

As Introduced

**136th General Assembly
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S. B. No. 381

Senator Weinstein

Cosponsors: Senators Craig, DeMora, Blackshear, Smith

To enact sections 4908.01, 4908.02, 4908.021,
4908.022, 4908.023, 4908.03, 4908.031, 4908.032,
4908.033, 4908.034, 4908.04, 4908.041, 4908.042,
4908.05, 4908.051, 4908.052, 4908.053, and
4908.06 of the Revised Code to require the
Public Utility Commission's approval of
agreements to interconnect data centers to the
electrical grid.

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

Section 1. That sections 4908.01, 4908.02, 4908.021,
4908.022, 4908.023, 4908.03, 4908.031, 4908.032, 4908.033,
4908.034, 4908.04, 4908.041, 4908.042, 4908.05, 4908.051,
4908.052, 4908.053, and 4908.06 of the Revised Code be enacted
to read as follows:

Sec. 4908.01. As used in this chapter:

(A) "Commission" means the public utilities commission.

(B) (1) "Data center" means a centralized facility that
meets both of the following:

(a) Is used primarily or exclusively for electronic
information services, such as the management, storage,

processing, and dissemination of electronic data and 20
information, including the mining of cryptocurrency, through the 21
use of computer systems, servers, networking equipment, and 22
related components; 23

(b) Has an aggregate monthly maximum demand of greater 24
than twenty-five thousand kilowatt hours. 25

(2) "Data center" includes facilities that have load that 26
is portable or distributable, including structures that are not 27
affixed to the ground or that are easily removed from a 28
location. 29

(C) "Electric distribution utility" has the same meaning 30
as in section 4928.01 of the Revised Code. 31

(D) "Electric grid" means the interconnected network for 32
delivering electricity to consumers in this state, consisting of 33
electric generation facilities, transmission lines, and 34
distribution systems. 35

(E) "Interconnection service" means the physical 36
connection of a facility to an interconnection service 37
provider's system for the purpose of electrical power transfer. 38

(F) "Interconnection service provider" means an electric 39
distribution utility or an entity that owns or controls 40
transmission facilities in this state. 41

Sec. 4908.02. On and after the effective date of this 42
section, no person shall formally apply for interconnection 43
service with an interconnection service provider for the purpose 44
of powering a data center prior to applying for and receiving 45
interconnection approval from the commission. 46

Sec. 4908.021. The application for interconnection 47

approval shall be in a form prescribed by the commission. 48

Sec. 4908.022. The commission may charge an application 49
fee to applicants for interconnection approval for a data 50
center, as necessary to carry out the requirements of this 51
chapter. 52

Sec. 4908.023. Nothing in this chapter shall be construed 53
as prohibiting a person from engaging in informal, pre- 54
application activities in relation to interconnection service. 55

Sec. 4908.03. The commission, upon receipt of an 56
application for interconnection approval for a data center, 57
shall hire an independent entity to review the application and 58
forecast the impact of the data center's interconnection to the 59
electric grid. 60

Sec. 4908.031. The forecast required under section 4908.03 61
of the Revised Code shall examine and project the data center's 62
impact on all of the following in this state: 63

(A) Electric utility rates; 64

(B) Resiliency; 65

(C) Resource adequacy; 66

(D) Transmission constraints; 67

(E) Risk of forced outages or load shedding during peak 68
conditions; 69

(F) Projected demand versus available capacity over both a 70
five-year and a ten-year period. 71

Sec. 4908.032. (A) Except as provided in division (B) of 72
this section, the person selected to conduct the forecast shall 73
complete the forecast and submit a report of the person's 74

findings not later than two hundred seventy days after the 75
person has been selected to conduct the forecast. 76

(B) A person selected to conduct the forecast may request, 77
and the commission may authorize, an extension of ninety days 78
beyond the deadline imposed in division (A) of this section. 79

Sec. 4908.033. (A) A person hired to conduct the forecast 80
required under section 4908.03 of the Revised Code may use any 81
data made available to the person by the regional transmission 82
organization approved by the federal energy regulatory 83
commission and having the responsibility for maintaining 84
reliability in all or part of this state, including existing 85
forecasts, capacity accreditation, and reliability metrics. 86

(B) (1) A person hired to conduct the forecast may request 87
information from both the applicant and any related 88
interconnection service provider as necessary to properly 89
develop the forecast. 90

(2) (a) An interconnection service provider may provide 91
such information to the forecaster as it feels appropriate to 92
assist the forecaster in developing the forecast. 93

(b) Nothing in this section shall be construed as 94
requiring an interconnection service provider to divulge 95
proprietary or otherwise confidential information. 96

Sec. 4908.034. (A) The full cost of a forecast required 97
under section 4908.03 of the Revised Code shall be borne by the 98
related applicant. 99

(B) The commission shall not approve an application for 100
interconnection until the full cost of the forecast has been 101
paid by the applicant. 102

Sec. 4908.04. (A) Upon receipt of a forecast report 103
required under section 4908.032 of the Revised Code, the 104
commission shall review the report and assess whether or not it 105
is in the public's interest to allow the data center to 106
interconnect to the electric grid. 107

(B) The commission's assessment shall include a 108
determination of whether or not the data center's 109
interconnection will result in a material degradation of the 110
electric grid's reliability or an increase in residential 111
electric utility rates. 112

Sec. 4908.041. Not later than sixty days after receipt of 113
a forecast required under section 4908.03 of the Revised Code, 114
the commission shall do one of the following: 115

(A) If the commission determines the agreement is in the 116
public's best interest, interconnection will not result in a 117
material degradation of the electric grid's reliability, and 118
interconnection will not result in a material increase in 119
residential electrical rates, approve the application for 120
interconnection, in which case the applicant may seek to obtain 121
interconnection with an interconnection service provider; 122

(B) If the commission determines the agreement is not in 123
the public's best interest, interconnection will result in a 124
material degradation of the electric grid's reliability, or 125
interconnection will result in a material increase in 126
residential electrical rates, do either of the following: 127

(1) Deny the application for interconnection, in which 128
case the applicant is prohibited from seeking interconnection 129
with an interconnection service provider; 130

(2) Make a conditional approval of the application for 131

interconnection, in which case the applicant may apply for 132
interconnection with an interconnection service provider in 133
accordance with sections 4908.05 to 4908.053 of the Revised 134
Code. 135

Sec. 4908.042. If the commission issues a conditional 136
approval of an application for interconnection under division 137
(B) (2) of section 4908.041 of the Revised Code, the commission 138
shall issue a determination stating those issues or areas of 139
concern that are to be addressed in an interconnection agreement 140
between the applicant and an interconnection service provider. 141

Sec. 4908.05. An applicant that has received a conditional 142
interconnection approval under division (B) (2) of section 143
4908.041 of the Revised Code and an interconnection service 144
provider shall not ratify or enter into an interconnection 145
agreement prior to submitting the proposed agreement to the 146
commission for review and approval. 147

Sec. 4908.051. The commission shall review each proposed 148
interconnection agreement submitted under section 4908.05 of the 149
Revised Code to determine if the agreement is in the public's 150
best interest, if interconnection will result in a material 151
degradation of the electric grid's reliability, and if 152
interconnection will result in a material increase in 153
residential electrical rates. 154

Sec. 4908.052. (A) If the commission finds that a proposed 155
interconnection agreement submitted to the commission under 156
section 4908.05 of the Revised Code is in the public interest, 157
will not result in a material degradation of the electric grid's 158
reliability, and will not result in a material increase in 159
residential electrical rates, the commission shall approve the 160
agreement, and the associated parties may enter into the 161

agreement. 162

(B) If the commission finds that a proposed 163
interconnection agreement is not in the public interest, will 164
result in a material degradation of the electric grid's 165
reliability, or will result in a material increase in 166
residential electrical rates, the commission shall not approve 167
the proposed agreement and shall issue a determination 168
specifying those ways in which the agreement is opposed to the 169
public interest and instructing the person seeking 170
interconnection service and the interconnection service provider 171
to develop new terms for the agreement. 172

(C) The commission shall not approve an interconnection 173
agreement that does not require the owner of a data center to 174
bear the entire cost of any infrastructure changes necessary to 175
do either of the following: 176

(1) Facilitate the interconnection of the data center to 177
the electric grid; 178

(2) Ensure reliability on the grid after the data center 179
has been interconnected. 180

Sec. 4908.053. If a proposed agreement is not approved 181
under division (B) of section 4908.052 of the Revised Code, the 182
applicant may submit a modified agreement consistent with the 183
commission determination under that section and reapply for 184
interconnection approval pursuant to the requirements of 185
sections 4908.05 to 4908.052 of the Revised Code. An applicant 186
may reapply until either of the following occur: 187

(A) The applicant withdraws the application for 188
interconnection approval. 189

(B) The commission determines that the interconnection 190

agreement in question is in the public interest, will not result 191
in a material degradation of the electric grid's reliability, 192
and will not result in a material increase in residential 193
electrical rates, in which case the commission shall approve the 194
agreement, and the applicant and interconnection service 195
provider may enter into the interconnection agreement. 196

Sec. 4908.06. The commission may adopt rules as necessary 197
to carry out the provisions of this chapter. 198

Section 2. This act shall be entitled and may be cited as 199
the Ohio Power Responsibility and Fairness Act. 200