



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 228
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Smith

Rocky Hernandez, Attorney

SUMMARY

- Requires the Public Utilities Commission (PUCO) to issue an order requiring the refund of any amounts collected by a public utility from consumers determined to be unlawful if the PUCO decision permitting that collection is reversed by the Ohio Supreme Court or another entity having the authority to do so.

DETAILED ANALYSIS

Refunds of unlawful utility charges

The bill requires, notwithstanding any contrary Revised Code provision, that the Public Utilities Commission (PUCO) issue an order requiring the refund of the amounts collected from consumers determined to be unlawful if the PUCO decision permitting that collection is reversed by the Ohio Supreme Court or another entity having authority to do so. PUCO must issue the order requiring a refund within 30 days of the decision. Full refunds, plus interest, must be completed within 120 days of the date of the final order of the Supreme Court or other entity.¹

Although not specifically identified by the bill, the statutory “filed rate rule” is what it supersedes. That rule prohibits utilities from issuing refunds from rates that were approved by PUCO and collected, but later found unreasonable or unlawful.²

¹ R.C. 4903.191.

² R.C. 4905.32, not in the bill; *Keco Industries, Inc. v. Cincinnati & Suburban Bell Tel. Co.*, 166 Ohio St. 254 (1957).

HISTORY

Action	Date
Introduced	02-27-24
