

_____ moved to amend as follows:

In line 1 of the title, delete the second "section" and insert "sections 4928.081,"	1 2
In line 2 of the title, after "4928.106" insert ", 4933.51, 4933.52, 4933.54, 4933.56, 4933.58, and 4933.59"	3 4
In line 4 of the title, after "customers" insert "and create the Consumer Choice Billing Program"	5 6
In line 5, delete the second "section" and insert "sections 4928.081,"	7 8
In line 6, after "4928.106" insert ", 4933.51, 4933.52, 4933.54, 4933.56, 4933.58, and 4933.59"	9 10
After line 32, insert:	11
<u>"Sec. 4928.081. The public utilities commission and the electric distribution utilities and competitive retail electric service suppliers that elect to participate in the consumer choice billing program are subject to the requirements established for that program under sections 4933.51 to 4933.59</u>	12 13 14 15 16



<u>of the Revised Code."</u>	17
<u>In line 81, delete "The commission may approve a performance</u>	18
<u>incentive for"</u>	19
Delete lines 82 and 83	20
<u>In line 84, delete "(L)"</u>	21
After line 90, insert:	22
 <u>"Sec. 4933.51. As used in sections 4933.51 to 4933.59 of</u>	23
<u>the Revised Code:</u>	24
<u>(A) "Applicant" means a supplier that has applied for</u>	25
<u>certification under the consumer choice billing program</u>	26
<u>established under sections 4933.51 to 4933.59 of the Revised</u>	27
<u>Code.</u>	28
<u>(B) "Consumer" means a residential, commercial, or</u>	29
<u>industrial customer of retail electric service.</u>	30
<u>(C) "Competitive retail electric service" and "electric</u>	31
<u>distribution utility" have the same meanings as in section</u>	32
<u>4928.01 of the Revised Code.</u>	33
<u>(D) "Supplier" means a supplier of competitive retail</u>	34
<u>electric service.</u>	35
 <u>Sec. 4933.52. (A) There is created the consumer choice</u>	36
<u>billing program, which shall be administered by the public</u>	37
<u>utilities commission. The purpose of the program is to do the</u>	38
<u>following:</u>	39
<u>(1) Permit suppliers to offer consumers consolidated</u>	40
<u>billing of retail electric services for all electric charges,</u>	41
<u>including an electric distribution utility's distribution and</u>	42
<u>transmission charges;</u>	43

<u>(2) Enhance consumer protections for consumers who select a supplier and elect to be billed by that supplier for all charges for electric service;</u>	44
<u>(3) Increase competition in supplier marketplaces;</u>	45
<u>(4) Develop direct and transparent relationships between consumers and suppliers.</u>	46
<u>(B) The commission shall adopt rules to authorize consumer choice billing and accomplish the purposes described in division (A) of this section.</u>	47
<u>Sec. 4933.54. (A) The public utilities commission shall adopt rules to implement the consumer choice billing program created under section 4933.52 of the Revised Code. The rules shall require a supplier to do the following:</u>	50
<u>(1) Apply for a new or amended certification under section 4928.08 of the Revised Code that also authorizes the supplier's participation in the consumer choice billing program;</u>	51
<u>(2) If the applicant is applying for an amended certification, maintain a current, valid certification under section 4928.08 of the Revised Code and, prior to offering or providing consumer choice billing, submit to the commission a statement affirming that the applicant will not offer or provide consumer choice billing without such certification and commission authorization to provide such billing under the program;</u>	52
<u>(3) Maintain the following, in addition to meeting applicable financial assurances required under section 4928.08 of the Revised Code:</u>	53
<u>(a) Bonding or financial assurances with the commission</u>	54

<u>for sales of electricity in the amount of two hundred fifty</u>	72
<u>thousand dollars or ten per cent of the applicant's annual gross</u>	73
<u>receipts, whichever is greater;</u>	74
<u>(b) Bonding or financial assurances with each electric</u>	75
<u>distribution utility where the applicant plans to offer consumer</u>	76
<u>choice billing in an amount equal to the sum of the two highest</u>	77
<u>months of utility receivables in the previous twelve months.</u>	78
<u>(4) (a) Certify that the applicant has not had its</u>	79
<u>certification under section 4928.08 of the Revised Code revoked</u>	80
<u>during the previous five-year period;</u>	81
<u>(b) Certify that, for bills that include supplier charges</u>	82
<u>and electric distribution utility charges, the applicant will</u>	83
<u>comply with the standards for billing practices and minimum</u>	84
<u>service requirements under section 4928.10 of the Revised Code;</u>	85
<u>(c) Demonstrate that the applicant is able to meet the</u>	86
<u>demands of increased consumer service and dispute resolution</u>	87
<u>functions, including the operation of call centers, support of</u>	88
<u>complex billing requirements, responsible execution of</u>	89
<u>collections functions, quality assurance, and recordkeeping</u>	90
<u>necessary to handle electric distribution utility charges that</u>	91
<u>contribute to potential electric service disconnections;</u>	92
<u>(d) Attest to the applicant's ability to comply with</u>	93
<u>applicable requirements related to payment plans for utility</u>	94
<u>service and to assist consumers with other payment plan options</u>	95
<u>by employing new or existing consumer assistance programs prior</u>	96
<u>to initiating the process for service termination;</u>	97
<u>(e) Agree to purchase the receivables for regulated</u>	98
<u>charges of an electric distribution utility;</u>	99

<u>(f) Agree to timely inform the commission of any material change or the cancellation of the bonding or assurances required under division (A) (3) of this section;</u>	100 101 102
<u>(g) Agree to comply with Ohio administrative rules regarding standards of conduct for suppliers and disclosures, marketing, and sales practice requirements for suppliers.</u>	103 104 105
<u>(B) The commission also shall adopt rules that do the following:</u>	106 107
<u>(1) Establish a process for an applicant to petition the commission for authorization to provide consumer choice billing through a third party if the applicant meets the qualifications under divisions (A) (3) and (4) of this section;</u>	108 109 110 111
<u>(2) Authorize a mechanism to create a bypassable billing service charge that:</u>	112 113
<u>(a) Is wholly based on the fully unbundled direct and indirect costs of an electric distribution utility's billing system;</u>	114 115 116
<u>(b) Guarantees the recovery of all prudent investments in billing infrastructure;</u>	117 118
<u>(c) May be imposed only after a commission-imposed prudency review that occurs prior to the implementation of consumer choice billing.</u>	119 120 121
<u>(3) Require an electric distribution utility to provide a consumer's data in a standard format and in as close to real time as possible, and within not more than ten minutes, to suppliers participating in the consumer choice billing program;</u>	122 123 124 125
<u>(4) Create a standardized form of consumer notice to be used when a supplier ceases to provide a particular type of</u>	126 127

<u>billing or other service;</u>	128
(5) Establish a consumer choice billing working group for stakeholders to draft tariff provisions, collect data, design business processes, configure electronic transactions, review similar consumer choice billing programs in other states, define a comprehensive consumer choice billing education program to support the launch of consumer choice billing in the state, and consider any other relevant matters, including the process for disconnection or termination of utility service;	129 130 131 132 133 134 135 136
(6) Establish an electronic data exchange working group to develop proposed electronic transactions for an electric distribution utility or supplier to exchange necessary consumption, billing, payment, and related data;	137 138 139 140
(7) Prohibit an electric distribution utility from requiring a supplier to purchase a consumer's arrears from the electric distribution utility;	141 142 143
(8) Prohibit an electric distribution utility from utilizing consumer information to do the following:	144 145
(a) Market the standard service offer for electric service;	146 147
(b) Research or market other electric distribution utility services;	148 149
(c) Share information the electric distribution utility acquires through electronic transactions that facilitate consumer choice billing with unregulated affiliates of the electric distribution utility or any other nongovernmental entity.	150 151 152 153 154
(9) Establish the terms and conditions for the following:	155

<u>(a) A supplier to change a consumer's billing method to or from consumer choice billing and the corresponding content and timing of notifications to consumers;</u>	156 157 158
<u>(b) For a consumer that is on budget billing with an electric distribution utility at the time of the switch to consumer choice billing;</u>	159 160 161
<u>(c) A supplier's purchase of an electric distribution utility's receivables, including prioritization for partial payments and a dispute resolution process;</u>	162 163 164
<u>(d) Nonpayment by a consumer choice billing consumer, including the content of collection notices, purchase of arrears, unpaid charges, and limitations.</u>	165 166 167
<u>(10) A consumer choice billing consumer's participation in the percentage of income assistance program under section 4928.53 of the Revised Code.</u>	168 169 170
<u>(C) In addition to the penalties described in divisions (A) (1) and (2) of section 4933.59 of the Revised Code, the commission shall adopt rules to establish fines or other penalties for violations of requirements established under sections 4933.52 to 4933.58 of the Revised Code.</u>	171 172 173 174 175
<u>(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under section 4933.54 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code.</u>	176 177 178 179
<u>Sec. 4933.56. (A) Not later than forty-five days after the effective date of this section, the public utilities commission shall issue an order requiring electric distribution utilities to prepare a consumer choice billing implementation plan, which</u>	180 181 182 183

shall be subject to commission approval. Each electric 184
distribution utility shall submit its implementation plan to the 185
commission not later than one hundred eighty days after the 186
commission has adopted the consumer choice billing rules 187
pursuant to section 4933.54 of the Revised Code. 188

The implementation plan shall demonstrate how the electric 189
distribution utility will meet the consumer choice billing 190
requirements established by rule pursuant to section 4933.54 of 191
the Revised Code and shall include all tariffs, agreements, 192
processes, proposed cost recovery mechanisms, and other 193
components that will require commission approval in accordance 194
with the commission's consumer choice billing order. 195

If necessary, the commission may approve an implementation 196
plan on an expedited basis. 197

(B) An electric distribution utility shall maintain a 198
record of recoverable consumer choice billing costs as 199
regulatory assets. Such regulatory assets shall be recovered in 200
the utility's next rate case application under section 4909.18 201
of the Revised Code. 202

Sec. 4933.58. Not later than one year after the effective 203
date of the consumer choice billing rules adopted pursuant to 204
section 4933.54 of the Revised Code, the public utilities 205
commission shall issue a consumer choice billing report to the 206
standing committees of the house of representatives and the 207
senate with primary responsibility for utility legislation. The 208
report shall detail the status of the consumer choice billing 209
program in the state and shall include the following information 210
regarding the program: 211

(A) Statistics for the number of consumers who shop for 212

<u>retail electric service;</u>	213
<u>(B) The number and description of consumer complaints;</u>	214
<u>(C) The number of billing disputes;</u>	215
<u>(D) The number of service terminations;</u>	216
<u>(E) Any other information needed to determine whether modifications to consumer choice billing qualifications or requirements are necessary to improve shopping for retail electric service in the state.</u>	217 218 219 220
<u>Sec. 4933.59. (A) If a supplier violates a provision of the consumer choice billing program under sections 4933.51 to 4933.58 of the Revised Code, the public utilities commission may impose any of the following penalties, subject to notice and a hearing:</u>	221 222 223 224 225
<u>(1) A suspension or revocation of the supplier's participation in the consumer choice billing program;</u>	226 227
<u>(2) A suspension or revocation of the supplier's certification under section 4928.08 of the Revised Code, as applicable;</u>	228 229 230
<u>(3) A fine in an amount determined and imposed by the commission, on a supplier for marketing practices that are fraudulent, deceptive, or otherwise unlawful.</u>	231 232 233
<u>(B) A supplier shall be responsible for fraudulent, deceptive, or other unlawful marketing acts performed by an agent of the supplier. The commission may impose on the supplier the penalties described in division (A) of this section if the agent of a supplier violates a provision of the consumer choice billing program under sections 4933.51 to 4933.58 of the Revised Code.</u>	234 235 236 237 238 239 240

<u>(C) The commission may impose penalties on an electric distribution utility that violates requirements adopted pursuant to section 4933.54 of the Revised Code."</u>	241
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The motion was _____ agreed to.

<u>SYNOPSIS</u>	244
Consumer Choice Billing Program	245
R.C. 4928.081, 4929.201, 4933.51, 4933.52, 4933.54, 4933.56, 4933.58, and 4933.59	246
Creates the Consumer Choice Billing Program (CCBP), which is administered by the Public Utilities Commission (PUCO), for various purposes, such as, for example, allowing competitive retail electric service (CRES) to offer consumers consolidated billing of retail electric services.	248
Requires PUCO to adopt rules that establish various requirements for suppliers, including, for example, that a supplier must apply for a new or amended CRES certification, as applicable, that authorized the supplier's CCBP participation.	253
Requires PUCO to adopt numerous other rules related to the CCBP, including, for example, rules to (1) authorize a mechanism to create a bypassable billing service charge; (2) require an electric distribution utility (EDU) to provide a consumer's billing data in a standard format and in as close to real time as possible, and within not more than ten minutes, to participating suppliers; and (3) prohibit an EDU from utilizing consumer information for certain purposes.	257
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Requires EDUs to prepare a CCBP implementation plan, which is subject to PUCO approval.	265 266
Requires PUCO, not later than one year after the date the CCBP rules are adopted, to issue a CCBP report containing certain information to the standing committees of the House of Representatives and the Senate with primary responsibilities for utility legislation.	267 268 269 270 271
Allows PUCO to impose penalties for violations of the CCBP law.	272 273
Voluntary demand response program performance incentive	274
R.C 4928.106(K)	275
Removes from the bill the ability of PUCO to approve a performance incentive for a utility with a voluntary demand response program based on program savings.	276 277 278