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Substitute Bill Comparative Synopsis

Sub. H.B. 118

134th General Assembly

House Public Utilities

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134_0747-3)
Economically significant solar farm local regulation/referendum	
Creates processes under which township voters may approve or reject, through referendum and special election provisions, the placement in the unincorporated area of a township of any economically significant solar facility (ESSF – 5 to less than 50 Megawatts [MW]) under a building permit or existing permit amendment (<i>R.C. 519.215(A), 5119.2119, 5119.2121 and 5119.2123; Section 3(B)</i>).	No provision.

Previous Version (As Introduced)	Latest Version (I_134_0747-3)
Large solar facility, large wind farm, and economically significant wind farm local regulation	
<p>Creates the following processes under which township voters may approve or reject the placement, under a power siting board (PSB) certificate or existing certificate amendment, of a utility facility (large solar facility (LSF – 50 MW or more), large wind farm (LWF – 50 MW or more), or economically significant wind farm (ESWF – 5 to less than 50 MW)) in the unincorporated area of a township:</p> <ul style="list-style-type: none"> ▪ <i>Referendum</i> and related requirements initiated by the adoption of a board of township trustees’ resolution <i>allowing public input on the placement</i>. ▪ <i>Special election</i> and related requirements initiated by the adoption of a board of township trustees’ resolution <i>requiring public input on the placement</i>. <p>Requires a person, before applying for a PSB certificate or existing certificate, to notify the applicable board of township trustees of the intent to apply and certain information regarding the facility.</p> <p>Establishes prohibitions regarding township trustee participation in determinations regarding utility facility placement based on certain conflicts of interest.</p> <p><i>(R.C. 519. 215(B)-(D), 519.217 to 519.2117, 4906.101, 4906.20, 4906.203, and 4906.30.)</i></p>	<p>Permits a board of township trustees to adopt a resolution designating all or part of the unincorporated area of a township as an energy development district to allow construction of utility facilities (LSF, LWF, and ESWF). Provides for a special election and related requirements to allow township voters to approve or reject the resolution establishing the district. Provides that no person can construct a utility facility in an unincorporated area of a township unless the location is designated as an energy development district. Prohibits PSB from granting a certificate or amendment to an existing certificate unless the utility facility to be constructed in a township is located in such a district.</p> <p><i>(R.C. 519.217, 519.219, 519.2111, and 4906.101.)</i></p>
Public interest, convenience, and necessity	
<p>No provision.</p>	<p>Requires PSB to determine a utility facility application does not serve the public interest, convenience, and necessity (and thus will not issue a certificate), if a township adopts a resolution opposing the certificate and the utility facility (1) is to be located in that township and (2) PSB</p>

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	<p>receives the resolution no later than 90 days after the adjudicatory hearing on the application or before the certificate has been granted, whichever occurs first <i>(R.C. 4906.10(A)(6)(b))</i>.</p> <p>Permits PSB to determine portions of a utility facility to be located in the energy development districts of townships that did not adopt a resolution opposing the certificate serve the public interest, convenience, and necessity (and thus allowing issuance of a certificate for the facility located in the other townships) <i>(R.C. 4906.10(A)(6)(c))</i>.</p>
Pending applications for utility facilities	
<p>Subjects applications for a certificate or amendment to an existing certificate for a utility facility pending before the PSB to the bill's provisions <i>(Section 3(A))</i>.</p>	<p>Subjects an application for a utility facility pending on the bill's effective date to the public interest, convenience, and necessity provisions described above <i>(Section 3)</i>.</p> <p>Provides that, notwithstanding the bill's prohibition against constructing, or receiving a PSB certificate, for a utility facility outside an energy development district, the bill permits PSB to issue a certificate or amendment to an existing certificate for a utility facility to be constructed outside such a district if (1) the certificate application was determined complete and accepted as of the bill's effective date, and (2) the applicant has paid the application fee <i>(Section 4)</i>.</p>
Wind turbine safety specifications publicly available	
<p>No provision.</p>	<p>Requires PSB rules on ESWF certification to require that any safety specifications submitted as part of a certification application, or amendment to an existing certification, be made available for review by the public and shall set forth the manner in which they shall be made available <i>(R.C. 4906.20(B)(1)(b)(ii))</i>.</p>

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Wind turbine setback regarding “any other hazard”	
No provision.	Requires that PSB rules governing minimum setbacks for wind turbines that are based on the safety distance for hazards in the wind turbine manufacturer’s safety specifications to permit <i>any other hazard</i> (besides fires and thunderstorms) to be considered (R.C. 4906.20(B)(2)(a)(ii)(I)).