

As Introduced

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

S. B. No. 251

Senator Smith

A BILL

To amend section 4909.18 and to enact section 1
4909.181 of the Revised Code to require public 2
utilities that serve more than 250,000 Ohio 3
residents to file a rate case application with 4
the Public Utilities Commission at least every 5
four years. 6

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

Section 1. That section 4909.18 be amended and section 7
4909.181 of the Revised Code be enacted to read as follows: 8

Sec. 4909.18. Any public utility desiring to establish any 9
rate, joint rate, toll, classification, charge, or rental, or to 10
modify, amend, change, increase, or reduce any existing rate, 11
joint rate, toll, classification, charge, or rental, or any 12
regulation or practice affecting the same, shall file a written 13
application with the public utilities commission. Except for 14
actions under section 4909.16 of the Revised Code, no public 15
utility may issue the notice of intent to file an application 16
pursuant to division (B) of section 4909.43 of the Revised Code 17
to increase any existing rate, joint rate, toll, classification, 18
charge, or rental, until a final order under this section has 19

been issued by the commission on any pending prior application 20
to increase the same rate, joint rate, toll, classification, 21
charge, or rental or until two hundred seventy-five days after 22
filing such application, whichever is sooner. Such application 23
shall be verified by the president or a vice-president and the 24
secretary or treasurer of the applicant. Such application shall 25
contain a schedule of the existing rate, joint rate, toll, 26
classification, charge, or rental, or regulation or practice 27
affecting the same, a schedule of the modification amendment, 28
change, increase, or reduction sought to be established, and a 29
statement of the facts and grounds upon which such application 30
is based. If such application proposes a new service or the use 31
of new equipment, or proposes the establishment or amendment of 32
a regulation, the application shall fully describe the new 33
service or equipment, or the regulation proposed to be 34
established or amended, and shall explain how the proposed 35
service or equipment differs from services or equipment 36
presently offered or in use, or how the regulation proposed to 37
be established or amended differs from regulations presently in 38
effect. The application shall provide such additional 39
information as the commission may require in its discretion. If 40
the commission determines that such application is not for an 41
increase in any rate, joint rate, toll, classification, charge, 42
or rental, the commission may permit the filing of the schedule 43
proposed in the application and fix the time when such schedule 44
shall take effect. If it appears to the commission that the 45
proposals in the application may be unjust or unreasonable, the 46
commission shall set the matter for hearing and shall give 47
notice of such hearing by sending written notice of the date set 48
for the hearing to the public utility and publishing notice of 49
the hearing one time in a newspaper of general circulation in 50
each county in the service area affected by the application. At 51

such hearing, the burden of proof to show that the proposals in 52
the application are just and reasonable shall be upon the public 53
utility. After such hearing, the commission shall, where 54
practicable, issue an appropriate order within six months from 55
the date the application was filed. 56

If the commission determines that said application is for 57
an increase in any rate, joint rate, toll, classification, 58
charge, or rental there shall also, unless otherwise ordered by 59
the commission, be filed with the application in duplicate the 60
following exhibits: 61

(A) A report of its property used and useful, or, with 62
respect to a natural gas, water-works, or sewage disposal system 63
company, projected to be used and useful as of the date certain, 64
in rendering the service referred to in such application, as 65
provided in section 4909.05 of the Revised Code; 66

~~(B) A (B) (1) Except as provided in division (B) (2) of this~~ 67
~~section, a complete operating statement of its last fiscal year,~~ 68
~~showing;~~ 69

(2) Complete operating statements of its last ten fiscal 70
years, if the public utility serves more than two hundred fifty 71
thousand residents of the state and, during the ten-year period 72
prior to the effective date of the amendments to this section by 73
this act, the public utility has not filed an application 74
pursuant to this section; 75

(3) The operating statements described in divisions (B) (1) 76
and (2) of this section shall show in detail all ~~its~~ of the 77
public utility's receipts, revenues, and incomes from all 78
sources, all of its operating costs and other expenditures, and 79
any analysis such public utility deems applicable to the matter 80

referred to in said application; 81

(C) A statement of the income and expense anticipated 82
under the application filed; 83

(D) A statement of financial condition summarizing assets, 84
liabilities, and net worth; 85

(E) Such other information as the commission may require 86
in its discretion. 87

Sec. 4909.181. (A) As used in this section, "public 88
utility" means a public utility as defined in section 4905.02 of 89
the Revised Code that serves more than two hundred fifty 90
thousand residents of the state. 91

(B) At least every four years, each public utility shall 92
file a rate case application under section 4909.18 of the 93
Revised Code. 94

(C) (1) Except as provided in division (C) (2) of this 95
section, a public utility shall file a rate case application not 96
later than four years after the effective date of this section. 97

(2) (a) If, on the effective date of this section, a public 98
utility has a rate case pending with the public utilities 99
commission, the public utility shall file a rate case 100
application four years after the date the commission order 101
setting rates for the pending rate case becomes final. 102

(b) If, during the ten-year period prior to the effective 103
date of this section, the public utility has not filed a rate 104
case application, the public utility shall file a rate case 105
application not later than six months after the effective date 106
of this section. 107

Section 2. That existing section 4909.18 of the Revised 108

Code is hereby repealed.