

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 150

Senator Smith

Cosponsors: Senators Antonio, DeMora



A BILL

To amend sections 4933.12, 4933.121, and 4933.123 1
and to enact sections 4933.125, 4933.126, 2
4933.127, 4933.128, 4933.129, 4933.1210, and 3
4933.1211 of the Revised Code to prohibit 4
terminating electric or gas service to certain 5
households and establish a payment plan for 6
these services. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4933.12, 4933.121, and 4933.123 8
be amended and sections 4933.125, 4933.126, 4933.127, 4933.128, 9
4933.129, 4933.1210, and 4933.1211 of the Revised Code be 10
enacted to read as follows: 11

Sec. 4933.12. (A) Except as provided in division (C) of 12
this section~~and~~, division (E) of section 5117.11 of the 13
Revised Code, and section 4933.125 of the Revised Code, if any 14
person supplied with gas neglects or refuses to pay the amount 15
due for the gas or for rent of articles hired by the person from 16
a natural gas company or a gas company, the company may stop the 17
gas from entering the premises of the person. In such cases, 18

after twenty-four hours' notice, the officers, servants, or 19
workers of the company may enter the premises of such persons, 20
between eight a.m. and four p.m., take away such property of the 21
company, and disconnect any meter from the mains or pipes of the 22
company. 23

(B) The company shall not refuse to furnish gas on account 24
of arrearages due it for gas furnished to persons formerly 25
receiving services at the premises as customers of the company, 26
provided the former customers are not continuing to reside at 27
the premises. 28

(C) ~~The~~ Except as provided in section 4933.125 of the 29
Revised Code, the company shall not, for any reason, unless 30
required by the consumer for safety reasons, or unless tampering 31
with utility company equipment or theft of gas or utility 32
company equipment has occurred, stop gas from entering the 33
premises of any residential consumer for the period beginning on 34
the fifteenth day of November and ending on the fifteenth day of 35
the following April, unless both of the following apply: 36

(1) The account of the consumer is in arrears thirty days 37
or more. 38

(2) If the occupant of residential premises is a tenant 39
whose landlord is responsible for payment for the service 40
provided by the company, the company has, five days previously, 41
notified the occupant of its intent to discontinue service to 42
the occupant. 43

(D) No company shall stop the gas from entering any 44
residential premises between the fifteenth day of November and 45
the fifteenth day of April because of a failure to pay the 46
amount due for the gas unless the company, at the time it sends 47

or delivers to the premises notices of termination, informs the 48
occupant of the premises where to obtain state and federal aid 49
for payment of utility bills and for home weatherization and 50
information on local government aid for payment of utility bills 51
and for home weatherization. 52

(E) On or before the first day of November, a county human 53
services department may request a company to give prior 54
notification of any residential service terminations to occur 55
during the period beginning on the fifteenth day of November 56
immediately following the department's request and ending on the 57
fifteenth day of the following April. If a department makes such 58
a written request, at least twenty-four hours before the company 59
terminates services to a residential customer in the county 60
during that period for failure to pay the amount due for 61
service, the company shall provide written notice to the 62
department of the residential customer whose service the company 63
so intends to terminate. No company that has received such a 64
request shall terminate such service during that period unless 65
it has provided the notice required under this division. 66

(F) No company shall stop gas from entering the 67
residential premises of any residential consumer who is deployed 68
on active duty for nonpayment for gas supplied to the 69
residential premises. 70

Upon return of a residential consumer from active duty, 71
the company shall offer the residential consumer a period equal 72
to at least the period of deployment on active duty to pay any 73
arrearages incurred during the period of deployment. The company 74
shall inform the residential consumer that, if the period the 75
company offers presents a hardship to the consumer, the consumer 76
may request a longer period to pay the arrearages and, in the 77

case of a company that is a public utility as defined in section 78
4905.02 of the Revised Code, may request the assistance of the 79
public utilities commission to obtain a longer period. No late 80
payment fees or interest shall be charged to the residential 81
consumer during the period of deployment or the repayment 82
period. 83

If a company that is a public utility determines that 84
amounts owed by a residential consumer who is deployed on active 85
duty are uncollectible, the company may file an application with 86
the public utilities commission for approval of authority to 87
recover the amounts. The recovery shall be through a rider on 88
the base rates of customers of the company or through other 89
means as may be approved by the commission, provided that any 90
amount approved to be recovered through a rider or other means 91
shall not be considered by the commission in any subsequent rate 92
determination. 93

As used in this division, "active duty" means active duty 94
pursuant to an executive order of the president of the United 95
States, an act of the congress of the United States, or section 96
5919.29 or 5923.21 of the Revised Code. 97

Sec. 4933.121. (A) Except as provided in division (E) of 98
section 5117.11 of the Revised Code and section 4933.125 of the 99
Revised Code, an electric light company shall not, for any 100
reason, unless requested by the consumer for safety reasons, or 101
unless tampering with utility company equipment or theft of 102
electricity or utility company equipment has occurred, cease to 103
provide electricity to any residential consumer for the period 104
beginning on the fifteenth day of November and ending on the 105
fifteenth day of the following April, unless both of the 106
following apply: 107

(1) The account of the consumer is in arrears thirty days	108
or more.	109
(2) If the occupant of residential premises is a tenant	110
whose landlord is responsible for payment for the service	111
provided by the company, the company has, five days previously,	112
notified the occupant of its intent to discontinue service to	113
the occupant.	114
(B) The company shall not refuse to furnish electricity on	115
account of arrearages due it for electricity furnished to	116
persons formerly receiving services at the premises as customers	117
of the company, provided the former customers are not continuing	118
to reside at the premises.	119
(C) No company shall cease to provide electricity to any	120
residential premises between the fifteenth day of November and	121
the fifteenth day of April because of a failure to pay the	122
amount due for the electricity unless the company, at the time	123
it sends or delivers to the premises notices of termination,	124
informs the occupant of the premises where to obtain state and	125
federal aid for payment of utility bills and for home	126
weatherization and information on local government aid for	127
payment of utility bills and for home weatherization.	128
(D) On or before the first day of November, a county human	129
services department may request a company to give prior	130
notification of any residential service terminations to occur	131
during the period beginning on the fifteenth day of November	132
immediately following the department's request and ending on the	133
fifteenth day of the following April. If a department makes such	134
a written request, at least twenty-four hours before the company	135
terminates services to a residential customer in the county	136
during that period for failure to pay the amount due for	137

service, the company shall provide written notice to the 138
department of the residential customer whose service the company 139
so intends to terminate. No company that has received such a 140
request shall terminate such service during that period unless 141
it has provided the notice required under this division. 142

(E) No company shall cease to provide electricity to the 143
residential premises of any residential consumer who is deployed 144
on active duty for nonpayment for electricity provided to the 145
residential premises. 146

Upon return of a residential consumer from active duty, 147
the company shall offer the residential consumer a period equal 148
to at least the period of deployment on active duty to pay any 149
arrearages incurred during the period of deployment. The company 150
shall inform the residential consumer that, if the period the 151
company offers presents a hardship to the consumer, the consumer 152
may request a longer period to pay the arrearages and, in the 153
case of a company that is a public utility as defined in section 154
4905.02 of the Revised Code, may request the assistance of the 155
public utilities commission to obtain a longer period. No late 156
payment fees or interest shall be charged to the residential 157
consumer during the period of deployment or the repayment 158
period. 159

If a company that is a public utility determines that 160
amounts owed by a residential consumer who is deployed on active 161
duty are uncollectible, the company may file an application with 162
the public utilities commission for approval of authority to 163
recover the amounts. The recovery shall be through a rider on 164
the base rates of customers of the company or through other 165
means as may be approved by the commission, provided that any 166
amount approved to be recovered through a rider or other means 167

shall not be considered by the commission in any subsequent rate determination. 168
169

As used in this division, "active duty" means active duty 170
pursuant to an executive order of the president of the United 171
States, an act of the congress of the United States, or section 172
5919.29 or 5923.21 of the Revised Code. 173

Sec. 4933.123. (A) For the purpose of this section: 174

(1) "Energy company" shall have the meaning assigned in 175
division ~~(A) (4)~~ (D) of section 5117.01 of the Revised Code. 176

(2) "Service disconnection for nonpayment" means the 177
intentional discontinuation of gas or electric services to a 178
residential customer by an energy company due to the failure of 179
the customer to pay for such services. 180

(3) "Service reconnections" means the reconnection of gas 181
or electric services by an energy company to a residential 182
customer whose service was discontinued by such company for 183
nonpayment. 184

(B) ~~Annually, on or before the thirtieth day of June, each~~ 185
Each energy company shall file a quarterly written report on 186
service disconnections for nonpayment with the public utilities 187
commission and the consumers' counsel. A report shall be issued 188
on or before the thirty-first day of March, the thirtieth day of 189
June, the thirtieth day of September, and the thirty-first day 190
of December each year. The report shall include the following 191
information by zip code for the ~~twelve-month preceding quarterly~~ 192
period ~~ending on the preceding thirty first day of May, by~~ 193
~~month~~ ending on the date that the previous report was required to 194
be issued: 195

(1) Total number of service disconnections for nonpayment 196

and the total dollar amount of unpaid bills represented by such disconnections;	197 198
(2) Total number of final notices of actual disconnection issued for service disconnections for nonpayment and the total dollar amount of unpaid bills represented by such notices;	199 200 201
(3) Total number of residential customer accounts in arrears by more than sixty days and the total dollar amount of such arrearages;	202 203 204
(4) Total number of security deposits received from residential customers and the total dollar amount of such deposits;	205 206 207
(5) Total number of service reconnections;	208
(6) Total number of residential customers.	209
<u>Sec. 4933.125.</u> (A) As used in sections 4933.125 to 4933.1211:	210 211
(1) <u>"Certified nurse-midwife" has the same meaning as in section 4723.01 of the Revised Code;</u>	212 213
(2) <u>"Electric light company" means an electric light company defined in section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code;</u>	214 215 216
(3) <u>"Gas company" means a gas company defined in section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code;</u>	217 218 219
(4) <u>"Medical professional" means any of the following:</u>	220
(a) <u>An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;</u>	221 222 223

<u>(b) An individual licensed under Chapter 4730. of the</u>	224
<u>Revised Code to practice as a physician assistant;</u>	225
<u>(c) A clinical nurse specialist or certified nurse</u>	226
<u>practitioner as defined in section 4723.01 of the Revised Code;</u>	227
<u>(d) A physician appointed by a board of health as</u>	228
<u>described in sections 3709.13 and 3709.14 of the Revised Code.</u>	229
<u>(5) "Natural gas company" means a natural gas company</u>	230
<u>under section 4905.03 of the Revised Code that is a public</u>	231
<u>utility under section 4905.02 of the Revised Code.</u>	232
<u>(B) No electric light company, gas company, or natural gas</u>	233
<u>company, except for safety reasons, shall cease to provide</u>	234
<u>electricity to any residential customer or stop gas from</u>	235
<u>entering the premises of any residential customer if any of the</u>	236
<u>following are satisfied:</u>	237
<u>(1) The customer's household is the residence of a child</u>	238
<u>who is the age of five years or younger, regardless of the</u>	239
<u>child's relationship with the customer;</u>	240
<u>(2) The customer's household is the residence of a person</u>	241
<u>who is the age of sixty-five years or older;</u>	242
<u>(3) The customer's household is the residence of a person</u>	243
<u>with a disability, provided that a medical professional has</u>	244
<u>submitted confirmation of the disability pursuant to section</u>	245
<u>4933.126 of the Revised Code;</u>	246
<u>(4) The customer's household is the residence of a person</u>	247
<u>with an illness, provided that a medical professional has</u>	248
<u>submitted confirmation of the illness pursuant to section</u>	249
<u>4933.126 of the Revised Code;</u>	250
<u>(5) The customer's household is the residence of a person</u>	251

who is currently pregnant, provided that a medical professional 252
or certified nurse-midwife has submitted confirmation of the 253
pregnancy pursuant to section 4933.126 of the Revised Code; 254

(6) Both of the following apply: 255

(a) The customer's household income is at or below two 256
hundred per cent of the federal poverty level; 257

(b) The customer submits proof of income not more than 258
sixty days after asserting the customer's household income using 259
either a copy of the customer's internal revenue system form 260
1040 or a benefit award letter from one of the following: 261

(i) Ohio works first; 262

(ii) Supplemental security income; 263

(iii) Percentage of income payment plan program; 264

(iv) Home energy assistance program; 265

(v) Supplemental nutrition assistance program; 266

(vi) Publicly funded child care. 267

Sec. 4933.126. (A) Confirmation of a disability, illness, 268
or current pregnancy required by section 4933.125 of the Revised 269
Code shall be submitted to the electric light company, gas 270
company, or natural gas company and include all of the 271
following: 272

(1) The name of the person to be certified as being a 273
person with a disability, illness, or current pregnancy; 274

(2) A statement that the person with a disability, 275
illness, or current pregnancy is a resident of the customer's 276
household; 277

<u>(3) The name, business address, and telephone number of</u>	278
<u>the person providing the confirmation;</u>	279
<u>(4) A statement that the person in the customer's</u>	280
<u>household is a person with a disability, illness, or current</u>	281
<u>pregnancy.</u>	282
<u>(B) Confirmation of a disability, illness, or current</u>	283
<u>pregnancy required by this section shall be provided in writing.</u>	284
<u>Initial confirmation may be provided by telephone, if written</u>	285
<u>confirmation is submitted to the company not later than thirty</u>	286
<u>days after the telephone confirmation is provided.</u>	287
<u>Sec. 4933.127. A residential customer who meets the</u>	288
<u>requirements of division (B) of section 4933.125 of the Revised</u>	289
<u>Code shall be entered into a payment plan for the customer's</u>	290
<u>electric and gas usage that is provided by an electric light</u>	291
<u>company, gas company, or natural gas company in either of the</u>	292
<u>following amounts, whichever is lower:</u>	293
<u>(A) Seven and one-half per cent of the customer's monthly</u>	294
<u>net income;</u>	295
<u>(B) One-twelfth of the combined amount of the customer's</u>	296
<u>electric and gas bills immediately prior to the customer's</u>	297
<u>enrollment in the payment plan created by this section.</u>	298
<u>Sec. 4933.128. A residential customer subject to the</u>	299
<u>payment plan under section 4933.127 of the Revised Code shall</u>	300
<u>not be financially responsible for any costs of providing</u>	301
<u>electric service or gas service exceeding the customer's payment</u>	302
<u>plan amount.</u>	303
<u>Sec. 4933.129. An electric light company, gas company, or</u>	304
<u>natural gas company subject to the prohibition under section</u>	305
<u>4933.125 of the Revised Code shall comply with both of the</u>	306

following: 307

(A) The company shall be financially responsible for all 308
costs of providing service to a residential customer described 309
in division (B) of section 4933.125 of the Revised Code, except 310
for amounts owed by the customer under a payment plan imposed 311
under section 4933.127 of the Revised Code. 312

(B) The company shall not collect costs it is financially 313
responsible for under division (A) of this section from any 314
customer through rates, fares, tolls, rentals, charges, fees, 315
rate mechanisms, or riders. 316

Sec. 4933.1210. The public utilities commission shall 317
adopt rules to implement sections 4933.125 to 4933.129 of the 318
Revised Code. 319

Sec. 4933.1211. Notwithstanding any provision of section 320
121.95 of the Revised Code to the contrary, a regulatory 321
restriction contained in a rule adopted under section 4933.1210 322
of the Revised Code is not subject to sections 121.95 to 121.953 323
of the Revised Code. 324

Section 2. That existing sections 4933.12, 4933.121, and 325
4933.123 of the Revised Code are hereby repealed. 326