
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 the above prohibitions do not (1) restrict any authority delegated to PUCO or any state agency to administer a state or federal grant program, (2) restrict the application of a law relating to consumer protection and fair competition concerning broadband internet access service, or (3) restrict the authority of any political subdivision in Ohio 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 time within which the chairperson of the Power Siting Board (PSB) must submit a written report to PSB and the applicant from not less than 15 days prior to the date the application is set for a hearing to not less than five days prior to that hearing date.

EDU behind the meter electric generation service

- Allows an EDU 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 no later than 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.

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 rules are to be exempt from regulatory restriction reduction requirements.

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

- Requires a final order issued by PUCO be 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.

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 that is 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.

Broadband internet access service exemption from regulation

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

The bill 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 bill specifies that the above prohibitions are not to be construed to restrict any of the following: (1) any authority deflated to PUCO or any 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 in Ohio to manage access to and use of any public way or public rights-of-way.

The bill provides that the provisions described above take effect immediately.

Currently, 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.¹⁶²

PSB written report

(R.C. 4906.07)

The bill requires the chairperson of the Power Siting Board (PSB) to produce a written report regarding the investigation of an applicant's PSB certificate application and submit this report to PSB and the applicant not later than five days prior to the date the application is set for a hearing. Under current law, this written report must be delivered to PSB and the applicant not less than 15 days prior to the date the application is set for a hearing.

EDU behind the meter electric generation service

(R.C. 4905.311)

Under current law, beginning August 14, 2025, an 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 such service were filed with PUCO under former law no later than March 31, 2025. The bill 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 bill 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 which would include certain information regarding electric transmission infrastructure, and to make this map public if it contains no critical electric infrastructure information. This provision 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.¹⁶³ Current law requires each "entity" that owns or controls a transmission facility, and is not a regional transmission organization, to create such a heat map.

Additionally, the bill repeals the explicit current law 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 current law.¹⁶⁴

¹⁶² 47 C.F.R. 8.1.

¹⁶³ R.C. 4905.02(A) and 4905.03(C), not in the bill.

¹⁶⁴ R.C. 4905.02(A)(2) and (3), not in the bill.

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 bill corrects a cross-reference error so that such rules are exempt from the current law regulatory restriction reduction requirements. The regulatory restriction reduction requirements prohibit state agencies, including PUCO, from adopting a new regulatory restriction unless the agency simultaneously removes two or more existing regulatory restrictions until June 30, 2025. State agencies are also required to achieve a 30% total regulatory restriction reduction by June 30, 2025. Regulatory restrictions are state agency rules that include words such as “shall,” “require,” and “prohibit.”

“Small commercial customer” is generally defined in current law 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.¹⁶⁵

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 bill 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 bill requires a final order issued by PUCO be 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 law unchanged by the bill, 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.

¹⁶⁵ R.C. 121.95 to 121.952 and 4928.101, not in the bill.

Motor vehicle exemption for trailers

(R.C. 4921.01 and 4923.01)

The bill 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 that is 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.

Under current law, “motor vehicle” means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of persons or property, or any combination thereof, excluding any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

“For-hire motor carrier” means a person engaged in the business of transporting persons or property by motor vehicle for compensation, except when engaged in certain activities including, for example, the transportation of: persons in taxis, pupils in school buses to and from school or school events, farm supplies to the farm or farm products to market, crude petroleum incidental to gathering from wells and delivery to destination by pipeline, and injured, ill, or deceased persons by hearse or ambulance.