



## Ohio Administrative Code

### Rule 4901:1-38-04 Energy efficiency arrangements.

Effective: July 25, 2021

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(A) An electric utility, mercantile customer, or group of mercantile customers of an electric utility may file an application for commission approval for an energy efficiency arrangement between the electric utility and its customer or group of customers that have new or expanded energy efficiency production facilities. The application shall include a copy of the proposed arrangement and provide information on all associated incentives, estimated annual electric billings without incentives for the term of the incentives, and annual estimated delta revenues for the term of the incentives.

(1) Each customer requesting to take service pursuant to an energy efficiency arrangement with the electric utility shall describe the general status of the customer in the community and how such arrangement furthers the policy of the state of Ohio embodied in section 4928.02 of the Revised Code.

(2) The commission will consider the following verifiable information, submitted by each customer to the electric utility and the Commission, when analyzing an application under this section.

(a) The definition of an energy efficiency production facility, as specified in this chapter applies to the customer.

(b) The average hourly base wage rate of the new, full-time, or full-time equivalent jobs will be at least one hundred fifty per cent of federal minimum wage.

(c) The customer demonstrates financial viability.

(d) The customer identifies local (city, county), state, or federal support in the form of tax abatements or credits, jobs programs, or other incentives.

(e) The customer agrees to maintain operations at the project site for the term of the incentives.



(f) The benefits to the community accruing from the project outweigh the costs imposed on the other retail customers because of the reasonable arrangement.

(g) The arrangement is for a set term.

(3) An electric utility and/or mercantile customer or group of mercantile customers filing an application for commission approval of an energy efficiency arrangement bears the burden of proof that the proposed arrangement is reasonable and does not violate the provisions of sections 4905.33 and 4905.35 of the Revised Code, and shall submit to the commission verifiable information detailing the rationale for the arrangement and an affidavit from a company official as to the veracity of the information provided in the application.

(B) Upon the filing of an energy efficiency application, the commission may fix a time and place for a hearing if the application appears to be unjust or unreasonable.

(1) The energy efficiency arrangement shall be subject to change, alteration, or modification by the commission.

(2) The staff shall have access to all customer and electric utility information related to service provided pursuant to the energy efficiency arrangements.

(C) Customer information provided to the utility to demonstrate eligibility under paragraph (A) of this rule shall be treated by the electric utility as confidential. The electric utility shall request confidential treatment of customer-specific information that is filed with the commission, with the exception of customer names and addresses.

(D) Affected parties may file a motion to intervene and file comments and objections to any application filed under this rule within twenty days of the date of the filing of the application.