

---

## PUBLIC UTILITIES COMMISSION

- Adds that where the law requires the Public Utilities Commission (PUCO) to determine whether an electric distribution utility had or is likely to have significantly excessive earnings, for affiliated utilities that operate under a joint electric security plan, the total of the utilities' earned return on common equity must be used.
- Permits PUCO, in making its determination of whether a utility had significantly excessive earnings, to consider the revenue, expenses, or earnings of any affiliate that is an Ohio electric distribution utility.
- Adds to the competitive retail electric service policy of the state certain rights and responsibilities regarding a customer's electric usage data, including sharing rights and standardization of customer data, in order to promote customer choice and grid modernization, spur economic investment, and improve energy options.
- Permits a natural gas company's property, equipment, or facilities that enable either of the following to be considered instrumentalities and facilities for distribution service if PUCO determines that treatment is just and reasonable:
  - Interconnection with or receipt from any property, equipment, or facilities used to generate, collect, gather, or transport biologically derived methane gas;
  - The supply of biologically derived methane gas to consumers within Ohio.
- Requires, if PUCO makes that treatment determination, the property, equipment, or facilities to be considered used and useful in rendering public utility service for purposes of fixing utility rates.

### **Electric distribution utility significantly excessive earnings**

(R.C. 4928.143)

The act adds that where the law requires the Public Utilities Commission (PUCO) to determine whether an electric distribution utility had or is likely to have significantly excessive earnings, for affiliated utilities that operate under a joint electric security plan, the total of the utilities' earned return on common equity must be used. Continuing law requires PUCO to make these determinations in two cases:

1. Following the end of each annual period of an electric security plan, PUCO must determine if certain adjustments to the plan resulted in excessive earnings as measured by whether the earned return on common equity of the electric distribution utility is significantly in excess of the return on common equity that was earned during the same period by publicly traded companies that face comparable business and financial risk.

2. If an electric security plan has a term of more than three years, then PUCO must, in the fourth year, determine if the plan will be substantially likely to provide the electric distribution utility with a return on common equity that is significantly in excess of the return

on common equity that is likely to be earned by publicly traded companies that face comparable business and financial risk.

The act also permits PUCO, in making its determination under (1), above, to consider the revenue, expenses, or earnings of any affiliate that is an Ohio electric distribution utility. Prior law prohibited PUCO, in making its determination under (1), above, from considering, directly or indirectly, the revenue, expenses, or earnings of “any affiliate or parent company.”

## **Consumer rights regarding electric usage data**

(R.C. 4928.02)

The act adds the following two provisions regarding customer electric usage data to Ohio’s competitive retail electric service policy:

- Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization;
- Ensure that a customer’s data is provided in a standard format and provided to third parties in as close to real time as is economically justifiable in order to spur economic investment and improve the energy options of individual customers.

## **Biologically derived methane gas**

(R.C. 4929.18)

Under the act, any property, equipment, or facilities installed or constructed by a natural gas company that enable either of the following may be considered instrumentalities and facilities for distribution service, if PUCO determines that treatment is just and reasonable:

- Interconnection with or receipt from any property, equipment, or facilities used to generate, collect, gather, or transport biologically derived methane gas (which is gas from the anaerobic digestion of organic materials, including animal waste and agricultural crops and residues);
- The supply of biologically derived methane gas to consumers within Ohio.

If PUCO makes that determination, the property, equipment, or facilities must be considered used and useful in rendering public utility service for purposes of fixing utility rates.