



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

Substitute Bill Comparative Synopsis

Sub. H.B. 317

134th General Assembly

House Public Utilities

Kathleen A. Luikart, Research Analyst

R-134-2171

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134_1936)
PUCO rehearing deadline	
No provision.	Except during a state of emergency declared by the Governor, requires the Public Utilities Commission (PUCO) to render a final decision not later than 180 days after granting a rehearing under the law regarding procedures for applying for and granting rehearings to parties to a proceeding after PUCO issues an order (<i>R.C. 4903.101</i>).

Previous Version (As Introduced)	Latest Version (I_134_1936)
Refund of improper utility charges	
No provision.	<p>Notwithstanding current law in R.C. 4905.32 that prohibits utility refunds and if later found to be unreasonable, unlawful, or otherwise improper, requires all rates, fares, or any other charges paid by customers to a public utility to be subject to refund from the date of the issuance of the Supreme Court decision until the date when, on remand, PUCO establishes new rates to implement the Supreme Court decision.</p> <p>Requires PUCO to order refunds to be allocated to customer classes in the same proportion as the charges were originally collected and to determine how to allocate any remaining funds that cannot be refunded for any reason.</p> <p><i>(R.C. 4905.321.)</i></p>
Standard Service Offer (SSO): Market rate offer (MRO) v. Competitive power plan (CPP)	
<p>Changes the method under which an EDU provides customers in its certified territories a standard service offer (SSO) of retail electric generation service by requiring (instead of permitting) an EDU to establish an SSO under a market rate offer (MRO) as generally provided under current law, which provides for (1) the EDU to file an application with PUCO that meets requirements regarding access to the transmission grid, a market monitoring function, and a published source of pricing information prior to initiating a competitive bidding process for the MRO, (2) the MRO to be competitively bid in accordance with certain requirements under continuing law, (3) PUCO to determine within 90 days of the application's filing date whether the EDU and its MRO meet the above requirements, (4) the EDU to initiate its competitive bidding process if the PUCO determines all</p>	<p>Requires an EDU, as part of the bill's repeal of the use of ESPs or MROs for SSOs, to file an application with PUCO for a competitive power plan (CPP) to be approved or modified by PUCO order within 275 days of its filing if the CPP (1) accurately reflects the EDU's cost of capital, (2) results in rates that are just and reasonable, and (3) furthers the state's competitive retail electric service policy in ongoing law.</p> <p>Limits a CPP's term to five years and specifies that a CPP must include provisions for the supply and pricing of electric generation service through an SSO for customers who do not shop for electric generation service.</p> <p>Requires the plan to incorporate PUCO's competitive bidding process for SSOs (including procedures to ensure least cost and reliable</p>

<p style="text-align: center;">Previous Version (As Introduced)</p>	<p style="text-align: center;">Latest Version (I_134_1936)</p>
<p>those requirements are met, and (5) PUCO to select the EDU’s MRO from the least-cost bid winner or winners.</p> <p>Repeals provisions permitting an EDU to establish an SSO under an electric security plan (ESP).</p> <p><i>(R.C. 4928.14, 4928.142, 4928.143, 4928.144, 4928.148, 4928.147, 4928.17, and 4928.542; Section 3.)</i></p>	<p>generation service) that were in effect immediately prior to the bill’s effective date and that competitive bidding costs must be recovered through the SSO price.</p> <p>Establishes a process for annually determining whether the EDU’s earnings were excessive.</p> <p>Prohibits an EDU from doing either of the following to induce any intervening party in the CPP proceeding to enter into a stipulation for a matter pending with PUCO:</p> <ul style="list-style-type: none"> ▪ Making a cash payment to that party; ▪ Entering into any agreement or any financial or private arrangement with that party that is not made part of the public case record. <p>Permits CPPs to (1) establish riders for alternative rate recovery mechanisms for distribution costs, which recovery must be in addition to base rate recovery approved for the EDU under current rate-making law, (2) authorize annually reconciled transmission riders, and (3) offer additional customer price transparency in addition to the consumer protections in ongoing law.</p> <p>Repeals the provisions permitting an EDU to establish an SSO under an MRO or ESP.</p> <p><i>(R.C. 4928.14, 4928.143, 4928.144, 4928.148, 4928.147, 4928.17, and 4928.542; Section 4; R.C. 4928.142 (repealed).)</i></p>
<p>Economic development and job retention programs</p>	
<p>Allows an EDU to implement economic development and job retention programs under an MRO, apply to PUCO to recover nonbypassable prudently incurred costs of those programs, and allocate the costs</p>	<p>Allows an EDU to implement in its CPP economic development, job retention, or interruptible rate programs provided that (1) the programs currently in existence on the bill’s effective date may only be</p>

Previous Version (As Introduced)	Latest Version (I_134_1936)
across all classes of customers of the EDU and EDUs in the same holding company system (<i>R.C. 4928.143</i>).	terminated on a gradual basis that avoids abrupt or significant rate impacts and (2) the program costs may be allocated across all classes of customers and across those utilities in the same holding company system (<i>R.C. 4928.143(A)(2)(d)</i>).
EDU distribution service rate case every five years	
No provision.	Requires an EDU to file a distribution service rate case application not later than five years after the EDU's CPP has been approved and at least once every five years thereafter (<i>R.C. 4909.181</i>).
Retail electric service SSO requirement	
Removes the word "competitive" from the existing retail electric service provision regarding SSOs to require an EDU to provide consumers, on a comparable and nondiscriminatory basis, within its certified territory, <i>an SSO of all retail electric service to consumers, including a firm supply of electric generation service (R.C. 4928.141)</i> .	Reinserts the word "competitive" where it was removed in the As Introduced version (<i>R.C. 4928.141</i>).
Effect on governmental aggregation	
Specifies that, within the context of economic and job development programs offered under an MRO, PUCO must consider the effect on large-scale governmental aggregation of any nonbypassable generation charges that could be established (<i>R.C. 4928.20</i>).	Specifies that within the context of the bill's CPP provision, PUCO must consider the effect on large-scale governmental aggregation of any nonbypassable generation charges that were established under the ESP law as it existed prior to the bill's effective date and that may still be in effect (<i>R.C. 4928.20</i>).