



State Senator
TINA MAHARATH

3rd District

Sponsor Testimony
Senator Tina Maharath
Senate Bill 95
Senate Energy and Public Utilities Committee

Chairman Peterson, Ranking Member Williams, Vice Chair Schuring and members of the Senate Energy and Public Utilities Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 95, which would require refunds to utility customers who have been improperly charged and would regulate certain resellers of utility service.

This legislation would benefit Ohioans in two major ways. First, the bill would remedy a long-time travesty of justice for utility consumers. Presently, consumers are typically denied refunds even when the Ohio Supreme Court finds a PUCO-approved charge to be unlawful. Just since 2009, Ohio utility consumers have been denied about \$1.5 billion in refunds after the Supreme Court overturned PUCO-approved charges.¹ In just one instance, FirstEnergy's two million consumers were denied nearly a half-billion dollars in refunds after the Court ruled its so-called distribution modernization charge to be improper.²

The Ohio Supreme Court has said that utilities do not have to refund improper charges to consumers unless the PUCO makes the utility's charges refundable, or the Ohio legislature changes the law. Our elected representatives clearly need to step in to ensure that the PUCO represents Ohio consumers rather than the utility companies.

Second, this bill would remedy the lack of adequate protection for consumers whose utility services are submetered. Submetered consumers are being denied various benefits and protections for their utility service that the state has required for utility consumers. This bill would remedy the problem by giving submetered utility consumers more regulatory protections.

For example, submetered consumers typically are not given the PUCO's protection against unreasonable disconnections of their utility services. Submetered consumers are typically not given the opportunity to participate in certain state programs that provide financial assistance for payments of utility bills. During the pandemic, submetered consumers were not given the protection of the PUCO's emergency order that, among other things, suspended disconnections for nonpayment.

I understand that this is a complex issue to a complex industry. I chose to introduce this legislation because it is long overdue that we prioritize the best interest of Ohio consumers,

¹ <http://www.occ.ohio.gov/sites/default/files/images/refunds041020/piechart-111820.jpeg>

² <https://www.cleveland.com/politics/2019/08/puco-reverses-disputed-firstenergy-charge-but-customers-wont-really-get-a-refund.html>



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especially as they work so hard coming out of this pandemic, instead of prioritizing the utilities' bottom lines.

Thank you for the opportunity to speak with you today and I will be happy to answer any questions you may have.