

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 123

Senator Brenner

A BILL

To amend section 4905.02 and to enact section 1
4933.29 of the Revised Code to exempt from 2
regulation as a public utility certain persons 3
or entities providing utility related services 4
after the metered point of delivery. 5

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

Section 1. That section 4905.02 be amended and section 6
4933.29 of the Revised Code be enacted to read as follows: 7

Sec. 4905.02. (A) As used in this chapter, "public 8
utility" includes every corporation, company, copartnership, 9
person, or association, the lessees, trustees, or receivers of 10
the foregoing, defined in section 4905.03 of the Revised Code, 11
including any public utility that operates its utility not for 12
profit, except the following: 13

(1) An electric light company that operates its utility 14
not for profit; 15

(2) A public utility, other than a telephone company, that 16
is owned and operated exclusively by and solely for the 17
utility's customers, including any consumer or group of 18
consumers purchasing, delivering, storing, or transporting, or 19

seeking to purchase, deliver, store, or transport, natural gas 20
exclusively by and solely for the consumer's or consumers' own 21
intended use as the end user or end users and not for profit; 22

(3) A public utility that is owned or operated by any 23
municipal corporation; 24

(4) A railroad as defined in sections 4907.02 and 4907.03 25
of the Revised Code; 26

(5) Any provider, including a telephone company, with 27
respect to its provision of any of the following: 28

(a) Advanced services as defined in 47 C.F.R. 51.5; 29

(b) Broadband service, however defined or classified by 30
the federal communications commission; 31

(c) Information service as defined in the 32
"Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 33
153(20); 34

(d) Subject to division (A) of section 4927.03 of the 35
Revised Code, internet protocol-enabled services as defined in 36
section 4927.01 of the Revised Code; 37

(e) Subject to division (A) of section 4927.03 of the 38
Revised Code, any telecommunications service as defined in 39
section 4927.01 of the Revised Code to which both of the 40
following apply: 41

(i) The service was not commercially available on 42
September 13, 2010, the effective date of the amendment of this 43
section by S.B. 162 of the 128th general assembly. 44

(ii) The service employs technology that became available 45
for commercial use only after September 13, 2010, the effective 46

date of the amendment of this section by S.B. 162 of the 128th
general assembly.

(6) (a) A person, business, or other entity that provides,
constructs, or installs for customers utility related service at
a point after service provided by a public utility is delivered
to the public utility's metered points of delivery at the
customers' locations;

(b) As used in this division, "utility related service"
means the following:

(i) Service or benefit from an advanced energy resource as
defined in section 4928.01 of the Revised Code;

(ii) Electricity, natural gas, or water service;

(iii) Billing service for services described in divisions
(A) (6) (b) (i) and (ii) of this section;

(iv) Electric vehicle charging.

(B) (1) "Public utility" includes a for-hire motor carrier
even if the carrier is operated in connection with an entity
described in division (A) (1), (2), (4), or (5) of this section.

(2) Division (A) of this section shall not be construed to
relieve a private motor carrier, operated in connection with an
entity described in division (A) (1), (2), (4), or (5) of this
section, from compliance with either of the following:

(a) Chapter 4923. of the Revised Code;

(b) Rules governing unified carrier registration adopted
under section 4921.11 of the Revised Code.

Sec. 4933.29. (A) As used in this section:

(1) "Public utility" is an electric light company, natural

gas company, or water-works company as defined in section 74
4905.03 of the Revised Code that is a public utility as defined 75
in section 4905.02 of the Revised Code. 76

(2) "Utility related service" has the same meaning as in 77
section 4905.02 of the Revised Code. 78

(B) Except for reasons of safety or reliability, the 79
public utilities commission shall not adopt any rule that 80
permits a public utility to set the location of any of its 81
meters so that the meter's location prevents a person, business, 82
or other entity from providing, constructing, or installing 83
utility related service at a point after the public utility 84
service is delivered to the public utility's metered point of 85
delivery at that location. 86

(C) Except for reasons of safety or reliability, no public 87
utility shall set the location of any of its meters so that the 88
meter's location prevents a person, business, or other entity 89
from providing, constructing, or installing utility related 90
service at a point after the public utility service is delivered 91
to the public utility's metered point of delivery at that 92
location. 93

Section 2. That existing section 4905.02 of the Revised 94
Code is hereby repealed. 95