

## As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 303

Representatives Ray, Hoops

---

To amend section 4928.02 and to enact sections 1  
1.66, 519.216, 4934.01, 4934.011, 4934.04, 2  
4934.05, 4934.06, 4934.07, 4934.071, 4934.072, 3  
4934.08, 4934.09, 4934.10, 4934.11, 4934.12, 4  
4934.13, 4934.14, 4934.15, 4934.16, 4934.17, 5  
4934.18, 4934.20, 4934.21, 4934.23, 4934.25, 6  
4934.26, 4934.27, 4934.35, 4934.36, 4934.37, and 7  
4934.38 of the Revised Code to establish the 8  
community energy program and pilot program and 9  
to define electricity measurement in alternating 10  
current. 11

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

**Section 1.** That section 4928.02 be amended and sections 12  
1.66, 519.216, 4934.01, 4934.011, 4934.04, 4934.05, 4934.06, 13  
4934.07, 4934.071, 4934.072, 4934.08, 4934.09, 4934.10, 4934.11, 14  
4934.12, 4934.13, 4934.14, 4934.15, 4934.16, 4934.17, 4934.18, 15  
4934.20, 4934.21, 4934.23, 4934.25, 4934.26, 4934.27, 4934.35, 16  
4934.36, 4934.37, and 4934.38 of the Revised Code be enacted to 17  
read as follows: 18

**Sec. 1.66.** As used in the Revised Code, unless the 19  
context requires otherwise, all measures of electricity 20  
described in watts, kilowatts, megawatts, or any derivative 21

thereof means such electricity expressed in alternating current. 22

**Sec. 519.216.** (A) As used in this section, "community 23  
energy facility" has the same meaning as in section 4934.01 of 24  
the Revised Code. 25

(B) Not later than ninety days after the public meeting 26  
regarding the construction and operation of a community energy 27  
facility is held pursuant to section 4934.16 of the Revised 28  
Code, or rules adopted under division (B)(1)(b) of section 29  
4934.14 of the Revised Code regarding a modified facility 30  
proposal, the board of township trustees may adopt a resolution 31  
that does either of the following: 32

(1) Prohibits the construction of the facility; 33

(2) Limits the boundaries of the proposed facility to a 34  
smaller geographic area of the township, completely within what 35  
was proposed by the person proposing to construct and operate 36  
the facility. 37

(C) If no resolution is adopted within the time required 38  
under this section, or rules adopted under division (B)(1)(b) of 39  
section 4934.14 of the Revised Code regarding a modified 40  
facility proposal, construction of the facility may commence. 41

(D) No resolution adopted under this section prevents a 42  
person from filing another proposal for consideration by the 43  
board of township trustees at a later date. 44

**Sec. 4928.02.** It is the policy of this state to do the 45  
following throughout this state: 46

(A) Ensure the availability to consumers of adequate, 47  
reliable, safe, efficient, nondiscriminatory, and reasonably 48  
priced retail electric service; 49

(B) Ensure the availability of unbundled and comparable 50  
retail electric service that provides consumers with the 51  
supplier, price, terms, conditions, and quality options they 52  
elect to meet their respective needs; 53

(C) Ensure diversity of electricity supplies and 54  
suppliers, by giving consumers effective choices over the 55  
selection of those supplies and suppliers and by encouraging the 56  
development of distributed and small generation facilities; 57

(D) Encourage innovation and market access for cost- 58  
effective supply- and demand-side retail electric service 59  
including, but not limited to, demand-side management, time- 60  
differentiated pricing, waste energy recovery systems, smart 61  
grid programs, and implementation of advanced metering 62  
infrastructure; 63

(E) Encourage cost-effective and efficient access to 64  
information regarding the operation of the transmission and 65  
distribution systems of electric utilities in order to promote 66  
both effective customer choice of retail electric service and 67  
the development of performance standards and targets for service 68  
quality for all consumers, including annual achievement reports 69  
written in plain language; 70

(F) Ensure that an electric utility's transmission and 71  
distribution systems are available to a customer-generator or 72  
owner of distributed generation, so that the customer-generator 73  
or owner can market and deliver the electricity it produces; 74

(G) Recognize the continuing emergence of competitive 75  
electricity markets through the development and implementation 76  
of flexible regulatory treatment; 77

(H) Ensure effective competition in the provision of 78

retail electric service by avoiding anticompetitive subsidies 79  
flowing from a noncompetitive retail electric service to a 80  
competitive retail electric service or to a product or service 81  
other than retail electric service, and vice versa, including by 82  
prohibiting the recovery of any generation-related costs through 83  
distribution or transmission rates; 84

(I) Ensure retail electric service consumers protection 85  
against unreasonable sales practices, market deficiencies, and 86  
market power; 87

(J) Provide coherent, transparent means of giving 88  
appropriate incentives to technologies that can adapt 89  
successfully to potential environmental mandates; 90

(K) Encourage implementation of distributed generation 91  
across customer classes through regular review and updating of 92  
administrative rules governing critical issues such as, but not 93  
limited to, interconnection standards, standby charges, and net 94  
metering; 95

(L) Protect at-risk populations, including, but not 96  
limited to, when considering the implementation of any new 97  
advanced energy or renewable energy resource; 98

(M) Encourage the education of small business owners in 99  
this state regarding the use of, and encourage the use of, 100  
energy efficiency programs and alternative energy resources in 101  
their businesses; 102

(N) Facilitate the state's effectiveness in the global 103  
economy. 104

(O) Encourage cost-effective, timely, and efficient access 105  
to and sharing of customer usage data with customers and 106  
competitive suppliers to promote customer choice and grid 107

modernization. 108

(P) Ensure that a customer's data is provided in a 109  
standard format and provided to third parties in as close to 110  
real time as is economically justifiable in order to spur 111  
economic investment and improve the energy options of individual 112  
customers. 113

(Q) Encourage the development of community energy 114  
facilities, as defined in section 4934.01 of the Revised Code, 115  
for the benefit of customers in this state and to facilitate 116  
participation by customers with the facilities. 117

(R) Establish a community energy pilot program, pursuant 118  
to sections 4934.04 to 4934.17 and 4934.25 to 4934.27 of the 119  
Revised Code. 120

(S) Establish program evaluations and consumer protections 121  
ensuring community energy subscribers are effectively and 122  
equitably receiving guaranteed savings, as defined in section 123  
4934.01 of the Revised Code, from participating in the community 124  
energy pilot program. 125

In carrying out this policy, the commission shall consider 126  
rules as they apply to the costs of electric distribution 127  
infrastructure, including, but not limited to, line extensions, 128  
for the purpose of development in this state. 129

**Sec. 4934.01. As used in this chapter: 130**

(A) "Bill credit" means the monetary value approved or 131  
revised under section 4934.08 or 4934.09 of the Revised Code by 132  
the public utilities commission for each kilowatt hour of 133  
electricity generated by a community energy facility. 134

(B) "Certified territory," "electric distribution 135

utility," and "energy storage" have the same meanings as in 136  
section 4928.01 of the Revised Code. 137

(C) "Commercial or public sector rooftop" means either of 138  
the following that is located within an electric distribution 139  
utility's certified territory: 140

(1) The roof of a building located on commercial real 141  
estate as defined in section 1311.85 of the Revised Code; 142

(2) Any property owned by a public authority as defined in 143  
section 1311.25 of the Revised Code. 144

(D) "Community energy facility" means a single facility 145  
that does the following: 146

(1) Generates electricity by means of a solar photovoltaic 147  
device or uses as its fuel either solar, wind, biomass, landfill 148  
gas, or hydroelectric power, or uses a microturbine, natural 149  
gas-fired generator, energy storage system, or a fuel cell; 150

(2) Meets all of the following requirements: 151

(a) The facility is located in this state and is directly 152  
connected to an electric distribution utility's distribution 153  
system. 154

(b) The facility has at least three subscribers. 155

(c) The facility is located on one parcel of land and, 156  
except as provided in section 4934.011 of the Revised Code, 157  
there is no community energy facility on the same or a 158  
contiguous parcel that is developed, owned, or operated by the 159  
same entity, affiliated entity, or entity under common control. 160

(d) No subscriber holds more than a forty per cent 161  
proportional interest in the output of the system, which shall 162

be measured as the sum total of all meters on the subscriber's 163  
property. 164

(e) Not less than sixty per cent of the facility capacity 165  
shall be subscribed by subscriptions of forty kilowatts or less 166  
based on the average annual demand for the prior twelve-month 167  
period. For purposes of this division, a multi-unit building 168  
served by a single meter shall be considered a single customer 169  
provided the average usage, based on the number of units, is 170  
forty kilowatts or less. 171

(f) The facility has a nameplate capacity of ten or less 172  
megawatts, or twenty or less megawatts if the facility is on a 173  
distressed site or one or more commercial or public sector 174  
rooftops, as measured at the point of interconnection. 175

(g) The facility is not under the control of an electric 176  
distribution utility, but may be under the control of an 177  
affiliate of the utility. 178

(3) (a) If the facility uses either an energy storage 179  
system or natural gas-fired generator, then the energy storage 180  
system or generator is not sized so as to exceed the size of any 181  
co-located facility using solar, wind, biomass, landfill gas, or 182  
hydroelectric power as its fuel. 183

(b) If the system uses both an energy storage system and 184  
natural gas-fired generator, then the combined nameplate 185  
capacity of the storage system and generator is not sized so as 186  
to exceed the size of any co-located facility using solar, wind, 187  
biomass, landfill gas, or hydroelectric power as its fuel. 188

(E) "Community energy organization" means a for-profit or 189  
nonprofit entity that operates one or more community energy 190  
facilities. 191

(F) "Distressed site" means a site made up of one or more 192  
parcels of land, located within an electric distribution 193  
utility's certified territory where the majority of the acreage 194  
is at least one or more of the following: 195

(1) A brownfield as defined in section 122.6511 of the 196  
Revised Code; 197

(2) A parcel that is within an area where an investor may 198  
receive a new markets tax credit under section 45D of the 199  
Internal Revenue Code; 200

(3) A solid waste facility licensed by the environmental 201  
protection agency under section 3734.02 of the Revised Code; 202

(4) A parcel of land that is described by division (b) (11) 203  
(B) (iii) of section 45 of the Internal Revenue Code; 204

(5) Land or structure owned by a metropolitan housing 205  
authority, as described in section 3735.27 of the Revised Code; 206

(6) Land owned by a county land reutilization corporation 207  
as defined in section 1724.01 of the Revised Code. 208

(G) "Guaranteed savings" means the realized savings by the 209  
subscriber as the difference between the cost of a subscription 210  
to a community energy facility and the bill credit received for 211  
the generation attributed to the subscription. 212

(H) "Large industrial customer" means any manufacturer 213  
that uses electricity primarily in a process involving a change 214  
of raw or unfinished materials into another form or product, and 215  
that takes service from an electric distribution utility at 216  
primary voltage, subtransmission voltage, or transmission 217  
voltage. 218

(I) "Net crediting" means a program offered by an electric 219



distribution utility under which the electric utility does the 220  
following: 221

(1) Issues a customer, who is a subscriber, a consolidated 222  
electric bill that includes on the customer's monthly bill the 223  
electric utility charges for electric service, the community 224  
energy subscription charge, and any bill credit; 225

(2) Remits the customer's subscription fee to the owner or 226  
operator of the community energy organization to which the 227  
customer subscribes. 228

(J) "Non-ministerial permit" means all necessary and 229  
discretionary governmental permits and approvals to construct a 230  
community energy facility notwithstanding any pending legal 231  
challenge to one or more permits or approvals. 232

(K) "Subscriber" means any retail electric customer who 233  
meets all of the following: 234

(1) The customer has a single unique tax identification 235  
number; 236

(2) The customer has an electric meter on the customer's 237  
property; 238

(3) The customer resides within the certified territory of 239  
an electric distribution utility; 240

(4) The customer contracts for a subscription from a 241  
community energy facility located in the same certified 242  
territory as the customer; 243

(5) The customer resides in the same, or a contiguous, 244  
county where the facility is located; 245

(6) The customer is not a large industrial customer. 246

(L) "Subscription" means the right to obtain from a 247  
community energy organization an allocation of bill credits for 248  
electricity generated by a community energy facility. 249

(M) "Unsubscribed electricity" means any electricity 250  
generated by a community energy facility that is not 251  
attributable to a subscription. 252

(N) "Value stack" means distributed generation 253  
compensation calculated under section 4934.09 of the Revised 254  
Code that recognizes the benefits that community energy 255  
facilities bring to the electrical grid, including all of the 256  
following: 257

(1) Avoided costs for generation, capacity, and 258  
transmission; 259

(2) Deferred transmission distribution investments; 260

(3) Avoided line loss; 261

(4) Increased resiliency; 262

(5) Other benefits associated with locally produced 263  
electricity. 264

**Sec. 4934.011.** A community energy facility may be placed 265  
on the same parcel or a contiguous parcel of land as a community 266  
energy facility that is developed, owned, or operated by the 267  
same entity, affiliated entity, or entity under common control 268  
if at least one of the following is met: 269

(A) The parcel or parcels of land are a distressed site or 270  
the facility is on one or more commercial or public sector 271  
rooftops, and the total capacity of all community energy 272  
facilities on the parcel or parcels does not exceed twenty 273  
megawatts. 274

<u>(B) All of the following are satisfied:</u>	275
<u>(1) The community energy facility is to be located on a</u>	276
<u>parcel of land, or multiple parcels of land, that were created</u>	277
<u>prior to the effective date of this section.</u>	278
<u>(2) The total capacity of all community energy facilities</u>	279
<u>on the parcel or parcels of land does not exceed ten megawatts.</u>	280
<u>(3) Each community energy facility has its own distinct</u>	281
<u>point of interconnection with the serving electric distribution</u>	282
<u>utility, including separate and distinct metering and the</u>	283
<u>ability to be directly connected to or disconnected from the</u>	284
<u>utility.</u>	285
<u>(4) The generation components of each community energy</u>	286
<u>facility are separate, including separate fencing, and not</u>	287
<u>connected with neighboring facilities other than by the</u>	288
<u>utility's distribution system.</u>	289
<u>(5) Each community energy facility shares only non-</u>	290
<u>operational infrastructure, including access roads, utility</u>	291
<u>poles, and other features necessary to provide utility and</u>	292
<u>physical access to each facility.</u>	293
<b><u>Sec. 4934.04.</u></b> <u>The public utilities commission shall</u>	294
<u>establish a community energy pilot program, as described in</u>	295
<u>sections 4934.05 to 4934.16 and 4934.25 to 4934.27 of the</u>	296
<u>Revised Code, consisting of one thousand five hundred megawatts</u>	297
<u>to be implemented throughout this state.</u>	298
<b><u>Sec. 4934.05.</u></b> <u>(A) The public utilities commission shall</u>	299
<u>annually certify two hundred fifty megawatts of community energy</u>	300
<u>facilities, based on nameplate capacity, until one thousand</u>	301
<u>megawatts from such facilities are certified.</u>	302

(B) All megawatts certified pursuant to this section shall 303  
be allocated proportionally based on the size of each utility's 304  
retail electric sales published by the energy information 305  
administration. 306

(C) Any uncertified megawatts for a year carry over to the 307  
subsequent year until all available megawatts are certified. 308

(D) All megawatts certified pursuant to this section shall 309  
be certified in the order that the certification applications 310  
were received. 311

(E) If applications for certification exceed the total 312  
capacity available for the year, then the applications shall be 313  
placed on a wait list as determined by the commission. Once 314  
certification of one thousand megawatts for community energy 315  
facilities has occurred, the wait list shall be eliminated. 316

(F) The commission shall ensure that certification under 317  
this section is separate from a certification process required 318  
under sections 4928.64 to 4928.645 of the Revised Code, or any 319  
related rules in the Ohio Administrative Code. 320

**Sec. 4934.06.** (A) The public utilities commission shall 321  
certify five hundred megawatts of community energy facilities, 322  
in addition to the megawatts certified under section 4934.05 of 323  
the Revised Code, which shall be reserved for community energy 324  
facilities constructed exclusively on distressed sites or one or 325  
more commercial or public sector rooftops. 326

(B) The commission shall ensure that certification under 327  
this section is separate from a certification process required 328  
under sections 4928.64 to 4928.645 of the Revised Code, or any 329  
related rules in the Administrative Code. 330

(C) After all megawatts are certified pursuant to this 331

section, a community energy facility on a distressed site or a 332  
commercial or public sector rooftop may be certified from the 333  
megawatts allocated under section 4934.05 of the Revised Code. 334

**Sec. 4934.07.** (A) An electric distribution utility with a 335  
community energy facility in its certified territory shall 336  
allocate bill credits for all electricity generated by the 337  
facility that is attributable to a subscription. 338

(B) (1) A community energy organization may account for 339  
unsubscribed electricity on a monthly basis and accumulate bill 340  
credits for the unsubscribed electricity for a period of up to 341  
twelve months after it was generated. 342

(2) Bill credits for unsubscribed electricity accumulated 343  
under division (B) (1) of this section shall be allocated to 344  
future subscribers at the direction of the community energy 345  
organization. 346

(C) At least once annually, a community energy 347  
organization shall furnish to the electric distribution utility 348  
in whose certified territory the community energy facility is 349  
located an allocation for distribution of bill credits to 350  
subscribers for unsubscribed electricity. 351

(D) A community energy organization shall forfeit, to the 352  
electric distribution utility in whose certified territory the 353  
community energy facility is located, any bill credits for 354  
unsubscribed electricity that are not allocated pursuant to 355  
division (B) of this section. 356

**Sec. 4934.071.** (A) As used in this section: 357

(1) "Regional governmental aggregator" means a regional 358  
council of governments established under Chapter 167. of the 359  
Revised Code with members in at least seventeen counties that is 360

also a governmental aggregator under section 4928.20 of the  
Revised Code.

(2) "Renewable attributes" means any of the following that  
are attributable to a community energy facility or the  
electricity generated by a facility provided by the federal or  
state government or any other legislative authority of a  
political subdivision in the state:

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

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

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

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

**Sec. 4934.072.** A large industrial customer shall not  
participate in the community energy pilot program or be charged,  
directly or indirectly, for any costs related to the community  
energy pilot program.

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

(B) A subscriber to a community energy facility shall be

eligible for a bill credit from the subscriber's electric 389  
distribution utility for the proportional output of a community 390  
energy facility attributable to the subscriber. 391

(C) The public utilities commission shall establish the 392  
bill credit for each subscriber, subject to divisions (D) and 393  
(E) of this section, that is equal to the utility's retail rate 394  
on a per-customer class basis, minus only the utility's base 395  
charge for distribution service approved under Chapter 4909. of 396  
the Revised Code and the utility's distribution riders or other 397  
distribution charges approved under Chapter 4928. of the Revised 398  
Code. 399

(D) When determining the bill credit for each utility, the 400  
commission shall ensure that the bill credit is set at a 401  
reasonably compensatory level to create a financeable community 402  
energy market. 403

(E) When determining the bill credit for each utility, the 404  
commission shall consider all of the following: 405

(1) The costs and benefits provided by community energy 406  
facilities participating in the community energy pilot program; 407

(2) All proposed rules, fees, and charges; 408

(3) Any other item that the commission determines is 409  
necessary. 410

(F) The bill credit initially established under this 411  
section shall not be modified unless the commission determines, 412  
after the community energy pilot program review under section 413  
4934.37 of the Revised Code is completed, that such changes are 414  
necessary to adjust for unallocated community energy capacity. 415  
Upon making such determination, the bill credit shall be 416  
modified pursuant to section 4934.09 of the Revised Code. 417

(G) The utility shall publish new tariffs or update 418  
existing tariffs based on the bill credit set under this section 419  
not later than nine months after the effective date of this 420  
section. 421

**Sec. 4934.09.** (A) If the public utilities commission 422  
determines that a bill credit modification is necessary pursuant 423  
to division (F) of section 4934.08 of the Revised Code, the 424  
commission shall calculate the value stack for each electric 425  
distribution utility and use it to revise the bill credit. 426

(B) The commission shall approve a tariff based on the 427  
revised bill credit rate not later than twelve months after the 428  
report under section 4934.37 of the Revised Code is submitted. 429

**Sec. 4934.10.** Any bill credit exceeding a subscriber's 430  
monthly bill amount shall carry forward until fully allocated to 431  
the subscriber's bill or until the termination of the 432  
subscriber's community energy organization subscription. 433

**Sec. 4934.11.** No subscriber may obtain a subscription for 434  
electricity generated by a community energy facility 435  
representing more than one hundred per cent of the subscriber's 436  
average annual electricity usage. 437

**Sec. 4934.12.** A subscription shall be considered one of 438  
the following: 439

(A) A consumer transaction subject to Chapter 1345. of the 440  
Revised Code regarding the enrollment of residential subscribers 441  
to obtain an allocation of bill credits; 442

(B) Goods subject to Chapter 1302. of the Revised Code 443  
regarding the enrollment of nonresidential subscribers to obtain 444  
an allocation of bill credits. 445



Sec. 4934.13. An electric distribution utility shall 446  
interconnect a community energy facility that is in that 447  
utility's certified territory to its distribution system within 448  
a reasonable time after the facility is constructed and shall 449  
ensure such interconnections are made efficiently, safely, and 450  
in compliance with any applicable federal and state regulations 451  
and standards. 452

Sec. 4934.14. An electric distribution utility shall not 453  
discriminate against community energy facilities or their 454  
subscribers, which includes adding extraordinary fees and 455  
charges not applied to similar facilities. 456

Sec. 4934.15. (A) No person shall commence construction of 457  
a community energy facility in a township unless both of the 458  
following apply: 459

(1) The person holds a public meeting as described in 460  
section 4934.16 of the Revised Code. 461

(2) The board of township trustees where the facility is 462  
proposed to be located fails to adopt a resolution under section 463  
519.216 of the Revised Code. 464

(B) The public utilities commission shall adopt rules to 465  
implement this section and section 4934.16 of the Revised Code, 466  
including rules that provide for the decertification of the 467  
megawatts for a community energy facility if the board of 468  
township trustees in the township in which the facility is to be 469  
located adopts a resolution under section 519.216 of the Revised 470  
Code. The rules shall also provide for the following regarding 471  
those decertified megawatts: 472

(1) (a) In the case of a resolution adopted under division 473  
(B) (1) of section 519.216 of the Revised Code, certification of 474

those megawatts for the next community energy facility on the 475  
wait list, if any, pursuant to division (E) of section 4934.05 476  
of the Revised Code; 477

(b) In the case of a resolution adopted under division (B) 478  
(2) of section 519.216 of the Revised Code, requirements and 479  
procedures for recertification of some or all of the decertified 480  
megawatts for the community energy facility subject to the 481  
resolution if the facility proposal is modified to meet the 482  
limitations of the resolution. The requirements and procedures 483  
shall be consistent with the requirements of division (A) of 484  
this section and sections 519.216 and 4934.16 of the Revised 485  
Code. Decertified megawatts not included in the modified 486  
proposal shall be certified for the next community energy 487  
facility on the wait list, if any, pursuant to division (E) of 488  
section 4934.05 of the Revised Code. 489

(2) If a recertified community energy facility under a 490  
proposal modified under rules adopted under division (B) (1) (b) 491  
of this section is subsequently subjected to a resolution 492  
adopted under section 519.216 of the Revised Code, certification 493  
of those megawatts for the next community energy facility on the 494  
wait list, if any, pursuant to division (E) of section 4934.05 495  
of the Revised Code. 496

**Sec. 4934.16.** (A) A person intending to construct a 497  
community energy facility in whole or in part within the 498  
boundary of a township shall hold a public meeting in each 499  
township where the facility is to be located. 500

(B) The applicant shall provide written notice of the 501  
public meeting to the boards of trustees of every township in 502  
which the facility will be located. Notice shall be provided at 503  
least fourteen days prior to the meeting. 504

(C) At the public meeting, the person intending to 505  
construct and operate a community energy facility shall provide 506  
the following information to the board of township trustees: 507

(1) The type of fuel source the facility will utilize; 508

(2) The maximum nameplate capacity of the facility; 509

(3) A map of the proposed geographic boundaries of the 510  
project within that township. 511

(D) All of the information described in division (C) of 512  
this section shall be submitted to the board of township 513  
trustees in written form at the public meeting. 514

**Sec. 4934.17.** (A) An electric distribution utility may 515  
establish a net crediting program under which the electric 516  
distribution utility shall enter into a net crediting agreement 517  
with a community energy organization. The terms of an agreement 518  
shall specify that authorization by or on behalf of a subscriber 519  
is required before a subscriber may be billed by the electric 520  
distribution utility under the program. An agreement also shall 521  
specify the terms for payments made by the electric distribution 522  
utility to the community energy organization, which terms may 523  
include a net crediting fee of not more than one per cent of the 524  
subscription fee to be deducted from the electric distribution 525  
utility's payment to the community energy organization. 526

(B) Under a net crediting agreement, an electric 527  
distribution utility shall do the following: 528

(1) Remit, through an electronic funds transfer, the cash 529  
value of the subscriber's subscription fee, less any net 530  
crediting fee, to the community energy organization not later 531  
than thirty days after the billing period; 532

(2) Issue electric distribution utility customers who are 533  
subscribers an itemized monthly bill that includes, in addition 534  
to charges described in division (B)(4) of this section, the 535  
subscriber's bill credit for the billing period and the 536  
subscriber's subscription fee; 537

(3) Process monthly bills for subscribers who participate 538  
in low-income customer assistance programs or budget billing 539  
programs in the same manner as bills for customers who are not 540  
participating in such programs; 541

(4) Bill for all basic electric services, including 542  
transmission, distribution, and generation charges, consistent 543  
with this section and commission regulations. 544

**Sec. 4934.18.** An electric distribution utility that enters 545  
into a net crediting agreement with a community energy 546  
organization shall prioritize payments from a customer who is a 547  
subscriber for each billing period according to this section. 548  
Past due subscriber fees owed to a community energy organization 549  
shall be paid prior to payments to the electric distribution 550  
utility for any arrearages on the customer's electric service 551  
bill. The electric distribution utility shall not apply a 552  
customer's bill credit to a customer's outstanding balance for 553  
electric service for the billing period. 554

**Sec. 4934.20.** A nonresidential customer that subscribes to 555  
multiple community energy facilities may participate in the net 556  
crediting program only if each facility is included in a net 557  
crediting agreement under sections 4934.17 to 4934.23 of the 558  
Revised Code. 559

**Sec. 4934.21.** The minimum service requirements established 560  
under section 4928.10 of the Revised Code apply to sections 561

4934.17 to 4934.23 of the Revised Code. 562

Sec. 4934.23. The public utilities commission shall adopt 563  
rules to implement net crediting programs authorized under 564  
sections 4934.17 to 4934.23 of the Revised Code. 565

Sec. 4934.25. (A) A community energy organization that 566  
constructs a community energy facility on a distressed site that 567  
is a brownfield, as defined in section 122.6511 of the Revised 568  
Code, shall be eligible to receive a grant awarded by the 569  
department of development from the brownfield remediation 570  
program under section 122.6511 of the Revised Code for costs 571  
associated with construction and remediation. 572

(B) The department of development shall promulgate rules 573  
for awarding grants described in this section. 574

Sec. 4934.26. (A) The public utilities commission shall 575  
convene and facilitate an ongoing stakeholder working group to 576  
assist commission staff with effectively and efficiently 577  
promulgating rules for the community energy pilot program. 578

(B) The working group shall consist of the following: 579

(1) Electric distribution utilities; 580

(2) Consumer advocates; 581

(3) Community energy industry representatives; 582

(4) Other interested parties. 583

Sec. 4934.27. Not later than six months after the 584  
effective date of this section, the public utilities commission, 585  
with assistance from the working group established by section 586  
4934.26 of the Revised Code shall promulgate rules to implement 587  
the community energy program, which shall include rules for the 588

creation and establishment of community energy facilities, and 589  
the following: 590

(A) The certification of community energy facilities, 591  
which shall include rules for the commission to approve or deny 592  
each facility application within ninety days, unless good cause 593  
is shown for not meeting the deadline, as determined by the 594  
commission; 595

(B) Prohibit removing a subscriber from the subscriber's 596  
applicable customer class because of the subscriber's 597  
subscription to a community energy facility; 598

(C) Reasonably allow for the transfer and portability of 599  
subscriptions, including allowing a subscriber to retain a 600  
subscription to a facility if the subscriber moves within the 601  
same electric distribution utility's service territory; 602

(D) Modify existing interconnection standards, fees, and 603  
processes as needed to facilitate the efficient and cost- 604  
effective interconnection of community energy facilities that 605  
allow an electric distribution utility to recover reasonable 606  
interconnection costs for each facility; 607

(E) Require each electric distribution utility to 608  
efficiently connect a community energy facility to its 609  
electrical distribution grid and not to discriminate against 610  
facilities or subscribers; 611

(F) Provide for consumer protection in accordance with 612  
existing laws and regulations, including any protections against 613  
disconnection of service; 614

(G) Establish robust consumer protections for subscribers, 615  
including at least the following: 616

- (1) A standardized customer disclosure form for 617  
residential subscribers; 618
- (2) Prohibiting upfront sign-on fees or credit checks; 619
- (3) Preventing early termination charges to any subscriber 620  
who unsubscribes. 621
- (H) Allow an electric distribution utility to recover 622  
reasonable costs associated with administering the community 623  
energy pilot program; 624
- (I) Ensure that costs associated with the community energy 625  
pilot program only be recovered from customer classes 626  
participating in the program and that no cross-subsidization of 627  
costs between customer classes occurs; 628
- (J) Ensure facilities qualifying for the community energy 629  
pilot program have a signed interconnection agreement or a 630  
system impact study, as determined by the commission, can 631  
demonstrate site control, and have received all applicable non- 632  
ministerial permits; 633
- (K) Require each community energy organization to send a 634  
notice in a standardized format containing information related 635  
to subscriber enrollment to the electric distribution utility 636  
that services the area where the organization's community energy 637  
facility is sited; 638
- (L) Not later than nine months after the effective date of 639  
this section, require each electric distribution utility to 640  
publish new tariffs or update existing tariffs to implement the 641  
community energy pilot program; 642
- (M) Establish community energy pilot program evaluations 643  
and consumer protections to ensure that subscribers are 644

effectively and equitably receiving guaranteed savings from 645  
participating in the community energy pilot program; 646

(N) Require a community energy organization to be 647  
responsible for the decommissioning of a community energy 648  
facility pursuant to sections 4934.35 and 4934.36 of the Revised 649  
Code. 650

**Sec. 4934.35.** (A) Not later than eighteen months after a 651  
community energy facility has ceased generating electricity, a 652  
community energy organization shall commence decommissioning of 653  
the facility. 654

(B) The decommissioning described in division (A) of this 655  
section shall include the following, to be mutually agreed to in 656  
writing by the property owner or owners and the organization: 657

(1) The removal, and potential reuse and recycling, of 658  
solar panels and other community energy equipment, and the 659  
remediation of the site; 660

(2) The removal of all non-utility-owned equipment, 661  
graveled areas, and access roads; 662

(3) The replacement of any topsoil that was removed for 663  
the construction of the facility and reseeding of the cleared 664  
area. 665

(C) Not more than twenty per cent of the total combined 666  
mass of the community energy facility may enter a landfill. 667

**Sec. 4934.36.** (A) A community energy organization shall 668  
maintain sufficient financial assurances, in the form of a bond, 669  
through the life of a community energy facility's operation to 670  
provide for decommissioning as described in section 4934.35 of 671  
the Revised Code. 672



(B) The amount of the bond shall be calculated by a third- 673  
party professional engineer obtained by the organization. Every 674  
five years from the date of the initial assessment, the bond 675  
amount shall be recalculated in the same manner. 676

(C) The board of county commissioners where the project is 677  
located shall be the obligee of the bond. 678

**Sec. 4934.37.** (A) The public utilities commission shall 679  
conduct reviews of the community energy pilot program forty- 680  
eight months after the rules for the program have been 681  
promulgated and submit a report to the general assembly with the 682  
following information: 683

(1) The number and location of operating community energy 684  
facilities; 685

(2) The amount of nameplate capacity certified; 686

(3) The number of subscribers, how much energy was 687  
subscribed to by those subscribers, and the types of customer 688  
classes that subscribed; 689

(4) Whether guaranteed savings were achieved by the 690  
subscribers. 691

(B) The commission shall promulgate rules to require 692  
community energy organizations and electric distribution 693  
utilities to provide the commission with a report containing the 694  
relevant information described in division (A) of this section. 695

**Sec. 4934.38.** Notwithstanding any provision of section 696  
121.95 of the Revised Code to the contrary, a regulatory 697  
restriction contained in a rule adopted under sections 4934.15, 698  
4934.23, 4934.25, 4934.27, and 4934.37 of the Revised Code is 699  
not subject to sections 121.95 to 121.953 of the Revised Code. 700

**Section 2.** That existing section 4928.02 of the Revised  
Code is hereby repealed.

701

702