

As Introduced

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

S. B. No. 457

Senators Romanchuk, Hicks-Hudson

To amend section 4935.04 of the Revised Code to
amend the requirements for long-term forecast
reports and to name the act the Electricity
Forecast Integrity Act.

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

Section 1. That section 4935.04 of the Revised Code be
amended to read as follows:

Sec. 4935.04. (A) As used in this chapter:

(1) "Major utility facility" means:

(a) An electric transmission line and associated
facilities of a design capacity of ~~one hundred twenty-five~~ sixty
kilovolts or more;

(b) A gas or natural gas transmission line and associated
facilities designed for, or capable of, transporting gas or
natural gas at pressures in excess of one hundred twenty-five
pounds per square inch.

"Major utility facility" does not include electric, gas,
or natural gas distributing lines and gas or natural gas
gathering lines and associated facilities as defined by the
public utilities commission; facilities owned or operated by

industrial firms, persons, or institutions that produce or 20
transmit gas or natural gas, or electricity primarily for their 21
own use or as a byproduct of their operations; gas or natural 22
gas transmission lines and associated facilities over which an 23
agency of the United States has certificate jurisdiction; 24
facilities owned or operated by a person furnishing gas or 25
natural gas directly to fifteen thousand or fewer customers 26
within this state. 27

(2) "Person" has the meaning set forth in section 4906.01 28
of the Revised Code. 29

(3) "Advanced transmission technologies" has the same 30
meaning as in section 4906.01 of the Revised Code. 31

(4) "Electric light company" has the same meaning as in 32
section 4905.03 of the Revised Code; 33

(5) "Summer" means the period of time that begins on the 34
first day of June and ends on the thirtieth day of September. 35

(6) "Winter" means the period of time that begins on the 36
first day of December and ends on the thirty-first day of March. 37

(B) Each person owning or operating a gas or natural gas 38
transmission line and associated facilities within this state 39
over which an agency of the United States has certificate 40
jurisdiction shall furnish to the commission a copy of the 41
energy information filed by the person with that agency of the 42
United States. 43

(C) Each person owning or operating a major utility 44
facility within this state, or furnishing gas, natural gas, or 45
electricity directly to more than fifteen thousand customers 46
within this state shall ~~furnish~~ file a report ~~to~~ with the 47
commission for its review and approval. The report shall be 48

~~furnished~~ filed annually, except that for a gas or natural gas 49
company the report shall be ~~furnished~~ filed every three years. 50
The report shall be termed the long-term forecast report and 51
shall contain: 52

(1) A year-by-year, ten-year forecast by rate class of 53
annual energy demand, coincident peak load, coincident peak load 54
for both summer and winter, large load additions, reserves, load 55
factor, and a general description of the resource planning 56
projections to meet ~~demand~~ coincident peak load; 57

(2) A range of projected loads during ~~the~~ each annual 58
period, including high and low scenarios; 59

(3) Actual historical data by rate class for annual energy 60
demand, coincident peak load, coincident peak load for both 61
summer and winter, large load additions, load factor, and 62
reserves that occurred by year for the prior five consecutive 63
years; 64

(4) The date and time of the summer and winter coincident 65
peak loads and coincident peak load by rate class that occurred 66
by year from the prior five consecutive years; 67

(5) A description of major utility facilities planned to 68
be added or taken out of service in the next ten years, 69
including, to the extent the information is available, 70
prospective sites for transmission line locations; 71

~~(4)~~ (6) For gas and natural gas, a projection of 72
anticipated supply, supply prices, and sources of supply over 73
the forecast period; 74

~~(5)~~ (7) A description of proposed changes in the 75
transmission system planned for the next five years; 76

~~(6)~~(8) A month-by-month forecast of both energy demand and 77
peak load for electric ~~utilities~~light companies, and gas sendout 78
for gas and natural gas ~~utilities~~companies, for the next ~~two~~- 79
five years. The report shall describe the major utility 80
facilities that, ~~in the judgment of such person~~, will be 81
required to supply system ~~demands~~coincident peak load during 82
the forecast period. The report from a gas or natural gas 83
~~utility company~~ shall cover the ten- and five-year periods next 84
succeeding the date of the report, and the report from an 85
electric ~~utility~~light company shall cover the twenty-, ten-, 86
and five-year periods next succeeding the date of the report. 87
Each report shall be made available to the public and furnished 88
upon request to municipal corporations and governmental agencies 89
charged with the duty of protecting the environment or of 90
planning land use. The report shall be in such form and shall 91
contain such information as may be prescribed by the commission. 92

Each person not owning or operating a major utility 93
facility within this state and serving fifteen thousand or fewer 94
gas or natural gas, or electric customers within this state 95
shall ~~furnish~~file such information as the commission requires. 96

~~(7)~~(9) For electric transmission, a person shall include 97
an evaluation and report of the potential use of, or investment 98
in, one or more advanced transmission technologies to enable the 99
electric ~~utility~~light company to safely, reliably, efficiently, 100
and cost-effectively meet electric system demand through its 101
major utility facilities. 102

The report shall identify which advanced transmission 103
technologies were considered as a part of the review of the 104
major utility facilities for the next five years. A person shall 105
also include a cost evaluation comparing costs of traditional 106

transmission investments and costs of advanced transmission 107
technologies for the projects considered on the major utility 108
facilities applied individually, together, or in sequence. The 109
report shall also include an advanced transmission technology 110
congestion mitigation study to cost-effectively maximize the 111
delivery of energy resources in the near term that: 112

(a) Identifies locations on the entity's transmission 113
system where congestion has occurred for a total of fifty hours 114
per year or more during the last three years or is likely to 115
occur during the next five years, including due to planned 116
transmission outages or other factors; 117

(b) Estimates the frequency of congestion at each location 118
and the increased cost to ratepayers resulting from the 119
substitution of higher-priced electricity; 120

(c) Evaluates the technical feasibility and estimates the 121
cost of installing one or more advanced transmission 122
technologies to address each instance of grid congestion 123
identified in division ~~(C) (7) (a)~~ (C) (9) (a) of this section and 124
projects the grid-enhancing technology's efficacy in reducing 125
congestion; 126

(d) Analyzes the cost-effectiveness of installing grid- 127
enhancing technologies to address each instance of congestion 128
identified in division ~~(C) (7) (a)~~ (C) (9) (a) of this section by 129
using the information developed in division ~~(C) (7) (e)~~ (C) (9) (c) 130
of this section to calculate the payback period of each 131
installation, using a methodology developed by the commission; 132

(e) Proposes an implementation plan, including a schedule 133
and cost estimate, to install grid-enhancing technologies at 134
each congestion point at which the payback period is less than 135

or equal to a value determined by the commission, in order to 136
maximize transmission system capacity, and explains the entity's 137
current line rating methodology. 138

(10) A report of all electric generation and energy 139
storage interconnection requests within the area served by the 140
transmission system within the state, including all generation 141
and electricity storage types that have requested approval from 142
the power siting board, all community energy projects requesting 143
interconnection to the electric light company, and all behind- 144
the-meter electric generation and storage projects that have 145
requested interconnection with the electric light company. 146

(11) A report of the status of customer interconnection 147
requests for all customers requesting at least fifty megawatts 148
in electric service within the previous five years, which must 149
contain the following: 150

(a) The date of the interconnection request; 151

(b) The requested electrical service expressed in 152
megawatts; 153

(c) If the customer is receiving, or has received, an 154
engineering study, conducted by the electric light company or an 155
electrical transmission company, and if so, then the dates of 156
initiating and completion of the engineering study; 157

(d) If the customer has withdrawn their interconnection 158
request, and if so, the date of the withdrawal; 159

(e) If the customer has signed a letter of agreement, and 160
if so, the date the letter was signed and the requested 161
electrical service in the letter expressed in megawatts; 162

(f) If the customer has a signed electric service 163

agreement, and if so, the date the agreement was signed and the 164
requested electrical service expressed in megawatts; 165

(g) If the customer has energized, and if so, the measured 166
coincident peak power use of the customer for its transmission 167
zone and electric capacity expressed in megawatts. 168

(12) (a) A report of the forecast for large load additions; 169

(b) The report shall include the large load additions 170
forecast and supporting information that the electric light 171
company must submit to a regional transmission organization as 172
part of the regional transmission organization's large load 173
addition process. 174

(D) The commission shall: 175

~~(1) Review~~ (1) (a) For electric light companies, do all of 176
the following: 177

(i) Review and comment cause an investigation to be made 178
by an independent third party of the facts set forth in the 179
long-term forecast reports filed under division (C) of this 180
section and the underlying data; 181

(ii) Require the independent third party to file a written 182
report of investigation on the ~~reports~~ long-term forecast report 183
filed under division (C) of this section, ~~and~~; 184

(iii) Require the independent third party to produce its 185
own long-term forecast report for each electric light company, 186
including a large load addition forecast. 187

(b) The written report of investigation and the long-term 188
forecast required under divisions (D) (1) (a) (ii) and (iii) of 189
this section shall be completed not later than ninety days after 190
the long-term forecast required under division (C) of this 191

section is filed. 192

(c) The commission shall fund the activities of the 193
independent third party through the assessment established by 194
section 4905.10 of the Revised Code and shall make the 195
information contained in the reports readily available to the 196
public and other interested government agencies. 197

~~(2)~~ (2) (a) For gas and natural gas utilities, review and 198
cause an investigation to be made of the facts set forth in the 199
long-term forecast report filed under division (C) of this 200
section. 201

(b) The investigation shall be conducted by an independent 202
third party. The commission shall fund the activities of the 203
independent third party through the assessment established in 204
section 4905.10 of the Revised Code. 205

(c) Within ninety days after a long-term forecast report 206
is filed, a written report of investigation on the long-term 207
forecast report filed under division (C) of this section shall 208
be made and filed with the commission. The commission shall make 209
the information contained in a report readily available to the 210
public and other interested government agencies. 211

(3) Compile and publish each year the general locations of 212
proposed and existing transmission line routes within its 213
jurisdiction as identified in the reports filed under division 214
(C) of this section, identifying the general location of such 215
sites and routes and the approximate year when construction is 216
expected to commence, and to make such information readily 217
available to the public, to each newspaper of daily or weekly 218
circulation within the area affected by the proposed site and 219
route, and to interested federal, state, and local agencies; 220

~~(3)~~(4) Require all objections to any long-term forecast report filed under division (C) of this section or long-term forecast report filed under division (D) (1) (a) (iii) of this section to be made by any interested party within thirty days after the filing of the long-term forecast report filed under division (D) (1) (a) (iii) of this section. 221
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(5) (a) Hold a public hearing upon the showing of good cause to the commission by an interested party on a long-term forecast report filed under division (C) of this section, long-term forecast report filed under division (D) (1) (a) (iii) of this section, and any objections filed under division (D) (4) of this section. 227
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~~If a hearing is held, the~~ (b) The commission shall fix a time for the hearing, which shall be not later than ninety-one hundred eighty days after the long-term forecast report is filed under division (C) of this section, and publish notice of the date, time of day, and location of the hearing in a newspaper of general circulation in each county in which the person furnishing the report has or intends to locate a major utility facility and will provide service during the period covered by the report. The notice shall be published not less than fifteen nor more than thirty days before the hearing and shall state the matters to be considered. 233
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~~(4)~~(6) Require such information from persons subject to its jurisdiction as necessary to assist in the conduct of hearings and any investigation or studies it may undertake; 244
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~~(5)~~(7) Conduct any studies or investigations that are necessary or appropriate to carry out its responsibilities under this section. 247
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(6) <u>(8)</u> Review and evaluate that advanced transmission technologies were properly reported in accordance with division (C) <u>(7)</u> <u>(C)</u> <u>(9)</u> of this section and allow stakeholders to provide comments.	250 251 252 253
(7) <u>(9)</u> Approve advanced transmission technology congestion mitigation implementation plans, including cost recovery.	254 255
(E) (1) The scope of the hearing held under division (D) <u>(3)</u> <u>(D)</u> <u>(5)</u> of this section shall be limited to issues relating to forecasting. The power siting board, the office of consumers' counsel, and all other persons having an interest in the proceedings shall be afforded the opportunity to be heard and to be represented by counsel. The commission may adjourn the hearing from time to time.	256 257 258 259 260 261 262
(2) The hearing shall include, but not be limited to, a review of:	263 264
(a) The projected loads and energy requirements for each year of the period;	265 266
(b) The estimated installed capacity and supplies to meet the projected load requirements;	267 268
<u>(c) The long-term forecast report filed pursuant to division (C) of this section;</u>	269 270
<u>(d) The long-term forecast report filed under division (D) (1) (a) (iii) of this section;</u>	271 272
<u>(e) Objections filed pursuant to division (D) of this section.</u>	273 274
(F) <u>(F)</u> (1) Based upon the <u>long-term forecast</u> report furnished <u>filed pursuant to division (C) of this section, the</u> <u>written report of investigation filed pursuant to division (D)</u>	275 276 277

of this section, and the hearing record, the commission, within 278
ninety days from the close of the record in the hearing, shall 279
 ~~determine~~ select and adopt, from either the long-term forecast 280
report filed under division (C) of this section or the long-term 281
forecast report filed under division (D) (1) (a) (iii) of this 282
section, the long-term forecast report that is just and 283
reasonable and the most accurate, if the selected report does 284
all of the following: 285

~~(1) All~~ (a) Completely and accurately represents all 286
information relating to current activities, facilities 287
agreements, and published energy policies of the state ~~has been~~ 288
~~completely and accurately represented;~~ 289

~~(2) The~~ (b) Bases the load requirements are based on 290
substantially accurate historical information and adequate 291
methodology; 292

~~(3) The~~ (c) Utilizes forecasting methods that consider the 293
relationships between price and energy consumption; 294

~~(4) The report~~ (d) Completely and accurately identifies 295
and projects reductions in energy, energy demands, and 296
coincident peak load due to energy conservation, peak load 297
management programs, interruptible tariffs, demand response, 298
customer-sited energy generation, customer-sited electricity 299
storage measures in the industrial, commercial, residential, 300
transportation, and energy production sectors in the service 301
area, and the energy demand reductions due to electric light 302
company volt-var optimization; 303

~~(5) Utility company~~ (e) Completely and accurately 304
identifies and projects large load additions, including whether 305
additions to energy, demand, and coincident peak load forecasts 306

are based on contractual commitments for electric service with 307
an electric light company for a specified location and whether 308
the large load addition customers are considering other 309
locations for electric load; 310

(f) Includes forecasts of loads and resources that are 311
reasonable in relation to population growth estimates made by 312
state and federal agencies, transportation, and economic 313
development plans and forecasts, and make recommendations where 314
possible for necessary and reasonable alternatives to meet 315
forecasted electric power demand; 316

~~(6) The report~~ (g) Completely and accurately considers 317
plans for expansion of the regional power grid and the planned 318
facilities of other utilities in the state; 319

~~(7) All~~ (h) Includes assumptions made in the forecast 320
long-term forecast that are reasonable and adequately 321
documented. 322

(2) If the commission finds that both the long-term 323
forecast report filed under division (C) and the long-term 324
forecast report filed under division (D) (1) (a) (iii) of this 325
section fail to satisfy one or more items listed under division 326
(F) (1) of this section, the commission shall deny approval of 327
the filed long-term forecast report and cause the utility to 328
refile an amended report that complies with division (F) (1) of 329
this section. If the commission determines that a long-term 330
forecast report is inaccurate and unreasonable for two 331
consecutive years, the commission shall assess forfeitures on 332
the entity filing the long-term forecast report under division 333
(C) of this section. 334

(3) For electric light companies, if the commission finds 335

that the adopted long-term forecast report is just and 336
reasonable and satisfies the items listed under division (F) (1) 337
of this section, the commission shall authorize the electric 338
light company to submit the adopted long-term forecast report to 339
the regional transmission organization, including the submittal 340
of the adopted large load addition report as part of the 341
regional transmission organization's large load addition 342
process. 343

(G) The commission shall adopt rules under section 111.15 344
of the Revised Code to establish criteria for evaluating the 345
long-term forecasts of needs for gas and electric transmission 346
service, to conduct hearings held under this section, to 347
establish reasonable fees to defray the direct cost of the 348
hearings and the review process, and such other rules as are 349
necessary and convenient to implement this section. 350

(H) The hearing record produced under this section and the 351
determinations of the commission shall be introduced into 352
evidence and shall be considered in determining the basis of 353
need for power siting board deliberations under division (A) (1) 354
of section 4906.10 of the Revised Code. The hearing record 355
produced under this section shall be introduced into evidence 356
and shall be considered by the commission in its initiation of 357
~~programs, examinations, and findings under section 4905.70 of~~ 358
~~the Revised Code, and shall be considered in the commission's~~ 359
~~determinations~~ examinations, and findings under section 4905.70 360
of the Revised Code, and shall be considered in the commission's 361
determinations with respect to the establishment of just and 362
reasonable rates under section 4909.15 of the Revised Code and 363
financing utility facilities and authorizing issuance of all 364
securities under sections 4905.40, 4905.401, 4905.41, and 365
4905.42 of the Revised Code. The forecast findings also shall 366

serve as the basis for all other energy planning and development 367
activities of the state government where electric and gas data 368
are required. 369

(I) (1) No court other than the supreme court shall have 370
power to review, suspend, or delay any determination made by the 371
commission under this section, or enjoin, restrain, or interfere 372
with the commission in the performance of official duties. A 373
writ of mandamus shall not be issued against the commission by 374
any court other than the supreme court. 375

(2) A final determination made by the commission shall be 376
reversed, vacated, or modified by the supreme court on appeal, 377
if, upon consideration of the record, such court is of the 378
opinion that such determination was unreasonable or unlawful. 379

The proceeding to obtain such reversal, vacation, or 380
modification shall be by notice of appeal, filed with the 381
commission by any party to the proceeding before it, against the 382
commission, setting forth the determination appealed from and 383
errors complained of. The notice of appeal shall be served, 384
unless waived, upon the commission by leaving a copy at the 385
office of the chairperson of the commission at Columbus. The 386
court may permit an interested party to intervene by cross- 387
appeal. 388

(3) No proceeding to reverse, vacate, or modify a 389
determination of the commission is commenced unless the notice 390
of appeal is filed within sixty days after the date of the 391
determination. 392

Section 2. That existing section 4935.04 of the Revised 393
Code is hereby repealed. 394

Section 3. Section 4935.04 of the Revised Code, as amended 395

by this act, shall be known as the Electricity Forecast
Integrity Act.

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