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SUMMARY

State electric policy

- Amends the state electric policy to add provisions relating to community solar facilities, and the establishment of the Community Solar Pilot Program (CSPP).

Community solar facilities

- Defines a “community solar facility” (CSF) as a single facility that generates electricity by means of a solar photovoltaic device that meets several facility and subscriber requirements, including, for example, that it is located in Ohio, has at least three subscribers, and has a nameplate capacity of ten megawatts (MW) or less, or 20 MW or less, if it is on a distressed site.
- Allows a CSF to be placed on the same parcel or a contiguous parcel of land as another CSF or solar field developed, owned, or operated by the same entity, affiliated entity, or entity under common control, if certain requirements are met.

Distressed sites

- Defines a “distressed site” as a site made up of one or more parcels of land located within an electric distribution utility’s (EDU’s) certified territory, or in a county in which the EDU operates, where a majority of the acreage is a certain type of property, including, for example, a brownfield.

Community Solar Pilot Program

- Requires the Public Utilities Commission (PUCO) to establish the CSPP, consisting of 1,500 MW implemented throughout Ohio.
- Requires PUCO to certify 250 MW of CSFs annually until 1,000 MW are certified and 500 MW of CSFs exclusively on distressed sites.

- Requires such certification to be separate from the certification process for renewable energy benchmarks and renewable energy credits under ongoing competitive retail electric service law and related administrative rules.
- Requires an EDU with a CSF in its certified territory to purchase all electricity attributable to a subscriber's bill credit and purchase, at the EDU's PUCO-approved wholesale energy cost, all unsubscribed electricity from the CSF.
- Requires a subscriber to a CSF to be eligible for a bill credit from the subscriber's EDU, the amount for which must be established for each subscriber by PUCO pursuant to calculations established by the bill if CSFs are or are not on a distressed site.
- Defines "bill credit" as the PUCO-approved or revised monetary value for each kilowatt hour of electricity generated by a CSF and allocated to a subscriber's monthly electric bill to offset any part of the subscriber's bill.
- Prohibits PUCO from modifying the bill credit that was initially established unless PUCO determines a change is necessary to adjust for unallocated community solar capacity after the review of the CSPP required under the bill.
- Requires PUCO to calculate and use the value stack (as defined in the bill) for each EDU to modify the bill credit, if PUCO determines such modification is necessary.
- Requires the EDU to publish new tariffs or update existing tariffs based on the bill credit that was initially set not later than nine months after the bill's effective date.
- Requires PUCO to approve a tariff based on the revised bill credit not later than 12 months after submitting its report on the CSPP to the General Assembly.
- Specifies that any bill credit exceeding a subscriber's monthly bill amount must carry forward until fully allocated to the subscriber's bill or until the subscriber's community solar organization (CSO) subscription has terminated.
- Prohibits a subscriber from subscribing to a share of a CSF representing more than 100% of the subscriber's average annual electricity usage.
- Permits a subscriber whose community solar subscription provides less than 100% of their monthly electric usage to shop for their remaining usage, or be provided the EDU's current standard service offer.
- Specifies that the purchase of a subscription regarding the enrollment of subscribers to purchase their share is (1) for residential subscribers, a consumer transaction subject to the consumer sales practices law or (2) for nonresidential subscribers, goods subject to the consumer transactions sales law.
- Requires an EDU to interconnect a CSF in its certified territory to its distribution system within a reasonable time after the CSF's construction and ensure that this is done efficiently, safely, and in compliance with the applicable state and federal laws.
- Prohibits an EDU from discriminating against CSFs or their subscribers, including by adding extraordinary fees and charges not applied to similar facilities.

- Provides that a CSO that constructs a CSF on a distressed site that is a brownfield is eligible for a grant under the Brownfield Remediation Program in existing law and requires the Department of Development to promulgate rules for awarding grants for these CSFs.
- Requires PUCO to promulgate rules to implement the CSPP not later than six months after the bill's effective date and specifies several requirements that the rules must include.
- Requires PUCO to convene and facilitate an ongoing stakeholder working group to assist PUCO staff with effectively and efficiently promulgating rules for the CSPP.

Large industrial customer

- Provides that a large industrial customer cannot be a subscriber of a CSF nor may it participate in the CSPP or be charged in any way for CSPP costs.

Regional governmental aggregators

- Allows a regional governmental aggregator (a regional council of governments organized under current law with members in at least 17 counties and is also a governmental aggregator) to purchase: (1) certain credits, certificates, or other benefits from a CSF or a solar field, and (2) any amount of electricity generated by a solar field.

Decommissioning procedures

- Requires a CSO, not later than 18 months after a CSF has ceased generating electricity, to start decommissioning the CSF, which must meet certain terms agreed upon in writing between the property owner(s) and the CSO.
- Requires a CSO to maintain a sufficient bond through the life of a CSF's operation to provide for decommissioning using certain procedures to calculate the bond with the board of county commissioners where the project resides as the obligee of the bond.

CSPP reviews and report

- Requires PUCO to conduct reviews of the CSPP 48 months after the rules for the CSPP have been promulgated and submit a report to the General Assembly.

Regulatory restriction reduction exemption

- Exempts rules required to be adopted under the bill from the regulatory restriction reduction limitation in existing law.

Energy storage definition

- Defines "energy storage" in the competitive retail electric service law to be electrical generation and storage performed by a distributed energy system connected battery.

Electricity expressed in alternating current

- Specifies that all measures of electricity, as used in the Revised Code and described in watts, kilowatts, MW, or any derivative thereof means electricity expressed in alternating current, unless the context requires otherwise.

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DETAILED ANALYSIS

Overview

The bill amends the state competitive retail electric service policy to encourage community solar facility (CSF) development. It also establishes the Community Solar Pilot Program (CSPP) for the development of CSFs under which subscribers receive bill credits allocated to the subscribers' monthly electric bills to offset part of their bills.

State retail electric service policy

The bill adds to the state competitive retail electric service policy, new policies to do all of the following:

- Encourage the development of CSFs for the benefit of customers in Ohio and to facilitate participation by customers with the CSFs;
- Establish a CSPP;
- Establish program evaluations and consumer protections ensuring that community solar subscribers are effectively and equitably receiving guaranteed savings from participating in the CSPP.

Under the bill, “guaranteed savings” is defined as the realized savings by the subscriber as the difference between the cost of the subscription to a CSF and the bill credit received for the generation attributed to the subscription (see “**Bill credits**” below).¹

Community solar facilities

The bill defines “community solar facility” to mean a single facility that generates electricity by means of a solar photovoltaic device and that meets all of the following requirements:

- The facility is located in Ohio and is directly connected to an electric distribution utility’s (EDU’s) distribution system;
- The facility is located on one parcel of land and, unless the bill’s common ownership exception applies (see “**Common ownership exception**” below), there is no CSF or solar field on the same parcel or a contiguous parcel that is developed, owned, or operated by the same entity, affiliated entity, or entity under common control;
- The facility has a nameplate capacity of ten megawatts (MW) or less, or 20 MW or less if the facility is on a distressed site (described below), as measured at the point of interconnection;

¹ R.C. 4928.02(Q) to (S), and 4934.01(H).

- The facility is not under the control of an EDU, but may be under the control of an affiliate of the EDU;
- The facility provides retail electric service only to subscribers within the same EDU certified territory as the facility;
- The facility has at least three subscribers;
- No subscriber holds more than a 40% proportional interest in the output of the system, measured as the sum total of all meters on the subscriber's property;
- Not less than 60% of the facility capacity is subscribed by subscriptions of 40 kilowatts (kW) or less based on the average annual demand for the prior 12-month period. A multi-unit building served by a single electric meter is considered a single customer if the average usage, based on the number of units, is 40 kW or less.

“Subscriber” is defined in the bill to mean any retail electric customer who: (1) has a single unique tax identification number, (2) has an electric meter on the customer's property, (3) resides within the certified territory of an EDU, (4) purchases a subscription, and (5) is not a large industrial customer. A “subscription” is the right to a share of the output of a CSF located in an EDU's certified territory purchased from a “community solar organization,” (CSO) a for-profit or nonprofit entity that operates one or more CSFs. A “large industrial customer” is any manufacturer that uses electricity primarily in a process involving a change of raw or unfinished materials into another form or product, and that takes service for an EDU at primary voltage, subtransmission voltage, or transmission voltage.

Under the bill, a “solar field” is a single facility that generates electricity by means of a solar photovoltaic device that is directly connected to an EDU's distribution grid and is not a CSF, regardless of the operational capacity that the facility is designed for or capable of.²

Common ownership exception

Despite the general prohibition discussed above, a CSF may be placed on the same parcel or a contiguous parcel of land as a CSF or solar field that is developed, owned, or operated by the same entity, affiliated entity, or entity under common control if at least one of the following applies:

1. The parcel or parcels of land are a distressed site and the total capacity of all CSFs and solar fields on this land does not exceed 20 MW, or
2. All of the following are satisfied:
 - a. The CSF is to be located on a parcel of land, or multiple parcels of land, that were created prior to the effective date of the bill. Although the bill does not specify it, it is likely that the multiple parcels of land referred to must be contiguous;

² R.C. 4934.01(D), (F), (G), and (I) to (K).

- b. The total capacity of all CSFs and solar fields on the parcel or parcels of land does not exceed ten MW;
- c. Each CSF has its own distinct point of interconnection with the serving EDU, including separate and distinct metering and the ability to be directly connected to or disconnected from the EDU;
- d. The generation components of each CSF are separate, including separate fencing, and are not connected with neighboring CSFs except by the EDU's distribution system;
- e. Each CSF shares only nonoperational infrastructure, including access roads, utility poles, and other features necessary to provide utility and physical access to each CSF.³

Distressed sites

The bill defines a "distressed site" as a site made up of one or more parcels of land located within an EDU's certified territory, or in a county in which the EDU operates, where the majority of the acreage is at least one or more of the following:

- A "brownfield" (defined in continuing law as an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum);
- A parcel that is within an area where an investor may receive a New Markets Tax Credit under federal law;
- A solid waste facility licensed by the Environmental Protection Agency;
- A parcel of land that is described under federal law as a census tract, or a directly adjoining census tract, in which a coal mine has closed after December 31, 1999 or a coal-fired electric generating unit has been retired after December 31, 2009;
- Land or structure owned by a metropolitan housing authority;
- Land owned by a county land reutilization corporation.⁴

Community Solar Pilot Program (CSPP)

The bill requires the Public Utilities Commission (PUCO) to establish a CSPP. The CSPP is to consist of 1,500 MW implemented throughout Ohio as described below.⁵

³ R.C. 4934.011.

⁴ R.C. 4934.01(G); R.C. 122.65(D), 1724.01, 3734.02, and 3735.27, not in the bill; 26 United States Code (U.S.C.) 45D and 26 U.S.C. 45(b)(11)(B)(iii), not in the bill.

⁵ R.C. 4934.04.

Unreserved MW

PUCO must annually certify 250 MW of CSFs, based on nameplate capacity, until 1,000 MW of CSFs are certified. This requirement effectively establishes at least a four-year period during which certifications must occur under the CSPP. Any uncertified MW in a year carry over to the next year until all available MW are certified. All of these MW must be allocated proportionally based on the size of each EDU's retail electric sales published by the federal Energy Information Administration.

All of the unreserved MW certified must be certified in the order that the certification applications were received. If applications for certification exceed the capacity available, then the applications must be placed on a wait list as determined by PUCO. Once the certification of all 1,000 MW is completed, the wait list must be eliminated.⁶

MW reserved for distressed sites

In addition to certifying 250 MW as described immediately above, PUCO is required to certify 500 MW of CSFs that are constructed exclusively on distressed sites. After all MW reserved for distressed sites are certified, a CSF on a distressed site may be certified from the unreserved MW allocated under the CSPP.⁷

Separate certification process

PUCO is required to ensure that all MW under the CSPP are certified pursuant to a separate certification process from that for renewable energy benchmarks and renewable energy credits under continuing law and related administrative rules.⁸

EDU purchase of community solar electricity

Under the bill, an EDU with a CSF in its certified territory must purchase all electricity generated by the CSF that is attributable to a subscriber's bill credit. For unsubscribed electricity from a CSF, the EDU must buy the electricity at the EDU's wholesale energy cost as approved by PUCO.⁹

Bill credits

The bill requires a subscriber to a CSF to be eligible for a bill credit from the subscriber's EDU for the proportional output of the CSF attributable to the subscriber. Any bill credit exceeding a subscriber's monthly bill amount must carry forward until fully allocated to the subscriber's bill or until termination of the subscriber's CSO subscription.

⁶ R.C. 4934.05(A) to (E).

⁷ R.C. 4934.06(A) and (C).

⁸ R.C. 4934.05(F) and 4934.06(B); R.C. 4928.64 to 4928.645, not in the bill.

⁹ R.C. 4934.07.

A “bill credit” is the monetary value approved or revised by PUCO for each kilowatt hour of electricity generated by a CSF and allocated to a subscriber’s monthly electric bill to offset any part of the subscriber’s electric bill.¹⁰

Establishment of bill credit

PUCO must establish the bill credit for each subscriber in either of the following amounts:

- **Nondistressed site bill credit:** if the CSF is not on a distressed site, the subscriber must receive a nondistressed site bill credit equal to the EDU’s retail rate on a per-customer class basis, minus the utility’s charge for distribution service. Under the bill, the “retail rate” is defined as all costs of providing generation, transmission, and distribution service that may be charged by an EDU.
- **Distressed site bill credit:** if the CSF is on a distressed site, the subscriber must receive a distressed site bill credit equal to the EDU’s retail rate on a per-customer class basis.

The bill credit amount PUCO established must ensure that the bill credit for each utility is set at a reasonably compensatory level to create a financeable solar market. When determining the bill credit for each EDU, PUCO must also consider: (1) the costs and benefits provided by CSFs participating in the CSPP, (2) all proposed rules, fees, and charges, and (3) any other item that PUCO determines is necessary.

The bill credit initially established under the bill cannot be modified unless PUCO determines, after the CSPP review required by the bill (see “**CSPP and SDP review and report**” below), that changes are necessary to adjust for unallocated community solar capacity.¹¹

Modification

The bill requires PUCO, if it determines that a bill credit modification is necessary to adjust for unallocated community solar capacity, to calculate the value stack for each EDU and use it to revise the bill credit. “Value stack” is defined by the bill as distributed generation compensation that recognizes the benefits that CSFs bring to the electrical grid, including all of the following:

- Avoided costs for generation, capacity, and transmission;
- Deferred transmission distribution investments;
- Avoided line loss;
- Increased resiliency;

¹⁰ R.C. 4934.01(C), 4934.08(B), and 4934.10.

¹¹ R.C. 4934.08(A), (C) to (F). A technical amendment is needed to change erroneous cross-references in R.C. 4934.08(C).

- Other benefits associated with locally produced electricity.¹²

Tariffs

The bill requires the EDU to publish new tariffs or update existing tariffs based on the bill credit initially established not later than nine months after the effective date of the bill. Following bill credit modification, PUCO must approve a tariff based on the revised bill credit not later than 12 months after the report required to be provided to the General Assembly (see “**CSPP and SDP reviews and report**” below) is submitted.¹³

Community solar subscription

Under the bill, a subscriber is prohibited from subscribing to a share of a CSF representing more than 100% of the subscriber’s average annual electricity usage. A subscriber whose community solar subscription provides less than 100% of the subscriber’s average monthly electric usage can shop for their remaining electric usage as provided under the competitive retail electric service law. A subscriber whose subscription provides less than 100% of their monthly electric usage and chooses not to shop for electric service from a competitive retail electric service provider must be provided the remaining electric usage under the EDU’s current PUCO-approved standard service offer.

The bill requires the purchase of a subscription to be considered one of the following:

- A consumer transaction subject to the consumer sales practices law regarding the enrollment of residential subscribers to purchase their shares;
- Goods subject to the commercial transactions sales law regarding the enrollment of nonresidential subscribers to purchase their shares.¹⁴

CSF interconnections

The bill requires an EDU to interconnect a CSF in that EDU’s certified territory to its distribution system within a reasonable time after the CSF is constructed. The EDU also must ensure such interconnections are made efficiently, safely, and in compliance with any applicable federal and state regulations and standards.¹⁵

Nondiscrimination against CSFs

The bill prohibits an EDU from discriminating against CSFs or their subscribers. This includes a prohibition against adding extraordinary fees and charges not applied to similar facilities.¹⁶

¹² R.C. 4934.01(M), 4934.08(F), and 4934.09(A).

¹³ R.C. 4934.08(G) and 4934.09(B).

¹⁴ R.C. 4934.11 and 4934.12; R.C. Chapters 1302 and 1345, not in the bill.

¹⁵ R.C. 4934.13.

¹⁶ R.C. 4934.14.

Brownfield Remediation Program grant

Under the bill, a CSO that constructs a CSF on a distressed site that is a brownfield is eligible for a grant from the Brownfield Remediation Program. The grant, awarded by the Department of Development (DEV), is for costs associated with construction and remediation. DEV must promulgate rules for awarding the grants described above.

Continuing law, unchanged by the bill, establishes the Brownfield Remediation Program, administered by the DEV Director, to award grants for the remediation of brownfield sites throughout Ohio. Existing law also requires the Director to establish rules under the Administrative Procedure Act for administration of the program, including for determining project and project sponsor eligibility, program administration, and other provisions the Director finds necessary.¹⁷

CSPP rules

The bill requires PUCO to promulgate rules to implement the CSPP not later than six months after the effective date of the bill, with assistance from an ongoing stakeholder working group (see “**Ongoing stakeholder working group**” below). PUCO must include rules for all of the following:

Rules for CSF establishment and certification

- The creation and establishment of CSFs;
- The certification of CSFs, including rules for PUCO to approve or deny each CSF application within 90 days unless PUCO determines that there is good cause shown for not meeting the deadline;
- Prohibit removing a subscriber from the subscriber’s applicable customer class because of the subscriber’s subscription to a CSF;
- Reasonably allow for the transfer and portability of subscriptions, including allowing a subscriber to retain a subscription to a CSF if the subscriber moves within the same EDU’s certified territory.

Rules related to EDUs

- Modify existing interconnection standards, fees, and processes as needed to facilitate the efficient and cost-effective interconnection of CSFs that allow an EDU to recover reasonable interconnection costs for each CSF;
- Require each EDU to efficiently connect a CSF to its distribution grid and not to discriminate against CSFs or subscribers;
- Allow an EDU to recover reasonable costs associated with administering the CSPP;

¹⁷ R.C. 4934.15; R.C. 122.6511, not in the bill.

- Ensure that costs associated with the CSPP only be recovered from customer classes participating in the program and that no cross-subsidization of costs between customer classes occurs;
- Require each EDU to publish new tariffs or update existing tariffs to implement the CSPP not later than nine months after the bill's effective date.

Rules regarding consumer protections for subscribers

- Provide for consumer protection in accordance with existing laws and regulations, including any protections against disconnection of service;
- Establish robust consumer protections for subscribers, including at least (1) a standardized customer disclosure form for residential subscribers, (2) prohibiting upfront sign-on fees or credit checks, and (3) preventing early termination charges to any subscriber who unsubscribes;
- Establish CSPP evaluations and consumer protections to ensure that subscribers are effectively and equitably receiving guaranteed savings from participating in the CSPP.

Rules regarding CSF and CSO duties

- Ensure that CSFs qualifying for the CSPP (1) have a signed interconnection agreement or a system impact study, as determined by PUCO, (2) can demonstrate site control, and (3) have received all applicable “nonministerial permits” (defined by the bill as “all necessary and discretionary governmental permits and approvals to construct a CSF or solar field, notwithstanding any pending legal challenge to one or more permits or approvals”);
- Require each CSO to send a notice in a standardized format containing information related to subscriber enrollment to the EDU that services the area where the CSO's CSF is sited
- Require each CSO to be responsible for the decommissioning of a CSF (see “**CSF decommissioning procedures**” below).¹⁸

Ongoing stakeholder working group

PUCO is required by the bill to convene and facilitate an ongoing stakeholder working group to assist PUCO staff with effectively and efficiently promulgating rules for the CSPP. The bill does not specify or limit how many individuals may serve on the working group, but it does require the working group to consist of:

1. EDUs;
2. Consumer advocates;
3. Community solar industry representatives;

¹⁸ R.C. 4934.01(l) and 4934.17.

4. Other interested parties.¹⁹

Regional governmental aggregator

The bill allows a regional governmental aggregator (a regional council of governments established under Chapter 167 of the Revised Code with members in at least 17 counties that is also a governmental aggregator under current law) to purchase: (1) any amount of renewable attributes from a CSF or solar field, and (2) any amount of electricity generated by a solar field.

The bill defines “renewable attributes” as any of the following that is attributable to a CSF or solar field, or the electricity generated by a CSF or solar field, provided by the federal or state government or any other legislative authority of a political subdivision in the state:

- Any credits, certificates, benefits, or offsets and allowances computed on the basis of a CSF’s or solar field’s displacement of fossil fuel-derived, or other conventional, electric generation;
- Any renewable energy credits or any other environmental certificates issued or administered in connection with electricity generated from a CSF or solar field;
- Any voluntary emission reductions credits obtained, or obtainable, in connection with electric generation from a CSF or solar field.²⁰

Large industrial customers

The bill, as stated above, provides that a subscriber to a CSF cannot be a large industrial customer. Additionally, they cannot participate in the CSPP or be charged, directly or indirectly, for any costs related to the CSPP.²¹

CSF decommissioning procedures and bond requirement

The bill requires a CSO, not later than 18 months after a CSF has ceased generating electricity, to begin decommissioning the CSF, with not more than 20% of the total combined mass of the CSF entering a landfill. The bill further requires the decommissioning to include the following, which must be mutually agreed to in writing by the property owner(s) and the CSO:

- The removal, and potential reuse and recycling, of the solar panels, and the remediation of the site;
- The removal of all nonutility-owned equipment, graveled areas, and access roads;
- The replacement of any topsoil that was removed for the construction of the CSF and reseeding of the cleared area.

¹⁹ R.C. 4934.16.

²⁰ R.C. 4934.071; R.C. 4928.20, not in the bill.

²¹ R.C. 4934.01(G) and (J)(5) and 4934.072.

The bill requires each CSO to maintain sufficient financial assurance, in the form of a bond, through the life of a CSF's operation to provide for decommissioning, with the amount being calculated by a third-party professional engineer obtained by the CSO. The bond amount will be recalculated in the same manner every five years from the date of the initial assessment. The bill further requires that the board of county commissioners where the project is located to be the bond's obligee.²²

CSPP review and report

PUCO report

Under the bill, PUCO is required to conduct reviews of the CSPP 48 months after the rules for the CSPP have been promulgated and submit a report to the General Assembly with the following information:

1. The number and location of operating CSFs;
2. The amount of nameplate capacity certified;
3. The number of subscribers, how much energy was subscribed to by those subscribers, and the types of customer classes that subscribed;
4. Whether guaranteed savings were achieved by the subscribers.

EDU and CSO reports

Additionally, PUCO must promulgate rules to require CSOs and EDUs to provide PUCO with a report containing the relevant information described above.²³

Regulatory restriction reduction exemption

All rules required to be adopted by PUCO and DEV in the bill are exempted from the regulatory restriction limitation in existing law. Specifically, PUCO rules regarding implementing the CSPP, and rules requiring CSOs and EDUs to provide relevant information to PUCO are excluded from this limitation. DEV rules for awarding Brownfield Remediation Program grants to CSOs that construct CSFs on distressed sites that are brownfields are also exempted.

Current law, unchanged by the bill, prohibits state agencies, 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."²⁴

²² R.C. 4934.24 and 4934.25.

²³ R.C. 4934.26.

²⁴ R.C. 4934.15, 4934.17, 4934.26, and 4934.27; R.C. 121.95 to 121.953, not in the bill.

Energy storage definition

The bill adds a definition of “energy storage” to the competitive retail electric service law. “Energy storage” means electrical generation and storage performed by a distributed energy system connected battery.²⁵ The term “energy storage” is not used in the bill nor is it expressly used in the competitive retail electric service law. However, in that law, the definition of renewable energy resource includes a “storage facility that will promote the better utilization of a renewable energy resource.”²⁶

Electricity expressed in alternating current

The bill adds a provision that specifies that throughout the Revised Code, unless the context requires otherwise, all measures of electricity described in watts, kW, MW, or any derivative thereof means such electricity expressed in alternating current.²⁷

HISTORY

Action	Date
Introduced	04-23-24

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²⁵ R.C. 4928.01(A)(44).

²⁶ R.C. 4928.01(A)(37)(a).

²⁷ R.C. 1.66.