

As Introduced

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

S. B. No. 231

Senators Romanchuk, Smith

To amend section 4928.02 and to enact sections 1
1.66, 519.216, 4934.01, 4934.011, 4934.04, 2
4934.05, 4934.06, 4934.07, 4934.071, 4934.072, 3
4934.08, 4934.09, 4934.10, 4934.11, 4934.12, 4
4934.13, 4934.14, 4934.15, 4934.16, 4934.17, 5
4934.18, 4934.20, 4934.21, 4934.23, 4934.25, 6
4934.26, 4934.27, 4934.35, 4934.36, 4934.37, and 7
4934.38 of the Revised Code to establish the 8
community energy program and pilot program and 9
to define electricity measurement in alternating 10
current. 11

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

Section 1. That section 4928.02 be amended and sections 12
1.66, 519.216, 4934.01, 4934.011, 4934.04, 4934.05, 4934.06, 13
4934.07, 4934.071, 4934.072, 4934.08, 4934.09, 4934.10, 4934.11, 14
4934.12, 4934.13, 4934.14, 4934.15, 4934.16, 4934.17, 4934.18, 15
4934.20, 4934.21, 4934.23, 4934.25, 4934.26, 4934.27, 4934.35, 16
4934.36, 4934.37, and 4934.38 of the Revised Code be enacted to 17
read as follows: 18

Sec. 1.66. As used in the Revised Code, unless the 19
context requires otherwise, all measures of electricity 20
described in watts, kilowatts, megawatts, or any derivative 21

thereof means such electricity expressed in alternating current. 22

Sec. 519.216. (A) As used in this section, "community energy facility" has the same meaning as in section 4934.01 of the Revised Code. 23
24
25

(B) Not later than ninety days after the public meeting regarding the construction and operation of a community energy facility is held pursuant to section 4934.16 of the Revised Code, or rules adopted under division (B)(1)(b) of section 4934.15 of the Revised Code regarding a modified facility proposal, the board of township trustees may adopt a resolution that does either of the following: 26
27
28
29
30
31
32

(1) Prohibits the construction of the facility; 33

(2) Limits the boundaries of the proposed facility to a smaller geographic area of the township, completely within what was proposed by the person proposing to construct and operate the facility. 34
35
36
37

(C) If no resolution is adopted within the time required under this section, or rules adopted under division (B)(1)(b) of section 4934.15 of the Revised Code regarding a modified facility proposal, construction of the facility may commence. 38
39
40
41

(D) No resolution adopted under this section prevents a person from filing another proposal for consideration by the board of township trustees at a later date. 42
43
44

Sec. 4928.02. It is the policy of this state to do the following throughout this state: 45
46

(A) Ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service; 47
48
49

(B) Ensure the availability of unbundled and comparable retail electric service that provides consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs;

(C) Ensure diversity of electricity supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers and by encouraging the development of distributed and small generation facilities;

(D) Encourage innovation and market access for cost-effective supply- and demand-side retail electric service including, but not limited to, demand-side management, time-differentiated pricing, waste energy recovery systems, smart grid programs, and implementation of advanced metering infrastructure;

(E) Encourage cost-effective and efficient access to information regarding the operation of the transmission and distribution systems of electric utilities in order to promote both effective customer choice of retail electric service and the development of performance standards and targets for service quality for all consumers, including annual achievement reports written in plain language;

(F) Ensure that an electric utility's transmission and distribution systems are available to a customer-generator or owner of distributed generation, so that the customer-generator or owner can market and deliver the electricity it produces;

(G) Recognize the continuing emergence of competitive electricity markets through the development and implementation of flexible regulatory treatment;

(H) Ensure effective competition in the provision of

retail electric service by avoiding anticompetitive subsidies	79
flowing from a noncompetitive retail electric service to a	80
competitive retail electric service or to a product or service	81
other than retail electric service, and vice versa, including by	82
prohibiting the recovery of any generation-related costs through	83
distribution or transmission rates;	84
(I) Ensure retail electric service consumers protection	85
against unreasonable sales practices, market deficiencies, and	86
market power;	87
(J) Provide coherent, transparent means of giving	88
appropriate incentives to technologies that can adapt	89
successfully to potential environmental mandates;	90
(K) Encourage implementation of distributed generation	91
across customer classes through regular review and updating of	92
administrative rules governing critical issues such as, but not	93
limited to, interconnection standards, standby charges, and net	94
metering;	95
(L) Protect at-risk populations, including, but not	96
limited to, when considering the implementation of any new	97
advanced energy or renewable energy resource;	98
(M) Encourage the education of small business owners in	99
this state regarding the use of, and encourage the use of,	100
energy efficiency programs and alternative energy resources in	101
their businesses;	102
(N) Facilitate the state's effectiveness in the global	103
economy.	104
(O) Encourage cost-effective, timely, and efficient access	105
to and sharing of customer usage data with customers and	106
competitive suppliers to promote customer choice and grid	107

modernization. 108

(P) Ensure that a customer's data is provided in a 109
standard format and provided to third parties in as close to 110
real time as is economically justifiable in order to spur 111
economic investment and improve the energy options of individual 112
customers. 113

(Q) Encourage the development of community energy 114
facilities, as defined in section 4934.01 of the Revised Code, 115
for the benefit of customers in this state and to facilitate 116
participation by customers with the facilities. 117

(R) Establish a community energy pilot program, pursuant 118
to sections 4934.04 to 4934.17 and 4934.25 to 4934.27 of the 119
Revised Code. 120

(S) Establish program evaluations and consumer protections 121
ensuring community energy subscribers are effectively and 122
equitably receiving guaranteed savings, as defined in section 123
4934.01 of the Revised Code, from participating in the community 124
energy pilot program. 125

In carrying out this policy, the commission shall consider 126
rules as they apply to the costs of electric distribution 127
infrastructure, including, but not limited to, line extensions, 128
for the purpose of development in this state. 129

Sec. 4934.01. As used in this chapter: 130

(A) "Bill credit" means the monetary value approved or 131
revised under section 4934.08 or 4934.09 of the Revised Code by 132
the public utilities commission for each kilowatt hour of 133
electricity generated by a community energy facility. 134

(B) "Certified territory," "electric distribution 135

<u>utility," and "energy storage" have the same meanings as in</u>	136
<u>section 4928.01 of the Revised Code.</u>	137
<u>(C) "Commercial or public sector rooftop" means either of</u>	138
<u>the following that is located within an electric distribution</u>	139
<u>utility's certified territory:</u>	140
<u>(1) The roof of a building located on commercial real</u>	141
<u>estate as defined in section 1311.85 of the Revised Code;</u>	142
<u>(2) Any property owned by a public authority as defined in</u>	143
<u>section 1311.25 of the Revised Code.</u>	144
<u>(D) "Community energy facility" means a single facility</u>	145
<u>that does the following:</u>	146
<u>(1) Generates electricity by means of a solar photovoltaic</u>	147
<u>device or uses as its fuel either solar, wind, biomass, landfill</u>	148
<u>gas, or hydroelectric power, or uses a microturbine, natural</u>	149
<u>gas-fired generator, energy storage system, or a fuel cell;</u>	150
<u>(2) Meets all of the following requirements:</u>	151
<u>(a) The facility is located in this state and is directly</u>	152
<u>connected to an electric distribution utility's distribution</u>	153
<u>system.</u>	154
<u>(b) The facility has at least three subscribers.</u>	155
<u>(c) The facility is located on one parcel of land and,</u>	156
<u>except as provided in section 4934.011 of the Revised Code,</u>	157
<u>there is no community energy facility on the same or a</u>	158
<u>contiguous parcel that is developed, owned, or operated by the</u>	159
<u>same entity, affiliated entity, or entity under common control.</u>	160
<u>(d) No subscriber holds more than a forty per cent</u>	161
<u>proportional interest in the output of the system, which shall</u>	162

be measured as the sum total of all meters on the subscriber's 163
property. 164

(e) Not less than sixty per cent of the facility capacity 165
shall be subscribed by subscriptions of forty kilowatts or less 166
based on the average annual demand for the prior twelve-month 167
period. For purposes of this division, a multi-unit building 168
served by a single meter shall be considered a single customer 169
provided the average usage, based on the number of units, is 170
forty kilowatts or less. 171

(f) The facility has a nameplate capacity of ten or less 172
megawatts, or twenty or less megawatts if the facility is on a 173
distressed site or one or more commercial or public sector 174
rooftops, as measured at the point of interconnection. 175

(g) The facility is not under the control of an electric 176
distribution utility, but may be under the control of an 177
affiliate of the utility. 178

(3) (a) If the facility uses either an energy storage 179
system or natural gas-fired generator, then the energy storage 180
system or generator is not sized so as to exceed the size of any 181
co-located facility using solar, wind, biomass, landfill gas, or 182
hydroelectric power as its fuel. 183

(b) If the system uses both an energy storage system and 184
natural gas-fired generator, then the combined nameplate 185
capacity of the storage system and generator is not sized so as 186
to exceed the size of any co-located facility using solar, wind, 187
biomass, landfill gas, or hydroelectric power as its fuel. 188

(E) "Community energy organization" means a for-profit or 189
nonprofit entity that operates one or more community energy 190
facilities. 191

<u>(F) "Distressed site" means a site made up of one or more</u>	192
<u>parcels of land, located within an electric distribution</u>	193
<u>utility's certified territory where the majority of the acreage</u>	194
<u>is at least one or more of the following:</u>	195
<u>(1) A brownfield as defined in section 122.6511 of the</u>	196
<u>Revised Code;</u>	197
<u>(2) A parcel that is within an area where an investor may</u>	198
<u>receive a new markets tax credit under section 45D of the</u>	199
<u>Internal Revenue Code;</u>	200
<u>(3) A solid waste facility licensed by the environmental</u>	201
<u>protection agency under section 3734.02 of the Revised Code;</u>	202
<u>(4) A parcel of land that is described by division (b) (11)</u>	203
<u>(B) (iii) of section 45 of the Internal Revenue Code;</u>	204
<u>(5) Land or structure owned by a metropolitan housing</u>	205
<u>authority, as described in section 3735.27 of the Revised Code;</u>	206
<u>(6) Land owned by a county land reutilization corporation</u>	207
<u>as defined in section 1724.01 of the Revised Code.</u>	208
<u>(G) "Guaranteed savings" means the realized savings by the</u>	209
<u>subscriber as the difference between the cost of a subscription</u>	210
<u>to a community energy facility and the bill credit received for</u>	211
<u>the generation attributed to the subscription.</u>	212
<u>(H) "Large industrial customer" means any manufacturer</u>	213
<u>that uses electricity primarily in a process involving a change</u>	214
<u>of raw or unfinished materials into another form or product, and</u>	215
<u>that takes service from an electric distribution utility at</u>	216
<u>primary voltage, subtransmission voltage, or transmission</u>	217
<u>voltage.</u>	218
<u>(I) "Net crediting" means a program offered by an electric</u>	219

<u>distribution utility under which the electric utility does the</u>	220
<u>following:</u>	221
<u>(1) Issues a customer, who is a subscriber, a consolidated</u>	222
<u>electric bill that includes on the customer's monthly bill the</u>	223
<u>electric utility charges for electric service, the community</u>	224
<u>energy subscription charge, and any bill credit;</u>	225
<u>(2) Remits the customer's subscription fee to the owner or</u>	226
<u>operator of the community energy organization to which the</u>	227
<u>customer subscribes.</u>	228
<u>(J) "Non-ministerial permit" means all necessary and</u>	229
<u>discretionary governmental permits and approvals to construct a</u>	230
<u>community energy facility notwithstanding any pending legal</u>	231
<u>challenge to one or more permits or approvals.</u>	232
<u>(K) "Subscriber" means any retail electric customer who</u>	233
<u>meets all of the following:</u>	234
<u>(1) The customer has a single unique tax identification</u>	235
<u>number;</u>	236
<u>(2) The customer has an electric meter on the customer's</u>	237
<u>property;</u>	238
<u>(3) The customer resides within the certified territory of</u>	239
<u>an electric distribution utility;</u>	240
<u>(4) The customer contracts for a subscription from a</u>	241
<u>community energy facility located in the same certified</u>	242
<u>territory as the customer;</u>	243
<u>(5) The customer resides in the same, or a contiguous,</u>	244
<u>county where the facility is located;</u>	245
<u>(6) The customer is not a large industrial customer.</u>	246

(L) "Subscription" means the right to obtain from a 247
community energy organization an allocation of bill credits for 248
electricity generated by a community energy facility. 249

(M) "Unsubscribed electricity" means any electricity 250
generated by a community energy facility that is not 251
attributable to a subscription. 252

(N) "Value stack" means distributed generation 253
compensation calculated under section 4934.09 of the Revised 254
Code that recognizes the benefits that community energy 255
facilities bring to the electrical grid, including all of the 256
following: 257

(1) Avoided costs for generation, capacity, and 258
transmission; 259

(2) Deferred transmission distribution investments; 260

(3) Avoided line loss; 261

(4) Increased resiliency; 262

(5) Other benefits associated with locally produced 263
electricity. 264

Sec. 4934.011. A community energy facility may be placed 265
on the same parcel or a contiguous parcel of land as a community 266
energy facility that is developed, owned, or operated by the 267
same entity, affiliated entity, or entity under common control 268
if at least one of the following is met: 269

(A) The parcel or parcels of land are a distressed site or 270
the facility is on one or more commercial or public sector 271
rooftops, and the total capacity of all community energy 272
facilities on the parcel or parcels does not exceed twenty 273
megawatts. 274

<u>(B) All of the following are satisfied:</u>	275
<u>(1) The community energy facility is to be located on a</u>	276
<u>parcel of land, or multiple parcels of land, that were created</u>	277
<u>prior to the effective date of this section.</u>	278
<u>(2) The total capacity of all community energy facilities</u>	279
<u>on the parcel or parcels of land does not exceed ten megawatts.</u>	280
<u>(3) Each community energy facility has its own distinct</u>	281
<u>point of interconnection with the serving electric distribution</u>	282
<u>utility, including separate and distinct metering and the</u>	283
<u>ability to be directly connected to or disconnected from the</u>	284
<u>utility.</u>	285
<u>(4) The generation components of each community energy</u>	286
<u>facility are separate, including separate fencing, and not</u>	287
<u>connected with neighboring facilities other than by the</u>	288
<u>utility's distribution system.</u>	289
<u>(5) Each community energy facility shares only non-</u>	290
<u>operational infrastructure, including access roads, utility</u>	291
<u>poles, and other features necessary to provide utility and</u>	292
<u>physical access to each facility.</u>	293
<u>Sec. 4934.04.</u> <u>The public utilities commission shall</u>	294
<u>establish a community energy pilot program, as described in</u>	295
<u>sections 4934.05 to 4934.16 and 4934.25 to 4934.27 of the</u>	296
<u>Revised Code, consisting of one thousand five hundred megawatts</u>	297
<u>to be implemented throughout this state.</u>	298
<u>Sec. 4934.05.</u> <u>(A) The public utilities commission shall</u>	299
<u>annually certify two hundred fifty megawatts of community energy</u>	300
<u>facilities, based on nameplate capacity, until one thousand</u>	301
<u>megawatts from such facilities are certified.</u>	302

(B) All megawatts certified pursuant to this section shall 303
be allocated proportionally based on the size of each utility's 304
retail electric sales published by the energy information 305
administration. 306

(C) Any uncertified megawatts for a year carry over to the 307
subsequent year until all available megawatts are certified. 308

(D) All megawatts certified pursuant to this section shall 309
be certified in the order that the certification applications 310
were received. 311

(E) If applications for certification exceed the total 312
capacity available for the year, then the applications shall be 313
placed on a wait list as determined by the commission. Once 314
certification of one thousand megawatts for community energy 315
facilities has occurred, the wait list shall be eliminated. 316

(F) The commission shall ensure that certification under 317
this section is separate from a certification process required 318
under sections 4928.64 to 4928.645 of the Revised Code, or any 319
related rules in the Ohio Administrative Code. 320

Sec. 4934.06. (A) The public utilities commission shall 321
certify five hundred megawatts of community energy facilities, 322
in addition to the megawatts certified under section 4934.05 of 323
the Revised Code, which shall be reserved for community energy 324
facilities constructed exclusively on distressed sites or one or 325
more commercial or public sector rooftops. 326

(B) The commission shall ensure that certification under 327
this section is separate from a certification process required 328
under sections 4928.64 to 4928.645 of the Revised Code, or any 329
related rules in the Administrative Code. 330

(C) After all megawatts are certified pursuant to this 331

section, a community energy facility on a distressed site or a 332
commercial or public sector rooftop may be certified from the 333
megawatts allocated under section 4934.05 of the Revised Code. 334

Sec. 4934.07. (A) An electric distribution utility with a 335
community energy facility in its certified territory shall 336
allocate bill credits for all electricity generated by the 337
facility that is attributable to a subscription. 338

(B) (1) A community energy organization may account for 339
unsubscribed electricity on a monthly basis and accumulate bill 340
credits for the unsubscribed electricity for a period of up to 341
twelve months after it was generated. 342

(2) Bill credits for unsubscribed electricity accumulated 343
under division (B) (1) of this section shall be allocated to 344
future subscribers at the direction of the community energy 345
organization. 346

(C) At least once annually, a community energy 347
organization shall furnish to the electric distribution utility 348
in whose certified territory the community energy facility is 349
located an allocation for distribution of bill credits to 350
subscribers for unsubscribed electricity. 351

(D) A community energy organization shall forfeit, to the 352
electric distribution utility in whose certified territory the 353
community energy facility is located, any bill credits for 354
unsubscribed electricity that are not allocated pursuant to 355
division (B) of this section. 356

Sec. 4934.071. (A) As used in this section: 357

(1) "Regional governmental aggregator" means a regional 358
council of governments established under Chapter 167. of the 359
Revised Code with members in at least seventeen counties that is 360

also a governmental aggregator under section 4928.20 of the 361
Revised Code. 362

(2) "Renewable attributes" means any of the following that 363
are attributable to a community energy facility or the 364
electricity generated by a facility provided by the federal or 365
state government or any other legislative authority of a 366
political subdivision in the state: 367

(a) Any credits, certificates, benefits, or offsets and 368
allowances computed on the basis of a community energy 369
facility's displacement of fossil fuel-derived, or other 370
conventional, electric generation; 371

(b) Any renewable energy credits or any other 372
environmental certificates issued or administered in connection 373
with electricity generated from a community energy facility; 374

(c) Any voluntary emission reduction credits obtained, or 375
obtainable, in connection with the electric generation from a 376
community energy facility. 377

(B) A regional governmental aggregator may purchase any 378
amount of renewable attributes from a community energy facility. 379

Sec. 4934.072. A large industrial customer shall not 380
participate in the community energy pilot program or be charged, 381
directly or indirectly, for any costs related to the community 382
energy pilot program. 383

Sec. 4934.08. (A) As used in this section, "retail rate" 384
means all costs of providing generation service, transmission 385
service, and distribution service that may be charged by an 386
electric distribution utility. 387

(B) A subscriber to a community energy facility shall be 388

eligible for a bill credit from the subscriber's electric 389
distribution utility for the proportional output of a community 390
energy facility attributable to the subscriber. 391

(C) The public utilities commission shall establish the 392
bill credit for each subscriber, subject to divisions (D) and 393
(E) of this section, that is equal to the utility's retail rate 394
on a per-customer class basis, minus only the utility's base 395
charge for distribution service approved under Chapter 4909. of 396
the Revised Code and the utility's distribution riders or other 397
distribution charges approved under Chapter 4928. of the Revised 398
Code. 399

(D) When determining the bill credit for each utility, the 400
commission shall ensure that the bill credit is set at a 401
reasonably compensatory level to create a financeable community 402
energy market. 403

(E) When determining the bill credit for each utility, the 404
commission shall consider all of the following: 405

(1) The costs and benefits provided by community energy 406
facilities participating in the community energy pilot program; 407

(2) All proposed rules, fees, and charges; 408

(3) Any other item that the commission determines is 409
necessary. 410

(F) The bill credit initially established under this 411
section shall not be modified unless the commission determines, 412
after the community energy pilot program review under section 413
4934.37 of the Revised Code is completed, that such changes are 414
necessary to adjust for unallocated community energy capacity. 415
Upon making such determination, the bill credit shall be 416
modified pursuant to section 4934.09 of the Revised Code. 417

(G) The utility shall publish new tariffs or update 418
existing tariffs based on the bill credit set under this section 419
not later than nine months after the effective date of this 420
section. 421

Sec. 4934.09. (A) If the public utilities commission 422
determines that a bill credit modification is necessary pursuant 423
to division (F) of section 4934.08 of the Revised Code, the 424
commission shall calculate the value stack for each electric 425
distribution utility and use it to revise the bill credit. 426

(B) The commission shall approve a tariff based on the 427
revised bill credit rate not later than twelve months after the 428
report under section 4934.37 of the Revised Code is submitted. 429

Sec. 4934.10. Any bill credit exceeding a subscriber's 430
monthly bill amount shall carry forward until fully allocated to 431
the subscriber's bill or until the termination of the 432
subscriber's community energy organization subscription. 433

Sec. 4934.11. No subscriber may obtain a subscription for 434
electricity generated by a community energy facility 435
representing more than one hundred per cent of the subscriber's 436
average annual electricity usage. 437

Sec. 4934.12. A subscription shall be considered one of 438
the following: 439

(A) A consumer transaction subject to Chapter 1345. of the 440
Revised Code regarding the enrollment of residential subscribers 441
to obtain an allocation of bill credits; 442

(B) Goods subject to Chapter 1302. of the Revised Code 443
regarding the enrollment of nonresidential subscribers to obtain 444
an allocation of bill credits. 445

Sec. 4934.13. An electric distribution utility shall 446
interconnect a community energy facility that is in that 447
utility's certified territory to its distribution system within 448
a reasonable time after the facility is constructed and shall 449
ensure such interconnections are made efficiently, safely, and 450
in compliance with any applicable federal and state regulations 451
and standards. 452

Sec. 4934.14. An electric distribution utility shall not 453
discriminate against community energy facilities or their 454
subscribers, which includes adding extraordinary fees and 455
charges not applied to similar facilities. 456

Sec. 4934.15. (A) No person shall commence construction of 457
a community energy facility in a township unless both of the 458
following apply: 459

(1) The person holds a public meeting as described in 460
section 4934.16 of the Revised Code. 461

(2) The board of township trustees where the facility is 462
proposed to be located fails to adopt a resolution under section 463
519.216 of the Revised Code. 464

(B) The public utilities commission shall adopt rules to 465
implement this section and section 4934.16 of the Revised Code, 466
including rules that provide for the decertification of the 467
megawatts for a community energy facility if the board of 468
township trustees in the township in which the facility is to be 469
located adopts a resolution under section 519.216 of the Revised 470
Code. The rules shall also provide for the following regarding 471
those decertified megawatts: 472

(1) (a) In the case of a resolution adopted under division 473
(B) (1) of section 519.216 of the Revised Code, certification of 474

those megawatts for the next community energy facility on the 475
wait list, if any, pursuant to division (E) of section 4934.05 476
of the Revised Code; 477

(b) In the case of a resolution adopted under division (B) 478
(2) of section 519.216 of the Revised Code, requirements and 479
procedures for recertification of some or all of the decertified 480
megawatts for the community energy facility subject to the 481
resolution if the facility proposal is modified to meet the 482
limitations of the resolution. The requirements and procedures 483
shall be consistent with the requirements of division (A) of 484
this section and sections 519.216 and 4934.16 of the Revised 485
Code. Decertified megawatts not included in the modified 486
proposal shall be certified for the next community energy 487
facility on the wait list, if any, pursuant to division (E) of 488
section 4934.05 of the Revised Code. 489

(2) If a recertified community energy facility under a 490
proposal modified under rules adopted under division (B) (1) (b) 491
of this section is subsequently subjected to a resolution 492
adopted under section 519.216 of the Revised Code, certification 493
of those megawatts for the next community energy facility on the 494
wait list, if any, pursuant to division (E) of section 4934.05 495
of the Revised Code. 496

Sec. 4934.16. (A) A person intending to construct a 497
community energy facility in whole or in part within the 498
boundary of a township shall hold a public meeting in each 499
township where the facility is to be located. 500

(B) The applicant shall provide written notice of the 501
public meeting to the boards of trustees of every township in 502
which the facility will be located. Notice shall be provided at 503
least fourteen days prior to the meeting. 504

(C) At the public meeting, the person intending to 505
construct and operate a community energy facility shall provide 506
the following information to the board of township trustees: 507

(1) The type of fuel source the facility will utilize; 508

(2) The maximum nameplate capacity of the facility; 509

(3) A map of the proposed geographic boundaries of the 510
project within that township. 511

(D) All of the information described in division (C) of 512
this section shall be submitted to the board of township 513
trustees in written form at the public meeting. 514

Sec. 4934.17. (A) An electric distribution utility may 515
establish a net crediting program under which the electric 516
distribution utility shall enter into a net crediting agreement 517
with a community energy organization. The terms of an agreement 518
shall specify that authorization by or on behalf of a subscriber 519
is required before a subscriber may be billed by the electric 520
distribution utility under the program. An agreement also shall 521
specify the terms for payments made by the electric distribution 522
utility to the community energy organization, which terms may 523
include a net crediting fee of not more than one per cent of the 524
subscription fee to be deducted from the electric distribution 525
utility's payment to the community energy organization. 526

(B) Under a net crediting agreement, an electric 527
distribution utility shall do the following: 528

(1) Remit, through an electronic funds transfer, the cash 529
value of the subscriber's subscription fee, less any net 530
crediting fee, to the community energy organization not later 531
than thirty days after the billing period; 532

(2) Issue electric distribution utility customers who are 533
subscribers an itemized monthly bill that includes, in addition 534
to charges described in division (B)(4) of this section, the 535
subscriber's bill credit for the billing period and the 536
subscriber's subscription fee; 537

(3) Process monthly bills for subscribers who participate 538
in low-income customer assistance programs or budget billing 539
programs in the same manner as bills for customers who are not 540
participating in such programs; 541

(4) Bill for all basic electric services, including 542
transmission, distribution, and generation charges, consistent 543
with this section and commission regulations. 544

Sec. 4934.18. An electric distribution utility that enters 545
into a net crediting agreement with a community energy 546
organization shall prioritize payments from a customer who is a 547
subscriber for each billing period according to this section. 548
Past due subscriber fees owed to a community energy organization 549
shall be paid prior to payments to the electric distribution 550
utility for any arrearages on the customer's electric service 551
bill. The electric distribution utility shall not apply a 552
customer's bill credit to a customer's outstanding balance for 553
electric service for the billing period. 554

Sec. 4934.20. A nonresidential customer that subscribes to 555
multiple community energy facilities may participate in the net 556
crediting program only if each facility is included in a net 557
crediting agreement under sections 4934.17 to 4934.23 of the 558
Revised Code. 559

Sec. 4934.21. The minimum service requirements established 560
under section 4928.10 of the Revised Code apply to sections 561

<u>4934.17 to 4934.23 of the Revised Code.</u>	562
<u>Sec. 4934.23. The public utilities commission shall adopt</u>	563
<u>rules to implement net crediting programs authorized under</u>	564
<u>sections 4934.17 to 4934.23 of the Revised Code.</u>	565
<u>Sec. 4934.25. (A) A community energy organization that</u>	566
<u>constructs a community energy facility on a distressed site that</u>	567
<u>is a brownfield, as defined in section 122.6511 of the Revised</u>	568
<u>Code, shall be eligible to receive a grant awarded by the</u>	569
<u>department of development from the brownfield remediation</u>	570
<u>program under section 122.6511 of the Revised Code for costs</u>	571
<u>associated with construction and remediation.</u>	572
<u>(B) The department of development shall promulgate rules</u>	573
<u>for awarding grants described in this section.</u>	574
<u>Sec. 4934.26. (A) The public utilities commission shall</u>	575
<u>convene and facilitate an ongoing stakeholder working group to</u>	576
<u>assist commission staff with effectively and efficiently</u>	577
<u>promulgating rules for the community energy pilot program.</u>	578
<u>(B) The working group shall consist of the following:</u>	579
<u>(1) Electric distribution utilities;</u>	580
<u>(2) Consumer advocates;</u>	581
<u>(3) Community energy industry representatives;</u>	582
<u>(4) Other interested parties.</u>	583
<u>Sec. 4934.27. Not later than six months after the</u>	584
<u>effective date of this section, the public utilities commission,</u>	585
<u>with assistance from the working group established by section</u>	586
<u>4934.26 of the Revised Code shall promulgate rules to implement</u>	587
<u>the community energy program, which shall include rules for the</u>	588

creation and establishment of community energy facilities, and 589
the following: 590

(A) The certification of community energy facilities, 591
which shall include rules for the commission to approve or deny 592
each facility application within ninety days, unless good cause 593
is shown for not meeting the deadline, as determined by the 594
commission; 595

(B) Prohibit removing a subscriber from the subscriber's 596
applicable customer class because of the subscriber's 597
subscription to a community energy facility; 598

(C) Reasonably allow for the transfer and portability of 599
subscriptions, including allowing a subscriber to retain a 600
subscription to a facility if the subscriber moves within the 601
same electric distribution utility's service territory; 602

(D) Modify existing interconnection standards, fees, and 603
processes as needed to facilitate the efficient and cost- 604
effective interconnection of community energy facilities that 605
allow an electric distribution utility to recover reasonable 606
interconnection costs for each facility; 607

(E) Require each electric distribution utility to 608
efficiently connect a community energy facility to its 609
electrical distribution grid and not to discriminate against 610
facilities or subscribers; 611

(F) Provide for consumer protection in accordance with 612
existing laws and regulations, including any protections against 613
disconnection of service; 614

(G) Establish robust consumer protections for subscribers, 615
including at least the following: 616

<u>(1) A standardized customer disclosure form for residential subscribers;</u>	617 618
<u>(2) Prohibiting upfront sign-on fees or credit checks;</u>	619
<u>(3) Preventing early termination charges to any subscriber who unsubscribes.</u>	620 621
<u>(H) Allow an electric distribution utility to recover reasonable costs associated with administering the community energy pilot program;</u>	622 623 624
<u>(I) Ensure that costs associated with the community energy pilot program only be recovered from customer classes participating in the program and that no cross-subsidization of costs between customer classes occurs;</u>	625 626 627 628
<u>(J) Ensure facilities qualifying for the community energy pilot program have a signed interconnection agreement or a system impact study, as determined by the commission, can demonstrate site control, and have received all applicable non-ministerial permits;</u>	629 630 631 632 633
<u>(K) Require each community energy organization to send a notice in a standardized format containing information related to subscriber enrollment to the electric distribution utility that services the area where the organization's community energy facility is sited;</u>	634 635 636 637 638
<u>(L) Not later than nine months after the effective date of this section, require each electric distribution utility to publish new tariffs or update existing tariffs to implement the community energy pilot program;</u>	639 640 641 642
<u>(M) Establish community energy pilot program evaluations and consumer protections to ensure that subscribers are</u>	643 644

effectively and equitably receiving guaranteed savings from 645
participating in the community energy pilot program; 646

(N) Require a community energy organization to be 647
responsible for the decommissioning of a community energy 648
facility pursuant to sections 4934.35 and 4934.36 of the Revised 649
Code. 650

Sec. 4934.35. (A) Not later than eighteen months after a 651
community energy facility has ceased generating electricity, a 652
community energy organization shall commence decommissioning of 653
the facility. 654

(B) The decommissioning described in division (A) of this 655
section shall include the following, to be mutually agreed to in 656
writing by the property owner or owners and the organization: 657

(1) The removal, and potential reuse and recycling, of 658
solar panels and other community energy equipment, and the 659
remediation of the site; 660

(2) The removal of all non-utility-owned equipment, 661
graveled areas, and access roads; 662

(3) The replacement of any topsoil that was removed for 663
the construction of the facility and reseeding of the cleared 664
area. 665

(C) Not more than twenty per cent of the total combined 666
mass of the community energy facility may enter a landfill. 667

Sec. 4934.36. (A) A community energy organization shall 668
maintain sufficient financial assurances, in the form of a bond, 669
through the life of a community energy facility's operation to 670
provide for decommissioning as described in section 4934.35 of 671
the Revised Code. 672

(B) The amount of the bond shall be calculated by a third-party professional engineer obtained by the organization. Every five years from the date of the initial assessment, the bond amount shall be recalculated in the same manner. 673
674
675
676

(C) The board of county commissioners where the project is located shall be the obligee of the bond. 677
678

Sec. 4934.37. (A) The public utilities commission shall conduct reviews of the community energy pilot program forty-eight months after the rules for the program have been promulgated and submit a report to the general assembly with the following information: 679
680
681
682
683

(1) The number and location of operating community energy facilities; 684
685

(2) The amount of nameplate capacity certified; 686

(3) The number of subscribers, how much energy was subscribed to by those subscribers, and the types of customer classes that subscribed; 687
688
689

(4) Whether guaranteed savings were achieved by the subscribers. 690
691

(B) The commission shall promulgate rules to require community energy organizations and electric distribution utilities to provide the commission with a report containing the relevant information described in division (A) of this section. 692
693
694
695

Sec. 4934.38. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under sections 4934.15, 4934.23, 4934.25, 4934.27, and 4934.37 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code. 696
697
698
699
700

Section 2. That existing section 4928.02 of the Revised Code is hereby repealed.

701

702