



Ohio House Public Utilities Committee unveils H.B. 246

May 29, 2020

On May 28, 2020, the Ohio House Public Utilities Committee adopted a substitute bill for H.B. 246 (Vitale). Previously, the legislation was a placeholder declaring the intent to adopt reforms and modernization of the Public Utilities Commission of Ohio (PUCO) and the Ohio Consumers Counsel (OCC). Here is a high-level summary of some of the key components contained in the proposal.

- Permits an electric distribution utility (EDU) to file for an alternative distribution rate plan. An alternative distribution rate plan is approved if the applicant EDU can prove:
 - That the EDU is in compliance with laws prohibiting undue or unreasonable discrimination and is in substantial compliance with state policy on competitive retail electric service.
 - That the EDU is expected to continue to be in substantial compliance with the state policy on competitive retail electric service after implementation of the alternative distribution rate plan.
 - That the alternative distribution rate plan is just and reasonable.
- Permits the PUCO to consolidate parties and intervenors to a proceeding where the PUCO determines that there are sufficiently common interests and that it will expedite the proceedings
- Removes the PUCO from the definition of state agency as it relates to current law requirements that state agencies create a base inventory of regulatory restrictions and that the agency can only create a new regulatory restriction if the agency removes two other regulatory restrictions

Ohio Power Siting Board (OPSB)

- Expands OPSB jurisdiction to transmission projects of 69kV and above
 - Permits the OPSB to temporarily hire experts
 - Requires the OPSB to adopt rules regarding notification of neighboring property owners of a major solar project and to establish a setback for major solar projects
 - Applies the current setback for wind farms to changes to existing OPSB certificates
 - Provides that setbacks for wind farms do not apply in applications in which all owners of nonparticipating property adjacent to the wind farm property waive application of the setback to that property—even in instances when the OPSB determines a greater setback than the legal minimum is required
- Establishes the Natural Gas Supply Access Investment Program in the Ohio Public Works Commission for the purpose of facilitating investment in facilities useful in meeting the natural gas supply needs in areas of Ohio with insufficient natural gas supply. The program utilizes a new development fund called the Natural Gas Infrastructure Supply Access Development Fund, which is funded by excess money remaining in the Oil and Gas Well Fund at the end of a fiscal year and appropriations made by the General Assembly

Ohio Consumers Counsel (OCC)

- Exempts wireless service providers and resellers from the OCC's operating assessment
- Changes OCC's authority relative to representation of municipalities and residential consumers
- Permits the PUCO to place conditions on participation by the OCC, municipalities or other intervenors in matters to avoid duplication, repetition and delay
- Changes OCC Governing Board Member appointment authority by requiring that some OCC Governing Board Members be appointed by the Ohio Senate President and the Ohio Speaker of the House. Current law provides that the Ohio Attorney General appoints all of the OCC Governing Board Members.
- Inserts a new definition of an OCC mission statement to represent residential consumers before the PUCO to ensure the availability of safe, adequate and reliable utility services at rates and charges that are just and reasonable.

Rooftop solar

- Prohibits homeowners, neighborhood, civic and other associations, and also condominium properties, from imposing unreasonable restrictions on the installation of solar collector systems on roofs or exterior walls under the ownership or exclusive use of a property owner.

H.B. 246 is pending in the House Public Utilities Committee.

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