

As Introduced

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

S. B. No. 108

Senator Brenner

A BILL

To amend section 4905.02 and to enact sections 1
4933.51, 4933.52, 4933.54, 4933.56, 4933.57, 2
4933.59, 4933.60, and 4933.63 of the Revised 3
Code to exempt from regulation as a public 4
utility certain persons or entities providing 5
behind-the-meter utility services and to allow 6
the Public Utilities Commission to register 7
providers of such services. 8

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

Section 1. That section 4905.02 be amended and sections 9
4933.51, 4933.52, 4933.54, 4933.56, 4933.57, 4933.59, 4933.60, 10
and 4933.63 of the Revised Code be enacted to read as follows: 11

Sec. 4905.02. (A) As used in this chapter, "public 12
utility" includes every corporation, company, copartnership, 13
person, or association, the lessees, trustees, or receivers of 14
the foregoing, defined in section 4905.03 of the Revised Code, 15
including any public utility that operates its utility not for 16
profit, except the following: 17

(1) An electric light company that operates its utility 18
not for profit; 19

(2) A public utility, other than a telephone company, that 20
is owned and operated exclusively by and solely for the 21
utility's customers, including any consumer or group of 22
consumers purchasing, delivering, storing, or transporting, or 23
seeking to purchase, deliver, store, or transport, natural gas 24
exclusively by and solely for the consumer's or consumers' own 25
intended use as the end user or end users and not for profit; 26

(3) A public utility that is owned or operated by any 27
municipal corporation; 28

(4) A railroad as defined in sections 4907.02 and 4907.03 29
of the Revised Code; 30

(5) Any provider, including a telephone company, with 31
respect to its provision of any of the following: 32

(a) Advanced services as defined in 47 C.F.R. 51.5; 33

(b) Broadband service, however defined or classified by 34
the federal communications commission; 35

(c) Information service as defined in the 36
"Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 37
153(20); 38

(d) Subject to division (A) of section 4927.03 of the 39
Revised Code, internet protocol-enabled services as defined in 40
section 4927.01 of the Revised Code; 41

(e) Subject to division (A) of section 4927.03 of the 42
Revised Code, any telecommunications service as defined in 43
section 4927.01 of the Revised Code to which both of the 44
following apply: 45

(i) The service was not commercially available on 46
September 13, 2010, the effective date of the amendment of this 47

section by S.B. 162 of the 128th general assembly. 48

(ii) The service employs technology that became available 49
for commercial use only after September 13, 2010, the effective 50
date of the amendment of this section by S.B. 162 of the 128th 51
general assembly. 52

(6) (a) A person, business, or other entity that, either on 53
its own behalf or under a contract with a property owner, 54
provides, constructs, or installs for customers behind-the-meter 55
utility service; 56

(b) As used in this division, "behind-the-meter utility 57
service" means any of the following, if provided, constructed, 58
or installed at a point after services provided by a public 59
utility are delivered to the public utility's metered points of 60
delivery at the customers' locations: 61

(i) Service or benefit from an advanced energy resource as 62
defined in section 4928.01 of the Revised Code; 63

(ii) Electric service; 64

(iii) Billing service for services described in divisions 65
(A) (6) (b) (i) and (ii) of this section; 66

(iv) Electric vehicle charging; 67

(v) Resale of electricity to a tenant's dwelling unit by a 68
landlord or the landlord's agent that is based on metered 69
consumption; 70

(7) Billing service for the resale of natural gas or water 71
service to a tenant's dwelling unit by a landlord or the 72
landlord's agent that is based on metered consumption and that 73
is delivered at a point after natural gas or water service is 74
delivered to the public utility's metered point of delivery for 75

that service at that location. 76

(B) (1) "Public utility" includes a for-hire motor carrier 77
even if the carrier is operated in connection with an entity 78
described in division (A) (1), (2), (4), or (5) of this section. 79

(2) Division (A) of this section shall not be construed to 80
relieve a private motor carrier, operated in connection with an 81
entity described in division (A) (1), (2), (4), or (5) of this 82
section, from compliance with either of the following: 83

(a) Chapter 4923. of the Revised Code; 84

(b) Rules governing unified carrier registration adopted 85
under section 4921.11 of the Revised Code. 86

(C) As used in divisions (A) (6) and (7) of this section, 87
"dwelling unit," "landlord," and "tenant" have the same meanings 88
as in section 5321.01 of the Revised Code. 89

Sec. 4933.51. As used in sections 4933.51 to 4933.63 of 90
the Revised Code: 91

"Behind-the-meter utility service" has the same meaning as 92
in section 4905.02 of the Revised Code. 93

"Behind-the-meter utility service provider" means a 94
person, business, or other entity that, either on its own behalf 95
or under a contract with a property owner, provides, constructs, 96
or installs for customers behind-the-meter utility service. 97

"Dwelling unit" and "tenant" have the same meanings as in 98
section 5321.01 of the Revised Code. 99

"Electric light company" has the same meaning as in 100
section 4905.03 of the Revised Code. 101

Sec. 4933.52. (A) As used in this section, "public 102

utility" is an electric light company, natural gas company, or 103
water-works company as defined in section 4905.03 of the Revised 104
Code that is a public utility as defined in section 4905.02 of 105
the Revised Code. 106

(B) Except for reasons of safety or reliability, the 107
public utilities commission shall not adopt any rule that 108
permits a public utility to set the location of, or refuse to 109
relocate, any of its meters so that the meter's location 110
prevents either of the following: 111

(1) A behind-the-meter utility service provider from 112
providing, constructing, or installing behind-the-meter utility 113
service at a point after the public utility service is delivered 114
to the public utility's metered point of delivery at that 115
location; 116

(2) A billing service described in division (A) (7) of 117
section 4905.02 of the Revised Code from providing the billing 118
service for natural gas or water service at a point after 119
natural gas or water service is delivered to the public 120
utility's metered point of delivery for that service at that 121
location. 122

(C) Except for reasons of safety or reliability, no public 123
utility shall set the location of, or refuse to relocate, any of 124
its meters so that the meter's location prevents either of the 125
following: 126

(1) A behind-the-meter utility service provider from 127
providing, constructing, or installing behind-the-meter utility 128
service at a point after the public utility service is delivered 129
to the public utility's metered point of delivery at that 130
location; 131

(2) A billing service described in division (A) (7) of 132
section 4905.02 of the Revised Code from providing the billing 133
service for natural gas or water service at a point after 134
natural gas or water service is delivered to the public 135
utility's metered point of delivery for that service at that 136
location. 137

Sec. 4933.54. No behind-the-meter utility service provider 138
that resells electricity to a tenant based on metered 139
consumption at the tenant's dwelling unit may charge the tenant 140
more than the bill for the standard service offer and all riders 141
that the electric light company, in whose certified territory 142
the dwelling unit is located, would charge its residential 143
customers for electric service. 144

Sec. 4933.56. (A) The public utilities commission may 145
adopt rules requiring the biennial registration of some or all 146
types of behind-the-meter utility service providers in the 147
state. The registration process shall require the behind-the- 148
meter utility service provider to disclose the provider's name, 149
business address, phone number, regulatory contact, and the type 150
of services offered by the provider. The rules for the 151
registration process also shall include other disclosure 152
requirements as prescribed by the commission. 153

(B) Rules establishing registration requirements under 154
this section, including any requirements regarding 155
classifications, procedures, terms, and conditions, shall be 156
reasonable and shall not confer any undue economic, competitive, 157
or market advantage or preference upon any electric light 158
company, behind-the-meter utility service provider, or 159
competitive retail electric service provider. 160

(C) The commission may charge behind-the-meter utility 161

service providers a registration processing fee of not more than 162
two hundred dollars per biennial registration. 163

(D) Notwithstanding any provision of section 121.95 of the 164
Revised Code to the contrary, a regulatory restriction contained 165
in rules adopted under sections 4933.51 to 4933.63 of the 166
Revised Code is not subject to sections 121.95 to 121.953 of the 167
Revised Code. 168

Sec. 4933.57. No behind-the-meter utility service provider 169
shall provide a behind-the-meter utility service to a consumer 170
in this state without first being registered with the public 171
utilities commission, if registration is required by rules 172
adopted by the commission under section 4933.56 of the Revised 173
Code. 174

Sec. 4933.59. If the public utilities commission 175
establishes a registration process and requirements under 176
section 4933.56 of the Revised Code, the commission may require 177
a behind-the-meter utility service provider that resells 178
electricity to a tenant based on metered consumption for the 179
tenant's dwelling unit to do the following: 180

(A) Provide a separate disclosure to its tenants and 181
reporting of pricing solely for purposes of compliance with the 182
pricing requirement for resale of electricity under section 183
4933.54 of the Revised Code; 184

(B) Disclose its process and procedures for the 185
disconnection of electric service. 186

Sec. 4933.60. (A) Any person, firm, or corporation, or the 187
public utilities commission upon its initiative, may file a 188
written complaint against any behind-the-meter utility service 189
provider for a failure to comply with, or a violation of, 190

registration requirements under sections 4933.56 to 4933.59 of 191
the Revised Code or the pricing requirement for resale of 192
electricity under section 4933.54 of the Revised Code. 193

If it appears that reasonable grounds for complaint are 194
stated, the commission shall provide notice of probable 195
noncompliance to the behind-the-meter utility service provider 196
and grant the provider sixty days to cure the noncompliance. If 197
such noncompliance is not cured during the sixty-day cure 198
period, the commission may open an investigation of the 199
provider's compliance with the registration requirements under 200
sections 4933.56 to 4933.59 of the Revised Code or the pricing 201
requirement for resale of electricity under section 4933.54 of 202
the Revised Code. 203

(B) The parties to a complaint investigation under this 204
section shall be entitled to be heard, represented by counsel, 205
and to have a process to enforce the attendance of witnesses. 206

Sec. 4933.63. Any behind-the-meter utility service 207
provider that violates or fails to comply with the registration 208
requirements under sections 4933.56 to 4933.59 of the Revised 209
Code or the pricing requirement for resale of electricity under 210
section 4933.54 of the Revised Code is liable to the state for a 211
forfeiture of not more than one hundred dollars for each 212
violation or compliance failure unless the violation or failure 213
is cured within sixty days after receipt of the notice required 214
under this section. 215

The public utilities commission, after providing 216
reasonable notice and the opportunity for a hearing, shall issue 217
an order assessing a forfeiture upon a behind-the-meter utility 218
service provider whom the commission determines, by a 219
preponderance of the evidence, committed the violation or failed 220

to comply. Forfeitures shall be recovered by action prosecuted 221
in the name of the state and may be brought in the court of 222
common pleas of any county in which the provider who committed 223
the violation or failed to comply is located. The action shall 224
be commenced and prosecuted by the attorney general when 225
directed by the public utilities commission. All forfeitures are 226
cumulative, and an action for recovery of one does not bar the 227
recovery of another. Forfeitures collected under this section 228
shall be credited to the general revenue fund. 229

Section 2. That existing section 4905.02 of the Revised 230
Code is hereby repealed. 231