As Introduced

134th General Assembly
Regular Session
2021-2022

H. B. No. 429

Representatives Weinstein, Howse

Cosponsors: Representatives Crossman, Galonski, Boyd, Boggs, Brent, Sheehy, Skindell, Liston, Leland, Denson

A BILL

To amend sections 122.077, 123.01, 123.22, 125.09, 125.15, 125.19, 135.63, 135.78, 135.81, 135.82, 156.01, 175.01, 307.041, 505.264, 717.02, 717.25, 1551.05, 1710.01, 1710.061, 1733.04, 1733.24, 3313.372, 3345.61, 3345.69, 3375.405, 4905.31, 4906.01, 4906.02, 4906.03, 4906.20, 4906.201, 4911.02, 4928.01, 4928.02, 4928.142, 4928.143, 4928.51, 4928.52, 4928.55, 4928.56, 4928.58, 4928.61, 4928.62, 4928.621, 4928.64, 4928.65, 4928.66, 4928.662, 4928.6610, 4928.6612, 4928.71, 4929.02, 4929.051, 5501.311, and 5727.75; to enact sections 135.55, 135.551, 135.56, 135.57, 135.58, 135.59, 185.01, 185.03, 185.06, 185.09, 185.12, 185.13, 185.15, 185.16, 185.17, 185.18, 185.19, 185.20, 185.21, 185.22, 185.23, 185.24, 185.25, 185.30, 185.31, 185.32, 185.33, 185.34, 3704.20, 3704.21, 3704.22, 3704.23, 3704.24, 3704.25, 3704.26, 3704.27, 3704.28, 4903.191, 4903.26, 4903.261, 4903.263, 4903.264, 4903.265, 4903.266, 4903.267, 4903.268, 4903.269, 4903.2611, 4903.2613, 4903.2615, 4903.2617, 4903.2618, 4903.2621, 4903.30,
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 122.077, 123.01, 123.22, 125.09, 125.15, 125.19, 135.63, 135.78, 135.81, 135.82, 156.01, 175.01, 307.041, 505.264, 717.02, 717.25, 1551.05, 1710.01, 1710.061, 1733.04, 1733.24, 3313.372, 3345.61, 3345.69, 3375.405, 4905.31, 4906.01, 4906.02, 4906.03, 4906.20, 4906.201, 4911.02, 4928.01,
For the purpose of promoting the use of energy efficient waste reducing products to reduce greenhouse gas emissions in this state, the director of development shall establish an energy star rebate program under which the director may provide rebates to consumers for household devices carrying the energy star label indicating that the device meets the energy efficiency criteria of the energy star program established by the United States department of energy and the...
United States environmental protection agency. The director shall adopt rules under Chapter 119. of the Revised Code that are necessary for successful and efficient administration of the energy star rebate program and shall specify in the rules that grant availability is limited to federal stimulus funds or any other funds specifically appropriated for such a program.

Sec. 123.01. (A) The department of administrative services, in addition to those powers enumerated in Chapters 124. and 125. of the Revised Code and provided elsewhere by law, shall exercise the following powers:

(1) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency;

(2) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the Revised Code;

(3) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law;

(4) To procure, by lease, storage accommodations for a state agency;

(5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, unless a longer period is authorized by division (A)(5) of this section, and shall be...
executed for the state by the director of administrative services. The director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.17 of the Revised Code. The director may grant perpetual easements to public utilities, as defined in section 4905.02 of the Revised Code or described in section 4905.03 of the Revised Code.

(6) To lease space for the use of a state agency;

(7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;

(8) To exercise general custodial care of all real property of the state;

(9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;

(10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the
end of the lease period, the buildings, structures, and related improvements, together with the land on which they are situated, shall become the property of the state without cost.

(a) Whenever any building, structure, or other improvement is to be so leased by a state agency, the department shall retain either basic plans, specifications, bills of materials, and estimates of cost with sufficient detail to afford bidders all needed information or, alternatively, all of the following plans, details, bills of materials, and specifications:

(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;

(ii) Details to scale and full sized, so drawn and represented as to be easily understood;

(iii) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;

(iv) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

(v) A full and accurate estimate of each item of expense and of the aggregate cost thereof.

(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain
the terms upon which the builder would propose to lease the
building, structure, or other improvement to the state agency.
The form of the bid approved by the department shall be used,
and a bid is invalid and shall not be considered unless that
form is used without change, alteration, or addition. Before
submitting bids pursuant to this section, any builder shall
comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids
for entering into lease agreements with a state agency, the
director of administrative services shall open the bids and
shall publicly proceed immediately to tabulate the bids upon
duplicate sheets. No lease agreement shall be entered into until
the bureau of workers' compensation has certified that the
person to be awarded the lease agreement has complied with
Chapter 4123. of the Revised Code, until, if the builder
submitting the lowest and best bid is a foreign corporation, the
secretary of state has certified that the corporation is
authorized to do business in this state, until, if the builder
submitting the lowest and best bid is a person nonresident of
this state, the person has filed with the secretary of state a
power of attorney designating the secretary of state as its
agent for the purpose of accepting service of summons in any
action brought under Chapter 4123. of the Revised Code, and
until the agreement is submitted to the attorney general and the
attorney general's approval is certified thereon. Within thirty
days after the day on which the bids are received, the
department shall investigate the bids received and shall
determine that the bureau and the secretary of state have made
the certifications required by this section of the builder who
has submitted the lowest and best bid. Within ten days of the
completion of the investigation of the bids, the department
shall award the lease agreement to the builder who has submitted
the lowest and best bid and who has been certified by the bureau
and secretary of state as required by this section. If bidding
for the lease agreement has been conducted upon the basis of
basic plans, specifications, bills of materials, and estimates
of costs, upon the award to the builder the department, or the
builder with the approval of the department, shall appoint an
architect or engineer licensed in this state to prepare such
further detailed plans, specifications, and bills of materials
as are required to construct the building, structure, or
improvement. The department shall adopt such rules as are
necessary to give effect to this section. The department may
reject any bid. Where there is reason to believe there is
collusion or combination among bidders, the bids of those
concerned therein shall be rejected.

(11) To acquire by purchase, gift, devise, or grant and to
transfer, lease, or otherwise dispose of all real property
required to assist in the development of a conversion facility
as defined in section 5709.30 of the Revised Code as that
section existed before its repeal by Amended Substitute House
Bill 95 of the 125th general assembly;

(12) To lease for a period not to exceed forty years,
notwithstanding any other division of this section, the state-
owned property located at 408-450 East Town Street, Columbus,
Ohio, formerly the state school for the deaf, to a developer in
accordance with this section. "Developer," as used in this
section, has the same meaning as in section 123.77 of the
Revised Code.

Such a lease shall be for the purpose of development of
the land for use by senior citizens by constructing, altering,
renovating, repairing, expanding, and improving the site as it existed on June 25, 1982. A developer desiring to lease the land shall prepare for submission to the department a plan for development. Plans shall include provisions for roads, sewers, water lines, waste disposal, water supply, and similar matters to meet the requirements of state and local laws. The plans shall also include provision for protection of the property by insurance or otherwise, and plans for financing the development, and shall set forth details of the developer's financial responsibility.

The department may employ, as employees or consultants, persons needed to assist in reviewing the development plans. Those persons may include attorneys, financial experts, engineers, and other necessary experts. The department shall review the development plans and may enter into a lease if it finds all of the following:

(a) The best interests of the state will be promoted by entering into a lease with the developer;
(b) The development plans are satisfactory;
(c) The developer has established the developer's financial responsibility and satisfactory plans for financing the development.

The lease shall contain a provision that construction or renovation of the buildings, roads, structures, and other necessary facilities shall begin within one year after the date of the lease and shall proceed according to a schedule agreed to between the department and the developer or the lease will be terminated. The lease shall contain such conditions and stipulations as the director considers necessary to preserve the
best interest of the state. Moneys received by the state pursuant to this lease shall be paid into the general revenue fund. The lease shall provide that at the end of the lease period the buildings, structures, and related improvements shall become the property of the state without cost.

(13) To manage the use of space owned and controlled by the department by doing all of the following:

(a) Biennially implementing, by state agency location, a census of agency employees assigned space;

(b) Periodically in the discretion of the director of administrative services:

(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department;

(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.

(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;

(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.

(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.

(14) To adopt rules to ensure that energy efficiency waste
reduction and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency waste reduction standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125 of the Revised Code.

(15) To ensure energy efficient waste reducing and energy conserving purchasing practices by doing all of the following:

(a) Identifying available energy efficiency waste reduction and conservation opportunities;

(b) Providing for interchange of information among purchasing agencies;

(c) Identifying laws, policies, rules, and procedures that should be modified;

(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;

(e) Providing technical assistance and training to state employees involved in the purchasing process;

(f) Working with the department of development to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy
efficiency, waste reduction and conservation.

(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year.

Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total number of passenger vehicles acquired during the fiscal year, except for those passenger vehicles acquired for use in law enforcement or emergency rescue work, by a sum of terms, each of which is a fraction created by dividing the number of passenger vehicles of a given make, model, and year, except for passenger vehicles acquired for use in law enforcement or emergency rescue work, acquired during the fiscal year by the fuel economy measured by the administrator of the United States environmental protection agency, for the given make, model, and year of vehicle, that constitutes an average fuel economy for combined city and highway driving.
As used in division (A)(16) of this section, "acquired" means leased for a period of sixty continuous days or more, or purchased.

(17) To correct legal descriptions or title defects, or release fractional interests in real property, as necessary to cure title clouds reflected in public records, including those resulting from boundary disputes, ingress or egress issues, title transfers precipitated through retirement of bond requirements, and the retention of fractional interests in real estate otherwise disposed of in previous title transfers.

(18) To, with controlling board approval, sell state-owned real property that is appraised at not more than one hundred thousand dollars by an independent third-party appraiser.

Notwithstanding any provision of law to the contrary, net proceeds from any disposition of real property made pursuant to division (A)(18) of this section shall, at the direction of the director of budget and management, be credited to a fund or funds in the state treasury, or to accounts held by a state institution of higher education for purposes to be determined by the institution.

(B) This section and section 125.02 of the Revised Code shall not interfere with any of the following:

1. The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for military purposes, or with the functions of the adjutant general as director of state armories;

2. The power of the director of transportation in acquiring rights-of-way for the state highway system, or the
leasing of lands for division or resident district offices, or the leasing of lands or buildings required in the maintenance operations of the department of transportation, or the purchase of real property for garage sites or division or resident district offices, or in preparing plans and specifications for and constructing such buildings as the director may require in the administration of the department;

(3) The power of the director of public safety and the registrar of motor vehicles to purchase or lease real property and buildings to be used solely as locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.011 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of public safety, and the power of the superintendent of the state highway patrol in the purchase or leasing of real property and buildings needed by the patrol, to negotiate the sale of real property owned by the patrol, to rent or lease real property owned or leased by the patrol, and to make or cause to be made repairs to all property owned or under the control of the patrol;

(4) The power of the division of liquor control in the leasing or purchasing of retail outlets and warehouse facilities for the use of the division;

(5) The power of the director of development to enter into leases of real property, buildings, and office space to be used solely as locations for the state's foreign offices to carry out the purposes of section 122.05 of the Revised Code;
(6) The power of the director of environmental protection
to enter into environmental covenants, to grant and accept
easements, or to sell property pursuant to division (G) of
section 3745.01 of the Revised Code;

(7) The power of the department of public safety under
section 5502.01 of the Revised Code to direct security measures
and operations for the Vern Riffe center and the James A. Rhodes
state office tower. The department of administrative services
shall implement all security measures and operations at the Vern
Riffe center and the James A. Rhodes state office tower as
directed by the department of public safety.

(C) Purchases for, and the custody and repair of,
buildings under the management and control of the capitol square
review and advisory board, the opportunities for Ohioans with
disabilities agency, the bureau of workers' compensation, or the
departments of public safety, job and family services, mental
health and addiction services, developmental disabilities, and
rehabilitation and correction; buildings of educational and
benevolent institutions under the management and control of
boards of trustees; and purchases or leases for, and the custody
and repair of, office space used for the purposes of any agency
of the legislative branch of state government are not subject to
the control and jurisdiction of the department of administrative
services.

An agency of the legislative branch of state government
that uses office space in a building under the management and
control of the department of administrative services may
exercise the agency's authority to improve the agency's office
space as authorized under this division only if, upon review,
the department of administrative services concludes the proposed
improvements do not adversely impact the structural integrity of the building.

If an agency of the legislative branch of state government, except the capitol square review and advisory board, so requests, the agency and the director of administrative services may enter into a contract under which the department of administrative services agrees to perform any services requested by the agency that the department is authorized under this section to perform. In performing such services, the department shall not use competitive selection. As used in this division, "competitive selection" has the meaning defined in section 125.01 of the Revised Code and includes any other type of competitive process for the selection of persons producing or dealing in the services to be provided.

(D) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 123.22. (A) As used in this section:

(1) "Construct" includes reconstruct, improve, renovate, enlarge, or otherwise alter.

(2) "Energy consumption analysis" means the evaluation of all energy consuming systems, components, and equipment by demand and type of energy, including the internal energy load imposed on a facility by its occupants and the external energy load imposed by climatic conditions.

(3) "Facility" means a building or other structure, or part of a building or other structure, that includes provision for a heating, refrigeration, ventilation, cooling, lighting,
hot water, or other major energy consuming system, component, or equipment.

(4) "Life-cycle cost analysis" means a general approach to economic evaluation that takes into account all dollar costs related to owning, operating, maintaining, and ultimately disposing of a project over the appropriate study period.

(5) "Political subdivision" means a county, township, municipal corporation, board of education of any school district, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(6) "State funded" means funded in whole or in part through appropriation by the general assembly or through the use of any guarantee provided by this state.

(7) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(8) "Cogeneration" means the simultaneous production of thermal energy and electricity for use primarily within a building or complex of buildings.

(B) The Ohio facilities construction commission shall develop energy efficiency waste reduction and conservation programs for new construction design and review and for existing building audit and retrofit.

The commission may accept and administer grants from public and private sources for carrying out any of its duties under this section.

(C) No state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity,
or institution shall construct or cause to be constructed, 491
within the limits prescribed in this section, a state-funded 492
facility without a proper life-cycle cost analysis as computed 493
or prepared by a qualified architect or engineer in accordance 494
with the rules required by division (D) of this section. 495

Construction shall proceed only upon the disclosure to the 496
commission, for the facility chosen, of the life-cycle costs as 497
determined in this section and the capitalization of the initial 498
construction costs of the building. The results of life-cycle 499
cost analysis shall be a primary consideration in the selection 500
of a building design. That analysis shall be required only for 501
construction of buildings with an area of twenty thousand square 502
feet or greater, except the commission may waive this 503
requirement or may require an analysis for buildings with an 504
area of less than twenty thousand square feet. For projects with 505
an estimated construction cost exceeding fifty million dollars, 506
the analysis shall include a review of cogeneration as an energy 507
source.

Nothing in this section shall deprive or limit any state 508
agency that has review authority over design or construction 509
plans from requiring a life-cycle cost analysis or energy 510
consumption analysis.

(D) For the purposes of assisting the commission in its 511
responsibility for state-funded facilities pursuant to section 512
123.21 of the Revised Code and of cost-effectively reducing the 513
energy consumption of those and any other state-funded 514
facilities, thereby promoting fiscal, economic, and 515
environmental benefits to this state, the commission shall 516
promulgate rules specifying cost-effective, energy efficiency- 517
waste reduction and conservation standards that may govern the 518
design, construction, operation, and maintenance of all state-funded facilities, except facilities of state institutions of higher education or facilities operated by a political subdivision. The department of development services agency shall cooperate in providing information and technical expertise to the commission to ensure promulgation of rules of maximum effectiveness. The standards prescribed by rules promulgated under this division may draw from or incorporate, by reference or otherwise and in whole or in part, standards already developed or implemented by any competent, public or private standards organization or program. The rules also may include any of the following:

(1) Specifications for a life-cycle cost analysis that shall determine, for the economic life of such state-funded facility, the reasonably expected costs of facility ownership, operation, and maintenance including labor and materials. Life-cycle cost may be expressed as an annual cost for each year of the facility's use.

A life-cycle cost analysis additionally may include an energy consumption analysis that conforms to division (D)(2) of this section.

(2) Specifications for an energy consumption analysis of the facility's heating, refrigeration, ventilation, cooling, lighting, hot water, and other major energy consuming systems, components, and equipment.

A life-cycle cost analysis and energy consumption analysis shall be based on the best currently available methods of analysis, such as those of the national institute of standards and technology, the United States department of energy or other federal agencies, professional societies, and directions.
developed by the department.

(3) Specifications for energy performance indices, to be used to audit and evaluate competing design proposals submitted to the state.

(4) A process by which a manager of a specified state-funded facility, except a facility of a state institution of higher education or a facility operated by a political subdivision, may receive a waiver of compliance with any provision of the rules required by divisions (D)(1) to (3) of this section.

(E) Each state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, institution, and state institution of higher education shall comply with any applicable provision of this section or of a rule promulgated pursuant to division (D) of this section.

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 125.072 of the Revised Code, the department of administrative services may prescribe such conditions under which competitive sealed bids, competitive sealed proposals, and bids in reverse auctions will be received and terms of the proposed purchase as it considers necessary; provided, that all such conditions and terms shall be reasonable and shall not unreasonably restrict competition, and bidders may bid and offerors may propose upon all or any item of the products, supplies, or services listed in such notice. Those bidders and offerors claiming the preference outlined in this chapter shall designate in their bid or offer either that the product or supply is produced or mined in the United States and is either an Ohio product or that the product, supply, or service is provided by a bidder or offeror that qualifies as having a significant Ohio economic presence under
the rules established by the director of administrative services.

(B) The department may require that each bidder or offeror provide sufficient information about the energy efficiency waste reduction or energy usage of the bidder's or offeror's product, supply, or service.

(C) The director of administrative services shall, by rule adopted pursuant to Chapter 119. of the Revised Code, prescribe criteria and procedures for use by all state agencies in giving preference under this section as required by division (B) of section 125.11 of the Revised Code. The rules shall extend to:

1. Criteria for determining that a product is produced or mined in the United States rather than in another country or territory;

2. Criteria for determining that a product is produced or mined in Ohio;

3. Information to be submitted by bidders or offerors as to the nature of a product and the location where it is produced or mined;

4. Criteria and procedures to be used by the director to qualify bidders or offerors located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons...
located in Ohio selling products or services to agencies of that state. The criteria and procedures shall also provide that a non-Ohio business shall not bid on a contract for state printing in this state if the business is located in a state that excludes Ohio businesses from bidding on state printing contracts in that state.

(5) Criteria and procedures to be used to qualify bidders and offerors whose manufactured products, except for mined products, are produced in other states or in North America, but the bidders or offerors have a significant Ohio economic presence in terms of the number of employees or capital investment a bidder or offeror has in this state. Bidders and offerors with a significant Ohio economic presence shall qualify for award of a contract on the same basis as if their products were produced in this state or as if the bidder or offeror was domiciled in this state.

(6) Criteria and procedures for the director to grant waivers of the requirements of division (B) of section 125.11 of the Revised Code on a contract-by-contract basis where compliance with those requirements would result in the state agency paying an excessive price for the product or acquiring a disproportionately inferior product;

(7) Such other requirements or procedures reasonably necessary to implement the system of preferences established pursuant to division (B) of section 125.11 of the Revised Code.

In adopting the rules required under this division, the director shall, to the maximum extent possible, conform to the requirements of the federal "Buy America Act," 47 Stat. 1520, (1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations adopted thereunder.
Sec. 125.15. All state agencies required to secure any equipment, materials, supplies, or services from the department of administrative services shall make acquisition in the manner and upon forms prescribed by the director of administrative services and shall reimburse the department for the equipment, materials, supplies, or services, including a reasonable sum to cover the department's administrative costs and costs relating to energy efficiency, waste reduction, and conservation programs, whenever reimbursement is required by the department. The money so paid shall be deposited in the state treasury to the credit of the general services fund, the information technology fund, or the information technology governance fund, as appropriate. Those funds are hereby created.

Sec. 125.19. The department of administrative services shall make available to boards of education and local governments all information about energy efficiency, waste reduction, and energy conservation purchasing measures developed by the department or other state agency.

The department shall develop and conduct orientation and training programs concerning energy efficiency, waste reduction, and energy conservation purchasing measures for all state, board of education, and local employees having duties for purchasing supplies, materials, and equipment.

Sec. 135.55. As used in sections 135.55 to 135.59 of the Revised Code:

(A) "Black, Indigenous, and People of Color" or "BIPOC" means people having origins in any of the following groups:

(i) American Indian, Alaska native, or any of the original peoples of North America, Central America, or South America, if
the people maintain tribal affiliation or community attachment;

(2) Any of the original peoples of the Far East, Indian subcontinent, or Southeast Asia, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam;

(3) Black, African American, or any peoples of the black racial groups of Africa;

(4) Any peoples of Hispanic or Latino culture or origin, including people of Cuban, Mexican, Puerto Rican, or South or Central American or other Spanish culture or origin;

(5) Any of the original peoples of Hawaii, Guam, Samoa, or other Pacific islands.

(B) "Eligible small business" means any person that has all of the following characteristics:

(1) Is headquartered in this state;

(2) Maintains offices and operating facilities exclusively in this state and transacts business in this state;

(3) Employs fewer than one hundred fifty employees, the majority of whom are residents of this state;

(4) Participates in either of the following:

(a) The clean energy entrepreneurs program under section 185.19 of the Revised Code;

(b) The BIPOC clean contractor accelerator under section 185.23 of the Revised Code.

(5) The core business is focused on energy waste reduction or renewables.
"Eligible lending institution" means a financial institution that is eligible to make commercial loans, agrees to participate in the Ohio clean energy jobs and justice linked deposit program, and is either of the following:

1. A public depository of state funds under section 135.03 of the Revised Code;

2. Notwithstanding sections 135.01 to 135.21 of the Revised Code, a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state.

"Linked deposit" means a certificate of deposit or other financial institution instrument placed by the treasurer of state with an eligible lending institution at a rate below current market rates, as determined and calculated by the treasurer of state, provided the institution agrees to lend the value of such deposit, according to the deposit agreement provided in division (C) of section 135.57 of the Revised Code, to eligible small businesses at a rate that reflects an equal percentage rate reduction below the present borrowing rate applicable to each specific business at the time of the deposit of state funds in the institution.

"Other financial institution instrument" means a fully collateralized product that otherwise would pay market rates of interest approved by the treasurer of state.

"Loan" means a contractual agreement under which an eligible lending institution agrees to lend money in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state.
Sec. 135.551. The general assembly finds that there exists in this state a lack of access to low interest capital for clean energy businesses led by Black, Indigenous, and people of color. This is a result of the systemic racism and exclusion of the BIPOC community from traditional banking and lending institutions. Accordingly, it is declared to be the public policy of the state through the Ohio clean energy jobs and justice linked deposit program to create an availability of low interest loans specifically to encourage and accelerate the development of clean energy businesses led by Black, Indigenous, and people of color and to bolster competition for clean energy-related projects.

Sec. 135.56. (A) An eligible lending institution that seeks to receive an Ohio clean energy jobs and justice linked deposit shall accept and review applications for loans from eligible small businesses. The lending institution shall apply all usual lending standards to determine the creditworthiness of each eligible business.

(B) An eligible small business shall certify on its loan application that the reduced rate loan will be used exclusively for business focused on energy waste reduction and renewables. The eligible small business shall specify on the loan application what specific project or business development program the loan will be used for. Whoever knowingly makes a false statement concerning such application is guilty of the offense of falsification under section 2921.13 of the Revised Code.

(C) The eligible financial institution shall forward to the treasurer of state an Ohio clean energy jobs and justice linked deposit loan package, in the form and manner as
prescribed by the treasurer of state. The package shall include such information as required by the treasurer of state, including the amount of the loan requested and proposed use of the loan. The institution shall certify that each applicant is an eligible small business, and shall, for each business, certify the present borrowing rate applicable to each specific eligible business.

Sec. 135.57. (A) The treasurer of state may accept or reject an Ohio clean energy jobs and justice linked deposit loan package or any portion thereof, based on the treasurer of state's evaluation of the eligible small businesses included in the package and the amount of state funds to be deposited. When evaluating the eligible small businesses, the treasurer of state shall give priority to such factors as the treasurer of state considers appropriate.

(B) Upon acceptance of the Ohio clean energy jobs and justice linked deposit loan package or any portion thereof, the treasurer of state may place certificates of deposit or other financial institution instruments with the eligible lending institution at a rate below current market rates, as determined and calculated by the treasurer of state. When necessary, the treasurer of state may place certificates of deposit or other financial institution instruments prior to acceptance of a linked deposit loan package.

(C) The eligible lending institution shall enter into a deposit agreement with the treasurer of state, which shall include requirements necessary to carry out the purposes of sections 135.55 to 135.59 of the Revised Code. Such requirements shall reflect the market conditions prevailing in the eligible lending institution's lending area. The agreement may include a
specification of the period of time in which the lending institution is to lend funds upon the placement of a linked deposit, and shall include provisions for the certificates of deposit or other financial institution instruments to be placed for any maturity considered appropriate by the treasurer of state not to exceed four years. Interest shall be paid at the times determined by the treasurer of state.

(D) Eligible lending institutions shall comply fully with Chapter 135. of the Revised Code.

Sec. 135.58. (A) Upon the placement of a linked deposit with an eligible lending institution, such institution is required to lend such funds to each approved eligible small business listed in the linked deposit loan package required by division (C) of section 135.56 of the Revised Code and in accordance with the deposit agreement required by division (C) of section 135.57 of the Revised Code. The loan shall be at a rate that reflects a percentage rate reduction below the present borrowing rate applicable to each business that is equal to the percentage rate reduction below market rates at which the certificates of deposit or other financial institution instruments that constitute the Ohio clean energy jobs and justice linked deposit were placed. A certification of compliance with this section in the form and manner as prescribed by the treasurer of state shall be required of the eligible lending institution.

(B) The treasurer of state shall take any and all steps necessary to implement the Ohio clean energy jobs and justice linked deposit program and monitor compliance of eligible lending institutions and eligible small businesses, including the development of guidelines as necessary.
(C) Annually, by the first day of February, the treasurer of state shall report on the Ohio clean energy jobs and justice linked deposit program for the preceding calendar year to the governor, the speaker of the house of representatives, and the president of the senate. The report shall set forth the Ohio clean energy jobs and justice linked deposits made by the treasurer of state under the program during the year and shall include information regarding the nature, terms, and amounts of the loans upon which the linked deposits were based and the eligible small businesses to which the loans were made.

Sec. 135.59. (A) The treasurer of state may adopt rules necessary for the implementation and administration of sections 135.55 to 135.59 of the Revised Code. Such rules shall be adopted in accordance with section 111.15 of the Revised Code.

(B) The state and treasurer of state are not liable to any eligible lending institution in any manner for payment of the principle or interest on the loan to an eligible small business. Any delay in payments or default on the part of an eligible small business shall not in any manner affect the agreement between the eligible lending institution and the treasurer of state.

Sec. 135.63. The treasurer of state may invest in Ohio clean energy jobs and justice linked deposits under sections 135.55 to 135.59, linked deposits under sections 135.61 to 135.67, short-term installment loan linked deposits under sections 135.68 to 135.70, agricultural linked deposits under sections 135.71 to 135.76, business linked deposits under sections 135.77 to 135.774, adoption linked deposits under sections 135.79 to 135.796, housing linked deposits under sections 135.81 to 135.87, assistive technology device linked...
deposits under sections 135.91 to 135.97, and SaveNOW linked deposits under sections 135.101 to 135.106 of the Revised Code, provided that at the time of placement of any such linked deposit the combined amount of investments in all such linked deposits is not more than twelve per cent of the state's total average investment portfolio as determined by the treasurer of state. When deciding whether to invest in any such linked deposits, the treasurer of state shall give priority to the investment, liquidity, and cash flow needs of the state.

Sec. 135.78. (A) As used in this section:

(1) "Eligible lending institution" means an eligible lending institution as defined in section 135.55, 135.61, 135.68, 135.71, 135.77, or 135.79 of the Revised Code, as applicable.

(2) "Prevailing interest rate" means a current interest rate benchmark selected by the treasurer of state that banks are willing to pay to hold deposits for a specific time period, as measured by a third-party organization.

(3) "Treasurer's assessment rate" means a number not exceeding ten per cent that is calculated in a manner determined by the treasurer of state and that seeks to account for the effect that varying tax treatment among different types of financial institutions has on the ability of financial institutions to pay competitive interest rates to hold deposits.

(B) The treasurer of state shall, in accordance with Chapter 111. of the Revised Code, adopt rules addressing the participation of eligible lending institutions in the Ohio clean energy jobs and justice linked deposit program under sections 135.55 to 135.59 of the Revised Code, agricultural linked
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deposit program under sections 135.71 to 135.76 of the Revised Code, the business linked deposit program under sections 135.77 to 135.774 of the Revised Code, and the adoption linked deposit program under sections 135.79 to 135.796 of the Ohio Revised Code, including, but not limited to, the manner in which an eligible lending institution is designated and the linked deposits are placed, held, and collateralized. Participation of eligible lending institutions in those linked deposit programs shall not begin until these rules have been adopted.

(C) Notwithstanding any provision of law to the contrary, the treasurer of state may require an eligible lending institution that holds public deposits under sections 135.55 to 135.61, 135.68 to 135.70, 135.71 to 135.76, 135.77 to 135.774, or 135.79 to 135.796 of the Revised Code, and any institution mentioned in section 135.03 of the Revised Code that holds public deposits under sections 135.71 to 135.76 of the Revised Code, to pay interest at a rate not lower than the product of the prevailing interest rate multiplied by the sum of one plus the treasurer's assessment rate. The treasurer may adopt rules necessary for the implementation of this division. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 135.81. As used in sections 135.81 to 135.87 of the Revised Code:

(A) "Eligible governmental subdivision" means a municipal corporation, port authority created in accordance with section 4582.22 of the Revised Code, or county in this state.

(B) "Eligible governmental subdivision housing linked deposit program" means any program established pursuant to section 135.80 of the Revised Code by the legislative authority
of a municipal corporation, the board of directors of a port
authority created in accordance with section 4582.22 of the
Revised Code, or the board of county commissioners of a county,
in which the program goals address specific housing issues
relative to the geographic boundaries of that municipal
corporation, port authority, or county. These program goals
include, but are not limited to, home improvement, home
restoration, energy efficiency, waste reduction, retention of
historic significance, controlling urban sprawl, neighborhood
revitalization, affordable housing, home ownership for persons
unable to secure conventional financing, urban development, or
economic revitalization of a residential area as a result of a
natural disaster or other catastrophic occurrence.

(C) "Eligible housing linked deposit participant" means
any person or small business that meets the requirements set
forth in an eligible governmental subdivision housing linked
deposit program or set forth by the treasurer of state pursuant
to division (B)(2) of section 135.82 of the Revised Code and
that is a resident of this state.

(D) "Eligible lending institution" means a financial
institution meeting all of the following:

(1) It is eligible to make commercial loans or residential
loans.

(2) It is a public depository of state funds under section
135.03 of the Revised Code.

(3) It agrees to participate in a program to provide
housing linked deposits.

(E) "Housing linked deposit" means a certificate of
deposit or other financial institution instrument, described in
section 135.85 of the Revised Code, placed by the treasurer of
state with an eligible lending institution, in accordance with
division (B) of section 135.84 of the Revised Code, provided
that the institution agrees, at the time of the deposit of state
funds and for the period of the deposit, to lend the value of
the deposit according to the deposit agreement described in
section 135.85 of the Revised Code to eligible housing linked
deposit participants at a fixed interest rate of up to three
hundred basis points below the present borrowing rate applicable
to each participant in the absence of approval to participate in
the programs described in division (B) of section 135.82 of the
Revised Code.

(F) "Other financial institution instrument" means a fully
collateralized product that otherwise would pay market rates of
interest approved by the treasurer of state, for the purpose of
providing eligible housing linked deposit participants with the
benefits of a housing linked deposit.

(G) "Loan" means a contractual agreement under which an
eligible lending institution agrees to lend money in the form of
an upfront lump sum, a line of credit, or any other reasonable
arrangement approved by the treasurer of state.

Sec. 135.82. (A) The general assembly finds that there
exists in this state a lack of affordable financing options to
promote solutions to a number of housing issues, including, but
not limited to, home improvement, home restoration, energy
efficiency, waste reduction, retention of historic significance,
controlling urban sprawl, neighborhood revitalization,
affordable housing, home ownership for persons unable to secure
conventional financing, urban development, and economic
revitalization of a residential area as a result of a natural
disaster or other catastrophic occurrence. Accordingly, it is declared to be the public policy of the state through housing linked deposits to create an availability of lower cost funds to inject needed capital into local residential communities.

(B) Pursuant to the findings and declarations of division (A) of this section and subject to the amount authorized to be invested in linked deposits pursuant to sections 135.63 and 135.631 of the Revised Code, both of the following apply:

(1) Housing linked deposits are authorized under which the state partners with eligible governmental subdivisions in accordance with section 135.83 of the Revised Code to provide, pursuant to section 135.84 of the Revised Code, an availability of lower cost funds for lending purposes that materially will contribute to the solutions addressing housing issues, described in division (A) of this section, across the state.

(2) In the absence of an eligible governmental subdivision linked deposit program, the treasurer of state may develop an application process and procedures and eligibility requirements for participation in a housing linked deposit program that provides, pursuant to section 135.84 of the Revised Code, an availability of lower cost funds for lending purposes that materially will contribute to the solutions addressing housing issues, described in division (A) of this section, across the state.

Sec. 156.01. As used in sections 156.01 to 156.05 of the Revised Code:

(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water
conservation measures, when compared to an established baseline for previous such cost.

(B) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption and operating costs. The term includes any of the following:

1. Installation or modification of insulation in the building structure and systems within the building;

2. Installation or modification of storm windows and doors, multiglazed windows and doors, and heat absorbing or heat reflective glazed and coated window and door systems; installation of additional glazing; reductions in glass area; and other window and door system modifications that reduce energy consumption and operating costs;

3. Installation or modification of automatic energy control systems;

4. Replacement or modification of heating, ventilating, or air conditioning systems;

5. Application of caulking and weather stripping;

6. Replacement or modification of lighting fixtures to increase reduce the energy efficiency waste of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

7. Installation or modification of energy recovery systems;

8. Installation or modification of cogeneration systems
that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Installation or modification of trigeneration systems that produce heat and cooling, as well as electricity, for use primarily within a building or complex of buildings;

(10) Installation or modification of systems that harvest renewable energy from solar, wind, water, biomass, bio-gas, or geothermal sources, for use primarily within a building or complex of buildings;

(11) Retro-commissioning or recommissioning energy-related systems to verify that they are installed and calibrated to optimize energy and operational performance within a building or complex of buildings;

(12) Consolidation, virtualization, and optimization of computer servers, data storage devices, or other information technology hardware and infrastructure;

(13) Any other modification, installation, or remodeling approved by the executive director of the Ohio facilities construction commission as an energy conservation measure for one or more buildings owned by either of the following:

(a) The state;

(b) A state institution of higher education as defined in section 3345.011 of the Revised Code that implements the energy conservation measure in consultation with the executive director.

(C) "Energy saving measure" means the acquisition and installation, by purchase, lease, lease-purchase, lease with an
option to buy, or installment purchase, of an energy conservation measure and any attendant architectural and engineering consulting services.

(D) "Energy, water, or wastewater cost savings" means a measured reduction in, as applicable, the cost of fuel, energy or water consumption, wastewater production, or stipulated operation or maintenance resulting from the implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such costs, respectively.

(E) "Operating cost savings" means a measured reduction in the cost of stipulated operation or maintenance created by the installation of new equipment or implementation of a new service, when compared with an established baseline for previous such stipulated costs.

(F) "Water conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building or the surrounding grounds in order to reduce water consumption. The term includes any of the following:

(1) Water-conserving fixture, appliance, or equipment, or the substitution of a nonwater-using fixture, appliance, or equipment;

(2) Water-conserving, landscape irrigation equipment;

(3) Landscaping measure that reduces storm water runoff demand and capture and hold applied water and rainfall, including landscape contouring such as the use of a berm, swale, or terrace and including the use of a soil amendment, including compost, that increases the water-holding capacity of the soil;

(4) Rainwater harvesting equipment or equipment to make
use of water collected as part of a storm water system installed for water quality control;

(5) Equipment for recycling or reuse of water originating on the premises or from another source, including treated, municipal effluent;

(6) Equipment needed to capture water for nonpotable uses from any nonconventional, alternate source, including air conditioning condensate or gray water;

(7) Any other modification, installation, or remodeling approved by the executive director of the Ohio facilities construction commission as a water conservation measure for one or more buildings or the surrounding grounds owned by either of the following:

(a) The state;

(b) A state institution of higher education as defined in section 3345.011 of the Revised Code that implements the water conservation measure in consultation with the executive director.

(G) "Water saving measure" means the acquisition and installation, by the purchase, lease, lease-purchase, lease with an option to buy, or installment purchases of a water conservation measure and any attendant architectural and engineering consulting services.

Sec. 175.01. As used in sections 175.01 to 175.13 of the Revised Code:

(A) "Bonds" means bonds, notes, debentures, refunding bonds, refunding notes, and other obligations.

(B) "Down payment assistance" means monetary assistance
for down payment closing costs, and pre-paid expenses directly related to the purchase of a home.

(C) "Financial assistance" means grants, loans, loan guarantees, an equity position in a project, and loan subsidies.

(D) "Grant" means funding for which repayment is not required.

(E) "Homeownership program" means any program for which the Ohio housing finance agency provides financing, directly or indirectly, for the purchase of housing for owner-occupancy.

(F) "Housing" means housing for owner-occupancy and multifamily rental housing.

(G) "Housing development fund" means the housing development fund created and administered pursuant to section 175.11 of the Revised Code.

(H) "Housing finance agency personal services fund" means the housing finance agency personal services fund created and administered pursuant to section 175.051 of the Revised Code.

(I) "Housing for owner-occupancy" means housing that is intended for occupancy by an owner as a principal residence. "Housing for owner-occupancy" may be any type of structure and may be owned in any form of ownership.

(J) "Housing trust fund" means the low- and moderate-income housing trust fund created and administered pursuant to Chapter 174. of the Revised Code.

(K) "Improvement" means any alteration, remodeling, addition, or repair that substantially protects or improves the basic habitability or energy efficiency waste reduction of housing.
(L) "Lending institution" means any financial institution qualified to conduct business in this state, a subsidiary corporation that is wholly owned by a financial institution qualified to conduct business in this state, and a mortgage lender whose regular business is originating, servicing, or brokering real estate loans and who is qualified to do business in this state.

(M) "Loan" means any extension of credit or other form of financing or indebtedness extended directly or indirectly to a borrower with the expectation that it will be repaid in accordance with the terms of the underlying loan agreement or other pertinent document. "Loan" includes financing the Ohio housing finance agency extends to lending institutions and indebtedness the agency purchases from lending institutions.

(N) "Loan guarantee" means any agreement in favor of a lending institution, bondholder, or other lender in which the credit and resources of the housing finance agency or the housing trust fund are pledged to secure the payment or collection of financing extended to a borrower for the acquisition, construction, improvement, rehabilitation, or preservation of housing or to refinance any financing previously extended for those purposes.

(O) "Loan subsidy" means any deposit of funds the Ohio housing finance agency holds or administers into a lending institution with the authorization or direction that the income or revenues the deposit earns, or could have earned at competitive rates, be applied directly or indirectly to the benefit of housing assistance or financial assistance.

(P) "Low- and moderate-income persons" means individuals and families who qualify as low- and moderate-income persons.
pursuant to guidelines the agency establishes.

(Q) "Multifamily rental housing" means multiple unit housing intended for rental occupancy.

(R) "Nonprofit organization" means a nonprofit organization in good standing and qualified to conduct business in this state including any corporation whose members are members of a metropolitan housing authority.

(S) "Owner" means any person who, jointly or severally, has legal or equitable title to housing together with the right to control or possess that housing. "Owner" includes a purchaser of housing pursuant to a land installment contract if that contract vests possession and maintenance responsibilities in the purchaser, and a person who has care or control of housing as executor, administrator, assignee, trustee, or guardian of the estate of the owner of that housing.

(T) "Security interest" means any lien, encumbrance, pledge, assignment, mortgage, or other form of collateral the Ohio housing finance agency holds as security for financial assistance the agency extends or a loan the agency acquires.

Sec. 185.01. As used in sections 185.01 to 185.15 of the Revised Code:

(A) "BIPOC" has the same meaning as in section 135.55 of the Revised Code.

(B) "Energy justice" means the provision of sustainable energy services and technologies in a manner that does the following:

(1) Advances the public interest by achieving equity in social and economic participation in the energy system;
(2) Provides all customers in the state equitable access to, and the opportunity to benefit from, energy system services and technologies;

(3) Remediates social, economic, and health burdens on those who have been historically harmed by the energy system.

(C) "Energy justice principles" include the following:

(1) Equitable access to contracting and employment in energy projects and regulated utility operations;

(2) Equitable distribution of any unavoidable adverse environmental impacts associated with fossil fuel energy facilities development, siting, and operations, including recommendations for mitigation of the adverse impacts;

(3) Development and implementation of plans and programs to end and redress historical energy project impacts on disadvantaged and front line communities;

(4) Objective evaluation and maximum avoidance of regressive or unjust discriminatory impacts related to rates and services provided by regulated energy businesses;

(5) Intentional design and implementation of clean and sustainable energy programs, rates, and services to ensure equity in access to, and enrollment and participation in, the programs.

Sec. 185.03. The governor's office of energy justice is created in the department of development. The governor shall designate the director of the governor's office of energy justice, who shall report directly to the office of the governor. The director may appoint such employees as are necessary to exercise the powers and duties of the office.
Sec. 185.06. The mission of the governor's office of energy justice is to ensure that decisions and actions made by the public utilities commission and other relevant agencies are guided by and benefit from energy justice principles and advance energy justice goals for all residential consumers and participants in the job training, workforce development, and accelerator programs established under sections 185.20 to 185.23 of the Revised Code. This requirement applies to decisions and actions pertaining to energy issues and energy-related activities established on behalf of residential consumers in the state and program participants.

Sec. 185.09. For each fiscal year through fiscal year 2031, the general assembly shall ensure that the governor's office of energy justice has a budget adequate for the operation of the office and sufficient for it to perform its critical missions and to achieve the energy transformation described in section 4928.021 of the Revised Code.

Sec. 185.12. (A) There is hereby created in the state treasury the governor's office of energy justice operating fund for the sole purpose of maintaining and administering the governor's office of energy justice.

(B) An amount equal to the appropriation to the governor's office of energy justice in each fiscal year shall be apportioned among and assessed against each public utility within this state, as defined in section 4911.01 of the Revised Code.

(1) The amount of an assessment shall be determined by first computing the assessment as though it were to be made in proportion to the intrastate gross earnings or receipts of the public utility for the calendar year next preceding that in...
which the assessment is made, excluding earnings or receipts from sales to other public utilities for resale. For the first computation of the assessment the office may do the following:

(a) Exclude any amount of a public utility's intrastate gross earnings or receipts that were overreported in a prior year;

(b) Include any amount of a public utility's intrastate gross earnings or receipts underreported in a prior year;

(c) In addition to whatever penalties apply under the Revised Code to underreporting under division (A)(1)(b) of this section, the office shall assess the public utility interest at the rate stated in division (A) of section 1343.01 of the Revised Code and shall deposit any interest collected under this division into the governor's office of energy justice operating fund.

(2) The final computation of the assessment shall consist of imposing upon each public utility whose assessment under the first computation would have been one hundred dollars or less an assessment of one hundred dollars and recomputing the assessment of the remaining companies by apportioning an amount equal to the appropriation to the office in each fiscal year less the total amount to be recovered from those paying the minimum assessment, in proportion to the intrastate gross earnings or receipts of the remaining companies for the calendar year next preceding that in which the assessments are made, excluding earnings or receipts from sales to other public utilities for resale.

(a) In the case of an assessment based on intrastate gross receipts under this section against a public utility that is an
electric utility as defined in section 4928.01 of the Revised Code, or an electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, such receipts shall be those specified in the utility's, company's, cooperative's, or aggregator's most recent report of intrastate gross receipts and sales of kilowatt hours of electricity, filed with the public utilities commission pursuant to division (F) of section 4928.06 of the Revised Code, and verified by the commission.

(b) In the case of an assessment based on intrastate gross receipts under this section against a retail natural gas supplier or governmental aggregator subject to certification under section 4929.20 of the Revised Code, such receipts shall be those specified in the supplier's or aggregator's most recent report of intrastate gross receipts and sales of hundred cubic feet of natural gas, filed with the commission pursuant to division (B) of section 4929.23 of the Revised Code, and verified by the commission. However, no such retail natural gas supplier or such governmental aggregator serving or proposing to serve customers of a particular natural gas company, as defined in section 4929.01 of the Revised Code, shall be assessed under this section until after the commission, pursuant to section 4905.26 or 4909.18 of the Revised Code, has removed from the base rates of the natural gas company the amount of assessment under this section that is attributable to the value of commodity sales service, as defined in section 4929.01 of the Revised Code, in the base rates paid by those customers of the company that do not purchase that service from the natural gas company.

(C) Through calendar year 2022, on or before the first day of October in each year, the office shall notify each public...
utility of the sum assessed against it, whereupon payment shall be made to the office, which shall deposit it into the state treasury to the credit of the governor's office of energy justice operating fund.

Beginning in calendar year 2023, on or before the fifteenth day of May in each year, the office shall notify each public utility that had a sum assessed against it for the current fiscal year of more than one thousand dollars that fifty per cent of that amount shall be paid to the office by the twentieth day of June of that year as an initial payment of the assessment against the company for the next fiscal year. On or before the first day of October in each year, the office shall make a final determination of the sum of the assessment against each public utility and shall notify each public utility of the sum assessed against it. The office shall deduct from the assessment for each public utility any initial payment received. Payment of the assessment shall be made to the office by the first day of November of that year. The office shall deposit the payments received into the state treasury to the credit of the governor's office of energy justice operating fund.

Any such amounts paid into the fund but not expended by the office shall be credited ratably by the office to the public utilities that pay more than the minimum assessment, according to the respective portions of such sum assessable against them for the ensuing fiscal year, after first deducting any deficits accumulated from prior years. The assessments for such fiscal year shall be reduced correspondingly.

(D) As used in this section, "public utility" includes:

(1) In addition to an electric utility as defined in section 4928.01 of the Revised Code, an electric services
company, an electric cooperative, or a governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent of the company's, cooperative's, or aggregator's engagement in the business of supplying or arranging for the supply in this state of any retail electric service for which it must be so certified;

(2) In addition to a natural gas company as defined in section 4929.01 of the Revised Code, a retail natural gas supplier or governmental aggregator subject to certification under section 4929.20 of the Revised Code, to the extent of the supplier's or aggregator's engagement in the business of supplying or arranging for the supply in this state of any competitive retail natural gas service for which it must be certified.

Sec. 185.13. Not later than December 31, 2030, the office of energy justice shall issue a report to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, and the chairpersons of the committees of the house of representatives and the senate with primary jurisdiction over energy and utility matters. The report shall include a description of the activities of the office since the effective date of this section, an assessment of the effectiveness of the office, and an explanation of what more needs to be done for the office to fulfill its mission described under section 185.06 of the Revised Code.

Sec. 185.15. (A) As used in this section:

(1) "Report" means any formal document, including written comments and testimony, filed by the governor's office of energy justice in a regulatory proceeding of the public utilities commission or the power siting board that discusses and makes
recommendations regarding the impact of the proposals contained in the proceeding on energy justice principles.

(2) "Proceeding" includes any formal rule-making procedure, application, contested case, rate case, or any other official matter considered by the commission or power siting board regardless of whether it is formally docketed in the commission's docketing information system.

(B) The office shall serve as a primary advocate for energy justice in matters before the commission and for other agencies upon request to address issues relating to the duties of the office.

(C) The office shall conduct outreach to residential customers and community representatives and organizations in order to ensure that it benefits from the most timely and relevant information about how energy actions and decisions impact energy justice and energy justice principles.

(D) The office shall exercise its discretion regarding its participation in commission proceedings. At a minimum, it shall participate in proceedings in which there is a significant issue impacting energy justice principles. Participation in proceedings shall be through the filing of a report regarding the matters at issue in the proceeding and where necessary, sponsoring a witness on the report, that will be represented by the office. At its discretion, the office also may file a report in a board proceeding and provide a witness to the proceeding.

(E) The office may develop and adopt rules in accordance with Chapter 119. of the Revised Code and participate in other commission and board actions and proceedings to address issues of energy justice principles.
Sec. 185.16. As used in sections 185.16 to 185.25 of the Revised Code:

"Environmental justice community" means an area in this state that is disproportionately and adversely impacted by poor air quality and climate change as compared to other areas.

"Just transition community" means an area in this state that is adversely impacted by the closure of an electric generating facility or a decline in the extractive fossil fuel industry.

"Minority" means an individual who is a member of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians.

"Training provider" means a community-based organization that has entered into a contract with the director of the governor's office of energy justice under section 185.19 of the Revised Code.

Sec. 185.17. Not later than one hundred twenty days after the effective date of this section, or as soon as practicable thereafter, the director of the governor's office of energy justice shall adopt rules for and implement the programs created under sections 185.20 to 185.23 of the Revised Code.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer the programs.

Sec. 185.18. (A) Not later than one hundred twenty days after the effective date of this section, or as soon as practicable thereafter, the director of the governor's office of energy justice shall establish at least fifteen Ohio clean
energy incubators throughout this state in any of the following locations:

(1) A community that has a high concentration of minorities;

(2) A community with low income;

(3) An environmental justice community;

(4) A just transition community;

(5) A community that has a high concentration of individuals who are available for work and who are underserved by another incubator location.

(B) The director shall operate the programs created under sections 185.20 to 185.23 of the Revised Code at the incubators established under division (A) of this section.

(C) The director shall adopt rules pursuant to section 185.17 of the Revised Code that establish criteria under which the director shall determine whether an area in this state is considered one of the communities described in divisions (A)(1) to (5) of this section.

Sec. 185.19. Not later than one year after the effective date of this section, or as soon as practicable thereafter, the director of the governor's office of energy justice, in accordance with the competitive selection procedure of Chapter 125. of the Revised Code, shall enter into a contract with a community-based organization to provide training under the programs created under sections 185.20 to 185.23 of the Revised Code for a period of five years.

At the end of the five-year period, and every five years thereafter, the director, in accordance with the competitive
selection procedure of Chapter 125. of the Revised Code, shall enter into a contract with a community-based organization to provide training under the programs for a period of five years.

A community-based organization awarded a contract under this section may contract with a subcontractor to provide training services under the programs. A contract or proposed contract between a community-based organization and a subcontractor is subject to any applicable provisions governing subcontractors contained in a contract between the director and the community-based organization.

Sec. 185.20. (A) The clean jobs training program is created to prepare participants for occupations in the clean energy industry, including the renewable energy and energy waste reduction sectors. The director of the governor's office of energy justice shall administer the program.

(B)(1) The following individuals are eligible to participate in the program:

(a) An individual who is aging out of foster care;
(b) An individual who is a minority;
(c) A member of an environmental justice community;
(d) A member of a just transition community;
(e) A member of a community with low income;
(f) An individual released from custody of the department of rehabilitation and correction within six months after applying to participate in the program.

(2) An eligible individual who wishes to participate in the program shall apply to the director on a form prescribed by
the director. In selecting participants, the director shall prioritize applications of individuals who are aging out of foster care.

(C)(1) Training under the program may be provided by a training provider, and the director may establish an apprenticeship program for purposes of providing training to participants. An apprenticeship program established under this division shall comply with the curriculum requirements developed under division (D) of this section.

(2) The director shall ensure that all of the following are available to a participant:

(a) Transportation to and from an incubator location;
(b) Childcare support;
(c) Career counseling during the program and for a period of one year after the participant graduates from the program.

(D)(1) Not later than one hundred twenty days after the effective date of this section, or as soon as practicable thereafter, the director shall convene a group of stakeholders described in division (D)(3) of this section to develop a curriculum for the program. The group shall include in the curriculum a framework with content that provides a program participant with a standard set of skills that allows the participant to pursue an occupation in the clean energy industry or in the general construction and building trades. A training provider shall comply with the curriculum requirements to receive any funds appropriated to provide training services under the program.

(2) Not later than three years after the date the curriculum is developed, and not later than every three years
thereafter, the director shall convene a group of stakeholders described in division (D)(3) of this section to review and update the curriculum to ensure it reflects the best practices with respect to the technological and other needs of the clean energy industry. For purposes of updating the curriculum, the director is not required to convene a stakeholder group that is composed of the same persons as any previously convened group.

(3) Members of each stakeholder group shall include all of the following:

(a) The director of the governor's office of energy justice or the director's designee;

(b) The director of job and family services or the director's designee;

(c) The superintendent of public instruction or the superintendent's designee;

(d) A representative from a labor union and the building trades;

(e) A representative from a community organization;

(f) A representative from a non-profit organization;

(g) A member of a community that has a high concentration of minorities;

(h) A member of an environmental justice community;

(i) A member of a just transition community;

(j) A member of a community with low income;

(k) A representative from an organization that provides opportunities in clean energy occupations.
Sec. 185.21. (A) The Ohio jumpstart clean jobs training program is created. The director of the governor's office of energy justice, in collaboration with the director of rehabilitation and correction, shall administer the program at each state correctional institution in coordination with, to the extent practicable, existing job training programs administered at each institution.

(B) An individual is eligible to participate in the program if the individual is an offender who is serving a term of imprisonment under the custody of the department of rehabilitation and correction and is expected to be released from incarceration within one year after the date of applying to participate or completing the program.

(C) Under the program, a training provider shall do both of the following:

(1) Prepare participants for an occupation in the clean energy industry, including the renewable and energy waste reduction sectors;

(2) Comply, to the extent practicable, with the curriculum developed under section 185.20 of the Revised Code.

(D) The director of the governor's office of energy justice, in adopting rules pursuant to section 185.17 of the Revised Code to administer the program created under this section, shall consult with the director of rehabilitation and correction.

Sec. 185.22. (A) As used in this section, "minority business" means an individual who is a resident of this state and owns and controls a business, or a partnership, corporation, or joint venture of any kind that is owned and controlled by an
individual or individuals who are minorities and residents of this state.

(B) The clean energy entrepreneurs program is created. The director of the governor's office of energy justice shall administer the program. To participate in the program, a business shall be a newly established small minority business in the clean energy industry, including in the energy waste reduction, transit, and electrification sectors and the solar, wind, and other renewable energy sectors.

(C) The director shall make all of the following available to a participating business:

(1) Low-interest loans, including loans through the Ohio clean energy jobs and justice linked deposit program created under sections 135.55 to 135.59 of the Revised Code;

(2) Mentoring, training, and business development and planning assistance;

(3) Assistance in obtaining financial assurance, including bonding and insurance;

(4) Assistance in obtaining any applicable license, permit, or certification;

(5) Assistance in preparing a contract bid and an application for project funding;

(6) Compliance training with respect to the requirements of sections 4115.03 to 4115.16 of the Revised Code;

(7) Administrative support with respect to the resources and services listed in divisions (C)(1) to (6) of this section.

(D) The director shall adopt rules pursuant to section
185.17 of the Revised Code that prescribe both of the following:

(1) Eligibility requirements for a newly established small minority business to participate in the program;

(2) Program requirements that, on satisfying those requirements, enables a participating business to be recognized as an approved clean energy contractor.

Sec. 185.23. (A) The BIPOC clean energy contractor accelerator is created. The director of the governor's office of energy justice shall administer the accelerator. A business that is recognized as an approved clean energy contractor by meeting the requirements the director prescribes by rule pursuant to division (D) of section 185.22 of the Revised Code is eligible to participate in the programs offered through the accelerator.

(B) The director shall make all of the following available to a participating business:

(1) Monthly, personalized coaching sessions to assist a participating business with preparing a five-year business plan, contract bid, and application for project funding;

(2) A two-year mentorship program that matches a participating business with a qualified business that has had success in the clean energy industry;

(3) Low-interest loans, including loans through the Ohio clean energy jobs and justice linked deposit program under sections 135.55 to 135.59 of the Revised Code;

(4) Grants of not more than one million dollars.

Sec. 185.24. The director of the governor's office of energy justice and training providers shall engage in community education and outreach regarding the opportunities available
through the programs created under sections 185.20 to 185.23 of the Revised Code in communities where the incubators established under section 185.18 of the Revised Code are located.

The director shall engage in community education and outreach to inform eligible businesses, potential clients of participating businesses, and community partners about the clean energy entrepreneurs program created under section 185.22 of the Revised Code and about the opportunities available in the clean energy industry in this state.

Sec. 185.25. Not later than ninety days after the effective date of this section, or as soon as practicable thereafter, the director of the governor's office of energy justice shall establish a clean energy justice task force. The task force shall develop objective accountability and feedback mechanisms that generate quantitative data to measure whether progress is being made in this state toward an increase in clean energy occupations and to measure the success rate of contracting efforts by participants of the programs created under sections 185.20 to 185.23 of the Revised Code.

Sec. 185.30. As used in sections 185.30 to 185.34 of the Revised Code:

(A) "Carbon dioxide equivalent" means a unit of measurement denoting the amount of emissions from a greenhouse gas, expressed as the amount of carbon dioxide by weight that produces the same global warming impact.

(B) "Fossil fuel generating plant" means an electric generating unit or a cogenerating unit that produces electricity using fossil fuels.

(C) "Payment period" means the three-month period of time...
during which emissions are measured for the purpose of a quarterly fee calculation.

(D) "Title V permit" has the same meaning as in section 3704.01 of the Revised Code.

Sec. 185.31. (A) There is hereby created in the state treasury the greenhouse gases pollution fund. The fund shall consist of money from energy community reinvestment fees collected under section 185.32 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

(B) Money in the fund shall be used to pay for any expenses incurred by the office of energy justice to implement the programs created under this chapter.

Sec. 185.32. (A) Beginning on June 1, 2022, the director of environmental protection shall charge the owner of a fossil fuel generating plant an energy community reinvestment fee, calculated in accordance with section 185.33 of the Revised Code. Not later than September 1, 2022, and every three months thereafter on the first day of the month, the director shall notify each fossil fuel generating plant owner of the quarterly fee amount that a plant owner must pay to the director.

(B) The director shall deposit all energy community reinvestment fees into the greenhouse gases pollution fund created in section 185.31 of the Revised Code.

Sec. 185.33. (A) The director of environmental protection shall calculate the energy community reinvestment fee that an owner of a fossil fuel generating plant must pay in accordance with the following:

(1) The director shall determine the plant's total emissions of carbon dioxide, methane, and nitrous oxide measured
in carbon dioxide equivalent tons.

(2) The director shall calculate the fee due for each payment period by dividing a plant's total emissions of carbon dioxide equivalents in tons by the total emissions of carbon dioxide equivalents in tons of all fossil fuel generating plants subject to the energy community reinvestment fee and multiplying that amount by the portion of the annual revenue requirements established in division (B) of this section.

(B) Not later than June 1, 2022, and not later than the first day of June of each year thereafter, the director of the governor's office of energy justice shall submit a notification to the director of environmental protection for the purpose of implementing the energy community reinvestment fee. The notification shall include both of the following:

(1) The revenue and spending requirements for the programs identified under this chapter for the upcoming fiscal year;

(2) The projected spending for all program years through fiscal year 2036.

The projected revenue and spending required for any program year shall be at least one hundred million dollars per year for all calendar years that the Ohio electric sector generates greenhouse gas emissions.

Sec. 185.34. (A) The owner of a fossil fuel generating plant shall pay the energy community reinvestment fee calculated by the director of environmental protection under section 185.33 of the Revised Code to the director not later than thirty days after the close of each payment period, as specified by the director.

(B) The director shall issue a warning to the owner of a
fossil fuel generating plant that does not pay the energy community reinvestment fee within ninety days after the due date established by the director. If the owner fails to pay the fee within sixty days after receipt of a warning, the director may, by written notice, suspend or revoke the plant's Title V permit.

Sec. 307.041. (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, an existing building, to reduce energy consumption. "Energy conservation measure" includes the following:

(1) Insulation of the building structure and of systems within the building;

(2) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(3) Automatic energy control systems;

(4) Heating, ventilating, or air conditioning system modifications or replacements;

(5) Caulking and weatherstripping;

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such an increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Energy recovery systems;
(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Acquiring, constructing, furnishing, equipping, improving the site of, and otherwise improving a central utility plant to provide heating and cooling services to a building or buildings together with distribution piping and ancillary distribution controls, equipment, and related facilities from the central utility plant to the building or buildings;

(10) Any other modification, installation, or remodeling approved by the board of county commissioners as an energy conservation measure.

(B) For the purpose of evaluating county buildings for energy conservation measures, a county may contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for an energy conservation report. The report shall include all of the following:

(1) Analyses of the buildings' energy needs and recommendations for building installations, modifications of existing installations, or building remodeling that would significantly reduce energy consumption in the buildings owned by that county;

(2) Estimates of all costs of those installations, those modifications, or that remodeling, including costs of design, engineering, installation, maintenance, and repairs;

(3) Estimates of the amounts by which energy consumption could be reduced;
(4) The interest rate used to estimate the costs of any energy conservation measures that are to be financed;

(5) The average system life of the energy conservation measures;

(6) Estimates of the likely savings that will result from the reduction in energy consumption over the average system life of the energy conservation measure, including the methods used to estimate the savings;

(7) A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation.

(C)(1) A county desiring to implement energy conservation measures may proceed under either of the following methods:

(a) Using a report or any part of an energy conservation report prepared under division (B) of this section, advertise for bids and, except as otherwise provided in this section, comply with sections 307.86 to 307.92 of the Revised Code;

(b) Notwithstanding sections 307.86 to 307.92 of the Revised Code, request proposals from at least three vendors for the implementation of energy conservation measures. A request for proposals shall require the installer that is awarded a contract under division (C)(2)(b) of this section to prepare an energy conservation report in accordance with division (B) of this section. Prior to sending any installer of energy conservation measures a copy of any request for proposals, the county shall advertise its intent to request proposals for the installation of energy conservation measures in a newspaper of general circulation in the county once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code.
Code. The notice shall state that the county intends to request proposals for the installation of energy conservation measures; indicate the date, which shall be at least ten days after the second publication, on which the request for proposals will be mailed to installers of energy conservation measures; and state that any installer of energy conservation measures interested in receiving the request for proposals shall submit written notice to the county not later than noon of the day on which the request for proposals will be mailed.

(2)(a) Upon receiving bids under division (C)(1)(a) of this section, the county shall analyze them and select the lowest and best bid or bids most likely to result in the greatest energy savings considering the cost of the project and the county's ability to pay for the improvements with current revenues or by financing the improvements.

(b) Upon receiving proposals under division (C)(1)(b) of this section, the county shall analyze the proposals and the installers' qualifications and select the most qualified installer to prepare an energy conservation report in accordance with division (B) of this section. After receipt and review of the energy conservation report, the county may award a contract to the selected installer to install the energy conservation measures that are most likely to result in the greatest energy savings considering the cost of the project and the county's ability to pay for the improvements with current revenues or by financing the improvements.

(c) The awarding of a contract to install energy conservation measures under division (C)(2)(a) or (b) of this section shall be conditioned upon a finding by the contracting authority that the amount of money spent on the energy conservation measures shall not exceed the cost of the project or the improvements.
conservation measures is not likely to exceed the amount of money the county would save in energy, operating, maintenance, and avoided capital costs over the average system life of the energy conservation measures as specified in the energy conservation report. In making such a finding, the contracting authority may take into account increased costs due to inflation as shown in the energy conservation report. Nothing in this division prohibits a county from rejecting all bids or proposals under division (C)(1)(a) or (b) of this section or from selecting more than one bid or proposal.

(D) A board of county commissioners may enter into an installment payment contract for the purchase and installation of energy conservation measures. Provisions of installment payment contracts that deal with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 307.86 of the Revised Code, and shall be on the following terms:

(1) Not less than a specified percentage, as determined and approved by the board of county commissioners, of the costs of the contract shall be paid within two years from the date of purchase.

(2) The remaining balance of the costs of the contract shall be paid within the lesser of the average system life of the energy conservation measures as specified in the energy conservation report or thirty years.

(E) The board of county commissioners may issue the notes of the county specifying the terms of a purchase of energy conservation measures under this section and securing any deferred payments provided for in division (D) of this section. The notes shall be payable at the times provided and bear
interest at a rate not exceeding the rate determined as provided in section 9.95 of the Revised Code. The notes may contain an option for prepayment and shall not be subject to Chapter 133. of the Revised Code. Revenues derived from local taxes or otherwise for the purpose of conserving energy or for defraying the current operating expenses of the county may be pledged and applied to the payment of interest and the retirement of the notes. The notes may be sold at private sale or given to the contractor under an installment payment contract authorized by division (D) of this section.

(F) Debt incurred under this section shall not be included in the calculation of the net indebtedness of a county under section 133.07 of the Revised Code.

Sec. 505.264. (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, an existing building, to reduce energy consumption. It includes the following:

(1) Insulation of the building structure and of systems within the building;

(2) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(3) Automatic energy control systems;

(4) Heating, ventilating, or air conditioning system modifications or replacements;

(5) Caulking and weatherstripping;
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Energy recovery systems;

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Any other modification, installation, or remodeling approved by the board of township trustees as an energy conservation measure.

(B) For the purpose of evaluating township buildings for energy conservation measures, a township may contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for a report that analyzes the buildings' energy needs and presents recommendations for building installations, modifications of existing installations, or building remodeling that would significantly reduce energy consumption in the buildings owned by that township. The report shall include estimates of all costs of the installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, and repairs, and estimates of the amounts by which energy consumption could be reduced.

(C) A township desiring to implement energy conservation measures may proceed under either of the following methods:
(1) Using a report or any part of a report prepared under division (B) of this section, advertise for bids and comply with the bidding procedures set forth in sections 307.86 to 307.92 of the Revised Code;

(2) Request proposals from at least three vendors for the implementation of energy conservation measures. Prior to sending any installer of energy conservation measures a copy of any such request, the township shall advertise its intent to request proposals for the installation of energy conservation measures in a newspaper of general circulation in the township once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code. The notice shall state that the township intends to request proposals for the installation of energy conservation measures; indicate the date, which shall be at least ten days after the second publication, on which the request for proposals will be mailed to installers of energy conservation measures; and state that any installer of energy conservation measures interested in receiving the request for proposal shall submit written notice to the township not later than noon of the day on which the request for proposal will be mailed.

Upon receiving the proposals, the township shall analyze them and select the proposal or proposals most likely to result in the greatest energy savings considering the cost of the project and the township's ability to pay for the improvements with current revenues or by financing the improvements. The awarding of a contract to install energy conservation measures under division (C)(2) of this section shall be conditioned upon a finding by the township that the amount of money spent on energy savings measures is not likely to exceed the amount of money the township would save in energy and operating costs over
ten years or a lesser period as determined by the township or, 1941
in the case of contracts for cogeneration systems, over five 1942
years or a lesser period as determined by the township. Nothing 1943
in this section prohibits a township from rejecting all 1944
proposals or from selecting more than one proposal. 1945

(D) A board of township trustees may enter into an 1946
installment payment contract for the purchase and installation 1947
of energy conservation measures. Any provisions of those 1948
installment payment contracts that deal with interest charges 1949
and financing terms shall not be subject to the competitive 1950
bidding procedures of section 307.86 of the Revised Code. Unless 1951
otherwise approved by a resolution of the board, an installment 1952
payment contract entered into by a board of township trustees 1953
under this section shall require the board to contract in 1954
accordance with the procedures set forth in section 307.86 of 1955
the Revised Code for the installation, modification, or 1956
remodeling of energy conservation measures pursuant to this 1957
section.

(E) The board may issue securities of the township 1958
specifying the terms of the purchase and securing the deferred 1959
payments, payable at the times provided and bearing interest at 1960
a rate not exceeding the rate determined as provided in section 1961
9.95 of the Revised Code. The maximum maturity of the securities 1962
shall be as provided in division (B)(7)(g) of section 133.20 of 1963
the Revised Code. The securities may contain an option for 1964
prepayment and shall not be subject to Chapter 133. of the 1965
Revised Code. Revenues derived from local taxes or otherwise, 1966
for the purpose of conserving energy or for defraying the 1967
current operating expenses of the township, may be applied to 1968
the payment of interest and the retirement of the securities. 1969
The securities may be sold at private sale or given to the
contractor under the installment payment contract authorized by division (D) of this section.

(F) Debt incurred under this section shall not be included in the calculation of the net indebtedness of a township under section 133.09 of the Revised Code.

Sec. 717.02. (A) As used in this section:

(1) "Energy conservation measure" means the construction of, installation or modification of an installation in, or remodeling of, a new or existing building or infrastructure, to reduce energy consumption. It includes:

(a) Insulation of the building structure and of systems within the building;

(b) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(c) Automatic energy control systems;

(d) Heating, ventilating, or air conditioning system modifications or replacements;

(e) Caulking and weatherstripping;

(f) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such an increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;
(g) Energy recovery systems;

(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(i) Acquiring, constructing, furnishing, equipping, improving the site of, or otherwise improving a central utility plant to provide heating and cooling services to a building or building infrastructure together with distribution piping and ancillary distribution controls, equipment, and related facilities from the central utility plant to the building or building infrastructure;

(j) Meter replacement, installation of an automatic meter reading system, or any other construction, modification, installation, or remodeling of water, electric, gas, or any other municipally supplied utility system;

(k) Any other construction, modification, installation, or remodeling approved by the legislative authority of the municipal corporation as an energy conservation measure.

(2) "Infrastructure" includes, but is not limited to, a water, gas, or electric utility, renewable energy system or technology, traffic control signal, or any other asset owned, operated, or maintained by a municipal corporation.

(B) For the purpose of evaluating buildings owned by a municipal corporation for energy conservation measures, a legislative authority of a municipal corporation may contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for an energy conservation report. The report shall include all of the
following:

(1) Analyses of the energy needs of the buildings owned by that municipal corporation and recommendations for building installations, modifications of existing installations, or building remodeling that would significantly reduce energy consumption in the buildings;

(2) Estimates of all costs of the recommended installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, and repair;

(3) Estimates of the amounts by which energy consumption could be reduced;

(4) The interest rate used to estimate the costs of any energy conservation measures that are to be financed by the municipal corporation;

(5) The average system life of the energy conservation measures;

(6) Estimates of the likely savings that will result from the reduction in energy consumption over the average system life of the energy conservation measures, including the methods used to estimate the savings;

(7) A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation.

(C)(1) A municipal corporation desiring to implement energy conservation measures may proceed under any of the following methods:

(a) Procure the energy conservation measures in any manner authorized by the municipal corporation's charter, ordinances,
(b) Advertise for bids using a report or any part of an energy conservation report prepared under division (B) of this section, and, except as otherwise provided in this section, comply with competitive bidding requirements;

(c) Notwithstanding any requirement in the Revised Code that requires competitive bidding or specifies bidding procedures, request proposals from at least three vendors for the implementation of energy conservation measures. A request for proposals shall require the vendor that is awarded a contract under division (C)(2)(b) of this section to prepare an energy conservation report in accordance with division (B) of this section.

Prior to sending any vendor a copy of any request for proposals, the legislative authority shall advertise its intent to request proposals for the installation of energy conservation measures in a newspaper of general circulation in the municipal corporation once a week for two consecutive weeks. The notice shall state that the legislative authority intends to request proposals for the installation of energy conservation measures, indicate the date on which the request for proposals will be mailed to vendors, which shall be at least ten days after the second publication in the newspaper, and state that any vendor interested in receiving the request for proposals shall submit written notice to the legislative authority not later than noon of the day on which the request for proposals is to be mailed.

(2)(a) Upon receiving bids under division (C)(1)(b) of this section, the legislative authority shall analyze them and select the lowest and best bid or bids most likely to result in the greatest energy savings considering the cost of the project

or any other existing authority;
and the legislative authority's ability to pay for the improvements with current revenues or by financing the improvements.

(b) Upon receiving proposals under division (C)(1)(c) of this section, the legislative authority shall analyze the proposals and the vendors' qualifications and select the most qualified vendor to prepare an energy conservation report in accordance with division (B) of this section. After receipt and review of the energy conservation report, the legislative authority may award a contract to the selected vendor to install the energy conservation measures that are most likely to result in the greatest energy savings considering the cost of the project and the legislative authority's ability to pay for the improvements with current revenues or by financing the improvements.

(c) The awarding of a contract to install energy conservation measures under division (C)(2)(a) or (b) of this section shall be conditioned upon a finding by the contracting authority that the amount of money spent on energy conservation measures is not likely to exceed the amount of money the municipal corporation would save in energy, operating, maintenance, and avoided capital costs over the average system life of the energy conservation measures as specified in the energy conservation report. In making such a finding, the contracting authority may take into account the increased costs due to inflation as shown in the energy conservation report. Nothing in this division prohibits a municipal corporation from rejecting all bids or proposals under division (C)(1)(b) or (c) of this section or from selecting more than one bid or proposal.

(D) The legislative authority of a municipal corporation
may enter into an installment payment contract for the purchase and installation of energy conservation measures. Provisions of installment payment contracts that deal with interest charges and financing terms shall not be subject to competitive bidding requirements and shall be on the following terms:

(1) Not less than a specified percentage of the costs of the contract shall be paid within two years from the date of purchase, as determined and approved by the legislative authority of a municipal corporation.

(2) The remaining balance of the costs of the contract shall be paid within the lesser of the average system life of the energy conservation measures as specified in the energy conservation report or thirty years.

(E) The legislative authority of a municipal corporation may issue the notes of the municipal corporation specifying the terms of a purchase of energy conservation measures under this section and securing any deferred payments provided for in division (D) of this section. The notes shall be payable at the times provided and bear interest at a rate not exceeding the rate determined as provided in section 9.95 of the Revised Code. The notes may contain an option for prepayment and shall not be subject to Chapter 133. of the Revised Code. Revenues derived from local taxes or otherwise, for the purpose of conserving energy or for defraying the current operating expenses of the municipal corporation, may be pledged and applied to the payment of interest and the retirement of the notes. The notes may be sold at private sale or given to the contractor under an installment payment contract authorized by division (D) of this section.

(F) Debt incurred under this section shall not be included
in the calculation of the net indebtedness of a municipal corporation under section 133.05 of the Revised Code.

Sec. 717.25. (A) As used in this section:

(1) "Customer-generated energy project" means a wind, biomass, or gasification facility for the generation of electricity that meets either of the following requirements:

(a) The facility is designed to have a generating capacity of two hundred fifty kilowatts of electricity or less.

(b) The facility is:

(i) Designed to have a generating capacity of more than two hundred fifty kilowatts of electricity;

(ii) Operated in parallel with electric transmission and distribution facilities serving the real property at the site of the customer-generated energy project;

(iii) Intended primarily to offset part or all of the facility owner's requirements for electricity at the site of the customer-generated energy project and is located on the facility owner's real property; and

(iv) Not producing energy for direct sale by the facility owner to the public.

(2) "Electric distribution utility" and "mercantile customer" have the same meanings as in section 4928.01 of the Revised Code.

(3) "Reduction in demand" has the same meaning as in section 1710.01 of the Revised Code.

(B) The legislative authority of a municipal corporation may establish a low-cost alternative energy revolving loan


program to assist owners of real property within the municipal corporation with installing and implementing either of the following on their real property:

(1) Alternative energy technologies limited to solar photovoltaic projects, solar thermal energy projects, geothermal energy projects, and customer-generated energy projects;

(2) Energy efficiency waste reduction technologies, products, and activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy.

(C) If the legislative authority decides to establish such a program, the legislative authority shall adopt an ordinance that provides for the following:

(1) Creation in the municipal treasury of an alternative energy revolving loan fund;

(2) A source of money, such as gifts, bond issues, real property assessments, or federal subsidies, to seed the alternative energy revolving loan fund;

(3) Facilities for making loans from the alternative energy revolving loan fund, including an explanation of how owners of real property within the municipal corporation may qualify for loans from the fund, a description of the alternative energy and energy efficiency waste reduction technologies and related equipment for which a loan can be made from the fund, authorization of a municipal agency to process applications for loans and otherwise to administer the low-cost alternative energy revolving loan program, a procedure whereby loans can be applied for, criteria for reviewing and accepting or denying applications for loans, criteria for determining the
appropriate amount of a loan, the interest rate to be charged, the repayment schedule, and other terms and conditions of a loan, and procedures for collecting loans that are not repaid according to the repayment schedule;

(4) A specification that repayments of loans from the alternative energy revolving loan fund may be made in installments and, at the option of the real property owner repaying the loan, the installments may be paid and collected as if they were special assessments paid and collected in the manner specified in Chapter 727. of the Revised Code and as specified in the ordinance;

(5) A specification that repayments of loans from the alternative energy revolving loan fund are to be credited to the fund, that the money in the fund is to be invested pending its being lent out, and that investment earnings on the money in the fund are to be credited to the fund; and

(6) Other matters necessary and proper for efficient operation of the low-cost alternative energy revolving loan program as a means of encouraging use of alternative energy and energy efficiency waste reduction technologies.

The interest rate charged on a loan from the alternative energy revolving loan fund shall be below prevailing market rates. The legislative authority may specify the interest rate in the ordinance or may, after establishing a standard in the ordinance whereby the interest rate can be specified, delegate authority to specify the interest rate to the administrator of loans from the alternative energy revolving loan fund.

The alternative energy revolving loan fund shall be seeded with sufficient money to enable loans to be made until the fund
accumulates sufficient reserves through investment and repayment of loans for revolving operation.

(D) Except as provided in division (E) of this section, an electric distribution utility may count toward its compliance with the energy efficiency waste and peak demand reduction requirements of section 4928.66 of the Revised Code any energy efficiency waste reduction savings or any reduction in demand that is produced by projects utilizing alternative energy technologies or energy efficiency waste reduction technologies, products, and activities that are located in its certified territory and for which a loan has been made under this section.

(E) A mercantile customer that realizes energy efficiency waste reduction savings or reduction in demand produced by alternative energy technologies or energy efficiency waste reduction technologies, products, or activities that it owns and for which a loan has been made under this section may elect to commit the savings or reduction to the electric distribution utility in exchange for an exemption from an energy efficiency waste reduction cost recovery mechanism permitted under section 4928.66 of the Revised Code, approved by the public utilities commission.

(F) The legislative authority shall submit a quarterly report to the electric distribution utility that includes, but is not limited to, both of the following:

(1) The number and a description of each new and ongoing project utilizing alternative energy technologies or energy efficiency waste reduction technologies, products, or activities located in the utility's certified territory that produces energy efficiency waste reduction savings or reduction in demand and for which a loan has been made under this section;
(2) Any additional information that the electric distribution utility needs in order to obtain credit under section 4928.66 of the Revised Code for energy efficiency waste reduction savings or reduction in demand from such projects.

Sec. 1551.05. The department of development shall:

(A) Monitor and assess technological advancements in energy conservation and development, and maintain to the extent practicable a capability for independent technology assessment to support formulation of state energy policy;

(B) Review laws, rules, and state agency policies that affect energy utilization, and recommend to the agencies and the general assembly changes to achieve energy conservation and development;

(C) Develop methods for the performance of energy audits of buildings and structures and net energy analyses, employing whenever possible existing knowledge and practices, in order to identify energy cost savings to be realized through energy conservation measures, and prepare or identify curricula or source materials for training of persons conducting energy audits;

(D) Implement a continuing public education effort designed to inform individuals and organizations about specific and appropriate ways to conserve energy;

(E) Provide technical assistance, information on technological advancements in energy production, use, and conservation, energy efficiency waste reduction information, recommendations to state agencies and local governments, assistance in the identification, evaluation, and implementation
of measures to reduce energy consumption and waste, and public
information on energy conservation measures, criteria, and
alternatives to assist consumers in purchasing appliances,
machinery, power tools, and similar products;

(F) Identify, project, and monitor reduction in energy
demand due to energy conservation measures in the industrial,
commercial, residential, transportation, and energy production
sectors and the state as a whole;

(G) Annually apply for, receive, accept, and administer
assistance on behalf of the state pursuant to and in compliance
with the "Energy Policy and Conservation Act," 89 Stat. 871, 42

Sec. 1710.01. As used in this chapter:

(A) "Special improvement district" means a special
improvement district organized under this chapter.

(B) "Church" means a fellowship of believers,
congregation, society, corporation, convention, or association
that is formed primarily or exclusively for religious purposes
and that is not formed for the private profit of any person.

(C) "Church property" means property that is described as
being exempt from taxation under division (A)(2) of section
5709.07 of the Revised Code and that the county auditor has
entered on the exempt list compiled under section 5713.07 of the
Revised Code.

(D) "Municipal executive" means the mayor, city manager,
or other chief executive officer of the municipal corporation in
which a special improvement district is located.

(E) "Participating political subdivision" means the
municipal corporation or township, or each of the municipal corporations or townships, that has territory within the boundaries of a special improvement district created under this chapter.

(F) "Legislative authority of a participating political subdivision" means, with reference to a township, the board of township trustees.

(G) "Public improvement" means the planning, design, construction, reconstruction, enlargement, or alteration of any facility or improvement, including the acquisition of land, for which a special assessment may be levied under Chapter 727. of the Revised Code, and includes any special energy improvement project or shoreline improvement project.

(H) "Public service" means any service that can be provided by a municipal corporation or any service for which a special assessment may be levied under Chapter 727. of the Revised Code.

(I) "Special energy improvement project" means any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency waste reduction improvement, whether such real or personal property is publicly or privately owned.

(J)(1) Except as provided in division (J)(2) of this section, "existing" qualified nonprofit corporation" means a nonprofit corporation that existed before the creation of the corresponding district under this chapter, that is composed of
members located within or adjacent to the district, that has established a police department under section 1702.80 of the Revised Code, and that is organized for purposes that include acquisition of real property within an area specified by its articles for the subsequent transfer of such property to its members exclusively for charitable, scientific, literary, or educational purposes, or holding and maintaining and leasing such property; planning for and assisting in the development of its members; providing for the relief of the poor and distressed or underprivileged in the area and adjacent areas; combating community deterioration and lessening the burdens of government; providing or assisting others in providing housing for low- or moderate-income persons; and assisting its members by the provision of public safety and security services, parking facilities, transit service, landscaping, and parks.

(2) Regarding a special improvement district to implement a shoreline improvement project, "existing qualified nonprofit corporation" has the same meaning as in division (J)(1) of this section, except that the nonprofit does not need to have an established police department and does not need to be organized for purposes that include the acquisition of real property.

(K) "Energy efficiency waste reduction improvement" means energy efficiency waste reduction technologies, products, and activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy and that are or will be permanently fixed to real property.

(L) "Customer-generated energy project" means a wind, biomass, or gasification facility for the production of electricity that meets either of the following requirements:
(1) The facility is designed to have a generating capacity of two hundred fifty kilowatts of electricity or less.

(2) The facility is:

(a) Designed to have a generating capacity of more than two hundred fifty kilowatts of electricity;

(b) Operated in parallel with electric transmission and distribution facilities serving the real property at the site of the customer-generated energy project;

(c) Intended primarily to offset part or all of the facility owner's requirements for electricity at the site of the customer-generated energy project and is located on the facility owner's real property; and

(d) Not producing energy for direct sale by the facility owner to the public.

(M) "Reduction in demand" means a change in customer behavior or a change in customer-owned or operated assets that reduces or has the capability to reduce the demand for electricity as a result of price signals or other incentives.

(N) "Electric distribution utility" and "mercantile customer" have the same meanings as in section 4928.01 of the Revised Code.

(O) "Shoreline improvement project" means acquiring, constructing, installing, equipping, improving, maintaining, or repairing real or tangible personal property necessary or useful for making improvements to abate erosion along either the Lake Erie shoreline or any water resource.

(P) "Water resource" has the same meaning as in section 6105.01 of the Revised Code.
Sec. 1710.061. (A) Except as provided in division (B) of this section, an electric distribution utility may count toward its compliance with the energy efficiency waste and peak demand reduction requirements of section 4928.66 of the Revised Code any efficiency energy waste reduction savings or reduction in demand produced by a special energy improvement project located in its certified territory.

(B) A mercantile customer that realizes energy efficiency waste reduction savings or reduction in demand produced by a special energy improvement project that it owns may elect to commit the savings or reduction to the electric distribution utility in exchange for an exemption from an energy efficiency waste reduction cost recovery mechanism permitted under section 4928.66 of the Revised Code, approved by the public utilities commission.

(C) The board of directors of a special improvement district shall submit a quarterly report to the electric distribution utility that includes, but is not limited to, both of the following:

(1) The total number and a description of each new and ongoing special energy improvement project located within the special improvement district that produces energy efficiency waste reduction savings or reduction in demand;

(2) Any additional information that the electric distribution utility needs in order to obtain credit under section 4928.66 of the Revised Code for energy efficiency waste reduction savings or reduction in demand from such projects.

Sec. 1733.04. (A) In addition to the authority conferred by section 1701.13 of the Revised Code, but subject to any
limitations contained in sections 1733.01 to 1733.45 of the Revised Code, and its articles and regulations, a credit union may do any of the following:

(1) Make loans as provided in section 1733.25 of the Revised Code;

(2) Invest its money as provided in section 1733.30 of the Revised Code;

(3) If authorized by the code of regulations, rebate to the borrowing members a portion of the member's interest paid to the credit union;

(4) If authorized by the regulations, charge a membership or entrance fee;

(5) Purchase group savings life insurance and group credit life insurance;

(6) Make reasonable contributions to any nonprofit civic, charitable, or service organizations;

(7) Act as trustee or custodian, for which reasonable compensation may be received, under any written trust instrument or custodial agreement created or organized in the United States and forming part of a tax-advantaged savings plan that qualifies for specific tax treatment under sections 223, 401(d), 408, 408A, and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 408A, and 530, as amended, for its members or groups of its members, provided that the funds of such plans are invested in share accounts or share certificate accounts of the credit union. These services include, but are not limited to, acting as a trustee or custodian for member retirement, education, or health savings accounts.
(8) Participate in and pledge assets in connection with
the business linked deposit program under sections 135.77 to
135.774 of the Revised Code, the agricultural linked deposit
program under sections 135.71 to 135.76 of the Revised Code, and
the adoption linked deposit program under sections 135.79 to
135.796 of the Revised Code, and the Ohio clean energy jobs and
justice linked deposit program under sections 135.55 to 135.59
of the Revised Code.

(B) The authority of a credit union shall be subject to
the following:

(1) A credit union may not borrow money in excess of
twenty-five per cent of its shares and undivided earnings,
without prior specific authorization by the superintendent of
credit unions.

(2) A credit union may not pay a commission or other
compensation to any person for securing members or for the sale
of its shares, except that reasonable incentives may be made
available directly to members or potential members to promote
thrift.

(C)(1) A credit union may have service facilities other
than its home office.

(2) Real estate may be acquired by lease, purchase, or
otherwise as necessary and to the extent required for use of the
credit union presently and in the future operation of its office
or headquarters, and in case of a purchase of real estate, the
superintendent must first be notified in writing prior to the
purchase of the real estate. Nothing herein contained shall be
deemed to prohibit a credit union from taking title to real
estate in connection with a default in the payment of a loan,
provided that title to such real estate shall not be held by the credit union for more than two years without the prior written approval of the superintendent. A credit union also may lease space in any real estate it acquires in accordance with rules adopted by the superintendent.

(D)(1) As used in division (D) of this section:

(a) "School" means an elementary or secondary school.

(b) "Student" means a child enrolled in a school.

(c) "Student branch" means the designation provided to the credit union for the in-school services and financial education offered to students.

(2) A credit union, upon agreement with a school board, in the case of a public school, or the governing authority, in the case of a nonpublic school, and with the permission of the superintendent, may open and maintain a student branch.

(3) Notwithstanding any other provision of this section, any student enrolled in the school maintaining a student branch who is not otherwise qualified for membership in the credit union maintaining the student branch is qualified to be a member of that student branch.

(4) The student's membership in the student branch expires upon the student's graduation from secondary school.

(5) The student branch is for the express use of students and may not be used by faculty, staff, or lineal ancestors or descendents of students.

(6) Faculty, staff, or lineal ancestors or descendents of students are not eligible for membership in the credit union maintaining the student branch unless otherwise qualified by
this section to be members.

    (7) The superintendent may adopt rules appropriate to the formation and operation of student branches.

    (E) A credit union may guarantee the signature of a member in connection with a transaction involving tangible or intangible property in which a member has or seeks to acquire an interest.

Sec. 1733.24. (A) A credit union is authorized to receive funds for deposit in share accounts, share draft accounts, and share certificates from its members, from other credit unions, and from an officer, employee, or agent of the federal, state, or local governments, or political subdivisions of the state, in accordance with such terms, rates, and conditions as may be established by its board of directors, and for purposes of the agricultural linked deposit program created under sections 135.71 to 135.76 of the Revised Code, the business linked deposit program created under sections 135.77 to 135.774 of the Revised Code, and the adoption linked deposit program under sections 135.79 to 135.796 of the Revised Code, and the Ohio clean energy jobs and justice linked deposit program under sections 135.55 to 135.59 of the Revised Code.

    (B) The shares and share accounts of the credit union may be of one or more classes, as designated by the board of directors, subject to approval of the superintendent of credit unions based on rules that shall assure equitable distribution of dividends among classes, considering costs and advantages of each class to the members of the credit union, including without limitation special services rendered, length of ownership, minimum investment, conditions of repurchase, and other appropriate standards or combinations thereof. In the event the
articles of incorporation of the credit union indicate the
authorized number of shares to be unlimited, the designation of
classification of shares and share accounts of the credit union
may be effected by the board of directors, subject to the
approval of the superintendent, and does not require amendment
of the articles of incorporation. All shares of the credit union
shall have a par value per share as set by the board of
directors. Redemptions and liquidating dividends shall be
prorated to each member on the basis of the price paid the
credit union for such share, irrespective of the class of such
shares.

(C)(1) Each credit union shall have one class of shares
designated as "membership share." The membership shares, or if a
credit union has but one class of shares, then all of the shares
of the credit union, shall have a par value as set by the board
of directors.

(2) Two or more persons that are eligible for membership
that have jointly subscribed for one or more shares under a
joint account each may be admitted to membership.

(D) A credit union need not issue certificates for any or
all of its classes of shares but irrespective of whether
certificates are issued, a registry of shares must be kept,
including all of the transactions of the credit union pertaining
to such shares.

(E) A credit union is authorized to maintain share draft
accounts in accordance with rules prescribed by the
superintendent. The credit union may pay dividends on share
draft accounts, may pay dividends at different rates on
different types of share draft accounts, and may permit the
owners of such share draft accounts to make withdrawals by
negotiable or transferable instruments or other orders for the purpose of making transfers to third parties.

(F) Unless otherwise provided by written agreement of the parties, the rights, responsibilities, and liabilities attaching to a share draft withdrawn from, transferred to, or otherwise handled by a credit union are defined in and governed by Chapters 1303. and 1304. of the Revised Code, as if the credit union were a bank.

(G) Unless otherwise provided in the articles or regulations, a member may designate any person or persons to own or hold shares, or share accounts with the member in joint tenancy with right of survivorship and not as tenants in common.

(H) Shares or share accounts may be issued in the name of a custodian under the Ohio transfers to minors act, a member in trust for a beneficiary, a fiduciary or custodian in trust for a member beneficiary, or a fiduciary or custodian in trust upon the death of a member. Redemption of such shares or payment of such share accounts to a member, to the extent of the payment, discharges the liability of the credit union to the member and the beneficiary, and the credit union shall be under no obligation to see to the application of the payment. Unless prior to the death of a member, the member has notified the credit union in writing in a form approved by the credit union of a different beneficiary to receive the proceeds of such shares or share accounts, then the proceeds shall be paid to the beneficiary or to the beneficiary's parent or legal representative. Any payment made pursuant to written instructions of the member or pursuant to the provisions herein contained shall be a valid and sufficient release and discharge of the credit union in connection with any such share or share
accounts.

(I) (1) Except as otherwise provided in the articles or regulations, and subject to the provisions thereof, a minor may purchase shares, share accounts, or other depository instruments, and except for qualification as a voting member, the credit union may deal with the minor with respect to shares, share accounts, or other depository instruments owned by the minor as if the minor were a person of legal age.

(2) If shares, share accounts, or other depository instruments are issued in the name of a minor, redemption of any part or all of the shares or withdrawal of funds by payment to the minor of the shares or funds and any declared dividends or interest releases the credit union from all obligation to the minor as to the shares reduced or funds withdrawn.

(J) The regulations may require advance written notice of a member's intention to withdraw the member's shares. Such advance notice shall not exceed sixty days.

(K) Notwithstanding any provision of law to the contrary, funds deposited in a share account, share certificate, or in any other manner pursuant to a program offered by a credit union to promote consumer savings do not constitute valuable consideration for purposes of a scheme of chance under Chapter 2915. of the Revised Code.

Sec. 3313.372. (A) As used in this section, "energy conservation measure" means an installation or modification of an installation in, or remodeling of, a building, to reduce energy consumption. It includes:

(1) Insulation of the building structure and systems within the building;
(2) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(3) Automatic energy control systems;

(4) Heating, ventilating, or air conditioning system modifications or replacements;

(5) Caulking and weatherstripping;

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Energy recovery systems;

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Any other modification, installation, or remodeling approved by the Ohio facilities construction commission as an energy conservation measure.

(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding
requirements of section 3313.46 of the Revised Code, and shall be on the following terms:

(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.

(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase.

The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, shall not exceed the calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time. Those payments shall be made only to the extent that the savings described in this division actually occur. The energy services company shall warrant and guarantee that the energy conservation measures shall realize guaranteed savings and shall be responsible to pay an amount equal to any savings shortfall.

An installment payment contract entered into by a board of education under this section shall require the board to contract in accordance with division (A) of section 3313.46 of the Revised Code for the installation, modification, or remodeling of energy conservation measures unless division (A) of section 3313.46 of the Revised Code does not apply pursuant to division (B)(3) of that section, in which case the contract shall be awarded through a competitive selection process pursuant to rules adopted by the facilities construction commission.

An installment payment contract entered into by a board of education under this section may include services for
measurement and verification of energy savings associated with
the guarantee. The annual cost of measurement and verification
services shall not exceed ten per cent of the guaranteed savings
in any year of the installment payment contract.

(C) If a board of education determines that a surety bond
is necessary to secure energy, water, or waste water cost
savings guaranteed in a contract entered into by the board of
education under this section, the energy services company shall
provide a surety bond that satisfies all of the following
requirements:

(1) The penal sum of the surety bond for the first
guarantee year shall equal the amount of savings included in the
annual guaranteed savings amount that is measured and calculated
in accordance with the measurement and verification plan
included in the contract, but may not include guaranteed savings
that are not measured or that are stipulated in the contract.
The annual guaranteed savings amount shall include only the
savings guaranteed in the contract for the one-year term that
begins on the first day of the first savings guarantee year and
may not include amounts from subsequent years.

(2) The surety bond shall have a term of not more than one
year unless renewed. At the option of the board of education,
the surety bond may be renewed for one or two additional terms,
each term not to exceed one year. The surety bond may not be
renewed or extended so that it is in effect for more than three
consecutive years.

In the event of a renewal, the penal sum of the surety
bond for each renewed year shall be revised so that the penal
sum equals the annual guaranteed savings amount for such renewal
year that is measured and calculated in accordance with the
measurement and verification plan included in the contract, but may not include guaranteed savings that are not measured or that are stipulated in the contract. Regardless of the number of renewals of the bond, the aggregate liability under each renewed bond may not exceed the penal sum stated in the renewal certificate for the applicable renewal year.

(3) The surety bond for the first year shall be issued within thirty days of the commencement of the first savings guarantee year under the contract.

In the event of renewal, the surety shall deliver to the board of education a renewal certificate reflecting the revised penal sum within thirty days of the board of education's request. The board of education shall deliver the request for renewal not less than thirty days prior to the expiration date of the surety bond then in existence. A surety bond furnished pursuant to section 153.54 of the Revised Code shall not secure obligations related to energy, water, or waste water cost savings as referenced in division (C) of this section.

(D) The board may issue the notes of the school district signed by the president and the treasurer of the board and specifying the terms of the purchase and securing the deferred payments provided in this section, payable at the times provided and bearing interest at a rate not exceeding the rate determined as provided in section 9.95 of the Revised Code. The notes may contain an option for prepayment and shall not be subject to Chapter 133. of the Revised Code. In the resolution authorizing the notes, the board may provide, without the vote of the electors of the district, for annually levying and collecting taxes in amounts sufficient to pay the interest on and retire the notes, except that the total net indebtedness of the
district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation. Revenues derived from local taxes or otherwise, for the purpose of conserving energy or for defraying the current operating expenses of the district, may be applied to the payment of interest and the retirement of such notes. The notes may be sold at private sale or given to the energy services company under the installment payment contract authorized by division (B) of this section.

(E) Debt incurred under this section shall not be included in the calculation of the net indebtedness of a school district under section 133.06 of the Revised Code.

(F) No school district board shall enter into an installment payment contract under division (B) of this section unless it first obtains a report of the costs of the energy conservation measures and the savings thereof as described under division (G)(1) of section 133.06 of the Revised Code as a requirement for issuing energy securities, makes a finding that the amount spent on such measures is not likely to exceed the amount of money it would save in energy costs and resultant operational and maintenance costs as described in that division, except that that finding shall cover the ensuing fifteen years, and the facilities construction commission determines that the district board's findings are reasonable and approves the contract as described in that division.

The district board shall monitor the savings and maintain a report of those savings, which shall be submitted to the commission in the same manner as required by division (G) of section 133.06 of the Revised Code in the case of energy
Sec. 3345.61. As used in this section and sections 3345.62 to 3345.66 of the Revised Code:

(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost.

(B) "Board of trustees of a state institution of higher education" means the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code.

(C) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption. The term includes any of the following:

(1) Installation or modification of insulation in the building structure and systems within the building;

(2) Installation or modification of a storm window or door, a multiglazed window or door, or a heat absorbing or heat reflective glazed and coated window and door system; installation of additional glazing; a reduction in glass area; or other window or door system modification that reduces energy consumption and operating costs;

(3) Installation or modification of an automatic energy control system;

(4) Replacement or modification of a heating, ventilating, or air conditioning system;
(5) Application of caulking and weatherstripping;

(6) Replacement or modification of a lighting fixture to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Installation or modification of an energy recovery system;

(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Any other modification, installation, or remodeling approved by the board of trustees of a state institution of higher education as an energy conservation measure for one or more buildings owned by the institution.

(D) "Energy saving measure" means the acquisition and installation, by purchase, lease, lease-purchase, lease with an option to buy, or installment purchase, of an energy conservation measure and any attendant architectural and engineering consulting services.

(E) "Energy, water, or wastewater cost savings" means a measured reduction in, as applicable, the cost of fuel, energy or water consumption, wastewater production, or stipulated operation or maintenance resulting from the implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such costs, respectively.
(F) "Operating cost savings" means a measured reduction in the cost of stipulated operation or maintenance created by the installation of new equipment or implementation of a new service, when compared with an established baseline for previous such stipulated costs.

(G) "Water conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building or the surrounding grounds in order to reduce water consumption. The term includes any of the following:

1. Water-conserving fixture, appliance, or equipment; or the substitution of a nonwater-using fixture, appliance, or equipment;

2. Water-conserving, landscape irrigation equipment;

3. Landscaping measure that reduces storm water runoff demand and capture and hold applied water and rainfall, including landscape contouring such as the use of a berm, swale, or terrace and including the use of a soil amendment, including compost, that increases the water-holding capacity of the soil;

4. Rainwater harvesting equipment or equipment to make use of water collected as part of a storm water system installed for water quality control;

5. Equipment for recycling or reuse of water originating on the premises or from another source, including treated, municipal effluent;

6. Equipment needed to capture water for nonpotable uses from any nonconventional, alternate source, including air conditioning condensate or gray water;

7. Any other modification, installation, or remodeling
approved by the board of trustees of a state institution of higher education, as defined in section 3345.011 of the Revised Code, as a water conservation measure for one or more buildings or the surrounding grounds owned by the institution.

(H) "Water saving measure" means the acquisition and installation, by the purchase, lease, lease-purchase, lease with an option to buy, or installment purchases of a water conservation measure and any attendant architectural and engineering consulting services.

Sec. 3345.69. (A) As used in this section:

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(2) "Board of trustees of a state institution of higher education" has the same meaning as in section 3345.61 of the Revised Code.

(B) The chairperson of the interuniversity council of Ohio and the secretary of the Ohio association of community colleges shall assist in coordinating the organization and operation of a committee to carry out this section. The committee shall be comprised of the presidents of the state institutions of higher education or their designees. The committee, in consultation with the Ohio facilities construction commission, shall develop guidelines for the board of trustees of each state institution of higher education to use in ensuring energy efficiency, waste reduction and conservation in on- and off-campus buildings. At a minimum, guidelines under this section shall do all of the following:

(1) Include a goal to reduce on- and off-campus building energy consumption by at least twenty per cent by 2014, using
calendar year 2004 as the benchmark year, while recognizing the
diverse nature and different energy demands and uses of such
buildings and measures already taken to increase building energy
efficiency waste reduction and conservation;

(2) Prescribe minimum energy efficiency waste reduction
and conservation standards for any new, on- or off-campus
capital improvement project with a construction cost of one
hundred thousand dollars or more, which standards shall be based
on general building type and cost-effectiveness;

(3) Prescribe minimum energy efficiency waste reduction
and conservation standards for the leasing of an off-campus
space of at least twenty-thousand square feet;

(4) Incorporate best practices into energy efficiency
waste reduction and conservation standards and plans;

(5) Provide that each board develop its own fifteen-year
plan for phasing in energy efficiency waste reduction and
conservation projects;

(6) Provide that project impact assessments include the
fiscal effects of energy efficiency waste reduction and
conservation recommendations and plans;

(7) Establish mechanisms for each board to report
periodically to the committee on its progress relative to the
guidelines.

(C) The board of trustees of a state institution of higher
education shall adopt rules under section 111.15 of the Revised
Code to carry out the guidelines established pursuant to
division (B) of this section, including in the execution of the
board's authority under sections 3345.62 to 3345.66 of the
Revised Code.
Sec. 3375.405. (A) As used in this section, "energy conservation measure" means the construction of, installation or modification of an installation in, or remodeling of, a new or existing building, to reduce energy consumption. It includes:

(1) Insulation of the building structure and of systems within the building;

(2) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

(3) Automatic energy control systems;

(4) Heating, ventilating, or air conditioning system modifications or replacements;

(5) Caulking and weather-stripping;

(6) Replacement or modification of lighting fixtures to increase reduce the energy efficiency of the system without increasing the overall illumination of a facility, unless such an increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;

(7) Energy recovery systems;

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Acquiring, constructing, furnishing, equipping, improving the site of, or otherwise improving a central utility plant to provide heating and cooling services to a building
together with distribution piping and ancillary distribution controls, equipment, and related facilities from the central utility plant to the building; and

(10) Any other construction, modification, installation, or remodeling approved by a board of library trustees as an energy conservation measure.

(B) For the purpose of evaluating library buildings for energy conservation measures, a board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code may contract with an architect, professional engineer, energy services company, contractor, or other person experienced in the design and implementation of energy conservation measures for an energy conservation report. Such a report shall include all of the following:

(1) Analyses of the energy needs of library buildings and recommendations for building installations, modifications of existing installations, or building remodeling that would significantly reduce energy consumption in the buildings;

(2) Estimates of all costs of the recommended installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, and repair;

(3) Estimates of the amounts by which energy consumption could be reduced;

(4) The interest rate used to estimate the costs of any energy conservation measures that are to be financed by the library;

(5) The average system life of the energy conservation measures;
(6) Estimates of the likely savings that will result from the reduction in energy consumption over the average system life of the energy conservation measures, including the methods used to estimate the savings; and

(7) A certification under the seal of a registered professional engineer that the energy conservation report uses reasonable methods of analysis and estimation.

(C)(1) A board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code desiring to implement energy conservation measures may proceed under any of the following methods:

(a) Procure the energy conservation measures in any manner authorized by existing authority.

(b) Advertise for bids using an energy conservation report or any part of an energy conservation report prepared under division (B) of this section, and, except as otherwise provided in this section, comply with competitive bidding requirements applicable to the board of library trustees.

(c) Notwithstanding any requirement in the Revised Code that requires competitive bidding or specifies bidding procedures, request proposals from at least three vendors for the implementation of energy conservation measures. A request for proposals shall require the vendor that is awarded a contract under division (C)(2)(b) of this section to prepare an energy conservation report in accordance with division (B) of this section.

Prior to sending any vendor a copy of any request for proposals, the board of library trustees shall advertise its intent to request proposals for the installation of energy
conservation measures in a newspaper of general circulation within the territorial boundaries of the political subdivision or district over which it has jurisdiction of free public library services once a week for two consecutive weeks. The notice shall state that the board of trustees intends to request proposals for the installation of energy conservation measures, indicate the date on which the request for proposals will be mailed to vendors, which shall be at least ten days after the second publication in the newspaper, and state that any vendor interested in receiving the request for proposals shall submit written notice to the board of library trustees not later than noon of the day on which the request for proposals is to be mailed.

(2)(a) Upon receiving bids under division (C)(1)(b) of this section, the board of library trustees shall analyze them and select the lowest and best bid or bids most likely to result in the greatest energy savings considering the cost of the project and the board of library trustees' ability to pay for the improvements with current revenues or by financing the improvements.

(b) Upon receiving proposals under division (C)(1)(c) of this section, the board of library trustees shall analyze the proposals and the vendors' qualifications and select the most qualified vendor to prepare an energy conservation report in accordance with division (B) of this section. After receipt and review of the energy conservation report, the board of library trustees may award a contract to the selected vendor to install the energy conservation measures that are most likely to result in the greatest energy savings considering the cost of the project and the board of library trustees' ability to pay for the improvements with current revenues or by financing the
improvements.

(c) The awarding of a contract to install energy conservation measures under division (C)(2)(a) or (b) of this section shall be conditioned upon a finding by the board of library trustees that the amount of money spent on energy conservation measures is not likely to exceed the amount of money the library would save in energy, operating, maintenance, and avoided capital costs over the average system life of the energy conservation measures as specified in the energy conservation report. In making such a finding, the board of trustees may take into account the increased costs due to inflation as shown in the energy conservation report. Nothing in this division prohibits a board of library trustees from rejecting all bids or proposals under division (C)(1)(b) or (c) of this section or from selecting more than one bid or proposal.

(D) A board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code may contract for the purchase and installation of energy conservation measures as provided in division (C) of section 3375.40 of the Revised Code.

Sec. 3704.20. As used in sections 3704.20 to 3704.28 of the Revised Code:

(A) "Cost-effective" or "cost-effectiveness" means the cost per unit of reduced emissions of greenhouse gases expressed as carbon dioxide equivalent.

(B) "Disproportionately impacted community" means a community in which situations have developed where multiple factors, including environmental and socioeconomic stressors, act cumulatively to affect health and the environment and
contribute to persistent environmental health disparities.

(C) "Electric cooperative" and "electric distribution utility" have the same meanings as in section 4928.01 of the Revised Code.

(D) "Energy-intensive, trade-exposed manufacturing source" means an entity that principally manufactures iron, steel, aluminum, pulp, paper, or cement and that is engaged in the manufacture of goods through one or more emissions-intensive, trade-exposed processes, as determined by the environmental protection agency.

(E) "Greenhouse gas" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride, and sulfur hexafluoride, expressed as carbon dioxide equivalent.

(F) "Retail electricity sales" means electric energy sold to retail end-use electric consumers.

(G) "Statewide greenhouse gas emissions" means the total net statewide anthropogenic emissions of greenhouse gas calculated using a methodology and data on radiative forcing and atmospheric persistence deemed appropriate by the environmental protection agency.

Sec. 3704.21. (A) The environmental protection agency shall establish the following goals:

(1) A twenty-six per cent reduction in statewide greenhouse gas emissions by 2025;

(2) A fifty per cent reduction in statewide greenhouse gas emissions by 2030;

(3) A one hundred per cent reduction in statewide
As Introduced

greenhouse gas emissions by 2050.

Such reductions shall be measured relative to 2005 statewide greenhouse gas emission levels.

(B) To achieve the goals set forth in division (A) of this section, the director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Establish strategies and requirements designed to achieve reductions in greenhouse gas emissions, including carbon reduction plans;

(2) Provide for the ongoing tracking of greenhouse gas emission sources statewide, including those that adversely affect disproportionately impacted communities;

(3) Provide a mechanism for identifying disproportionately impacted communities. In establishing the rules under division (B)(3) of this section, the director shall consider both of the following:

(a) Minority and low-income populations in the state that potentially experience disproportionate environmental harms and risks resulting in increased vulnerability to environmental degradation, lack of opportunity for public participation, or other factors;

(b) Environmental and socioeconomic stressors that may act cumulatively to affect the health and the environment and contribute to persistent environmental health disparities;

(4) Establish requirements and procedures for audits conducted under section 3704.28 of the Revised Code;

(5) Establish any other requirements and procedures.
necessary for the implementation of sections 3704.20 to 3704.28
of the Revised Code.

(C) In adopting and implementing rules under division (B)
of this section, the director shall not establish any
requirements specifying a particular mix of electric generating
resources that a public utility must use to meet applicable
greenhouse gas emission limits.

Sec. 3704.22. (A) Prior to adopting rules in accordance
with section 3704.21 of the Revised Code, the director of
environmental protection shall solicit input from other state
agencies, stakeholders, and the public on the advantages of
different statewide greenhouse gas emission mitigation measures.
The director shall specifically solicit input from those most
impacted by climate change, including all of the following:

(1) Disproportionately impacted communities;

(2) Large emission sources;

(3) Workers in relevant industries, including advanced
energy and fuel delivery;

(4) Communities that are economically dependent on
industries with high levels of greenhouse gas emissions.

(B) In soliciting input from the public utilities
commission under division (A) of this section, the director
shall consult with the commission on issues of cost of
electricity, reliability of electric service, technology
developments in electricity generation, and beneficial
 electrification. The director shall keep a record of all
communications and consultations with the commission.

Sec. 3704.23. In adopting and implementing rules under
section 3704.21 of the Revised Code, the director of environmental protection shall consider all of the following:

(A) The benefits of compliance, including health, environmental, and air quality;

(B) The costs of compliance;

(C) The economic and employment impacts;

(D) The time necessary for compliance;

(E) The relative contribution of each source or source category to statewide greenhouse gas emissions based on current data updated at reasonable intervals as determined by the director;

(F) The value of harmonizing emission reporting requirements with existing federal requirements as determined appropriate by the director;

(G) The equitable distribution of the benefits of compliance, opportunities to incentivize renewable energy resources and pollution abatement opportunities in disproportionately impacted communities, and opportunities to encourage clean energy in communities;

(H) Issues related to the beneficial use of electricity to reduce greenhouse gas emissions;

(I) Whether program design could enhance the reliability of electric service;

(J) The potential to enhance the resilience of the state's communities and natural resources to the climate;

(K) Whether greater or more cost-effective emission reductions are available through program design or other
technologies;

(L) Issues relating to joint ownership of electric generating resources and the extent to which these resources are relying on power purchased from third parties to meet emissions reductions requirements.

Sec. 3704.24. (A) For purposes of implementing the rules adopted under section 3704.21 of the Revised Code, the director of environmental protection may employ both of the following strategies:

(1) Demand-side management and renewable energy development strategies;

(2) Regulatory strategies that have been deployed by other jurisdictions to reduce multi-sector greenhouse gas emissions that facilitate adoption of technologies that have very low or zero emissions and that enhance cost-effectiveness, compliance flexibility, and transparency around compliance costs.

(B) The director may coordinate with other jurisdictions in securing statewide greenhouse gas emission reductions. For purposes of division (A) of section 3704.21 of the Revised Code, the director may apply reductions in net greenhouse gas emissions that occur as a result of coordinating with another jurisdiction if the director finds that the implementing regulations of the jurisdiction are sufficient to ensure the integrity of the reductions in greenhouse gas emissions.

Sec. 3704.25. (A) In designing, implementing, and enforcing programs, policies, and requirements to reduce statewide greenhouse gas emissions, the director of environmental protection shall take into consideration any greenhouse gas emission reduction plan established by the public
utilities commission that will assist in achieving at least the reductions specified in division (A)(2) of section 3704.21 of the Revised Code.

(B) The director shall not mandate that an electric distribution utility's greenhouse gas emissions caused by Ohio retail electricity sales and generation be reduced by more than is required under a utility's approved carbon reduction plan to meet its reduction goals for purposes of division (A)(2) of section 3704.21 of the Revised Code. The director also shall not impose any administrative charge on the utility directly associated with quantities of greenhouse gas emissions caused by the utilities' and competitive retail electric service providers' electricity sales and generation that remain after the reductions required by the carbon reduction plan, provided both of the following apply:

(1) The reductions are achieved.

(2) The director has verified that the approved carbon reduction plan will achieve at least a fifty per cent reduction in greenhouse gas emissions by 2030, relative to 2005 levels, caused by the utility and its retail electric service providers.

Sec. 3704.26. Beginning March 31, 2023, and every two years thereafter, the director of environmental protection shall submit a report to the general assembly that specifies the following:

(A) The progress made towards reducing greenhouse gas emissions and meeting the goals set forth in division (A) of section 3701.21 of the Revised Code;

(B) Any newly available, cost-benefit, or regulatory analysis developed to assess the progress in meeting such goals;
Any recommendations on future legislative action necessary to assist in meeting such goals, such as implementation of climate adaptation policies or accelerating deployment of cleaner technologies.

Sec. 3704.27. (A)(1) An electric cooperative or a municipal electric utility may submit to the director of environmental protection a voluntary greenhouse gas emission reduction plan approved by the applicable governing body of the cooperative or utility.

(2) If submitted, the plan shall demonstrate that, by 2030, the electric cooperative or municipal electric utility will achieve at least a fifty per cent reduction in greenhouse gas emissions, relative to 2005 levels, caused by the entity's retail electricity sales or generation in this state.

(B) The director of environmental protection shall verify that a plan submitted under division (A) of this section, if implemented, will result, by 2030, in a fifty per cent reduction in greenhouse gas emissions caused by the electric cooperative or municipal electric utility, relative to 2005 levels. The agency also shall verify that the plan has previously been approved by the applicable governing body of the electric cooperative or municipal electric utility.

(C) Voluntary submission of a plan under division (A) of this section by an electric cooperative or municipal electric utility does not alter the entity's regulatory status with respect to the public utilities commission.

Sec. 3704.28. (A) In addressing greenhouse gas emissions from an energy-intensive, trade-exposed manufacturing source, the director of environmental protection shall require the
source to execute an energy and greenhouse gas emission control audit, according to criteria established by the agency, every five years through 2035. A qualified third party, as determined by the agency, shall conduct the audit and submit the results to the agency.

(B) The director may impose an administrative charge on an energy-intensive, trade-exposed manufacturing source unless the source meets all of the following criteria:

(1) The source currently employs best available emission control technologies for greenhouse gas emissions.

(2) The source currently employs best available energy waste reduction practices.

(3) The source's emissions are not greater than the emissions associated with use of the best available emission control technologies as determined by the agency.

Sec. 4903.191. Notwithstanding any provision of the Revised Code to the contrary, in the event that any decision of the public utilities commission is reversed by the Ohio supreme court or any other entity having jurisdiction to consider an appeal, the public utilities commission shall, within thirty days, issue an order requiring the refund of the amounts collected from consumers that was determined to be unlawful. Full refunds, including interest, shall be completed within one hundred twenty days of the date of the final order from the supreme court or other entity.

Sec. 4903.26. As used in sections 4903.26 to 4903.2621 of the Revised Code:

(A) "Docket" means an investigation, proceeding, case, or any other matter opened by a vote of the public utilities
commission, except for rulemaking.

(B) "Settlement" means a proposed resolution of some or all of the issues raised in an application or proceeding before the public utilities commission.

(C) "Settlement agreement" means any agreement to a settlement that meets the following requirements:

(1) The application or proceeding before the commission to which the agreement applies involves two or more parties, other than the utility or the staff of the commission.

(2) The agreement was entered into by two or more parties.

(D) "Stipulation" means an agreement, in writing, between two or more parties to an application or proceeding before the commission, concerning issues of fact, the authenticity of documents, or a settlement.

(E) "Side agreement" means an agreement between two or more, but not all, of the parties to an application or proceeding before the commission, which agreement results in resolving some or all issues or disagreements between the parties to the agreement and the agreement has the following characteristics:

(1) It was negotiated without participation of all parties to the application or proceeding.

(2) It contains terms that are not made public.

Sec. 4903.261. Parties to a docket may seek a settlement. All settlement discussions shall be conducted once all parties to the docket have received notice of the date, time, and venue for the discussions and have the opportunity to be present.
Sec. 4903.263. No settlement discussion may commence until seven days after the date in which the last discovery request has been received in accordance with the rights of discovery under section 4903.082 of the Revised Code and the rules of the public utilities commission.

Sec. 4903.264. Parties to a docket that enter into a settlement agreement or a stipulation shall file it with the public utilities commission. A settlement agreement or stipulation shall be entered upon the docket record. A copy of any settlement agreement or stipulation shall be served upon all parties to the docket.

A stipulation concerning only issues of fact or the authenticity of documents shall be regarded and used as evidence in the docket.

Sec. 4903.265. The parties to a docket that enter into a settlement agreement or stipulation including a settlement shall file with the public utilities commission any and all agreements, including side agreements, that have been negotiated between the utility and any signatory party and meet any of the following:

(A) The agreement relates to energy issues in the docket.

(B) The agreement was negotiated during the period commencing six months prior to the opening of the docket.

(C) The agreement was negotiated during the period beginning with the filing of the application and ending when the commission or an appellate court issues a final order.

Sec. 4903.266. When a written settlement agreement or stipulation including a settlement is proposed by some, but not all, of the parties to a docket, the proposing parties shall
file the following with the public utilities commission:

(A) The proposed settlement agreement or stipulation;

(B) All documents, testimony, or exhibits, including existing record citations;

(C) Agreements required to be filed under section 4903.265 of the Revised Code relating to the docket;

(D) Any other matters the filing parties consider relevant to the proposed settlement agreement or stipulation.

Sec. 4903.267. (A) If a proposed settlement agreement or stipulation including a settlement is not supported by all parties, the parties to the proposed agreement or stipulation shall convene at least one conference, with notice and opportunity to participate provided to all parties in the docket, for the purpose of discussing the proposed agreement or stipulation.

(B) A party that opposes or does not support the proposed agreement or stipulation may waive the right to notice and the opportunity to participate in a conference under division (A) of this section.

Sec. 4903.269. Full discovery rights shall be afforded to all intervenors in a docket to obtain any settlement agreement, stipulation, side agreement, or other agreement, and any related documents, to the same extent as any other party to the docket.

Sec. 4903.2611. If a settlement agreement or stipulation has been reached on some, but not all, of the issues, the issues not covered by the agreement or stipulation may be adjudicated until agreement is reached regarding those issues.

Sec. 4903.2613. (A) Not later than thirty days after a
settlement agreement or stipulation including a settlement is filed, the public utilities commission shall establish a hearing schedule on the agreement or stipulation and any remaining issues that meets both of the following:

(1) The hearing shall commence not sooner than thirty days from the date the agreement or stipulation is filed.

(2) The commission shall ensure that all parties have adequate time to prepare testimony and to review testimony of other parties prior to the commencement of the hearing.

(B)(1) The commission shall also include an expedited period for discovery on the agreement or stipulation in relation to the hearing.

(2) The commission shall extend the date of the hearing upon the motion of an intervenor who is not a party to the agreement or stipulation and has successfully demonstrated the failure of any party who is a signatory to the agreement or stipulation to fully and timely comply with a discovery request.

Sec. 4903.2615. (A) If a settlement agreement or stipulation including a settlement is unanimous, the public utilities commission shall not approve the agreement unless the commission finds that the agreement or stipulation is in the public interest and is just and reasonable.

(B) If a settlement agreement or stipulation concerning a settlement is not unanimous, the commission shall do both of the following:

(1) Apply the same standards it applies in cases with no settlement, including that the settled issues are supported by substantial evidence and that the settling parties meet their burden of proof with clear and convincing evidence;
(2) Ensure, and find, that all parties had a fair and reasonable opportunity to participate in the negotiations.

Sec. 4903.2617. In reaching its decision and issuing an order on a settlement agreement or stipulation including a settlement upon the conclusion of a hearing under section 4903.2613 of the Revised Code, the public utilities commission shall consider all of the following:

(A) All of the record evidence, including the utility's initial filing and all testimony and documents in support thereof;

(B) All intervenor testimony;

(C) All briefs or comments on the agreement or stipulation.

Sec. 4903.2619. (A) The public utilities commission may approve a settlement agreement or stipulation including a settlement, in whole or in part, with conditions considered necessary by the commission.

(B)(1) If the agreement or stipulation does not resolve all of the issues in the docket, the commission shall decide the remaining issues in accordance with applicable law and procedure.

(2) If the commission modifies the agreement or stipulation, the parties to the agreement or stipulation shall meet to determine if the parties want to proceed with the agreement or stipulation as modified by the commission or withdraw from the agreement or stipulation and file an application for a rehearing.

Sec. 4903.2621. Any decision by the public utilities
commission to approve a settlement agreement or stipulation shall not be construed as a precedent for any future proceeding before the commission.

Sec. 4903.30. The public utilities commission shall adopt rules providing for the reimbursement of expenses by the applicant utility for any intervenor in a commission proceeding.

Sec. 4905.044. (A) As used in sections 4905.044 and 4905.047 of the Revised Code, "energy justice" and "energy justice principles" have the same meanings as in section 185.01 of the Revised Code.

(B) The public utilities commission shall, for each major decision, rulemaking, rate setting, or other action, address the likely and potential impacts of the decision or action on energy justice and energy justice principles and outcomes for residential customers. The commission shall consider such impacts as:

(1) Short-term and long-term health impacts on people, government, schools, and businesses located in the surrounding area affected by the decision or action;

(2) Short-term and long-term impacts on transportation, commerce, real estate values, and other economic impacts on entities and infrastructure in the surrounding area affected by the decision or action;

(3) Distribution of impacts by demographic and historical factors, whether positive or negative, on communities in the area impacted by the decision or action;

(4) Other impacts as appropriate.

(C) In making any decision or taking any action under this
section, the commission shall:

(1) Seek, obtain, and consider written comments from the governor's office of energy justice created under section 185.03 of the Revised Code, if comments or a report have not already been submitted in the proceeding under section 185.15 of the Revised Code and, if such comments or report have been submitted, may request that the office address specific questions or issues that are not contained in the comments or report;

(2) Include a description of how it considered the report of the office and how the office's report impacted the commission's decision or action.

(D) The commission's decision or action shall include specific findings of fact and conclusions of law relating to the requirements of this section and sections 185.01 to 185.15 and section 4905.047 of the Revised Code.

(E) The commission shall assign a high priority to any proposals submitted by the office to initiate, conduct, and complete rulemakings or other regulatory actions impacting energy justice and energy justice principles.

Sec. 4905.047. (A) At least every two years, the public utilities commission shall develop a comprehensive assessment of existing issues regarding energy justice and energy justice principles that are associated with rates, provision of energy services, operation of existing energy facilities of any kind, nonremediated issues associated with retired or closed energy facilities, and impending retirements or closures of energy facilities. Each assessment shall be conducted in consultation with the governor's office of energy justice created under
section 185.03 of the Revised Code.

(B) For each assessment, the commission shall hold public hearings and publish the results of the assessment in a report that includes comments and testimony submitted to the commission by interested stakeholders and offered at the hearings.

(C) The report shall include a comprehensive discussion of all planned and ongoing actions by any party to address the issues regarding energy justice and energy justice principles identified in the assessment.

Sec. 4905.23. (A)(1) Within ninety days of the effective date of ...B... of the 134th general assembly, the public utilities commission shall issue proposed performance-based rules.

(2) The purpose of these rules shall be to align the interests of public utilities with those of the public and to provide incentives for public utilities to improve their performance in areas the commission deems necessary. The proposed rules shall, at a minimum, set forth:

(a) The process for establishing performance metrics, including baselines, targets, and means of measurement;

(b) The frequency of review for resetting the baseline and targets;

(c) The procedure for determining whether incentives will be established for selected metrics;

(d) A methodology for establishing incentives as described in section 4905.24 of the Revised Code.

(B)(1) The commission shall solicit public input on the proposed rules described in division (A) of this section. The
public input process shall, at a minimum, consist of the following components:

(a) At least two public meetings hosted by the commission, where stakeholders and interested parties may testify regarding the proposed rules;

(b) A public comment period of one month in length; and

(c) A reply comment period of one month in length.

(2) The commission shall make all testimony offered in written form, public comments, and reply comments received throughout the public input process available for access on the commission's web site.

(C) Within 90 days of the conclusion of the public input process, the commission shall issue final rules that include the components set forth in division (A)(2) of this section and incorporate any changes the commission deems necessary following the public input process.

Sec. 4905.24. (A) The public utilities commission may create incentives to serve as rewards for reaching the performance targets the commission sets forth pursuant to section 4905.23 of the Revised Code, as well as penalties for failing to reach such targets.

(B) Incentive payments for which the public utility is eligible, should the public utility meet all of its performance targets, shall not exceed the public utility's most recently approved return on equity by more than one-half of one per cent.

Sec. 4905.25. (A) All public utilities commission proceedings to establish metrics, baselines, and targets for a particular public utility and to consider which metrics shall be
subject to a penalty or incentive shall occur in an open and transparent proceeding for each public utility.

(B) After a hearing, the commission shall issue an order that includes findings of fact and conclusions of law setting forth the metrics, targets, and penalties or rewards.

(C) The commission shall also establish periodic reporting requirements for the metrics, which it shall make available on its web site for public review.

Sec. 4905.31. Chapters 4901., 4903., 4905., 4907., 4909., 4921., 4923., 4927., 4928., and 4929. of the Revised Code do not prohibit a public utility from filing a schedule or establishing or entering into any reasonable arrangement with another public utility or with one or more of its customers, consumers, or employees, and do not prohibit a mercantile customer of an electric distribution utility as those terms are defined in section 4928.01 of the Revised Code or a group of those customers from establishing a reasonable arrangement with that utility or another public utility electric light company, providing for any of the following:

(A) The division or distribution of its surplus profits;

(B) A sliding scale of charges, including variations in rates based upon stipulated variations in cost as provided in the schedule or arrangement.

(C) A minimum charge for service to be rendered unless such minimum charge is made or prohibited by the terms of the franchise, grant, or ordinance under which such public utility is operated;

(D) A classification of service based upon the quantity used, the time when used, the purpose for which used, the
duration of use, and any other reasonable consideration; 3584

(E) Any other financial device that may be practicable or 3585
advantageous to the parties interested. In the case of a 3586
schedule or arrangement concerning a public utility electric 3587
light company, such other financial device may include a device 3588
to recover costs incurred in conjunction with any economic 3589
development and job retention program of the utility within its 3590
certified territory, including recovery of revenue foregone 3591—as a result of any such program; any development and 3592
implementation of peak demand reduction and energy efficiency—3593—waste reduction programs under section 4928.66 of the Revised 3594
Code; any acquisition and deployment of advanced metering, 3595
including the costs of any meters prematurely retired as a 3596
result of the advanced metering implementation; and compliance 3597
with any government mandate. 3598

No such schedule or arrangement is lawful unless it is 3599
filed with and approved by the commission pursuant to an 3600
application that is submitted by the public utility or the 3601
mercantile customer or group of mercantile customers of an 3602
electric distribution utility and is posted on the commission's 3603
docketing information system and is accessible through the 3604
internet. 3605

Every such public utility is required to conform its 3606
schedules of rates, tolls, and charges to such arrangement, 3607
sliding scale, classification, or other device, and where 3608
variable rates are provided for in any such schedule or 3609
arrangement, the cost data or factors upon which such rates are 3610
based and fixed shall be filed with the commission in such form 3611
and at such times as the commission directs. 3612

Every such schedule or reasonable arrangement shall be
under the supervision and regulation of the commission, and is subject to change, alteration, or modification by the commission.

Sec. 4906.01. As used in Chapter 4906. of the Revised Code:

(A) "Energy justice" and "energy justice principles" have the same meaning as in section 185.01 of the Revised Code.

(B) "Person" means an individual, corporation, business trust, association, estate, trust, or partnership or any officer, board, commission, department, division, or bureau of the state or a political subdivision of the state, or any other entity.

(C)(1) "Major utility facility" means:

(a) Electric generating plant and associated facilities designed for, or capable of, operation at a capacity of fifty megawatts or more;

(b) An electric transmission line and associated facilities of a design capacity of one hundred kilovolts or more;

(c) A gas pipeline that is greater than five hundred feet in length, and its associated facilities, is more than nine inches in outside diameter and is designed for transporting gas at a maximum allowable operating pressure in excess of one hundred twenty-five pounds per square inch.

(2) "Major utility facility" does not include any of the following:

(a) Gas transmission lines over which an agency of the United States has exclusive jurisdiction;
(b) Any solid waste facilities as defined in section 6123.01 of the Revised Code;

(c) Electric distributing lines and associated facilities as defined by the power siting board;

(d) Any manufacturing facility that creates byproducts that may be used in the generation of electricity as defined by the power siting board;

(e) Gathering lines, gas gathering pipelines, and processing plant gas stub pipelines as those terms are defined in section 4905.90 of the Revised Code and associated facilities;

(f) Any gas processing plant as defined in section 4905.90 of the Revised Code;

(g) Natural gas liquids finished product pipelines;

(h) Pipelines from a gas processing plant as defined in section 4905.90 of the Revised Code to a natural gas liquids fractionation plant, including a raw natural gas liquids pipeline, or to an interstate or intrastate gas pipeline;

(i) Any natural gas liquids fractionation plant;

(j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines;

(k) Any compressor stations used by the following:

(i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code;

(ii) A natural gas liquids finished product pipeline, a
natural gas liquids fractionation plant, or any pipeline
upstream of a natural gas liquids fractionation plant; or

(iii) A production operation as defined in section 1509.01
of the Revised Code.

(D) "Commence to construct" means any clearing of
land, excavation, or other action that would adversely affect
the natural environment of the site or route of a major utility
facility, but does not include surveying changes needed for
temporary use of sites or routes for nonutility purposes, or
uses in securing geological data, including necessary borings to
ascertain foundation conditions.

(E) "Certificate" means a certificate of environmental
compatibility and public need issued by the power siting board
under section 4906.10 of the Revised Code or a construction
certificate issued by the board under rules adopted under
division (B) or (C) of section 4906.03 of the Revised
Code.

(F) "Gas" means natural gas, flammable gas, or gas
that is toxic or corrosive.

(G) "Natural gas liquids finished product pipeline"
means a pipeline that carries finished product natural gas
liquids to the inlet of an interstate or intrastate finished
product natural gas liquid transmission pipeline, rail loading
facility, or other petrochemical or refinery facility.

(H) "Large solar facility" means an electric
generating plant that consists of solar panels and associated
facilities with a single interconnection to the electrical grid
that is a major utility facility.

(I) "Large wind farm" means an electric generating
plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is a major utility facility.

(I)(J) "Natural gas liquids fractionation plant" means a facility that takes a feed of raw natural gas liquids and produces finished product natural gas liquids.

(I)(K) "Raw natural gas" means hydrocarbons that are produced in a gaseous state from gas wells and that generally include methane, ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, nonanes, and decanes, plus other naturally occurring impurities like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, and helium.

(I)(L) "Raw natural gas liquids" means naturally occurring hydrocarbons contained in raw natural gas that are extracted in a gas processing plant and liquefied and generally include mixtures of ethane, propane, butanes, and natural gasoline.

(1)(M) "Finished product natural gas liquids" means an individual finished product produced by a natural gas liquids fractionation plant as a liquid that meets the specifications for commercial products as defined by the gas processors association. Those products include ethane, propane, iso-butane, normal butane, and natural gasoline.

Sec. 4906.02. (A)(1) There is hereby created within the public utilities commission the power siting board, composed of the chairperson of the public utilities commission, the director of environmental protection, the director of health, the director of development, the director of natural resources, the director of agriculture, and a representative of the public who
shall be an engineer and shall be appointed by the governor, 3727
from a list of three nominees submitted to the governor by the 3728
office of the consumers' counsel, with the advice and consent of 3729
the senate and shall serve for a term of four years. The 3730
chairperson of the public utilities commission shall be 3731
chairperson of the board and its chief executive officer. The 3732
chairperson shall designate one of the voting members of the 3733
board to act as vice-chairperson who shall possess during the 3734
absence or disability of the chairperson all of the powers of 3735
the chairperson. All hearings, studies, and consideration of 3736
applications for certificates shall be conducted by the board or 3737
representatives of its members.
In addition, the board shall include four legislative 3738
members who may participate fully in all the board's 3739
deliberations and activities except that they shall serve as 3740
nonvoting members. The speaker of the house of representatives 3741
shall appoint one legislative member, and the president of the 3742
senate and minority leader of each house shall each appoint one 3743
legislative member. Each such legislative leader shall designate 3744
an alternate to attend meetings of the board when the regular 3745
legislative member appointed by the legislative leader is unable 3746
to attend. Each legislative member and alternate shall serve for 3747
the duration of the elected term that the legislative member is 3748
serving at the time of appointment. A quorum of the board is a 3749
majority of its voting members.
The representative of the public and, notwithstanding 3750
section 101.26 of the Revised Code, legislative members of the 3751
board or their designated alternates, when engaged in their 3752
duties as members of the board, shall be paid at the per diem 3753
rate of step 1, pay range 32, under schedule B of section 124.15 3754
of the Revised Code and shall be reimbursed for the actual and 3755

necessary expenses they incur in the discharge of their official duties.

(2) In all cases involving an application for a certificate or a material amendment to an existing certificate for a utility facility, as defined in section 303.57 of the Revised Code, the board shall include two voting ad hoc members, as described in section 4906.021 of the Revised Code.

(B) The chairperson shall keep a complete record of all proceedings of the board, issue all necessary process, writs, warrants, and notices, keep all books, maps, documents, and papers ordered filed by the board, conduct investigations pursuant to section 4906.07 of the Revised Code, and perform such other duties as the board may prescribe.

(C) The chairperson of the public utilities commission may assign or transfer duties among the commission's staff. However, the board's authority to grant certificates under section 4906.10 of the Revised Code shall not be exercised by any officer, employee, or body other than the board itself.

(D)(1) The chairperson may call to the chairperson's assistance, temporarily, any employee of the environmental protection agency, the department of natural resources, the department of agriculture, the department of health, or the department of development, or the governor's office of energy justice, for the purpose of making studies, conducting hearings, investigating applications, or preparing any report required or authorized under this chapter. Such employees shall not receive any additional compensation over that which they receive from the agency by which they are employed, but they shall be reimbursed for their actual and necessary expenses incurred while working under the direction of the chairperson. All
contracts for special services are subject to the approval of the chairperson.

(2) Subject to controlling board approval, the board may contract for the services of any expert or analyst, other than an employee described in division (D)(1) of this section, for the purposes of carrying out the board's powers and duties as described in Chapter 4906. of the Revised Code. Any such expert or analyst shall be compensated from the application fee, or if necessary, supplemental application fees assessed in accordance with division (F) of section 4906.06 of the Revised Code.

(E) The board's offices shall be located in those of the public utilities commission.

Sec. 4906.03. (A) The power siting board shall:

(A)(1) Require such information from persons subject to its jurisdiction as it considers necessary to assist in the conduct of hearings and any investigations or studies it may undertake;

(B)(2) Conduct any studies or investigations that it considers necessary or appropriate to carry out its responsibilities under this chapter;

(C)(3) Adopt rules establishing criteria for evaluating the effects on environmental values of proposed and alternative sites, and projected needs for electric power, and such other rules as are necessary and convenient to implement this chapter, including rules governing application fees, supplemental application fees, and other reasonable fees to be paid by persons subject to the board's jurisdiction. The board shall make an annual accounting of its collection and use of these fees and shall issue an annual report of its accounting, in the
form and manner prescribed by its rules, not later than the last day of June of the year following the calendar year to which the report applies.

(D) Approve, disapprove, or modify and approve applications for certificates;

(E) (4) In each application considered, decision issued, or investigation conducted, address the likely and potential impacts of the decision or action on energy justice outcomes for residential customers;

(5) Adopt rules that establish the following:

(a) A requirement that applications must provide an assessment of energy justice impacts associated with the proposal;

(b) A suspension of any accelerated review of an application under division (C) of this section whenever a significant adverse impact on energy justice is reasonably likely as a result of the proposed project;

(c) If an accelerated review is suspended because of a significant adverse impact on energy justice, a requirement that the applicant provide a comprehensive assessment of the benefits and costs, including energy justice impacts, of the proposed action and any proposed mitigation to address the adverse impact.

(6) Consider the report of the governor's office of energy justice, if presented in the proceeding as it relates to the application before the board;

(7) In any decision issued, explain how energy justice issues were evaluated and factored into any decision on the
application, the mitigation required to avoid or minimize adverse energy justice impacts, and the monitoring, reporting, and compliance actions required from the applicant as a condition of approval;

(8) Approve, disapprove, or modify and approve applications for certificates.

(B) Notwithstanding sections 4906.06 to 4906.14 of the Revised Code, the board may adopt rules to provide for an accelerated review of an application for a construction certificate for construction of a major utility facility related to a coal research and development project as defined in section 1555.01 of the Revised Code, or to a coal development project as defined in section 1551.30 of the Revised Code, submitted to the Ohio coal development office for review under division (B)(7) of section 1551.33 of the Revised Code. Applications for construction certificates for construction of major utility facilities for Ohio coal research and development shall be filed with the board on the same day as the proposed facility or project is submitted to the Ohio coal development office for review.

The board shall render a decision on an application for a construction certificate within ninety days after receipt of the application and all of the data and information it may require from the applicant. In rendering a decision on an application for a construction certificate, the board shall only consider the criteria and make the findings and determinations set forth in divisions (A)(2), (3), (5), and (7) and division (B) of section 4906.10 of the Revised Code.

(F) (C) Notwithstanding sections 4906.06 to 4906.14 of the Revised Code, the board shall adopt rules to provide for an
accelerated review of an application for a construction certificate for any of the following:

(1) An electric transmission line that is:

(a) Not more than two miles in length;

(b) Primarily needed to attract or meet the requirements of a specific customer or specific customers;

(c) Necessary to maintain reliable electric service as a result of the retirement or shutdown of an electric generating facility located within the state; or

(d) A rebuilding of an existing transmission line.

(2) An electric generating facility that uses waste heat or natural gas and is primarily within the current boundary of an existing industrial or electric generating facility;

(3) A gas pipeline that is not more than five miles in length or is primarily needed to meet the requirements of a specific customer or specific customers.

The board shall adopt rules that provide for the automatic certification to any entity described in this division when an application by any such entity is not suspended by the board, an administrative law judge, or the chairperson or executive director of the board for good cause shown, within ninety days of submission of the application. If an application is suspended, the board shall approve, disapprove, or modify and approve the application not later than ninety days after the date of the suspension.

Sec. 4906.20. (A) No person shall commence to construct an economically significant wind farm in this state without first having obtained a certificate from the power siting board.
economically significant wind farm with respect to which such a
certificate is required shall be constructed, operated, and
maintained in conformity with that certificate and any terms,
conditions, and modifications it contains. A certificate shall
be issued only pursuant to this section. The certificate may be
transferred, subject to the approval of the board, to a person
that agrees to comply with those terms, conditions, and
modifications.

(B) The board shall adopt rules governing the
certificating of economically significant wind farms under this
section. Initial rules shall be adopted within one hundred
twenty days after June 24, 2008.

(1) The rules shall provide for an application process for
certificating economically significant wind farms that is
identical to the extent practicable to the process applicable to
certificating major utility facilities under sections 4906.06,
4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and to 4906.12 of
the Revised Code and shall prescribe a reasonable schedule of
application filing fees structured in the manner of the schedule
of filing fees required for major utility facilities.

(2) Additionally, the rules shall prescribe reasonable
regulations regarding any wind turbines and associated
facilities of an economically significant wind farm, including,
but not limited to, their location, erection, construction,
reconstruction, change, alteration, maintenance, removal, use,
or enlargement and including erosion control, aesthetics,
recreational land use, wildlife protection, interconnection with
power lines and with regional transmission organizations,
independent transmission system operators, or similar
organizations, ice throw, sound and noise levels, blade shear,
shadow flicker, decommissioning, and necessary cooperation for site visits and enforcement investigations.

(a) The rules also shall prescribe a minimum setback for a wind turbine of an economically significant wind farm. That minimum shall be equal to a horizontal distance, from the turbine's base to the property line of the wind farm property, equal to one and one-tenth times the total height of the turbine structure as measured from its base to the tip of its highest blade and be at least one thousand one hundred twenty-five feet in horizontal distance from the tip of the turbine's nearest blade at ninety degrees to the exterior of the nearest habitable residential structure, if any, located on adjacent property at the time of the certification application.

(b)(i) For any existing certificates and amendments thereto, and existing certification applications that have been found by the chairperson to be in compliance with division (A) of section 4906.06 of the Revised Code before the effective date of the amendment of this section by H.B. 59 of the 130th general assembly, September 29, 2013, the distance shall be seven hundred fifty feet instead of one thousand one hundred twenty-five feet.

(ii) Any amendment made to an existing certificate after the effective date of the amendment of this section by H.B. 483 of the 130th general assembly, September 15, 2014, and before the effective date of the amendment of this section by H.B. 483 of the 134th general assembly shall be subject to the setback provision of this section as amended by that act H.B. 483 of the 130th general assembly. The amendments to this section by that act H.B. 483 of the 130th general assembly shall not be construed to limit or abridge any rights or remedies in equity.
or under the common law.

(iii) Any amendment made to an existing certificate after
the effective date of the amendment of this section by ___B___
of the 134th general assembly shall be subject to the setback
 provision of this section as amended by that act. The amendments
to this section by that act shall not be construed to limit or
abridge any rights or remedies in equity or under the common
law.

(c) The setback shall apply in all cases except those in
which all owners of property adjacent to the wind farm property
waive application of the setback to that property pursuant to a
procedure the board shall establish by rule and except in which,
in a particular case, the board determines that a setback
greater than the minimum is necessary.

Sec. 4906.201. (A) An electric generating plant that
consists of wind turbines and associated facilities with a
single interconnection to the electrical grid that is designed
for, or capable of, operation at an aggregate capacity of fifty
megawatts or more is subject to the minimum setback requirements
established in rules adopted by the power siting board under
division (B)(2) of section 4906.20 of the Revised Code.

(B)(1) For any existing certificates and amendments
thereto, and existing certification applications that have been
found by the chairperson to be in compliance with division (A)
of section 4906.06 of the Revised Code before the effective date
of the amendment of this section by H.B. 59 of the 130th general
assembly, September 29, 2013, the distance shall be seven
hundred fifty feet instead of one thousand one hundred twenty-
five feet.
(2) Any amendment made to an existing certificate after the effective date of the amendment of this section by H.B. 483 of the 130th general assembly, September 15, 2014, and before the effective date of the amendment of this section by ___B___ of the 134th general assembly shall be subject to the setback provision of this section as amended by that act H.B. 483 of the 130th general assembly. The amendments to this section by that act H.B. 483 of the 130th general assembly shall not be construed to limit or abridge any rights or remedies in equity or under the common law.

(3) Any amendment made to an existing certificate after the effective date of the amendment of this section by ___B___ of the 134th general assembly shall be subject to the setback provision of this section as amended by that act. The amendments to this section by that act shall not be construed to limit or abridge any rights or remedies in equity or under the common law.

Sec. 4911.02. (A) The consumers' counsel shall be appointed by the consumers' counsel governing board, and shall hold office at the pleasure of the board.

(B)(1) The counsel may sue or be sued and has the powers and duties granted the counsel under this chapter, and all necessary powers to carry out the purposes of this chapter.

(2) Without limitation because of enumeration, the counsel:

(a) Shall have all the rights and powers of any party in interest appearing before the public utilities commission regarding examination and cross-examination of witnesses, presentation of evidence, and other matters;
(b) May take appropriate action with respect to residential consumer complaints concerning quality of service, service charges, and the operation of the public utilities commission;

(c) May institute, intervene in, or otherwise participate in proceedings in both state and federal courts and administrative agencies on behalf of the residential consumers concerning review of decisions rendered by, or failure to act by, the public utilities commission;

(d) May conduct long range studies concerning various topics relevant to the rates charged to residential consumers;

(e) On behalf of residential consumers and without posting a bond or any form of surety, may seek a stay of the implementation of any commission order that the counsel is appealing.

(C) The counsel shall follow the policies of the state as set forth in Chapter 4929. of the Revised Code that involve supporting retail natural gas competition.

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

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

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

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

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

(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 retail electric service in this state or in the businesses of supplying both a noncompetitive and a competitive retail electric service in this state. "Electric utility" excludes a municipal electric utility or a billing and collection agent.

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

(13) "Governmental aggregator" means a legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners acting as an aggregator for the provision of a competitive retail electric service under authority conferred under section 4928.20 of the
(14) A person acts "knowingly," regardless of the person's purpose, when the person is aware that the person's conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when the person is aware that such circumstances probably exist.

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

(16) "Low-income customer assistance programs" means the percentage of income payment plan program, the home energy assistance program, the home weatherization assistance program, and the targeted energy efficiency waste reduction and weatherization program.

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

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

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

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

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

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

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

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

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

(26) "Regulatory assets" means the unamortized net regulatory assets that are capitalized or deferred on the regulatory books of the electric utility, pursuant to an order or practice of the public utilities commission or pursuant to generally accepted accounting principles as a result of a prior commission rate-making decision, and that would otherwise have been charged to expense as incurred or would not have been capitalized or otherwise deferred for future regulatory consideration absent commission action. "Regulatory assets" includes, but is not limited to, all deferred demand-side management costs; all deferred percentage of income payment plan arrears; post-in-service capitalized charges and assets recognized in connection with statement of financial accounting standards no. 109 (receivables from customers for income taxes); future nuclear decommissioning costs and fuel disposal costs as those costs have been determined by the commission in the electric utility's most recent rate or accounting application proceeding addressing such costs; the undepreciated costs of safety and radiation control equipment on nuclear generating plants owned or leased by an electric utility; and fuel costs currently deferred pursuant to the terms of one or more settlement agreements approved by the commission.

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

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

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

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

(31) "Net metering system" means a facility for the production of electrical energy that does all of the following:

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

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

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

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

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

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

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

(a) Any method or any modification or replacement of any property, process, device, structure, or equipment that increases the generation output of an electric generating facility to the extent such efficiency is achieved without additional carbon dioxide emissions by that facility;

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

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

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

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

(f) Advanced solid waste or construction and demolition
debris conversion technology, including, but not limited to,
advanced stoker technology, and advanced fluidized bed
gasification technology, that results in measurable greenhouse
gas emissions reductions as calculated pursuant to the United
States environmental protection agency's waste reduction model
(WARM);

(g) Demand-side management and any energy efficiency waste
reduction improvement;

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

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

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

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

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

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

(i) Solar photovoltaic or solar thermal energy;

(ii) Wind energy;

(iii) Power produced by a hydroelectric facility;

(iv) Power produced by a small hydroelectric facility, which is a facility that operates, or is rated to operate, at an aggregate capacity of less than six megawatts;

(v) Power produced by a run-of-the-river hydroelectric facility placed in service on or after January 1, 1980, that is located within this state, relies upon the Ohio river, and operates, or is rated to operate, at an aggregate capacity of forty or more megawatts;

(vi) Geothermal energy;
(vii) Fuel derived from solid wastes, as defined in section 3734.01 of the Revised Code, through fractionation, biological decomposition, or other process that does not principally involve combustion;

(viii) Biomass energy;

(ix) Energy produced by cogeneration technology that is placed into service on or before December 31, 2015, and for which more than ninety per cent of the total annual energy input is from combustion of a waste or byproduct gas from an air contaminant source in this state, which source has been in operation since on or before January 1, 1985, provided that the cogeneration technology is a part of a facility located in a county having a population of more than three hundred sixty-five thousand but less than three hundred seventy thousand according to the most recent federal decennial census;

(x) Biologically derived methane gas;

(xi) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas;

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

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

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

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

(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.

(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

   (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.

   (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.


   (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 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
as defined in section 3345.011 of the Revised Code that recovers
waste heat from electricity-producing engines or combustion
turbines and that simultaneously uses the recovered heat to
produce steam, provided that the facility was placed into

(39) "Smart grid" means capital improvements to an
electric distribution utility's distribution infrastructure that
improve reliability, efficiency, resiliency, or reduce energy
demand or use, including, but not limited to, advanced metering
and automation of system functions.
(40) "Combined heat and power system" means the coproduction of electricity and useful thermal energy from the same fuel source designed to achieve thermal-efficiency levels of at least sixty per cent, with at least twenty per cent of the system's total useful energy in the form of thermal energy.

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

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

(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.

Sec. 4928.02. It is the policy of this state to do the
following throughout this state:

(A) Ensure the availability to consumers of adequate,
reliable, safe, efficient, nondiscriminatory, and reasonably
priced retail electric service;

(B) Ensure the availability of unbundled and comparable
retail electric service that provides consumers with the
supplier, price, terms, conditions, and quality options they
elect to meet their respective needs;

(C) Ensure diversity of electricity supplies and
suppliers, by giving consumers effective choices over the
selection of those supplies and suppliers and by encouraging the
development of distributed and small generation facilities;

(D) Encourage innovation and market access for cost-
effective supply- and demand-side retail electric service
including, but not limited to, demand-side management, time-
differentiated pricing, waste energy recovery systems, smart
grid programs, and implementation of advanced metering
infrastructure;

(E) Encourage cost-effective and efficient access to
information regarding the operation of the transmission and
distribution systems of electric utilities in order to promote
both effective customer choice of retail electric service and
the development of performance standards and targets for service
quality for all consumers, including annual achievement reports written in plain language;

(F) Ensure that an electric utility's transmission and distribution systems are available to a customer-generator or owner of distributed generation, so that the customer-generator or owner can market and deliver the electricity it produces;

(G) Recognize the continuing emergence of competitive electricity markets through the development and implementation of flexible regulatory treatment;

(H) Ensure effective competition in the provision of retail electric service by avoiding anticompetitive subsidies flowing from a noncompetitive retail electric service to a competitive retail electric service or to a product or service other than retail electric service, and vice versa, including by prohibiting the recovery of any generation-related costs through distribution or transmission rates;

(I) Ensure retail electric service consumers protection against unreasonable sales practices, market deficiencies, and market power;

(J) Provide coherent, transparent means of giving appropriate incentives to technologies that can adapt successfully to potential environmental mandates;

(K) Encourage implementation of distributed generation across customer classes through regular review and updating of administrative rules governing critical issues such as, but not limited to, interconnection standards, standby charges, and net metering;

(L) Protect at-risk populations, including, but not limited to, when considering the implementation of any new
advanced energy or renewable energy resource;

(M) Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency, waste reduction programs and alternative energy resources in their businesses;

(N) Facilitate the state's effectiveness in the global economy.

(O) Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization.

(P) Ensure that a customer's data is provided in a standard format and provided to third parties in as close to real time as is economically justifiable in order to spur economic investment and improve the energy options of individual customers.

In carrying out this policy, the commission shall consider rules as they apply to the costs of electric distribution infrastructure, including, but not limited to, line extensions, for the purpose of development in this state.

**Sec. 4928.021.** In order to protect the health and welfare of the state's citizens who rely on the continuous availability of affordable electricity for their homes, businesses, schools, and public places, and because it is in the public interest to transform the state's energy sector and to create a modern energy system that is more resilient and reliable, it is the policy of this state to do the following to achieve a statewide energy transformation within ten years of the effective date of this section:
(A) Reduce the threat of climate change by becoming a zero-carbon state not later than 2050;

(B) Promote distributed energy resources, which are critical to modernizing the state's electric utilities;

(C) Protect the state's critical facilities and ensure that the electric grid serving the state is reliable, resilient, and secure;

(D) Ensure the development of grid modernization plans to protect these facilities and the electric grid against cyber or physical attacks, severe weather, and other unforeseen or catastrophic events;

(E) Promote, and remove barriers to, customer engagement in energy options that are consistent with the competitive energy environment;

(F) Alleviate the economic burden on the state's most vulnerable citizens through least-cost technologies and customer choice in energy options;

(G) Incorporate least-cost cost solutions to make energy more affordable for all consumers through a fair process that requires verification and accountability of costs so that rates are fair, just, equitable, and reasonable;

(H) Consider methods through which customers may manage energy bills to reduce costs, reduce environmental impacts on communities, and provide opportunities for economic development through the creation of localized jobs;

(I) Enable businesses in the state to thrive and be more competitive in world markets;

(J) Provide energy services equitably to all customers;
(K) Ensure that public utilities are accountable to the public they serve and that their activities, including the establishment and implementation of rates and services, are transparent and accessible to the public.

Sec. 4928.113. In addition to the rules adopted under section 4928.11 and division (A) of section 4928.06 of the Revised Code, the public utilities commission shall have the authority to adopt rules regarding the interconnection of distributed generation facilities of all system types and fuel sources to the distribution system of each electric distribution utility through an open and transparent public process in order to carry out the following purposes:

(A) Ensure that the standards and processes associated with interconnection are transparent to applicants so that the costs and risks of interconnection are understood prior to the filing of an application;

(B) Ensure that compliance with the interconnection requirements are timely and not unduly burdensome or expensive for any applicant;

(C) Establish uniform, nondiscriminatory, technology-neutral procedures for interconnecting distributed generation facilities to distribution facilities in a manner that protects the public, ensures worker safety, and protects system reliability;

(D) Apply rules to all areas of the utility's service territory where an applicant seeks to physically connect distributed generation, and operate it parallel, to the utility's distribution system;

(E) Ensure that reasonable national standards of
interconnection are applied to protect the grid and that corrective measures proposed are timely and proportional;

(F) Provide several differentiated review options for an applicant's request for interconnection with the utility in order to ensure timely consideration of applications based on project size and the character of the distributed generation facility.

Sec. 4928.115. An applicant that applies for interconnection shall comply with the safety and performance standards established by all of the following that are in effect at the time of the application:

(A) The institute of electrical and electronics engineers (IEEE);

(B) The underwriters laboratory (UL);

(C) The national electrical code (NEC);

(D) Relevant American national standards institute (ANSI) standards.

Sec. 4928.117. The public utilities commission shall establish a schedule to implement interconnection standards to be effective not later than one year after the effective date of ... of the 134th general assembly. The standards shall provide for the filing by an electric distribution utility and ruling by the commission on utility interconnection tariffs.

Sec. 4928.119. An electric distribution utility shall do all of the following with regard to interconnection and distributed generation:

(A) Review its distribution system on a regular basis in order to identify system upgrades that may be necessary to allow
for increased penetrations of distributed generation and storage necessary to maximize the benefit of cost-effective resources;

(B) Establish technical specifications and parameters for interconnecting facilities to the electric system that ensures the safe, secure, and economical operation of the grid;

(C) Purchase energy from distributed generation sources at a tariff approved by the public utilities commission.

Sec. 4928.142. (A) For the purpose of complying with section 4928.141 of the Revised Code and subject to division (D) of this section and, as applicable, subject to the rate plan requirement of division (A) of section 4928.141 of the Revised Code, an electric distribution utility may establish a standard service offer price for retail electric generation service that is delivered to the utility under a market-rate offer.

(1) The market-rate offer shall be determined through a competitive bidding process that provides for all of the following:

(a) Open, fair, and transparent competitive solicitation;

(b) Clear product definition;

(c) Standardized bid evaluation criteria;

(d) Oversight by an independent third party that shall design the solicitation, administer the bidding, and ensure that the criteria specified in division divisions (A)(1)(a) to (c) of this section are met;

(e) Evaluation of the submitted bids prior to the selection of the least-cost bid winner or winners.

No generation supplier shall be prohibited from
participating in the bidding process.

(2) The public utilities commission shall modify rules, or adopt new rules as necessary, concerning the conduct of the competitive bidding process and the qualifications of bidders, which rules shall foster supplier participation in the bidding process and shall be consistent with the requirements of division (A)(1) of this section.

(B) Prior to initiating a competitive bidding process for a market-rate offer under division (A) of this section, the electric distribution utility shall file an application with the commission. An electric distribution utility may file its application with the commission prior to the effective date of the commission rules required under division (A)(2) of this section, and, as the commission determines necessary, the utility shall immediately conform its filing to the rules upon their taking effect.

An application under this division shall detail the electric distribution utility's proposed compliance with the requirements of division (A)(1) of this section and with commission rules under division (A)(2) of this section and demonstrate that all of the following requirements are met:

(1) The electric distribution utility or its transmission service affiliate belongs to at least one regional transmission organization that has been approved by the federal energy regulatory commission; or there otherwise is comparable and nondiscriminatory access to the electric transmission grid.

(2) Any such regional transmission organization has a market-monitor function and the ability to take actions to identify and mitigate market power or the electric distribution
utility's market conduct; or a similar market monitoring function exists with commensurate ability to identify and monitor market conditions and mitigate conduct associated with the exercise of market power.

(3) A published source of information is available publicly or through subscription that identifies pricing information for traded electricity on- and off-peak energy products that are contracts for delivery beginning at least two years from the date of the publication and is updated on a regular basis.

The commission shall initiate a proceeding and, within ninety days after the application's filing date, shall determine by order whether the electric distribution utility and its market-rate offer meet all of the foregoing requirements. If the finding is positive, the electric distribution utility may initiate its competitive bidding process. If the finding is negative as to one or more requirements, the commission in the order shall direct the electric distribution utility regarding how any deficiency may be remedied in a timely manner to the commission's satisfaction; otherwise, the electric distribution utility shall withdraw the application. However, if such remedy is made and the subsequent finding is positive and also if the electric distribution utility made a simultaneous filing under this section and section 4928.143 of the Revised Code, the utility shall not initiate its competitive bid until at least one hundred fifty days after the filing date of those applications.

(C) Upon the completion of the competitive bidding process authorized by divisions (A) and (B) of this section, including for the purpose of division (D) of this section, the commission
shall select the least-cost bid winner or winners of that process, and such selected bid or bids, as prescribed as retail rates by the commission, shall be the electric distribution utility's standard service offer unless the commission, by order issued before the third calendar day following the conclusion of the competitive bidding process for the market rate offer, determines that one or more of the following criteria were not met:

(1) Each portion of the bidding process was oversubscribed, such that the amount of supply bid upon was greater than the amount of the load bid out.

(2) There were four or more bidders.

(3) At least twenty-five per cent of the load is bid upon by one or more persons other than the electric distribution utility.

All costs incurred by the electric distribution utility as a result of or related to the competitive bidding process or to procuring generation service to provide the standard service offer, including the costs of energy and capacity and the costs of all other products and services procured as a result of the competitive bidding process, shall be timely recovered through the standard service offer price, and, for that purpose, the commission shall approve a reconciliation mechanism, other recovery mechanism, or a combination of such mechanisms for the utility.

(D) The first application filed under this section by an electric distribution utility that, as of July 31, 2008, directly owns, in whole or in part, operating electric generating facilities that had been used and useful in this
state shall require that a portion of that utility's standard service offer load for the first five years of the market rate offer be competitively bid under division (A) of this section as follows: ten per cent of the load in year one, not more than twenty per cent in year two, thirty per cent in year three, forty per cent in year four, and fifty per cent in year five. Consistent with those percentages, the commission shall determine the actual percentages for each year of years one through five. The standard service offer price for retail electric generation service under this first application shall be a proportionate blend of the bid price and the generation service price for the remaining standard service offer load, which latter price shall be equal to the electric distribution utility’s most recent standard service offer price, adjusted upward or downward as the commission determines reasonable, relative to the jurisdictional portion of any known and measurable changes from the level of any one or more of the following costs as reflected in that most recent standard service offer price:

(1) The electric distribution utility's prudently incurred cost of fuel used to produce electricity;

(2) Its prudently incurred purchased power costs;

(3) Its prudently incurred costs of satisfying the supply and demand portfolio requirements of this state, including, but not limited to, renewable energy resource and energy efficiency waste reduction requirements;

(4) Its costs prudently incurred to comply with environmental laws and regulations, with consideration of the derating of any facility associated with those costs.
In making any adjustment to the most recent standard service offer price on the basis of costs described in division (D) of this section, the commission shall include the benefits that may become available to the electric distribution utility as a result of or in connection with the costs included in the adjustment, including, but not limited to, the utility's receipt of emissions credits or its receipt of tax benefits or of other benefits, and, accordingly, the commission may impose such conditions on the adjustment to ensure that any such benefits are properly aligned with the associated cost responsibility. The commission shall also determine how such adjustments will affect the electric distribution utility's return on common equity that may be achieved by those adjustments. The commission shall not apply its consideration of the return on common equity to reduce any adjustments authorized under this division unless the adjustments will cause the electric distribution utility to earn a return on common equity that is significantly in excess of the return on common equity that is earned by publicly traded companies, including utilities, that face comparable business and financial risk, with such adjustments for capital structure as may be appropriate. The burden of proof for demonstrating that significantly excessive earnings will not occur shall be on the electric distribution utility.

Additionally, the commission may adjust the electric distribution utility's most recent standard service offer price by such just and reasonable amount that the commission determines necessary to address any emergency that threatens the utility's financial integrity or to ensure that the resulting revenue available to the utility for providing the standard service offer is not so inadequate as to result, directly or indirectly, in a taking of property without compensation.
pursuant to Section 19 of Article I, Ohio Constitution. The
electric distribution utility has the burden of demonstrating
that any adjustment to its most recent standard service offer
price is proper in accordance with this division.

(E) Beginning in the second year of a blended price under
division (D) of this section and notwithstanding any other
requirement of this section, the commission may alter
prospectively the proportions specified in that division to
mitigate any effect of an abrupt or significant change in the
electric distribution utility's standard service offer price
that would otherwise result in general or with respect to any
rate group or rate schedule but for such alteration. Any such
alteration shall be made not more often than annually, and the
commission shall not, by altering those proportions and in any
event, including because of the length of time, as authorized
under division (C) of this section, taken to approve the market
rate offer, cause the duration of the blending period to exceed
ten years as counted from the effective date of the approved
market rate offer. Additionally, any such alteration shall be
limited to an alteration affecting the prospective proportions
used during the blending period and shall not affect any
blending proportion previously approved and applied by the
commission under this division.

(F) An electric distribution utility that has received
commission approval of its first application under division (C)
of this section shall not, nor ever shall be authorized or
required by the commission to, file an application under section
4928.143 of the Revised Code.

Sec. 4928.143. (A) For the purpose of complying with
section 4928.141 of the Revised Code, an electric distribution
utility may file an application for public utilities commission approval of an electric security plan as prescribed under division (B) of this section. The utility may file that application prior to the effective date of any rules the commission may adopt for the purpose of this section, and, as the commission determines necessary, the utility immediately shall conform its filing to those rules upon their taking effect.

(B) Notwithstanding any other provision of Title XLIX of the Revised Code to the contrary except division (D) of this section, divisions (I), (J), and (K) of section 4928.20, division (E) of section 4928.64, and section 4928.69 of the Revised Code:

(1) An electric security plan shall include provisions relating to the supply and pricing of electric generation service. In addition, if the proposed electric security plan has a term longer than three years, it may include provisions in the plan to permit the commission to test the plan pursuant to division (E) of this section and any transitional conditions that should be adopted by the commission if the commission terminates the plan as authorized under that division.

(2) The plan may provide for or include, without limitation, any of the following:

(a) **Automatic recovery** of any of the following costs of the electric distribution utility, provided the cost is found to be prudently incurred after a hearing by the public utilities commission: the cost of fuel used to generate the electricity supplied under the offer; the cost of purchased power supplied under the offer, including the cost of energy and capacity, and including purchased power acquired from an
affiliate; the cost of emission allowances; and the cost of federally mandated carbon or energy taxes;

(b) A reasonable allowance for construction work in progress for any of the electric distribution utility's cost of constructing an electric generating facility or for an environmental expenditure for any electric generating facility of the electric distribution utility, provided the cost is incurred or the expenditure occurs on or after January 1, 2009. Any such allowance shall be subject to the construction work in progress allowance limitations of division (A) of section 4909.15 of the Revised Code, except that the commission may authorize such an allowance upon the incurrence of the cost or occurrence of the expenditure. No such allowance for generating facility construction shall be authorized, however, unless the commission first determines in the proceeding that there is need for the facility based on resource planning projections submitted by the electric distribution utility. Further, no such allowance shall be authorized unless the facility's construction was sourced through a competitive bid process, regarding which process the commission may adopt rules. An allowance approved under division (B)(2)(b) of this section shall be established as a nonbypassable surcharge for the life of the facility.

(c) The establishment of a nonbypassable surcharge for the life of an electric generating facility that is owned or operated by the electric distribution utility, was sourced through a competitive bid process subject to any such rules as the commission adopts under division (B)(2)(b) of this section, and is newly used and useful on or after January 1, 2009, which surcharge shall cover all costs of the utility specified in the application, excluding costs recovered through a surcharge under division (B)(2)(b) of this section. However, no surcharge shall
be authorized unless the commission first determines in the proceeding that there is need for the facility based on resource planning projections submitted by the electric distribution utility. Additionally, if a surcharge is authorized for a facility pursuant to plan approval under division (C) of this section and as a condition of the continuation of the surcharge, the electric distribution utility shall dedicate to Ohio consumers the capacity and energy and the rate associated with the cost of that facility. Before the commission authorizes any surcharge pursuant to this division, it may consider, as applicable, the effects of any decommissioning, deratings, and retirements.

(d) Terms, conditions, or charges relating to limitations on customer shopping for retail electric generation service, bypassability, standby, back-up, or supplemental power service, default service, carrying costs, amortization periods, and accounting or deferrals, including future recovery of such deferrals, as would have the effect of stabilizing or providing certainty regarding retail electric service;

(e) Automatic increases in any component of the standard service offer price that will be subject to prior commission approval in a separate proceeding;

(f) Consistent with sections 4928.23 to 4928.2318 of the Revised Code, both of the following:

(i) Provisions for the electric distribution utility to securitize any phase-in, inclusive of carrying charges, of the utility's standard service offer price, which phase-in is authorized in accordance with section 4928.144 of the Revised Code;
(ii) Provisions for the recovery of the utility's cost of securitization.

(g) Provisions relating to transmission, ancillary, congestion, or any related service required for the standard service offer, including provisions for the recovery of any cost of such service that the electric distribution utility incurs on or after that date pursuant to the standard service offer;

(h) Provisions regarding the utility's distribution service, including, without limitation and notwithstanding any provision of Title XLIX of the Revised Code to the contrary, provisions regarding single issue ratemaking, a revenue decoupling mechanism or any other incentive ratemaking, and provisions regarding distribution infrastructure and modernization incentives for the electric distribution utility. The latter may include a long-term energy delivery infrastructure modernization plan for that utility or any plan providing for the utility's recovery of costs, including lost revenue, shared savings, and avoided costs, and a just and reasonable rate of return on such infrastructure modernization.

As part of its determination as to whether to allow in an electric distribution utility's electric security plan inclusion of any provision described in division (B)(2)(h) of this section, the commission shall examine the reliability of the electric distribution utility's distribution system and ensure that customers' and the electric distribution utility's expectations are aligned and that the electric distribution utility is placing sufficient emphasis on and dedicating sufficient resources to the reliability of its distribution system.

With regard to a decoupling mechanism, the mechanism shall
be based on the base rates currently in effect and shall include
the following elements:

(i) A symmetrical design so that any underrecoveries of
revenue requirements are recovered from customers and any
overrecoveries of revenue requirements are credited to
customers;

(ii) A customer charge that is sufficient to recover the
utility's cost of metering and billing only. All other costs
shall be recovered in a volumetric rate; however, the utility
may impose a small, reasonable demand charge on self-generation
if the utility is offering a reasonable bidirectional time-
varying rate or other rate design that captures costs and
contributions to the utility system.

(iii) A revenue per customer mechanism, which may be
combined with other revenue adjustments;

(iv) A proposed cap on surcharges and refunds and a
symmetrical method for addressing the imposition of the cap;

(v) Other elements as necessary.

(i) Provisions under which the electric distribution
utility may implement economic development, job retention, and
energy efficiency waste reduction programs, which provisions may
allocate program costs across all classes of customers of the
utility and those of electric distribution utilities in the same
holding company system.

(C)(1) The burden of proof in the proceeding shall be
on the electric distribution utility. The commission shall issue
an order under this division for an initial application under
this section not later than one hundred fifty days after the
application's filing date and, for any subsequent application by
the utility under this section, not later than two hundred seventy-five days after the application's filing date. Subject to division (D) of this section, the commission by order shall approve or modify and approve an application filed under division (A) of this section if it finds that the electric security plan so approved, including its pricing and all other terms and conditions, including any deferrals and any future recovery of deferrals, is more favorable in the aggregate as compared to the expected results, provides a lower rate than the market rate that would otherwise apply under section 4928.142 of the Revised Code. Additionally, if the commission so approves an application that contains a surcharge under division (B)(2)(b) or (c) of this section, the commission shall ensure that the benefits derived for any purpose for which the surcharge is established are reserved and made available to those that bear the surcharge. Otherwise, the commission by order shall disapprove the application.

(2)(a) If the commission modifies and approves an application under division (C)(1) of this section, the electric distribution utility may withdraw the application, thereby terminating it, and may file a new standard service offer under this section or a standard service offer under section 4928.142 of the Revised Code.

(b) If the utility terminates an application pursuant to division (C)(2)(a) of this section or if the commission disapproves an application under division (C)(1) of this section, the commission shall issue such order as is necessary to continue the provisions, terms, and conditions of the utility's most recent standard service offer, along with any expected increases or decreases in fuel costs from those contained in that offer, until a subsequent offer is authorized.
pursuant to this section or section 4928.142 of the Revised Code, respectively.

(D) Regarding the rate plan requirement of division (A) of section 4928.141 of the Revised Code, if an electric distribution utility that has a rate plan that extends beyond December 31, 2008, files an application under this section for the purpose of its compliance with division (A) of section 4928.141 of the Revised Code, that rate plan and its terms and conditions are hereby incorporated into its proposed electric security plan and shall continue in effect until the date scheduled under the rate plan for its expiration, and that portion of the electric security plan shall not be subject to commission approval or disapproval under division (C) of this section, and the earnings test provided for in division (F) of this section shall not apply until after the expiration of the rate plan. However, that utility may include in its electric security plan under this section, and the commission may approve, modify and approve, or disapprove subject to division (C) of this section, provisions for the incremental recovery or the deferral of any costs that are not being recovered under the rate plan and that the utility incurs during that continuation period to comply with section 4928.141, division (B) of section 4928.64, or division (A) of section 4928.66 of the Revised Code.

(E) If an electric security plan approved under division (C) of this section, except one withdrawn by the utility as authorized under that division, has a term, exclusive of phase-ins or deferrals, that exceeds three years from the effective date of the plan, the commission shall test the plan in the fourth year, and if applicable, every fourth year thereafter, to determine whether the plan, including its then-existing pricing and all other terms and conditions, including any deferrals and
any future recovery of deferrals, continues to be more favorable in the aggregate and during the remaining term of the plan as compared to the expected results provide a lower rate than the market rate that would otherwise apply under section 4928.142 of the Revised Code. The commission shall also determine the prospective effect of the electric security plan to determine if that effect is substantially likely to provide the electric distribution utility with a return on common equity that is significantly in excess of the return on common equity that is likely to be earned by publicly traded companies, including utilities, that face comparable business and financial risk, with such adjustments for capital structure as may be appropriate. The burden of proof for demonstrating that significantly excessive earnings will not occur shall be on the electric distribution utility. If the test results are in the negative or the commission finds that continuation of the electric security plan will result in a return on equity that is significantly in excess of the return on common equity that is likely to be earned by publicly traded companies, including utilities, that will face comparable business and financial risk, with such adjustments for capital structure as may be appropriate, during the balance of the plan, the commission may terminate the electric security plan, but not until it shall have provided interested parties with notice and an opportunity to be heard. The commission may impose such conditions on the plan's termination as it considers reasonable and necessary to accommodate the transition from an approved plan to the more advantageous alternative. In the event of an electric security plan's termination pursuant to this division, the commission shall permit the continued deferral and phase-in of any amounts that occurred prior to that termination and the recovery of those amounts as contemplated under that electric security plan.
(F) With regard to the provisions that are included in an electric security plan under this section, the commission shall consider, following the end of each annual period of the plan, if any such adjustments resulted in excessive earnings as measured by whether the earned return on common equity of the electric distribution utility is significantly in excess of the return on common equity that was earned during the same period by publicly traded companies, including utilities, that face comparable business and financial risk, with such adjustments for capital structure as may be appropriate. Consideration also shall be given to the capital requirements of future committed investments in this state. The burden of proof for demonstrating that significantly excessive earnings did not occur shall be on the electric distribution utility. If the commission finds that such adjustments, in the aggregate, did result in significantly excessive earnings, it shall require the electric distribution utility to return to consumers the amount of the excess by prospective adjustments; provided that, upon making such prospective adjustments, the electric distribution utility shall have the right to terminate the plan and immediately file an application pursuant to section 4928.142 of the Revised Code. Upon termination of a plan under this division, rates shall be set on the same basis as specified in division (C)(2)(b) of this section, and the commission shall permit the continued deferral and phase-in of any amounts that occurred prior to that termination and the recovery of those amounts as contemplated under that electric security plan. In making its determination of significantly excessive earnings under this division, the commission shall not consider, directly or indirectly, the revenue, expenses, or earnings of any affiliate or parent company. The electric security plan provides a lower rate than the market rate that would otherwise apply under section 4928.142 of
Sec. 4928.45. Each electric distribution utility and competitive retail electric service provider in this state shall develop and implement a carbon reduction plan to meet the following requirements:

(A) Not later than January 1, 2030, a fifty per cent reduction of the retail electric service provider's greenhouse gas emissions from 2005 levels.

(B) Not later than January 1, 2050, one hundred per cent carbon-free electricity.

Sec. 4928.451. (A) The public utilities commission shall hold a hearing every two years to review each electric distribution utility's and competitive retail electric service provider's current carbon reduction plan and require modifications as necessary to meet the requirements described under section 4928.45 of the Revised Code.

(B) The hearing shall be held in accordance with Chapter 4903. of the Revised Code.

(C) The commission shall issue an order with findings of fact and conclusions of law for each hearing on a carbon reduction plan implemented pursuant to section 4928.45 of the Revised Code.

(D) The commission shall make specific findings from the provider's grid modernization plan submitted pursuant to sections 4928.835 to 4928.8340 of the Revised Code.

(E) The commission may impose financial and other penalties, including revocation of operating licenses or certificates, for failure to achieve carbon reduction plan.
goals.

Sec. 4928.452. (A) Any electric cooperative or municipal electric utility may file a carbon reduction plan with the public utilities commission. The plan shall be deemed approved if both of the following apply:

(1) The Ohio environmental protection agency, in cooperation with the commission, publicly verifies that the plan demonstrates, not later than 2030, at least a fifty per cent reduction in the cooperative's or utility's greenhouse gas emissions caused by its electricity generation and sales in this state from 2005 levels;

(2) It has been approved by the cooperative's or utility's governing body.

(B) Submission of a carbon reduction plan by an electric cooperative or municipal electric utility shall not be construed as altering the electric cooperative's or municipal electric utility's regulatory status with respect to the public utilities commission.

Sec. 4928.453. (A) Not later than six months after the effective date of this section, the public utilities commission shall adopt rules to implement sections 4928.45 to 4928.453 of the Revised Code.

(B) Prior to adopting the rules, the commission shall seek comments from stakeholders and the public.

(C) The rules shall include all of the following:

(1) Filing requirements for each retail electric service provider's carbon reduction plan;

(2) The requirements for each carbon reduction plan,
including all of the following:

(a) Plans that demonstrate how the retail electric service provider will achieve the requirements described in section 4928.45 of the Revised Code, with proof of verification by the Ohio environmental protection agency;

(b) Plans to capture all cost-effective energy waste reduction potential, as determined by an independent, third-party potential study conducted in accordance with best practices;

(c) Plans to maximize cost-effective adoption of beneficial electrification technologies and resources, including replacement of direct fossil combustion for thermal energy generation with heat pumps, electric cooking, and other technologies, especially where indoor air quality for low- and moderate-income households can be improved;

(d) Identification of all opportunities to eliminate energy waste that are less costly than the generation, transmission, and distribution of an equal level of electricity;

(e) Financial or demonstrable and quantifiable in-kind support for the development of at least twenty gigawatts of in-state solar and wind resources by 2030 to create clean energy jobs statewide, with priority for local workforce hiring;

(f) For an owner or operator of a nuclear generating facility in this state:

(i) The attribution of value of nuclear generation for the purpose of meeting greenhouse gas emissions reductions for a period of not more than ten years after the effective date of this section:
(ii) A plan for the disposal of nuclear waste generated by the provider's operations;

(iii) A plan for a just transition associated with the retirement of the nuclear generating facility.

(g) The reports and findings of independent operational, economic, and financial audits of all existing fossil fuel and nuclear generation facilities the provider used to develop and support the plan;

(h) The reports and findings of independent management and organizational audits of all investor-owned utilities operating in this state used to develop and support the plan;

(i) Identification of the potential for stranded costs or unrecovered investments in fossil fuel generation facilities and the measures to be taken to minimize or eliminate the stranded costs or unrecovered investments and to avoid them in the future;

(j) Detailed explanation on how the plan ensures that low- and moderate-income customers are able to participate in the economic and environmental benefits of clean energy resources, including weatherization, energy waste reduction, energy audits, and community solar;

(k) Creation of incentives to direct clean energy investments to economically disadvantaged communities and communities affected by the transition from fossil fuel generation facilities and decommissioned nuclear power plants.

(3) Interim carbon reduction benchmarks for achieving the requirements established in section 4928.45 of the Revised Code;

(4) Financial and other penalties, including revocation of
operating licenses or certificates, for failure to achieve carbon reduction plan goals.

Sec. 4928.51. (A) There is hereby established in the state treasury a universal service fund, into which shall be deposited all universal service revenues remitted to the director of development under this section, for the exclusive purposes of providing funding for the low-income customer assistance programs and for the consumer education program authorized under section 4928.56 of the Revised Code, and paying the administrative costs of the low-income customer assistance programs and the consumer education program. Interest on the fund shall be credited to the fund. Disbursements from the fund shall be made to any supplier that provides a competitive retail electric service or a noncompetitive retail electric service to a customer who is approved to receive assistance under a specified low-income customer assistance program and to any authorized provider of weatherization or energy efficiency waste reduction service to a customer approved to receive such assistance under a specified low-income customer assistance program.

(B) Universal service revenues shall include all of the following:

1. Revenues remitted to the director after collection by an electric distribution utility beginning July 1, 2000, attributable to the collection from customers of the universal service rider prescribed under section 4928.52 of the Revised Code;

2. Revenues remitted to the director that have been collected by an electric distribution utility beginning July 1, 2000, as customer payments under the percentage of income
payment plan program, including revenues remitted under division (C) of this section;

(3) Adequate revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state not earlier than July 1, 2000, upon the utility's or cooperative's decision to participate in the low-income customer assistance programs.

(C)(1) Beginning July 1, 2000, an electric distribution utility shall transfer to the director the right to collect all arrearage payments of a customer for percentage of income payment plan program debt owed to the utility on the day before that date or retain the right to collect that debt but remit to the director all program revenues received by the utility for that customer.

(2) A current or past percentage of income payment plan program customer is relieved of any payment obligation under the percentage of income payment program for any unpaid arrears accrued by the customer under the program as of the effective date of this section if the customer, as determined by the director, meets both of the following criteria:

(a) The customer as of that date has complied with customer payment responsibilities under the program.

(b) The customer is permanently and totally disabled as defined in section 5117.01 of the Revised Code or is sixty-five years of age or older as defined in that section.

(D) The public utilities commission shall complete an audit of each electric utility by July 1, 2000, for the purpose of establishing a baseline for the percentage of income payment plan program component of the low-income assistance programs.
Sec. 4928.52. (A) Beginning July 1, 2000, the universal service rider shall replace the percentage of income payment plan rider in existence on the effective date of this section and any amount in the rates of an electric utility for the funding of low-income customer energy efficiency waste reduction programs. The universal service rider shall be a rider on retail electric distribution service rates as such rates are determined by the public utilities commission pursuant to this chapter. The universal service rider for the first five years after the starting date of competitive retail electric service shall be the sum of all of the following:

(1) The level of the percentage of income payment plan program rider in existence on the effective date of this section;

(2) An amount equal to the level of funding for low-income customer energy efficiency waste reduction programs provided through electric utility rates in effect on the effective date of this section;

(3) Any additional amount necessary and sufficient to fund through the universal service rider the administrative costs of the low-income customer assistance programs and the consumer education program created in section 4928.56 of the Revised Code.

(B) If, during or after the five-year period specified in division (A) of this section, the director of development, after consultation with the public benefits advisory board created under section 4928.58 of the Revised Code, determines that revenues in the universal service fund and revenues from federal or other sources of funding for those programs, including general revenue fund appropriations for the Ohio energy credit

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program, will be insufficient to cover the administrative costs of the low-income customer assistance programs and the consumer education program and provide adequate funding for those programs, the director shall file a petition with the commission for an increase in the universal service rider. The commission, after reasonable notice and opportunity for hearing, may adjust the universal service rider by the minimum amount necessary to provide the additional revenues. The commission shall not decrease the universal service rider without the approval of the director, after consultation by the director with the advisory board.

(C) The universal service rider established under division (A) or (B) of this section shall be set in such a manner so as not to shift among the customer classes of electric distribution utilities the costs of funding low-income customer assistance programs.

Sec. 4928.55. The director of development services shall establish an energy efficiency waste reduction and weatherization program targeted, to the extent practicable, to high-cost, high-volume use structures occupied by customers eligible for the percentage of income payment plan program, with the goal of reducing the energy bills of the occupants. Acceptance of energy efficiency waste reduction and weatherization services provided by the program shall be a condition for the eligibility of any such customer to participate in the percentage of income payment plan program.

Sec. 4928.56. The director of development may adopt rules in accordance with Chapter 119. of the Revised Code establishing an education program for consumers eligible to participate in the low-income customer assistance programs. The education
program shall provide information to consumers regarding energy efficiency, waste reduction, and energy conservation.

Sec. 4928.58. (A) There is hereby created the public benefits advisory board, which has the purpose of ensuring that energy services be provided to low-income consumers in this state in an affordable manner consistent with the policy specified in section 4928.02 of the Revised Code. The advisory board shall consist of twenty-one members as follows: the director of development, the chairperson of the public utilities commission, the consumers' counsel, and the director of the air quality development authority, each serving ex officio and represented by a designee at the official's discretion; two members of the house of representatives appointed by the speaker of the house of representatives, neither of the same political party, and two members of the senate appointed by the president of the senate, neither of the same political party; and thirteen members appointed by the governor with the advice and consent of the senate, consisting of one representative of suppliers of competitive retail electric service; one representative of the residential class of electric utility customers; one representative of the industrial class of electric utility customers; one representative of the commercial class of electric utility customers; one representative of agricultural or rural customers of an electric utility; two customers receiving assistance under one or more of the low-income customer assistance programs, to represent customers eligible for any such assistance, including senior citizens; one representative of the general public; one representative of local intake agencies; one representative of a community-based organization serving low-income customers; one representative of environmental protection interests; one representative of
lending institutions; and one person considered an expert in energy efficiency, waste reduction, or renewables technology. Initial appointments shall be made not later than November 1, 1999.

(B) Initial terms of six of the appointed members shall end on June 30, 2003, and initial terms of the remaining seven appointed members shall end on June 30, 2004. Thereafter, terms of appointed members shall be for three years, with each term ending on the same day of the same month as the term it succeeds. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office after the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C) Board members shall be reimbursed for their actual and necessary expenses incurred in the performance of board duties. The reimbursements constitute, as applicable, administrative costs of the low-income customer assistance programs for the purpose of division (A) of section 4928.51 of the Revised Code or administrative costs of the advanced energy program for the purpose of division (A) of section 4528.61 of the Revised Code.

(D) The advisory board shall select a chairperson from among its members. Only board members appointed by the governor with the advice and consent of the senate shall be voting
members of the board; each shall have one vote in all
deliberations of the board. A majority of the voting members
constitute a quorum.

(E) The duties of the advisory board shall be as follows:

(1) Advise the director in the administration of the
universal service fund and the low-income customer assistance
programs and advise the director on the director's
recommendation to the commission regarding the appropriate level
of the universal service rider;

(2) Advise the director on the administration of the
advanced energy program and the advanced energy fund under
sections 4928.61 to 4928.63 of the Revised Code.

(F) The advisory board is not an agency for purposes of
sections 101.82 to 101.87 of the Revised Code.

Sec. 4928.61. (A) There is hereby established in the state
treasury the advanced energy fund, into which shall be deposited
all advanced energy revenues remitted to the director of
development under division (B) of this section, for the
exclusive purposes of funding the advanced energy program
created under section 4928.62 of the Revised Code and paying the
program's administrative costs. Interest on the fund shall be
credited to the fund.

(B) Advanced energy revenues shall include all of the
following:

(1) Revenues remitted to the director after collection by
each electric distribution utility in this state of a temporary
rider on retail electric distribution service rates as such
rates are determined by the public utilities commission pursuant
to this chapter. The rider shall be a uniform amount statewide,
determined by the director of development, after consultation with the public benefits advisory board created by section 4928.58 of the Revised Code. The amount shall be determined by dividing an aggregate revenue target for a given year as determined by the director, after consultation with the advisory board, by the number of customers of electric distribution utilities in this state in the prior year. Such aggregate revenue target shall not exceed more than fifteen million dollars in any year through 2005 and shall not exceed more than five million dollars in any year after 2005. The rider shall be imposed beginning on the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, and shall terminate at the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.

(2) Revenues from payments, repayments, and collections under the advanced energy program and from program income;

(3) Revenues remitted to the director after collection by a municipal electric utility or electric cooperative in this state upon the utility's or cooperative's decision to participate in the advanced energy fund;

(4) Revenues from renewable energy compliance payments as provided under division (C)(2) of section 4928.64 of the Revised Code;

(5) Revenue from forfeitures under division (C) of section 4928.66 of the Revised Code;

(6) Funds transferred pursuant to division (B) of Section 512.10 of S.B. 315 of the 129th general assembly;
(7) Interest earnings on the advanced energy fund.

(C)(1) Each electric distribution utility in this state shall remit to the director on a quarterly basis the revenues described in divisions (B)(1) and (2) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter.

(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B)(3) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter. For the purpose of division (B)(3) of this section, the participation of an electric cooperative or municipal electric utility in the energy efficiency waste reduction revolving loan program as it existed immediately prior to the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, does not constitute a decision to participate in the advanced energy fund under this section as so amended.

(3) All remittances under divisions (C)(1) and (2) of this section shall continue only until the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.

(D) Any moneys collected in rates for non-low-income customer energy efficiency waste reduction programs, as of October 5, 1999, and not contributed to the energy efficiency waste reduction revolving loan fund authorized under this section prior to the effective date of its amendment by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, shall be used to continue to fund cost-effective, residential energy efficiency projects.
efficiency waste reduction programs, be contributed into the universal service fund as a supplement to that required under section 4928.53 of the Revised Code, or be returned to ratepayers in the form of a rate reduction at the option of the affected electric distribution utility.

Sec. 4928.62. (A) There is hereby created the advanced energy program, which shall be administered by the director of development. Under the program, the director may authorize the use of moneys in the advanced energy fund for financial, technical, and related assistance for advanced energy projects in this state or for economic development assistance, in furtherance of the purposes set forth in section 4928.63 of the Revised Code.

(1) To the extent feasible given approved applications for assistance, the assistance shall be distributed among the certified territories of electric distribution utilities and participating electric cooperatives, and among the service areas of participating municipal electric utilities, in amounts proportionate to the remittances of each utility and cooperative under divisions (B)(1) and (3) of section 4928.61 of the Revised Code.

(2) The funds described in division (B)(6) of section 4928.61 of the Revised Code shall not be subject to the territorial requirements of division (A)(1) of this section.

(3) The director shall not authorize financial assistance for an advanced energy project under the program unless the director first determines that the project will create new jobs or preserve existing jobs in this state or use innovative technologies or materials.
(B) In carrying out sections 4928.61 to 4928.63 of the Revised Code, the director may do all of the following to further the public interest in advanced energy projects and economic development:

1. Award grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives;

2. Acquire in the name of the director any property of any kind or character in accordance with this section, by purchase, purchase at foreclosure, or exchange, on such terms and in such manner as the director considers proper;

3. Make and enter into all contracts and agreements necessary or incidental to the performance of the director's duties and the exercise of the director's powers under sections 4928.61 to 4928.63 of the Revised Code;

4. Employ or enter into contracts with financial consultants, marketing consultants, consulting engineers, architects, managers, construction experts, attorneys, technical monitors, energy evaluators, or other employees or agents as the director considers necessary, and fix their compensation;

5. Adopt rules prescribing the application procedures for financial assistance under the advanced energy program; the fees, charges, interest rates, payment schedules, local match requirements, and other terms and conditions of any grants, contracts, loans, loan participation agreements, linked deposits, and energy production incentives; criteria pertaining to the eligibility of participating lending institutions; and any other matters necessary for the implementation of the program;

6. Do all things necessary and appropriate for the
operation of the program.

(C) The department of development may hold ownership to any unclaimed energy efficiency, waste reduction, and renewable energy emission allowances provided for in Chapter 3745-14 of the Administrative Code or otherwise, that result from advanced energy projects that receive funding from the advanced energy fund, and it may use the allowances to further the public interest in advanced energy projects or for economic development.

(D) Financial statements, financial data, and trade secrets submitted to or received by the director from an applicant or recipient of financial assistance under sections 4928.61 to 4928.63 of the Revised Code, or any information taken from those statements, data, or trade secrets for any purpose, are not public records for the purpose of section 149.43 of the Revised Code.

(E) Nothing in the amendments of sections 4928.61, 4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 126th general assembly shall affect any pending or effected assistance, pending or effected exchanges of property made, or pending or effected contracts or agreements entered into pursuant to division (A) or (B) of this section as the section existed prior to the effective date of those amendments, January 4, 2007, or shall affect the exemption provided under division (C) of this section as the section existed prior to that effective date.

(F) Any assistance a school district receives for an advanced energy project, including a geothermal heating, ventilating, and air conditioning system, shall be in addition to any assistance provided under Chapter 3318. of the Revised
Code and shall not be included as part of the district or state portion of the basic project cost under that chapter.

**Sec. 4928.621.** (A) Any Edison technology center in this state is eligible to apply for and receive assistance pursuant to section 4928.62 of the Revised Code for the purposes of creating an advanced energy manufacturing center in this state that will provide for the exchange of information and expertise regarding advanced energy, assisting with the design of advanced energy projects, developing workforce training programs for such projects, and encouraging investment in advanced energy manufacturing technologies for advanced energy products and investment in sustainable manufacturing operations that create high-paying jobs in this state.

(B) Any university or group of universities in this state that conducts research on any advanced energy resource or any not-for-profit corporation formed to address issues affecting the price and availability of electricity and having members that are small businesses may apply for and receive assistance pursuant to section 4928.62 of the Revised Code for the purpose of encouraging research in this state that is directed at innovation in or the refinement of those resources or for the purpose of educational outreach regarding those resources and, to that end, shall use that assistance to establish such a program of research or education outreach. Any such educational outreach shall be directed at an increase in, innovation regarding, or refinement of access by or of application or understanding of businesses and consumers in this state regarding, advanced energy resources.

(C) Any independent group located in this state the express objective of which is to educate small businesses in
As Introduced

this state regarding renewable energy resources and energy efficiency waste reduction programs, or any small business located in this state electing to utilize an advanced energy project or participate in an energy efficiency waste reduction program, is eligible to apply for and receive assistance pursuant to section 4928.62 of the Revised Code.

(D) Nothing in this section shall be construed as limiting the eligibility of any qualifying entity to apply for or receive assistance pursuant to section 4928.62 of the Revised Code.

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

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

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

(c) Is a small hydroelectric facility;

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

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

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

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

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

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

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

(B)(1) By the end of 2026, an electric distribution utility shall have provided from qualifying renewable energy resources, including, at its discretion, qualifying renewable energy resources obtained pursuant to an electricity supply contract, a portion of the electricity supply required for its standard service offer under section 4928.141 of the Revised Code, and an electric services company shall have provided a portion of its electricity supply for retail consumers in this state from qualifying renewable energy resources, including, at its discretion, qualifying renewable energy resources obtained pursuant to an electricity supply contract. That portion shall equal eight and one-half per cent of the total number of kilowatt hours of electricity sold by the subject utility or company to any and all retail electric consumers whose electric load centers are served by that utility and are located within the utility's certified territory or, in the case of an electric services company, are served by the company and are located.
within this state. However, nothing in this section precludes a utility or company from providing a greater percentage.

(2) Subject to section 4928.642 of the Revised Code, the portion required under division (B)(1) of this section shall be generated from renewable energy resources in accordance with the following benchmarks:

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<tr>
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<th>By end of year</th>
<th>Renewable energy resources</th>
<th>Solar energy resources</th>
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<tbody>
<tr>
<td>A</td>
<td>2009</td>
<td>0.25%</td>
<td>0.004%</td>
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<tr>
<td>B</td>
<td>2010</td>
<td>0.50%</td>
<td>0.010%</td>
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<tr>
<td>C</td>
<td>2011</td>
<td>1%</td>
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<tr>
<td>D</td>
<td>2012</td>
<td>1.5%</td>
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<td>E</td>
<td>2013</td>
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<td>F</td>
<td>2014</td>
<td>2.5%</td>
<td>0.12%</td>
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<td>G</td>
<td>2015</td>
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<td>H</td>
<td>2016</td>
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<td>2018</td>
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<td>K</td>
<td>2019</td>
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<td>0%</td>
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<tr>
<td>2023</td>
<td>7%</td>
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<td>2024</td>
<td>7.5%</td>
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<tr>
<td>2025</td>
<td>8%</td>
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<tr>
<td>2026</td>
<td>8.5%</td>
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</tbody>
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(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 commission shall impose a renewable energy compliance payment on the utility or company.

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

(i) Three hundred dollars for 2014, 2015, and 2016;
(ii) Two hundred fifty dollars for 2017 and 2018;
(iii) Two hundred dollars for 2019.

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

(c) The compliance payment shall not be passed through by the electric distribution utility or electric services company to consumers. The compliance payment shall be remitted to the commission, for deposit to the credit of the advanced energy fund created under section 4928.61 of the Revised Code. Payment of the compliance payment shall be subject to such collection and enforcement procedures as apply to the collection of a
forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code.

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

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

(b) Within ninety days after the filing of a request by an electric distribution utility or electric services company under division (C)(4)(a) of this section, the commission shall determine if qualifying renewable energy resources are reasonably available in the marketplace in sufficient quantities for the utility or company to comply with the subject minimum benchmark during the review period. In making this determination, the commission shall consider whether the
electric distribution utility or electric services company has
made a good faith effort to acquire sufficient qualifying
renewable energy or, as applicable, solar energy resources to so
comply, including, but not limited to, by banking or seeking
renewable energy resource credits or by seeking the resources
through long-term contracts. Additionally, the commission shall
consider the availability of qualifying renewable energy or
solar energy resources in this state and other jurisdictions in
the PJM interconnection regional transmission organization,
L.L.C., or its successor and the midcontinent independent system
operator or its successor.

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

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

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

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

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

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

The commission shall begin providing the information described in division (D)(2) of this section in each report.
submitted after September 10, 2012. The commission shall allow and consider public comments on the report prior to its submission to the general assembly. Nothing in the report shall be binding on any person, including any utility or company for the purpose of its compliance with any benchmark under division (B) of this section, or the enforcement of that provision under division (C) of this section.

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

Sec. 4928.65. (A) Not later than January 1, 2015, the public utilities commission shall adopt rules governing the disclosure of the costs to customers of the renewable energy resource, energy efficiency waste reduction savings, and peak demand reduction requirements of sections 4928.64 and 4928.66 of the Revised Code. The rules shall include both of the following requirements:

(1) That every electric distribution utility list, on all customer bills sent by the utility, including utility consolidated bills that include both electric distribution utility and electric services company charges, the individual customer cost of the utility's compliance with all of the following for the applicable billing period:

   (a) The renewable energy resource requirements under section 4928.64 of the Revised Code, subject to division (B) of this section;

   (b) The energy efficiency waste reduction savings requirements under section 4928.66 of the Revised Code;
(c) The peak demand reduction requirements under section 4928.66 of the Revised Code.

(2) That every electric services company list, on all customer bills sent by the company, the individual customer cost, subject to division (B) of this section, of the company's compliance with the renewable energy resource requirements under section 4928.64 of the Revised Code for the applicable billing period.

(B)(1) For purposes of division (A)(1)(a) of this section, the cost of compliance with the renewable energy resource requirements shall be calculated by multiplying the individual customer's monthly usage by the combined weighted average of renewable-energy-credit costs, including solar-renewable-energy-credit costs, paid by all electric distribution utilities, as listed in the commission's most recently available alternative energy portfolio standard report.

(2) For purposes of division (A)(2) of this section, the cost of compliance with the renewable energy resource requirements shall be calculated by multiplying the individual customer's monthly usage by the combined weighted average of renewable-energy-credit costs, including solar-renewable-energy-credit costs, paid by all electric services companies, as listed in the commission's most recently available alternative energy portfolio standard report.

(C) The costs required to be listed under division (A)(1) of this section shall be listed on each customer's monthly bill as three distinct line items. The cost required to be listed under division (A)(2) of this section shall be listed on each customer's monthly bill as a distinct line item.
Sec. 4928.66. (A)(1)(a) Beginning in 2009, an electric distribution utility shall implement energy efficiency waste reduction programs that achieve energy savings equivalent to at least three-tenths of one per cent of the total, annual average, and normalized kilowatt-hour sales of the electric distribution utility during the preceding three calendar years to customers in this state. An energy efficiency waste reduction program may include a combined heat and power system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, or a waste energy recovery system placed into service or retrofitted on or after September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of section 4928.01 of the Revised Code may be included only if it was placed into service between January 1, 2002, and December 31, 2004. For a waste energy recovery or combined heat and power system, the savings shall be as estimated by the public utilities commission. The savings requirement, using such a three-year average, shall increase to an additional five-tenths of one per cent in 2010, seven-tenths of one per cent in 2011, eight-tenths of one per cent in 2012, nine-tenths of one per cent in 2013, and one per cent in 2014. In 2015 and 2016, an electric distribution utility shall achieve energy savings equal to the result of subtracting the cumulative energy savings achieved since 2009 from the product of multiplying the baseline for energy savings, described in division (A)(2)(a) of this section, by four and two-tenths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve additional energy savings for that year, but may achieve additional energy savings for that year. Thereafter, the annual savings requirements shall be, for years
2017, 2018, 2019, and 2020, an additional one per cent of the baseline, and two per cent for the year 2023 and each year thereafter, achieving cumulative energy waste reduction savings in excess of twenty-two per cent by the end of 2030. For purposes of a waste energy recovery or combined heat and power system, an electric distribution utility shall not apply more than the total annual percentage of the electric distribution utility's industrial-customer load, relative to the electric distribution utility's total load, to the annual energy savings requirement.

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

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

(a) The baseline for energy savings under division (A)(1)
(a) of this section shall be the average of the total kilowatt hours the electric distribution utility sold in the preceding three calendar years. The baseline for a peak demand reduction under division (A)(1)(b) of this section shall be the average peak demand on the utility in the preceding three calendar years, except that the commission may reduce either baseline to adjust for new economic growth in the utility's certified territory. Neither baseline shall include the load and usage of any of the following customers:

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

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

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

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

(c) Compliance with divisions (A)(1)(a) and (b) of this section shall be measured by including the effects of all demand-response programs for mercantile customers of the subject electric distribution utility, all waste energy recovery systems and all combined heat and power systems, and all such mercantile customer-sited energy efficiency waste reduction, including waste...
energy recovery and combined heat and power, and peak demand reduction programs, adjusted upward by the appropriate loss factors. Any mechanism designed to recover the cost of energy efficiency, waste reduction, including waste energy recovery and combined heat and power, and peak demand reduction programs under divisions (A)(1)(a) and (b) of this section may exempt mercantile customers that commit their demand-response or other customer-sited capabilities, whether existing or new, for integration into the electric distribution utility's demand-response, energy efficiency, waste reduction, including waste energy recovery and combined heat and power, or peak demand reduction programs, if the commission determines that that exemption reasonably encourages such customers to commit those capabilities to those programs. If a mercantile customer makes such existing or new demand-response, energy efficiency, waste reduction, including waste energy recovery and combined heat and power, or peak demand reduction capability available to an electric distribution utility pursuant to division (A)(2)(c) of this section, the electric utility's baseline under division (A) (2)(a) of this section shall be adjusted to exclude the effects of all such demand-response, energy efficiency, waste reduction, including waste energy recovery and combined heat and power, or peak demand reduction programs that may have existed during the period used to establish the baseline. The baseline also shall be normalized for changes in numbers of customers, sales, weather, peak demand, and other appropriate factors so that the compliance measurement is not unduly influenced by factors outside the control of the electric distribution utility.

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

(I) Demand-response programs;
(II) Smart grid investment programs, provided that such programs are demonstrated to be cost-beneficial;

(III) Customer-sited programs, including waste energy recovery and combined heat and power systems;

(IV) Transmission and distribution infrastructure improvements that reduce line losses;

(V) Energy efficiency waste reduction 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 waste reduction insulation, appliances, and windows, and other weatherization measures.

(ii) No energy efficiency waste reduction or peak demand reduction achieved under divisions (A)(2)(d)(i)(IV) and (V) of this section shall qualify for shared savings.

(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 waste reduction, 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.

(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.

(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, waste reductions and of peak demand reductions achieved by each electric distribution utility pursuant to division (A) of this section. A copy of the report shall be provided to the consumers' counsel.

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

(D) The commission may establish rules regarding the content of an application by an electric distribution utility for commission approval of a revenue decoupling mechanism under this division. Such an application shall not be considered an application to increase rates and may be included as part of a proposal to establish, continue, or expand energy efficiency, waste reduction or conservation programs. The commission by order may approve an application under this division if it determines both that the revenue decoupling mechanism provides
for the recovery of revenue that otherwise may be forgone by the utility as a result of or in connection with the implementation by the electric distribution utility of any energy efficiency, waste reduction or energy 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 October 22, 2019, 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 October 22, 2019.

(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 cumulative total, the commission shall do both of the following:

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

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

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

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

(i) The commission shall determine the manner in which
further implementation of energy efficiency waste reduction programs shall occur as may be reasonably necessary for collective achievement of cumulative energy savings equal to seventeen and one-half per cent, and not more, of the baseline described in division (G)(1)(b) of this section.

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

(3) (a) Upon the date that full compliance with division (A)(1)(a) of this section is deemed achieved under division (G) (2)(a) or (b) of this section, any electric distribution utility cost recovery mechanisms authorized by the commission for compliance with this section shall terminate except as may be necessary to reconcile the difference between revenue collected and the allowable cost of compliance associated with compliance efforts occurring prior to December 31, 2021, for programs re-established under section 4928.661 of the Revised Code, and prior to the date upon which full compliance with division (A) (1)(a) of this section is deemed achieved, for all other compliance efforts. No such cost recovery mechanism shall be authorized by the commission beyond the period of time required to complete this final reconciliation.

(b) The reconciliation of revenue collected and allowable costs described in division (G)(3)(a) of this section includes the reconciliation for programs re-established under section 4928.661 of the Revised Code.

(4) An electric distribution utility shall be prohibited from qualifying for shared savings in any year it uses banked savings under section 4928.662 of the Revised Code to reach
minimum compliance with energy waste reduction requirements.

Sec. 4928.662. For the purpose of measuring and
determining compliance with the energy efficiency and peak
demand reduction requirements under section 4928.66 of the
Revised Code, the public utilities commission shall count and
recognize compliance as follows:

(A) Energy efficiency savings and peak demand reduction
achieved through actions taken by customers or through electric
distribution utility programs that comply with federal standards
for either or both energy efficiency and peak demand reduction
requirements, including resources associated with such savings
or reduction that are recognized as capacity resources by the
regional transmission organization operating in Ohio in
compliance with section 4928.12 of the Revised Code, shall count
toward compliance with the energy efficiency and peak demand
reduction requirements.

(B) Energy efficiency savings and peak demand reduction
achieved on and after the effective date of S.B. 310 of the
130th general assembly shall be measured on the higher of an as
found or deemed basis, except that, solely at the option of the
electric distribution utility, such savings and reduction
achieved since 2006 may also be measured using this method. For
new construction, the energy efficiency savings and peak demand
reduction shall be counted based on 2008 federal standards,
provided that when new construction replaces an existing
facility, the difference in energy consumed, energy intensity,
and peak demand between the new and replaced facility shall be
counted toward meeting the energy efficiency and peak demand
reduction requirements.

(C) The commission shall count both the energy efficiency
waste reduction savings and peak demand reduction on an annualized basis.

(D) The commission shall count both the energy efficiency savings and peak demand reduction on a gross savings basis.

(E) The commission shall count energy efficiency savings and peak demand reductions associated with transmission and distribution infrastructure improvements that reduce line losses. No energy efficiency or peak demand reduction achieved under division (E) of this section shall qualify for shared savings.

(F) Energy efficiency waste reduction savings and peak demand reduction amounts approved by the commission shall continue to be counted toward achieving the energy efficiency waste and peak demand reduction requirements as long as the requirements remain in effect.

(G) Any energy efficiency waste reduction savings or peak demand reduction amount achieved in excess of the requirements may, at the discretion of the electric distribution utility, be banked and applied toward achieving the energy efficiency waste or peak demand reduction requirements in future years.

Sec. 4928.663. (A) If an electric distribution utility had a portfolio plan that terminated on December 31, 2020, pursuant to division (F) of section 4928.66 of the Revised Code, the utility shall reestablish the portfolio plan. The portfolio plan program reestablished under this section shall include the same terms and conditions that the public utilities commission approved for the plan as it existed prior to the portfolio plan's termination.

(B) Not later than sixty days after the effective date of
this section, the commission shall issue an order requiring electric distribution utilities to reestablish the portfolio plan programs described in division (A) of this section and adopt rules for a collaborative pre-approval process for utilities to reestablish the portfolio plans.

Sec. 4928.6610. As used in sections 4928.6611 to 4928.6615 of the Revised Code:

(A) "Customer" means either of the following:

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

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

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

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

(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.

(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 waste 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. 4928.6612. Any customer electing to opt out under section 4928.6611 of the Revised Code shall do so by providing a verified written notice of intent to opt out to the electric distribution utility from which it receives service and submitting a complete copy of the opt-out notice to the secretary of the public utilities commission.

The notice provided to the utility shall include all of the following:

(A) A statement indicating that the customer has elected to opt out;

(B) The effective date of the election to opt out;

(C) The account number for each customer account to which the opt out shall apply;

(D) The physical location of the customer's load center;

(E) The date upon which the customer established, or plans to establish a process and implement, cost-effective measures to improve its energy efficiency waste reduction savings and peak demand reductions.

Sec. 4928.671. As used in this section:

(A) "Virtual net metering system" means a facility for the
production of electricity that does the following:

(1) Uses as its fuel either solar, wind, biomass, landfill gas, hydropower, or any other renewable resource;

(2) Is not located on a customer-generator's premises;

(3) Has at least one interconnection to the state's electrical grid;

(4) Is intended primarily to offset part or all of a customer-generator's requirements for electricity through the use of credits or other mechanisms.

(B) The public utilities commission shall promulgate rules to implement net metering through the use of a virtual net metering system, which shall include requiring electric distribution utilities to support contracts and arrangements for customer-generators utilizing such systems.

(C) A customer that utilizes a virtual net metering system shall be eligible for net metering under section 4928.67 of the Revised Code on the same terms as a customer-generator, based on the amount of electricity supplied to that subscriber from the system.

Sec. 4928.71. The public utilities commission shall study whether increased energy efficiency, waste reduction, demand response, generation, and transmission provide increased opportunities for customer choice. The commission shall include in the study an evaluation of emerging technologies. The commission shall commence the study not later than eighteen months after the effective date of this section September 10, 2012. At the conclusion of the study, the commission shall prepare a report of its findings and make the report available on its web site.
Sec. 4928.83. As used in sections 4928.83 to 4928.8340 of the Revised Code:

"Community solar project" means a virtual power plant project that enables customers who are unable to implement rooftop solar systems to participate in a solar project by contracting to receive a portion of the output from the solar project.

"Critical facilities" means military installations; hospitals; police, fire, and rescue headquarters, stations, and substations; airports; railroad and other transportation facilities; electric, gas, and water facilities; wastewater treatment plants; and facilities designated by federal or state authorities as disaster staging areas or emergency shelters.

"Distributed energy resource" means energy produced or developed behind the meter, such as distributed generation, microgrids, photovoltaic power, energy storage, energy waste reduction, and demand response. "Distributed energy resource" includes aggregated forms of behind-the-meter energy, including aggregated demand response, virtual power plants, and community solar project facilities.

"Energy justice" and "energy justice principles" have the same meanings as in section 185.01 of the Revised Code.

"Third-party provider" means a provider of utility or technology services that is not a regulated distribution utility.

"Virtual power plant" means a cloud-based power network of independent, decentralized power plants through which the capacities of distributed resources are aggregated and dispatched.
Sec. 4928.832. (A) Not later than thirty days after the effective date of this section, the public utilities commission shall commence a regulatory proceeding to implement grid modernization efforts to meet the objectives described in divisions (B) to (D) of section 4928.021 of the Revised Code. At a minimum, the proceeding shall include the following:

(1) A plan for meeting the objectives in a timely manner;

(2) Guidance based on stakeholder input for utility grid modernization plans;

(3) Additional steps and other factors that the commission determines are needed to achieve grid modernization.

(B) Not more than eight months after the effective date of this section, the commission shall issue an order to accomplish the plan and goals established in the proceeding described in division (A) of this section. The order also shall establish a schedule assigning, on a staggered basis, the dates by which electric distribution utilities in the state must submit a grid modernization plan application for commission approval. No assigned date shall be later than twelve months after the date of the commission order.

Sec. 4928.835. Each electric distribution utility in the state shall file a grid modernization plan application by the date prescribed for the utility in the public utilities commission order issued under section 4928.832 of the Revised Code.

Sec. 4928.838. An electric distribution utility's grid modernization plan application shall include, at a minimum, the following information:

(A) A hosting capacity analysis that establishes a
baseline for the maximum amount of distributed energy resources, including portfolios of distributed energy resources, that an existing distribution grid, from feeder stations to substations, may accommodate safely and reliably without requiring infrastructure upgrades;

(B) A detailed evaluation of the potential contributions from distributed energy resources that:

(1) Includes a cost-benefit assessment according to the geographic or physical location where the resources operate and are interconnected;

(2) Is based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety and reliability benefits, and any other savings the resources provide to the electrical grid or to utility customers.

(C) A description of multiple plausible scenarios for distributed energy resource growth in a format compatible with utility resource planning processes.

Sec. 4928.8310. In addition to the requirements under section 4928.838 of the Revised Code, an electric distribution utility grid modernization plan application shall include the following:

(A) A reasonable plan for offering a time-varying rate option to all customer classes;

(B) Information that describes system vulnerabilities and proposed solutions to address them;

(C) A detailed plan and timeline for system upgrades;

(D) A plan for encouraging and incorporating distributed
energy resources where feasible and cost-effective;

(E) For each proposed technology to be adopted under the plan, as applicable:

(1) The cost of the technology, including a cost comparison with alternative resources, such as distributed energy resources;

(2) The value of the technology to each customer class;

(3) Whether the technology in the plan does any of the following:

(a) Provides two-way communication;

(b) Strengthens the grid and improves resiliency issues;

(c) Provides data that enables third-party providers to improve customer service and provide grid services;

(d) Enables customer interaction and options for the delivery and consumption of electricity;

(e) Enables multiple components in the plan, such as ancillary services, energy, and capacity, from which utilities and customers may derive value;

(f) Assists in renewable energy integration.

(F) A plan for fostering the adoption of, and maximizing the benefits from, solar energy and storage by customers;

(G) A plan for enabling increased demand response and energy waste reduction programs by the utility or third-party providers;

(H) A description of the interoperability of the electrical grid and how proposed computer software can
facilitate the exchange and use of information regarding electricity use;

(I) A demonstration that any proposed technologies are adaptable to upgrades as technologies evolve, in order to avoid obsolescence and stranded costs;

(J) A description of how the plan addresses the needs of critical facilities;

(K) A detailed plan for addressing cybersecurity risks;

(L) A detailed plan for the preservation of customer privacy;

(M) A description of how the utility will educate customers about aspects of grid modernization, including programs, service changes, service enhancements, rate options, and customer information tools and resources;

(N) A description of the plan's contribution to the improvement of public health, safety, and national security;

(O) A description of how the plan addresses energy justice principles;

(P) An analysis comparing the cost-effectiveness of the various technology and implementation options considered by the utility before it submitted its plan;

(Q) Any other information or data that the public utilities commission requires.

Sec. 4928.8312. (A) The grid modernization plan application submitted by an electric distribution utility under section 4928.835 of the Revised Code shall include a detailed cost-benefit analysis of the utility's plan.
(B) The cost-benefit analysis, at a minimum, shall provide an analysis as to whether the long-term benefits of the plan exceed the costs due to the following factors:

(1) A reduction in operating costs;

(2) Avoided costs, such as reduced storm damage costs and thwarted cyber attacks;

(3) The facilitation of new technologies that help lower distribution and generation costs, including strategically located distributed energy resources, low-cost renewable and demand response options, implementation of time-varying rates, increased system resiliency, and improved system flexibility and demand response options.

Sec. 4928.8314. For each grid modernization plan, the public utilities commission shall require the following:

(A) Enforceable reliability objectives, including such measures as reduction in the frequency and duration of outages;

(B) Transparent reporting requirements, including publicly available performance metrics and incentives;

(C) Distribution investments that are targeted to provide the most significant impacts;

(D) Other mechanisms or requirements that the commission considers appropriate.

Sec. 4928.8315. (A) For each grid modernization plan application submitted by an electric distribution utility under section 4928.835 of the Revised Code, the public utilities commission shall hold an evidentiary hearing prior to its decision to approve, modify and approve, or disapprove the plan. The purpose of the hearing shall be to:
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(1) Allow stakeholders to provide comments on the plan;

(2) Determine whether the plan meets the policy objectives under section 4928.021 of the Revised Code;

(3) Identify any deficiencies in the plan.

(B) If the commission identifies deficiencies in the plan, the commission shall order the utility to amend and resubmit the plan.

Sec. 4928.8317. If an electric distribution utility's grid modernization plan application proposes any increase in rates to implement any aspect of the plan, the utility shall file a rate case under Chapter 4909. of the Revised Code or include the rates as part of a pending rate case the utility has filed under that chapter.

Sec. 4928.8319. In its review of a grid modernization plan application submitted by an electric distribution utility under section 4928.835 of the Revised Code, the public utilities commission shall consider whether the utility's plan meets the requirements described under sections 4928.838, 4928.8310, 4928.8312, and 4928.8314 of the Revised Code and whether any proposed technologies described in the plan provide outcomes necessary to meet the objectives under section 4928.021 of the Revised Code.

Sec. 4928.8321. The public utilities commission, as part of a rate case under Chapter 4909. of the Revised Code, shall approve costs for an electric distribution utility's grid modernization plan only if the commission, pursuant to sections 4928.8324 and 4928.8327 of the Revised Code, determines that the costs incurred by the utility are just, reasonable, and prudent.

Sec. 4928.8324. Before approving any costs for an electric
distribution utility's grid modernization plan, the public utilities commission, under a rate case pursuant to Chapter 4909. of the Revised Code, shall determine the net benefits compared to the costs for grid modernization programs. The purpose of the determination is to reduce the overall cost under the plans by:

(A) Netting the savings against the costs to be recovered;

(B) Adjusting the base rates and revenue requirements to reflect any added costs or reductions for costs no longer incurred.

**Sec. 4928.8327.** (A) The public utilities commission, in a rate case under Chapter 4909. of the Revised Code, shall consider the following when approving the costs incurred under a grid modernization plan approved under section 4928.8330 of the Revised Code:

(1) The plan's rate impacts on each customer class;

(2) Whether there is a need for periodic independent audits of the costs incurred.

(B) The commission may adopt criteria, benchmarks, and accountability mechanisms to use when evaluating any utility investment under the plan.

**Sec. 4928.8330.** (A) Except as provided in division (B) of this section, the public utilities commission shall approve, modify and approve, disapprove, or take any action it considers appropriate with respect to an electric distribution utility's application for a grid modernization plan submitted under section 4928.835 of the Revised Code.

(B) The commission shall not approve a plan unless it
meets the policy objectives under section 4928.021 of the Revised Code. If a utility resubmitted its plan due to deficiencies identified in division (B) of section 4928.8315 of the Revised Code, the commission shall not approve the plan until all deficiencies are corrected.

Sec. 4928.8335. If the public utilities commission approves, or modifies and approves, an electric distribution utility's grid modernization plan, the commission shall issue an order for the plan that includes findings of fact and conclusions of law addressing each plan requirement under sections 4928.838, 4928.8310, 4928.8312, and 4928.8314 of the Revised Code.

Sec. 4928.8340. The public utilities commission shall adopt rules under Chapter 119. of the Revised Code to implement sections 4928.83 to 4928.8340 of the Revised Code, including rules for grid modernization plan filing requirements.

Sec. 4928.85. As used in sections 4928.85 to 4928.8550 of the Revised Code:

"Demand response" means actions taken, including actions by customers of electric service, to reduce energy consumption during times of peak demand for electric service, which may include incentives to customers, such as an offer of a credit or payment to customers who reduce their consumption.

"Green button connect program" means the industry-led initiative through which an electric utility customer may access the customer's detailed energy usage information by securely downloading the usage data from the customer's electric utility web site.

"Shadow bill" means a sample billing statement that
clearly explains what a customer's total bill for electric service would be under a time-varying rate measured by a smart meter in comparison to the total due under the current billing rate method.

"Smart meter" means any electric meter, including an advanced meter, that meets pertinent engineering standards using digital technology and is capable of providing usage and other technical data through two-way communications with an electric utility, as defined in division (A)(11) of section 4928.01 of the Revised Code.

"Third-party provider" means a provider of utility or technology services that is not a regulated distribution utility.

"Time-varying rate" includes a time-of-use rate, real-time pricing, critical peak pricing, and peak-time rebates, applicable by appropriate customer class.

Sec. 4928.853. An electric distribution utility shall file an application for a smart meter plan with the public utilities commission in accordance with the requirements of sections 4928.855, 4928.859, and 4928.8513 of the Revised Code before installing any advanced metering infrastructure, new smart meters, new smart meter functions, enhancements, services, or rates.

Sec. 4928.855. An electric distribution utility shall include the following in an application for a smart meter plan filed with the public utilities commission:

(A) A plan for the deployment of smart meters to various customer classes and any associated advanced metering infrastructure:
(B) A cost-benefit analysis, including the metrics used to track the benefits achieved, for the type of smart meter the utility proposes for deployment under the plan;

(C) A plan to report and publish utility performance based on smart meter metrics measured during and after smart meter installations;

(D) A plan for offering a time-varying rate option for all customer classes, including proposed new tariffs for those rate options;

(E) A plan for the recovery of costs associated with smart meter deployment;

(F) An analysis of the rate impacts of smart meter tariffs and installations on each customer class;

(G) A plan for protecting the privacy of customer information;

(H) A cost-of-service analysis, allocated by function, of costs primarily associated with the measurement of consumption, management of demand and energy use, and other functions for smart meters and associated equipment and infrastructure;

(I) A plan for informing customers how to use a smart meter;

(J) Any other information requested by the commission.

Sec. 4928.859. A plan for protecting the privacy of customer information required for a smart meter plan application under section 4928.855 of the Revised Code shall include the following information:

(A) An acknowledgement by the electric distribution
utility submitting the application that a customer's data is owned by the customer;

(B) A process for third-party providers and aggregators to access individual customer data only upon the customer's written consent;

(C) A process for providing data to third-party providers or aggregators in a manner that protects the identity of individual customers using any of the following methods:

(1) Aggregation of customer data by similar customers provided that any identifying customer information is excluded;

(2) Redaction of any information that can be used to identify a specific customer;

(3) Any other means the commission considers appropriate to ensure the protection of customer privacy.

(D) A plan for considering or implementing the green button connect initiative or similar program that streamlines customer data acquisition while maintaining customer privacy.

Sec. 4928.8513. For each smart meter plan, the public utilities commission shall require the following:

(A) Enforceable reliability objectives, including such objectives as reduction in the frequency and duration of outages;

(B) Transparent reporting requirements, including publicly available performance metrics and incentives;

(C) Distribution investments that are targeted to provide the most significant impacts;

(D) Other mechanisms or requirements that the commission
Sec. 4928.8517. If an electric distribution utility's smart meter plan application proposes any increase in rates to implement any aspect of the plan, the utility shall file a rate case under Chapter 4909. of the Revised Code or include the rates as part of a pending rate case the utility has filed under that chapter.

Sec. 4928.8521. The public utilities commission, under a rate case pursuant to Chapter 4909. of the Revised Code, shall approve costs for an electric distribution utility's approved smart meter plan only if the commission, pursuant to sections 4928.8524 and 4928.8527 of the Revised Code, determines that the costs incurred by the utility are just, reasonable, and prudent.

Sec. 4928.8524. Before approving any costs for a smart meter plan, the public utilities commission, under a rate case pursuant to Chapter 4909. of the Revised Code, shall determine the net benefits compared to the costs for smart meter programs. The purpose of the determination is to reduce the overall cost under the plans by:

(A) Netting the savings against the costs to be recovered;

(B) Adjusting the base rates and revenue requirements to reflect any added costs or reductions for costs no longer incurred;

(C) Maximizing the benefits for the customer under the plan and reducing the customer share of overall smart meter costs.

Sec. 4928.8527. (A) The public utilities commission, under a rate case pursuant to Chapter 4909. of the Revised Code, shall consider the following when approving the costs incurred under a
smart meter plan under section 4928.8519 of the Revised Code:

(1) The plan's rate impacts on each customer class;

(2) Whether there is a need for periodic independent audits of the costs incurred.

(B) The commission may adopt criteria, benchmarks, and accountability mechanisms to use when evaluating any investment under the plan.

Sec. 4928.8530. The public utilities commission shall approve, modify and approve, disapprove, or take any action it considers appropriate with respect to an electric distribution utility's application for a smart meter plan submitted under section 4928.853 of the Revised Code.

Sec. 4928.8535. If the public utilities commission approves or modifies and approves a smart meter plan application, the commission shall issue an order that includes, at a minimum, the following:

(A) The findings of fact with respect to each application requirement under sections 4928.855, 4928.859, and 4928.8513 of the Revised Code;

(B) The time-varying rate options approved by the commission under the order.

Sec. 4928.8537. Not later than one year after an electric distribution utility installs the first group of smart meters under a smart meter plan approved by the public utilities commission and consistent with the determination of a rate case under Chapter 4909. of the Revised Code regarding the plan, the utility shall offer the time-varying rates approved by the commission under the plan.
Sec. 4928.8540. An electric distribution utility that offers time-varying rates to customers under an approved smart meter plan shall provide, for a period of one year, a shadow bill that lists what the customer's bill would be under the applicable time-varying rate. The shadow bill shall be provided in addition to, and with the same frequency as, the customer's actual bill for electric service.

Sec. 4928.8543. To optimize the potential benefits of smart meters for customers, the public utilities commission may authorize the marketing and sale of demand response by electric distribution utilities, third-party providers, or aggregators of retail customers under terms and conditions established by the commission. Such authorization shall be determined as part of a rate case under Chapter 4909. of the Revised Code.

Sec. 4928.8545. The terms and conditions for the marketing and sale of demand response may include demand response from retail customers that is any of the following:

(A) Used by the electric distribution utility;

(B) Sold to the utility, if provided through a third-party provider or aggregator of retail customers;

(C) Sold into the wholesale electricity markets by the utility, third-party provider, or aggregator.

Sec. 4928.8550. The public utilities commission shall adopt rules under Chapter 119. of the Revised Code to implement sections 4928.85 to 4928.8550 of the Revised Code, including rules for smart meter plan filing requirements.

Sec. 4928.90. As used in sections 4928.90 to 4928.9025 of the Revised Code, "electric generating facility" means a "major utility facility" as described in division (C)(1)(a) of section...
Sec. 4928.901. If an owner of an electric generating facility located in this state schedules the closure of the facility, the owner shall provide notice to the public utilities commission and the department of taxation prior to the date of the closure. The notice shall be posted on the commission's docketing information system and shall be in addition to any notice the owner is required to provide to PJM interconnection, L.L.C. or the federal energy regulatory commission.

Sec. 4928.903. If an electric generating facility located in the state permanently closes, the tax commissioner shall certify to the public utilities commission the annual tangible personal property tax loss attributable to each taxing district in which the facility is located. The amount of the loss shall equal the average of the taxes charged and payable to each taxing district with respect to the tangible personal property at the facility for the three tax years preceding the tax year in which the facility closed.

Sec. 4928.904. (A) If an electric generating facility located in the state permanently closes, the public utilities commission shall establish a nonbypassable rate mechanism to replace the tangible personal property tax revenue losses resulting from the closure and to provide funding for economic development and job training programs for the taxing districts in which the facility is located. The mechanism shall be collected from customers of all electric distribution utilities in the state. The amount collected from the mechanism shall be one hundred twenty-five per cent of the amount certified by the tax commissioner under section 4928.903 of the Revised Code.

(B) The 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.

Sec. 4928.906. (A) The public utilities commission shall determine the proper rate design for collecting the charges for the rate mechanism established in section 4928.904 of the Revised Code. The commission shall base the rate design on kilowatt hour usage to be collected from customers through monthly charges.

(B) The terms and conditions for the mechanism shall be established through an order issued by the commission. The order shall require each electric distribution utility to do the following:

(1) Remit the charges it collects under the mechanism to the treasurer of state;

(2) Submit to the commission quarterly reports detailing the total of the remittances made to the treasurer of state and the dates of each remittance.

Sec. 4928.909. (A) After the closure of an electric generating facility, monthly charges imposed pursuant to a mechanism established under sections 4928.904 and 4928.906 of the Revised Code shall not exceed the following:

(1) One dollar and fifty cents for residential customers;

(2) Five hundred dollars for commercial customers that use less than seven hundred thousand kilowatt hours of electricity or less;

(3) One thousand five hundred dollars for mercantile
customers.

(B) The charges shall be collected for a period beginning two months before the closure and ending not more than five years later.

Sec. 4928.9013. If charges are being collected for more than one electric generating facility closure under a mechanism established under sections 4928.904 and 4928.906 of the Revised Code, the public utilities commission shall review the charges being collected under section 4928.904 of the Revised Code and the payments to which each taxing district is entitled under section 4928.903 of the Revised Code. After this review, the commission shall revise the mechanism to include charges to replace the tangible personal property tax loss attributable to each taxing district of all the facilities that close and shall determine how the distribution of the charges shall be adjusted and allocated. Charges revised by the commission under this section are subject to the cost caps established under section 4928.909 of the Revised Code.

Sec. 4928.9015. There is hereby created the community transition facility closure fund which shall be in the custody of the treasurer of state but shall not be a part of the state treasury. The fund shall consist of the charges collected from electric customers in the state pursuant to sections 4928.904 to 4928.9013 of the Revised Code. The money deposited in the fund shall be used to reimburse taxing districts in the state for tangible personal property tax losses resulting from the closure of an electric generating facility and to establish economic development and job creation programs. The fund shall be administered by the public utilities commission, and the commission shall request the treasurer of state to create the
account for the fund.

Sec. 4928.9018. At the direction of the public utilities commission, the treasurer of state shall distribute funds from the community transition facility closure fund to the county treasurer of each county in which a taxing district that is entitled to a payment under section 4928.903 of the Revised Code is located. For five years after the closure of an electric generating facility and subject to any adjustment made under section 4928.9013 of the Revised Code, the county treasurer shall distribute to each such taxing district an amount equal to the tangible personal property tax loss certified by the tax commissioner for the taxing district under that section. A distribution equal to one-half of the certified loss shall be made not later than the last day of February of each year, and a distribution of the remaining one-half of the certified loss shall be made not later than the last day of August of each year. The taxing district shall apportion the distribution in the same proportions as if those amounts had been levied and collected as taxes.

Sec. 4928.9020. At the direction of the public utilities commission and after the distribution to taxing districts under section 4928.9018 of the Revised Code has occurred, the treasurer of state, in amounts specified by the public utilities commission, shall distribute funds to the general fund of each county that is entitled to a payment under section 4928.903 of the Revised Code. The funds shall be appropriated by the board of county commissioners for economic development and job creation programs within the taxing district.

Sec. 4928.9025. The public utilities commission shall adopt rules under Chapter 119. of the Revised Code to implement
sections 4928.90 to 4928.9025 of the Revised Code.

Sec. 4929.02. (A) It is the policy of this state to, throughout this state:

(1) Promote the availability to consumers of adequate, reliable, and reasonably priced natural gas services and goods;

(2) Promote the availability of unbundled and comparable natural gas services and goods that provide wholesale and retail consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs;

(3) Promote diversity of natural gas supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers;

(4) Encourage innovation and market access for cost-effective supply- and demand-side natural gas services and goods;

(5) Encourage cost-effective and efficient access to information regarding the operation of the distribution systems of natural gas companies in order to promote effective customer choice of natural gas services and goods;

(6) Recognize the continuing emergence of competitive natural gas markets through the development and implementation of flexible regulatory treatment;

(7) Promote an expeditious transition to the provision of natural gas services and goods in a manner that achieves effective competition and transactions between willing buyers and willing sellers to reduce or eliminate the need for regulation of natural gas services and goods under Chapters 4905. and 4909. of the Revised Code;
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(8) Promote effective competition in the provision of natural gas services and goods by avoiding subsidies flowing to or from regulated natural gas services and goods;

(9) Ensure that the risks and rewards of a natural gas company's offering of nonjurisdictional and exempt services and goods do not affect the rates, prices, terms, or conditions of nonexempt, regulated services and goods of a natural gas company and do not affect the financial capability of a natural gas company to comply with the policy of this state specified in this section;

(10) Facilitate the state's competitiveness in the global economy;

(11) Facilitate additional choices for the supply of natural gas for residential consumers, including aggregation;

(12) Promote an alignment of natural gas company interests with consumer interest in energy efficiency, waste reduction, and energy conservation.

(B) The public utilities commission and the office of the consumers' counsel shall follow the policy specified in this section in exercising their respective authorities relative to sections 4929.03 to 4929.30 of the Revised Code.

(C) Nothing in Chapter 4929. of the Revised Code shall be construed to alter the public utilities commission's construction or application of division (E) of section 4905.03 of the Revised Code.

Sec. 4929.051. (A) An alternative rate plan filed by a natural gas company under section 4929.05 of the Revised Code and proposing to initiate or continue a revenue decoupling mechanism shall be considered an application not for an increase
in rates if the rates, joint rates, tolls, classifications, charges, or rentals are based upon the billing determinants and revenue requirement authorized by the public utilities commission in the company's most recent rate case proceeding and the plan also establishes, continues, or expands an energy efficiency waste reduction or energy conservation program.

(B) An alternative rate plan filed by a natural gas company under section 4929.05 of the Revised Code and seeking authorization to continue a previously approved alternative rate plan shall be considered an application not for an increase in rates.

**Sec. 4933.50.** Within ninety days after the effective date of . . B. . . of the 134th general assembly, the public utilities commission shall require each utility to file a low-use, lower cost rate to encourage conservation along with plans for educating its customers about this rate.

**Sec. 5501.311.** (A) Notwithstanding sections 123.01 and 127.16 of the Revised Code the director of transportation may lease or lease-purchase all or any part of a transportation facility to or from one or more persons, one or more governmental agencies, a transportation improvement district, or any combination thereof, and may grant leases, easements, or licenses for lands under the control of the department of transportation. The director may adopt rules necessary to give effect to this section.

(B) Plans and specifications for the construction of a transportation facility under a lease or lease-purchase agreement are subject to approval of the director and must meet or exceed all applicable standards of the department.
(C) Any lease or lease-purchase agreement under which the department is the lessee shall be for a period not exceeding the then current two-year period for which appropriations have been made by the general assembly to the department, and such agreement may contain such other terms as the department and the other parties thereto agree, notwithstanding any other provision of law, including provisions that rental payments in amounts sufficient to pay bond service charges payable during the current two-year lease term shall be an absolute and unconditional obligation of the department independent of all other duties under the agreement without set-off or deduction or any other similar rights or defenses. Any such agreement may provide for renewal of the agreement at the end of each term for another term, not exceeding two years, provided that no renewal shall be effective until the effective date of an appropriation enacted by the general assembly from which the department may lawfully pay rentals under such agreement. Any such agreement may include, without limitation, any agreement by the department with respect to any costs of transportation facilities to be included prior to acquisition and construction of such transportation facilities. Any such agreement shall not constitute a debt or pledge of the faith and credit of the state, or of any political subdivision of the state, and the lessor shall have no right to have taxes or excises levied by the general assembly, or the taxing authority of any political subdivision of the state, for the payment of rentals thereunder. Any such agreement shall contain a statement to that effect.

(D) A municipal corporation, township, or county may use service payments in lieu of taxes credited to special funds or accounts pursuant to sections 5709.43, 5709.47, 5709.75, and 5709.80 of the Revised Code to provide its contribution to the
cost of a transportation facility, provided such facility was among the purposes for which such service payments were authorized. The contribution may be in the form of a lump sum or periodic payments.

(E) Pursuant to the "Telecommunications Act of 1996," 110 Stat. 152, 47 U.S.C. 332 note, the director may grant a lease, easement, or license in a transportation facility to a telecommunications service provider for construction, placement, or operation of a telecommunications facility. An interest granted under this division is subject to all of the following conditions:

(1) The transportation facility is owned in fee simple or easement by this state at the time the lease, easement, or license is granted to the telecommunications provider.

(2) The lease, easement, or license shall be granted on a competitive basis in accordance with policies and procedures to be determined by the director. The policies and procedures may include provisions for master leases for multiple sites.

(3) The telecommunications facility shall be designed to accommodate the state's multi-agency radio communication system, the intelligent transportation system, and the department's communication system as the director may determine is necessary for highway or other departmental purposes.

(4) The telecommunications facility shall be designed to accommodate such additional telecommunications equipment as may feasibly be co-located thereon as determined in the discretion of the director.

(5) The telecommunications service providers awarded the lease, easement, or license, agree to permit other
telecommunications service providers to co-locate on the telecommunications facility, and agree to the terms and conditions of the co-location as determined in the discretion of the director.

(6) The director shall require indemnity agreements in favor of the department as a condition of any lease, easement, or license granted under this division. Each indemnity agreement shall secure this state and its agents from liability for damages arising out of safety hazards, zoning, and any other matter of public interest the director considers necessary.

(7) The telecommunications service provider fully complies with any permit issued under section 5515.01 of the Revised Code pertaining to land that is the subject of the lease, easement, or license.

(8) All plans and specifications shall meet with the director's approval.

(9) Any other conditions the director determines necessary.

(F) In accordance with section 5501.031 of the Revised Code, to further efforts to promote energy conservation and energy efficiency waste reduction, the director may grant a lease, easement, or license in a transportation facility to a utility service provider that has received its certificate from the Ohio power siting board or appropriate local entity for construction, placement, or operation of an alternative energy generating facility service provider as defined in section 4928.64 of the Revised Code. An interest granted under this division is subject to all of the following conditions:

(1) The transportation facility is owned in fee simple or
in easement by this state at the time the lease, easement, or license is granted to the utility service provider.

(2) The lease, easement, or license shall be granted on a competitive basis in accordance with policies and procedures to be determined by the director. The policies and procedures may include provisions for master leases for multiple sites.

(3) The alternative energy generating facility shall be designed to provide energy for the department’s transportation facilities with the potential for selling excess power on the power grid, as the director may determine is necessary for highway or other departmental purposes.

(4) The director shall require indemnity agreements in favor of the department as a condition of any lease, easement, or license granted under this division. Each indemnity agreement shall secure this state from liability for damages arising out of safety hazards, zoning, and any other matter of public interest the director considers necessary.

(5) The alternative energy service provider fully complies with any permit issued by the Ohio power siting board under Chapter 4906. of the Revised Code and complies with section 5515.01 of the Revised Code pertaining to land that is the subject of the lease, easement, or license.

(6) All plans and specifications shall meet with the director’s approval.

(7) Any other conditions the director determines necessary.

(G) Money the department receives under this section shall be deposited into the state treasury to the credit of the highway operating fund.
(H) A lease, easement, or license granted under division (E) or (F) of this section, and any telecommunications facility or alternative energy generating facility relating to such interest in a transportation facility, is hereby deemed to further the essential highway purpose of building and maintaining a safe, energy-efficient, and accessible transportation system.

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

(1) "Qualified energy project" means an energy project certified by the director of development pursuant to this section.

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

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

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

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

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

(B)(1) Tangible personal property of a qualified energy
project using renewable energy resources is exempt from taxation for tax years 2011 through 2025 if all of the following conditions are satisfied:

(a) On or before December 31, 2024, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, 2025. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or other approval or permit described in division (B)(1)(a) of this section, or the date the contract for the construction or installation of the energy facility is entered into.

(c) For a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.
(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011 through 2025, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for tax year 2026 and all ensuing tax years if the property was placed into service before January 1, 2026, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

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

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

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

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

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

(E)(1)(a) A person may apply to the director of development for certification of an energy project as a qualified energy project. For an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the director must receive the application on or before the following dates:

(i) December 31, 2024, for an energy project using renewable energy resources;

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology.
(b) The director shall forward a copy of each application for certification of an energy project with a nameplate capacity of twenty megawatts or greater to the board of county commissioners of each county in which the project is located and to each taxing unit with territory located in each of the affected counties. Any board that receives from the director a copy of an application submitted under this division shall adopt a resolution approving or rejecting the application unless it has adopted a resolution under division (E)(1)(c) of this section. A resolution adopted under division (E)(1)(b) or (c) of this section may require an annual service payment to be made in addition to the service payment required under division (G) of this section. The sum of the service payment required in the resolution and the service payment required under division (G) of this section shall not exceed nine thousand dollars per megawatt of nameplate capacity located in the county. The resolution shall specify the time and manner in which the payments required by the resolution shall be paid to the county treasurer. The county treasurer shall deposit the payment to the credit of the county's general fund to be used for any purpose for which money credited to that fund may be used.

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

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

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

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

(a) The application was timely submitted.

(b) For an energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of at least one county in which the project is located has adopted a resolution approving the application under division (E)(1)(b) or (c) of this section.

(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county
auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each year after completion of the energy facility's construction or installation indicating the project's nameplate capacity as of the preceding thirty-first day of December. Not later than sixty days after June 17, 2010, the owner or lessee of an energy project, the construction of which was completed before June 17, 2010, shall file a certificate indicating the project's nameplate capacity.

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

(4) For energy projects with a nameplate capacity of twenty megawatts or greater, repair all roads, bridges, and
culverts affected by construction as reasonably required to restore them to their preconstruction condition, as determined by the county engineer in consultation with the local jurisdiction responsible for the roads, bridges, and culverts. In the event that the county engineer deems any road, bridge, or culvert to be inadequate to support the construction or decommissioning of the energy facility, the road, bridge, or culvert shall be rebuilt or reinforced to the specifications established by the county engineer prior to the construction or decommissioning of the facility. The owner or lessee of the facility shall post a bond in an amount established by the county engineer and to be held by the board of county commissioners to ensure funding for repairs of roads, bridges, and culverts affected during the construction. The bond shall be released by the board not later than one year after the date the repairs are completed. The energy facility owner or lessee pursuant to a sale and leaseback transaction shall post a bond, as may be required by the Ohio power siting board in the certificate authorizing commencement of construction issued pursuant to section 4906.10 of the Revised Code, to ensure funding for repairs to roads, bridges, and culverts resulting from decommissioning of the facility. The energy facility owner or lessee and the county engineer may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue.

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

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

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

(8) Offer to sell power or renewable energy credits from
the energy project to electric distribution utilities or
electric service companies subject to renewable energy resource
requirements under section 4928.64 of the Revised Code that have
issued requests for proposal for such power or renewable energy
credits. If no electric distribution utility or electric service
company issues a request for proposal on or before December 31,
2010, or accepts an offer for power or renewable energy credits
within forty-five days after the offer is submitted, power or
renewable energy credits from the energy project may be sold to
other persons. Division (F)(8) of this section does not apply
if:

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

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

(c) The owner or lessee contracts for the sale of power or
renewable energy credits from the energy project before June 17,
(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project’s physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development and tax commissioner in a form determined by the director and commissioner, respectively. Each payment shall be in the following amount:

(1) In the case of a solar energy project, 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;

(2) In the case of any other energy project using renewable energy resources, 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.

(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 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.

(H) The director of development in consultation with the tax commissioner shall adopt rules pursuant to Chapter 119. of the Revised Code to implement and enforce this section.

Section 2. That existing sections 122.077, 123.01, 123.22, 125.09, 125.15, 125.19, 135.63, 135.78, 135.81, 135.82, 156.01, 175.01, 307.041, 505.264, 717.02, 717.25, 1551.05, 1710.01, 1710.061, 1733.04, 1733.24, 3313.372, 3345.61, 3345.69, 3375.405, 4905.31, 4906.01, 4906.02, 4906.03, 4906.20, 4906.201, 4911.02, 4928.01, 4928.02, 4928.142, 4928.143, 4928.51, 4928.52, 4928.55, 4928.56, 4928.58, 4928.61, 4928.62, 4928.621, 4928.64, 4928.65, 4928.66, 4928.662, 4928.6610, 4928.6612, 4928.71, 4929.02, 4929.051, 5501.311, and 5727.75 of the Revised Code are hereby repealed.

Section 3. That section 4911.021 of the Revised Code is hereby repealed.

Section 4. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the
As Introduced

credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2022 and those in the second column are for fiscal year 2023. The operating appropriations made in this act are in addition to any other operating appropriations made for the FY 2022-FY 2023 biennium.

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Committee, shall be used to support the Community Support Committee. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 195409, Community Support Committee, at the end of fiscal year 2022 is hereby reappropriated to the Department of Development for the same purpose in fiscal year 2023.

OFFICE OF ENERGY JUSTICE OPERATING

The foregoing appropriation item 1956A4, Office of Energy Justice Operating, shall be used to support the operations and administrative costs of the Governor's Office of Energy Justice.

Not later than 30 days after the effective date of this section, the Director of Budget and Management shall transfer $4,000,000 cash from the General Revenue Fund to the Governor's Office of Energy Justice Operating Fund (Fund 5YH0).

On July 1, 2022, or as soon as possible thereafter, the Director of Development shall certify the cash balance remaining in Fund 5YH0 to the Director of Budget and Management. Upon request of the Director of Development, the Director of Budget and Management shall transfer an amount equal to $4,000,000 less the certified amount, from the General Revenue Fund to Fund 5YH0.

The Director of Development, in consultation with the Director of Budget and Management, shall establish a repayment plan to reimburse the General Revenue Fund for any cash transferred to Fund 5YH0 under this section.

OFFICE OF ENERGY JUSTICE CLEAN ENERGY JOBS PROGRAMS

The foregoing appropriation item 1956A5, Office of Energy Justice Clean Energy Jobs Programs, shall be used by the Director of the Governor's Office of Energy Justice to support...
As Introduced

the programs created under sections 185.20 to 185.23 of the Revised Code.

Section 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in H.B. 110 of the 134th General Assembly. The operating appropriations made in this act are subject to all provisions of H.B. 110 of the 134th General Assembly that are generally applicable to such appropriations.

Section 6. (A)(1) As used in this section, "distributed energy resource" means an energy generating resource that can be developed on the customer's side of the meter, including:

(a) A distributed generation system;

(b) Microgrids;

(c) Photovoltaic power;

(d) Energy storage;

(e) Energy waste reduction technologies or programs;

(f) Demand-response technologies or programs.

(2) "Distributed energy resource" also includes aggregated forms of the energy resources listed in this division, including aggregated demand response, and virtual net metering described in section 4928.671 of the Revised Code.

(B) Not later than twelve months after the effective date of this section, the public utilities commission shall open a
proceeding and issue an order that shall consider the following:

1. Appropriate tariffs, contracts, or other mechanisms for the deployment of cost-effective distributed energy resources that are consistent with distribution planning objectives as determined by the commission;

2. Cost-effective methods of effectively coordinating existing commission-approved programs, incentives, and tariffs to maximize the locational benefits and minimize any incremental costs of distributed energy resources;

3. Barriers to the deployment of distributed energy resources, including:
   a. Safety standards related to technology interconnection requirements and procedures, or operation of a distribution circuit in a manner that ensures reliable service;
   b. Utility policies, practices, and tariffs that do not appropriately value distributed energy resources;

4. Interconnection requirements and procedures.

C. An electric distribution utility shall provide any information the commission considers relevant to issue an order addressing distributed energy resources.

D. The commission shall encourage the participation of stakeholders in its proceeding.

E. The commission may adopt criteria, benchmarks, and accountability mechanisms to evaluate the success of the utilities' efforts in promoting distributed energy resources.

Section 7. (A) The Community Support Committee is created. The committee shall do all of the following:
As Introduced

(1) Study the economic and workforce impacts that the closures of electric generating facilities have on communities in this state, including with respect to employment, local government revenues, and local school districts;

(2) Develop recommendations for legislative action regarding strategies to mitigate the negative impacts that electric generating facility closures have on communities in this state;

(3) Create an internet web site that includes a notice of each meeting of the committee and other relevant information and that allows users to comment publicly on topics relating to the business of the committee.

(B) Not later than twelve months after the effective date of this section, the committee shall compile a report of the committee's activities, findings, and recommendations and do both of the following:

(1) Publish the report on the internet web site created under division (A)(3) of this section;

(2) Submit the report to all of the following individuals:

(a) The Governor;

(b) The Speaker of the House of Representatives;

(c) The Minority Leader of the House of Representatives;

(d) The President of the Senate;

(e) The Minority Leader of the Senate;

(f) The Chairperson of the standing committee in the House of Representatives that primarily addresses energy and public utilities matters;
(g) The Chairperson of the standing committee in the Senate that primarily addresses energy and public utilities matters.

(C) The committee consists of the following members:

(1) One member of the House of Representatives, appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives, appointed by the Minority Leader of the House of Representatives;

(3) One member of the Senate, appointed by the President of the Senate;

(4) One member of the Senate, appointed by the Minority Leader of the Senate;

(5) The Director of Commerce or the Director's designee;

(6) The Director of Development or the Director's designee;

(7) The Superintendent of Public Instruction or the Superintendent's designee;

(8) The Chairperson of the Board of Directors of the nonprofit corporation formed under section 187.01 of the Revised Code or the Chairperson's designee;

(9) The Director of the Governor's Office of Energy Justice;

(10) One member representing the Ohio Municipal League or its successor organization, appointed by the President of the League or its successor organization;

(11) One member who belongs to a labor organization, appointed by the Governor;
(12) One member who is a resident of a community impacted by a facility closure, appointed by the Consumers' Counsel;

(13) One member representing the County Commissioners Association of Ohio or its successor organization, appointed by the President of the Association or its successor organization;

(14) One member representing the Ohio Conference of the National Association for the Advancement of Colored People or its successor organization, appointed by the President and Chief Executive Officer of the Association or its successor organization;

(15) One member representing the Ohio Hispanic Coalition or its successor organization, appointed by the President and Chief Executive Officer of the Coalition or its successor organization;

(16) One member representing the Native American Indian Center of Central Ohio or its successor organization, appointed by the Executive Director of the Center or its successor organization;

(17) One member representing Asian Services in Action or its successor organization, appointed by the Board President and Chief Executive Officer of that organization or its successor organization;

(18) One member representing Equality Ohio or its successor organization, appointed by the Executive Director of that organization or its successor organization;

(19) One member representing Reimagine Appalachia or its successor organization, appointed by the Executive Director of that organization or its successor organization.
(D) A vacancy in the membership of the Committee shall be filled in the same manner as the original appointment. Members of the committee shall serve without compensation, except that the members described in divisions (C)(10) to (19) of this section may be reimbursed for actual and necessary expenses incurred in the performance of the members' duties. Any experts invited by the Committee to assist with official Committee business may be reimbursed for reasonable travel expenses.

(E) Not later than sixty days after the effective date of this section, the Committee shall hold its first meeting, at which the members shall elect from among its members a committee chairperson, vice-chairperson, and secretary. The secretary shall record the minutes of each meeting of the committee.

(F)(1) The Committee shall meet at least once each month at the call of the chairperson. Notwithstanding division (C) of section 121.22 of the Revised Code, a Committee member may attend a meeting of the Committee by means of teleconference or video conference and that member is considered present in person at the meeting, may vote at the meeting, and is counted for purposes of determining whether a quorum is present at the meeting. At any meeting at which a Committee member attends by means of teleconference or video conference, the Chairperson shall ensure that the public can hear and, if the means of attendance technologically permits it, to observe, the discussions and deliberations of all the members of the committee, whether the member is participating in person or electronically.

(2) If the Committee holds a public hearing at any of its meetings, the Chairperson shall provide an opportunity for public comment in person and by means of teleconference or video.
conference.

(G) The staff of the Public Utilities Commission and the Department of Development shall provide technical and administrative support as needed by the Committee. The Committee may request staff support from other agencies as the Committee considers necessary.

(H)(1) On submitting the report described in division (B) of this section, both of the following apply:

(a) The Committee is abolished.

(b) The Chairperson of the standing committee in the House of Representatives that primarily addresses energy and public utilities matters, and the Chairperson of the standing committee in the Senate that primarily addresses energy and public utilities matters, each shall hold at least one committee hearing to consider and provide an opportunity for public testimony and comment on the report.

(2) In lieu of holding separate committee hearings under division (H)(1)(b) of this section, the chairpersons of the standing committees may hold one joint hearing.

Section 8. Section 4906.02 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 110 and S.B. 52 of the 134th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.