



Ohio Municipal Electric Association (OMEA)
Opponent Testimony on Substitute House Bill 92
Before the House Local Government Committee
February 25, 2026

Chair King, Vice Chair Kishman, Ranking Member Sims, and members of the House Local Government Committee, thank you for the opportunity to provide testimony on Substitute House Bill 92 (HB 92). While we appreciate the legislature seeking alternative resolution to this issue, we remain opposed to the bill for several reasons.

The Ohio Municipal Electric Association (OMEA) represents 80 Ohio municipal electric communities and American Municipal Power (AMP), the Columbus based, non-profit wholesale power supplier and services provider to more than 130 municipal electric systems in nine states. Ohio's municipal electric systems account for approximately 5% of the electric sales in Ohio and serve approximately 400,000 residential, commercial and industrial customers. Ohio municipal electric systems range in size from Cleveland Public Power with 73,000 meters to the City of Toledo with one meter. The majority of our member communities are villages. As non-profit entities, municipal electric systems exist to provide reliable, affordable electric service to their customer-owners. Ohio's municipal electric systems are locally owned, managed and governed.

Previously, the OMEA testified in opposition to both the "As Introduced" version of HB92 on May 21, 2025, and the previous substitute version on November 19, 2025. Our comments below will focus on the most recent substitute bill, which, unfortunately, continues to absolve landlords and institutional investors from the responsibility of utility service provided to their property, and shifts the business risk of a private, for-profit entity to municipal ratepayers.

We would like to reiterate our core points of opposition, specifically that HB 92 violates the Ohio Constitution and Home Rule authority of municipal electric utilities, as well as the likely negative impact (and potentially increased rates) on all other utility customers. As non-profit utility providers, any and all costs to operate these utility systems are ultimately shouldered by other ratepayers through increased utility rates, including potentially higher security deposits for utility services.

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Most importantly, HB 92 would violate the Home Rule provisions contained within the Ohio Constitution. Specifically, HB 92 would violate Article XVIII, Section 3 (related to impingement upon the contractual rights of municipalities) and Section 4 (related to the operation of utilities by municipalities and the contracts for such services) of the Ohio Constitution.

As noted in previous testimony, electric service *cannot* ‘follow the customer’, as service is provided directly to a property and where infrastructure investments have been made by the utility to provide service to that property. Unfortunately, the substitute bill simply removes the landlord’s and institutional investor’s responsibility altogether for their contracted tenant’s obligations at their property and shifts it onto non-profit municipal utilities and their customers.

Additionally, under the current version of HB 92, municipal utilities cannot refuse to provide any utility service to a “landlord, present tenant, or prospective tenant at a residential premises based on nonpayment”. At first glance, it would appear that this broadly drafted provision would now preclude a municipal utility from refusing service to a property where a tenant who has accrued an outstanding utility balance at one property and has moved to another rental property. Once again, this language verifies our concerns that the intent of this bill is to simply remove landlord and institutional investor accountability from this process and shift it to the municipal utility and, eventually, all other customers.

HB 92 does not improve the notification process, lower rent, improve services, address the issue of habitual bad actors (tenants who do not pay their utility bills) or save anyone money. In fact, HB92 if enacted will likely increase rates of municipal utilities to all other customers. We believe this approach to be fundamentally flawed.

Thank you once again, Chair King and members of the House Local Government Committee, for allowing us the opportunity to present opponent testimony to Substitute House Bill 92.