Hello Chair Hoops, Vice-Chair Abrams, Ranking Member Leland and members of the House Select Committee on Energy Policy and Oversight. I hope you and your colleagues are well. Thank you for this opportunity to testify on House Bill 798, which revisits House Bill 6. We appreciate Speaker Cupp’s appointment of this Select Committee to take a fresh look at the issues involved in House Bill 6.

Last year the Office of the Ohio Consumers’ Counsel (OCC) testified seven times against the now tainted House Bill 6. And now we’ve testified five times this year to repeal it. Under the circumstances, we support House Bill 772, with its broader repeal and consumer protection.

The taint on House Bill 6 is terrible and the response should include a repeal and a legislative investigation. I’ve also asked for an investigation by the PUCO, and that has been slow to materialize. The credit ratings agency, Standard & Poor’s, recently has this to say about the key proponent of House Bill 6, FirstEnergy:

We believe these violations at the highest level of the company are demonstrative of insufficient internal controls and a cultural
weakness. We view the severity of these violations as significantly outside of industry norms and, in our view, they represent a material deficiency in the company’s governance. (Khalid, U., “S&P downgrades FirstEnergy following $1.95B draw on revolving credit facility,” S&P Global Market Intelligence (Nov. 25, 2020).)

At the outset and before discussing how House Bill 798 and Amendment 3757 are lacking for consumer protection, we thank you for proposing to repeal the so-called “decoupling” charge for FirstEnergy in House Bill 6. FirstEnergy’s recently fired CEO had described the charge as partly recession-proofing FirstEnergy. What an outrageous imposition that is on the two million FirstEnergy consumers who are paying to recession-proof FirstEnergy – and all the worse given the many Ohioans who are struggling in the current health and financial crisis.

But please take more steps for consumer protection on this decoupling issue. The bill should prohibit the PUCO from authorizing any decoupling charges, now that the green-energy mandates are repealed. Similar to House Bill 772, please require FirstEnergy to refund consumers for all the House Bill 6 decoupling charges that consumers will have paid up until the date of repeal. FirstEnergy should not be allowed to walk away from this issue with even a penny of Ohioans’ money. There should not be a repeat of the consumer rip-off that occurred when the PUCO enabled FirstEnergy to keep, without refunds, its charges for the so-called distribution modernization rider when the Ohio Supreme Court invalidated the charge on June 19, 2019.

Attached is an amendment (AM 3810) for refunds. Also, Amendment 3810 would prohibit the PUCO from allowing electric utilities to charge consumers for decoupling.
Additionally attached is a pie chart showing how electric consumers have been denied $1.5 billion in refunds since 2009, after utilities collected charges that were invalidated by rulings of the Ohio Supreme Court.

And thank you also for proposing to repeal the provision that was slipped into House Bill 166 (the state budget bill) for FirstEnergy. That new provision (in O.R.C.4928.143(F)) could enhance FirstEnergy’s profits at consumer expense. That profits statute is a cousin of House Bill 6, as it was enacted for FirstEnergy during the time period of House Bill 6. This repeal provision should be added to House Bill 772, which is our preferred legislation for repeal of House Bill 6.

As mentioned, House Bill 798 has shortcomings that should be corrected for consumer protection. (Note that references in this testimony to “House Bill 798” should be understood to include Amendment 3757.) Principally, the problems are that House Bill 798 perpetuates the House Bill 6 subsidies for making millions of Ohio electric consumers pay corporate welfare. The charges to consumers are for the two former nuclear plants of FirstEnergy (now Energy Harbor). And the charges are for two uneconomic, polluting coal plants of AEP, Duke, Dayton Power & Light, and others.

*The attached Amendment 3819 provides for a three-year phase-out of the coal plant bailout.* OCC developed this approach per some interest expressed by a Select Committee member during OCC’s December 3rd testimony. *Also, the attached Amendment 3808 would end the nuclear bailout.*

Regarding the negative impact of House Bill 6 on the market (and related economic benefits), its passage already drove out investors from two Ohio natural gas plants. One was
the Lordstown Energy Center’s 940 MW natural gas-fired plant (in Lordstown, Ohio). And the other was the Troy Generation Facility’s 700 MW dual fuel plant (in Luckey, Ohio).

Further, if there is to be a nuclear bailout at Ohioans’ expense, then Energy Harbor’s CEO should be made to appear before this Select Committee. Energy Harbor’s CEO should testify, answer members’ questions and sign a form attesting to the need (if true) for a billion-dollar subsidy from Ohioans. And the CEO should state (if true) that it will close Davis-Besse or Perry or both nuclear plants in the absence of a specified bailout. The testimony of Energy Harbor’s CEO should be made under penalty of perjury. That’s what the state expects of Ohioans when they are in desperate need of financial assistance to pay utilities like FirstEnergy. Ohioans are required to sign their assistance application form (which is attached) under this declaration: “I declare under penalty of perjury that the information submitted in this application is true and correct.” Energy Harbor should be treated no differently right now, before further bailout-related legislation is passed.

House Bill 798 and Amendment 3757 create an audit as a consumer protection solution to the problem of allowing the nuclear bailout. We do appreciate that there at least would be an audit. But the audit falls short. The audit standard is not effective for consumer protection, giving too much of consumers’ money to Energy Harbor and too little protection to consumers. The attached Amendment 3806 would make important improvements for the audit to provide it a chance of protecting consumers.

The audit should be improved in at least three ways. First, the bill language for the audit should be changed to expressly disallow Energy Harbor from collecting a subsidy from Ohioans for non-cash expenses like depreciation. Depreciation is not an expense that Energy
Harbor pays to anyone. No vendor is trying to collect a bill for depreciation from Energy Harbor. The most assistance Energy Harbor should receive from a bailout is help paying operating expenses, that in theory need to be paid to keep the plants running. Depreciation and other non-cash expenses do not need to be paid to keep the plants running and should be expressly disallowed in the bill from the subsidy charged to consumers.

Second, the bill should be changed to involve the PJM Independent Market Monitor in the audit. The Market Monitor is an expert in the costs of competitive power plants. That expertise should be brought to bear as a participant and watchdog in the PUCO’s audit process. That participation would be important for consumers because, as can be seen on the Subsidy Scorecard and elsewhere, the PUCO has had a subsidy culture that benefits utilities at consumer expense.

Third, House Bill 798 and Amendment 3757 lack a public process that would allow stakeholders such as the consumers’ representative (OCC) to participate in the process. We appreciate that OCC’s suitability for the audit process was noted by the Ohio Energy Group’s witness, during the Q and A segment of his December 8, 2020 testimony before this Committee.

Finally, there is a shameful provision in House Bill 6, Section 5 (O.R.C. 4928.75), that diverts some federal financial assistance away from consumers who desperately need it. It involves the federal Home Energy Assistance Program (HEAP) funds. House Bill 6 requires the Ohio Development Services Agency to annually seek a waiver from the federal government to allow diverting some HEAP funds away from consumers for bill-payment assistance and toward subsidizing low-income weatherization. This part of House Bill 6
should be repealed. House Bill 798 fails to repeal it.

In this regard, House Bill 772 would have Ohio lead with its heart to repeal this provision and protect important financial assistance for Ohioans who are in desperate need of money during the current health and financial crisis. Attached is Amendment 3771 to repeal this section of House Bill 6, for the protection of so many who are in need.

Too many of our fellow Ohioans lack adequate funds for basics like food, rent, healthcare, and utilities. Weatherizing a home (that likely would be done for a landlord, not for the consumer) is a far greater expenditure of the limited HEAP funds per consumer than bill payment assistance. That means using HEAP funds for weatherization helps just a fraction of the Ohioans who can be helped using HEAP for bill payment assistance. Especially during these desperate times for many, funds for assistance should be focused on helping Ohioans pay their energy utility bills.

To conclude, FirstEnergy (and its former generation subsidiary, now Energy Harbor) like to make money the old-fashioned way – by convincing government to give them other people’s money. Business has been good, with FirstEnergy collecting $10 billion dollars in subsidies from Ohioans since Ohio’s landmark electric deregulation law in 1999. OCC’s Subsidy Scorecard shows that, since 1999, consumers have paid Ohio electric utilities nearly $15 billion in subsidies. The Subsidy Scorecard is attached. At this point, enough is more than enough.

The “business” of public bailouts for energy companies should be shut down, and House Bill 772 (not House Bill 798) does that. Market competition, not government, should decide where to allocate capital. Increasingly, a competitive market will send capital to

House Bill 772 strikes the right tone for this moment in time, in repealing billion-dollar subsidies to coal and nuclear power plants. House Bill 798 falls short. Ohio should stick to its pro-market deregulation law. Ohio should send a clear message of disapproval about the scandal. And Ohio should address in this legislation the current social context of an ongoing health and financial crisis where many Ohioans lack adequate money for food, rent, healthcare, and utilities. Please enact House Bill 772.

Thank you for your consideration.
Amendment No. AM_133_3810

H. B. No. 798
As Introduced

__________________________ moved to amend as follows:

In line 2 of the title, delete the first "and"; after "4928.471" insert ", 4928.66, and 4928.6610"

In line 4 of the title, after "4928.473" insert ", 4928.474"

In line 10 of the title, after "law" insert ", to repeal the decoupling law in,"; after "and" insert "amend"; after "other" insert "provisions of,"

In line 15, delete the first "and"; after "4928.471" insert ", 4928.66, and 4928.6610"

In line 16, after "4928.473" insert ", 4928.474"

In line 87, after "3706.491." insert "(A)"

In line 387, strike through ", a revenue"

In line 388, strike through "decoupling mechanism or any other incentive ratemaking,"

In line 612, delete the first "," and insert "H"; delete "..." and insert "798"

In line 614, delete the first "," and insert "H"; delete "..." and
After line 624, insert:

"Sec. 4928.474. Upon the effective date of this section, and notwithstanding section 4905.32 of the Revised Code and any other provision in Title XLIX of the Revised Code to the contrary, the full amount of revenues collected from customers through an amount, charge, mechanism, or rider established under section 4928.471 of the Revised Code, as that section existed prior to the effective date of the amendments to that section by H.B. 798 of the 133rd general assembly, shall be promptly refunded to customers from whom the revenues were collected. Refunds paid to customers shall be allocated to customer classes in the same proportion as originally collected.

Sec. 4928.66. (A)(1)(a) Beginning in 2009, an electric distribution utility shall implement energy efficiency programs that achieve energy savings equivalent to at least three-tenths of one per cent of the total, annual average, and normalized kilowatt-hour sales of the electric distribution utility during the preceding three calendar years to customers in this state. An energy efficiency program may include a combined heat and power system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, or a waste energy recovery system placed into service or retrofitted on or after September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of section 4928.01 of the Revised Code may be included only if it was placed into service between January 1, 2002, and December 31, 2004. For a waste energy recovery or combined heat and power system, the savings shall be as estimated by the public utilities.
commission. The savings requirement, using such a three-year average, shall increase to an additional five-tenths of one per cent in 2010, seven-tenths of one per cent in 2011, eight-tenths of one per cent in 2012, nine-tenths of one per cent in 2013, and one per cent in 2014. In 2015 and 2016, an electric distribution utility shall achieve energy savings equal to the result of subtracting the cumulative energy savings achieved since 2009 from the product of multiplying the baseline for energy savings, described in division (A)(2)(a) of this section, by four and two-tenths of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve additional energy savings for that year, but may achieve additional energy savings for that year. The annual savings requirements shall be, for years 2017, 2018, 2019, and 2020, an additional one per cent of the baseline. For purposes of a waste energy recovery or combined heat and power system, an electric distribution utility shall not apply more than the total annual percentage of the electric distribution utility's industrial-customer load, relative to the electric distribution utility's total load, to the annual energy savings requirement.

(b) Beginning in 2009, an electric distribution utility shall implement peak demand reduction programs designed to achieve a one per cent reduction in peak demand in 2009 and an additional seventy-five hundredths of one per cent reduction each year through 2014. In 2015 and 2016, an electric distribution utility shall achieve a reduction in peak demand equal to the result of subtracting the cumulative peak demand reductions achieved since 2009 from the product of multiplying the baseline for peak demand reduction, described in division (A)(2)(a) of this section, by four and seventy-five hundredths
of one per cent. If the result is zero or less for the year for which the calculation is being made, the utility shall not be required to achieve an additional reduction in peak demand for that year, but may achieve an additional reduction in peak demand for that year. In 2017 and each year thereafter through 2020, the utility shall achieve an additional seventy-five hundredths of one per cent reduction in peak demand.

(2) For the purposes of divisions (A)(1)(a) and (b) of this section:

(a) The baseline for energy savings under division (A)(1)(a) of this section shall be the average of the total kilowatt hours the electric distribution utility sold in the preceding three calendar years. The baseline for a peak demand reduction under division (A)(1)(b) of this section shall be the average peak demand on the utility in the preceding three calendar years, except that the commission may reduce either baseline to adjust for new economic growth in the utility's certified territory. Neither baseline shall include the load and usage of any of the following customers:

(i) Beginning January 1, 2017, a customer for which a reasonable arrangement has been approved under section 4905.31 of the Revised Code;

(ii) A customer that has opted out of the utility's portfolio plan under section 4928.6611 of the Revised Code;

(iii) A customer that has opted out of the utility's portfolio plan under Section 8 of S.B. 310 of the 130th general assembly.

(b) The commission may amend the benchmarks set forth in division (A)(1)(a) or (b) of this section if, after application
by the electric distribution utility, the commission determines that the amendment is necessary because the utility cannot reasonably achieve the benchmarks due to regulatory, economic, or technological reasons beyond its reasonable control.

(c) Compliance with divisions (A)(1)(a) and (b) of this section shall be measured by including the effects of all demand-response programs for mercantile customers of the subject electric distribution utility, all waste energy recovery systems and all combined heat and power systems, and all such mercantile customer-sited energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs, adjusted upward by the appropriate loss factors. Any mechanism designed to recover the cost of energy efficiency, including waste energy recovery and combined heat and power, and peak demand reduction programs under divisions (A)(1)(a) and (b) of this section may exempt mercantile customers that commit their demand-response or other customer-sited capabilities, whether existing or new, for integration into the electric distribution utility's demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction programs, if the commission determines that that exemption reasonably encourages such customers to commit those capabilities to those programs. If a mercantile customer makes such existing or new demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capability available to an electric distribution utility pursuant to division (A)(2)(c) of this section, the electric utility's baseline under division (A) (2)(a) of this section shall be adjusted to exclude the effects of all such demand-response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand
reduction programs that may have existed during the period used
to establish the baseline. The baseline also shall be normalized
for changes in numbers of customers, sales, weather, peak
demand, and other appropriate factors so that the compliance
measurement is not unduly influenced by factors outside the
control of the electric distribution utility.

(d)(i) Programs implemented by a utility may include the
following:

(I) Demand-response programs;

(II) Smart grid investment programs, provided that such
programs are demonstrated to be cost-beneficial;

(III) Customer-sited programs, including waste energy
recovery and combined heat and power systems;

(IV) Transmission and distribution infrastructure
improvements that reduce line losses;

(V) Energy efficiency savings and peak demand reduction
that are achieved, in whole or in part, as a result of funding
provided from the universal service fund established by section
4928.51 of the Revised Code to benefit low-income customers
through programs that include, but are not limited to, energy
audits, the installation of energy efficiency insulation,
appliances, and windows, and other weatherization measures.

(ii) No energy efficiency or peak demand reduction
achieved under divisions (A)(2)(d)(i)(IV) and (V) of this
section shall qualify for shared savings.

(iii) Division (A)(2)(c) of this section shall be applied
to include facilitating efforts by a mercantile customer or
group of those customers to offer customer-sited demand-
response, energy efficiency, including waste energy recovery and combined heat and power, or peak demand reduction capabilities to the electric distribution utility as part of a reasonable arrangement submitted to the commission pursuant to section 4905.31 of the Revised Code.

(e) No programs or improvements described in division (A)(2)(d) of this section shall conflict with any statewide building code adopted by the board of building standards.

(B) In accordance with rules it shall adopt, the public utilities commission shall produce and docket at the commission an annual report containing the results of its verification of the annual levels of energy efficiency and of peak demand reductions achieved by each electric distribution utility pursuant to division (A) of this section. A copy of the report shall be provided to the consumers' counsel.

(C) If the commission determines, after notice and opportunity for hearing and based upon its report under division (B) of this section, that an electric distribution utility has failed to comply with an energy efficiency or peak demand reduction requirement of division (A) of this section, the commission shall assess a forfeiture on the utility as provided under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code, either in the amount, per day per undercompliance or noncompliance, relative to the period of the report, equal to that prescribed for noncompliances under section 4905.54 of the Revised Code, or in an amount equal to the then existing market value of one renewable energy credit per megawatt hour of undercompliance or noncompliance. Revenue from any forfeiture assessed under this division shall be deposited to the credit of the advanced energy fund created under section 4928.61 of the Revised Code.
Revised Code.

(D) The commission may establish rules regarding the content of an application by an electric distribution utility for commission approval of a revenue decoupling mechanism under this division. Such an application shall not be considered an application to increase rates and may be included as part of a proposal to establish, continue, or expand energy efficiency or conservation programs. The commission by order may approve an application under this division if it determines both that the revenue decoupling mechanism provides for the recovery of revenue that otherwise may be forgone by the utility as a result of or in connection with the implementation by the electric distribution utility of any energy efficiency or energy conservation programs and reasonably aligns the interests of the utility and of its customers in favor of those programs.

(E) The commission additionally shall adopt rules that require an electric distribution utility to provide a customer upon request with two years' consumption data in an accessible form.

(F)(1) As used in divisions (F)(2),(E)(2), (3), and (4) of this section, "portfolio plan" has the same meaning as in division (C)(1) of section 4928.6610 of the Revised Code.

(2) If an electric distribution utility has a portfolio plan in effect as of October 22, 2019, the effective date of the amendments to this section by H.B. 6 of the 133rd general assembly and that plan expires before December 31, 2020, the commission shall extend the plan through that date. All portfolio plans shall terminate on that date.

(3) If a portfolio plan is extended beyond its commission
approved term by division (F)(2) (E)(2) of this section, the existing plan's budget shall be increased for the extended term to include an amount equal to the annual average of the approved budget for all years of the portfolio plan in effect as of October 22, 2019, the effective date of the amendments to this section by H.B. 6 of the 133rd general assembly.

(4) All other terms and conditions of a portfolio plan extended beyond its commission-approved term by division (F)(2) (E)(2) of this section shall remain the same unless changes are authorized by the commission.

(G)(1) Not later than February 1, 2021, the commission shall determine the cumulative energy savings collectively achieved, since 2009, by all electric distribution utilities in this state as of December 31, 2020. In determining that cumulative total, the commission shall do both of the following:

(a) Include energy savings that were estimated by the commission to be achieved as of December 31, 2020, and banked under division (G) of section 4928.662 of the Revised Code;

(b) Use an energy savings baseline that is the average of the total kilowatt hours sold by all electric distribution utilities in this state in the calendar years 2018, 2019, and 2020. The baseline shall exclude the load and usage described in division (A)(2)(a)(i), (ii), and (iii) of this section. That baseline may also be reduced for new economic growth in the utility's certified territory as provided in division (A)(2)(a) of this section and adjusted and normalized as provided in division (A)(2)(c) of this section.

(2)(a) If the cumulative energy savings collectively
achieved as determined by the commission under division (G)(1)(F)(1) of this section is at least seventeen and one-half per cent of the baseline described in division (G)(1)(b)(F)(1)(b) of this section, then full compliance with division (A)(1)(a) of this section shall be deemed to have been achieved notwithstanding any provision of this section to the contrary.

(b) If the cumulative energy savings collectively achieved as determined by the commission under division (G)(1)(F)(1) of this section is less than seventeen and one-half per cent of the baseline described in division (G)(1)(b)(F)(1)(b) of this section, then both of the following shall apply:

(i) The commission shall determine the manner in which further implementation of energy efficiency programs shall occur as may be reasonably necessary for collective achievement of cumulative energy savings equal to seventeen and one-half percent, and not more, of the baseline described in division (G)(1)(b)(F)(1)(b) of this section.

(ii) Full compliance with division (A)(1)(a) of this section shall be deemed to be achieved as of a date certain established by the commission notwithstanding any provision of this section to the contrary.

(3) Upon the date that full compliance with division (A)(1)(a) of this section is deemed achieved under division (G)(2)(a) or (b) of this section, any electric distribution utility cost recovery mechanisms authorized by the commission for compliance with this section shall terminate except as may be necessary to reconcile the difference between revenue collected and the allowable cost of compliance associated with compliance efforts occurring prior to the date upon which full compliance with division (A)(1)(a) of this section is deemed.
achieved. No such cost recovery mechanism shall be authorized by
the commission beyond the period of time required to complete
this final reconciliation.

Sec. 4928.6610. As used in sections 4928.6611 to 4928.6615
of the Revised Code:

(A) "Customer" means either of the following:

(1) Effective January 1, 2020, a mercantile customer as
defined in section 4928.01 of the Revised Code;

(2) Any customer of an electric distribution utility to
which either of the following applies:

(a) The customer receives service above the primary
voltage level as determined by the utility's tariff
classification.

(b) The customer is a commercial or industrial customer to
which both of the following apply:

(i) The customer receives electricity through a meter of
an end user or through more than one meter at a single location
in a quantity that exceeds forty-five million kilowatt hours of
electricity for the preceding calendar year.

(ii) The customer has made a written request for
registration as a self-assessing purchaser pursuant to section
5727.81 of the Revised Code.

(B) "Energy intensity" means the amount of energy, from
electricity, used or consumed per unit of production.

(C) "Portfolio plan" means either of the following:

(1) The comprehensive energy efficiency and peak-demand
reduction program portfolio plan required under rules adopted by
the public utilities commission and codified in Chapter 4901:1-39 of the Administrative Code or hereafter recodified or amended;

(2) Any plan implemented pursuant to division (G)(F) of section 4928.66 of the Revised Code."

In line 668, delete "and"; after "4928.471" insert ", 4928.66, and 4928.6610"

The motion was __________ agreed to.

SYNOPSIS

Decoupling repeal and refund

R.C. 4928.143, 4928.474, and 4928.66; R.C. 4928.6610
(conforming change)

Repeals decoupling provisions (ongoing law enacted prior to H.B. 6) that permit electric distribution utilities, as part of their electric security plans, to include a (1) revenue decoupling mechanism or any other incentive ratemaking regarding distribution service or (2) decoupling mechanism for energy efficiency or conservation programs.

Requires customer refunds of the full amount of the revenues collected through an amount, charge, mechanism, or rider established under the decoupling provision of H.B. 6 as that section existed prior to the effective date of the amendments to that section by H.B. 798.

Requires refunds to be made promptly to customers from
whom the revenues were collected and to be allocated to customer classes in the same proportion as originally collected.

Specifies that refunds under the bill must be made notwithstanding any other provision in Ohio utility law, including the current law that prohibits refunds.

**Technical change**

**R.C. 3706.491 and 4928.471**

Corrects the tabulation in R.C. 3706.491 and inserts the H.B. 798 bill number in R.C. 4928.471.
OHIOANS DENIED $1.5 BILLION IN ELECTRIC REFUNDS SINCE 2009

- AEP Electric Security Plan I: Refunds Denied: $63 Million
- AEP Electric Security Plan II: Refunds Denied: $463 Million
- DP&L Distribution Modernization Rider: Refunds Denied: $218 Million
- DP&L Stability Charge: Refunds Denied: $330 Million
- FirstEnergy Distribution Modernization Rider: Refunds Denied: $456 Million
Amendment No. AM_133_3819

H. B. No. 798
As Introduced

__________________________ moved to amend as follows:

In line 2 of the title, after "4928.143" insert ", 4928.148"

In line 15, after "4928.143" insert ", 4928.148"

In line 87, after "3706.491." insert "(A)"

After line 548, insert:

"Sec. 4928.148. (A) On January 1, 2020, any mechanism
authorized by the public utilities commission prior to the
effective date of this section—October 22, 2019—for retail
recovery of prudently incurred costs related to a legacy
generation resource shall be replaced by a nonbypassable rate
mechanism established by the commission for recovery of those
costs through December 31, January 1, 2024, from customers of
all electric distribution utilities in this state. The
nonbypassable rate mechanism shall be established through a
process that the commission shall determine is not for an
increase in any rate, joint rate, toll, classification, charge,
or rental, notwithstanding anything to the contrary in Title
XLIX of the Revised Code. All of the following shall apply to
the nonbypassable rate mechanism established under this section:

Legislative Service Commission
(1) The commission shall determine, in the years specified in this division, the prudence and reasonableness of the actions of electric distribution utilities with ownership interests in the legacy generation resource, including their decisions related to offering the contractual commitment into the wholesale markets, and exclude from recovery those costs that the commission determines imprudent and unreasonable. The initial determination shall be made during 2021 regarding the prudence and reasonableness of such actions during calendar year 2020. The commission shall again make the determination in 2024, 2027, and 2030 regarding the prudence and reasonableness of such actions during the three calendar years that preceded the year in which the determination is made.

(2) The commission shall determine the proper rate design for recovering or remitting the prudently incurred costs related to a legacy generation resource, provided, however, that the monthly charge or credit for those costs, including any deferrals or credits, shall not exceed one dollar and fifty cents per customer per month for residential customers. For all other customer classes, the commission shall establish comparable monthly caps for each class at or below one thousand five hundred dollars per customer. Insofar as the prudently incurred costs related to a legacy generation resource exceed these monthly limits, the electric distribution utility shall defer the remaining prudently incurred costs as a regulatory asset or liability that shall be recovered as determined by the commission subject to the monthly caps set forth in this division.

(3) The commission shall provide for discontinuation, subject to final reconciliation, of the nonbypassable rate mechanism on December 31, 2024, including recovery
of any deferrals that exist at that time.

(4) The commission shall determine the manner in which charges collected under this section by a utility with no ownership interest in a legacy generation resource shall be remitted to the utilities with such ownership interests, in direct proportion to each utility's sponsorship interest.

(B) An electric distribution utility, including all electric distribution utilities in the same holding company, shall bid all output from a legacy generation resource into the wholesale market and shall not use the output in supplying its standard service offer provided under section 4928.142 or 4928.143 of the Revised Code.

(C) The owners or operators of a utility with a nonbypassable mechanism established pursuant to division (A) of this section shall recover costs described in that division at the following rates:

(1) During the calendar year 2021, the owners shall receive one hundred per cent of their costs.

(2) During the calendar year 2022, the owners shall receive sixty-seven per cent of their costs.

(3) During the calendar year 2023, the owners shall receive thirty-three per cent of their costs.

(D) A nonbypassable rate mechanism described in division (A) of this section shall not be revived, reimposed, reestablished, or in any way reinstated as a result of this act, or commission order, decision, or rule, and no amount, charge, mechanism, or rider related to such mechanism may be assessed or collected from customers."
In line 612, delete the first "①" and insert "①"; delete "..." and insert "798"

In line 614, delete the first "①" and insert "①"; delete "..." and insert "798"

In line 668, after "4928.143" insert "4928.148"

The motion was ________ agreed to.

SYNOPSIS

Legacy generation resource; technical change

R.C. 3706.491, 4928.148 and 4928.471

Terminates on January 1, 2024, any nonbypassable rate mechanism established by the public utilities commission for retail recovery of prudently incurred costs related to an LGR.

Prohibits any of these nonbypassable rate mechanisms from being revived, reimposed, reestablished, or in any way reinstated after termination.

Allows for owners or operators of a utility with such a nonbypassable mechanism to recover LGR-related costs at the following rates:

--100% during 2021.
--67% during 2022.
--33% during 2023.

Makes technical changes: corrects the tabulation in R.C.
3706.491 and inserts the H.B. 798 bill number in R.C. 4928.471.
Amendment No. AM_133_3808

H. B. No. 798
As Introduced

moved to amend as follows:

In line 1 of the title, delete "3706.46, 3706.49, 3706.55,"

In line 2 of the title, delete "3706.61,"; delete "and"; after 2 "4928.471" insert ", 4928.64, 4928.641,"; after "and" insert "4928.645;"

In line 3 of the title, delete "3706.491, 3706.551,"

In line 5 of the title, after "5311.197" insert "; and to repeal 5 sections 3706.40, 3706.41, 3706.43, 3706.431, 3706.45, 3706.46, 3706.49, 3706.53, 3706.55, 3706.59, 3706.61, 3706.63, 3706.65, 4928.642, and 6 5727.231"

In line 6 of the title, delete "delay for one year the charges and"

Delete line 7 of the title

In line 8 of the title, delete "energy credits, and revise certain 11 other laws," and insert "repeal certain provisions of law"

In line 14, delete "3706.46, 3706.49, 3706.55,"

In line 15, delete "3706.61,"; delete "and"; after "4928.471" insert 14 ", 4928.64, 4928.641, and 4928.645"

In line 16, delete "3706.491, 3706.551,"
Delete lines 19 through 249

In line 612, delete "..B...." and insert "H.B. 798"

In line 614, delete "..B...." and insert "H.B. 798"

After line 624, insert:

"Sec. 4928.64. (A)(1) As used in this section, "qualifying renewable energy resource" means a renewable energy resource, as defined in section 4928.01 of the Revised Code that:

(a) Has a placed-in-service date on or after January 1, 1998;

(b) Is any run-of-the-river hydroelectric facility that has an in-service date on or after January 1, 1980;

(c) Is a small hydroelectric facility;

(d) Is created on or after January 1, 1998, by the modification or retrofit of any facility placed in service prior to January 1, 1998; or

(e) Is a mercantile customer-sited renewable energy resource, whether new or existing, that the mercantile customer commits for integration into the electric distribution utility's demand-response, energy efficiency, or peak demand reduction programs as provided under division (A)(2)(c) of section 4928.66 of the Revised Code, including, but not limited to, any of the following:

(i) A resource that has the effect of improving the relationship between real and reactive power;

(ii) A resource that makes efficient use of waste heat or other thermal capabilities owned or controlled by a mercantile
customer;

(iii) Storage technology that allows a mercantile customer more flexibility to modify its demand or load and usage characteristics;

(iv) Electric generation equipment owned or controlled by a mercantile customer that uses a renewable energy resource.

(2) For the purpose of this section and as it considers appropriate, the public utilities commission may classify any new technology as such a qualifying renewable energy resource.

(B)(1) By the end of 2026, an electric distribution utility shall have provided from qualifying renewable energy resources, including, at its discretion, qualifying renewable energy resources obtained pursuant to an electricity supply contract, a portion of the electricity supply required for its standard service offer under section 4928.141 of the Revised Code, and an electric services company shall have provided a portion of its electricity supply for retail consumers in this state from qualifying renewable energy resources, including, at its discretion, qualifying renewable energy resources obtained pursuant to an electricity supply contract. That portion shall equal eight and one-half per cent of the total number of kilowatt hours of electricity sold by the subject utility or company to any and all retail electric consumers whose electric load centers are served by that utility and are located within the utility's certified territory or, in the case of an electric services company, are served by the company and are located within this state. However, nothing in this section precludes a utility or company from providing a greater percentage.

(2) Subject to section 4928.642 of the Revised Code, the
The portion required under division (B)(1) of this section shall be generated from renewable energy resources in accordance with the following benchmarks:

<table>
<thead>
<tr>
<th>A</th>
<th>By end of year</th>
<th>Renewable energy resources</th>
<th>Solar energy resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>2009</td>
<td>0.25%</td>
<td>0.004%</td>
</tr>
<tr>
<td>C</td>
<td>2010</td>
<td>0.50%</td>
<td>0.010%</td>
</tr>
<tr>
<td>D</td>
<td>2011</td>
<td>1%</td>
<td>0.030%</td>
</tr>
<tr>
<td>E</td>
<td>2012</td>
<td>1.5%</td>
<td>0.060%</td>
</tr>
<tr>
<td>F</td>
<td>2013</td>
<td>2%</td>
<td>0.090%</td>
</tr>
<tr>
<td>G</td>
<td>2014</td>
<td>2.5%</td>
<td>0.12%</td>
</tr>
<tr>
<td>H</td>
<td>2015</td>
<td>2.5%</td>
<td>0.12%</td>
</tr>
<tr>
<td>I</td>
<td>2016</td>
<td>2.5%</td>
<td>0.12%</td>
</tr>
<tr>
<td>J</td>
<td>2017</td>
<td>3.5%</td>
<td>0.15%</td>
</tr>
<tr>
<td>K</td>
<td>2018</td>
<td>4.5%</td>
<td>0.18%</td>
</tr>
<tr>
<td>L</td>
<td>2019</td>
<td>5.5%</td>
<td>0.22%</td>
</tr>
<tr>
<td>M</td>
<td>2020</td>
<td>5.5%</td>
<td>0%</td>
</tr>
<tr>
<td>N</td>
<td>2021</td>
<td>6%</td>
<td>0%</td>
</tr>
</tbody>
</table>
(3) The qualifying renewable energy resources implemented by the utility or company shall be met either:

(a) Through facilities located in this state; or

(b) With resources that can be shown to be deliverable into this state.

(C)(1) The commission annually shall review an electric distribution utility's or electric services company's compliance with the most recent applicable benchmark under division (B)(2) of this section and, in the course of that review, shall identify any undercompliance or noncompliance of the utility or company that it determines is weather-related, related to equipment or resource shortages for qualifying renewable energy resources as applicable, or is otherwise outside the utility's or company's control.

(2) Subject to the cost cap provisions of division (C)(3) of this section, if the commission determines, after notice and opportunity for hearing, and based upon its findings in that review regarding avoidable undercompliance or noncompliance, but subject to division (C)(4) of this section, that the utility or company has failed to comply with any such benchmark, the commission shall impose a renewable energy compliance payment on
the utility or company.

(a) The compliance payment pertaining to the solar energy resource benchmarks under division (B)(2) of this section shall be an amount per megawatt hour of undercompliance or noncompliance in the period under review, as follows:

(i) Three hundred dollars for 2014, 2015, and 2016;
(ii) Two hundred fifty dollars for 2017 and 2018;
(iii) Two hundred dollars for 2019.

(b) The compliance payment pertaining to the renewable energy resource benchmarks under division (B)(2) of this section shall equal the number of additional renewable energy credits that the electric distribution utility or electric services company would have needed to comply with the applicable benchmark in the period under review times an amount that shall begin at forty-five dollars and shall be adjusted annually by the commission to reflect any change in the consumer price index as defined in section 101.27 of the Revised Code, but shall not be less than forty-five dollars.

(c) The compliance payment shall not be passed through by the electric distribution utility or electric services company to consumers. The compliance payment shall be remitted to the commission, for deposit to the credit of the advanced energy fund created under section 4928.61 of the Revised Code. Payment of the compliance payment shall be subject to such collection and enforcement procedures as apply to the collection of a forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code.

(3) An electric distribution utility or an electric
services company need not comply with a benchmark under division (B)(2) of this section to the extent that its reasonably expected cost of that compliance exceeds its reasonably expected cost of otherwise producing or acquiring the requisite electricity by three per cent or more. The cost of compliance shall be calculated as though any exemption from taxes and assessments had not been granted under section 5727.75 of the Revised Code.

(4)(a) An electric distribution utility or electric services company may request the commission to make a force majeure determination pursuant to this division regarding all or part of the utility's or company's compliance with any minimum benchmark under division (B)(2) of this section during the period of review occurring pursuant to division (C)(2) of this section. The commission may require the electric distribution utility or electric services company to make solicitations for renewable energy resource credits as part of its default service before the utility's or company's request of force majeure under this division can be made.

(b) Within ninety days after the filing of a request by an electric distribution utility or electric services company under division (C)(4)(a) of this section, the commission shall determine if qualifying renewable energy resources are reasonably available in the marketplace in sufficient quantities for the utility or company to comply with the subject minimum benchmark during the review period. In making this determination, the commission shall consider whether the electric distribution utility or electric services company has made a good faith effort to acquire sufficient qualifying renewable energy or, as applicable, solar energy resources to so comply, including, but not limited to, by banking or seeking
renewable energy resource credits or by seeking the resources through long-term contracts. Additionally, the commission shall consider the availability of qualifying renewable energy or solar energy resources in this state and other jurisdictions in the PJM interconnection regional transmission organization, L.L.C., or its successor and the midcontinent independent system operator or its successor.

(c) If, pursuant to division (C)(4)(b) of this section, the commission determines that qualifying renewable energy or solar energy resources are not reasonably available to permit the electric distribution utility or electric services company to comply, during the period of review, with the subject minimum benchmark prescribed under division (B)(2) of this section, the commission shall modify that compliance obligation of the utility or company as it determines appropriate to accommodate the finding. Commission modification shall not automatically reduce the obligation for the electric distribution utility's or electric services company's compliance in subsequent years. If it modifies the electric distribution utility or electric services company obligation under division (C)(4)(c) of this section, the commission may require the utility or company, if sufficient renewable energy resource credits exist in the marketplace, to acquire additional renewable energy resource credits in subsequent years equivalent to the utility's or company's modified obligation under division (C)(4)(c) of this section.

(5) The commission shall establish a process to provide for at least an annual review of the renewable energy resource market in this state and in the service territories of the regional transmission organizations that manage transmission systems located in this state. The commission shall use the
results of this study to identify any needed changes to the amount of the renewable energy compliance payment specified under divisions (C)(2)(a) and (b) of this section. Specifically, the commission may increase the amount to ensure that payment of compliance payments is not used to achieve compliance with this section in lieu of actually acquiring or realizing energy derived from qualifying renewable energy resources. However, if the commission finds that the amount of the compliance payment should be otherwise changed, the commission shall present this finding to the general assembly for legislative enactment.

(D) The commission annually shall submit to the general assembly in accordance with section 101.68 of the Revised Code a report describing all of the following:

(1) The compliance of electric distribution utilities and electric services companies with division (B) of this section;

(2) The average annual cost of renewable energy credits purchased by utilities and companies for the year covered in the report;

(3) Any strategy for utility and company compliance or for encouraging the use of qualifying renewable energy resources in supplying this state's electricity needs in a manner that considers available technology, costs, job creation, and economic impacts.

The commission shall begin providing the information described in division (D)(2) of this section in each report submitted after September 10, 2012. The commission shall allow and consider public comments on the report prior to its submission to the general assembly. Nothing in the report shall be binding on any person, including any utility or company for
the purpose of its compliance with any benchmark under division (B) of this section, or the enforcement of that provision under division (C) of this section.

(E) All costs incurred by an electric distribution utility in complying with the requirements of this section shall be bypassable by any consumer that has exercised choice of supplier under section 4928.03 of the Revised Code.

Sec. 4928.641. (A) If an electric distribution utility has executed a contract before April 1, 2014, to procure renewable energy resources and there are ongoing costs associated with that contract that are being recovered from customers through a bypassable charge as of September 12, 2014, that cost recovery shall, regardless of the amendments to section 4928.64 of the Revised Code by H.B. 6 of the 133rd general assembly, continue on a bypassable basis through December 31, 2032 until the prudently incurred costs associated with that contract are fully recovered.

(B) Division (A) of this section applies only to costs associated with the original term of a contract described in that division and entered into before April 1, 2014. This section does not permit recovery of costs associated with an extension of such a contract. This section does not permit recovery of costs associated with an amendment of such a contract if that amendment was made on or after April 1, 2014.

Sec. 4928.645. (A) An electric distribution utility or electric services company may use, for the purpose of complying with the requirements under divisions (B)(1) and (2) of section 4928.64 of the Revised Code, renewable energy credits any time in the five calendar years following the date of their purchase or acquisition from any entity, including, but not limited to,
the following:

(1) A mercantile customer;

(2) An owner or operator of a hydroelectric generating facility that is located at a dam on a river, or on any water discharged to a river, that is within or bordering this state or within or bordering an adjoining state, or that produces power that can be shown to be deliverable into this state;

(3) A seller of compressed natural gas that has been produced from biologically derived methane gas, provided that the seller may only provide renewable energy credits for metered amounts of gas.

(B)(1) The public utilities commission shall adopt rules specifying that one unit of credit shall equal one megawatt hour of electricity derived from renewable energy resources, except that, for a generating facility of seventy-five megawatts or greater that is situated within this state and has committed by December 31, 2009, to modify or retrofit its generating unit or units to enable the facility to generate principally from biomass energy by June 30, 2013, each megawatt hour of electricity generated principally from that biomass energy shall equal, in units of credit, the product obtained by multiplying the actual percentage of biomass feedstock heat input used to generate such megawatt hour by the quotient obtained by dividing the then existing unit dollar amount used to determine a renewable energy compliance payment as provided under division (C)(2)(b) of section 4928.64 of the Revised Code by the then existing market value of one renewable energy credit, but such megawatt hour shall not equal less than one unit of credit. Renewable energy resources do not have to be converted to electricity in order to be eligible to receive renewable energy.
credits. The rules shall specify that, for purposes of converting the quantity of energy derived from biologically derived methane gas to an electricity equivalent, one megawatt hour equals 3,412,142 British thermal units.

(2) The rules also shall provide for this state a system of registering renewable energy credits by specifying which of any generally available registries shall be used for that purpose and not by creating a registry. That selected system of registering renewable energy credits shall allow a hydroelectric generating facility to be eligible for obtaining renewable energy credits and shall allow customer-sited projects or actions the broadest opportunities to be eligible for obtaining renewable energy credits.

(C) Beginning January 1, 2020, a qualifying renewable resource as defined in section 3706.40 of the Revised Code is not eligible to obtain a renewable energy credit under this section for any megawatt hour for which the resource has been issued a renewable energy credit under section 3706.45 of the Revised Code."

In line 667, delete "3706.46, 3706.49,"

In line 668, delete "3706.55, 3706.61,"; delete "and"; after "4928.471" insert ", 4928.64, 4928.641, and 4928.645"

After line 669, insert:

"Section 3. That sections 3706.40, 3706.41, 3706.43, 3706.45, 3706.46, 3706.53, 3706.55, 3706.59, 3706.61, 3706.63, 3706.65, 4928.642, and 5727.231 of the Revised Code are hereby repealed."

In line 670, delete "3" and insert "4"
The motion was __________ agreed to.

**SYNOPSIS**

Nuclear resource and renewable energy credit program

repeal

R.C. 4928.64, 4928.641, and 4928.645; R.C. 3706.40 to
3706.65, 4928.642, and 5727.231 (repealed)

Repeals provisions of H.B. 6 of the 133rd General Assembly that do the following:

--Eliminates the nuclear and renewable energy resource credit program that requires each electric distribution utility (EDU) to collect a per-customer monthly charge on all rate payers in Ohio to subsidize credits for qualifying nuclear resources and qualifying renewable resources (certain in-state solar energy resources) for which facility owners or operators apply to the Ohio Air Quality Development Authority;

--Disallow future reductions in the taxable value of tangible personal property of electric companies that are or a part of a qualifying nuclear resource receiving nuclear resource credits from the Authority;

--Remove the renewable energy compliance reduction based on kilowatt hours produced by solar energy resources qualified to receive renewable energy credits under the H.B. 6 renewable energy credit program;

--Eliminate the prohibition against an in-state solar energy resource getting both a renewable energy credit under the H.B. 6 renewable energy credit program and a renewable energy
credit under ongoing law enacted prior to H.B. 6.

--Removes the provision that allows an EDU, only to the end of 2032, to recover costs through a bypassable charge for a renewable resource procurement contract executed before April 1, 2014 and revives prior law that allowed recovery until the prudently incurred costs are recovered.

**Technical change**

**R.C. 4928.471**

Inserts the H.B. 798 bill number in references to the bill in R.C. 4928.471.
Ohio’s Energy Assistance Programs can help income eligible Ohioans manage their utility bills. The Home Energy Assistance Program (HEAP), and emergency HEAP provide the benefit directly to a customer’s utility bill. The Percentage of Income Payment Plan Plus (PIPP) is an extended payment plan in which customers pay a percentage of their income toward their utility bill each month. If you are looking to improve the energy efficiency of your home, the Home Weatherization Assistance Program (HWAP) or Electric Partnership Program (EPP) can help. For HWAP and EPP visit energyhelp.ohio.gov to find your local provider and contact them for additional information.

You can apply for the Energy Assistance Programs by visiting energyhelp.ohio.gov and completing the online application, by completing this application and mailing it in, or by scheduling an appointment with your local Energy Assistance Provider or HWAP/EPP provider. If you mail in your application, it can take up to 12 weeks to process. Please note: HEAP benefits will be applied to your utility bill starting in January.

Here’s what you’ll need to complete this application:

- Proof of citizenship for each household member
- Proof of income for each household member for the previous 30 days or 12 months
- Copies of your most recent utility bills
- Disability verification (if applicable)

A household is defined as any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent (Per Section 2603 (5) of the Low-Income Energy Assistance Act of 1981). If you live in federally subsidized housing and have a utility bill in your name, you may be eligible for assistance. A copy of the utility bill or documentation of responsibility (example: copy of your rental agreement/lease or signed letter from your landlord) is required.

For a dwelling unit to be eligible for energy assistance benefits, its primary heat source must be:

- A regulated or unregulated utility (gas & electric)
- A permanent, free-standing fuel tank (oil & propane)
- A legal fireplace (wood)
- A legally vented wood/coal stove

Residents of any licensed medical facility (hospital, skilled nursing facility or intermediate care facility) or publicly operated community residence (example: YMCA) are not eligible. Boarding/rooming houses, group homes or emergency shelters are not eligible for payment assistance.

If eligible, the HEAP benefit amount will depend on federal funding levels, how many people live with you, total household income and the main fuel used. In most cases, benefits are applied directly to the energy bill by the utility company. If you are reverifying your PIPP amount, it will be based on either 10% or 6% of your total household income for the past 30 days, depending on your heating source.

These are the programs you can apply for with this application:

- Home Energy Assistance Program (HEAP)
- Percentage of Income Payment Plan Plus (PIPP)
- Home Weatherization Assistance Program (HWAP)
- Electric Partnership Program (EPP)

### 2020–2021 Income Guidelines

<table>
<thead>
<tr>
<th>Size of Household</th>
<th>Total Gross Annual Household Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>up to $19,140</td>
</tr>
<tr>
<td>2</td>
<td>up to $25,860</td>
</tr>
<tr>
<td>3</td>
<td>up to $32,580</td>
</tr>
<tr>
<td>4</td>
<td>up to $39,300 (150%)</td>
</tr>
<tr>
<td>(For PIPP, EPP)</td>
<td>up to $46,020 (175%)</td>
</tr>
<tr>
<td>5</td>
<td>up to $52,740 (200%)</td>
</tr>
<tr>
<td>6</td>
<td>up to $59,460 (WCP and SCP)</td>
</tr>
<tr>
<td>7</td>
<td>up to $66,180</td>
</tr>
<tr>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

When determining 150% of the federal poverty guidelines, households with more than eight members must add $6,720 to the yearly income or $552.33 to the 30-day income for each additional member. When determining 175% of the federal poverty guidelines, households with more than eight members must add $7,840 to the yearly income or $644.38 to the 30-day income for each additional member. When determining 200% of the federal poverty guidelines, households with more than eight members must add $8,960 for each additional member.

How can I check the status of my application?

To check the status of your application, please visit energyhelp.ohio.gov and create an account. Please note: HEAP benefits will be applied to your utility bill starting in January.

If you have questions, please contact your local Energy Assistance Provider or call 1-800-282-0880. TDD hearing impaired only: 711 or send us a message by visiting energyhelp.ohio.gov and clicking “contact us”.

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services.
Accepted Citizenship Documentation

<table>
<thead>
<tr>
<th>Proof of U.S. Citizenship</th>
<th>Proof of Legal Resident/Qualified Alien</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Baptismal Records (Only when place and date of birth is shown)</td>
<td>2. INS ID Card</td>
</tr>
<tr>
<td>3. Indian Census Record</td>
<td>3. Alien Registration Cards/Re-entry permits</td>
</tr>
<tr>
<td>4. Military Service Record</td>
<td>4. INS Form I-151 or I-551 (Form I-151 will not be valid after August 1, 1993)</td>
</tr>
<tr>
<td>5. U.S. Passport</td>
<td>5. INS Form I-94 if annotated with either: a) Sections 203(a)(7), 207, 208, 212(d)(5), 243(h), or 241(b)(3) of the Immigration and Nationality Act: or b) One or a combination of the following terms: Refugee, Parolee, or Asylee</td>
</tr>
<tr>
<td>7. Voter Registration Cards</td>
<td>7. Documentation that alien is classified pursuant to Sections: 101(a)(2), 203(a), 204(a)(1)(a), 207, 208, 212(d)(5), 241(b)(3), 243(h), or 244(a)(3), of the Immigration and Nationality Act</td>
</tr>
<tr>
<td>8. Social Security Cards (Social Security Cards administered by Social Security Administration that do not include notes regarding work authorization status will be accepted).</td>
<td>8. Court order stating that deportation has been withheld pursuant to Section 241(b)(3) or 243(h) or of the Immigration and Nationality Act</td>
</tr>
<tr>
<td></td>
<td>9. INS Form I-688</td>
</tr>
</tbody>
</table>

Accepted Proof of Income

<table>
<thead>
<tr>
<th>Fixed Income</th>
<th>Earned Employment Income</th>
<th>Supplemental Income</th>
<th>Other Sources of Income</th>
<th>Other Earned Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Award/Benefit letter</td>
<td>All pay stubs received 30 days from the date of the application that include gross and year-to-date amounts received</td>
<td>Copy of check/award amount letter</td>
<td>Statement from Financial Institution</td>
<td>Pay stubs indicating amount received within the previous 12 months from the date of the application</td>
</tr>
<tr>
<td>Payment printout/statement from issuing agency</td>
<td>Completed and signed Employment Verification Form</td>
<td>ODJFS documents/eligibility letter with amounts and dates</td>
<td>Copy of check or bank statement showing deposit</td>
<td>Self-Employment Income and Expense Form for the previous 12 months (form can be found at energyhelp.ohio.gov)</td>
</tr>
<tr>
<td>Copy of check or bank statement showing deposit</td>
<td>Most recent IRS Form 1099</td>
<td>Most recent IRS Form 1099</td>
<td>Most recent IRS Form 1099</td>
<td>Most recent filed IRS Form 1040 and Schedule 1</td>
</tr>
<tr>
<td>Most recent filed IRS Form 1040</td>
<td>Housing Authority Documentation</td>
<td>Pay Stubs received within the previous 30 days from the date of the application</td>
<td></td>
<td>Most recent IRS Form 1099</td>
</tr>
<tr>
<td>Most recent IRS Form 1099</td>
<td>Completed and signed Employment Verification Form</td>
<td>Payment printout/statement from issuing agency</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Personal Information Section**

Enter the information completely. **PLEASE USE DARK BLUE OR BLACK INK.** Failure to fill out the application completely, provide all the required documentation and sign the application will delay the processing of your application.

<table>
<thead>
<tr>
<th>First Name*</th>
<th>M.I.</th>
<th>Last Name*</th>
</tr>
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<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Social Security Number*</th>
<th>U.S. Citizen / Legal Resident (Qualified Alien)*</th>
<th>Military Status</th>
<th>Date of Birth (MM / DD / YYYY)*</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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</table>

<table>
<thead>
<tr>
<th>Disabled*</th>
<th>Yes</th>
<th>No</th>
<th>Gender</th>
<th>Female</th>
<th>Male</th>
<th>Ethnicity</th>
<th>Hispanic, Latino or Spanish Origins</th>
<th>Not Hispanic, Latino or Spanish Origins</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Race</th>
<th>American Indian/Alaskan Native</th>
<th>Asian</th>
<th>Native Hawaiian/Other Pacific Islander</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>American Indian/Alaskan Native &amp; Black/African American</td>
<td>Asian/White</td>
<td>Other Multi-Race</td>
</tr>
<tr>
<td></td>
<td>American Indian/Alaskan Native &amp; White</td>
<td>Black/African American</td>
<td>White</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Cash Benefits</th>
<th>Housing Choice Voucher</th>
<th>Women, Infants, and Children (WIC)</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Housing Choice Voucher</td>
<td>Women, Infants, and Children (WIC)</td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Household Members</th>
<th>Own</th>
<th>Rent</th>
<th>Mobile Home</th>
<th>Single-Family</th>
<th>Multi-Family Low Rise (3 stories or less)</th>
<th>Multi-Family High Rise (4 stories or more)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Family Type</th>
<th>Housing Type</th>
<th>Residence Structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Parent/Male</td>
<td>Own</td>
<td>Mobile Home</td>
</tr>
<tr>
<td>Single Parent/Female</td>
<td>Rent</td>
<td>Single-Family</td>
</tr>
<tr>
<td>Two-Parent Household</td>
<td>Own</td>
<td>Multi-Family Low Rise (3 stories or less)</td>
</tr>
<tr>
<td>Single Person</td>
<td>Rent</td>
<td>Multi-Family High Rise (4 stories or more)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Email Address</th>
<th>Phone Number (including area code)</th>
</tr>
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<tbody>
<tr>
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<td>(</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Preferred Method of Contact*</th>
<th>Email</th>
<th>Postal</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Mailing Address (number and street including route)*</th>
<th>Apt/Lot/Unit/Floor</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>City*</th>
<th>State</th>
<th>Zip Code*</th>
<th>County*</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is Utility Service Address the Same?*</th>
<th>Same as above</th>
<th>Different (list below)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Current Service Address (if different from above; number and street including route)</th>
<th>Apt/Lot/Unit/Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
<th>County</th>
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<table>
<thead>
<tr>
<th>Do You Receive Rental Assistance?*</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Landlord First Name*</th>
<th>Landlord Last Name*</th>
<th>Landlord Phone Number (including area code)</th>
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<table>
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<tr>
<th>Landlord Mailing Address (number and street including route)*</th>
<th>Apt/Lot/Unit/Floor</th>
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<table>
<thead>
<tr>
<th>City*</th>
<th>State*</th>
<th>Zip Code*</th>
<th>County*</th>
</tr>
</thead>
</table>

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*Indicates required information in order to process your application. Failure to fill out the application completely, provide all the required documentation and sign the application will delay the processing of your application.

If you have additional household members (anyone living under your roof at the same address), please complete page 2 of the application. If you have more than 5 household members, print an additional household member section page from energyhelp.ohio.gov or pick up another application at your Energy Assistance Provider.
<table>
<thead>
<tr>
<th>Full Name</th>
<th>Social Security Number</th>
<th>Date of Birth (MM / DD / YYYY)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Relationship to person applying**

**Disabled**

- Yes
- No

**Gender**

- Female
- Male

**Ethnicity**

- Hispanic, Latino or Spanish Origins
- Not Hispanic, Latino or Spanish Origins

**Race**

- American Indian/Alaskan Native
- American Indian/Alaskan Native & Black/African American
- American Indian/Alaskan Native & White
- Asian
- Asian/White
- Black/African American
- Black/African American/White
- Native Hawaiian/Other Pacific Islander
- Other Multi-Race
- White

**U.S. Citizen / Legal Resident (Qualified Alien)**

- Yes
- No
## Household Income Section

Fill out the table below for all household members. Use additional section (on page 4) as needed for other household members with income.

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
<th>Fixed Income</th>
<th>Earned Employment Income</th>
<th>Supplemental Income</th>
<th>Other Sources of Income†</th>
<th>Other Earned Income†</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Social Security</td>
<td>Wages</td>
<td>Unemployment</td>
<td>Cash withdrawn from IRAs / Annuities / Other Investments</td>
<td>Self-employment (includes owning own business, babysitting, home party sales, odd jobs, Ohio Electronic Child Care, etc.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Supplemental Security (SSI)</td>
<td>Active Military Pay</td>
<td>Utility Assistance</td>
<td>Interest Income</td>
<td>Seasonal-employment (includes teachers, construction workers, etc.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pension (Private &amp; VA)</td>
<td></td>
<td>Ohio Works First (TANF, ADC)</td>
<td>Other</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Widow/Widower’s Benefit</td>
<td></td>
<td>Employment Disability Payout</td>
<td>Other</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alimony</td>
<td></td>
<td>Strike Benefit</td>
<td>Other</td>
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<td></td>
<td>Black Lung Pension</td>
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<td>Other</td>
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</table>

† These categories MUST provide 12 months of income documentation
**Household Income Section – Continued**

Fill out the table below for additional household members. Print additional pages, as needed, for other household members with income.

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fixed Income</strong></td>
<td><strong>Earned Employment Income</strong></td>
</tr>
<tr>
<td>Social Security</td>
<td>Wages</td>
</tr>
<tr>
<td>Supplemental Security (SSI)</td>
<td>Active Military Pay</td>
</tr>
<tr>
<td>Pension (Private &amp; VA)</td>
<td></td>
</tr>
<tr>
<td>Widow/Widower’s Benefit</td>
<td></td>
</tr>
<tr>
<td>Alimony</td>
<td></td>
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<tr>
<td>Black Lung Pension</td>
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</tbody>
</table>

<table>
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<th>First Name</th>
<th>Last Name</th>
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</thead>
<tbody>
<tr>
<td><strong>Fixed Income</strong></td>
<td><strong>Earned Employment Income</strong></td>
</tr>
<tr>
<td>Social Security</td>
<td>Wages</td>
</tr>
<tr>
<td>Supplemental Security (SSI)</td>
<td>Active Military Pay</td>
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<tr>
<td>Pension (Private &amp; VA)</td>
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<td>Widow/Widower’s Benefit</td>
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<td>Alimony</td>
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<td>Black Lung Pension</td>
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<table>
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<th>First Name</th>
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<tbody>
<tr>
<td><strong>Fixed Income</strong></td>
<td><strong>Earned Employment Income</strong></td>
</tr>
<tr>
<td>Social Security</td>
<td>Wages</td>
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<tr>
<td>Supplemental Security (SSI)</td>
<td>Active Military Pay</td>
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<tr>
<td>Pension (Private &amp; VA)</td>
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<tr>
<td>Widow/Widower’s Benefit</td>
<td></td>
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<tr>
<td>Alimony</td>
<td></td>
</tr>
<tr>
<td>Black Lung Pension</td>
<td></td>
</tr>
</tbody>
</table>

† These categories MUST provide 12 months of income documentation.
Total Household Eligible Income Section*

Please add the total income received for each adult household member then subtract the total household deductions.

<table>
<thead>
<tr>
<th>Total Household Income (add amounts from Household Income Section on pages 3 &amp; 4)</th>
<th>Past 30 Days</th>
<th>Past 12 Months</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

Total Household Deductions (from Household Deductions Section on page 5)

<table>
<thead>
<tr>
<th>Total Household Deductions</th>
<th>Past 30 Days</th>
<th>Past 12 Months</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>– $</td>
<td>– $</td>
</tr>
</tbody>
</table>

Total Eligible Income

<table>
<thead>
<tr>
<th>Total Household Income less Total Household Deductions above</th>
<th>Total Household Income less Total Household Deductions above</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If applicable, please explain the difference in the past 30 days income from the past 12 months income.

Please note: Income from child support received and VA disabilities are not countable income. For a complete list of excluded income, please visit [energyhelp.ohio.gov](http://energyhelp.ohio.gov). Documentation of excluded income may be required to complete your application.

Utility Information Section*

How do you heat your home?
- Natural Gas
- Fuel Oil or Kerosene
- Electric (Includes baseboards)
- Propane or Bottle Gas (L.P. Gas)
- Coal, Wood, or Pellets
- Other

Do you wish to apply for HEAP? [ ] Yes [ ] No

Do you wish to enroll in PIPP and have a regulated utility provider? [ ] Yes [ ] No

If you are currently enrolled in PIPP, do you wish to reverify on this account? [ ] Yes [ ] No

Please provide your electric utility provider information (if not provided above):

<table>
<thead>
<tr>
<th>Electric Company/Vendor</th>
<th>Account Number</th>
<th>Costs included in rent?</th>
<th>Yes</th>
<th>No</th>
<th>Shared Meter?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Account Holder’s First Name

Account Holder’s Last Name

Relationship to Primary Client

If you are currently enrolled in PIPP, do you wish to reverify on this account? [ ] Yes [ ] No

Do you wish to enroll in PIPP and have a regulated utility provider? [ ] Yes [ ] No
I declare under penalty of perjury that the information submitted in this application is true and correct.

I have provided in this application is, to the best of my knowledge, a true, accurate and complete disclosure of the requested information. I understand that I may be held civilly and criminally liable under law if information is acquired which determines that my household is not eligible for services according to the rules of each program. I understand that I have the right to appeal. I certify that the information

or become a PIPP customer I understand that I may be included in a group for which electric service is purchased in common. I understand that any authorized provider may rescind an approved payment plan for inaccuracy or non-payment. I understand that I must certify my accuracy of my household income or number of household members, within 30 days of the change.

To allow Development to release my name, address, telephone number, household member information, and current status to the utility companies, and other Energy Assistance Providers.

To allow Development to share my usage and demographic data with organizations contracted by Development to evaluate the programs administered by Development.

I understand That I will not be re-verified if I owe any PIPP payments. I must make up these payments by the next billing cycle, or the due date given to me by my utility companies.

That if I do not re-verify my income at least once every 12 months, I will be dropped from PIPP.

That if I do not make up missed PIPP payments by my stated Anniversary Date, I will be dropped from PIPP.

That if I make my PIPP payments in-full and on-time every month, I will receive a credit for 1/24th of my total past due amount, and I will not need to pay the difference between my PIPP payment and my actual bill amount.

That if I reapply for PIPP and I am not eligible, or if I choose to be removed from PIPP, I can enroll in Graduate PIPP for up to 12 months after the date I am removed and still receive credits toward my past due amounts owed on my utility accounts.

That if I move out of the service area for my gas/electric company I can enroll in the Post PIPP program to make payments on my closed account and receive credits toward the past due amounts.

That I am legally responsible for all past due amounts on my gas and/or electric accounts and if I am no longer enrolled in PIPP, the past due amounts will become due. If these past due amounts are not paid in-full, the utility companies may use any standard means of collection for the past due amounts on my accounts.

That I may appeal if my application is not decided upon within 12 weeks. I also may appeal within 30 days if I disagree with my benefit amount or if I was denied assistance

General Authorization

An applicant who provides inaccurate income or household composition information risks: being dropped from PIPP and/or other energy assistance programs; being ineligible to reapply for 24 months; having any arrearage credits added back on to their utility bill; and/or receiving a bill from their utility (ies) for the full account balance.

I authorize the Tax Commissioner of the Ohio Department of Taxation or any agent or employee designated by the Tax Commissioner of the Ohio Department of Taxation as well as the Director of the Ohio Development Services Agency or any designated agent or employee of the Director, or the Director of the Ohio Department of Jobs and Family Services or any designated agent or employee of the Director, to disclose to the Director of the Ohio Development Services Agency or any designated agent or employee of the Director, or to the Tax Commissioner of the Ohio Department of Taxation, or any agent or employee designated by the Tax Commissioner, all of my state of Ohio income tax information. The applicant expressly waives notice of the disclosure(s). The applicant expressly waives the confidentiality provisions of the Ohio Revised Code which might otherwise prohibit disclosure and agrees to hold the Ohio Development Services Agency, the Ohio Development Services Agency, and the Ohio Department of Jobs and Family Services, and their respective agents and employees harmless with respect to the disclosures herein. This authorization is to be liberally construed and interpreted—any ambiguity shall be resolved in favor of the Tax Commissioner of the Ohio Department of Taxation, the Director of the Ohio Development Services Agency, and the Director of the Ohio Department of Jobs and Family Services.

I understand that by signing this application, I grant the Ohio Development Services Agency, or its authorized providers, access to my bank, employment, public assistance, utility company or other records needed for verification and evaluation of services. I further grant Ohio Development Services Agency, or its authorized providers, access to any information that I have provided to any other state agency, including but not limited to income information regarding requests for public assistance. I understand that filling out this application does not guarantee that my household will receive assistance. If I am or become a PIPP customer I understand that I may be included in a group for which electric service is purchased in common. I understand that any authorized provider may rescind an approved payment plan if information is acquired which determines that my household is not eligible for services according to the rules of each program. I understand that I have the right to appeal. I certify that the information I have provided in this application is, to the best of my knowledge, a true, accurate and complete disclosure of the requested information. I understand that I may be held civilly and criminally liable under federal and state laws for knowingly making false or fraudulent statements.

I declare under penalty of perjury that the information submitted in this application is true and correct.

Please sign and mail application to:
Office of Community Assistance, Home Energy Assistance Program
P.O. Box 1240, Columbus, Ohio 43216

X Sign Here __________________ Application Date __________________

Date Printed – May 2019
H. B. No. 798
As Introduced

__________________________ moved to amend as follows:

In line 87, after "3706.491." insert "(A)"

In line 165, after "consultants" insert "the independent market monitor from PJM interconnection regional transmission organization, L.L.C. or its successor organization,"

In line 166, after "commission" insert "the independent market monitor,"

In line 169, after "commission" insert "the independent market monitor,"

In line 176, strike through "The commission shall submit a report summarizing the"

In line 177, strike through "findings"; delete "and recommendations"; strike through "of each annual"; delete "audit"; strike through "to the"

Strike through line 178

In line 179, strike through "minority leader of the house of representatives, and the"
In line 180, strike through "authority, and shall make the report"  

Strike through lines 181 through 183  

In line 184, strike through "annual audit that was obtained during the"; delete "audit"; strike through "performed"  

Strike through line 185 and insert "On completion, the audit report shall immediately be made available to any interested parties and to the independent market monitor. At the independent market monitor's discretion, the independent market monitor may make the review and verification to determine whether the funding for the nuclear generating resource exceeds the operating expenses of the nuclear generating resource and may be considered a consultant to the commission. If the independent market monitor makes the review, the independent market monitor shall memorialize it in a record and publicly file the review. In any event, the independent market monitor shall be provided access to all information for determining the operating costs of the nuclear generating facilities. No party shall be provided the audit report prior to its public filing."

In line 186, after "(D)" insert "The commission shall allow for a process for interested parties to do the following:

(1) Review the audit report and, if applicable, the independent market monitor's review;

(2) Allow parties to examine the audit and, if applicable, review findings, including evidentiary hearing and discovery rights in accordance with section 4903.082 of the Revised Code;

(3) Make recommendations.

The consumers' counsel shall be considered a party upon its filing of a notice. The consumers' counsel shall have the power of subpoena to obtain information. At no time during this..."
matter shall a member of the commission or any examiner
associated with the matter discuss the merits of it with any
party or intervenor to the proceeding.

(E); after "commission" insert "and the independent
market monitor"

In line 188, after "audit" insert "and, if applicable, the
independent market monitor's review"

In line 189, after "payments" insert "or issue refunds"

In line 190, strike through "any of"

Strike through line 191

In line 192, strike through "(1) That the federal"

In line 193, delete "government or PJM interconnection,"

In line 194, delete "L.L.C., or its successor organization"; strike through "has established a monetary"

In line 195, strike through "benefit or other"; delete "financial support program"

In line 196, delete "designed"; strike through "to continue the resource's commercial operation;"

Strike through lines 197 through 199

In line 200, strike through "May 1,"; delete "2028"; strike through ", to decommission the resource;"

Strike through lines 201 through 206

In line 207, strike through "first day of May, or, for"; delete "2028"; strike through ", for the seven-month period"

Strike through lines 208 and 209
In line 210, delete "(5) That" and insert "that"; delete the first "for" and insert "contrary to"

In line 213, delete "shall be limited to" and insert "exceed"

In line 214, delete "increase the net income or profit margin" and insert "cover the operating expenses"

In line 215, delete "from a negative amount to not more than zero"

In line 216, after "period." insert "Operating expenses shall only include fuel, operating costs, and ongoing capital expenditures."

In line 217, delete "income or profit" and insert "operating"

In line 221, after the first "shall" insert "not"; delete "but shall not include" and insert "Z"

In line 224, strike through "(E)(1)" and insert "(F) The authority may reconsider its decision under division (E) of this section upon a party's filing of an application for rehearing within thirty days of the decision. The authority shall have forty-five days to enter a final decision on rehearing request. Not later than forty-five days after the authority's final decision, any party may appeal the authority's decision as a matter of right to the supreme court."

(G)(1)"

In line 225, strike through "(D)" and insert "(E)"

In line 226, strike through ", as necessary"

In line 229, strike through "Except when the authority has applied the credit price"

In line 230, strike through "adjustment under division (D)(4) of this section, reduce" and insert "Reduce"
In line 236, after "requirement" insert "i"

(e) Based on the audit report, the independent market monitor's review, and the recommendations of the interested parties, do either of the following:

(i) Collect an amount necessary to bring the nuclear generation resource's operating margin to zero if it determines that the resource's operating margin is below zero;

(ii) Refund to consumers the cost of the nuclear credits paid by consumers if the operating margin is above zero"

In line 238, strike through "(E)(1)" and insert "(G)(1)"

In line 239, strike through "not"

In line 243, strike through "(F)" and insert "(H)"

Strike through lines 248 and 249

In line 612, delete the first "i" and insert "H"; delete "..." and insert "798"

In line 614, delete the first "i" and insert "H"; delete "..." and insert "798"

The motion was __________ agreed to.

SYNOPSIS

Nuclear generation resource audit changes; technical changes

R.C. 3706.491, 3706.61, and 4928.471
Regarding the annual audit relating to a qualifying nuclear resource:

- Requires the owner or operator to provide any information requested to the independent market monitor from PJM or its successor organization.

- Requires, on completion, the audit report to be made available immediately to interested parties and the independent market monitor, instead of, as the bill provides, to the Senate President and Minority Leader, the House Speaker and Minority Leader, the Ohio Air Quality Development Authority, and the public.

- Permits the independent market monitor, at the monitor's discretion, to make the review and verification to determine whether the funding for the nuclear generating resource exceeds the resource's operating expenses and to memorialize and publicly file the review.

- Requires that the Public Utility Commission (PUCO) allow for a process for interested parties, including the Ohio Consumers' Counsel on its filing, to do the following:

  -- Review the audit report and, if applicable, the independent market monitor's review;

  -- Allow parties to examine the audit and, if applicable, review findings, including evidentiary hearing and discovery rights;

  -- Make recommendations.

- Makes the Consumers' Counsel a party upon filing notice and grants the Counsel subpoena power.

- Prohibits PUCO Commissioners and examiners from
discussing the audit report with any party or intervenor.

- Requires the Authority to consult with the independent market monitor, in addition to PUCO, to consider the findings and recommendations of the monitor's review, if applicable, in addition to the audit when making a determination for nuclear resource credit payment reduction, cessation, or refund.

- Requires the Authority to issue refunds for, or to cease or reduce, nuclear resource credit payments if the payments exceed the amount necessary to cover the resource's operating expenses of fuel, operating costs, and ongoing capital expenses.

- Repeals the requirement that the Authority cease or reduce nuclear resource credit payments if any of the following apply:

  -- The federal government or PJM Interconnection, LLC, or its successor organization has established a monetary benefit or other financial support program designed to continue the resource's commercial operation;

  -- The resource no longer meets the definition of qualifying nuclear resource under continuing law;

  -- The resource no longer maintains a principal place of business and substantial presence in Ohio with regard to its business operations, offices, and transactions;

  -- The resource's owner or operator applies to decommission the resource before May 1, 2028;

  -- For purposes of ensuring that the funding for nuclear resource credits stays reasonable, if the market price index exceeds the strike price on June 1 in the year that the report is submitted, the Authority must apply the credit price
adjustment for 2028.

- Changes the "reasonable and prudent expenses" definition to exclude depreciation, in addition to lobbying costs, political or charitable donations, share buybacks, management bonuses, or incentive compensation.

- Permits the Authority to reconsider its decision to reduce, cease, or issue a refund regarding nuclear generation credit payments upon a party's filing of a rehearing application and permits any party to appeal the Authority's final decision to the Ohio Supreme Court.

- Requires, if the Authority determines it necessary to make reductions to nuclear resource credit payments, PUCO to do either of the following, based on the audit report, the independent market monitor's review, and interested parties' recommendations:

  -- Collect the amount necessary to bring the nuclear generation resource's operating margin to zero if it determines that the resource's operating margin is below zero;

  -- Refund to consumers the cost of the nuclear credits paid by consumers if the operating margin is above zero.

- Repeals the requirement that the laws governing PUCO hearings do not apply to the audit relating to nuclear generation resources under the bill.

  Makes technical changes: corrects the tabulation in R.C. 3706.491 and inserts the H.B. 798 bill number in R.C. 4928.471.
Amendment No. AM_133_3771

H. B. No. 798
As Introduced

__________________________ moved to amend as follows:

In line 2 of the title, delete "and" and insert ";"

In line 5 of the title, after "5311.197" insert "; and to repeal section 4928.75"

In line 8 of the title, after "revise" insert "and repeal"

In line 87, after "3706.491." insert "(A)"

In line 612, delete "..B...." and insert "H.B. 798"

In line 614, delete "..B...." and insert "H.B. 798"

After line 669, insert:

"Section 3. That section 4928.75 of the Revised Code is hereby repealed."

In line 670, delete "3" and insert "4"

The motion was _________ agreed to.
**SYNOPSIS**

**HEAP weatherization funds; technical changes**

**R.C. 3706.491 and 4928.471; R.C. 4928.75 (repealed)**

Repeals the requirement for the Director of Development Services to annually submit a waiver request to spend 25% of federal low-income home energy assistance program funds for weatherization services.

Makes technical changes: corrects the tabulation in R.C. 3706.491 and inserts the H.B. 798 bill number in R.C. 4928.471.
SUBSIDY SCORECARD
- ELECTRICITY CHARGES TO OHIOANS -

FirstEnergy
$10.2 Billion

DP&L
$1.5 Billion

AEP
$1.8 Billion

Duke
$1.2 Billion

B=Billions; M=Millions

Rev. 09/22/2020