

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 755**

**Representatives Rader, Glassburn**

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To amend section 4928.01 and to enact sections 1  
4928.74, 4928.741, and 4928.742 of the Revised 2  
Code regarding portable solar generation 3  
devices. 4

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

**Section 1.** That section 4928.01 be amended and sections 5  
4928.74, 4928.741, and 4928.742 of the Revised Code be enacted 6  
to read as follows: 7

**Sec. 4928.01.** (A) As used in this chapter: 8

(1) "Ancillary service" means any function necessary to 9  
the provision of electric transmission or distribution service 10  
to a retail customer and includes, but is not limited to, 11  
scheduling, system control, and dispatch services; reactive 12  
supply from generation resources and voltage control service; 13  
reactive supply from transmission resources service; regulation 14  
service; frequency response service; energy imbalance service; 15  
operating reserve-spinning reserve service; operating reserve- 16  
supplemental reserve service; load following; back-up supply 17  
service; real-power loss replacement service; dynamic 18  
scheduling; system black start capability; and network stability 19  
service. 20

(2) "Billing and collection agent" means a fully 21  
independent agent, not affiliated with or otherwise controlled 22  
by an electric utility, electric services company, electric 23  
cooperative, or governmental aggregator subject to certification 24  
under section 4928.08 of the Revised Code, to the extent that 25  
the agent is under contract with such utility, company, 26  
cooperative, or aggregator solely to provide billing and 27  
collection for retail electric service on behalf of the utility 28  
company, cooperative, or aggregator. 29

(3) "Certified territory" means the certified territory 30  
established for an electric supplier under sections 4933.81 to 31  
4933.90 of the Revised Code. 32

(4) "Competitive retail electric service" means a 33  
component of retail electric service that is competitive as 34  
provided under division (B) of this section. 35

(5) "Electric cooperative" means a not-for-profit electric 36  
light company that both is or has been financed in whole or in 37  
part under the "Rural Electrification Act of 1936," 49 Stat. 38  
1363, 7 U.S.C. 901, and owns or operates facilities in this 39  
state to generate, transmit, or distribute electricity, or a 40  
not-for-profit successor of such company. 41

(6) "Electric distribution utility" means an electric 42  
utility that supplies at least retail electric distribution 43  
service and does not own or operate an electric generating 44  
facility. 45

(7) "Electric light company" has the same meaning as in 46  
section 4905.03 of the Revised Code and includes an electric 47  
services company. 48

(8) "Electric load center" has the same meaning as in 49

section 4933.81 of the Revised Code. 50

(9) "Electric services company" means an electric light 51  
company that is engaged on a for-profit or not-for-profit basis 52  
in the business of supplying or arranging for the supply of only 53  
a competitive retail electric service in this state. "Electric 54  
services company" includes a power marketer, power broker, 55  
aggregator, or independent power producer but excludes an 56  
electric cooperative, municipal electric utility, governmental 57  
aggregator, or billing and collection agent. 58

(10) "Electric supplier" has the same meaning as in 59  
section 4933.81 of the Revised Code. 60

(11) "Electric utility" means an electric light company 61  
that has a certified territory and is engaged on a for-profit 62  
basis in the business of supplying at least a noncompetitive 63  
retail electric service in this state. "Electric utility" 64  
excludes a municipal electric utility or a billing and 65  
collection agent. 66

(12) "Firm electric service" means electric service other 67  
than nonfirm electric service. 68

(13) "Governmental aggregator" means a legislative 69  
authority of a municipal corporation, a board of township 70  
trustees, or a board of county commissioners acting as an 71  
aggregator for the provision of a competitive retail electric 72  
service under authority conferred under section 4928.20 of the 73  
Revised Code. 74

(14) A person acts "knowingly," regardless of the person's 75  
purpose, when the person is aware that the person's conduct will 76  
probably cause a certain result or will probably be of a certain 77  
nature. A person has knowledge of circumstances when the person 78

is aware that such circumstances probably exist. 79

(15) "Level of funding for low-income customer energy 80  
efficiency programs provided through electric utility rates" 81  
means the level of funds specifically included in an electric 82  
utility's rates on October 5, 1999, pursuant to an order of the 83  
public utilities commission issued under Chapter 4905. or 4909. 84  
of the Revised Code and in effect on October 4, 1999, for the 85  
purpose of improving the energy efficiency of housing for the 86  
utility's low-income customers. The term excludes the level of 87  
any such funds committed to a specific nonprofit organization or 88  
organizations pursuant to a stipulation or contract. 89

(16) "Low-income customer assistance programs" means the 90  
percentage of income payment plan program, the home energy 91  
assistance program, the home weatherization assistance program, 92  
and the targeted energy efficiency and weatherization program. 93

(17) "Market development period" for an electric utility 94  
means the period of time beginning on the starting date of 95  
competitive retail electric service and ending on the applicable 96  
date for that utility as specified in section 4928.40 of the 97  
Revised Code, irrespective of whether the utility applies to 98  
receive transition revenues under this chapter. 99

(18) "Market power" means the ability to impose on 100  
customers a sustained price for a product or service above the 101  
price that would prevail in a competitive market. 102

(19) "Mercantile customer" means a commercial or 103  
industrial customer if the electricity consumed is for 104  
nonresidential use and the customer consumes more than seven 105  
hundred thousand kilowatt hours per year or is part of a 106  
national account involving multiple facilities in one or more 107

states.	108
(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.	109 110 111
(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.	112 113 114
(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.	115 116 117 118 119 120 121
(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.	122 123 124
(24) "Person" has the same meaning as in section 1.59 of the Revised Code.	125 126
(25) "Advanced energy project" means any technologies, products, activities, or management practices or strategies that facilitate the generation or use of electricity or energy and that reduce or support the reduction of energy consumption or support the production of clean, renewable energy for industrial, distribution, commercial, institutional, governmental, research, not-for-profit, or residential energy users, including, but not limited to, advanced energy resources and renewable energy resources. "Advanced energy project" also includes any project described in division (A), (B), or (C) of	127 128 129 130 131 132 133 134 135 136

section 4928.621 of the Revised Code. 137

(26) "Regulatory assets" means the unamortized net 138  
regulatory assets that are capitalized or deferred on the 139  
regulatory books of the electric utility, pursuant to an order 140  
or practice of the public utilities commission or pursuant to 141  
generally accepted accounting principles as a result of a prior 142  
commission rate-making decision, and that would otherwise have 143  
been charged to expense as incurred or would not have been 144  
capitalized or otherwise deferred for future regulatory 145  
consideration absent commission action. "Regulatory assets" 146  
includes, but is not limited to, all deferred demand-side 147  
management costs; all deferred percentage of income payment plan 148  
arrears; post-in-service capitalized charges and assets 149  
recognized in connection with statement of financial accounting 150  
standards no. 109 (receivables from customers for income taxes); 151  
future nuclear decommissioning costs and fuel disposal costs as 152  
those costs have been determined by the commission in the 153  
electric utility's most recent rate or accounting application 154  
proceeding addressing such costs; the undepreciated costs of 155  
safety and radiation control equipment on nuclear generating 156  
plants owned or leased by an electric utility; and fuel costs 157  
currently deferred pursuant to the terms of one or more 158  
settlement agreements approved by the commission. 159

(27) "Retail electric service" means any service involved 160  
in supplying or arranging for the supply of electricity to 161  
ultimate consumers in this state, from the point of generation 162  
to the point of consumption. For the purposes of this chapter, 163  
retail electric service includes one or more of the following 164  
"service components": generation service, aggregation service, 165  
power marketing service, power brokerage service, transmission 166  
service, distribution service, ancillary service, metering 167

service, and billing and collection service.	168
(28) "Starting date of competitive retail electric service" means January 1, 2001.	169 170
(29) "Customer-generator" means a user of a net metering system.	171 172
(30) "Net metering" means measuring the difference in an applicable billing period between the electricity supplied by an electric service provider and the electricity generated by a customer-generator that is fed back to the electric service provider.	173 174 175 176 177
(31) "Net metering system" means a facility for the production of electrical energy that does all of the following:	178 179
(a) Uses as its fuel either solar, wind, biomass, landfill gas, or hydropower, or uses a microturbine or a fuel cell;	180 181
(b) Is located on a customer-generator's premises;	182
(c) Operates in parallel with the electric utility's transmission and distribution facilities;	183 184
(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity. For an industrial customer-generator with a net metering system that has a capacity of less than twenty megawatts and uses wind as energy, this means the net metering system was sized so as to not exceed one hundred per cent of the customer-generator's annual requirements for electric energy at the time of interconnection.	185 186 187 188 189 190 191 192
<u>"Net metering system" does not include a portable solar generation device.</u>	193 194

(32) "Self-generator" means an entity in this state that owns or hosts on property the entity controls an electric generation facility that produces electricity primarily for the owner's consumption and that may provide any such excess electricity to another entity, and that meets all of the following:

(a) The facility is installed or operated by the owner or by a third party under a contract, including a lease, purchase power agreement, or other service contract.

(b) The facility connects directly to the owner's side of the electric meter.

(c) The facility delivers electricity to the owner's side of the electric meter without the use of an electric distribution utility's or electric cooperative's distribution system or transmission system.

(33) "Rate plan" means the standard service offer in effect on the effective date of the amendment of this section by S.B. 221 of the 127th general assembly, July 31, 2008.

(34) "Advanced energy resource" means any of the following:

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

(b) Any distributed generation system consisting of customer cogeneration technology;

(c) Clean coal technology that includes a carbon-based

product that is chemically altered before combustion to 223  
demonstrate a reduction, as expressed as ash, in emissions of 224  
nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or 225  
sulfur trioxide in accordance with the American society of 226  
testing and materials standard D1757A or a reduction of metal 227  
oxide emissions in accordance with standard D5142 of that 228  
society, or clean coal technology that includes the design 229  
capability to control or prevent the emission of carbon dioxide, 230  
which design capability the commission shall adopt by rule and 231  
shall be based on economically feasible best available 232  
technology or, in the absence of a determined best available 233  
technology, shall be of the highest level of economically 234  
feasible design capability for which there exists generally 235  
accepted scientific opinion; 236

(d) Advanced nuclear energy technology consisting of 237  
generation III technology as defined by the nuclear regulatory 238  
commission; other, later technology; or significant improvements 239  
to existing facilities; 240

(e) Any fuel cell used in the generation of electricity, 241  
including, but not limited to, a proton exchange membrane fuel 242  
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 243  
solid oxide fuel cell; 244

(f) Advanced solid waste or construction and demolition 245  
debris conversion technology, including, but not limited to, 246  
advanced stoker technology, and advanced fluidized bed 247  
gasification technology, that results in measurable greenhouse 248  
gas emissions reductions as calculated pursuant to the United 249  
States environmental protection agency's waste reduction model 250  
(WARM); 251

(g) Demand-side management and any energy efficiency 252

improvement;	253
(h) Any new, retrofitted, refueled, or repowered generating facility located in Ohio, including a simple or combined-cycle natural gas generating facility or a generating facility that uses biomass, coal, modular nuclear, or any other fuel as its input;	254 255 256 257 258
(i) Any uprated capacity of an existing electric generating facility if the uprated capacity results from the deployment of advanced technology.	259 260 261
"Advanced energy resource" does not include a waste energy recovery system that is, or has been, included in an energy efficiency program of an electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code.	262 263 264 265
(35) "Air contaminant source" has the same meaning as in section 3704.01 of the Revised Code.	266 267
(36) "Cogeneration technology" means technology that produces electricity and useful thermal output simultaneously.	268 269
(37) (a) "Renewable energy resource" means any of the following:	270 271
(i) Solar photovoltaic or solar thermal energy;	272
(ii) Wind energy;	273
(iii) Power produced by a hydroelectric facility;	274
(iv) Power produced by a small hydroelectric facility, which is a facility that operates, or is rated to operate, at an aggregate capacity of less than six megawatts;	275 276 277
(v) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is	278 279

located within this state, relies upon the Ohio river, and	280
operates, or is rated to operate, at an aggregate capacity of	281
forty or more megawatts;	282
(vi) Geothermal energy;	283
(vii) Fuel derived from solid wastes, as defined in	284
section 3734.01 of the Revised Code, through fractionation,	285
biological decomposition, or other process that does not	286
principally involve combustion;	287
(viii) Biomass energy;	288
(ix) Energy produced by cogeneration technology that is	289
placed into service on or before December 31, 2015, and for	290
which more than ninety per cent of the total annual energy input	291
is from combustion of a waste or byproduct gas from an air	292
contaminant source in this state, which source has been in	293
operation since on or before January 1, 1985, provided that the	294
cogeneration technology is a part of a facility located in a	295
county having a population of more than three hundred sixty-five	296
thousand but less than three hundred seventy thousand according	297
to the most recent federal decennial census;	298
(x) Biologically derived methane gas;	299
(xi) Heat captured from a generator of electricity,	300
boiler, or heat exchanger fueled by biologically derived methane	301
gas;	302
(xii) Energy derived from nontreated by-products of the	303
pulping process or wood manufacturing process, including bark,	304
wood chips, sawdust, and lignin in spent pulping liquors.	305
"Renewable energy resource" includes, but is not limited	306
to, any fuel cell used in the generation of electricity,	307

including, but not limited to, a proton exchange membrane fuel 308  
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 309  
solid oxide fuel cell; a linear generator; wind turbine located 310  
in the state's territorial waters of Lake Erie; methane gas 311  
emitted from an abandoned or active coal mine; waste energy 312  
recovery system placed into service or retrofitted on or after 313  
the effective date of the amendment of this section by S.B. 315 314  
of the 129th general assembly, September 10, 2012, except that a 315  
waste energy recovery system described in division (A) (38) (b) of 316  
this section may be included only if it was placed into service 317  
between January 1, 2002, and December 31, 2004; storage facility 318  
that will promote the better utilization of a renewable energy 319  
resource; or distributed generation system used by a customer to 320  
generate electricity from any such energy. 321

"Renewable energy resource" does not include a waste 322  
energy recovery system that is, or was, on or after January 1, 323  
2012, included in an energy efficiency program of an electric 324  
distribution utility pursuant to requirements under section 325  
4928.66 of the Revised Code. 326

(b) As used in division (A) (37) of this section, 327  
"hydroelectric facility" means a hydroelectric generating 328  
facility that is located at a dam on a river, or on any water 329  
discharged to a river, that is within or bordering this state or 330  
within or bordering an adjoining state and meets all of the 331  
following standards: 332

(i) The facility provides for river flows that are not 333  
detrimental for fish, wildlife, and water quality, including 334  
seasonal flow fluctuations as defined by the applicable 335  
licensing agency for the facility. 336

(ii) The facility demonstrates that it complies with the 337

water quality standards of this state, which compliance may 338  
consist of certification under Section 401 of the "Clean Water 339  
Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and 340  
demonstrates that it has not contributed to a finding by this 341  
state that the river has impaired water quality under Section 342  
303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 343  
U.S.C. 1313. 344

(iii) The facility complies with mandatory prescriptions 345  
regarding fish passage as required by the federal energy 346  
regulatory commission license issued for the project, regarding 347  
fish protection for riverine, anadromous, and catadromous fish. 348

(iv) The facility complies with the recommendations of the 349  
Ohio environmental protection agency and with the terms of its 350  
federal energy regulatory commission license regarding watershed 351  
protection, mitigation, or enhancement, to the extent of each 352  
agency's respective jurisdiction over the facility. 353

(v) The facility complies with provisions of the 354  
"Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 355  
to 1544, as amended. 356

(vi) The facility does not harm cultural resources of the 357  
area. This can be shown through compliance with the terms of its 358  
federal energy regulatory commission license or, if the facility 359  
is not regulated by that commission, through development of a 360  
plan approved by the Ohio historic preservation office, to the 361  
extent it has jurisdiction over the facility. 362

(vii) The facility complies with the terms of its federal 363  
energy regulatory commission license or exemption that are 364  
related to recreational access, accommodation, and facilities 365  
or, if the facility is not regulated by that commission, the 366

facility complies with similar requirements as are recommended 367  
by resource agencies, to the extent they have jurisdiction over 368  
the facility; and the facility provides access to water to the 369  
public without fee or charge. 370

(viii) The facility is not recommended for removal by any 371  
federal agency or agency of any state, to the extent the 372  
particular agency has jurisdiction over the facility. 373

(c) The standards in divisions (A) (37) (b) (i) to (viii) of 374  
this section do not apply to a small hydroelectric facility 375  
under division (A) (37) (a) (iv) of this section. 376

(38) "Waste energy recovery system" means any of the 377  
following: 378

(a) A facility that generates electricity through the 379  
conversion of energy from either of the following: 380

(i) Exhaust heat from engines or manufacturing, 381  
industrial, commercial, or institutional sites, except for 382  
exhaust heat from a facility whose primary purpose is the 383  
generation of electricity; 384

(ii) Reduction of pressure in gas pipelines before gas is 385  
distributed through the pipeline, provided that the conversion 386  
of energy to electricity is achieved without using additional 387  
fossil fuels. 388

(b) A facility at a state institution of higher education 389  
as defined in section 3345.011 of the Revised Code that recovers 390  
waste heat from electricity-producing engines or combustion 391  
turbines and that simultaneously uses the recovered heat to 392  
produce steam, provided that the facility was placed into 393  
service between January 1, 2002, and December 31, 2004; 394

(c) A facility that produces steam from recovered waste 395  
heat from a manufacturing process and uses that steam, or 396  
transfers that steam to another facility, to provide heat to 397  
another manufacturing process or to generate electricity. 398

(39) "Smart grid" means capital improvements to an 399  
electric distribution utility's distribution infrastructure that 400  
improve reliability, efficiency, resiliency, or reduce energy 401  
demand or use, including, but not limited to, advanced metering 402  
and automation of system functions. 403

(40) "Combined heat and power system" means the 404  
coproduction of electricity and useful thermal energy from the 405  
same fuel source designed to achieve thermal-efficiency levels 406  
of at least sixty per cent, with at least twenty per cent of the 407  
system's total useful energy in the form of thermal energy. 408

(41) (a) "Green energy" means any energy generated by using 409  
an energy resource that does one or more of the following: 410

(i) Releases reduced air pollutants, thereby reducing 411  
cumulative air emissions; 412

(ii) Is more sustainable and reliable relative to some 413  
fossil fuels. 414

(b) "Green energy" includes energy generated using the 415  
following: 416

(i) Natural gas as a resource; 417

(ii) Nuclear reaction. 418

(42) "Energy storage" means electrical generation and 419  
storage performed by a distributed energy system connected 420  
battery. 421

(43) "Linear generator" means an integrated system 422  
consisting of oscillators, cylinders, electricity conversion 423  
equipment, and associated balance of plant components that meet 424  
the following criteria: 425

(a) Converts the linear motion of oscillators directly 426  
into electricity without the use of a flame or spark; 427

(b) Is dispatchable with the ability to vary power output 428  
across all loads; 429

(c) Can operate on multiple fuel types including renewable 430  
fuels such as hydrogen, ammonia, and biogas. 431

(44) "Portable solar generation device" means a moveable 432  
photovoltaic electric generation device that satisfies all of 433  
the following: 434

(a) Has a maximum power output of not more than one 435  
thousand two hundred watts; 436

(b) Is designed to be connected to a building's electrical 437  
system through a standard one hundred twenty volt alternating 438  
current outlet; 439

(c) Is intended primarily to offset part of the customer's 440  
electricity consumption; 441

(d) Is certified by underwriters laboratories or an 442  
equivalent nationally recognized testing laboratory. 443

(B) For the purposes of this chapter, a retail electric 444  
service component shall be deemed a competitive retail electric 445  
service if the service component is competitive pursuant to a 446  
declaration by a provision of the Revised Code or pursuant to an 447  
order of the public utilities commission authorized under 448  
division (A) of section 4928.04 of the Revised Code. Otherwise, 449

the service component shall be deemed a noncompetitive retail 450  
electric service. 451

Sec. 4928.74. A portable solar generation device is exempt 452  
from any interconnection requirement and any requirement to 453  
enter into an interconnection agreement with an electric utility 454  
imposed pursuant to Chapter 4928. of the Revised Code. 455

Sec. 4928.741. No electric utility shall require a 456  
customer using a portable solar generation device to do any of 457  
the following: 458

(A) Obtain the utility's approval before installing or 459  
using the device; 460

(B) Pay any fee or charge related to the device or for 461  
feeding small amounts of electricity back into the utility grid; 462

(C) Install any additional controls or equipment beyond 463  
what is integrated into the device. 464

Sec. 4928.742. The public utilities commission shall adopt 465  
rules to implement sections 4928.74 and 4928.741 of the Revised 466  
Code. 467

**Section 2.** That existing section 4928.01 of the Revised 468  
Code is hereby repealed. 469