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## **PUBLIC UTILITIES COMMISSION (PUC)**

- Exempts, from regulation by the Power Siting Board, manufacturing facilities that create byproducts that may be used in the generation of electricity as defined by the Board.
- Requires the Public Utilities Commission of Ohio (PUCO), by the end of 2011, to determine appropriate methods to ensure that the reduction in assessments for the Office of the Consumers' Counsel for fiscal years 2012 and 2013 is distributed to the benefit of utility customers, and requires timely implementation.
- Repeals the Community-voicemail Service Pilot Program, and requires assessments made under the Pilot Program to cease and the PUCO to refund the assessments, without interest, by August 29, 2011.

### **Byproducts exemption from Power Siting Board regulation**

(R.C. 4906.01)

The act exempts, from regulation by the Power Siting Board, a manufacturing facility that creates byproducts that may be used in the generation of electricity, as defined by the Board. With this exemption, such a facility is not required to obtain a certificate from the Board for facility construction.<sup>233</sup> Prior law was not clear as to whether such a facility was required to obtain this certificate.

The act also clarifies that other facilities that are exempt from Board regulation, specifically electric, gas, natural gas distributing lines and gas or natural gas gathering lines and associated facilities, are included as such exempt facilities by Board definition.

### **Distribution of reduced assessments**

(Section 749.10)

The act requires the Public Utilities Commission (PUCO), by the end of 2011, to determine appropriate methods to ensure that the reduction in public utility assessments paid to the Office of the Ohio Consumers' Counsel (OCC) for fiscal years 2012 and 2013 is distributed to the benefit of Ohio customers of those public utilities.

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<sup>233</sup> R.C. 4906.04, not in the act.



The act requires the PUCO to implement its distribution methodology in a timely manner.

Because the OCC is funded by public-utility assessments, and those assessments must equal the OCC's appropriation in each fiscal year,<sup>234</sup> the act's reduced OCC appropriations result in reduced assessment payments for public utilities. Public utilities include assessment payments in cost-of-service determinations during rate cases, so the payments are factored into rate determinations. But because rate cases may be sought whenever a public utility wishes to change its rates, and are not required to be filed regularly, the reduced OCC assessments would not, in the absence of the act's requirement to distribute the reduction in assessments, result in any reduction for customers until a public utility's next rate case.

### **Repeal of Community-voicemail Service Pilot Program**

(R.C. 4927.17; Section 365.10, Sections 620.51, 620.52, and 620.53)

The act repeals the Community-voicemail Service Pilot Program and the Community-voicemail Service Pilot Program Fund established by Sub. S.B. 162 of the 128th General Assembly (the act revising Ohio's telecommunications law) and requires all assessments made under the Pilot Program to cease. Under the act, the PUCO must refund the assessments, without interest, to the telephone companies that were assessed under the Pilot Program. All refunds must be made by August 29, 2011.

The act removes the requirement that the ongoing Select Committee on Telecommunications Regulatory Reform include in its study (due September 13, 2014) a report on the Community-voicemail Service Pilot Program. The act also deletes references to the program in ongoing law regarding telephone company rate change notices.

Former law repealed by the act required the PUCO to implement a two-year Community-voicemail Service Pilot Program, in at least one urban area and one rural area of the state, for individuals in a state of transition, including the homeless, clients of battered-spouse programs, and displaced and returning veterans, who do not have access to traditional telephone exchange service or alternatives. The Pilot Program was funded through assessments collected from each telephone company that is a local exchange carrier.

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<sup>234</sup> R.C. 4911.18, not in the act.

