



# Ohio Legislative Service Commission

*Russ Keller*

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. H.B. 662 of the 130th G.A.](#)

**Date:** December 30, 2014

**Status:** As Reported by House Public Utilities

**Sponsor:** Reps. Duffey and McGregor

**Local Impact Statement Procedure Required:** No

**Contents:** Regarding the measurement and reselling of public utility service

### State Fiscal Highlights

- No state fiscal effect.

### Local Fiscal Highlights

- No local fiscal effect.

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## Detailed Fiscal Analysis

The bill requires a "proprietor" or the "proprietor's agent" to measure public utility service provided to consumers (e.g., tenants) through a master meter, through a master meter in conjunction with a submeter, or through a public utility-owned meter. The bill also specifies that charges are to be allocated to consumers in accordance with actual consumption. The bill defines "proprietor" as a landlord, park operator, unit owners association, or other person or entity that has an ownership interest. The "proprietor's agent" is the person or entity that provides public utility service or billing services to consumers.

For those proprietors or proprietor's agents that charge consumers for public utility services, the charges must be:

1. The actual rates, fees, and costs charged to the proprietor or the proprietor's agent. Additionally, the bill permits one "reasonable administrative fee<sup>1</sup>" to be charged to consumers each month for all public utility services.
2. Rates, fees, and costs determined by the proprietor or the proprietor's agent that may not exceed the residential rates, fees, and costs, that are charged for the public utility service in the immediate service territory to residential customers for the same quantity of service and that are in effect at the time the consumer's bill for service is prepared. If the proprietor or its agent elects this method for charging its customers, it may not levy a reasonable administrative fee.

The bill includes several other requirements imposed on proprietors and their agents who charge residents for utility services. The requirements include, for example, mandatory disclosures of contract terms, an acknowledgement form requiring a customer's signature, recordkeeping practices, stipulations for the termination of utility services for nonpayment, and allocation of costs for utility services provided to common areas.

The bill allows the affected public utility service consumer to file a lawsuit to recover double the amount of damages, and obtain injunctive relief to prevent the recurrence of the conduct, if a proprietor or proprietor's agent violates any provision of the bill. Also, the Attorney General may bring a civil action to enforce the provisions of H.B. 662.

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<sup>1</sup> The bill requires the Public Utilities Commission to adopt a rule to establish a reasonable administrative fee.

Nothing in the bill limits the authority of the Public Utilities Commission, municipalities, or other local jurisdictions to prohibit or limit the reselling of public utility service.

State agencies and local political subdivisions will incur a negligible amount of costs, if any, in fulfilling the bill's requirements.

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