

Sub. H. B. No. 96
As Passed by the Senate

_____ moved to amend as follows:

After line 106326, insert:

"Sec. 4928.05. (A) (1) A competitive retail electric service supplied by an electric services company, or by an electric utility consistent with section 4928.141 of the Revised Code, shall not be subject to supervision and regulation by a municipal corporation under Chapter 743. of the Revised Code or by the public utilities commission under Chapters 4901. to 4909., 4933., 4935., and 4963. of the Revised Code, except sections 4905.10 and 4905.31, division (B) of section 4905.33, and sections 4905.35 and 4933.81 to 4933.90; except sections 4905.06, 4935.03, 4963.40, and 4963.41 of the Revised Code only to the extent related to service reliability and public safety; and except as otherwise provided in this chapter. The commission's authority to enforce those excepted provisions with respect to a competitive retail electric service shall be such authority as is provided for their enforcement under Chapters 4901. to 4909., 4933., 4935., and 4963. of the Revised Code and this chapter. Nothing in this division shall be construed to limit the commission's authority under sections 4928.141, 4928.142, and 4928.144 of the Revised Code.



(2) A competitive retail electric service supplied by an electric cooperative shall not be subject to supervision and regulation by the commission under Chapters 4901. to 4909., 4933., 4935., and 4963. of the Revised Code, except as otherwise expressly provided in sections 4928.01 to 4928.10 and 4928.16 of the Revised Code.

(B) (1) A noncompetitive retail electric service supplied by an electric utility shall be subject to supervision and regulation by the commission under Chapters 4901. to 4909., 4933., 4935., and 4963. of the Revised Code and this chapter, to the extent that authority is not preempted by federal law. The commission's authority to enforce those provisions with respect to a noncompetitive retail electric service shall be the authority provided under those chapters and this chapter, to the extent the authority is not preempted by federal law. Notwithstanding Chapters 4905. and 4909. of the Revised Code, commission authority under this chapter shall include the authority to provide for the recovery, through a reconcilable rider on an electric distribution utility's distribution rates, of all transmission and transmission-related costs, including ancillary and congestion costs, imposed on or charged to the utility by the federal energy regulatory commission or a regional transmission organization, independent transmission operator, or similar organization approved by the federal energy regulatory commission.

The commission shall adopt, for each electric distribution utility that provides customers with a standard service offer in compliance with sections 4928.141 and 4928.142 of the Revised Code, a ~~nonbypassable~~ bypassable cost recovery mechanism relating to transmission, ancillary, congestion, or any related

service required for such standard service offer that includes 51
 provisions for the recovery of any cost of such service that the 52
 electric distribution utility incurs pursuant to the standard 53
 service offer. 54

(2) The commission shall exercise its jurisdiction with 55
 respect to the delivery of electricity by an electric utility in 56
 this state so as to ensure that no aspect of the delivery of 57
 electricity by the utility to consumers in this state that 58
 consists of a noncompetitive retail electric service is 59
 unregulated. 60

(3) A noncompetitive retail electric service supplied by 61
 an electric cooperative shall not be subject to supervision and 62
 regulation by the commission under Chapters 4901. to 4909., 63
 4933., 4935., and 4963. of the Revised Code, except sections 64
 4933.81 to 4933.90 and 4935.03 of the Revised Code. The 65
 commission's authority to enforce those excepted sections with 66
 respect to a noncompetitive retail electric service of an 67
 electric cooperative shall be such authority as is provided for 68
 their enforcement under Chapters 4933. and 4935. of the Revised 69
 Code." 70

Update the title, amend, enact, or repeal clauses accordingly 71

The motion was _____ agreed to.

SYNOPSIS 72

Bypassable cost recovery mechanism 73

R.C. 4928.05 74

Changes from "nonbypassable" to "bypassable" the cost	75
recovery mechanism required by H.B. 15/136th GA relating to	76
transmission, ancillary, congestion, or any related service for	77
an SSO that PUCO must adopt for each EDU providing an SSO.	78