



Ohio Legislative Service Commission

Conference Committee Synopsis

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Sub. H.B. 9 130th General Assembly

The Conference Committee recommends the bill as passed by the Senate with the following changes:

Topic	House Version	Senate Version	Conference Committee Recommendation
Electric distribution utility service if adequate assurance of payment not furnished	No provision.	Provides that an electric distribution utility may alter, refuse, or discontinue service if the receiver, within five days after the date of appointment, does not furnish adequate assurance of payment for service after that date in an amount agreeable to the utility. "Assurance of payment" means (1) a cash deposit, (2) letter of credit, (3) certificate of deposit, (4) surety bond, (5) prepayment of utility consumption, or (6) another mutually agreed security which may include provision for services by the utility prior to the receiver's appointment. (R.C. 2735.07.)	No provision.

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<p>Priority of creditors in a receivership</p>	<p>No provision.</p>	<p>Requires the receiver to make distributions from the receivership in the following order of priority: (1) to holders of actual, necessary receivership administrative expenses, which generally must be paid in full in the ordinary course of business, (2) to secured creditors holding liens on the receivership property, (3) pro rata, to each public utility for services provided to the receivership property prior to the receiver's appointment, (4) unsecured claims arising against the owner of the receivership property prior to the receiver's appointment that are recognized under Ohio or United States law as having priority over other unsecured creditors, (5) pro rata, to all other unsecured creditors for claims arising against the owner of the receivership property prior to the receiver's appointment, (6) if all amounts payable under (1) to (5) have been paid in full, any remaining receivership property must be returned to the person or entity that owned the property. (R.C. 2935.08(B).)</p>	<p>No provision.</p>

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		Defines "administrative expenses" as including the receiver's fees and expenses, payment of receiver certificates, and expenses incurred in operating the entity or property over which the receiver was appointed, including charges by a public utility for service after the receiver's appointment <i>(R.C. 2735.08(A))</i> .	
Provision of noncompetitive retail electric service	No provision.	Requires an electric distribution utility to which a customer owes unpaid charges for retail electric service provided prior to the receiver's appointment to continue to provide noncompetitive retail electric service to the customer if: (1) the customer or the property being serviced by the utility is under the control of a receiver appointed by the court, and (2) the receiver obtains competitive retail electric service from another provider of such service. <i>(R.C. 4928.80(A))</i> .	No provision.
Public Utility Commission rules	No provision.	Requires the Public Utilities Commission to adopt rules necessary to implement all of the above provisions in the Senate-passed version no later than 90 days after the bill's	No provision.

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		effective date. The rules must not prohibit the denial or disconnection of nonresidential service for reasons other than nonpayment for services provided prior to the receiver's appointment. (R.C. 4928.80(B).)	
Study Committee on Receivership Laws	No provision.	No provision.	<p>Creates a Study Committee on Receivership Laws to study matters related to receiverships and payment of public utility services to consist of six members, three appointed by the Senate President, not more than two of whom are members of the same party, and three appointed by the Speaker of the House of Representatives, not more than two of whom are members of the same party. Initial appointments must be made by March 1, 2015. The Senate President appoints the chairperson of the Committee.</p> <p>Requires the Study Committee to study and consider, but not limited to, the jurisdiction of the Public Utilities Commission and courts with respect to receiverships and the definitions and provisions of the federal Bankruptcy Code that</p>

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			<p>may be used in the Ohio Revised Code.</p> <p>Provides that the Study Committee expires at the end of the 131st General Assembly. (Section 3.)</p>

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