
person has been charged with, has pleaded guilty to or been 627
convicted of, or has been determined to be a delinquent child 628
for an act that, if committed by an adult, would be a violation 629
as described in that division. Such actual knowledge or 630
reasonable cause to believe shall be determined in accordance 631
with that division. 632

(10) Comply with the rights of tenants under the 633
Servicemembers Civil Relief Act, 117 Stat. 2835, 50 U.S.C. App. 634
501; 635

(11) If the landlord, whether by itself or with the 636
assistance of a behind-the-meter utility service provider, 637
resells or permits resale of utility service to tenants, 638
disclose the nature of such utility service and all related 639
charges or fees, including any common area charges or fees, in 640
its leases with tenants, and, as applicable, comply with 641
sections 4933.51 to 4933.68 of the Revised Code. 642

(B) If the landlord makes an entry in violation of 643
division (A)(8) of this section, makes a lawful entry in an 644
unreasonable manner, or makes repeated demands for entry 645
otherwise lawful that have the effect of harassing the tenant, 646
the tenant may recover actual damages resulting from the entry 647
or demands, obtain injunctive relief to prevent the recurrence 648
of the conduct, and obtain a judgment for reasonable attorney's 649
fees, or may terminate the rental agreement. 650

(C) As used in this section, "behind-the-meter utility 651

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