PUBLIC UTILITIES COMMISSION

Broadband internet access service exemption from regulation

- Exempts broadband internet access service from PUCO regulation.
- Prohibits a state agency, commission, or political subdivision from enacting, adopting, or enforcing any provision having the force or effect of law that regulates or has the effect of regulating broadband internet access service.
- Specifies that these prohibitions do not restrict (1) any authority delegated to PUCO or another state agency to administer a state or federal grant program, (2) the application of a law relating to consumer protection and fair competition concerning broadband internet access service, or (3) the authority of any political subdivision to manage access to and use of any public way or public rights-of-way.
- Provides that the broadband internet access service provisions above take effect immediately.

PSB written report

- Reduces the deadline for the chairperson of the Power Siting Board (PSB) to submit a written report to PSB and the applicant from 15 days to five days prior to the date the application is set for a hearing.

EDU behind the meter electric generation service

- Allows an electric distribution utility to supply behind the meter electric generation service if an application for any behind the meter electric generation facilities intended to be used to supply such service was filed with PUCO under former law by March 31, 2025.

Heat maps

- Specifies that each public utility, rather than "entity," that owns or controls a transmission facility in Ohio, and is not a regional transmission organization, must create a heat map.
- Repeals the law that explicitly exempts municipally owned electric utilities and electric cooperatives from the requirement that public utilities create a heat map.

Bypassable cost recovery mechanism (VETOED)

- Would have changed the cost recovery mechanism relating to transmission, ancillary, congestion, or any related service for a standard service offer (SSO) that PUCO must adopt for each electric distribution utility providing an SSO from being nonbypassable to being bypassable (VETOED).

Rural electric company and energy company TPP tax

- Clarifies a provision of recently enacted utility legislation relating to the tangible personal property (TPP) tax assessment rate for a rural electric company's or energy company's

new, repowered, or converted taxable production and new energy conversion equipment.

PUCO final order

- Stipulates that a final order issued by PUCO is affirmed by operation of law if PUCO does not affirm, abrogate, or modify the original order within 90 days after a rehearing request was granted.

Motor vehicle exemption for trailers

- Exempts, from the definitions of "motor vehicle" and "for-hire motor carrier," any trailer used exclusively to transport a single boat between a place of storage and a marina, or a place in or around a marina, not more than ten miles apart, that is drawn or towed no faster than 25 miles per hour, and does not exceed 26,001 pounds.

CRES variable rate conversion rules exemption

- Corrects a cross-reference error to rules PUCO must adopt governing competitive retail electric service fixed-rate contract conversions to variable rate, which are to be exempt from regulatory restriction reduction requirements.

Broadband internet access service exemption from regulation

(R.C. 4927.01 and 4927.22; Section 820.20)

The act exempts broadband internet access service, as defined in federal law, from regulation by PUCO. Further, an Ohio agency, commission, or political subdivision is prohibited from enacting, adopting, or enforcing, either directly or indirectly, any law, rule, regulation, ordinance, standard, order, or other provision having the force or effect of law that regulates, or has the effect of regulating, the rates, terms, or conditions of any broadband internet access service, or otherwise treats providers of broadband internet access services as public utilities or telecommunications carriers.

However, the act specifies that these prohibitions are not to be construed to restrict: (1) any authority delegated to PUCO or another state agency to administer a state or federal grant program under state or federal statute, rule, or order, (2) the application to broadband internet access service, or providers thereof, of any law that applies generally to the conduct of business in Ohio relating to consumer protection and fair competition, and (3) the authority of any political subdivision to manage access to and use of any public way or public rights-of-way.

These provisions take effect immediately on June 30, 2025.

Federal law defines "broadband internet access service" as a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service, and also encompasses any service that the Federal Communications Commission finds to be providing

a functional equivalent of this service or that is used to evade the protections set forth in federal law.[135]

PSB written report

(R.C. 4906.07)

The act shortens the deadline for the chairperson of the Power Siting Board (PSB) to submit a written report regarding the investigation of an applicant's PSB certificate application to the Board and the applicant from 15 days to five days prior to the date the application is set for a hearing.

EDU behind the meter electric generation service

(R.C. 4905.311)

Beginning August 14, 2025, an electric distribution utility (EDU) may supply behind the meter electric generation service, provided that any behind the meter electric generation facilities that the EDU intends to use to supply the service were filed with PUCO under former law no later than March 31, 2025. The act instead allows an EDU to supply behind the meter electric generation service, provided that *an application for* any behind the meter electric generation facilities that the EDU intends to use to supply such service *was* filed with PUCO under former law no later than March 31, 2025.

Heat maps

(R.C. 4928.86)

The act requires each public utility that owns or controls a transmission facility in Ohio, and is not a regional transmission organization, to create a heat map that includes certain information regarding electric transmission infrastructure, and to make this map public if it contains no critical electric infrastructure information. This requirement likely only applies to public utilities that are electric light companies supplying electricity to Ohio consumers since they are the only entities likely to own electric transmission.[136] Prior law required each "entity" that owns or controls a transmission facility, and is not a regional transmission organization, to create such a heat map.

Additionally, the act repeals the explicit exemption for municipally owned electric utilities and electric cooperatives from the heat map requirement. As stated above, since the heat map requirement only applies to a public utility, the repeal of this exemption likely would have little effect since municipally owned electric utilities and electric cooperatives are excluded as public utilities under continuing law.[137]

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[135] 47 C.F.R. 8.1.

[136] R.C. 4905.02(A) and 4905.03(C), not in the act.

[137] R.C. 4905.02(A)(2) and (3), not in the act.

Bypassable cost recovery mechanism (VETOED)

(R.C. 4928.05)

Continuing law requires PUCO to adopt, for each EDU that provides customers with a standard service offer (SSO) a cost recovery mechanism relating to transmission, ancillary, congestion, or any related service required for such SSO that includes provisions for the recovery of any cost of such service that the EDU incurs pursuant to the SSO.

The Governor vetoed a provision that would have changed this cost recovery mechanism from being nonbypassable to being bypassable.

Rural electric company and energy company TPP tax

(R.C. 5727.111)

Effective August 14, 2025, the tangible personal property (TPP) assessment rate of a rural electric company or energy company's production *or* energy conversion equipment that is first subject to taxation for tax year 2027, or that is repowered or converted production equipment, is 7%. The act clarifies that the 7% TPP rate applies to taxable production *and* energy conversion equipment first subject to taxation for tax year 2027, or that is repowered or converted.

PUCO final order

(R.C. 4903.10)

The act stipulates that a final order issued by PUCO is affirmed by operation of law if PUCO does not affirm, abrogate, or modify the original order within 90 days of the date a rehearing request was granted.

Under continuing law, after PUCO makes an order, any party who has entered an appearance in the proceeding may apply for a rehearing regarding any matter determined in the proceeding. If PUCO, after the rehearing, determines the original order or any part of it is unjust or unwarranted, or should be changed, PUCO may abrogate or modify it; otherwise it must be affirmed.

Motor vehicle exemption for trailers

(R.C. 4921.01 and 4923.01)

The act exempts, from the definition of "motor vehicle" and "for-hire motor carrier," trailers that meet the following requirements: (1) designed and used exclusively to transport a single boat between a place of storage, a marina, or a place in and around a marina, (2) drawn or towed within Ohio on a public road or highway at a speed of 25 miles per hour or less, and (3) the gross vehicle weight rating, gross combination weight rating, gross vehicle weight, and gross combination weight or any combination thereof does not exceed 26,001 pounds.

CRES variable rate conversion rules exemption

(R.C. 4928.102)

Continuing law establishes certain notice requirements when a competitive retail electric service (CRES) supplier offers a residential or small commercial customer a contract for a fixed

introductory rate that converts to a variable rate, and requires PUCO to adopt rules to implement such notice requirements.

The act corrects a cross-reference error so that such rules are exempt from the regulatory restriction reduction requirements in continuing law.

"Small commercial customer" is generally defined as any customer that receives electric service pursuant to a nonresidential tariff if the customer's demand for electricity does not exceed 25 kilowatts within the last 12 months.[138]

[138] R.C. 121.952 and 4928.101, not in the act.