

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

**Bypassable cost recovery mechanism**

**R.C. 4928.05**

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