OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

R-136-2917

To: The Honorable David Thomas
Ohio House of Representatives

From: Reid J. Fleeson, Attorney *RJF*

Date: February 6, 2026

Subject: Comparison of l_136_1183-3 and am_136_1639

You asked LSC to compare the latest Sub. H.B. 173 (l_136_1183-3) with am_136_1639, which is an amendment to that sub bill. The table below summarizes how that bill and the amendment differ. It addresses only topics on which the bill and the amendment differ substantively. It does not list topics on which the bill and the amendment are the same. If you have any further questions, please feel to reach out to me by phone at (614) 995-0142 or email at reid.fleeson@lsc.ohio.gov.

Sub. H.B. 173 (l_136_1183-3)	am_136_1639
"Behind-the-meter" to "submetered"	
Imposes various requirements and limitations regarding "behind-the-meter utility service" and "behind-the-meter utility service providers" *(R.C. 4905.02, 4922.22, 4933.51 to 4933.68, and 5321.04)*.	Replaces the terms "behind-the-meter utility service" and "behind-the-meter utility service provider" with "submetered utility service" and "submetered utility service provider" as appropriate throughout the bill *(R.C. 4905.02, 4922.22, 4933.51 to 4933.68, and 5321.04)*.

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Natural gas billing service public utility exemption	
Exempts a billing service for the resale of natural gas to a tenant's dwelling unit, or condominium by a unit owners association or the association's agent, that is based on metered consumption and delivered after the public utility's metered point of delivery from being classified as a public utility *(R.C. 4905.02)*.	No provision.
Natural gas meter location	
Prohibits the Public Utilities Commission (PUCO) from adopting any rule permitting a public utility to set the location of, or refusing to relocate, any of its meters so as to prevent a billing service for natural gas at a point after natural gas service is delivered to the utility's metered point of delivery, and also prohibits a public utility from engaging in such actions *(R.C. 4933.52)*.	No provision.
Interim compliance plan and compliance plan requirements	
Imposes interim compliance plan and compliance plan filing requirements as follows: ▪ Every behind-the-meter utility service provider that resells electricity to a tenant based on metered consumption at the tenant's dwelling unit must file an interim compliance plan and compliance plan for PUCO approval; ▪ Such providers must file an interim compliance plan and compliance plan for each property or community at	Modifies the interim compliance plan and compliance plan filing requirements by: ▪ Applying such requirements only to a 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 50 dwelling units; ▪ Requiring such providers to file an interim compliance plan and compliance plan only for properties or communities with more than 50 dwelling units *(R.C. 4933.57, 4933.58, and 4933.62)*.

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which behind-the-meter utility service is provided to tenants; ▪ Providers subject to the interim compliance plan and compliance plan requirements are prohibited from providing a behind-the-meter utility service to an Ohio consumer without an approved interim compliance plan or compliance plan *(R.C. 4933.57, 4933.58, and 4933.62)*.	
PUCO registration approval	
Requires PUCO to approve or deny a registration application submitted by a behind-the-meter utility service provider *(R.C. 4933.60(A))*.	Limits the requirement that PUCO must approve or deny a registration application to only such an application filed by a submetered service provider at a property or community with more than 50 dwelling units *(R.C. 4933.60(A))*.
Landlord separate lease language attestation	
Requires a landlord that is not the behind-the-meter utility service provider to separately contribute to or attest to the language included, or to be included, in each tenant's lease relating to behind-the-meter electric service *(R.C. 4933.58(C))*.	Applies the landlord separate lease language attestation requirement only to the landlord of a property or community with more than fifty dwelling units that is not the submetered utility service provider *(R.C. 4933.58(C))*.
PUCO modification or waiver of various requirements	
Allows PUCO to modify or waive various requirements under the bill to account for changes in technology, law, or for other good cause shown *(R.C. 4933.61)*.	Modifies the PUCO modification or waiver provision by: ▪ Specifying that such modification or waiver is temporary, for a period not exceeding 60 days; ▪ Allowing PUCO to waive or modify such requirements to account for the emergence of factors or circumstances affecting a party's compliance with those sections that are beyond the party's

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	control or the party could not reasonably anticipate, rather than for good cause shown *(R.C. 4933.61)*.
Forfeiture	
Allows PUCO to impose a forfeiture of not more than $100 for each violation or compliance failure on a behind-the-meter utility service provider that violates the bill *(R.C. 4933.65)*.	Specifies that the forfeiture is $100 for each violation or compliance failure per dwelling unit *(R.C. 4933.65)*.
Notice of deficiency	
Requires PUCO to approve or deny a registration application, interim compliance plan, or compliance plan not more than 30 days after receipt, and provides that any such application or filing not approved or denied within the time required by the bill is deemed approved by operation of law *(R.C. 4933.60)*.	Requires PUCO to approve or issue a notice of deficiency relating to a registration application, interim compliance plan, or compliance plan not more than 30 days after receipt, allows the provider that received a notice of deficiency to submit an amended filing or application that PUCO must review within 30 days of receipt, and provides that any of the above applications or filings not approved or for which a notice of delivery is not submitted within 90 days is deemed approved by operation of law *(R.C. 4933.60)*.

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