

As Introduced

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H. B. No. 832

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To amend section 4928.67 and to enact sections 1
4928.675, 4928.676, 4928.677, 4928.678, 2
4928.679, 4928.6710, and 4928.6711 of the 3
Revised Code regarding virtual net metering and 4
meter aggregation. 5

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

Section 1. That section 4928.67 be amended and sections 6
4928.675, 4928.676, 4928.677, 4928.678, 4928.679, 4928.6710, and 7
4928.6711 of the Revised Code be enacted to read as follows: 8

Sec. 4928.67. (A) (1) Except as provided in ~~division~~ 9
divisions (A) (2) and (3) of this section, an electric utility 10
shall develop a standard contract or tariff providing for net 11
metering. 12

That contract or tariff shall be identical in rate 13
structure, all retail rate components, and any monthly charges 14
to the contract or tariff to which the same customer would be 15
assigned if that customer were not a customer-generator. 16

(2) An electric utility shall also develop a separate 17
standard contract or tariff providing for net metering for a 18
hospital, as defined in section 3701.01 of the Revised Code, 19
that is also a customer-generator, subject to all of the 20

following: 21

(a) No limitation, including that in divisions (A) (31) (a) 22
and (d) of section 4928.01 of the Revised Code, shall apply 23
regarding the availability of the contract or tariff to such 24
hospital customer-generators. 25

(b) The contract or tariff shall be based both upon the 26
rate structure, rate components, and any charges to which the 27
hospital would otherwise be assigned if the hospital were not a 28
customer-generator and upon the market value of the customer- 29
generated electricity at the time it is generated. 30

(c) The contract or tariff shall allow the hospital 31
customer-generator to operate its electric generating facilities 32
individually or collectively without any wattage limitation on 33
size. 34

(3) An electric utility shall also develop a separate 35
standard contract or tariff providing for net metering for a 36
mercantile customer that is also a customer-generator, subject 37
to all of the following: 38

(a) The contract or tariff shall be based upon the rate 39
structure, rate components, and any charges to which the 40
mercantile customer would otherwise be assigned if the 41
mercantile customer was not a customer-generator, except for the 42
customer's transmission rate structure, transmission rate 43
components, and transmission charges. 44

(b) The contract or tariff shall have the option for the 45
mercantile customer's transmission service costs to be billed 46
and collected by the mercantile customer's competitive retail 47
electric service supplier instead of by the mercantile 48
customer's electric utility. 49

(c) The capacity of the mercantile customer's net metering system is less than fifty megawatts. 50
51

(B) (1) Net metering under this section shall be 52
accomplished using a single meter capable of registering the 53
flow of electricity in each direction. If its existing 54
electrical meter is not capable of measuring the flow of 55
electricity in two directions, the customer-generator shall be 56
responsible for all expenses involved in purchasing and 57
installing a meter that is capable of measuring electricity flow 58
in two directions. 59

(2) The electric utility, at its own expense and with the 60
written consent of the customer-generator, may install one or 61
more additional meters to monitor the flow of electricity in 62
each direction. 63

(3) Consistent with the other provisions of this section, 64
the measurement of net electricity supplied or generated shall 65
be calculated in the following manner: 66

(a) The electric utility shall measure the net electricity 67
produced or consumed during the billing period, in accordance 68
with normal metering practices. 69

(b) If the electricity supplied by the electric utility 70
exceeds the electricity generated by the customer-generator and 71
fed back to the utility during the billing period, the customer- 72
generator shall be billed for the net electricity supplied by 73
the utility, in accordance with normal metering practices. If 74
electricity is provided to the utility, the credits for that 75
electricity shall appear in the next billing cycle. 76

(4) A net metering system used by a customer-generator 77
shall meet all applicable safety and performance standards 78

established by the national electrical code, the institute of 79
electrical and electronics engineers, and underwriters 80
laboratories. 81

(C) The public utilities commission shall adopt rules 82
relating to additional control and testing requirements for 83
customer-generators that the commission determines are necessary 84
to protect public and worker safety and system reliability. 85

(D) An electric utility shall not require a customer- 86
generator whose net metering system meets the standards and 87
requirements provided for in divisions (B) (4) and (C) of this 88
section to do any of the following: 89

(1) Comply with additional safety or performance 90
standards; 91

(2) Perform or pay for additional tests; 92

(3) Purchase additional liability insurance. 93

Sec. 4928.675. As used in sections 4928.675 to 4928.6711 94
of the Revised Code: 95

(A) "Large industrial customer" means any manufacturer 96
that primarily uses electricity in a process that transforms raw 97
or unfinished materials into a different form or product and 98
that receives service from an electric distribution utility at 99
primary voltage, subtransmission voltage, or transmission 100
voltage. 101

(B) "Virtual net metering" means measuring the difference 102
in an applicable billing period between the electricity supplied 103
by an electric utility and the electricity from a virtual net 104
metering system attributed to a virtual net metering customer 105
that is fed to the electric utility. 106

(C) "Virtual net metering customer" means a person, 107
including a hospital as defined in section 3701.01 of the 108
Revised Code, that contracts for or otherwise acquires 109
electricity generated by a virtual net metering system. "Virtual 110
net metering customer" does not include a residential customer. 111

(D) "Virtual net metering system" means a facility that 112
satisfies all of the requirements of section 4928.676 of the 113
Revised Code. 114

Sec. 4928.676. A virtual net metering system shall satisfy 115
all of the following: 116

(A) The system is a facility for the production of 117
electrical energy. 118

(B)(1) The system, subject to divisions (B)(2) and (3) of 119
this section, uses as its fuel either solar, wind, biomass, 120
landfill gas, or hydropower, or uses a microturbine, natural 121
gas-fired generator, battery-storage system, or a fuel cell. 122

(2) If the system uses either a battery-storage system or 123
natural gas-fired generator, then the battery-storage system or 124
generator shall not be sized so as to exceed the size of any co- 125
located facility using solar, wind, biomass, landfill gas, or 126
hydropower as its fuel. 127

(3) If the system uses both a battery-storage system and 128
natural gas-fired generator, then the combined nameplate 129
capacity of the system and the generator shall not be sized so 130
as to exceed the size of any co-located facility using solar, 131
wind, biomass, landfill gas, or hydropower as its fuel. 132

(C) The system is not a net metering system. 133

(D) The system is not located on agricultural land as 134

<u>defined in section 901.61 of the Revised Code.</u>	135
<u>(E) The system is located on one of the following:</u>	136
<u>(1) A mine as defined in section 1561.01 of the Revised Code;</u>	137
<u>(2) A brownfield as defined in section 122.6511 of the Revised Code;</u>	139
<u>(3) A site, location, tract of land, installation, or building for incineration, composting, sanitary landfilling, or other approved methods of disposal of solid wastes as defined in section 3734.01 of the Revised Code;</u>	141
<u>(4) Property owned by a county land reutilization corporation as defined in section 1724.01 of the Revised Code;</u>	145
<u>(5) A disposal system as defined in section 6111.01 of the Revised Code;</u>	147
<u>(6) The roof of a facility that is used exclusively for commercial or industrial purposes.</u>	149
<u>(F) The system is in the certified territory of the electric utility that provides electric service to all electric meters that the virtual net metering customer intends to attribute electricity to or aggregate with under section 4928.6710 of the Revised Code.</u>	151
<u>(G) The system operates in parallel with the electric utility's transmission and distribution facilities.</u>	156
<u>(H) The system is sized so as to not exceed one hundred twenty per cent of the customer's requirements for electricity at the time of interconnection, as determined pursuant to section 4928.678 of the Revised Code, regardless of whether the</u>	158

customer intends to take service through an electric utility or 162
a competitive retail electric service provider. 163

(I) The virtual net metering customer maintains an 164
electric meter where the system is located. 165

(J) The system serves exactly one virtual net metering 166
customer. 167

Sec. 4928.677. A virtual net metering system may be 168
located on the same site as one or more other virtual net 169
metering systems. 170

Sec. 4928.678. (A) The electric utility shall communicate 171
with and assist a virtual net metering customer or person 172
interested in becoming a virtual net metering customer in 173
calculating the customer's or prospective customer's 174
requirements for electricity based on both of the following: 175

(1) The average amount of electricity supplied by the 176
electric utility to the customer annually over the previous 177
three years; 178

(2) The average amount of electricity supplied by the 179
electric utility in any hour within the previous three years, 180
including during electric system coincidental peak hours. 181

(B) In instances in which the electric utility cannot 182
provide data without divulging confidential or proprietary 183
information, or in circumstances in which the electric utility 184
does not have the data or cannot calculate the requirements for 185
electricity described in division (A) of this section due to new 186
construction, vacant properties, facility expansions, or other 187
unique circumstances, the electric utility shall use any 188
available consumption data or measures to establish an 189
appropriate consumption estimate. 190

(C) Upon request from any virtual net metering customer or 191
person interested in becoming a virtual net metering customer, 192
the electric utility shall provide or make available to the 193
customer or prospective customer either the average electricity 194
supplied and coincident peak power to the customer over the 195
previous three years or a reasonable consumption estimate for 196
the customer. 197

Sec. 4928.679. (A) (1) An electric utility shall develop a 198
standard contract or tariff providing for virtual net metering. 199
The contract or tariff shall be similar in rate structure, all 200
retail rate components, and any monthly charges to the contract 201
or tariff to which the same customer would be assigned if that 202
customer was not a virtual net metering customer, except for the 203
customer's transmission rate structure, transmission rate 204
components, and transmission charges. The contract or tariff 205
shall provide that any credit for electricity supplied or 206
generated by the virtual net metering system applies only to the 207
generation and transmission charges imposed on the virtual net 208
metering customer, and the virtual net metering customer shall 209
be billed for all distribution related charges. 210

(2) The contract or tariff providing for virtual net 211
metering shall have the option for the mercantile customer's 212
transmission service costs to be billed and collected by the 213
mercantile customer's competitive retail electric service 214
supplier instead of by the mercantile customer's electric 215
utility. 216

(B) Consistent with the other provisions of this section, 217
the measurement of net electricity supplied or generated for 218
virtual net metering shall be calculated in the following 219
manner: 220

(1) The electric utility shall measure the amount of 221
electricity generated by the virtual net metering system and 222
attributed to the virtual net metering customer during the 223
billing period. 224

(2) The electric utility shall measure the amount of 225
electricity consumed by the virtual net metering customer during 226
the billing period. 227

(3) The electric utility shall measure the net electricity 228
produced or consumed during the billing period using the 229
difference between the amounts measured in divisions (B) (1) and 230
(2) of this section, in accordance with normal metering 231
practices. 232

(C) If the electricity supplied by the electric utility 233
exceeds the electricity generated by the virtual net metering 234
system attributed to the virtual net metering customer and fed 235
to the utility during the billing period, the virtual net 236
metering customer shall be billed for the net electricity 237
supplied by the utility, in accordance with normal metering 238
practices. 239

(D) If the electric utility receives more electricity from 240
the virtual net metering customer than the utility supplied to 241
the customer during the billing period, the excess electricity 242
generated shall be converted to a monetary credit equivalent to 243
the value of all standard charges associated with transmission, 244
whether based in kilowatt hours or kilowatts, other than 245
disaster recovery fees approved by the public utilities 246
commission, and all standard charges associated with generation 247
of the electric utility's standard service offer and shall carry 248
forward as a monetary credit on the customer's future bills 249
until applied completely against the customer's charges. The 250

monetary credit shall not exceed generation and transmission 251
savings realized by the electric utility. The monetary credit 252
shall be applied only to the generation and transmission 253
portions of the virtual net metering customer's bills. The 254
electric utility shall not be required to pay the monetary 255
credit, other than to credit it to future bills, and the 256
monetary credit may be lost if a virtual net metering customer 257
does not use the credit or stops taking service from the 258
electric utility. 259

(E) A virtual net metering system shall meet all 260
applicable safety and performance standards established by the 261
national electrical code, the institute of electrical and 262
electronics engineers, and underwriters laboratories. 263

(F) An electric utility shall not require a virtual net 264
metering customer or other person who owns a virtual net 265
metering system that meets the standards and requirements 266
provided for in division (E) of this section and in section 267
4928.6711 of the Revised Code to do any of the following: 268

(1) Comply with additional safety or performance 269
standards; 270

(2) Perform or pay for additional tests; 271

(3) Purchase additional liability insurance. 272

(G) No residential customer or large industrial customer 273
shall be required to incur any costs or be charged, directly or 274
indirectly, for any costs related to virtual net metering. 275

Sec. 4928.6710. A virtual net metering customer may 276
aggregate any or all of the customer's electric meters that are 277
in the same electric utility certified territory as a virtual 278
net metering system where the electricity generated by the 279

system is attributable to the customer. 280

Sec. 4928.6711. The public utilities commission shall 281
adopt rules to administer virtual net metering and meter 282
aggregation under sections 4928.675 to 4928.6710 of the Revised 283
Code, including rules relating to additional control and testing 284
requirements for virtual net metering systems that the 285
commission determines are necessary to protect public and worker 286
safety and system reliability. 287

Section 2. That existing section 4928.67 of the Revised 288
Code is hereby repealed. 289