

I\_136\_3230-3

136th General Assembly  
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2025-2026

Sub. H. B. No. 173

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To amend sections 4905.02, 4905.10, and 5321.04 and  
to enact sections 4933.51, 4933.52, 4933.53,  
4933.54, 4933.55, 4933.551, 4933.552, 4933.553,  
4933.554, 4933.555, 4933.56, 4933.57, 4933.58,  
4933.59, 4933.60, 4933.62, 4933.65, 4933.651,  
and 4933.66 of the Revised Code regarding  
submetered utility services.

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

**Section 1.** That sections 4905.02, 4905.10, and 5321.04 be  
amended and sections 4933.51, 4933.52, 4933.53, 4933.54,  
4933.55, 4933.551, 4933.552, 4933.553, 4933.554, 4933.555,  
4933.56, 4933.57, 4933.58, 4933.59, 4933.60, 4933.62, 4933.65,  
4933.651, and 4933.66 of the Revised Code be enacted to read as  
follows:

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



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- (1) An electric light company that operates its utility 20  
not for profit; 21
- (2) A public utility, other than a telephone company, that 22  
is owned and operated exclusively by and solely for the 23  
utility's customers, including any consumer or group of 24  
consumers purchasing, delivering, storing, or transporting, or 25  
seeking to purchase, deliver, store, or transport, natural gas 26  
exclusively by and solely for the consumer's or consumers' own 27  
intended use as the end user or end users and not for profit; 28
- (3) A public utility that is owned or operated by any 29  
municipal corporation; 30
- (4) A railroad as defined in sections 4907.02 and 4907.03 31  
of the Revised Code; 32
- (5) Any provider, including a telephone company, with 33  
respect to its provision of any of the following: 34
- (a) Advanced services as defined in 47 C.F.R. 51.5; 35
- (b) Broadband service, however defined or classified by 36  
the federal communications commission; 37
- (c) Information service as defined in the 38  
"Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 39  
153(20); 40
- (d) Subject to division (A) of section 4927.03 of the 41  
Revised Code, internet protocol-enabled services as defined in 42  
section 4927.01 of the Revised Code; 43
- (e) Subject to division (A) of section 4927.03 of the 44  
Revised Code, any telecommunications service as defined in 45  
section 4927.01 of the Revised Code to which both of the 46  
following apply: 47

(i) The service was not commercially available on 48  
September 13, 2010, the effective date of the amendment of this 49  
section by S.B. 162 of the 128th general assembly. 50

(ii) The service employs technology that became available 51  
for commercial use only after September 13, 2010, the effective 52  
date of the amendment of this section by S.B. 162 of the 128th 53  
general assembly. 54

(6) (a) A person, business, or other entity that, either on 55  
its own behalf or under a contract with a property owner, 56  
provides, constructs, or installs for customers submetered 57  
utility service; 58

(b) As used in this division, "submetered utility service" 59  
means any of the following, if provided, constructed, or 60  
installed at a point after services provided by a public utility 61  
are delivered to the public utility's metered points of delivery 62  
at the customers' locations: 63

(i) Service or benefit from an advanced energy resource as 64  
defined in section 4928.01 of the Revised Code; 65

(ii) Electric service to nonresidential customers; 66

(iii) Billing service for services described in divisions 67  
(A) (6) (b) (i) and (ii) of this section; 68

(iv) Resale of electricity to a tenant's dwelling unit by 69  
a landlord or the landlord's agent that is based on metered 70  
consumption; 71

(v) Resale of electricity to a condominium by a unit 72  
owners association or the association's agent that is based on 73  
metered consumption. 74

(7) Billing service for the resale of water service to a 75

tenant's dwelling unit by a landlord or the landlord's agent, or 76  
to a condominium by a unit owners association or the 77  
association's agent, that is based on metered consumption and 78  
that is delivered at a point after water service is delivered to 79  
the public utility's metered point of delivery for that service 80  
at that location. 81

(B) (1) "Public utility" includes a for-hire motor carrier 82  
even if the carrier is operated in connection with an entity 83  
described in division (A) (1), (2), (4), or (5) of this section. 84

(2) Division (A) of this section shall not be construed to 85  
relieve a private motor carrier, operated in connection with an 86  
entity described in division (A) (1), (2), (4), or (5) of this 87  
section, from compliance with either of the following: 88

(a) Chapter 4923. of the Revised Code; 89

(b) Rules governing unified carrier registration adopted 90  
under section 4921.11 of the Revised Code. 91

(C) As used in this section: 92

(1) "Condominium" and "unit owners association" have the 93  
same meanings as in section 5311.01 of the Revised Code. 94

(2) "Dwelling unit," "landlord," and "tenant" have the 95  
same meanings as in section 5321.01 of the Revised Code. 96

**Sec. 4905.10.** (A) For the sole purpose of maintaining and 97  
administering the public utilities commission and exercising its 98  
supervision and jurisdiction over the railroads and public 99  
utilities of this state, an amount equivalent to the 100  
appropriation from the public utilities fund created under 101  
division (B) of this section to the public utilities commission 102  
for railroad and public utilities regulation in each fiscal year 103

shall be apportioned among and assessed against each railroad 104  
and public utility within this state by the commission by first 105  
computing an assessment as though it were to be made in 106  
proportion to the intrastate gross earnings or receipts, 107  
excluding earnings or receipts from sales to other public 108  
utilities for resale, of the railroad or public utility for the 109  
calendar year next preceding that in which the assessment is 110  
made. The commission may include in that first computation any 111  
amount of a railroad's or public utility's intrastate gross 112  
earnings or receipts that were underreported in a prior year. In 113  
addition to whatever penalties apply under the Revised Code to 114  
such underreporting, the commission shall assess the railroad or 115  
public utility interest at the rate stated in division (A) of 116  
section 1343.01 of the Revised Code. The commission shall 117  
deposit any interest so collected into the public utilities 118  
fund. The commission may exclude from that first computation any 119  
such amounts that were overreported in a prior year. 120

The final computation of the assessment shall consist of 121  
imposing upon each railroad and public utility whose assessment 122  
under the first computation would have been one hundred dollars 123  
or less an assessment of one hundred dollars and recomputing the 124  
assessments of the remaining railroads and public utilities by 125  
apportioning an amount equal to the appropriation to the public 126  
utilities commission for administration of the utilities 127  
division in each fiscal year less the total amount to be 128  
recovered from those paying the minimum assessment, in 129  
proportion to the intrastate gross earnings or receipts of the 130  
remaining railroads and public utilities for the calendar year 131  
next preceding that in which the assessments are made. 132

In the case of an assessment based on intrastate gross 133  
receipts under this section against a public utility that is an 134

electric utility as defined in section 4928.01 of the Revised 135  
Code, or an electric services company, electric cooperative, or 136  
governmental aggregator subject to certification under section 137  
4928.08 of the Revised Code, such receipts shall be those 138  
specified in the utility's, company's, cooperative's, or 139  
aggregator's most recent report of intrastate gross receipts and 140  
sales of kilowatt hours of electricity, filed with the 141  
commission pursuant to division (F) of section 4928.06 of the 142  
Revised Code, and verified by the commission. 143

In the case of an assessment based on intrastate gross 144  
receipts under this section against a retail natural gas 145  
supplier or governmental aggregator subject to certification 146  
under section 4929.20 of the Revised Code, such receipts shall 147  
be those specified in the supplier's or aggregator's most recent 148  
report of intrastate gross receipts and sales of hundred cubic 149  
feet of natural gas, filed with the commission pursuant to 150  
division (B) of section 4929.23 of the Revised Code, and 151  
verified by the commission. However, no such retail natural gas 152  
supplier or such governmental aggregator serving or proposing to 153  
serve customers of a particular natural gas company, as defined 154  
in section 4929.01 of the Revised Code, shall be assessed under 155  
this section until after the commission, pursuant to section 156  
4905.26 or 4909.18 of the Revised Code, has removed from the 157  
base rates of the natural gas company the amount of assessment 158  
under this section that is attributable to the value of 159  
commodity sales service, as defined in section 4929.01 of the 160  
Revised Code, in the base rates paid by those customers of the 161  
company that do not purchase that service from the natural gas 162  
company. 163

In the case of an assessment based on intrastate gross 164  
receipts under this section against a submetered utility service 165

provider, such receipts shall be limited to receipts for 166  
submetered utility service. 167

(B) Through calendar year 2005, on or before the first day 168  
of October in each year, the commission shall notify each such 169  
railroad and public utility of the sum assessed against it, 170  
whereupon payment shall be made to the commission, which shall 171  
deposit it into the state treasury to the credit of the public 172  
utilities fund, which is hereby created. Beginning in calendar 173  
year 2006, on or before the fifteenth day of May in each year, 174  
the commission shall notify each railroad and public utility 175  
that had a sum assessed against it for the current fiscal year 176  
of more than one thousand dollars that fifty per cent of that 177  
amount shall be paid to the commission by the twentieth day of 178  
June of that year as an initial payment of the assessment 179  
against the company for the next fiscal year. On or before the 180  
first day of October in each year, the commission shall make a 181  
final determination of the sum of the assessment against each 182  
railroad and public utility and shall notify each railroad and 183  
public utility of the sum assessed against it. The commission 184  
shall deduct from the assessment for each railroad or public 185  
utility any initial payment received. Payment of the assessment 186  
shall be made to the commission by the first day of November of 187  
that year. The commission shall deposit the payments received 188  
into the state treasury to the credit of the public utilities 189  
fund. Any such amounts paid into the fund but not expended by 190  
the commission shall be credited ratably, after first deducting 191  
any deficits accumulated from prior years, by the commission to 192  
railroads and public utilities that pay more than the minimum 193  
assessment, according to the respective portions of such sum 194  
assessable against them for the ensuing fiscal year. The 195  
assessments for such fiscal year shall be reduced 196

correspondingly. 197

(C) Within five days after the beginning of each fiscal 198  
year through fiscal year 2006, the director of budget and 199  
management shall transfer from the general revenue fund to the 200  
public utilities fund an amount sufficient for maintaining and 201  
administering the public utilities commission and exercising its 202  
supervision and jurisdiction over the railroads and public 203  
utilities of the state during the first four months of the 204  
fiscal year. The director shall transfer the same amount back to 205  
the general revenue fund from the public utilities fund at such 206  
time as the director determines that the balance of the public 207  
utilities fund is sufficient to support the appropriations from 208  
the fund for the fiscal year. The director may transfer less 209  
than that amount if the director determines that the revenues of 210  
the public utilities fund during the fiscal year will be 211  
insufficient to support the appropriations from the fund for the 212  
fiscal year, in which case the amount not paid back to the 213  
general revenue fund shall be payable to the general revenue 214  
fund in future fiscal years. 215

(D) For the purpose of this section only, "public utility" 216  
includes: 217

(1) In addition to an electric utility as defined in 218  
section 4928.01 of the Revised Code, an electric services 219  
company, an electric cooperative, or a governmental aggregator 220  
subject to certification under section 4928.08 of the Revised 221  
Code, to the extent of the company's, cooperative's, or 222  
aggregator's engagement in the business of supplying or 223  
arranging for the supply in this state of any retail electric 224  
service for which it must be so certified; 225

(2) In addition to a natural gas company as defined in 226

section 4929.01 of the Revised Code, a retail natural gas 227  
supplier or governmental aggregator subject to certification 228  
under section 4929.20 of the Revised Code, to the extent of the 229  
supplier's or aggregator's engagement in the business of 230  
supplying or arranging for the supply in this state of any 231  
competitive retail natural gas service for which it must be 232  
certified; 233

(3) A submetered utility service provider. 234

(E) Each public utilities commissioner shall receive a 235  
salary fixed at the level set by pay range 49 under schedule E-2 236  
of section 124.152 of the Revised Code. 237

(F) As used in this section, "submetered utility service" 238  
has the same meaning as in section 4905.02 of the Revised Code 239  
and "submetered utility service provider" has the same meaning 240  
as in section 4933.51 of the Revised Code. 241

**Sec. 4933.51.** As used in sections 4933.51 to 4933.66 of 242  
the Revised Code: 243

(A) "Building" has the same meaning as in section 3781.06 244  
of the Revised Code. 245

(B) "Condominium" has the same meaning as in section 246  
5311.01 of the Revised Code. 247

(C) "Dwelling unit," "landlord," and "tenant" have the 248  
same meanings as in section 5321.01 of the Revised Code. 249

(D) "Electric light company" has the same meaning as in 250  
section 4905.03 of the Revised Code. 251

(E) "Electric utility" has the same meaning as in section 252  
4928.01 of the Revised Code. 253

(F) "Fair market value" means a value determined by 254  
considering the age, condition, price of similar assets of the 255  
same age and use in the market, and recent sale prices and 256  
expert appraisals. 257

(G) "Public utility" means an electric light company or 258  
water-works company as defined in section 4905.03 of the Revised 259  
Code that is a public utility as defined in section 4905.02 of 260  
the Revised Code. 261

(H) "Qualified low-income building" has the same meaning 262  
as in section 175.16 of the Revised Code. 263

(I) "Submetered utility service" has the same meaning as 264  
in section 4905.02 of the Revised Code. 265

(J) (1) "Submetered utility service provider" means, 266  
subject to division (J) (2) of this section, a person, business, 267  
or other entity that, either on its own behalf or under a 268  
contract with a property owner, provides, constructs, or 269  
installs for customers submetered utility service. 270

(2) In the case of resale of electricity to a tenant based 271  
on metered consumption at the tenant's dwelling unit, the 272  
submetered utility service provider is the master meter account 273  
holder, or customer of record, with the public utility 274  
delivering service to the premises, except to the extent that 275  
such account holder or customer of record is a landlord who has 276  
assigned responsibility for compliance with some or all of the 277  
requirements of sections 4933.55 to 4933.59 of the Revised Code 278  
to a third party by contract. The third party that assumed 279  
responsibility for compliance with some or all of the 280  
requirements of sections 4933.55 to 4933.59 of the Revised Code 281  
is the submetered utility service provider to the extent that 282

the third party has assumed such responsibility. 283

(K) "Water billing service" means the billing service for 284  
the resale of water service described in division (A) (7) of 285  
section 4905.02 of the Revised Code. 286

(L) "Water billing service provider" means a person, 287  
business, or entity that, either on its own behalf or under a 288  
contract with a property owner, provides water billing service 289  
for customers. 290

(M) "Water utility" means the entity responsible for 291  
supplying water for human consumption to customers within a 292  
service area. "Water utility" excludes a water billing service 293  
provider. 294

**Sec. 4933.52.** (A) Except for reasons of safety or 295  
reliability, the public utilities commission shall not adopt any 296  
rule that permits a public utility to set the location of, or 297  
refuse to relocate, any of its meters so that the meter's 298  
location prevents either of the following: 299

(1) A submetered utility service provider from providing, 300  
constructing, or installing submetered utility service at a 301  
point after the public utility service is delivered to the 302  
public utility's metered point of delivery at that location; 303

(2) A water billing service provider from providing water 304  
billing service at a point after water service is delivered to 305  
the public utility's metered point of delivery for that service 306  
at that location. 307

(B) Except for reasons of safety or reliability, no public 308  
utility shall set the location of, or refuse to relocate, any of 309  
its meters so that the meter's location prevents either of the 310  
following: 311

(1) A submetered utility service provider from providing, 312  
constructing, or installing submetered utility service at a 313  
point after the public utility service is delivered to the 314  
public utility's metered point of delivery at that location; 315

(2) A water billing service provider from providing water 316  
billing service at a point after water service is delivered to 317  
the public utility's metered point of delivery for that service 318  
at that location. 319

**Sec. 4933.53.** (A) Except for reasons of safety or 320  
reliability, if a public utility customer requests an alteration 321  
in the location, character, or metering of the customer's 322  
service from a public utility where the alteration would render 323  
certain personal property or equipment of the utility as no 324  
longer used and useful in providing utility service to the 325  
customer's real property, the utility shall offer to sell such 326  
personal property or equipment to the utility customer for any 327  
purpose, including for use in providing submetered utility 328  
service and to ensure certainty of ownership of the personal 329  
property or equipment following the change in service, if both 330  
of the following are met: 331

(1) The personal property or equipment is located 332  
exclusively within the boundaries of the customer's real 333  
property; 334

(2) The personal property or equipment was used 335  
exclusively to provide utility service to the property. 336

(B) The public utility shall price the personal property 337  
or equipment offered for sale to a customer pursuant to this 338  
section as the amount of the fair market value of the property 339  
or equipment. 340

(C) The public utility shall record the proceeds from a 341  
sale pursuant to this section as a regulatory liability. 342

**Sec. 4933.54.** Each electric utility shall maintain up-to- 343  
date reference tools on the utility's web site, or in another 344  
conspicuous and publicly accessible location, that permit 345  
automatic calculation of what the electric utility would charge 346  
its residential customers with a specific kilowatt-hour usage 347  
during any of the most recent twelve months. 348

**Sec. 4933.55.** No submetered utility service provider that 349  
resells electricity to a tenant based on metered consumption at 350  
the tenant's dwelling unit may charge the tenant more than the 351  
bill for the standard service offer and all tariffed charges and 352  
riders that the electric light company, in whose certified 353  
territory the dwelling unit is located, would charge its 354  
residential customers for electric service. 355

**Sec. 4933.551.** No water billing service provider may 356  
charge a tenant or condominium more than the bill that the water 357  
utility, in whose service area the dwelling unit or condominium 358  
is located, would charge the tenant or condominium for water 359  
service. 360

**Sec. 4933.552.** On and after the effective date of this 361  
section: 362

(A) No submetered utility service provider shall convert a 363  
building that receives electric service from an electric utility 364  
to receive submetered utility service. 365

(B) A submetered utility service provider may supply 366  
submetered utility service to a building that does not receive 367  
electric service from an electric utility. 368

(C) No water billing service provider shall convert a 369

building that receives water service from a water utility to 370  
receive water billing service. 371

(D) A water billing service provider may supply water 372  
billing service to a building that does not receive water 373  
service from a water utility. 374

**Sec. 4933.553.** No submetered utility service provider or 375  
water billing service provider shall bill or otherwise recover 376  
from customers any amounts that were previously undercharged for 377  
unmetered electricity or water service. 378

**Sec. 4933.554.** No submetered utility service provider 379  
shall sell the provider's equipment to an electric utility. 380

**Sec. 4933.555.** (A) No submetered utility service provider 381  
that resells electricity to a tenant based on metered 382  
consumption at the tenant's dwelling unit shall charge a tenant 383  
a common area charge or fee, including any common area charge or 384  
fee for central systems air conditioning, heating, and hot 385  
water. 386

(B) A submetered utility service provider that resells 387  
electricity to a tenant based on metered consumption at the 388  
tenant's dwelling unit may charge a landlord a common area 389  
charge or fee, including any common area charge or fee for 390  
central systems air conditioning, heating, and hot water. 391

**Sec. 4933.56.** A submetered utility service provider that 392  
resells electricity to a tenant based on metered consumption at 393  
the tenant's dwelling unit shall do all of the following: 394

(A) Register with the public utilities commission every 395  
two years and comply with the rules adopted pursuant to section 396  
4933.59 of the Revised Code. Registration under this division 397  
shall include only the provider's name, business address, 398

telephone number, regulatory contact, the type of services 399  
offered by the provider, and evidence of the managerial, 400  
financial, and technical capabilities to offer such services. 401

(B) At a minimum, comply with the requirements for the 402  
disconnection of electric service established in sections 403  
4933.121 to 4933.123 of the Revised Code and the rules adopted 404  
pursuant to those sections, as applicable, or as otherwise 405  
ordered by the commission; 406

(C) Provide a separate disclosure and a report of historic 407  
monthly usage and corresponding billed amounts for metered 408  
electricity to each tenant's dwelling unit for the preceding 409  
twelve months, if applicable, to its tenants solely for purposes 410  
of compliance with the pricing requirements under section 411  
4933.55 of the Revised Code; 412

(D) Disclose its process and procedures for the 413  
disconnection of electric service to its tenants; 414

(E) Offer an alternative payment plan option to a tenant 415  
that receives submetered utility service from the provider; 416

(F) Accept a payment from the home energy assistance 417  
program when the account holder qualifies for the home energy 418  
assistance program; 419

(G) Ensure that each bill issued by the provider for 420  
submetered utility service complies with all of the following: 421

(1) Lists each charge or fee for submetered utility 422  
service in a separate and distinct manner that allows the tenant 423  
to understand each charge or fee; 424

(2) Contains no common area charge or fee, including any 425  
common area charge or fee for central systems air conditioning, 426

heating, and hot water; 427

(3) Clearly states the tenant's actual metered electricity 428  
usage in kilowatt hours, or other standard measure, in a manner 429  
that allows the tenant to effectively use the reference tools 430  
required by section 4933.54 of the Revised Code. 431

(H) Furnish high quality, safe, and reliable service. 432

**Sec. 4933.57.** (A) Prior to the effective date of the rules 433  
adopted to implement section 4933.58 of the Revised Code, a 434  
submetered utility service provider that resells electricity to 435  
a tenant based on metered consumption at the tenant's dwelling 436  
unit at a property or community with more than fifty dwelling 437  
units shall file an interim compliance plan for approval with 438  
the public utilities commission for each property or community 439  
with more than fifty dwelling units at which submetered utility 440  
service is provided to tenants by either of the following dates, 441  
whichever is later: 442

(1) Not more than ninety days after the commission adopts 443  
rules to implement this section; 444

(2) Prior to the date that the provider initiates 445  
providing submetered utility service at the property or 446  
community. 447

(B) The commission may approve an interim compliance plan 448  
filing that does all of the following: 449

(1) Includes the provider's name, business address, 450  
telephone number, regulatory contact, and the type of services 451  
offered by the provider at the community or property; 452

(2) Describes the methods by which the provider intends to 453  
ensure that any bills to tenants at the property or community 454

comply with the pricing requirements for the resale of 455  
electricity under section 4933.55 of the Revised Code; 456

(3) Describes how the provider intends to comply with the 457  
electric service disconnection standards imposed by section 458  
4933.56 of the Revised Code; 459

(4) If more than one submetered utility service provider 460  
provides submetered utility service at a single property or 461  
community with more than fifty dwelling units, or if more than 462  
one party is responsible for the compliance plan items described 463  
in this section, sets forth the responsibilities of each 464  
provider for each of the interim compliance plan items described 465  
in this section. 466

(C) The provider shall adhere to the interim compliance 467  
plan that is approved by the commission until the plan is 468  
terminated, unless otherwise directed by the commission. 469

(D) An interim compliance plan for a property or community 470  
approved by the commission terminates upon the commission 471  
approving a compliance plan under section 4933.58 of the Revised 472  
Code for the same property or community. An interim compliance 473  
plan continues until terminated pursuant to this division or 474  
terminated by the commission. 475

(E) The requirement that a provider file an interim 476  
compliance plan under this section terminates upon the effective 477  
date of rules to implement section 4933.58 of the Revised Code. 478

**Sec. 4933.58.** (A) A submetered utility service provider 479  
that resells electricity to a tenant based on metered 480  
consumption at the tenant's dwelling unit at a property or 481  
community with more than fifty dwelling units shall file a 482  
compliance plan for approval with the public utilities 483

commission for each property or community with more than fifty 484  
dwelling units at which submetered utility service is provided 485  
to tenants by either of the following dates, whichever is later: 486

(1) Not more than ninety days after the commission adopts 487  
rules to implement this section; 488

(2) Prior to the date that the provider initiates 489  
providing submetered utility service at the property or 490  
community. 491

(B) The commission may approve a compliance plan filing 492  
that does all of the following: 493

(1) Describes the means by which the provider will ensure 494  
compliance with sections 4933.56 and 4933.59 of the Revised Code 495  
at the property or community, as applicable; 496

(2) Includes the provider's name, business address, 497  
telephone number, regulatory contact, and the type of services 498  
offered by the provider at the community or property; 499

(3) Describes the methods by which the provider intends to 500  
ensure that any bills to tenants at the property or community 501  
comply with the pricing requirements for the resale of 502  
electricity under section 4933.55 of the Revised Code; 503

(4) Describes how the provider intends to comply with the 504  
electric service disconnection standards imposed by section 505  
4933.56 of the Revised Code; 506

(5) Includes a copy of the language included, or to be 507  
included, in each tenant's lease relating to submetered utility 508  
service that complies with division (C) of this section, as 509  
applicable, and section 5321.04 of the Revised Code; 510

(6) For submetered utility service provided or intended to 511

be provided to a qualified low-income building, discloses any 512  
utility assistance programs available to tenants or condominium 513  
owners of which the applicant is aware as of the date the 514  
application is submitted; 515

(7) If more than one submetered utility service provider 516  
provides submetered utility service at a single property or 517  
community with more than fifty dwelling units, or if more than 518  
one party is responsible for the compliance plan items described 519  
in this section, sets forth the responsibilities of each 520  
provider for each of the compliance plan items described in this 521  
section; 522

(8) Discloses the standard communication format used by 523  
the provider or landlord to provide information to tenants; 524

(9) Provide a description of the alternative payment plan 525  
required by section 4933.56 of the Revised Code. 526

(C) To the extent that a landlord of a property or 527  
community with more than fifty dwelling units is not the 528  
submetered utility service provider, the landlord shall 529  
separately contribute to or attest to the language included, or 530  
to be included, in each tenant's lease relating to submetered 531  
utility service. 532

(D) The provider shall adhere to the compliance plan that 533  
is approved by the commission, unless otherwise directed by the 534  
commission. 535

(E) The compliance plan shall be updated upon any material 536  
change to the information contained therein. 537

**Sec. 4933.59.** (A) Not later than one year after the 538  
effective date of this section, the public utilities commission 539  
shall adopt rules to do all of the following: 540

(1) Implement sections 4933.56 and 4933.58 of the Revised 541  
Code; 542

(2) Establish minimum service requirements for submetered 543  
utility service providers with respect to metering, outages and 544  
accident reports, and customer billing and payments as if the 545  
providers were electric utilities; 546

(3) Establish procedures for customer complaint and 547  
complaint handling for submetered utility service providers as 548  
if the providers were electric utilities; 549

(4) Establish requirements for submetered utility service 550  
providers governing retention of records and production of such 551  
records in response to requests by commission staff. 552

(B) The commission shall adopt rules to implement section 553  
4933.57 of the Revised Code not more than one hundred eighty 554  
days after the effective date of this section. 555

(C) The commission may require submetered utility service 556  
providers that provide submetered utility service to residential 557  
end users other than providers that resell electricity to a 558  
tenant based on metered consumption at the tenant's dwelling 559  
unit to register every two years and to comply with any 560  
applicable registration requirements. 561

(D) Rules adopted under this section, including any 562  
requirements regarding classifications, procedures, terms, and 563  
conditions, shall be reasonable and shall not confer any undue 564  
economic, competitive, or market advantage or preference upon 565  
any electric light company, submetered utility service provider, 566  
or competitive retail electric service provider. 567

(E) The commission shall adopt rules consistent with this 568  
section that govern submetered utility service providers that 569

provide submetered utility service to residential end users 570  
other than providers that resell electricity to a tenant based 571  
on metered consumption at the tenant's dwelling. 572

(F) Notwithstanding any provision of section 121.95 of the 573  
Revised Code to the contrary, a regulatory restriction contained 574  
in rules adopted under sections 4933.51 to 4933.66 of the 575  
Revised Code is not subject to sections 121.95 to 121.953 of the 576  
Revised Code. 577

**Sec. 4933.60.** (A) The public utilities commission shall 578  
approve or issue a notice of deficiency in accordance with 579  
division (B) (2) of this section relating to any of the following 580  
not more than thirty days after receipt from a submetered 581  
utility service provider at a property or community with more 582  
than fifty dwelling units: 583

(1) A registration application required under section 584  
4933.56 or 4933.59 of the Revised Code; 585

(2) An interim compliance plan filing required under 586  
section 4933.57 of the Revised Code; 587

(3) A compliance plan filing required under section 588  
4933.58 of the Revised Code. 589

(B) (1) The commission may approve a provider's application 590  
or filing described in this section if the application or filing 591  
complies with all requirements under sections 4933.56 to 4933.59 592  
of the Revised Code, as applicable. 593

(2) If a provider's application or filing described in 594  
this section does not comply with some or all of the 595  
requirements under sections 4933.56 to 4933.59 of the Revised 596  
Code, the commission shall notify the provider by using a notice 597  
of deficiency setting forth the manner of noncompliance in terms 598

sufficiently specific to permit the provider to remedy the 599  
noncompliance. Upon a provider's amendment of an application or 600  
filing following a notice of deficiency, the commission shall 601  
approve or deny the provider's amended application or filing 602  
within ninety days of receipt. 603

(C) If the commission denies a provider's amended 604  
application or filing as described in this section, the 605  
commission shall notify the provider of the reason for such 606  
denial. 607

(D) Any application or filing described in this section 608  
that is not approved or for which a notice of deficiency is not 609  
submitted within ninety days is deemed approved by operation of 610  
law. 611

**Sec. 4933.62.** (A) No submetered utility service provider 612  
shall provide a submetered utility service to a consumer in this 613  
state without first being registered with the public utilities 614  
commission, to the extent registration is required under 615  
sections 4933.56 and 4933.59 of the Revised Code. 616

(B) Beginning one hundred twenty days after the effective 617  
date of rules adopted to implement section 4933.57 of the 618  
Revised Code and terminating upon the effective date of rules to 619  
implement section 4933.58 of the Revised Code, no submetered 620  
utility service provider that resells electricity to a tenant 621  
based on metered consumption at the tenant's dwelling unit at a 622  
property or community with more than fifty dwelling units shall 623  
provide a submetered utility service to a consumer in this state 624  
without an approved interim compliance plan under section 625  
4933.57 of the Revised Code. 626

(C) Beginning one hundred twenty days after the effective 627

date of rules adopted to implement section 4933.58 of the  
Revised Code, no submetered utility service provider that  
resells electricity to a tenant based on metered consumption at  
the tenant's dwelling unit at a property or community with more  
than fifty dwelling units shall provide a submetered utility  
service to a consumer in this state without an approved  
compliance plan under section 4933.58 of the Revised Code.

**Sec. 4933.65.** (A) Any submetered utility service provider  
that is found to have violated or failed to comply with the  
requirements under sections 4933.55 to 4933.59 of the Revised  
Code may be assessed, or have any or all of the following  
penalties imposed, at the discretion of the public utilities  
commission:

(1) A forfeiture of not more than one hundred dollars for  
each violation or compliance failure per impacted dwelling unit.  
For purposes of a forfeiture under division (A) (1) of this  
section, each day that a provider violates or fails to comply  
with sections 4933.55 to 4933.59 of the Revised Code is a  
separate violation or compliance failure for each violation or  
compliance failure.

(2) A forfeiture of ten thousand dollars if the submetered  
utility service provider is found to have violated or failed to  
comply with division (C) of section 4933.62 of the Revised Code.  
A forfeiture under division (A) (2) of this section may be in  
addition to a forfeiture under division (A) (1) of this section.

(3) Revocation, vacation, or nullification of the  
provider's registration under section 4933.56 or 4933.59 of the  
Revised Code and issuance of an order and entry of the order in  
the journal of the commission barring such provider from  
providing submetered utility service in this state for not more

than two years or permanently; 658

(4) Restitution paid to the provider's customers; 659

(5) Re-rating of the provider's customers; 660

(6) A refund or bill credit to the provider's customers. 661

(B) Forfeitures under this section shall be recovered by 662  
action prosecuted in the name of the state and may be brought in 663  
the court of common pleas of any county in which the provider 664  
who committed the violation or failed to comply is located. The 665  
action shall be commenced and prosecuted by the attorney general 666  
when directed by the commission. All forfeitures are cumulative, 667  
and an action for recovery of one does not bar the recovery of 668  
another. Forfeitures collected under this section shall be 669  
credited to the general revenue fund. 670

**Sec. 4933.651.** (A) Any water billing service provider that 671  
is found to have violated or failed to comply with the 672  
requirements in sections 4933.551 to 4933.553 of the Revised 673  
Code may be assessed, or have any or all of the following 674  
penalties imposed, at the discretion of the public utilities 675  
commission: 676

(1) A forfeiture of not more than one hundred dollars for 677  
each violation or compliance failure per impacted dwelling unit 678  
or condominium. For purposes of a forfeiture under division (A) 679  
(1) of this section, each day that a provider violates or fails 680  
to comply with sections 4933.551 to 4933.553 of the Revised Code 681  
is a separate violation or compliance failure for each violation 682  
or compliance failure. 683

(2) Restitution paid to the provider's customers; 684

(3) Re-rating of the provider's customers; 685

(4) A refund or bill credit to the provider's customers.

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(B) Forfeitures under this section shall be recovered by  
action prosecuted in the name of the state and may be brought in  
the court of common pleas of any county in which the provider  
who committed the violation or failed to comply is located. The  
action shall be commenced and prosecuted by the attorney general  
when directed by the commission. All forfeitures are cumulative,  
and an action for recovery of one does not bar the recovery of  
another. Forfeitures collected under this section shall be  
credited to the general revenue fund.

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**Sec. 4933.66.** The public utilities commission may enter an  
order in the journal of the commission barring, for not more  
than two years or permanently, the provision of submetered  
utility service to the property or community of a landlord that  
is found to have failed to comply with division (C) of section  
4933.58 of the Revised Code.

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**Sec. 5321.04.** (A) A landlord who is a party to a rental  
agreement shall do all of the following:

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(1) Comply with the requirements of all applicable  
building, housing, health, and safety codes that materially  
affect health and safety;

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(2) Make all repairs and do whatever is reasonably  
necessary to put and keep the premises in a fit and habitable  
condition;

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(3) Keep all common areas of the premises in a safe and  
sanitary condition;

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(4) Maintain in good and safe working order and condition  
all electrical, plumbing, sanitary, heating, ventilating, and  
air conditioning fixtures and appliances, and elevators,

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supplied or required to be supplied by the landlord; 715

(5) When the landlord is a party to any rental agreements 716  
that cover four or more dwelling units in the same structure, 717  
provide and maintain appropriate receptacles for the removal of 718  
ashes, garbage, rubbish, and other waste incidental to the 719  
occupancy of a dwelling unit, and arrange for their removal; 720

(6) Supply running water, reasonable amounts of hot water, 721  
and reasonable heat at all times, except where the building that 722  
includes the dwelling unit is not required by law to be equipped 723  
for that purpose, or the dwelling unit is so constructed that 724  
heat or hot water is generated by an installation within the 725  
exclusive control of the tenant and supplied by a direct public 726  
utility connection; 727

(7) Not abuse the right of access conferred by division 728  
(B) of section 5321.05 of the Revised Code; 729

(8) Except in the case of emergency or if it is 730  
impracticable to do so, give the tenant reasonable notice of the 731  
landlord's intent to enter and enter only at reasonable times. 732  
Twenty-four hours is presumed to be a reasonable notice in the 733  
absence of evidence to the contrary. 734

(9) Promptly commence an action under Chapter 1923. of the 735  
Revised Code, after complying with division (C) of section 736  
5321.17 of the Revised Code, to remove a tenant from particular 737  
residential premises, if the tenant fails to vacate the premises 738  
within three days after the giving of the notice required by 739  
that division and if the landlord has actual knowledge of or has 740  
reasonable cause to believe that the tenant, any person in the 741  
tenant's household, or any person on the premises with the 742  
consent of the tenant previously has or presently is engaged in 743

a violation as described in division (A) (6) (a) (i) of section 744  
1923.02 of the Revised Code, whether or not the tenant or other 745  
person has been charged with, has pleaded guilty to or been 746  
convicted of, or has been determined to be a delinquent child 747  
for an act that, if committed by an adult, would be a violation 748  
as described in that division. Such actual knowledge or 749  
reasonable cause to believe shall be determined in accordance 750  
with that division. 751

(10) Comply with the rights of tenants under the 752  
Servicemembers Civil Relief Act, 117 Stat. 2835, 50 U.S.C. App. 753  
501; 754

(11) If the landlord, whether by itself or with the 755  
assistance of a submetered utility service provider, resells or 756  
permits resale of utility service to tenants, disclose the 757  
nature of such utility service and all related charges or fees, 758  
including any common area charges or fees, in its leases with 759  
tenants, and, as applicable, comply with sections 4933.51 to 760  
4933.66 of the Revised Code. 761

(B) If the landlord makes an entry in violation of 762  
division (A) (8) of this section, makes a lawful entry in an 763  
unreasonable manner, or makes repeated demands for entry 764  
otherwise lawful that have the effect of harassing the tenant, 765  
the tenant may recover actual damages resulting from the entry 766  
or demands, obtain injunctive relief to prevent the recurrence 767  
of the conduct, and obtain a judgment for reasonable attorney's 768  
fees, or may terminate the rental agreement. 769

(C) As used in this section, "submetered utility service 770  
provider" has the same meaning as in section 4933.51 of the 771  
Revised Code. 772

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| <b>Section 2.</b> That existing sections 4905.02, 4905.10, and | 773 |
| 5321.04 of the Revised Code are hereby repealed.               | 774 |