
PUBLIC UTILITIES COMMISSION

Publicly available electric vehicle charging stations

Prohibition on EDU-ownership of EV charging stations

- Prohibits an electric distribution utility (EDU) from owning or operating a publicly available electric vehicle (EV) charging station except through a separate affiliate or subsidiary that is not subject to PUCO jurisdiction and except under other circumstance explained below.
- Allows PUCO to approve a program, funded by revenues from EDU rates, to promote the creation of EV charging stations by EV charging providers or the purchase of any equipment used to charge an EV by residential customers.
- Prohibits an EDU from charging its affiliate or subsidiary a subsidized rate, fee, or charge for electric service distributed to the affiliate's or subsidiary's publicly available EV charging stations.
- Requires an EDU affiliate or subsidiary that owns or operates an EV charging station to be subject to the same rates, terms, and conditions that apply to EV charging providers located in the EDU's certified territory.

EDU's ownership of an EV charging station

- Allows an EDU, notwithstanding the prohibition stated above and under certain circumstances, to petition PUCO for approval of the installation and ownership of a publicly available EV charging station solely in an area of last resort, provided that approval is contingent on certain findings.
- Provides that no EDU is obligated to deploy equipment for a publicly available EV charging station without "timely and adequate cost recovery."
- Requires an EDU, when petitioning PUCO for approval installation and ownership, to file an installation/ownership proposal with PUCO that includes certain information describing the area of last resort and the proposed publicly available EV charging station.
- Requires an EDU, concurrently with the installation/ownership proposal filing, to provide conspicuous public proposal notice on the EDU's website and to each dealer of transportation fuel within a ten-mile radius of the location of the EDU's proposed publicly available EV charging station which must contain certain specified dates.
- Requires PUCO, prior to approving an EDU's installation and ownership of a publicly available EV charging station, to conduct a right of first refusal process unless there is a publicly available EV charging station within a ten-mile radius of the EDU-proposed location.
- Allows an EDU to submit to PUCO a notice of intent to proceed with installation of a publicly available EV charging station if, within 90 days after the proposal notice is

provided, no EV charging providers are identified within ten miles of the EDU-proposed location.

- Allows an EDU, not earlier than 180 days after PUCO's approval, to proceed with the construction and operation of its proposed publicly available EV charging station unless PUCO determines that the construction and operation duplicates a publicly available EV charging station operated, or under construction, by another person.

Notice by another person to provide EV charging station

- Allows any person (except an EDU, electric cooperative, and municipal electric utility), not later than 90 days after the filing of the EV charging station installation/ownership proposal and proposal notice, to submit a notice to PUCO of intent to provide a publicly available EV charging station within a ten-mile radius of the EDU-proposed location, and that it intends to request make-ready infrastructure from the EDU.
- Requires the notice to include the person's firm commitment to place the charging station into service before the later of:
 - 18 months after the person submitted the notice; or
 - 12 months after the date installation of necessary make-ready infrastructure is completed.

Subsidizing EV charging stations

- Prohibits revenues received by an EDU for providing electric distribution service to not, directly or indirectly, subsidize investments in the ownership or operation of EV charging stations, except as part of a program approved by PUCO under the bill's provisions.

Cost recovery and EDU's use of EV charging stations

- Provides that nothing in the bill prohibits an EDU, or shall be construed to prohibit an EDU, from the following:
 - Recovering the costs of make-ready infrastructure through rates or charges authorized under the EDU's distribution rate case under current law, so long as such subsidies for those costs are offered to EV charging providers on a nondiscriminatory basis;
 - Operating, leasing, installing, or otherwise procuring service from an EV charging station on its own premises for the sole purpose of serving its own EVs.

Broadband internet access service exemption from regulation

- Exempts broadband internet access service from PUCO regulation.
- Prohibits a state agency, commission, or political subdivision from enacting, adopting, or enforcing any provision having the force or effect of law that regulates or has the effect of regulating broadband internet access service.

- Specifies that the above prohibitions do not (1) restrict any authority delegated to PUCO or any state agency to administer a state or federal grant program, or (2) restrict the application of a law relating to consumer protection and fair competition concerning broadband internet access service.
- Provides that the broadband internet access service provisions above take effect immediately.

PUCO final order

- Requires a final order issued by PUCO be affirmed by operation of law if PUCO does not affirm, abrogate, or modify the original order within 90 days of the date a rehearing request was granted.

TNC services for unaccompanied minors

- Authorizes a board of education or governing authority of a school to enter a contract with an eligible transportation network company (TNC) for the transportation of students.
- Authorizes a parent, guardian, resource caregiver, or person over 21 acting in loco parentis of a minor to request an eligible TNC to provide transportation for a minor child unaccompanied by that parent, guardian, resource caregiver, or person.
- Establishes parameters for company qualifications, driver qualifications, vehicle qualifications and inspections, and active GPS-monitoring for the transportation of minors described above.

Publicly available electric vehicle charging stations

(R.C. 4933.51, 4933.53, 4933.54, 4933.55, 4933.57, and 4933.59)

The bill creates a regulatory scheme, overseen by PUCO, governing the installation, operation, ownership, and certain cost recovery regarding publicly available electric vehicle (EV) charging stations by electric distribution utilities (EDUs), their affiliates or subsidiaries, and nonelectric utility entities.

Prohibition on EDU-ownership of EV charging stations

The bill prohibits an EDU from owning or operating a publicly available EV charging station except through a separate affiliate or subsidiary that is not subject to PUCO jurisdiction and except as discussed below (see, “**EV charging station ownership by an EDU**” below). The bill further provides it does not prohibit PUCO from approving a program, funded by revenues from EDU rates, to promote the creation of EV charging stations by EV charging providers (defined as owners and operators of an EV charging station, excluding EDUs and their affiliates and subsidiaries that own or operate a station) or the purchase of any equipment used to charge an EV by residential customers.

An “EV” is defined as a vehicle that is powered wholly by a system that can be recharged via an external source of electricity, including a vehicle for public or private use that is a passenger

car, commercial car or truck, or a vehicle used in public transit, a vehicle used in a fleet, construction work, and industrial or warehouse work. An “EV charging station” is any nonresidential EV charging system that is: (1) capable of distributing electricity from a source outside an EV to the EV, and (2) a “direct current fast charging system” (an EV charging system capable of distributing 50 kilowatts or more of direct current to an EV’s rechargeable battery at 200 volts or more) or a “level two charging station” (any EV charging system capable of distributing between three and 20 kilowatts of alternating current to an EV’s rechargeable battery at 200 volts or more).

Subsidization prohibited

The bill prohibits EDUs from charging its affiliate or subsidiary a subsidized rate, fee, or charge for electric service distributed to the affiliate’s or subsidiary’s publicly available EV charging stations. Additionally, an EDU affiliate or subsidiary that owns or operates an EV charging station must be subject to the same rates, terms, and conditions that apply to EV charging providers located in the EDU’s certified territory.

EV charging station ownership by an EDU

Installation/ownership petition for area of last resort

The bill allows an EDU, five or more years after the bill’s effective date, to petition PUC for approval of the installation and ownership of a publicly available EV charging station in an area of last resort, but only if it can demonstrate that there is not at least one publicly available EV charging station in the area of last resort. PUCO may approve, modify and approve, or reject an EDU’s installation and ownership of such a charging station in an area of last resort, provided that any approval must include a finding that there is no other publicly available EV charging stations in the area of last resort or another person has not provided PUCO with notice that they intend to construct a publicly available EV charging station in the area (see “**Notice by another person to provide EV charging station**” below).

“Area of last resort” is defined as an area within an EDU’s designated service territory that is located in an Ohio county with a population of not more than 50,000, but excluding any areas of the county that are within a ten-mile radius of another publicly available EV charging station or any areas of the county that are within one mile of an “alternative fuel corridor” designated by the Federal Highway Administration.¹⁴³

Cost recovery

The bill provides that no EDU is under an obligation to deploy equipment for a publicly available EV charging station without “timely and adequate cost recovery.”

¹⁴³ For information about alternative fuel corridors, see the FHA’s webpage regarding [national alternative fuels corridors](https://www.afdc.energy.gov/laws), which is available on the FHA’s website: [afdc.energy.gov/laws](https://www.afdc.energy.gov/laws).

Installation/ownership proposal

The bill requires an EDU that filed a petition for approval for the installation and ownership of a publicly available EV charging station, as described above, to also file a proposal with PUCO that includes:

- A description of the area of last resort;
- A statement certifying that there is not at least one publicly available EV charging station in the area of last resort;
- A description of the publicly available EV charging station it proposes to construct at the location.

Notice of the proposal

The bill further requires an EDU, concurrently with filing the proposal, to provide conspicuous public notice on the EDU's website and to each dealer of transportation fuel within a ten-mile radius of the location of the EDU's proposed publicly available EV charging station. The notice must contain:

- The date the EDU filed a proposal with PUCO to provide a publicly available EV charging station;
- The date by which a person may file a proposal to provide a publicly available EV charging station within a ten-mile radius of the proposed location (see "**Notice by another person to provide EV charging station**" below).

Right of first refusal

The bill requires PUCO, prior to approving an EDU's installation and ownership of a publicly available EV charging station, to conduct a right of first refusal process. The bill, however, prohibits PUCO from conducting a right of first refusal process if there is a publicly available EV charging station within a ten-mile radius of the site from where the EDU proposes to locate such a charging station.

Notice of intent to proceed with installation

The bill allows an EDU to submit to PUCO a notice of intent to proceed with installation of a publicly available EV charging station if, within 90 days after the EDU provides the notice of the proposal, no EV charging providers are identified within ten miles of the location proposed by the EDU (see "**Installation/ownership proposal**" and "**Notice of the proposal**" above).

Construction and operation

The bill allows an EDU, not earlier than 180 days after PUCO's finding of public interest and approval of the proposal and installation, to proceed with the construction and operation of its proposed publicly available EV charging station. The bill, however, prohibits construction if PUCO determines that the construction and operation unreasonably duplicates a publicly available EV charging station operated, or under construction, by another person.

Notice by another person to provide EV charging station

The bill, not later than 90 days after the filing of the installation/ownership proposal and notice of the proposal, allows any person (except an EDU, electric cooperative, or a municipal electric utility) to submit a notice to PUCO stating that it intends to provide a publicly available EV charging station within a ten-mile radius of the location proposed by an EDU and intends to request the necessary make-ready infrastructure from the EDU. This notice must include the person's firm commitment to place the publicly available EV charging station into service before the later of the following dates:

- 18 months after the dates the person submits the notice to PUCO;
- 12 months after the date of completion of the installation of the necessary make-ready infrastructure.

The bill defines "make-ready infrastructure" as electrical infrastructure required to accommodate the electric load of an EV charging station, excluding an EV charging station.

Subsidizing EV charging stations

The bill prohibits an EDU from using revenues received for providing electric distribution service to, directly or indirectly, subsidize investments in the ownership or operation of EV charging stations, except as part of a PUCO-approved program consistent with the bill's provisions.

Cost recovery for make-ready infrastructure

The bill explicitly provides that none of the bill's provisions prohibit an EDU from recovering the costs of make-ready infrastructure through rates or charges authorized under the EDU's distribution rate case under continuing law, but only if such subsidies for the make-ready infrastructure are offered to EV charging providers on a nondiscriminatory basis.

EDU's use of EV charging stations

The bill states that none of the bill's provisions should be construed to prohibit an EDU from operating, leasing, installing, or otherwise procuring service from an EV charging station on its own premises for the sole purpose of serving its own EVs.

Broadband internet access service exemption from regulation

(R.C. 4927.01 and 4927.22; Section 820.20)

The bill exempts broadband internet access service, as defined in federal law, from regulation by PUCO. Further, an Ohio agency, commission, or political subdivision is prohibited from enacting, adopting, or enforcing, either directly or indirectly, any law, rule, regulation, ordinance, standard, order, or other provision having the force or effect of law that regulates, or has the effect of regulating, the entry, rates, terms, or conditions of any broadband internet access service, or otherwise treats providers of broadband internet access services as public utilities or telecommunications carriers.

However, the bill specifies that the above prohibitions are not to be construed to restrict either of the following: (1) any authority delegated to PUCO or any state agency to administer a

state or federal grant program under state or federal statute, rule, or order, and (2) the application to broadband internet access service, or providers thereof, of any law that applies generally to the conduct of business in Ohio relating to consumer protection and fair competition.

The bill provides that the provisions described above take effect immediately.

Currently, federal law defines “broadband internet access service” as a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service, and also encompasses any service that the Federal Communications Commission finds to be providing a functional equivalent of this service or that is used to evade the protections set forth in federal law.¹⁴⁴

PUCO final order

(R.C. 4903.10)

The bill requires a final order issued by PUCO be affirmed by operation of law if PUCO does not affirm, abrogate, or modify the original order within 90 days of the date a rehearing request was granted.

Under law unchanged by the bill, after PUCO makes an order, any party who has entered an appearance in the proceeding may apply for a rehearing regarding any matter determined in the proceeding. If PUCO, after the rehearing, determines the original order or any part of it is unjust or unwarranted, or should be changed, PUCO may abrogate or modify it; otherwise it must be affirmed.

TNC services for unaccompanied minors

(R.C. 4925.11, 4925.12, and 4925.13)

The bill authorizes the transportation of unaccompanied minor riders through an eligible transportation network company (TNC) to and from school, school-related activities, school-sanctioned activities, or other pre-established locations, under certain circumstances. Namely, the bill allows:

- A board of education or governing authority of a school to enter a contract with an eligible TNC for regular authorized transportation of students; and
- A parent, legal guardian, resource caregiver, or another individual 21 or older who acts in loco parentis of the minor (“authorized adult”) to request authorized transportation from an eligible TNC for a minor under that adult’s care when the adult will not be accompanying the rider.

¹⁴⁴ 47 C.F.R. 8.1.

Current law does not specify a minimum age for a “transportation network company rider,” the individual who uses a TNC digital network to connect with a TNC driver to obtain a ride to an agreed-upon location. However, the ride agreement is a type of contract, which typically requires a person to be 18 or older to enter. In practice, this is reflected in the terms of service for most TNCs. Currently, certain TNCs authorize teenagers to ride unaccompanied with parental consent, others have strict policies that minors must always be accompanied by an adult, and others are beginning to specialize in transportation of minors.¹⁴⁵

Eligibility standards

The bill establishes parameters that create higher minimum standards for a TNC driver and company for the transportation of unaccompanied minor riders. Specifically, the driver must:

1. Meet all the minimum TNC driver requirements (e.g. valid license and registration, clean driving record, clean background checks, etc.);
2. Be 21 or older;
3. Have two or more years of driving experience;
4. Have no records of operating a vehicle under the influence (OVI) from within the prior ten years;
5. Have less than six points on the driver’s license;
6. Successfully complete additional background checks;
7. Successfully complete a pre-service training course related to the transportation of children (see below); and
8. Maintain the higher levels of automobile insurance required for TNC drivers either through the driver’s personal insurance, through the company, or under the contract with a school, as applicable.

Any TNC that will authorize TNC drivers to transport unaccompanied minor riders must also do all the following:

1. Comply with all the PUCO rules and regulations for TNCs;
2. Obtain and review the motor vehicle driving records of the eligible TNC drivers at least every six months and maintain those records for at least six years;
3. Maintain the required levels of automobile insurance policies required for TNCs, and if under contract with a board of education or governing authority of a school, name that board or authority as a covered entity in the policy; and
4. Authorize only eligible TNC drivers to provide authorized transportation to unaccompanied minor riders.

¹⁴⁵ See [uber.com/us/en/ride/teens](https://www.uber.com/us/en/ride/teens) (Uber’s teen accounts); help.lyft.com (Lyft’s safety policies); and [hopskipdrive.com](https://www.hopskipdrive.com) (HopSkipDrive’s company page), as examples of different models.

Pre-service training course

An eligible TNC must provide or approve a pre-service training course for its TNC drivers to be completed in one or multiple sessions. The course is modeled on many of the same topics taught to bus drivers prior to transporting students. The course must include training on all the following:

- Public and staff relations and conflict resolution;
- Transporting preschool and special needs children;
- Equipment and care, including operation of any necessary adaptive equipment;
- Defensive driving;
- Student management, including bullying behaviors;
- Safety and emergency procedures;
- Motor vehicle laws and student transportation operation and safety rules;
- Signs, signals, and pavement markings;
- Fuel conservation; and
- Safe radio and wireless communications device (e.g., cellphone) use while operating a vehicle.

The TNC may waive one or more of the above topics as part of the course if the TNC driver being trained clearly demonstrates sufficient knowledge of the topic in advance of the course.

Ride requirements

When actively transporting an unaccompanied minor rider, a TNC driver must do all the following:

- Operate a vehicle originally designed and manufactured for nine passengers or less, not including the driver;
- Only transport up to the maximum number of passengers allowed for the vehicle based on the manufacturer's stated capacity passenger rating;
- Load and unload passengers in a safe location that is not on the roadway;
- Comply with and ensure all passengers comply with the seatbelt and child car seat/booster seat laws;
- Perform daily pre-trip safety inspections; and
- Use a global positioning system device (GPS) provided by the TNC to allow for real-time monitoring of the ride from start to finish for the company, the authorized adult, and the school.

The pre-trip safety inspection reports must be completed, documented, signed, and sent to the TNC. The TNC then must retain those reports for at least three months. If the inspection

identifies any defects or deficiencies, the TNC driver cannot use that vehicle for transporting unaccompanied minor riders until it has been inspected by a mechanic or other reliable source for vehicle repair and maintenance and the mechanic or other person either repairs the defect/deficiency or certifies that a repair is unnecessary.