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**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. H. B. No. 303**

To amend section 4928.02 and to enact sections 1  
1.66, 4934.01, 4934.011, 4934.04, 4934.05, 2  
4934.06, 4934.07, 4934.071, 4934.072, 4934.08, 3  
4934.10, 4934.11, 4934.12, 4934.13, 4934.14, 4  
4934.17, 4934.19, 4934.20, 4934.21, 4934.22, 5  
4934.23, 4934.25, 4934.26, 4934.27, 4934.28, 6  
4934.35, 4934.36, 4934.37, and 4934.38 of the 7  
Revised Code to establish the community energy 8  
program and pilot program and to define 9  
electricity measurement in alternating current. 10

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

**Section 1.** That section 4928.02 be amended and sections 11  
1.66, 4934.01, 4934.011, 4934.04, 4934.05, 4934.06, 4934.07, 12  
4934.071, 4934.072, 4934.08, 4934.10, 4934.11, 4934.12, 4934.13, 13  
4934.14, 4934.17, 4934.19, 4934.20, 4934.21, 4934.22, 4934.23, 14  
4934.25, 4934.26, 4934.27, 4934.28, 4934.35, 4934.36, 4934.37, 15  
and 4934.38 of the Revised Code be enacted to read as follows: 16

**Sec. 1.66.** As used in the Revised Code, unless the 17  
context requires otherwise, all measures of electricity 18  
described in watts, kilowatts, megawatts, or any derivative 19



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<u>thereof means such electricity expressed in alternating current.</u>	20
<b>Sec. 4928.02.</b> It is the policy of this state to do the following throughout this state:	21
(A) Ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service;	23
(B) Ensure the availability of unbundled and comparable retail electric service that provides consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs;	26
(C) Ensure diversity of electricity supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers and by encouraging the development of distributed and small generation facilities;	30
(D) Encourage innovation and market access for cost-effective supply- and demand-side retail electric service including, but not limited to, demand-side management, time-differentiated pricing, waste energy recovery systems, smart grid programs, and implementation of advanced metering infrastructure;	34
(E) Encourage cost-effective and efficient access to information regarding the operation of the transmission and distribution systems of electric utilities in order to promote both effective customer choice of retail electric service and the development of performance standards and targets for service quality for all consumers, including annual achievement reports written in plain language;	40
(F) Ensure that an electric utility's transmission and distribution systems are available to a customer-generator or	47
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owner of distributed generation, so that the customer-generator	49
or owner can market and deliver the electricity it produces;	50
(G) Recognize the continuing emergence of competitive	51
electricity markets through the development and implementation	52
of flexible regulatory treatment;	53
(H) Ensure effective competition in the provision of	54
retail electric service by avoiding anticompetitive subsidies	55
flowing from a noncompetitive retail electric service to a	56
competitive retail electric service or to a product or service	57
other than retail electric service, and vice versa, including by	58
prohibiting the recovery of any generation-related costs through	59
distribution or transmission rates;	60
(I) Ensure retail electric service consumers protection	61
against unreasonable sales practices, market deficiencies, and	62
market power;	63
(J) Provide coherent, transparent means of giving	64
appropriate incentives to technologies that can adapt	65
successfully to potential environmental mandates;	66
(K) Encourage implementation of distributed generation	67
across customer classes through regular review and updating of	68
administrative rules governing critical issues such as, but not	69
limited to, interconnection standards, standby charges, and net	70
metering;	71
(L) Protect at-risk populations, including, but not	72
limited to, when considering the implementation of any new	73
advanced energy or renewable energy resource;	74
(M) Encourage the education of small business owners in	75
this state regarding the use of, and encourage the use of,	76
energy efficiency programs and alternative energy resources in	77

their businesses;	78
(N) Facilitate the state's effectiveness in the global economy.	79 80
(O) Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization.	81 82 83 84
(P) Ensure that a customer's data is provided in a standard format and provided to third parties in as close to real time as is economically justifiable in order to spur economic investment and improve the energy options of individual customers.	85 86 87 88 89
<u>(Q) Encourage the development of community energy facilities, as defined in section 4934.01 of the Revised Code, for the benefit of customers in this state and to facilitate participation by customers with the facilities.</u>	90 91 92 93
<u>(R) Establish a community energy pilot program, pursuant to sections 4934.04 to 4934.19 and 4934.25 to 4934.27 of the Revised Code.</u>	94 95 96
In carrying out this policy, the commission shall consider rules as they apply to the costs of electric distribution infrastructure, including, but not limited to, line extensions, for the purpose of development in this state.	97 98 99 100
<b><u>Sec. 4934.01. As used in this chapter:</u></b>	101
<u>(A) "Bill credit" means the monetary value approved under section 4934.08 of the Revised Code by the public utilities commission for each kilowatt hour of electricity generated by a community energy facility.</u>	102 103 104 105

<u>(B) "Certified territory," "electric distribution utility," and "energy storage"</u>	have the same meanings as in section 4928.01 of the Revised Code.	106 107 108
<u>(C) "Commercial or public sector rooftop"</u>	means either of the following that is located within an electric distribution utility's certified territory:	109 110 111
<u>(1) The roof of a building located on commercial real estate</u>	as defined in section 1311.85 of the Revised Code;	112 113
<u>(2) Any property owned by a public authority</u>	as defined in section 1311.25 of the Revised Code.	114 115
<u>(D) "Community energy facility"</u>	means a single facility that does the following:	116 117
<u>(1) Generates electricity by means of a solar photovoltaic device or uses as its fuel either solar, wind, biomass, landfill gas, or hydroelectric power, or uses a microturbine, natural gas-fired generator, energy storage system, or a fuel cell;</u>		118 119 120 121
<u>(2) Meets all of the following requirements:</u>		122
<u>(a) The facility is located in this state and is directly connected to an electric distribution utility's distribution system.</u>		123 124 125
<u>(b) The facility has at least three subscribers.</u>		126
<u>(c) The facility is located on one parcel of land and, except as provided in section 4934.011 of the Revised Code, there is no community energy facility on the same or a contiguous parcel that is developed, owned, or operated by the same entity, affiliated entity, or entity under common control.</u>		127 128 129 130 131
<u>(d) No subscriber holds more than a sixty per cent</u>		132

proportional interest in the output of the system, which shall 133  
be measured as the sum total of all meters on the subscriber's 134  
property. 135

(e) Not less than forty per cent of the facility capacity 136  
shall be subscribed by subscriptions of forty kilowatts or less. 137  
For purposes of this division, a multi-unit building served by a 138  
single meter shall be considered a single customer provided the 139  
average usage, based on the number of units, is forty kilowatts 140  
or less. 141

(f) The facility has a nameplate capacity of ten or less 142  
megawatts, or twenty or less megawatts if the facility is on a 143  
distressed site or one or more commercial or public sector 144  
rooftops, as measured at the point of interconnection. 145

(g) The facility is not under the control of an electric 146  
distribution utility, but may be under the control of an 147  
affiliate of the utility. 148

(3) (a) If the facility uses either an energy storage 149  
system or natural gas-fired generator, then the energy storage 150  
system or generator is not sized so as to exceed the size of any 151  
co-located facility using solar, wind, biomass, landfill gas, or 152  
hydroelectric power as its fuel. 153

(b) If the system uses both an energy storage system and 154  
natural gas-fired generator, then the combined nameplate 155  
capacity of the storage system and generator is not sized so as 156  
to exceed the size of any co-located facility using solar, wind, 157  
biomass, landfill gas, or hydroelectric power as its fuel. 158

(E) "Community energy organization" means a for-profit or 159  
nonprofit entity that operates one or more community energy 160  
facilities. 161

<u>(F) "Contiguous county"</u> means a county that directly	162
shares a border with another county, including, counties who	163
only share a border with another county's endpoints, and	164
counties that are adjacent geographically, with no intervening	165
counties between them.	166
<u>(G) "Distressed site"</u> means a site made up of one or more	167
parcels of land, located within an electric distribution	168
utility's certified territory where the majority of the acreage	169
is at least one or more of the following:	170
<u>(1) A brownfield as defined in section 122.6511 of the</u>	171
<u>Revised Code;</u>	172
<u>(2) A parcel that is within an area where an investor may</u>	173
<u>receive a new markets tax credit under section 45D of the</u>	174
<u>Internal Revenue Code;</u>	175
<u>(3) A solid waste facility licensed by the environmental</u>	176
<u>protection agency under section 3734.02 of the Revised Code;</u>	177
<u>(4) A parcel of land that is described by division (b) (11)</u>	178
<u>(B) (iii) of section 45 of the Internal Revenue Code;</u>	179
<u>(5) Land or structure owned by a metropolitan housing</u>	180
<u>authority, as described in section 3735.27 of the Revised Code;</u>	181
<u>(6) Land owned by a county land reutilization corporation</u>	182
<u>as defined in section 1724.01 of the Revised Code.</u>	183
<u>(H) "Large industrial customer"</u> means any manufacturer	184
that uses electricity primarily in a process involving a change	185
of raw or unfinished materials into another form or product, and	186
that takes service from an electric distribution utility at	187
primary voltage, subtransmission voltage, or transmission	188
voltage.	189

<u>(I) "Mercantile customer"</u>	has the same meaning as in	190
<u>section 4928.01 of the Revised Code.</u>		191
<u>(J) "Net crediting"</u>	means a program offered by an electric	192
<u>distribution utility under which the electric utility does the</u>		193
<u>following:</u>		194
<u>(1) Issues a customer, who is a subscriber, a consolidated</u>	195	
<u>electric bill that includes on the customer's monthly bill the</u>		196
<u>electric utility charges for electric service, the community</u>		197
<u>energy subscription charge, and any bill credit;</u>		198
<u>(2) Remits the customer's subscription fee to the owner or</u>	199	
<u>operator of the community energy organization to which the</u>		200
<u>customer subscribes.</u>		201
<u>(K) "Non-ministerial permit"</u>	means all necessary and	202
<u>discretionary governmental permits and approvals to construct a</u>		203
<u>community energy facility notwithstanding any pending legal</u>		204
<u>challenge to one or more permits or approvals.</u>		205
<u>(L) "Political subdivision"</u>	means a county, township, or	206
<u>municipal corporation, or any other body corporate and politic</u>		207
<u>responsible for governmental activities in a geographic area</u>		208
<u>smaller than that of the state.</u>		209
<u>(M) "Subscriber"</u>	means any retail electric customer who	210
<u>meets all of the following:</u>		211
<u>(1) The customer has an electric meter on the customer's</u>	212	
<u>property;</u>		213
<u>(2) The customer is located within the certified territory</u>	214	
<u>of an electric distribution utility;</u>		215
<u>(3) The customer contracts for a subscription from a</u>	216	
<u>community energy facility located in the same certified</u>		217

<u>territory as the customer;</u>	218
(4) <u>For customers with subscriptions of forty kilowatts or less to a community energy facility not located on a distressed site, the community energy facility must be located in either the same county as the customer or in a contiguous county to the customer's electric meter;</u>	219 220 221 222 223
(5) <u>The customer is not a large industrial customer or mercantile customer.</u>	224 225
(N) <u>"Subscription" means the right to obtain from a community energy organization an allocation of bill credits for electricity generated by a community energy facility.</u>	226 227 228
(O) <u>"Unsubscribed electricity" means any electricity generated by a community energy facility that is not attributable to a subscription.</u>	229 230 231
<b>Sec. 4934.011.</b> <u>A community energy facility may be placed on the same parcel or a contiguous parcel of land as a community energy facility that is developed, owned, or operated by the same entity, affiliated entity, or entity under common control if at least one of the following is met:</u>	232 233 234 235 236
(A) <u>The parcel or parcels of land are a distressed site or the facility is on one or more commercial or public sector rooftops, and the total capacity of all community energy facilities on the parcel or parcels does not exceed twenty megawatts.</u>	237 238 239 240 241
(B) <u>All of the following are satisfied:</u>	242
(1) <u>The community energy facility is to be located on a parcel of land, or multiple parcels of land, that were created prior to the effective date of this section.</u>	243 244 245

<u>(2) The total capacity of all community energy facilities on the parcel or parcels of land does not exceed ten megawatts.</u>	246 247
<u>(3) Each community energy facility has its own distinct point of interconnection with the serving electric distribution utility, including separate and distinct metering and the ability to be directly connected to or disconnected from the utility.</u>	248 249 250 251 252
<u>(4) The generation components of each community energy facility are separate, including separate fencing, and not connected with neighboring facilities other than by the utility's distribution system.</u>	253 254 255 256
<u>(5) Each community energy facility shares only non-operational infrastructure, including access roads, utility poles, and other features necessary to provide utility and physical access to each facility.</u>	257 258 259 260
<u><b>Sec. 4934.04.</b> The public utilities commission shall establish a community energy pilot program, as described in sections 4934.05 to 4934.17 and 4934.25 to 4934.27 of the Revised Code, consisting of one thousand five hundred megawatts to be implemented throughout this state. The amount of megawatts in the program may only be expanded by the general assembly.</u>	261 262 263 264 265 266
<u><b>Sec. 4934.05.</b> (A) The public utilities commission shall annually certify two hundred fifty megawatts of community energy facilities, based on nameplate capacity, until one thousand megawatts from such facilities are certified.</u>	267 268 269 270
<u>(B) All megawatts certified pursuant to this section shall be allocated proportionally based on the size of each utility's retail electric sales published by the energy information administration.</u>	271 272 273 274

<u>(C) Any uncertified megawatts for a year carry over to the subsequent year until all available megawatts are certified.</u>	275 276
<u>(D) All megawatts certified pursuant to this section shall be certified in the order that the certification applications were received.</u>	277 278 279
<u>(E) If applications for certification exceed the total capacity available for the year, then the applications shall be placed on a wait list as determined by the commission. Once certification of one thousand megawatts for community energy facilities has occurred, the wait list shall be eliminated.</u>	280 281 282 283 284
<u>(F) The commission shall ensure that certification under this section is separate from a certification process required under sections 4928.64 to 4928.645 of the Revised Code, or any related rules in the Ohio Administrative Code.</u>	285 286 287 288
<b>Sec. 4934.06.</b> <u>(A) The public utilities commission shall certify five hundred megawatts of community energy facilities, in addition to the megawatts certified under section 4934.05 of the Revised Code, which shall be reserved for community energy facilities constructed exclusively on distressed sites or one or more commercial or public sector rooftops.</u>	289 290 291 292 293 294
<u>(B) The commission shall ensure that certification under this section is separate from a certification process required under sections 4928.64 to 4928.645 of the Revised Code, or any related rules in the Administrative Code.</u>	295 296 297 298
<u>(C) After all megawatts are certified pursuant to this section, a community energy facility on a distressed site or a commercial or public sector rooftop may be certified from the megawatts allocated under section 4934.05 of the Revised Code.</u>	299 300 301 302
<b>Sec. 4934.07.</b> <u>(A) An electric distribution utility with a</u>	303

community energy facility in its certified territory shall 304  
allocate bill credits for all electricity generated by the 305  
facility that is attributable to a subscription. 306

(B) (1) A community energy organization may account for 307  
unsubscribed electricity on a monthly basis and accumulate bill 308  
credits for the unsubscribed electricity for a period of up to 309  
twelve months after it was generated. 310

(2) Bill credits for unsubscribed electricity accumulated 311  
under division (B) (1) of this section shall be allocated to 312  
future subscribers at the direction of the community energy 313  
organization. 314

(C) At least once annually, a community energy 315  
organization shall furnish to the electric distribution utility 316  
in whose certified territory the community energy facility is 317  
located an allocation for distribution of bill credits to 318  
subscribers for unsubscribed electricity. 319

(D) A community energy organization shall forfeit, to the 320  
electric distribution utility in whose certified territory the 321  
community energy facility is located, any bill credits for 322  
unsubscribed electricity that are not allocated pursuant to 323  
division (B) of this section. 324

**Sec. 4934.071.** (A) As used in this section: 325

(1) "Regional governmental aggregator" means a regional 326  
council of governments established under Chapter 167. of the 327  
Revised Code with members in at least seventeen counties that is 328  
also a governmental aggregator under section 4928.20 of the 329  
Revised Code. 330

(2) "Renewable attributes" means any of the following that 331  
are attributable to a community energy facility or the 332

electricity generated by a facility provided by the federal or 333  
state government or any other legislative authority of a 334  
political subdivision in the state: 335

(a) Any credits, certificates, benefits, or offsets and 336  
allowances computed on the basis of a community energy 337  
facility's displacement of fossil fuel-derived, or other 338  
conventional, electric generation; 339

(b) Any renewable energy credits or any other 340  
environmental certificates issued or administered in connection 341  
with electricity generated from a community energy facility; 342

(c) Any voluntary emission reduction credits obtained, or 343  
obtainable, in connection with the electric generation from a 344  
community energy facility. 345

(B) A regional governmental aggregator may purchase any 346  
amount of renewable attributes from a community energy facility. 347

**Sec. 4934.072.** A large industrial customer or mercantile 348  
customer shall not participate in the community energy pilot 349  
program or be charged, directly or indirectly, for any costs 350  
related to the community energy pilot program, including any 351  
bill credits approved under section 4934.08 of the Revised Code. 352

**Sec. 4934.08.** (A) As used in this section, "retail rate" 353  
means all costs of providing generation service, transmission 354  
service, and distribution service that may be charged by an 355  
electric distribution utility. 356

(B) A subscriber to a community energy facility shall be 357  
eligible for a bill credit from the subscriber's electric 358  
distribution utility for the proportional output of a community 359  
energy facility attributable to the subscriber. 360

(C) The public utilities commission shall establish the 361  
bill credit for each subscriber that is equal to the utility's 362  
retail rate on a per-customer class basis, minus only the 363  
utility's base charge for distribution service approved under 364  
Chapter 4909. of the Revised Code and the utility's distribution 365  
riders or other distribution charges approved under Chapter 366  
4928. of the Revised Code. 367

(D) The utility shall publish new tariffs or update 368  
existing tariffs based on the bill credit set under this section 369  
not later than nine months after the effective date of this 370  
section. 371

**Sec. 4934.10.** Any bill credit exceeding a subscriber's 372  
monthly bill amount shall carry forward until fully allocated to 373  
the subscriber's bill or until the termination of the 374  
subscriber's community energy organization subscription. 375

**Sec. 4934.11.** No subscriber may obtain a subscription for 376  
electricity generated by a community energy facility 377  
representing more than one hundred per cent of the subscriber's 378  
average annual electricity usage. 379

**Sec. 4934.12.** A subscription shall be considered one of 380  
the following: 381

(A) A consumer transaction subject to Chapter 1345. of the 382  
Revised Code regarding the enrollment of residential subscribers 383  
to obtain an allocation of bill credits; 384

(B) Goods subject to Chapter 1302. of the Revised Code 385  
regarding the enrollment of nonresidential subscribers to obtain 386  
an allocation of bill credits. 387

**Sec. 4934.13.** An electric distribution utility shall 388  
interconnect a community energy facility that is in that 389

utility's certified territory to its distribution system within 390  
a reasonable time after the facility is constructed and shall 391  
ensure such interconnections are made efficiently, safely, and 392  
in compliance with any applicable federal and state regulations 393  
and standards. 394

**Sec. 4934.14.** An electric distribution utility shall not 395  
discriminate against community energy facilities or their 396  
subscribers, which includes adding extraordinary fees and 397  
charges not applied to similar facilities. 398

**Sec. 4934.17.** (A) Notwithstanding division (B) of this 399  
section, the public utilities commission has exclusive 400  
jurisdiction over the regulation of the interconnection of 401  
community energy facilities to the distribution systems of 402  
electric utilities. A board of county commissioners, a board of 403  
township trustees, or the legislative authority of a municipal 404  
corporation shall not adopt or enforce regulations governing the 405  
technical requirements, processes, or costs of interconnection 406  
for a community energy facility. 407

(B) Nothing in this chapter shall be construed to limit 408  
the authority of the following regarding the zoning of a small 409  
wind farm or small solar facility: 410

(1) A board of county commissioners or a board of zoning 411  
appeals under section 303.213 of the Revised Code; 412

(2) A board of township trustees or a board of zoning 413  
appeals under section 519.213 of the Revised Code; 414

(3) The legislative authority of a municipal corporation 415  
under section 713.081 of the Revised Code. 416

As used in this division, "small wind farm" and "small 417  
solar facility" have the same meanings as in sections 303.213, 418

519.213, and 713.081 of the Revised Code.

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Sec. 4934.19. (A) An electric distribution utility shall 420  
establish a net crediting program under which the electric 421  
distribution utility shall enter into a net crediting agreement 422  
with a community energy organization. The terms of an agreement 423  
shall specify that authorization by or on behalf of a subscriber 424  
is required before a subscriber may be billed by the electric 425  
distribution utility under the program. An agreement also shall 426  
specify the terms for payments made by the electric distribution 427  
utility to the community energy organization, which terms may 428  
include a net crediting fee of not more than one per cent of the 429  
subscription fee to be deducted from the electric distribution 430  
utility's payment to the community energy organization. 431

(B) Under a net crediting agreement, an electric 432  
distribution utility shall do the following: 433

(1) Remit, through an electronic funds transfer, the cash 434  
value of the subscriber's subscription fee, less any net 435  
crediting fee, to the community energy organization not later 436  
than thirty days after the billing period; 437

(2) Issue electric distribution utility customers who are 438  
subscribers an itemized monthly bill that includes, in addition 439  
to charges described in division (B) (4) of this section, the 440  
subscriber's bill credit for the billing period and the 441  
subscriber's subscription fee; 442

(3) Process monthly bills for subscribers who participate 443  
in low-income customer assistance programs or budget billing 444  
programs in the same manner as bills for customers who are not 445  
participating in such programs; 446

(4) Bill for all basic electric services, including 447

transmission, distribution, and generation charges, consistent 448  
with this section and commission regulations. 449

Sec. 4934.20. An electric distribution utility that enters 450  
into a net crediting agreement with a community energy 451  
organization shall prioritize payments from a customer who is a 452  
subscriber for each billing period according to this section. 453  
Past due subscriber fees owed to a community energy organization 454  
shall be paid prior to payments to the electric distribution 455  
utility for any arrearages on the customer's electric service 456  
bill. The electric distribution utility shall not apply a 457  
customer's bill credit to a customer's outstanding balance for 458  
electric service for the billing period. 459

Sec. 4934.21. A nonresidential customer that subscribes to 460  
multiple community energy facilities may participate in the net 461  
crediting program only if each facility is included in a net 462  
crediting agreement under sections 4934.19 to 4934.23 of the 463  
Revised Code. 464

Sec. 4934.22. The minimum service requirements established 465  
under section 4928.10 of the Revised Code apply to sections 466  
4934.19 to 4934.23 of the Revised Code. 467

Sec. 4934.23. The public utilities commission shall adopt 468  
rules to implement net crediting programs authorized under 469  
sections 4934.19 to 4934.23 of the Revised Code. 470

Sec. 4934.25. (A) A community energy organization that 471  
constructs a community energy facility on a distressed site that 472  
is a brownfield, as defined in section 122.6511 of the Revised 473  
Code, shall be eligible to receive a grant awarded by the 474  
department of development from the brownfield remediation 475  
program under section 122.6511 of the Revised Code for costs 476

<u>associated with remediation.</u>	477
<u>(B) The department of development shall promulgate rules for awarding grants described in this section.</u>	478
<u>for awarding grants described in this section.</u>	479
<u><b>Sec. 4934.26.</b> (A) The public utilities commission shall convene and facilitate an ongoing stakeholder working group, or designate an existing group to function as the working group, to assist commission staff with effectively and efficiently promulgating rules for the community energy pilot program.</u>	480
<u>(B) The working group shall consist of the following:</u>	485
<u>(1) Electric distribution utilities;</u>	486
<u>(2) Consumer advocates;</u>	487
<u>(3) Community energy industry representatives;</u>	488
<u>(4) Other interested parties.</u>	489
<u><b>Sec. 4934.27.</b> Not later than twelve months after the effective date of this section, the public utilities commission, with assistance from the working group under section 4934.26 of the Revised Code shall promulgate rules to implement the community energy pilot program, which shall include rules for the creation and establishment of community energy facilities, the collection of a reasonable application fee from each community energy organization participating in the program, and the following:</u>	490
<u>(A) The certification of community energy facilities, which shall include rules for the commission to approve or deny each facility application within ninety days, unless good cause is shown for not meeting the deadline, as determined by the commission;</u>	499
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<u>(B) Prohibit removing a subscriber from the subscriber's applicable customer class because of the subscriber's subscription to a community energy facility;</u>	504 505 506
<u>(C) Reasonably allow for the transfer and portability of subscriptions, including allowing a subscriber to retain a subscription to a facility if the subscriber moves within the same electric distribution utility's service territory;</u>	507 508 509 510
<u>(D) Modify existing interconnection standards, fees, and processes as needed to facilitate the efficient and cost-effective interconnection of community energy facilities that allow an electric distribution utility to recover reasonable interconnection costs for each facility;</u>	511 512 513 514 515
<u>(E) Require each electric distribution utility to efficiently connect a community energy facility to its electrical distribution grid and not to discriminate against facilities or subscribers;</u>	516 517 518 519
<u>(F) Provide for consumer protection in accordance with existing laws and regulations, including any protections against disconnection of service;</u>	520 521 522
<u>(G) Establish robust consumer protections for subscribers, including at least the following:</u>	523 524
<u>(1) A standardized customer disclosure form for residential subscribers;</u>	525 526
<u>(2) Prohibiting upfront sign-on fees or credit checks;</u>	527
<u>(3) Preventing early termination charges to any subscriber who unsubscribes.</u>	528 529
<u>(H) Allow an electric distribution utility to recover reasonable costs associated with administering the community</u>	530 531

<u>energy pilot program from community energy subscribers or</u>	532
<u>community energy organizations;</u>	533
<u>(I) Ensure that the provisions of H.B. 303 of the 136th</u>	534
<u>general assembly shall be construed to minimize direct or</u>	535
<u>indirect costs related to community energy facilities to an</u>	536
<u>electric distribution utility's nonsubscriber ratepayers and</u>	537
<u>shall maximize benefits to all rate classes, regardless of</u>	538
<u>participation in a community energy program;</u>	539
<u>(J) Ensure facilities qualifying for the community energy</u>	540
<u>pilot program have a signed interconnection agreement or a</u>	541
<u>system impact study, as determined by the commission, can</u>	542
<u>demonstrate site control, and have received all applicable non-</u>	543
<u>ministerial permits;</u>	544
<u>(K) Require each community energy organization to send a</u>	545
<u>notice in a standardized format containing information related</u>	546
<u>to subscriber enrollment to the electric distribution utility</u>	547
<u>that services the area where the organization's community energy</u>	548
<u>facility is sited;</u>	549
<u>(L) Not later than nine months after the effective date of</u>	550
<u>this section, require each electric distribution utility to</u>	551
<u>publish new tariffs or update existing tariffs to implement the</u>	552
<u>community energy pilot program;</u>	553
<u>(M) Require a community energy organization to be</u>	554
<u>responsible for the decommissioning of a community energy</u>	555
<u>facility pursuant to sections 4934.35 and 4934.36 of the Revised</u>	556
<u>Code.</u>	557
<u><b>Sec. 4934.28. (A) As used in this section, "distributed</b></u>	558
<u><b>energy resource" means a small-scale electricity-generating or</b></u>	559
<u><b>storage system connected to the distribution grid, including</b></u>	560

technologies such as rooftop solar, batteries, and generators, 561  
that enhance grid resilience, provide energy security, and offer 562  
potential cost savings. 563

(B) A distributed energy resource that also meets the 564  
criteria to be a community energy facility that has submitted a 565  
completed interconnection application to an electric 566  
distribution utility and has site control before the effective 567  
date of this section shall retain its original position in the 568  
interconnection queue and remain eligible to participate in the 569  
community energy pilot program if that facility meets the 570  
program eligibility requirements and any rules adopted by the 571  
public utilities commission. 572

(C) The commission shall ensure the following: 573

(1) That the projects described in division (B) of this 574  
section are not made to restart the interconnection process or 575  
forfeit any previously completed engineering reviews or fees. 576

(2) Projects commence any applicable study process within 577  
thirty days of receiving the study agreement or pursuant to 578  
timelines established by the commission. 579

(D) An owner or operator of a distributed energy resource 580  
that fails to engage in good faith progression of the 581  
interconnection process, including willful delay or obstruction, 582  
may result in loss of queue position or eligibility in the 583  
community energy pilot program. 584

**Sec. 4934.35.** (A) Not later than eighteen months after a 585  
community energy facility has ceased generating electricity, a 586  
community energy organization shall commence decommissioning of 587  
the facility. 588

(B) The decommissioning described in division (A) of this 589

<u>section shall include the following, to be mutually agreed to in writing by the property owner or owners and the organization:</u>	590 591
<u>(1) The removal, and potential reuse and recycling, of solar panels and other community energy equipment, and the remediation of the site;</u>	592 593 594
<u>(2) The removal of all non-utility-owned equipment, graveled areas, and access roads;</u>	595 596
<u>(3) The replacement of any topsoil that was removed for the construction of the facility and reseeding of the cleared area.</u>	597 598 599
<u>(C) Not more than twenty per cent of the total combined mass of the community energy facility may enter a landfill.</u>	600 601
<b><u>Sec. 4934.36.</u></b> <u>(A) A community energy organization shall maintain sufficient financial assurances, in the form of a bond, through the life of a community energy facility's operation to provide for decommissioning as described in section 4934.35 of the Revised Code.</u>	602 603 604 605 606
<u>(B) The amount of the bond shall be calculated by a third-party professional engineer obtained by the organization. Every five years from the date of the initial assessment, the bond amount shall be recalculated in the same manner.</u>	607 608 609 610
<u>(C) The board of county commissioners where the project is located shall be the obligee of the bond.</u>	611 612
<b><u>Sec. 4934.37.</u></b> <u>The public utilities commission shall conduct reviews of the community energy pilot program forty-eight months after the rules for the program have been promulgated and present a report at a hearing before the appropriate committee in each chamber of the general assembly</u>	613 614 615 616 617

<u>with the following information:</u>	618
<u>(A) The number and location of operating community energy facilities;</u>	619 620
<u>(B) The amount of nameplate capacity certified;</u>	621
<u>(C) The number of subscribers, how much energy was subscribed to by those subscribers, and the types of customer classes that subscribed;</u>	622 623 624
<u>(D) Avoided costs for generation, capacity, and transmission;</u>	625 626
<u>(E) Deferred transmission distribution investments;</u>	627
<u>(F) Avoided line loss;</u>	628
<u>(G) Increases in electric grid resiliency;</u>	629
<u>(H) Other benefits associated with locally produced electricity;</u>	630 631
<u>(I) An evaluation of the overall costs and benefits of the community energy pilot program, including an assessment of whether the program has successfully minimized direct or indirect costs related to community energy facilities to an electric distribution utility's nonsubscriber ratepayers and whether program costs and benefits have been allocated in proportion to customer participation within each rate class.</u>	632 633 634 635 636 637 638
<u><b>Sec. 4934.38. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under sections 4934.23, 4934.25, 4934.27, and 4934.37 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code.</b></u>	639 640 641 642 643
<b>Section 2.</b> That existing section 4928.02 of the Revised	644

Code is hereby repealed.

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