

## Executive

## As Passed by the House

## As Passed by the Senate

## As Enacted

**PUCCD9 Public Utilities Commission Chairperson**

No provision.

No provision.

**R.C. 4901.041**

Prohibits the Chairperson of the Public Utilities Commission from being a member of the Governor's cabinet.

No provision.

**Fiscal effect: None.****PUCCD3 Power Siting Board updates****R.C. 4906.01, 4906.10, 4906.13**

(1) Redefines "major utility facility" to include an electric transmission line and associated facilities with a design capacity of 100 kilovolts or more rather than 125 kilovolts or more.

**R.C. 4906.01, 4906.10, 4906.13**

(1) Same as the Executive.

**R.C. 4906.01, 4906.10, 4906.13**

(1) Same as the Executive.

**R.C. 4906.01, 4906.10, 4906.13**

(1) Same as the Executive.

(2) Eliminates the two-year initial operation period during which the Ohio Environmental Protection Agency (OEPA) monitors and enforces compliance by newly certificated electric generating major utility facilities with OEPA law.

(2) Same as the Executive.

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(2) Same as the Executive.

(3) Eliminates from the Ohio Power Siting Board (OPSB) law those provisions stating that a major utility facility (1) is under OEPA continuing jurisdiction and (2) must comply with all laws, rules, and standards regarding air and water pollution and solid and

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hazardous waste disposal laws.

(4) Limits a public agency or political subdivision from requiring approval, consent, a permit, a certificate, or any other condition for the operation of a major utility facility or an economically significant wind farm (under current law the limit is imposed only on initial operation).

(4) Same as the Executive.

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Fiscal effect: Potential increase in the volume of applications and related fees paid to the OPSB by major utility facility owners. The current application fee for an electric power transmission line and other associated facilities ranges from \$10,000 to \$50,000. The amount is based on the estimated construction cost of the facility, and the OPSB chairman may charge the applicant a supplemental application fee to cover any necessary expenses incurred by OPSB in reviewing the application. Both 115 kilovolts (kV) and 120kV are standard electric transmission line voltages that would be newly subject to OPSB authority under the bill, but LSC is only aware of one such presence in Ohio. When the OPSB approved construction of the Blue Creek wind farm in 2010, it approved the installation of an electric collection system to transfer energy from the wind turbines to the collection substations and then to the electric transmission grid. The approved collection system included 7.4 miles of 115kV aboveground lines. According to data from PJM, which is the regional transmission organization that coordinates the movement of electricity in all or parts of 13 states (including Ohio) and the District of Columbia, Ohio's only 115kV facilities

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(shunt capacitors, transformers, and associated equipment) are located at the Blue Creek substation in Paulding County.

**PUCCD10 Wind farm setbacks**

		<b>R.C. 4906.20, 4906.201</b>	<b>R.C. 4906.20, 4906.201</b>
No provision.	No provision.	Alters the minimum setback for wind turbines of wind farms with generating capacity of five megawatts or more by changing the two applicable horizontal distances used to calculate the setback requirement as follows:	No provision.
No provision.	No provision.	(1) Replaces the distance requirement from the turbine's base to the wind farm's property line with a required distance equal to 1.2 times the total turbine height, as measured from its base to the tip of its highest blade (current law is 1.1 times),	No provision.
No provision.	No provision.	(2) Modifies the distance requirement, as measured from the tip of the turbine's nearest blade at 90°, so it equals 1,225 feet from the exterior of the nearest, habitable residential structure, if any, located on adjacent property (current law measures a 1,125 foot distance to the property line of the nearest adjacent property).	No provision.
No provision.	No provision.	Makes a windfarm to which the bill's new setback applies subject to the current law setback described above (established in	No provision.

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No provision.	No provision.	<p>H.B. 483 of the 130th General Assembly) if the existing certificate is later amended.</p> <p>Specifies that any owner or owners of a property may waive application of the setback only for the owner's or owners' property.</p>	No provision.
No provision.	No provision.	<p>Establishes public information meeting and notice requirements regarding wind turbine setback standards for economically significant windfarms.</p> <p><b>Fiscal effect: Potential increase in application fees for certificates of environmental compatibility and public need issued by the Ohio Power Siting Board. Any amounts received would be credited to the Power Siting Board Fund (Fund 5610), and corresponding agency expenditures would be incurred by DPF item 870606.</b></p>	No provision

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## PUCCD2 Registration, permitting, and application fee changes

R.C. 4921.19, 3734.15, 4905.02,  
4921.01, 4921.21, 4923.02,  
Repealed: 4921.15, 4921.16

(1) Eliminates the uniform registration and permitting of persons engaged in the transportation of hazardous materials by the Public Utilities Commission of Ohio (PUCO) and makes conforming changes. Requires a person to file an annual registration statement with, and pay an annual registration fee to, the U.S. Department of Transportation in accordance with federal rules in order to transport hazardous waste in Ohio, rather than requiring the person to obtain a uniform permit from PUCO as required by current law.

(2) Eliminates several requirements that apply to PUCO when establishing the application fee for a certificate for the transportation of household goods (e.g., moving companies) that is based on the certificate holder's gross revenue.

R.C. 4921.19, 3734.15, 4905.02,  
4921.01, 4921.21, 4923.02,  
Repealed: 4921.15, 4921.16

(1) Same as the Executive.

(2) Same as the Executive.

R.C. 4921.19, 3734.15, 4905.02,  
4921.01, 4921.21, 4923.02,  
Repealed: 4921.15, 4921.16

(1) Same as the Executive.

(2) Same as the Executive.

R.C. 4921.19, 3734.15, 4905.02,  
4921.01, 4921.21, 4923.02,  
Repealed: 4921.15, 4921.16

(1) Same as the Executive.

(2) Same as the Executive.

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Fiscal effect: According to PUCO's budget request, the current language applicable to hazardous materials ("hazmat") registrations is duplicative. Eliminating the hazmat registration requirement will reduce agency revenues by approximately \$400,000 per year. PUCO expects regulated hazmat operations to continue operating at the same level. In doing so, agency expenditures related to hazmat enforcement activities will be funded through motor carrier enforcement registration fees. Separately, the current household goods fee paid by for-hire motor carriers ranges from \$100 to \$300 per year. Current law requires PUCO to set multi-tiered fee amounts based on ranges of carriers' gross revenue. PUCO must also consider over and under collection of the fees when setting these amounts, and it must take into consideration the revenue generated from related forfeitures assessed on household goods transporters.

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## PUCCD1 Fines applicable to transporters of hazardous material

**R.C. 4923.99**

Eliminates the requirement that the Public Utilities Commission use a system for determining the amount of forfeitures that may be imposed on transporters of hazardous material or hazardous waste that is comparable to the recommendations of the Commercial Vehicle Safety Alliance.

**Fiscal effect: According to PUCO, the Commercial Vehicle Safety Alliance, which is a nonprofit association, no longer updates its recommendations due to a lack of adoption among state regulators. Therefore, the provision will enable greater flexibility for PUCO when updating civil forfeitures by rule.**

**R.C. 4923.99**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

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Same as the Executive.

**Fiscal effect: Same as the Executive.**

**R.C. 4923.99**

Same as the Executive.

**Fiscal effect: Same as the Executive.**



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PUCCD5 **\*\*PARTIALLY VETOED\*\*** Modification of lifeline telephone service**R.C. 4927.13**

Reconciles the eligibility for lifeline service that is based on household income to federal rules, effectively lowering the income threshold from 150% of the federal poverty level to 135%. Reduces from 60 days to 30 the time a customer has, after receiving a lifeline service termination notice, to submit documentation of continued eligibility or to dispute the termination. Eliminates the requirement that lifeline service be touch-tone, flat-rate, and for a primary line.

No provision.

**R.C. 4927.13**

Same as the Executive.

No provision.

**R.C. 4927.13**

Same as the Executive.

[\*\*\*VETOED: Specifies that the incumbent local exchange carriers required to provide lifeline service must do so "consistent with the requirements of federal law" rather than "throughout the carrier's traditional service area for its eligible residential customers."\*\*\*]

**R.C. 4927.13**

Same as the Executive.

Same as the Senate.

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Fiscal effect: No state budget effect because the Lifeline program is administered by an independent not-for-profit designated by the Federal Communications Commission (FCC). The proposed change to state law is made in response to actions by the FCC. On March 31, 2016, the FCC adopted an order that it described as "a comprehensive reform and modernization of the Lifeline program."

Fiscal effect: Same as the Executive.

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## PUCCD8 Small hydroelectric facilities

No provision.

**R.C. 4928.64, 4928.01**

Classifies the power from small hydroelectric facilities, which are hydroelectric facilities rated to operate at an aggregate capacity of less than six megawatts, as a renewable energy resource under the competitive retail electric service law. Specifies that the small hydroelectric facilities are qualified energy resources for the purposes of the renewable energy resource mandates and thus are eligible for renewable energy credits.

**Fiscal effect: Municipalities with qualifying facilities may receive additional revenues from the sale of renewable energy credits.**

**R.C. 4928.64, 4928.01**

Same as the House.

**Fiscal effect: Same as the House.**

**R.C. 4928.64, 4928.01**

Same as the House.

**Fiscal effect: Same as the House.**

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## PUCCD11 Electric distribution utility rate adjustments

Executive	As Passed by the House	As Passed by the Senate	As Enacted
(1) No provision.	(1) No provision.	<b>R.C. 4928.143</b> (1) Permits PUCO to consider an electric distribution utility's (EDU's) credit rating when testing an EDU's electric security plan (ESP) for whether the plan is more favorable in the aggregate than a market rate offer (MRO).	(1) No provision.
(2) No provision.	(2) No provision.	(2) Permits PUCO to establish or upwardly adjust the rates that an electric distribution utility may charge under an ESP so that the EDU may achieve and maintain a minimum credit rating that is at least an investment grade credit rating.	(2) No provision.
(3) No provision.	(3) No provision.	(3) Authorizes PUCO to set a target credit rating and determine its form and duration.	(3) No provision.
(4) No provision.	(4) No provision.	(4) Specifies that such rate adjustments are not transition charges, which were charges that were permitted only during the now expired market development period of the competitive retail electric service law.  <b>Fiscal effect: Ratepayers in all six EDU service areas could pay higher electricity charges under this provision.</b>	(4) No provision.

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**PUCCD6 Utility Radiological Safety Board assessments****Section: 506.10**

Specifies, absent contractual agreements, the maximum amounts that may be assessed against each nuclear electric utility under R.C. 4937.05 on behalf of four state agencies and deposited into the specified funds as follows:

(1) \$125,000 in each fiscal year to the Utility Radiological Safety Fund (Fund 4E40), which is used by the Department of Agriculture.

(2) \$1,086,098 in each fiscal year to the Radiation Emergency Response Fund (Fund 6100), which is used by the Department of Health.

(3) \$298,304 in FY 2018 and \$303,174 in FY 2019 to the ER Radiological Safety Fund (Fund 6440), which is used by the Environmental Protection Agency.

(4) \$1,200,000 in each fiscal year to the Emergency Response Plan Fund (Fund 6570), which is used by the Department of Public Safety.

**Section: 506.10**

Same as the Executive.

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

(4) Same as the Executive.

**Section: 506.10**

Same as the Executive, but makes the following changes:

(1) Increases the amounts to \$140,176 in each fiscal year.

(2) Increases the FY 2018 amount to \$1,210,000 and the FY 2019 amount to \$1,300,000.

(3) Increases the FY 2018 amount to \$332,403 and the FY 2019 amount to \$352,430.

(4) Increases the amounts to \$1,258,624 in each fiscal year.

**Section: 506.10**

Same as the Senate.

(1) Same as the Senate.

(2) Same as the Senate.

(3) Same as the Senate.

(4) Same as the Senate.

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<p><b>Fiscal effect: Up to \$2.8 million in each fiscal year may be assessed against nuclear electric utilities and made available to the four state agencies for their statutory purposes.</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>	<p><b>Fiscal effect: Up to \$2.9 in FY 2018 and up to \$3.1 million in FY 2019 may be assessed against nuclear electric utilities and made available to the four state agencies for their statutory purposes.</b></p>	<p><b>Fiscal effect: Same as the Senate.</b></p>
<p><b>PUCCD4 PUCO research regarding the electric distribution system</b></p>			
<p><b>Section: 749.10, R.C. 4928.02</b> Requires the Public Utilities Commission (PUCO) to research the latest technological and regulatory innovations for the electric distribution system. Permits PUCO to examine any resulting research work product and issue a report summarizing its findings and recommending a course of action to implement cost-effective distribution system innovations.</p>	<p><b>Section: 749.10, R.C. 4928.02</b> Same as the Executive.</p> <p>Same as the Executive, but changes the revision to state competitive retail electric services policy to include researching technological, regulatory, "and marketplace" innovations instead of researching "and implementing" technological and regulatory innovations.</p>	<p>No provision.</p> <p>No provision.</p>	<p>No provision.</p> <p>No provision.</p>
<p>Revises the state competitive retail electric services policy to include researching and implementing technological and regulatory innovations in the electric distribution system.</p>	<p>Same as the Executive, but changes the revision to state competitive retail electric services policy to include researching technological, regulatory, "and marketplace" innovations instead of researching "and implementing" technological and regulatory innovations.</p>	<p>No provision.</p>	<p>No provision.</p>
<p><b>Fiscal effect: Potential increase in agency costs, which would likely be incurred by the Public Utilities Fund (Fund 5F60).</b></p>	<p><b>Fiscal effect: Same as the Executive.</b></p>		

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**OBMCD42 Cash transfer from select non-GRF funds to the GRF**

No provision.

No provision.

**Section: 512.12**

Authorizes the OBM Director to transfer cash each fiscal year from certain funds that are used by the Department of Commerce, the Environmental Protection Agency, the Department of Insurance, the Office of the Consumers' Counsel, the Bureau of Workers' Compensation, the Ohio Industrial Commission, the Public Utilities Commission, the State Racing Commission, limiting the amounts transferred to no more than 2% of each fund's total FY 2017 appropriation, to the GRF. Specifies that such transfers may be made by intrastate transfer voucher.

**Section: 512.12**

Same as the Senate.

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As Passed by the Senate

As Enacted

**JFSCD46 Continuation of three advisory entities that are subject to the Sunset Review Law**

No provision.

**Section: 701.10**

Authorizes the continuation of the Ohio Healthier Buckeye Advisory Council (the Department of Job and Family Services), the Underground Technical Committee (the Public Utilities Commission), and the ABLE Account Program Advisory Board (the Treasurer of State) until December 31, 2020, to bring their expiration dates in line with other boards currently subject to sunset review.

**Section: 701.10**

Same as the House.

**Section: 701.10**

Same as the House.