



Ohio Revised Code

Section 4905.301 Application to recover public way regulation costs.

Effective: April 3, 2025

Legislation: House Bill 315 - 135th General Assembly

(A) As used in this section:

(1) "Governmental entity" has the same meaning as in section 9.23 of the Revised Code, except that "governmental entity" excludes a municipal corporation.

(2) "Right of way" means the surface of, and the space within, through, on, across, above, or below any land designated for public use that is owned or controlled by a governmental entity, except that "right of way" includes a public way as defined in section 4939.01 of the Revised Code, and is not a private easement.

(B) A public utility subject to the rate-making jurisdiction of the public utilities commission may file an application with the commission for the accounting authority to classify a cost that meets the requirements of division (C) of this section as a regulatory asset for the purpose of recovering the cost. The commission, by order, shall authorize such accounting authority as may be reasonably necessary to classify the cost as a regulatory asset.

(C) A cost is eligible for recovery as a regulatory asset under this section if the cost is directly incurred by the public utility on or after the effective date of this section as a result of a governmental entity's regulation of the public utility's occupancy or use of a right of way.

(D) If the commission determines, upon an application under division (B) of this section or its own initiative, that classification of a cost described in division (C) of this section as a regulatory asset is not practical or that deferred recovery of that cost would impose a hardship on the public utility or its customers, the commission shall establish a charge and collection mechanism to permit the public utility full recovery of that cost.

(E) Cost recovery authorized as a regulatory asset under this section is not subject to any other provision of law or any agreement establishing price caps, rate freezes, or rate increase moratoria.



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #330970

(F) The commission shall process applications submitted under this section in the same manner as set forth in divisions (E) and (F) of section 4939.07 of the Revised Code and according to rules adopted under division (G) of that section.