

As Reported by the Senate Energy and Public Utilities Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 6

Representatives Callender, Wilkin

**Cosponsors: Representatives Cross, DeVitis, Ghanbari, Hillyer, Jones, Reineke,
Seitz, Stein, Vitale**

Senator Eklund

A BILL

To amend sections 303.213, 519.213, 713.081, 1
4906.13, 4928.01, 4928.64, 4928.641, 4928.644, 2
4928.645, 4928.66, 4928.6610, and 5727.75, to 3
enact sections 3706.40, 3706.41, 3706.43, 4
3706.431, 3706.45, 3706.46, 3706.49, 3706.53, 5
3706.55, 3706.59, 3706.61, 3706.63, 3706.65, 6
4928.148, 4928.47, 4928.471, 4928.642, 4928.75, 7
4928.80, and 5727.231, and to repeal section 8
4928.6616 of the Revised Code to facilitate and 9
continue the development, production, and use of 10
electricity from nuclear, coal, and renewable 11
energy resources in this state, to modify the 12
existing mandates for renewable energy and 13
energy efficiency savings, and to determine 14
amounts of federal funding received for home 15
weatherization services. 16

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

Section 1. That sections 303.213, 519.213, 713.081, 17

4906.13, 4928.01, 4928.64, 4928.641, 4928.644, 4928.645, 18
4928.66, 4928.6610, and 5727.75 be amended and sections 3706.40, 19
3706.41, 3706.43, 3706.431, 3706.45, 3706.46, 3706.49, 3706.53, 20
3706.55, 3706.59, 3706.61, 3706.63, 3706.65, 4928.148, 4928.47, 21
4928.471, 4928.642, 4928.75, 4928.80, and 5727.231 of the 22
Revised Code be enacted to read as follows: 23

Sec. 303.213. (A) As used in this section, "small wind 24
farm" means wind turbines and associated facilities ~~with a~~ 25
~~single interconnection to the electrical grid and designed for,~~ 26
~~or capable of, operation at an aggregate capacity of less than~~ 27
~~five megawatts~~ that are not subject to the jurisdiction of the 28
power siting board under sections 4906.20 and 4906.201 of the 29
Revised Code. 30

(B) Notwithstanding division (A) of section 303.211 of the 31
Revised Code, sections 303.01 to 303.25 of the Revised Code 32
confer power on a board of county commissioners or board of 33
zoning appeals to adopt zoning regulations governing the 34
location, erection, construction, reconstruction, change, 35
alteration, maintenance, removal, use, or enlargement of any 36
small wind farm, whether publicly or privately owned, or the use 37
of land for that purpose, which regulations may be more strict 38
than the regulations prescribed in rules adopted under division 39
(B) (2) of section 4906.20 of the Revised Code. 40

(C) The designation under this section of a small wind 41
farm as a public utility for purposes of sections 303.01 to 42
303.25 of the Revised Code shall not affect the classification 43
of a small wind farm for purposes of state or local taxation. 44

(D) Nothing in division (C) of this section shall be 45
construed as affecting the classification of a 46
telecommunications tower as defined in division (B) or (E) of 47

section 303.211 of the Revised Code or any other public utility 48
for purposes of state and local taxation. 49

Sec. 519.213. (A) As used in this section, "small wind 50
farm" means wind turbines and associated facilities ~~with a~~ 51
~~single interconnection to the electrical grid and designed for,~~ 52
~~or capable of, operation at an aggregate capacity of less than~~ 53
~~five megawatts that are not subject to the jurisdiction of the~~ 54
power siting board under sections 4906.20 and 4906.201 of the 55
Revised Code. 56

(B) Notwithstanding division (A) of section 519.211 of the 57
Revised Code, sections 519.02 to 519.25 of the Revised Code 58
confer power on a board of township trustees or board of zoning 59
appeals with respect to the location, erection, construction, 60
reconstruction, change, alteration, maintenance, removal, use, 61
or enlargement of any small wind farm, whether publicly or 62
privately owned, or the use of land for that purpose, which 63
regulations may be more strict than the regulations prescribed 64
in rules adopted under division (B) (2) of section 4906.20 of the 65
Revised Code. 66

(C) The designation under this section of a small wind 67
farm as a public utility for purposes of sections 519.02 to 68
519.25 of the Revised Code shall not affect the classification 69
of a small wind farm or any other public utility for purposes of 70
state or local taxation. 71

(D) Nothing in division (C) of this section shall be 72
construed as affecting the classification of a 73
telecommunications tower as defined in division (B) or (E) of 74
section 519.211 of the Revised Code or any other public utility 75
for purposes of state and local taxation. 76

Sec. 713.081. (A) As used in this section, "small wind farm" means wind turbines and associated facilities ~~with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts~~ that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code.

(B) Sections 713.06 to 713.15 of the Revised Code confer power on the legislative authority of a municipal corporation with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm as a public utility, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B) (2) of section 4906.20 of the Revised Code.

(C) The designation under this section of a small wind farm as a public utility for purposes of sections 713.06 to 713.15 of the Revised Code shall not affect the classification of a small wind farm or any other public utility for purposes of state or local taxation.

Sec. 3706.40. As used in sections 3706.40 to 3706.65 of the Revised Code:

(A) "Qualifying nuclear resource" means an electric generating facility in this state fueled by nuclear power.

(B) "Qualifying renewable resource" means an electric generating facility in this state to which all of the following apply:

(1) The facility uses or will use solar energy as the

<u>primary energy source.</u>	106
<u>(2) The facility obtained a certificate for construction</u>	107
<u>of a major utility facility from the power siting board prior to</u>	108
<u>June 1, 2019.</u>	109
<u>(3) The facility is interconnected with the transmission</u>	110
<u>grid that is subject to the operational control of PJM</u>	111
<u>interconnection, L.L.C., or its successor organization.</u>	112
<u>(C) "Credit price adjustment" means a reduction to the</u>	113
<u>price for each nuclear resource credit equal to the market price</u>	114
<u>index minus the strike price.</u>	115
<u>(D) "Strike price" means forty-six dollars per megawatt</u>	116
<u>hour.</u>	117
<u>(E) "Market price index" means the sum, expressed in</u>	118
<u>dollars per megawatt hour, of both of the following for the</u>	119
<u>upcoming twelve-month period that begins the first day of June</u>	120
<u>and ends the thirty-first day of May:</u>	121
<u>(1) Projected energy prices, determined using futures</u>	122
<u>contracts for the PJM AEP-Dayton hub;</u>	123
<u>(2) Projected capacity prices, determined using PJM's</u>	124
<u>rest-of-RTO market clearing price.</u>	125
<u>(F) "Electric distribution utility" has the same meaning</u>	126
<u>as in section 4928.01 of the Revised Code.</u>	127
Sec. 3706.41. <u>(A) Not later than February 1, 2020, the</u>	128
<u>owner or operator of a qualifying nuclear resource or qualifying</u>	129
<u>renewable resource may apply to the Ohio air quality development</u>	130
<u>authority to receive payments for nuclear resource credits or</u>	131
<u>renewable energy credits, as applicable, under section 3706.55</u>	132
<u>of the Revised Code.</u>	133

<u>(B) An application submitted under division (A) of this</u>	134
<u>section for a qualifying nuclear resource shall include all of</u>	135
<u>the following information pertaining to the resource:</u>	136
<u>(1) Financial information;</u>	137
<u>(2) Certified cost and revenue projections through</u>	138
<u>December 31, 2026;</u>	139
<u>(3) Operation and maintenance expenses;</u>	140
<u>(4) Fuel expenses, including spent-fuel expenses;</u>	141
<u>(5) Nonfuel capital expenses;</u>	142
<u>(6) Fully allocated overhead costs;</u>	143
<u>(7) The cost of operational risks and market risks that</u>	144
<u>would be avoided by ceasing operation of the resource;</u>	145
<u>(8) Any other information, financial or otherwise, that</u>	146
<u>demonstrates that the resource is projected not to continue</u>	147
<u>being operational.</u>	148
<u>(C) As used in this section:</u>	149
<u>(1) "Operational risks" include the risk that operating</u>	150
<u>costs will be higher than anticipated because of new regulatory</u>	151
<u>mandates or equipment failures and the risk that per-megawatt-</u>	152
<u>hour costs will be higher than anticipated because of a lower</u>	153
<u>than expected capacity factor.</u>	154
<u>(2) "Market risks" include the risk of a forced outage and</u>	155
<u>the associated costs arising from contractual obligations, and</u>	156
<u>the risk that output from the resource may not be able to be</u>	157
<u>sold at projected levels.</u>	158
<u>Sec. 3706.43. After receiving an application under section</u>	159
<u>3706.41 of the Revised Code, the Ohio air quality development</u>	160

authority shall review and approve the application, not later 161
than March 31, 2020, if all of the following apply, as 162
applicable: 163

(A) The resource meets the definition of a qualifying 164
nuclear resource or qualifying renewable resource in section 165
3706.40 of the Revised Code. 166

(B) For a qualifying nuclear resource only, both of the 167
following apply: 168

(1) The application meets the requirements of section 169
3706.41 of the Revised Code. 170

(2) The resource's operator maintains both a principal 171
place of business in this state and a substantial presence in 172
this state with regard to its business operations, offices, and 173
transactions. 174

Sec. 3706.431. All financial and proprietary information, 175
including trade secrets, submitted to the Ohio air quality 176
development authority under sections 3706.41 and 3706.43 of the 177
Revised Code is confidential information and is not a public 178
record for the purpose of section 149.43 of the Revised Code. 179

Sec. 3706.45. (A) An owner or operator of a qualifying 180
nuclear resource or qualifying renewable resource whose 181
application was approved under section 3706.43 of the Revised 182
Code shall report to the Ohio air quality development authority, 183
not later than seven days after the close of each quarter, the 184
number of megawatt hours the resource produced, if any, in the 185
previous quarter. The first report shall be made not later than 186
April 7, 2020, and the last report shall be made not later than 187
January 7, 2027. The information reported shall be in accordance 188
with data from the generation attribute tracking designated by 189

the authority. 190

(B) The authority shall issue one nuclear resource credit 191
to a qualifying nuclear resource for each megawatt hour of 192
electricity that is both reported under division (A) of this 193
section and approved by the authority. The authority shall issue 194
one renewable energy credit to a qualifying renewable resource 195
for each megawatt hour of electricity that is both reported 196
under division (A) of this section and approved by the 197
authority. 198

(C) Except as provided in section 3706.61 of the Revised 199
Code, the price for a nuclear resource credit paid under section 200
3706.55 of the Revised Code shall be nine dollars. 201

(D) The price for a renewable energy credit paid under 202
section 3706.55 of the Revised Code shall be nine dollars. 203

Sec. 3706.46. (A) (1) Beginning for all bills rendered on 204
or after January 1, 2020, by an electric distribution utility in 205
this state, such electric distribution utility shall collect 206
from all of its retail electric customers in this state, each 207
month, a charge or charges which, in the aggregate, are 208
sufficient to produce the following revenue requirements: 209

(a) One hundred fifty million dollars annually for total 210
disbursements required under section 3706.55 of the Revised Code 211
from the nuclear generation fund; 212

(b) Twenty million dollars annually for total 213
disbursements required under section 3706.55 of the Revised Code 214
from the renewable generation fund. 215

(2) The public utilities commission shall determine the 216
method by which the revenue is allocated or assigned to each 217
electric distribution utility for billing and collection, 218

provided that the method of allocation shall be based on the 219
relative number of customers, relative quantity of kilowatt hour 220
sales, or a combination of the two. The level and structure of 221
the charge shall be authorized by the commission through a 222
process that the commission shall determine is not for an 223
increase in any rate, joint rate, toll, classification, charge, 224
or rental, notwithstanding anything to the contrary in Title 225
XLIX of the Revised Code. 226

(B) In authorizing the level and structure of any charge 227
or charges to be billed and collected by each electric 228
distribution utility, the commission shall ensure that the per- 229
customer monthly charge for residential customers does not 230
exceed eighty-five cents and that the per-customer monthly 231
charge for industrial customers eligible to become self- 232
assessing purchasers pursuant to division (C) of section 5727.81 233
of the Revised Code does not exceed two thousand four hundred 234
dollars. For nonresidential customers that are not self- 235
assessing purchasers, the level and design of the charge or 236
charges shall be established in a manner that avoids abrupt or 237
excessive total net electric bill impacts for typical customers. 238

(C) Each charge authorized by the commission under this 239
section shall be subject to adjustment so as to reconcile actual 240
revenue collected with the revenue needed to meet the revenue 241
requirements under division (A)(1) of this section. The 242
commission shall authorize each electric distribution utility to 243
adopt accounting practices to facilitate such reconciliation. 244
Notwithstanding any other provisions of the Revised Code, the 245
charge or charges authorized by the commission may continue 246
beyond December 31, 2026, only if it is necessary to reconcile 247
actual revenue collected under this section during the period 248
ending on December 31, 2026, with the actual revenue needed to 249

meet the revenue requirements under division (A) (1) of this 250
section for required disbursements under section 3706.55 of the 251
Revised Code that may be due and owing during the same period. 252
Such continuation shall be authorized only for such period of 253
time beyond December 31, 2026, as may be reasonably necessary to 254
complete the reconciliation. 255

Sec. 3706.49. (A) There is hereby created the nuclear 256
generation fund and the renewable generation fund. Each fund 257
shall be in the custody of the treasurer of state but shall not 258
be part of the state treasury. Each fund shall consist of the 259
charges collected under section 3706.46 of the Revised Code and 260
deposited in accordance with section 3706.53 of the Revised 261
Code. The interest generated by each fund shall be retained by 262
each respective fund and used for the purposes set forth in 263
sections 3706.40 to 3706.65 of the Revised Code. 264

(B) The treasurer of state shall distribute the moneys in 265
the funds in accordance with directions provided by the Ohio air 266
quality development authority. Before giving directions under 267
this division, the authority shall consult with the public 268
utilities commission. 269

Sec. 3706.53. Subject to section 3706.61 of the Revised 270
Code: 271

(A) Eighty-eight and twenty-five hundredths per cent of 272
the charges collected under section 3706.46 of the Revised Code 273
shall be deposited to the credit of the nuclear generation fund 274
created under section 3706.49 of the Revised Code. 275

(B) Eleven and seventy-five hundredths per cent of the 276
charges collected under section 3706.46 of the Revised Code 277
shall be deposited to the credit of the renewable generation 278

fund created under section 3706.49 of the Revised Code. 279

Sec. 3706.55. (A) For the period beginning with April of 2020 and ending with January of 2027, the Ohio air quality development authority shall, in April of 2020 and every three months thereafter through the end of the period, and not later than fourteen days after the receipt of the information reported under section 3706.45 of the Revised Code, direct the treasurer of state to remit money from the funds created under section 3706.49 of the Revised Code as follows: 280
281
282
283
284
285
286
287

(1) Subject to sections 3706.59 and 3706.61 of the Revised Code, from the nuclear generation fund to the owner or operator of a qualifying nuclear resource, in the amount equivalent to the number of credits earned by the resource during the previous quarter multiplied by the credit price, and as directed by the authority in accordance with section 3706.61 of the Revised Code; 288
289
290
291
292
293
294

(2) Subject to section 3706.59 of the Revised Code, from the renewable generation fund to the owners or operators of qualifying renewable resources, in the amount equivalent to the number of credits earned by the resources during the previous quarter multiplied by the credit price. 295
296
297
298
299

(B) Notwithstanding section 4905.32 of the Revised Code, any amounts remaining in the nuclear generation fund and the renewable generation fund as of December 31, 2026, minus the remittances that are required to be made between that date and January 21, 2027, shall be refunded to customers in a manner that shall be determined by the authority in consultation with the public utilities commission. 300
301
302
303
304
305
306

Sec. 3706.59. (A) If the money in the nuclear generation 307

fund is insufficient in a particular quarter to make the 308
payments in the amount required under division (A) (1) of section 309
3706.55 of the Revised Code, then the Ohio air quality 310
development authority shall, not later than twenty-one days 311
after the close of any quarter in which the owner or operator 312
was not fully compensated, direct the treasurer of state to 313
remit money from the nuclear generation fund to pay for the 314
unpaid credits. 315

(B) If the money in the renewable generation fund is 316
insufficient to make the payments in the amounts required under 317
division (A) (2) of section 3706.55 of the Revised Code for all 318
owners and operators of qualifying renewable resources, then the 319
authority shall do both of the following: 320

(1) Not later than twenty-one days after the close of the 321
quarter in which the charges collected were insufficient, direct 322
the treasurer to prorate payments from the total amount 323
available in the renewable generation fund, based on the number 324
of each resource's credits earned during the previous quarter; 325

(2) Not later than twenty-one days after the close of any 326
quarter in which the owners or operators received prorated 327
payments under division (B) (1) of this section, direct the 328
treasurer of state to remit money from the renewable generation 329
fund to pay for the unpaid credits. Unpaid credits paid for 330
under division (B) (2) of this section shall be paid before any 331
other remittances are made under division (A) (2) of section 332
3706.55 of the Revised Code. 333

Sec. 3706.61. (A) In each year beginning in 2021 and 334
ending in 2026, the public utilities commission shall, not later 335
than the first day of May of each of those years, conduct a 336
retrospective management and financial review of the owner or 337

operator of a qualifying nuclear resource and any such resource 338
that receives payments for nuclear resource credits under 339
section 3706.55 of the Revised Code. In doing so, the commission 340
may retain consultants and advisors to perform all or any 341
portion of the annual reviews, the cost of which shall be paid, 342
at the direction of the Ohio air quality development authority, 343
by the treasurer of state from the nuclear generation fund in 344
accordance with section 3706.55 of the Revised Code. 345

(B) Any owner or operator subject to a review under 346
division (A) of this section may, for purposes of the review, 347
provide the commission or the commission's consultants or 348
advisors with any information the owner or operator chooses. The 349
owner or operator shall promptly and fully respond to any 350
document, information, data, or other request that may be 351
directed to its attention by the commission or the commission's 352
consultants or advisors for the purpose of the review. Any 353
material failure to timely and fully respond shall result in 354
suspension of further receipt of payments for nuclear resource 355
credits under section 3706.55 of the Revised Code until the 356
failure is cured to the satisfaction of the commission. 357

(C) The commission shall submit a report summarizing the 358
findings of each annual review to the president and minority 359
leader of the senate, the speaker and minority leader of the 360
house of representatives, and the Ohio air quality development 361
authority, and shall make the report publicly available, 362
provided that the report shall not reveal any confidential or 363
proprietary information. The submission shall include a copy of 364
the owner's or operator's own certified annual audit that was 365
obtained during the review performed under this section. 366

(D) In consultation with the commission, the Ohio air 367

quality development authority shall consider the findings of the 368
review and may cease or reduce payments for nuclear resource 369
credits under section 3706.55 of the Revised Code if the 370
authority determines any of the following: 371

(1) That the federal energy regulatory commission or the 372
nuclear regulatory commission has established a monetary benefit 373
or other incentive payment to continue the resource's commercial 374
operation; 375

(2) That either requirement under division (A) or (B) (2) 376
of section 3706.43 of the Revised Code is no longer being met; 377

(3) That the resource's owner or operator applies, before 378
May 1, 2026, to decommission the resource; 379

(4) That, for the purpose of ensuring that the funding for 380
nuclear resource credits remains reasonable, the market price 381
index exceeds the strike price on the first day of June in the 382
year in which the report is submitted, in which case the 383
authority shall apply the credit price adjustment for the 384
twelve-month period that begins on that day and ends the thirty- 385
first day of May, or, for 2026, for the seven-month period that 386
begins on that day and ends the thirty-first day of December. 387

(E) (1) If the authority determines it necessary to make 388
reductions under division (D) of this section, the commission 389
shall do all of the following, as necessary: 390

(a) Reduce the revenue requirement under division (A) (1) 391
(a) of section 3706.46 of the Revised Code; 392

(b) Except when the authority has applied the credit price 393
adjustment under division (D) (4) of this section, reduce the 394
price of a nuclear resource credit under section 3706.45 of the 395
Revised Code, in accordance with a reduced revenue requirement; 396

(c) Reduce the charge or charges under section 3706.46 of 397
the Revised Code, to conform with a reduced revenue requirement; 398

(d) Adjust the percentages under section 3706.53 of the 399
Revised Code in accordance with a reduced revenue requirement. 400

(2) Any revisions made by the commission under division 401
(E) (1) of this section shall be made through a process that the 402
commission shall determine is not for an increase in any rate, 403
joint rate, toll, classification, charge, or rental, 404
notwithstanding anything to the contrary in Title XLIX of the 405
Revised Code. 406

(F) If the payments for nuclear resource credits are 407
suspended or ceased under this section, the commission shall 408
instruct the electric distribution utilities to accordingly 409
suspend or cease billing and collecting customer charges under 410
section 3706.46 of the Revised Code. 411

(G) Chapter 4903. of the Revised Code shall not apply to 412
this section. 413

Sec. 3706.63. Not later than January 1, 2020, the Ohio air 414
quality development authority shall adopt rules under Chapter 415
119. of the Revised Code that are necessary to implement 416
sections 3706.40 to 3706.65 of the Revised Code. 417

Sec. 3706.65. (A) For the purpose of carrying out the Ohio 418
air quality development authority's duties under sections 419
3706.40 to 3706.63 of the Revised Code, the authority may make 420
use of the staff and experts employed at the public utilities 421
commission in such manner as is provided by mutual arrangement 422
between the authority and the commission. Any information, data, 423
and equipment of the commission shall be placed at the disposal 424
of the authority. 425

(B) If any information, data, or equipment is not a public 426
record for purposes of section 149.43 of the Revised Code 427
because either the authority or the commission possesses that 428
information, data, or equipment, then the operation of division 429
(A) of this section shall not be construed to render that 430
information, data, or equipment a public record, notwithstanding 431
any provision of the Revised Code to the contrary. 432

Sec. 4906.13. (A) As used in this section and sections 433
4906.20 and 4906.98 of the Revised Code, "economically 434
significant wind farm" means wind turbines and associated 435
facilities with a single interconnection to the electrical grid 436
and designed for, or capable of, operation at an aggregate 437
capacity of five or more megawatts but less than fifty 438
megawatts. The term excludes any such wind farm in operation on 439
June 24, 2008. The term also excludes one or more wind turbines 440
and associated facilities that are primarily dedicated to 441
providing electricity to a single customer at a single location 442
and that are designed for, or capable of, operation at an 443
aggregate capacity of less than twenty megawatts, as measured at 444
the customer's point of interconnection to the electrical grid. 445

(B) No public agency or political subdivision of this 446
state may require any approval, consent, permit, certificate, or 447
other condition for the construction or operation of a major 448
utility facility or economically significant wind farm 449
authorized by a certificate issued pursuant to Chapter 4906. of 450
the Revised Code. Nothing herein shall prevent the application 451
of state laws for the protection of employees engaged in the 452
construction of such facility or wind farm nor of municipal 453
regulations that do not pertain to the location or design of, or 454
pollution control and abatement standards for, a major utility 455
facility or economically significant wind farm for which a 456

certificate has been granted under this chapter. 457

Sec. 4928.01. (A) As used in this chapter: 458

(1) "Ancillary service" means any function necessary to 459
the provision of electric transmission or distribution service 460
to a retail customer and includes, but is not limited to, 461
scheduling, system control, and dispatch services; reactive 462
supply from generation resources and voltage control service; 463
reactive supply from transmission resources service; regulation 464
service; frequency response service; energy imbalance service; 465
operating reserve-spinning reserve service; operating reserve- 466
supplemental reserve service; load following; back-up supply 467
service; real-power loss replacement service; dynamic 468
scheduling; system black start capability; and network stability 469
service. 470

(2) "Billing and collection agent" means a fully 471
independent agent, not affiliated with or otherwise controlled 472
by an electric utility, electric services company, electric 473
cooperative, or governmental aggregator subject to certification 474
under section 4928.08 of the Revised Code, to the extent that 475
the agent is under contract with such utility, company, 476
cooperative, or aggregator solely to provide billing and 477
collection for retail electric service on behalf of the utility 478
company, cooperative, or aggregator. 479

(3) "Certified territory" means the certified territory 480
established for an electric supplier under sections 4933.81 to 481
4933.90 of the Revised Code. 482

(4) "Competitive retail electric service" means a 483
component of retail electric service that is competitive as 484
provided under division (B) of this section. 485

(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company.

(6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service.

(7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises.

(8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code.

(9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent.

(10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code.

(11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit

basis either in the business of supplying a noncompetitive 515
retail electric service in this state or in the businesses of 516
supplying both a noncompetitive and a competitive retail 517
electric service in this state. "Electric utility" excludes a 518
municipal electric utility or a billing and collection agent. 519

(12) "Firm electric service" means electric service other 520
than nonfirm electric service. 521

(13) "Governmental aggregator" means a legislative 522
authority of a municipal corporation, a board of township 523
trustees, or a board of county commissioners acting as an 524
aggregator for the provision of a competitive retail electric 525
service under authority conferred under section 4928.20 of the 526
Revised Code. 527

(14) A person acts "knowingly," regardless of the person's 528
purpose, when the person is aware that the person's conduct will 529
probably cause a certain result or will probably be of a certain 530
nature. A person has knowledge of circumstances when the person 531
is aware that such circumstances probably exist. 532

(15) "Level of funding for low-income customer energy 533
efficiency programs provided through electric utility rates" 534
means the level of funds specifically included in an electric 535
utility's rates on October 5, 1999, pursuant to an order of the 536
public utilities commission issued under Chapter 4905. or 4909. 537
of the Revised Code and in effect on October 4, 1999, for the 538
purpose of improving the energy efficiency of housing for the 539
utility's low-income customers. The term excludes the level of 540
any such funds committed to a specific nonprofit organization or 541
organizations pursuant to a stipulation or contract. 542

(16) "Low-income customer assistance programs" means the 543

percentage of income payment plan program, the home energy 544
assistance program, the home weatherization assistance program, 545
and the targeted energy efficiency and weatherization program. 546

(17) "Market development period" for an electric utility 547
means the period of time beginning on the starting date of 548
competitive retail electric service and ending on the applicable 549
date for that utility as specified in section 4928.40 of the 550
Revised Code, irrespective of whether the utility applies to 551
receive transition revenues under this chapter. 552

(18) "Market power" means the ability to impose on 553
customers a sustained price for a product or service above the 554
price that would prevail in a competitive market. 555

(19) "Mercantile customer" means a commercial or 556
industrial customer if the electricity consumed is for 557
nonresidential use and the customer consumes more than seven 558
hundred thousand kilowatt hours per year or is part of a 559
national account involving multiple facilities in one or more 560
states. 561

(20) "Municipal electric utility" means a municipal 562
corporation that owns or operates facilities to generate, 563
transmit, or distribute electricity. 564

(21) "Noncompetitive retail electric service" means a 565
component of retail electric service that is noncompetitive as 566
provided under division (B) of this section. 567

(22) "Nonfirm electric service" means electric service 568
provided pursuant to a schedule filed under section 4905.30 of 569
the Revised Code or pursuant to an arrangement under section 570
4905.31 of the Revised Code, which schedule or arrangement 571
includes conditions that may require the customer to curtail or 572

interrupt electric usage during nonemergency circumstances upon 573
notification by an electric utility. 574

(23) "Percentage of income payment plan arrears" means 575
funds eligible for collection through the percentage of income 576
payment plan rider, but uncollected as of July 1, 2000. 577

(24) "Person" has the same meaning as in section 1.59 of 578
the Revised Code. 579

(25) "Advanced energy project" means any technologies, 580
products, activities, or management practices or strategies that 581
facilitate the generation or use of electricity or energy and 582
that reduce or support the reduction of energy consumption or 583
support the production of clean, renewable energy for 584
industrial, distribution, commercial, institutional, 585
governmental, research, not-for-profit, or residential energy 586
users, including, but not limited to, advanced energy resources 587
and renewable energy resources. "Advanced energy project" also 588
includes any project described in division (A), (B), or (C) of 589
section 4928.621 of the Revised Code. 590

(26) "Regulatory assets" means the unamortized net 591
regulatory assets that are capitalized or deferred on the 592
regulatory books of the electric utility, pursuant to an order 593
or practice of the public utilities commission or pursuant to 594
generally accepted accounting principles as a result of a prior 595
commission rate-making decision, and that would otherwise have 596
been charged to expense as incurred or would not have been 597
capitalized or otherwise deferred for future regulatory 598
consideration absent commission action. "Regulatory assets" 599
includes, but is not limited to, all deferred demand-side 600
management costs; all deferred percentage of income payment plan 601
arrears; post-in-service capitalized charges and assets 602

recognized in connection with statement of financial accounting 603
standards no. 109 (receivables from customers for income taxes); 604
future nuclear decommissioning costs and fuel disposal costs as 605
those costs have been determined by the commission in the 606
electric utility's most recent rate or accounting application 607
proceeding addressing such costs; the undepreciated costs of 608
safety and radiation control equipment on nuclear generating 609
plants owned or leased by an electric utility; and fuel costs 610
currently deferred pursuant to the terms of one or more 611
settlement agreements approved by the commission. 612

(27) "Retail electric service" means any service involved 613
in supplying or arranging for the supply of electricity to 614
ultimate consumers in this state, from the point of generation 615
to the point of consumption. For the purposes of this chapter, 616
retail electric service includes one or more of the following 617
"service components": generation service, aggregation service, 618
power marketing service, power brokerage service, transmission 619
service, distribution service, ancillary service, metering 620
service, and billing and collection service. 621

(28) "Starting date of competitive retail electric 622
service" means January 1, 2001. 623

(29) "Customer-generator" means a user of a net metering 624
system. 625

(30) "Net metering" means measuring the difference in an 626
applicable billing period between the electricity supplied by an 627
electric service provider and the electricity generated by a 628
customer-generator that is fed back to the electric service 629
provider. 630

(31) "Net metering system" means a facility for the 631

production of electrical energy that does all of the following: 632

(a) Uses as its fuel either solar, wind, biomass, landfill 633
gas, or hydropower, or uses a microturbine or a fuel cell; 634

(b) Is located on a customer-generator's premises; 635

(c) Operates in parallel with the electric utility's 636
transmission and distribution facilities; 637

(d) Is intended primarily to offset part or all of the 638
customer-generator's requirements for electricity. For an 639
industrial customer-generator with a net metering system that 640
has a capacity of less than twenty megawatts and uses wind as 641
energy, this means the net metering system was sized so as to 642
not exceed one hundred per cent of the customer-generator's 643
annual requirements for electric energy at the time of 644
interconnection. 645

(32) "Self-generator" means an entity in this state that 646
owns or hosts on its premises an electric generation facility 647
that produces electricity primarily for the owner's consumption 648
and that may provide any such excess electricity to another 649
entity, whether the facility is installed or operated by the 650
owner or by an agent under a contract. 651

(33) "Rate plan" means the standard service offer in 652
effect on the effective date of the amendment of this section by 653
S.B. 221 of the 127th general assembly, July 31, 2008. 654

(34) "Advanced energy resource" means any of the 655
following: 656

(a) Any method or any modification or replacement of any 657
property, process, device, structure, or equipment that 658
increases the generation output of an electric generating 659

facility to the extent such efficiency is achieved without 660
additional carbon dioxide emissions by that facility; 661

(b) Any distributed generation system consisting of 662
customer cogeneration technology; 663

(c) Clean coal technology that includes a carbon-based 664
product that is chemically altered before combustion to 665
demonstrate a reduction, as expressed as ash, in emissions of 666
nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or 667
sulfur trioxide in accordance with the American society of 668
testing and materials standard D1757A or a reduction of metal 669
oxide emissions in accordance with standard D5142 of that 670
society, or clean coal technology that includes the design 671
capability to control or prevent the emission of carbon dioxide, 672
which design capability the commission shall adopt by rule and 673
shall be based on economically feasible best available 674
technology or, in the absence of a determined best available 675
technology, shall be of the highest level of economically 676
feasible design capability for which there exists generally 677
accepted scientific opinion; 678

(d) Advanced nuclear energy technology consisting of 679
generation III technology as defined by the nuclear regulatory 680
commission; other, later technology; or significant improvements 681
to existing facilities; 682

(e) Any fuel cell used in the generation of electricity, 683
including, but not limited to, a proton exchange membrane fuel 684
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 685
solid oxide fuel cell; 686

(f) Advanced solid waste or construction and demolition 687
debris conversion technology, including, but not limited to, 688

advanced stoker technology, and advanced fluidized bed 689
gasification technology, that results in measurable greenhouse 690
gas emissions reductions as calculated pursuant to the United 691
States environmental protection agency's waste reduction model 692
(WARM); 693

(g) Demand-side management and any energy efficiency 694
improvement; 695

(h) Any new, retrofitted, refueled, or repowered 696
generating facility located in Ohio, including a simple or 697
combined-cycle natural gas generating facility or a generating 698
facility that uses biomass, coal, modular nuclear, or any other 699
fuel as its input; 700

(i) Any uprated capacity of an existing electric 701
generating facility if the uprated capacity results from the 702
deployment of advanced technology. 703

"Advanced energy resource" does not include a waste energy 704
recovery system that is, or has been, included in an energy 705
efficiency program of an electric distribution utility pursuant 706
to requirements under section 4928.66 of the Revised Code. 707

(35) "Air contaminant source" has the same meaning as in 708
section 3704.01 of the Revised Code. 709

(36) "Cogeneration technology" means technology that 710
produces electricity and useful thermal output simultaneously. 711

(37) (a) "Renewable energy resource" means any of the 712
following: 713

(i) Solar photovoltaic or solar thermal energy; 714

(ii) Wind energy; 715

(iii) Power produced by a hydroelectric facility;	716
(iv) Power produced by a small hydroelectric facility,	717
which is a facility that operates, or is rated to operate, at an	718
aggregate capacity of less than six megawatts;	719
(v) Power produced by a run-of-the-river hydroelectric	720
facility placed in service on or after January 1, 1980, that is	721
located within this state, relies upon the Ohio river, and	722
operates, or is rated to operate, at an aggregate capacity of	723
forty or more megawatts;	724
(vi) Geothermal energy;	725
(vii) Fuel derived from solid wastes, as defined in	726
section 3734.01 of the Revised Code, through fractionation,	727
biological decomposition, or other process that does not	728
principally involve combustion;	729
(viii) Biomass energy;	730
(ix) Energy produced by cogeneration technology that is	731
placed into service on or before December 31, 2015, and for	732
which more than ninety per cent of the total annual energy input	733
is from combustion of a waste or byproduct gas from an air	734
contaminant source in this state, which source has been in	735
operation since on or before January 1, 1985, provided that the	736
cogeneration technology is a part of a facility located in a	737
county having a population of more than three hundred sixty-five	738
thousand but less than three hundred seventy thousand according	739
to the most recent federal decennial census;	740
(x) Biologically derived methane gas;	741
(xi) Heat captured from a generator of electricity,	742
boiler, or heat exchanger fueled by biologically derived methane	743

gas; 744

(xii) Energy derived from nontreated by-products of the 745
pulping process or wood manufacturing process, including bark, 746
wood chips, sawdust, and lignin in spent pulping liquors. 747

"Renewable energy resource" includes, but is not limited 748
to, any fuel cell used in the generation of electricity, 749
including, but not limited to, a proton exchange membrane fuel 750
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 751
solid oxide fuel cell; wind turbine located in the state's 752
territorial waters of Lake Erie; methane gas emitted from an 753
abandoned coal mine; waste energy recovery system placed into 754
service or retrofitted on or after the effective date of the 755
amendment of this section by S.B. 315 of the 129th general 756
assembly, September 10, 2012, except that a waste energy 757
recovery system described in division (A)(38)(b) of this section 758
may be included only if it was placed into service between 759
January 1, 2002, and December 31, 2004; storage facility that 760
will promote the better utilization of a renewable energy 761
resource; or distributed generation system used by a customer to 762
generate electricity from any such energy. 763

"Renewable energy resource" does not include a waste 764
energy recovery system that is, or was, on or after January 1, 765
2012, included in an energy efficiency program of an electric 766
distribution utility pursuant to requirements under section 767
4928.66 of the Revised Code. 768

(b) As used in division (A)(37) of this section, 769
"hydroelectric facility" means a hydroelectric generating 770
facility that is located at a dam on a river, or on any water 771
discharged to a river, that is within or bordering this state or 772
within or bordering an adjoining state and meets all of the 773

following standards:	774
(i) The facility provides for river flows that are not detrimental for fish, wildlife, and water quality, including seasonal flow fluctuations as defined by the applicable licensing agency for the facility.	775 776 777 778
(ii) The facility demonstrates that it complies with the water quality standards of this state, which compliance may consist of certification under Section 401 of the "Clean Water Act of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has not contributed to a finding by this state that the river has impaired water quality under Section 303(d) of the "Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313.	779 780 781 782 783 784 785 786
(iii) The facility complies with mandatory prescriptions regarding fish passage as required by the federal energy regulatory commission license issued for the project, regarding fish protection for riverine, anadromous, and catadromous fish.	787 788 789 790
(iv) The facility complies with the recommendations of the Ohio environmental protection agency and with the terms of its federal energy regulatory commission license regarding watershed protection, mitigation, or enhancement, to the extent of each agency's respective jurisdiction over the facility.	791 792 793 794 795
(v) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended.	796 797 798
(vi) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a	799 800 801 802

plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility.

(vii) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge.

(viii) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility.

(c) The standards in divisions (A) (37) (b) (i) to (viii) of this section do not apply to a small hydroelectric facility under division (A) (37) (a) (iv) of this section.

(38) "Waste energy recovery system" means either of the following:

(a) A facility that generates electricity through the conversion of energy from either of the following:

(i) Exhaust heat from engines or manufacturing, industrial, commercial, or institutional sites, except for exhaust heat from a facility whose primary purpose is the generation of electricity;

(ii) Reduction of pressure in gas pipelines before gas is distributed through the pipeline, provided that the conversion of energy to electricity is achieved without using additional fossil fuels.

(b) A facility at a state institution of higher education 831
as defined in section 3345.011 of the Revised Code that recovers 832
waste heat from electricity-producing engines or combustion 833
turbines and that simultaneously uses the recovered heat to 834
produce steam, provided that the facility was placed into 835
service between January 1, 2002, and December 31, 2004. 836

(39) "Smart grid" means capital improvements to an 837
electric distribution utility's distribution infrastructure that 838
improve reliability, efficiency, resiliency, or reduce energy 839
demand or use, including, but not limited to, advanced metering 840
and automation of system functions. 841

(40) "Combined heat and power system" means the 842
coproduction of electricity and useful thermal energy from the 843
same fuel source designed to achieve thermal-efficiency levels 844
of at least sixty per cent, with at least twenty per cent of the 845
system's total useful energy in the form of thermal energy. 846

(41) "Legacy generation resource" means all generating 847
facilities owned directly or indirectly by a corporation that 848
was formed prior to 1960 by investor-owned utilities for the 849
original purpose of providing power to the federal government 850
for use in the nation's defense or in furtherance of national 851
interests, including the Ohio valley electric corporation. 852

(42) "Prudently incurred costs related to a legacy 853
generation resource" means costs, including deferred costs, 854
allocated pursuant to a power agreement approved by the federal 855
energy regulatory commission that relates to a legacy generation 856
resource, less any revenues realized from offering the 857
contractual commitment for the power agreement into the 858
wholesale markets, provided that where the net revenues exceed 859
net costs, those excess revenues shall be credited to customers. 860

Such costs shall exclude any return on investment in common equity and, in the event of a premature retirement of a legacy generation resource, shall exclude any recovery of remaining debt. Such costs shall include any incremental costs resulting from the bankruptcy of a current or former sponsor under such power agreement or co-owner of the legacy generation resource if not otherwise recovered through a utility rate cost recovery mechanism. 861-868

(B) For the purposes of this chapter, a retail electric service component shall be deemed a competitive retail electric service if the service component is competitive pursuant to a declaration by a provision of the Revised Code or pursuant to an order of the public utilities commission authorized under division (A) of section 4928.04 of the Revised Code. Otherwise, the service component shall be deemed a noncompetitive retail electric service. 869-876

Sec. 4928.148. (A) On January 1, 2020, any mechanism authorized by the public utilities commission prior to the effective date of this section for retail recovery of prudently incurred costs related to a legacy generation resource shall be replaced by a nonbypassable rate mechanism established by the commission for recovery of those costs through December 31, 2030, from customers of all electric distribution utilities in this state. The nonbypassable rate mechanism shall be established through a process that the commission shall determine is not for an increase in any rate, joint rate, toll, classification, charge, or rental, notwithstanding anything to the contrary in Title XLIX of the Revised Code. All of the following shall apply to the nonbypassable rate mechanism established under this section: 877-890

(1) The commission shall determine, in the years specified 891
in this division, the prudence and reasonableness of the actions 892
of electric distribution utilities with ownership interests in 893
the legacy generation resource, including their decisions 894
related to offering the contractual commitment into the 895
wholesale markets, and exclude from recovery those costs that 896
the commission determines imprudent and unreasonable. The 897
initial determination shall be made during 2021 regarding the 898
prudence and reasonableness of such actions during calendar year 899
2020. The commission shall again make the determination in 2024, 900
2027, and 2030 regarding the prudence and reasonableness of such 901
actions during the three calendar years that preceded the year 902
in which the determination is made. 903

(2) The commission shall determine the proper rate design 904
for recovering or remitting the prudently incurred costs related 905
to a legacy generation resource, provided, however, that the 906
monthly charge or credit for those costs, including any 907
deferrals or credits, shall not exceed one dollar and fifty 908
cents per customer per month for residential customers. For all 909
other customer classes, the commission shall establish 910
comparable monthly caps for each class at or below one thousand 911
five hundred dollars per customer. Insofar as the prudently 912
incurred costs related to a legacy generation resource exceed 913
these monthly limits, the electric distribution utility shall 914
defer the remaining prudently incurred costs as a regulatory 915
asset or liability that shall be recovered as determined by the 916
commission subject to the monthly caps set forth in this 917
division. 918

(3) The commission shall provide for discontinuation, 919
subject to final reconciliation, of the nonbypassable rate 920
mechanism on December 31, 2030, including recovery of any 921

deferrals that exist at that time. 922

(4) The commission shall determine the manner in which 923
charges collected under this section by a utility with no 924
ownership interest in a legacy generation resource shall be 925
remitted to the utilities with such ownership interests, in 926
direct proportion to each utility's sponsorship interest. 927

(B) An electric distribution utility, including all 928
electric distribution utilities in the same holding company, 929
shall bid all output from a legacy generation resource into the 930
wholesale market and shall not use the output in supplying its 931
standard service offer provided under section 4928.142 or 932
4928.143 of the Revised Code. 933

Sec. 4928.47. (A) An electric distribution utility may, on 934
a nondiscriminatory basis and subject to approval by the public 935
utilities commission, enter into an agreement having a term of 936
three years or more with a mercantile customer or group of 937
mercantile customers for the purpose of constructing a customer 938
sited renewable energy resource in this state that will provide 939
the mercantile customer or group with a material portion of the 940
customer's or group's electricity requirements. 941

(B) Any direct or indirect costs, including costs for 942
infrastructure development or generation, associated with the 943
in-state customer-sited renewable energy resource shall be paid 944
for solely by the utility and the mercantile customer or group 945
of mercantile customers. At no point shall the commission 946
authorize the utility to collect, nor shall the utility ever 947
collect, any of those costs from any customer other than the 948
mercantile customer or group of mercantile customers. 949

Sec. 4928.471. (A) Except as provided in division (E) of 950

this section, not earlier than thirty days after the effective 951
date of this section, an electric distribution utility may file 952
an application to implement a decoupling mechanism for the 2019 953
calendar year and each calendar year thereafter. For an electric 954
distribution utility that applies for a decoupling mechanism 955
under this section, the base distribution rates for residential 956
and commercial customers shall be decoupled to the base 957
distribution revenue and revenue resulting from implementation 958
of section 4928.66 of the Revised Code, excluding program costs 959
and shared savings, and recovered pursuant to an approved 960
electric security plan under section 4928.143 of the Revised 961
Code, as of the twelve-month period ending on December 31, 2018. 962
An application under this division shall not be considered an 963
application under section 4909.18 of the Revised Code. 964

(B) The commission shall issue an order approving an 965
application for a decoupling mechanism filed under division (A) 966
of this section not later than sixty days after the application 967
is filed. In determining that an application is not unjust and 968
unreasonable, the commission shall verify that the rate schedule 969
or schedules are designed to recover the electric distribution 970
utility's 2018 annual revenues as described in division (A) of 971
this section and that the decoupling rate design is aligned with 972
the rate design of the electric distribution utility's existing 973
base distribution rates. The decoupling mechanism shall recover 974
an amount equal to the base distribution revenue and revenue 975
resulting from implementation of section 4928.66 of the Revised 976
Code, excluding program costs and shared savings, and recovered 977
pursuant to an approved electric security plan under section 978
4928.143 of the Revised Code, as of the twelve-month period 979
ending on December 31, 2018. The decoupling mechanism shall be 980
adjusted annually thereafter to reconcile any over recovery or 981

under recovery from the prior year and to enable an electric 982
distribution utility to recover the same level of revenues 983
described in division (A) of this section in each year. 984

(C) The commission's approval of a decoupling mechanism 985
under this section shall not affect any other rates, riders, 986
charges, schedules, classifications, or services previously 987
approved by the commission. The decoupling mechanism shall 988
remain in effect until the next time that the electric 989
distribution utility applies for and the commission approves 990
base distribution rates for the utility under section 4909.18 of 991
the Revised Code. 992

(D) If the commission determines that approving a 993
decoupling mechanism will result in a double recovery by the 994
electric distribution utility, the commission shall not approve 995
the application unless the utility cures the double recovery. 996

(E) Divisions (A), (B), and (C) of this section shall not 997
apply to an electric distribution utility that has base 998
distribution rates that became effective between December 31, 999
2018, and the effective date of this section pursuant to an 1000
application for an increase in base distribution rates filed 1001
under section 4909.18 of the Revised Code. 1002

Sec. 4928.64. (A) (1) As used in this section, "qualifying 1003
renewable energy resource" means a renewable energy resource, as 1004
defined in section 4928.01 of the Revised Code that: 1005

(a) Has a placed-in-service date on or after January 1, 1006
1998; 1007

(b) Is any run-of-the-river hydroelectric facility that 1008
has an in-service date on or after January 1, 1980; 1009

(c) Is a small hydroelectric facility; 1010

(d) Is created on or after January 1, 1998, by the 1011
modification or retrofit of any facility placed in service prior 1012
to January 1, 1998; or 1013

(e) Is a mercantile customer-sited renewable energy 1014
resource, whether new or existing, that the mercantile customer 1015
commits for integration into the electric distribution utility's 1016
demand-response, energy efficiency, or peak demand reduction 1017
programs as provided under division (A) (2) (c) of section 4928.66 1018
of the Revised Code, including, but not limited to, any of the 1019
following: 1020

(i) A resource that has the effect of improving the 1021
relationship between real and reactive power; 1022

(ii) A resource that makes efficient use of waste heat or 1023
other thermal capabilities owned or controlled by a mercantile 1024
customer; 1025

(iii) Storage technology that allows a mercantile customer 1026
more flexibility to modify its demand or load and usage 1027
characteristics; 1028

(iv) Electric generation equipment owned or controlled by 1029
a mercantile customer that uses a renewable energy resource. 1030

(2) For the purpose of this section and as it considers 1031
appropriate, the public utilities commission may classify any 1032
new technology as such a qualifying renewable energy resource. 1033

(B) (1) ~~By 2027 and thereafter~~ the end of 2026, an electric 1034
distribution utility shall ~~provide~~ have provided from qualifying 1035
renewable energy resources, including, at its discretion, 1036
qualifying renewable energy resources obtained pursuant to an 1037
electricity supply contract, a portion of the electricity supply 1038
required for its standard service offer under section 4928.141 1039

of the Revised Code, and an electric services company shall 1040
~~provide~~ have provided a portion of its electricity supply for 1041
retail consumers in this state from qualifying renewable energy 1042
resources, including, at its discretion, qualifying renewable 1043
energy resources obtained pursuant to an electricity supply 1044
contract. That portion shall equal ~~twelve~~ eight and one-half per 1045
cent of the total number of kilowatt hours of electricity sold 1046
by the subject utility or company to any and all retail electric 1047
consumers whose electric load centers are served by that utility 1048
and are located within the utility's certified territory or, in 1049
the case of an electric services company, are served by the 1050
company and are located within this state. However, nothing in 1051
this section precludes a utility or company from providing a 1052
greater percentage. 1053

(2) ~~The Subject to section 4928.642 of the Revised Code,~~ 1054
the portion required under division (B) (1) of this section shall 1055
be generated from renewable energy resources, ~~including one-half~~ 1056
~~per cent from solar energy resources,~~ in accordance with the 1057
following benchmarks: 1058

By end of year	Renewable energy	Solar energy	
	resources	resources	
2009	0.25%	0.004%	1061
2010	0.50%	0.010%	1062
2011	1%	0.030%	1063
2012	1.5%	0.060%	1064
2013	2%	0.090%	1065
2014	2.5%	0.12%	1066
2015	2.5%	0.12%	1067
2016	2.5%	0.12%	1068
2017	3.5%	0.15%	1069

2018	4.5%	0.18%	1070
2019	5.5%	0.22%	1071
2020	6.5% <u>5.5%</u>	0.26% <u>0%</u>	1072
2021	7.5% <u>6%</u>	0.3% <u>0%</u>	1073
2022	8.5% <u>6.5%</u>	0.34% <u>0%</u>	1074
2023	9.5% <u>7%</u>	0.38% <u>0%</u>	1075
2024	10.5% <u>7.5%</u>	0.42% <u>0%</u>	1076
2025	11.5% <u>8%</u>	0.46% <u>0%</u>	1077
2026	and each calendar <u>12.5%</u> 8.5% <u>—0.5%</u> 0% .		1078
year thereafter			1079

(3) The qualifying renewable energy resources implemented
by the utility or company shall be met either:

(a) Through facilities located in this state; or

(b) With resources that can be shown to be deliverable
into this state.

(C) (1) The commission annually shall review an electric
distribution utility's or electric services company's compliance
with the most recent applicable benchmark under division (B) (2)
of this section and, in the course of that review, shall
identify any undercompliance or noncompliance of the utility or
company that it determines is weather-related, related to
equipment or resource shortages for qualifying renewable energy
resources as applicable, or is otherwise outside the utility's
or company's control.

(2) Subject to the cost cap provisions of division (C) (3)
of this section, if the commission determines, after notice and
opportunity for hearing, and based upon its findings in that
review regarding avoidable undercompliance or noncompliance, but
subject to division (C) (4) of this section, that the utility or

company has failed to comply with any such benchmark, the 1099
commission shall impose a renewable energy compliance payment on 1100
the utility or company. 1101

(a) The compliance payment pertaining to the solar energy 1102
resource benchmarks under division (B) (2) of this section shall 1103
be an amount per megawatt hour of undercompliance or 1104
noncompliance in the period under review, as follows: 1105

(i) Three hundred dollars for 2014, 2015, and 2016; 1106

(ii) Two hundred fifty dollars for 2017 and 2018; 1107

(iii) Two hundred dollars for 2019 ~~and 2020;~~ 1108

~~(iv) Similarly reduced every two years thereafter through~~ 1109
~~2026 by fifty dollars, to a minimum of fifty dollars.~~ 1110

(b) The compliance payment pertaining to the renewable 1111
energy resource benchmarks under division (B) (2) of this section 1112
shall equal the number of additional renewable energy credits 1113
that the electric distribution utility or electric services 1114
company would have needed to comply with the applicable 1115
benchmark in the period under review times an amount that shall 1116
begin at forty-five dollars and shall be adjusted annually by 1117
the commission to reflect any change in the consumer price index 1118
as defined in section 101.27 of the Revised Code, but shall not 1119
be less than forty-five dollars. 1120

(c) The compliance payment shall not be passed through by 1121
the electric distribution utility or electric services company 1122
to consumers. The compliance payment shall be remitted to the 1123
commission, for deposit to the credit of the advanced energy 1124
fund created under section 4928.61 of the Revised Code. Payment 1125
of the compliance payment shall be subject to such collection 1126
and enforcement procedures as apply to the collection of a 1127

forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the 1128
Revised Code. 1129

(3) An electric distribution utility or an electric 1130
services company need not comply with a benchmark under division 1131
(B) (2) of this section to the extent that its reasonably 1132
expected cost of that compliance exceeds its reasonably expected 1133
cost of otherwise producing or acquiring the requisite 1134
electricity by three per cent or more. The cost of compliance 1135
shall be calculated as though any exemption from taxes and 1136
assessments had not been granted under section 5727.75 of the 1137
Revised Code. 1138

(4) (a) An electric distribution utility or electric 1139
services company may request the commission to make a force 1140
majeure determination pursuant to this division regarding all or 1141
part of the utility's or company's compliance with any minimum 1142
benchmark under division (B) (2) of this section during the 1143
period of review occurring pursuant to division (C) (2) of this 1144
section. The commission may require the electric distribution 1145
utility or electric services company to make solicitations for 1146
renewable energy resource credits as part of its default service 1147
before the utility's or company's request of force majeure under 1148
this division can be made. 1149

(b) Within ninety days after the filing of a request by an 1150
electric distribution utility or electric services company under 1151
division (C) (4) (a) of this section, the commission shall 1152
determine if qualifying renewable energy resources are 1153
reasonably available in the marketplace in sufficient quantities 1154
for the utility or company to comply with the subject minimum 1155
benchmark during the review period. In making this 1156
determination, the commission shall consider whether the 1157

electric distribution utility or electric services company has 1158
made a good faith effort to acquire sufficient qualifying 1159
renewable energy or, as applicable, solar energy resources to so 1160
comply, including, but not limited to, by banking or seeking 1161
renewable energy resource credits or by seeking the resources 1162
through long-term contracts. Additionally, the commission shall 1163
consider the availability of qualifying renewable energy or 1164
solar energy resources in this state and other jurisdictions in 1165
the PJM interconnection regional transmission organization, 1166
L.L.C., or its successor and the midcontinent independent system 1167
operator or its successor. 1168

(c) If, pursuant to division (C) (4) (b) of this section, 1169
the commission determines that qualifying renewable energy or 1170
solar energy resources are not reasonably available to permit 1171
the electric distribution utility or electric services company 1172
to comply, during the period of review, with the subject minimum 1173
benchmark prescribed under division (B) (2) of this section, the 1174
commission shall modify that compliance obligation of the 1175
utility or company as it determines appropriate to accommodate 1176
the finding. Commission modification shall not automatically 1177
reduce the obligation for the electric distribution utility's or 1178
electric services company's compliance in subsequent years. If 1179
it modifies the electric distribution utility or electric 1180
services company obligation under division (C) (4) (c) of this 1181
section, the commission may require the utility or company, if 1182
sufficient renewable energy resource credits exist in the 1183
marketplace, to acquire additional renewable energy resource 1184
credits in subsequent years equivalent to the utility's or 1185
company's modified obligation under division (C) (4) (c) of this 1186
section. 1187

(5) The commission shall establish a process to provide 1188

for at least an annual review of the renewable energy resource 1189
market in this state and in the service territories of the 1190
regional transmission organizations that manage transmission 1191
systems located in this state. The commission shall use the 1192
results of this study to identify any needed changes to the 1193
amount of the renewable energy compliance payment specified 1194
under divisions (C)(2)(a) and (b) of this section. Specifically, 1195
the commission may increase the amount to ensure that payment of 1196
compliance payments is not used to achieve compliance with this 1197
section in lieu of actually acquiring or realizing energy 1198
derived from qualifying renewable energy resources. However, if 1199
the commission finds that the amount of the compliance payment 1200
should be otherwise changed, the commission shall present this 1201
finding to the general assembly for legislative enactment. 1202

(D) The commission annually shall submit to the general 1203
assembly in accordance with section 101.68 of the Revised Code a 1204
report describing all of the following: 1205

(1) The compliance of electric distribution utilities and 1206
electric services companies with division (B) of this section; 1207

(2) The average annual cost of renewable energy credits 1208
purchased by utilities and companies for the year covered in the 1209
report; 1210

(3) Any strategy for utility and company compliance or for 1211
encouraging the use of qualifying renewable energy resources in 1212
supplying this state's electricity needs in a manner that 1213
considers available technology, costs, job creation, and 1214
economic impacts. 1215

The commission shall begin providing the information 1216
described in division (D)(2) of this section in each report 1217

submitted after September 10, 2012. The commission shall allow 1218
and consider public comments on the report prior to its 1219
submission to the general assembly. Nothing in the report shall 1220
be binding on any person, including any utility or company for 1221
the purpose of its compliance with any benchmark under division 1222
(B) of this section, or the enforcement of that provision under 1223
division (C) of this section. 1224

(E) All costs incurred by an electric distribution utility 1225
in complying with the requirements of this section shall be 1226
bypassable by any consumer that has exercised choice of supplier 1227
under section 4928.03 of the Revised Code. 1228

Sec. 4928.641. (A) If an electric distribution utility has 1229
executed a contract before April 1, 2014, to procure renewable 1230
energy resources and there are ongoing costs associated with 1231
that contract that are being recovered from customers through a 1232
bypassable charge as of ~~the effective date of S.B. 310 of the~~ 1233
~~130th general assembly, September 12, 2014,~~ that cost recovery 1234
shall, regardless of the amendments to section 4928.64 of the 1235
Revised Code by H.B. 6 of the 133rd general assembly, continue 1236
on a bypassable basis ~~until the prudently incurred costs~~ 1237
~~associated with that contract are fully recovered through~~ 1238
December 31, 2032. 1239

(B) Division (A) of this section applies only to costs 1240
associated with the original term of a contract described in 1241
that division and entered into before April 1, 2014. This 1242
section does not permit recovery of costs associated with an 1243
extension of such a contract. This section does not permit 1244
recovery of costs associated with an amendment of such a 1245
contract if that amendment was made on or after April 1, 2014. 1246

Sec. 4928.642. Beginning with compliance year 2020, the 1247

public utilities commission shall, in accordance with this 1248
section, reduce the number of kilowatt hours required for 1249
compliance with section 4928.64 of the Revised Code for all 1250
electric distribution utilities and all electric services 1251
companies in this state. The commission shall determine each 1252
utility's and each company's reduction by taking the total 1253
amount of kilowatt hours produced, if any, by all qualifying 1254
renewable resources, as defined in section 3706.40 of the 1255
Revised Code, during the preceding compliance year, allocating 1256
that total among all electric distribution utilities and 1257
electric services companies in proportion to their baselines for 1258
the subject compliance year, and subtracting that allocated 1259
amount from the utility's or company's compliance amount as 1260
otherwise determined under section 4928.64 of the Revised Code. 1261

Sec. 4928.644. (A) The public utilities commission may 1262
reduce either baseline described in section 4928.643 of the 1263
Revised Code to adjust for new economic growth in the electric 1264
distribution utility's certified territory or in the electric 1265
services company's service area in this state. 1266

(B) To facilitate the competitiveness of mercantile 1267
customers located in this state that are registered as self- 1268
assessing purchasers under division (C) of section 5727.81 of 1269
the Revised Code, the commission shall reduce both baselines 1270
described in section 4928.643 of the Revised Code to exclude the 1271
load and usage of those self-assessing purchasers. Upon the 1272
effective date of this reduction, both of the following shall 1273
apply: 1274

(1) Any electric distribution utility or electric services 1275
company serving such a self-assessing purchaser shall be 1276
relieved of the amount of compliance with section 4928.64 of the 1277

<u>Revised Code that would be required but for the baseline</u>	1278
<u>reduction.</u>	1279
<u>(2) Such a self-assessing purchaser shall be exempt from</u>	1280
<u>any bypassable charge imposed under division (E) of section</u>	1281
<u>4928.64 of the Revised Code.</u>	1282
Sec. 4928.645. (A) An electric distribution utility or	1283
electric services company may use, for the purpose of complying	1284
with the requirements under divisions (B)(1) and (2) of section	1285
4928.64 of the Revised Code, renewable energy credits any time	1286
in the five calendar years following the date of their purchase	1287
or acquisition from any entity, including, but not limited to,	1288
the following:	1289
(1) A mercantile customer;	1290
(2) An owner or operator of a hydroelectric generating	1291
facility that is located at a dam on a river, or on any water	1292
discharged to a river, that is within or bordering this state or	1293
within or bordering an adjoining state, or that produces power	1294
that can be shown to be deliverable into this state;	1295
(3) A seller of compressed natural gas that has been	1296
produced from biologically derived methane gas, provided that	1297
the seller may only provide renewable energy credits for metered	1298
amounts of gas.	1299
(B)(1) The public utilities commission shall adopt rules	1300
specifying that one unit of credit shall equal one megawatt hour	1301
of electricity derived from renewable energy resources, except	1302
that, for a generating facility of seventy-five megawatts or	1303
greater that is situated within this state and has committed by	1304
December 31, 2009, to modify or retrofit its generating unit or	1305
units to enable the facility to generate principally from	1306

biomass energy by June 30, 2013, each megawatt hour of 1307
electricity generated principally from that biomass energy shall 1308
equal, in units of credit, the product obtained by multiplying 1309
the actual percentage of biomass feedstock heat input used to 1310
generate such megawatt hour by the quotient obtained by dividing 1311
the then existing unit dollar amount used to determine a 1312
renewable energy compliance payment as provided under division 1313
(C) (2) (b) of section 4928.64 of the Revised Code by the then 1314
existing market value of one renewable energy credit, but such 1315
megawatt hour shall not equal less than one unit of credit. 1316
Renewable energy resources do not have to be converted to 1317
electricity in order to be eligible to receive renewable energy 1318
credits. The rules shall specify that, for purposes of 1319
converting the quantity of energy derived from biologically 1320
derived methane gas to an electricity equivalent, one megawatt 1321
hour equals 3,412,142 British thermal units. 1322

(2) The rules also shall provide for this state a system 1323
of registering renewable energy credits by specifying which of 1324
any generally available registries shall be used for that 1325
purpose and not by creating a registry. That selected system of 1326
registering renewable energy credits shall allow a hydroelectric 1327
generating facility to be eligible for obtaining renewable 1328
energy credits and shall allow customer-sited projects or 1329
actions the broadest opportunities to be eligible for obtaining 1330
renewable energy credits. 1331

(C) Beginning January 1, 2020, a qualifying renewable 1332
resource as defined in section 3706.40 of the Revised Code is 1333
not eligible to obtain a renewable energy credit under this 1334
section for any megawatt hour for which the resource has been 1335
issued a renewable energy credit under section 3706.45 of the 1336
Revised Code. 1337

Sec. 4928.66. (A) (1) (a) Beginning in 2009, an electric 1338
distribution utility shall implement energy efficiency programs 1339
that achieve energy savings equivalent to at least three-tenths 1340
of one per cent of the total, annual average, and normalized 1341
kilowatt-hour sales of the electric distribution utility during 1342
the preceding three calendar years to customers in this state. 1343
An energy efficiency program may include a combined heat and 1344
power system placed into service or retrofitted on or after the 1345
effective date of the amendment of this section by S.B. 315 of 1346
the 129th general assembly, September 10, 2012, or a waste 1347
energy recovery system placed into service or retrofitted on or 1348
after September 10, 2012, except that a waste energy recovery 1349
system described in division (A) (38) (b) of section 4928.01 of 1350
the Revised Code may be included only if it was placed into 1351
service between January 1, 2002, and December 31, 2004. For a 1352
waste energy recovery or combined heat and power system, the 1353
savings shall be as estimated by the public utilities 1354
commission. The savings requirement, using such a three-year 1355
average, shall increase to an additional five-tenths of one per 1356
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 1357
of one per cent in 2012, nine-tenths of one per cent in 2013, 1358
and one per cent in 2014. In 2015 and 2016, an electric 1359
distribution utility shall achieve energy savings equal to the 1360
result of subtracting the cumulative energy savings achieved 1361
since 2009 from the product of multiplying the baseline for 1362
energy savings, described in division (A) (2) (a) of this section, 1363
by four and two-tenths of one per cent. If the result is zero or 1364
less for the year for which the calculation is being made, the 1365
utility shall not be required to achieve additional energy 1366
savings for that year, but may achieve additional energy savings 1367
for that year. ~~Thereafter, the~~ The annual savings requirements 1368
shall be, for years 2017, 2018, 2019, and 2020, an additional 1369

~~one per cent of the baseline, and two per cent each year~~ 1370
~~thereafter, achieving cumulative energy savings in excess of~~ 1371
~~twenty-two per cent by the end of 2027.~~ For purposes of a waste 1372
energy recovery or combined heat and power system, an electric 1373
distribution utility shall not apply more than the total annual 1374
percentage of the electric distribution utility's industrial- 1375
customer load, relative to the electric distribution utility's 1376
total load, to the annual energy savings requirement. 1377

(b) Beginning in 2009, an electric distribution utility 1378
shall implement peak demand reduction programs designed to 1379
achieve a one per cent reduction in peak demand in 2009 and an 1380
additional seventy-five hundredths of one per cent reduction 1381
each year through 2014. In 2015 and 2016, an electric 1382
distribution utility shall achieve a reduction in peak demand 1383
equal to the result of subtracting the cumulative peak demand 1384
reductions achieved since 2009 from the product of multiplying 1385
the baseline for peak demand reduction, described in division 1386
(A) (2) (a) of this section, by four and seventy-five hundredths 1387
of one per cent. If the result is zero or less for the year for 1388
which the calculation is being made, the utility shall not be 1389
required to achieve an additional reduction in peak demand for 1390
that year, but may achieve an additional reduction in peak 1391
demand for that year. In 2017 and each year thereafter through 1392
2020, the utility shall achieve an additional seventy-five 1393
hundredths of one per cent reduction in peak demand. 1394

(2) For the purposes of divisions (A) (1) (a) and (b) of 1395
this section: 1396

(a) The baseline for energy savings under division (A) (1) 1397
(a) of this section shall be the average of the total kilowatt 1398
hours the electric distribution utility sold in the preceding 1399

three calendar years. The baseline for a peak demand reduction 1400
under division (A) (1) (b) of this section shall be the average 1401
peak demand on the utility in the preceding three calendar 1402
years, except that the commission may reduce either baseline to 1403
adjust for new economic growth in the utility's certified 1404
territory. Neither baseline shall include the load and usage of 1405
any of the following customers: 1406

(i) Beginning January 1, 2017, a customer for which a 1407
reasonable arrangement has been approved under section 4905.31 1408
of the Revised Code; 1409

(ii) A customer that has opted out of the utility's 1410
portfolio plan under section 4928.6611 of the Revised Code; 1411

(iii) A customer that has opted out of the utility's 1412
portfolio plan under Section 8 of S.B. 310 of the 130th general 1413
assembly. 1414

(b) The commission may amend the benchmarks set forth in 1415
division (A) (1) (a) or (b) of this section if, after application 1416
by the electric distribution utility, the commission determines 1417
that the amendment is necessary because the utility cannot 1418
reasonably achieve the benchmarks due to regulatory, economic, 1419
or technological reasons beyond its reasonable control. 1420

(c) Compliance with divisions (A) (1) (a) and (b) of this 1421
section shall be measured by including the effects of all 1422
demand-response programs for mercantile customers of the subject 1423
electric distribution utility, all waste energy recovery systems 1424
and all combined heat and power systems, and all such mercantile 1425
customer-sited energy efficiency, including waste energy 1426
recovery and combined heat and power, and peak demand reduction 1427
programs, adjusted upward by the appropriate loss factors. Any 1428

mechanism designed to recover the cost of energy efficiency, 1429
including waste energy recovery and combined heat and power, and 1430
peak demand reduction programs under divisions (A) (1) (a) and (b) 1431
of this section may exempt mercantile customers that commit 1432
their demand-response or other customer-sited capabilities, 1433
whether existing or new, for integration into the electric 1434
distribution utility's demand-response, energy efficiency, 1435
including waste energy recovery and combined heat and power, or 1436
peak demand reduction programs, if the commission determines 1437
that that exemption reasonably encourages such customers to 1438
commit those capabilities to those programs. If a mercantile 1439
customer makes such existing or new demand-response, energy 1440
efficiency, including waste energy recovery and combined heat 1441
and power, or peak demand reduction capability available to an 1442
electric distribution utility pursuant to division (A) (2) (c) of 1443
this section, the electric utility's baseline under division (A) 1444
(2) (a) of this section shall be adjusted to exclude the effects 1445
of all such demand-response, energy efficiency, including waste 1446
energy recovery and combined heat and power, or peak demand 1447
reduction programs that may have existed during the period used 1448
to establish the baseline. The baseline also shall be normalized 1449
for changes in numbers of customers, sales, weather, peak 1450
demand, and other appropriate factors so that the compliance 1451
measurement is not unduly influenced by factors outside the 1452
control of the electric distribution utility. 1453

(d) (i) Programs implemented by a utility may include the 1454
following: 1455

(I) Demand-response programs; 1456

(II) Smart grid investment programs, provided that such 1457
programs are demonstrated to be cost-beneficial; 1458

(III) Customer-sited programs, including waste energy recovery and combined heat and power systems;	1459 1460
(IV) Transmission and distribution infrastructure improvements that reduce line losses;	1461 1462
(V) Energy efficiency savings and peak demand reduction that are achieved, in whole or in part, as a result of funding provided from the universal service fund established by section 4928.51 of the Revised Code to benefit low-income customers through programs that include, but are not limited to, energy audits, the installation of energy efficiency insulation, appliances, and windows, and other weatherization measures.	1463 1464 1465 1466 1467 1468 1469
(ii) No energy efficiency or peak demand reduction achieved under divisions (A) (2) (d) (i) (IV) and (V) of this section shall qualify for shared savings.	1470 1471 1472
(iii) Division (A) (2) (c) of this section shall be applied to include facilitating efforts by a mercantile customer or group of those customers to offer customer-sited demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capabilities to the electric distribution utility as part of a reasonable arrangement submitted to the commission pursuant to section 4905.31 of the Revised Code.	1473 1474 1475 1476 1477 1478 1479 1480
(e) No programs or improvements described in division (A) (2) (d) of this section shall conflict with any statewide building code adopted by the board of building standards.	1481 1482 1483
(B) In accordance with rules it shall adopt, the public utilities commission shall produce and docket at the commission an annual report containing the results of its verification of the annual levels of energy efficiency and of peak demand	1484 1485 1486 1487

reductions achieved by each electric distribution utility 1488
pursuant to division (A) of this section. A copy of the report 1489
shall be provided to the consumers' counsel. 1490

(C) If the commission determines, after notice and 1491
opportunity for hearing and based upon its report under division 1492
(B) of this section, that an electric distribution utility has 1493
failed to comply with an energy efficiency or peak demand 1494
reduction requirement of division (A) of this section, the 1495
commission shall assess a forfeiture on the utility as provided 1496
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 1497
Code, either in the amount, per day per undercompliance or 1498
noncompliance, relative to the period of the report, equal to 1499
that prescribed for noncompliances under section 4905.54 of the 1500
Revised Code, or in an amount equal to the then existing market 1501
value of one renewable energy credit per megawatt hour of 1502
undercompliance or noncompliance. Revenue from any forfeiture 1503
assessed under this division shall be deposited to the credit of 1504
the advanced energy fund created under section 4928.61 of the 1505
Revised Code. 1506

(D) The commission may establish rules regarding the 1507
content of an application by an electric distribution utility 1508
for commission approval of a revenue decoupling mechanism under 1509
this division. Such an application shall not be considered an 1510
application to increase rates and may be included as part of a 1511
proposal to establish, continue, or expand energy efficiency or 1512
conservation programs. The commission by order may approve an 1513
application under this division if it determines both that the 1514
revenue decoupling mechanism provides for the recovery of 1515
revenue that otherwise may be forgone by the utility as a result 1516
of or in connection with the implementation by the electric 1517
distribution utility of any energy efficiency or energy 1518

conservation programs and reasonably aligns the interests of the utility and of its customers in favor of those programs.

(E) The commission additionally shall adopt rules that require an electric distribution utility to provide a customer upon request with two years' consumption data in an accessible form.

(F) (1) As used in divisions (F) (2), (3), and (4) of this section, "portfolio plan" has the same meaning as in division (C) (1) of section 4928.6610 of the Revised Code.

(2) If an electric distribution utility has a portfolio plan in effect as of the effective date of the amendments to this section by H.B. 6 of the 133rd general assembly and that plan expires before December 31, 2020, the commission shall extend the plan through that date. All portfolio plans shall terminate on that date.

(3) If a portfolio plan is extended beyond its commission approved term by division (F) (2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of the effective date of the amendments to this section by H.B. 6 of the 133rd general assembly.

(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F) (2) of this section shall remain the same unless changes are authorized by the commission.

(G) (1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in

this state as of December 31, 2020. In determining that 1548
cumulative total, the commission shall do both of the following: 1549

(a) Include energy savings that were estimated by the 1550
commission to be achieved as of December 31, 2020, and banked 1551
under division (G) of section 4928.662 of the Revised Code; 1552

(b) Use an energy savings baseline that is the average of 1553
the total kilowatt hours sold by all electric distribution 1554
utilities in this state in the calendar years 2018, 2019, and 1555
2020. The baseline shall exclude the load and usage described in 1556
division (A) (2) (a) (i), (ii), and (iii) of this section. That 1557
baseline may also be reduced for new economic growth in the 1558
utility's certified territory as provided in division (A) (2) (a) 1559
of this section and adjusted and normalized as provided in 1560
division (A) (2) (c) of this section. 1561

(2) (a) If the cumulative energy savings collectively 1562
achieved as determined by the commission under division (G) (1) 1563
of this section is at least seventeen and one-half per cent of 1564
the baseline described in division (G) (1) (b) of this section, 1565
then full compliance with division (A) (1) (a) of this section 1566
shall be deemed to have been achieved notwithstanding any 1567
provision of this section to the contrary. 1568

(b) If the cumulative energy savings collectively achieved 1569
as determined by the commission under division (G) (1) of this 1570
section is less than seventeen and one-half per cent of the 1571
baseline described in division (G) (1) (b) of this section, then 1572
both of the following shall apply: 1573

(i) The commission shall determine the manner in which 1574
further implementation of energy efficiency programs shall occur 1575
as may be reasonably necessary for collective achievement of 1576

cumulative energy savings equal to seventeen and one-half 1577
percent, and not more, of the baseline described in division (G) 1578
(1) (b) of this section. 1579

(ii) Full compliance with division (A) (1) (a) of this 1580
section shall be deemed to be achieved as of a date certain 1581
established by the commission notwithstanding any provision of 1582
this section to the contrary. 1583

(3) Upon the date that full compliance with division (A) 1584
(1) (a) of this section is deemed achieved under division (G) (2) 1585
(a) or (b) of this section, any electric distribution utility 1586
cost recovery mechanisms authorized by the commission for 1587
compliance with this section shall terminate except as may be 1588
necessary to reconcile the difference between revenue collected 1589
and the allowable cost of compliance associated with compliance 1590
efforts occurring prior to the date upon which full compliance 1591
with division (A) (1) (a) of this section is deemed achieved. No 1592
such cost recovery mechanism shall be authorized by the 1593
commission beyond the period of time required to complete this 1594
final reconciliation. 1595

Sec. 4928.6610. As used in sections 4928.6611 to ~~4928.6616~~ 1596
4928.6615 of the Revised Code: 1597

(A) "Customer" means ~~any~~ either of the following: 1598

(1) Effective January 1, 2020, a mercantile customer as 1599
defined in section 4928.01 of the Revised Code; 1600

(2) Any customer of an electric distribution utility to 1601
which either of the following applies: 1602

~~(1)~~ (a) The customer receives service above the primary 1603
voltage level as determined by the utility's tariff 1604
classification. 1605

~~(2)~~ ~~(b)~~ The customer is a commercial or industrial customer to which both of the following apply:

~~(a)~~ ~~(i)~~ The customer receives electricity through a meter of an end user or through more than one meter at a single location in a quantity that exceeds forty-five million kilowatt hours of electricity for the preceding calendar year.

~~(b)~~ ~~(ii)~~ The customer has made a written request for registration as a self-assessing purchaser pursuant to section 5727.81 of the Revised Code.

(B) "Energy intensity" means the amount of energy, from electricity, used or consumed per unit of production.

(C) "Portfolio plan" means either of the following:

(1) The comprehensive energy efficiency and peak-demand reduction program portfolio plan required under rules adopted by the public utilities commission and codified in Chapter 4901:1-39 of the Administrative Code or hereafter recodified or amended;

(2) Any plan implemented pursuant to division (G) of section 4928.66 of the Revised Code.

Sec. 4928.75. Beginning in fiscal year 2021 and each fiscal year thereafter, the director of development services shall, in each fiscal year, submit a completed waiver request in accordance with section 96.83 of Title 45 of the Code of Federal Regulations to the United States department of health and human services and any other applicable federal agencies for the state to expend twenty-five per cent of federal low-income home energy assistance programs funds from the home energy assistance block grants for weatherization services allowed by section 96.83(a) of Title 45 of the Code of Federal Regulations to the United

States department of health and human services. 1635

Sec. 4928.80. (A) Each electric distribution utility shall 1636
file with the public utilities commission a rate schedule 1637
applicable to county fairs and agricultural societies that 1638
includes either of the following: 1639

(1) A fixed monthly service fee; 1640

(2) An energy charge on a kilowatt-hour basis. 1641

(B) The minimum monthly charge shall not exceed the fixed 1642
monthly service fee and the customer shall not be subject to any 1643
demand-based riders. 1644

(C) The electric distribution utility shall be eligible to 1645
recover any revenue loss associated with customer migration to 1646
this new rate schedule. 1647

Sec. 5727.231. The taxable property of an electric company 1648
that is or is part of a qualifying nuclear resource receiving 1649
payments for nuclear resource credits under section 3706.55 of 1650
the Revised Code for any part of a tax year may not be assessed 1651
for that year under section 5727.23 of the Revised Code at less 1652
than the taxable value of such property as of the effective date 1653
of H.B. 6 of the 133rd general assembly. The electric company 1654
may not value such property at less than its taxable value as of 1655
that date in its annual report filed under section 5727.08 of 1656
the Revised Code or file a petition for reassessment seeking a 1657
reduction in taxable value below the taxable value of such 1658
property as of that date, and the tax commissioner may not grant 1659
such a reduction, under section 5727.47 of the Revised Code. 1660

Sec. 5727.75. (A) For purposes of this section: 1661

(1) "Qualified energy project" means an energy project 1662

certified by the director of development services pursuant to 1663
this section. 1664

(2) "Energy project" means a project to provide electric 1665
power through the construction, installation, and use of an 1666
energy facility. 1667

(3) "Alternative energy zone" means a county declared as 1668
such by the board of county commissioners under division (E) (1) 1669
(b) or (c) of this section. 1670

(4) "Full-time equivalent employee" means the total number 1671
of employee-hours for which compensation was paid to individuals 1672
employed at a qualified energy project for services performed at 1673
the project during the calendar year divided by two thousand 1674
eighty hours. 1675

(5) "Solar energy project" means an energy project 1676
composed of an energy facility using solar panels to generate 1677
electricity. 1678

(6) "Internet identifier of record" has the same meaning 1679
as in section 9.312 of the Revised Code. 1680

(B) (1) Tangible personal property of a qualified energy 1681
project using renewable energy resources is exempt from taxation 1682
for tax years 2011 through 2021 if all of the following 1683
conditions are satisfied: 1684

(a) On or before December 31, 2020, the owner or a lessee 1685
pursuant to a sale and leaseback transaction of the project 1686
submits an application to the power siting board for a 1687
certificate under section 4906.20 of the Revised Code, or if 1688
that section does not apply, submits an application for any 1689
approval, consent, permit, or certificate or satisfies any 1690
condition required by a public agency or political subdivision 1691

of this state for the construction or initial operation of an 1692
energy project. 1693

(b) Construction or installation of the energy facility 1694
begins on or after January 1, 2009, and before January 1, 2021. 1695
For the purposes of this division, construction begins on the 1696
earlier of the date of application for a certificate or other 1697
approval or permit described in division (B) (1) (a) of this 1698
section, or the date the contract for the construction or 1699
installation of the energy facility is entered into. 1700

(c) For a qualified energy project with a nameplate 1701
capacity of ~~five~~twenty megawatts or greater, a board of county 1702
commissioners of a county in which property of the project is 1703
located has adopted a resolution under division (E) (1) (b) or (c) 1704
of this section to approve the application submitted under 1705
division (E) of this section to exempt the property located in 1706
that county from taxation. A board's adoption of a resolution 1707
rejecting an application or its failure to adopt a resolution 1708
approving the application does not affect the tax-exempt status 1709
of the qualified energy project's property that is located in 1710
another county. 1711

(2) If tangible personal property of a qualified energy 1712
project using renewable energy resources was exempt from 1713
taxation under this section beginning in any of tax years 2011 1714
through 2021, and the certification under division (E) (2) of 1715
this section has not been revoked, the tangible personal 1716
property of the qualified energy project is exempt from taxation 1717
for tax year 2022 and all ensuing tax years if the property was 1718
placed into service before January 1, 2022, as certified in the 1719
construction progress report required under division (F) (2) of 1720
this section. Tangible personal property that has not been 1721

placed into service before that date is taxable property subject 1722
to taxation. An energy project for which certification has been 1723
revoked is ineligible for further exemption under this section. 1724
Revocation does not affect the tax-exempt status of the 1725
project's tangible personal property for the tax year in which 1726
revocation occurs or any prior tax year. 1727

(C) Tangible personal property of a qualified energy 1728
project using clean coal technology, advanced nuclear 1729
technology, or cogeneration technology is exempt from taxation 1730
for the first tax year that the property would be listed for 1731
taxation and all subsequent years if all of the following 1732
circumstances are met: 1733

(1) The property was placed into service before January 1, 1734
2021. Tangible personal property that has not been placed into 1735
service before that date is taxable property subject to 1736
taxation. 1737

(2) For such a qualified energy project with a nameplate 1738
capacity of ~~five~~twenty megawatts or greater, a board of county 1739
commissioners of a county in which property of the qualified 1740
energy project is located has adopted a resolution under 1741
division (E) (1) (b) or (c) of this section to approve the 1742
application submitted under division (E) of this section to 1743
exempt the property located in that county from taxation. A 1744
board's adoption of a resolution rejecting the application or 1745
its failure to adopt a resolution approving the application does 1746
not affect the tax-exempt status of the qualified energy 1747
project's property that is located in another county. 1748

(3) The certification for the qualified energy project 1749
issued under division (E) (2) of this section has not been 1750
revoked. An energy project for which certification has been 1751

revoked is ineligible for exemption under this section. 1752
Revocation does not affect the tax-exempt status of the 1753
project's tangible personal property for the tax year in which 1754
revocation occurs or any prior tax year. 1755

(D) Except as otherwise provided in this section, real 1756
property of a qualified energy project is exempt from taxation 1757
for any tax year for which the tangible personal property of the 1758
qualified energy project is exempted under this section. 1759

(E) (1) (a) A person may apply to the director of 1760
development services for certification of an energy project as a 1761
qualified energy project on or before the following dates: 1762

(i) December 31, 2020, for an energy project using 1763
renewable energy resources; 1764

(ii) December 31, 2017, for an energy project using clean 1765
coal technology, advanced nuclear technology, or cogeneration 1766
technology. 1767

(b) The director shall forward a copy of each application 1768
for certification of an energy project with a nameplate capacity 1769
of ~~five~~twenty megawatts or greater to the board of county 1770
commissioners of each county in which the project is located and 1771
to each taxing unit with territory located in each of the 1772
affected counties. Any board that receives from the director a 1773
copy of an application submitted under this division shall adopt 1774
a resolution approving or rejecting the application unless it 1775
has adopted a resolution under division (E) (1) (c) of this 1776
section. A resolution adopted under division (E) (1) (b) or (c) of 1777
this section may require an annual service payment to be made in 1778
addition to the service payment required under division (G) of 1779
this section. The sum of the service payment required in the 1780

resolution and the service payment required under division (G) 1781
of this section shall not exceed nine thousand dollars per 1782
megawatt of nameplate capacity located in the county. The 1783
resolution shall specify the time and manner in which the 1784
payments required by the resolution shall be paid to the county 1785
treasurer. The county treasurer shall deposit the payment to the 1786
credit of the county's general fund to be used for any purpose 1787
for which money credited to that fund may be used. 1788

The board shall send copies of the resolution to the owner 1789
of the facility and the director by certified mail or, if the 1790
board has record of an internet identifier of record associated 1791
with the owner or director, by ordinary mail and by that 1792
internet identifier of record. The board shall send such notice 1793
within thirty days after receipt of the application, or a longer 1794
period of time if authorized by the director. 1795

(c) A board of county commissioners may adopt a resolution 1796
declaring the county to be an alternative energy zone and 1797
declaring all applications submitted to the director of 1798
development services under this division after the adoption of 1799
the resolution, and prior to its repeal, to be approved by the 1800
board. 1801

All tangible personal property and real property of an 1802
energy project with a nameplate capacity of ~~five~~twenty 1803
megawatts or greater is taxable if it is located in a county in 1804
which the board of county commissioners adopted a resolution 1805
rejecting the application submitted under this division or 1806
failed to adopt a resolution approving the application under 1807
division (E) (1) (b) or (c) of this section. 1808

(2) The director shall certify an energy project if all of 1809
the following circumstances exist: 1810

- (a) The application was timely submitted. 1811
- (b) For an energy project with a nameplate capacity of 1812
~~five~~ twenty megawatts or greater, a board of county 1813
commissioners of at least one county in which the project is 1814
located has adopted a resolution approving the application under 1815
division (E) (1) (b) or (c) of this section. 1816
- (c) No portion of the project's facility was used to 1817
supply electricity before December 31, 2009. 1818
- (3) The director shall deny a certification application if 1819
the director determines the person has failed to comply with any 1820
requirement under this section. The director may revoke a 1821
certification if the director determines the person, or 1822
subsequent owner or lessee pursuant to a sale and leaseback 1823
transaction of the qualified energy project, has failed to 1824
comply with any requirement under this section. Upon 1825
certification or revocation, the director shall notify the 1826
person, owner, or lessee, the tax commissioner, and the county 1827
auditor of a county in which the project is located of the 1828
certification or revocation. Notice shall be provided in a 1829
manner convenient to the director. 1830
- (F) The owner or a lessee pursuant to a sale and leaseback 1831
transaction of a qualified energy project shall do each of the 1832
following: 1833
- (1) Comply with all applicable regulations; 1834
- (2) File with the director of development services a 1835
certified construction progress report before the first day of 1836
March of each year during the energy facility's construction or 1837
installation indicating the percentage of the project completed, 1838
and the project's nameplate capacity, as of the preceding 1839

thirty-first day of December. Unless otherwise instructed by the 1840
director of development services, the owner or lessee of an 1841
energy project shall file a report with the director on or 1842
before the first day of March each year after completion of the 1843
energy facility's construction or installation indicating the 1844
project's nameplate capacity as of the preceding thirty-first 1845
day of December. Not later than sixty days after June 17, 2010, 1846
the owner or lessee of an energy project, the construction of 1847
which was completed before June 17, 2010, shall file a 1848
certificate indicating the project's nameplate capacity. 1849

(3) File with the director of development services, in a 1850
manner prescribed by the director, a report of the total number 1851
of full-time equivalent employees, and the total number of full- 1852
time equivalent employees domiciled in Ohio, who are employed in 1853
the construction or installation of the energy facility; 1854

(4) For energy projects with a nameplate capacity of ~~five-~~ 1855
twenty megawatts or greater, repair all roads, bridges, and 1856
culverts affected by construction as reasonably required to 1857
restore them to their preconstruction condition, as determined 1858
by the county engineer in consultation with the local 1859
jurisdiction responsible for the roads, bridges, and culverts. 1860
In the event that the county engineer deems any road, bridge, or 1861
culvert to be inadequate to support the construction or 1862
decommissioning of the energy facility, the road, bridge, or 1863
culvert shall be rebuilt or reinforced to the specifications 1864
established by the county engineer prior to the construction or 1865
decommissioning of the facility. The owner or lessee of the 1866
facility shall post a bond in an amount established by the 1867
county engineer and to be held by the board of county 1868
commissioners to ensure funding for repairs of roads, bridges, 1869
and culverts affected during the construction. The bond shall be 1870

released by the board not later than one year after the date the 1871
repairs are completed. The energy facility owner or lessee 1872
pursuant to a sale and leaseback transaction shall post a bond, 1873
as may be required by the Ohio power siting board in the 1874
certificate authorizing commencement of construction issued 1875
pursuant to section 4906.10 of the Revised Code, to ensure 1876
funding for repairs to roads, bridges, and culverts resulting 1877
from decommissioning of the facility. The energy facility owner 1878
or lessee and the county engineer may enter into an agreement 1879
regarding specific transportation plans, reinforcements, 1880
modifications, use and repair of roads, financial security to be 1881
provided, and any other relevant issue. 1882

(5) Provide or facilitate training for fire and emergency 1883
responders for response to emergency situations related to the 1884
energy project and, for energy projects with a nameplate 1885
capacity of ~~five~~twenty megawatts or greater, at the person's 1886
expense, equip the fire and emergency responders with proper 1887
equipment as reasonably required to enable them to respond to 1888
such emergency situations; 1889

(6) Maintain a ratio of Ohio-domiciled full-time 1890
equivalent employees employed in the construction or 1891
installation of the energy project to total full-time equivalent 1892
employees employed in the construction or installation of the 1893
energy project of not less than eighty per cent in the case of a 1894
solar energy project, and not less than fifty per cent in the 1895
case of any other energy project. In the case of an energy 1896
project for which certification from the power siting board is 1897
required under section 4906.20 of the Revised Code, the number 1898
of full-time equivalent employees employed in the construction 1899
or installation of the energy project equals the number actually 1900
employed or the number projected to be employed in the 1901

certificate application, if such projection is required under 1902
regulations adopted pursuant to section 4906.03 of the Revised 1903
Code, whichever is greater. For all other energy projects, the 1904
number of full-time equivalent employees employed in the 1905
construction or installation of the energy project equals the 1906
number actually employed or the number projected to be employed 1907
by the director of development services, whichever is greater. 1908
To estimate the number of employees to be employed in the 1909
construction or installation of an energy project, the director 1910
shall use a generally accepted job-estimating model in use for 1911
renewable energy projects, including but not limited to the job 1912
and economic development impact model. The director may adjust 1913
an estimate produced by a model to account for variables not 1914
accounted for by the model. 1915

(7) For energy projects with a nameplate capacity in 1916
excess of ~~two~~twenty megawatts, establish a relationship with a 1917
member of the university system of Ohio as defined in section 1918
3345.011 of the Revised Code or with a person offering an 1919
apprenticeship program registered with the employment and 1920
training administration within the United States department of 1921
labor or with the apprenticeship council created by section 1922
4139.02 of the Revised Code, to educate and train individuals 1923
for careers in the wind or solar energy industry. The 1924
relationship may include endowments, cooperative programs, 1925
internships, apprenticeships, research and development projects, 1926
and curriculum development. 1927

(8) Offer to sell power or renewable energy credits from 1928
the energy project to electric distribution utilities or 1929
electric service companies subject to renewable energy resource 1930
requirements under section 4928.64 of the Revised Code that have 1931
issued requests for proposal for such power or renewable energy 1932

credits. If no electric distribution utility or electric service 1933
company issues a request for proposal on or before December 31, 1934
2010, or accepts an offer for power or renewable energy credits 1935
within forty-five days after the offer is submitted, power or 1936
renewable energy credits from the energy project may be sold to 1937
other persons. Division (F)(8) of this section does not apply 1938
if: 1939

(a) The owner or lessee is a rural electric company or a 1940
municipal power agency as defined in section 3734.058 of the 1941
Revised Code. 1942

(b) The owner or lessee is a person that, before 1943
completion of the energy project, contracted for the sale of 1944
power or renewable energy credits with a rural electric company 1945
or a municipal power agency. 1946

(c) The owner or lessee contracts for the sale of power or 1947
renewable energy credits from the energy project before June 17, 1948
2010. 1949

(9) Make annual service payments as required by division 1950
(G) of this section and as may be required in a resolution 1951
adopted by a board of county commissioners under division (E) of 1952
this section. 1953

(G) The owner or a lessee pursuant to a sale and leaseback 1954
transaction of a qualified energy project shall make annual 1955
service payments in lieu of taxes to the county treasurer on or 1956
before the final dates for payments of taxes on public utility 1957
personal property on the real and public utility personal 1958
property tax list for each tax year for which property of the 1959
energy project is exempt from taxation under this section. The 1960
county treasurer shall allocate the payment on the basis of the 1961

project's physical location. Upon receipt of a payment, or if 1962
timely payment has not been received, the county treasurer shall 1963
certify such receipt or non-receipt to the director of 1964
development services and tax commissioner in a form determined 1965
by the director and commissioner, respectively. Each payment 1966
shall be in the following amount: 1967

(1) In the case of a solar energy project, seven thousand 1968
dollars per megawatt of nameplate capacity located in the county 1969
as of December 31, 2010, for tax year 2011, as of December 31, 1970
2011, for tax year 2012, as of December 31, 2012, for tax year 1971
2013, as of December 31, 2013, for tax year 2014, as of December 1972
31, 2014, for tax year 2015, as of December 31, 2015, for tax 1973
year 2016, and as of December 31, 2016, for tax year 2017 and 1974
each tax year thereafter; 1975

(2) In the case of any other energy project using 1976
renewable energy resources, the following: 1977

(a) If the project maintains during the construction or 1978
installation of the energy facility a ratio of Ohio-domiciled 1979
full-time equivalent employees to total full-time equivalent 1980
employees of not less than seventy-five per cent, six thousand 1981
dollars per megawatt of nameplate capacity located in the county 1982
as of the thirty-first day of December of the preceding tax 1983
year; 1984

(b) If the project maintains during the construction or 1985
installation of the energy facility a ratio of Ohio-domiciled 1986
full-time equivalent employees to total full-time equivalent 1987
employees of less than seventy-five per cent but not less than 1988
sixty per cent, seven thousand dollars per megawatt of nameplate 1989
capacity located in the county as of the thirty-first day of 1990
December of the preceding tax year; 1991

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of

December of the preceding tax year.	2022
(H) The director of development services in consultation	2023
with the tax commissioner shall adopt rules pursuant to Chapter	2024
119. of the Revised Code to implement and enforce this section.	2025
Section 2. That existing sections 303.213, 519.213,	2026
713.081, 4906.13, 4928.01, 4928.64, 4928.641, 4928.644,	2027
4928.645, 4928.66, 4928.6610, and 5727.75 of the Revised Code	2028
are hereby repealed.	2029
Section 3. That section 4928.6616 of the Revised Code is	2030
hereby repealed.	2031
Section 4. The amendment by this act of section 5727.75 of	2032
the Revised Code applies to both of the following:	2033
(A) Energy projects certified by the Director of	2034
Development Services on or after the effective date of this	2035
section;	2036
(B) Existing qualified energy projects that, on the	2037
effective date of this section, have a nameplate capacity of	2038
fewer than five megawatts.	2039
Section 5. HEAP WEATHERIZATION	2040
Pursuant to section 4928.75 of the Revised Code, twenty-	2041
five per cent of the federal funds deposited to the credit of	2042
the Home Energy Assistance Block Grant Fund (Fund 3K90) may be	2043
expended from appropriation item 195614, HEAP Weatherization, to	2044
provide home weatherization services in the state as determined	2045
by the Director of Development Services.	2046