Subject: PUCO Rejects changes to net metering, Case: 25-349-EL-ORD,
Sent: 1/8/2026, 5:36:57 PM
From: Stephen Renner<stephen.renner@gahanna.gov>
To: Council; Laurie Jadwin

All,

Just wanted to follow up and provide closure to this item. As you may recall, AEP led the charge to the PUCO to change fair credit for rooftop solar customers who send excess power back into the grid, otherwise known as net metering. Council member Bowers and I had reported late last month that we did submit public comments in support of PUCO staff recommendations of no change to Ohio's net metering rules. I am delighted to inform you that yesterday, the PUCO voted to preserve those rights and fully reflect AEP's ask.

Please see the decision via https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A26A07B45534H00447

Thanks,

Stephen

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S REVIEW OF OHIO ADM.CODE 4901:1-10-28 REGARDING NET METERING STANDARDS.	**CASE NO. 25-349-EL-ORD**

FINDING AND ORDER

Entered in the Journal on January 7, 2026

I. SUMMARY

{¶ 1} The Commission approves no changes to Ohio Adm.Code 4901:1-10-28, regarding net metering standards.

II. DISCUSSION

A. Procedural Background

{¶ 2} R.C. 111.15(B) and R.C. 106.03(A) require all state agencies to conduct a review every five years of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules.

{¶ 3} The Commission initiated this proceeding to conduct a five-year review of Ohio Adm.Code 4901:1-10-28, pursuant to R.C. 111.15 and R.C. 106.03.

{¶ 4} A workshop was conducted on May 20, 2025, to allow stakeholders to propose revisions to Ohio Adm.Code 4901:1-10-28 for the Commission's consideration. While representatives of several interested stakeholders attended the workshop, no comments were offered.

{¶ 5} Staff evaluated Ohio Adm.Code 4901:1-10-28 and, following its review, proposed no changes.

{¶ 6} On November 5, 2025, the Commission issued an Entry seeking comments on the proposal of no changes to Ohio Adm.Code 4901:1-10-28 and the Business Impact Analysis. Initial and reply comments were due by November 28, 2025, and December 12, 2025, respectively.

{¶ 7} Initial comments were filed on November 26, 2025, by Ohio Power Company (AEP Ohio); and on November 28, 2025, by Solar United Neighbors (SUN) and Interstate Gas Supply, LLC (IGS). Reply comments were filed on December 12, 2025, by AEP Ohio, Ohio Consumers' Counsel (OCC), Retail Energy Supply Association (RESA), IGS, Citizens Utility Board of Ohio (CUB Ohio), and jointly by Ohio Environmental Council (OEC) and Environmental Law and Policy Center (ELPC).

{¶ 8} Additionally, several comments were received from members of the public. Approximately 275 public comments were received, all of which were supportive of no changes being made to the net metering standards.

B. Consideration of Comments

{¶ 9} In its initial comments, AEP Ohio contends that the current effective net metering standards conflict with the authorizing statute, R.C. 4928.67. According to AEP Ohio, the statute only prohibits the Commission from requiring electric distribution utilities (EDUs) to offer net metering to shopping customers. The company's analysis of the language of R.C. 4928.67 leads to its conclusion that net metering only applies to standard-service customers, since a competitive retail electric services (CRES) provider, not a utility, "supplies" electricity to shopping customers. For shopping customers, AEP Ohio argues, the CRES provider supplies electricity and the utility delivers it. AEP Ohio points to an extensive line of cases to amplify its point, and thus maintains that the application of current net metering standards to EDUs is inappropriate. Furthermore, AEP Ohio argues that net metering customers use more than the usual amount of the distribution system by needing to deliver electricity but also push it out at different times. The result is a windfall payment to net metering customers and an unlawful subsidization by EDUs of competitive service. Instead, AEP Ohio proposes that clarifying language is added to Ohio Adm.Code 4901:1-10-28(B)(8)(e) to make explicit that EDUs pay the generation credit for their customers and CRES providers pay the generation credit for theirs.

{¶ 10} According to SUN's initial comments, net metering fairly credits households for the excess electricity they produce and distribute to the grid, helps them to manage rising energy costs, and reduces their reliance on utility-supplied power. SUN notes several benefits of distributed solar generation, stating that passage of House Bill 15 shows the General Assembly's continuing commitment to behind-the-meter generation. Filed two days after AEP Ohio's initial comments, SUN's initial comments are also responsive to AEP Ohio's comments. SUN argues that AEP Ohio's proposal to exclude the utility's shopping customers from its net metering offerings would introduce confusion by removing net metering access for shopping customers, reduce consumer choice and restrict Ohio's competitive retail electricity market, increase costs to solar households by applying additional distribution-related charges, discourage customer participation with dramatically extended rooftop solar payback periods, discourage local clean generation supporting the grid during high-demand periods, and shift costs to consumers who choose clean energy by undervaluing the power they supply to the grid. According to SUN, AEP Ohio's proposal addresses a speculative concern, yet it would undermine rate certainty and consumer value. The perceived problem AEP Ohio's proposal intends to address, SUN argues, should be raised in a rate case, not in a five-year rule review.

{¶ 11} IGS, in its initial comments, points to R.C. 4928.02(C) and the policy of the state of Ohio to "ensure diversity of electricity supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers and by encouraging the development of distributed and small generation facilities." According to IGS, development of distributed generation is incentivized by fair and reasonable net metering rules that provide reasonable compensation and incentivize delivery of electricity back onto the grid. For these reasons, IGS supports Staff's no-change proposal.

{¶ 12} AEP Ohio responds to SUN's "confusion of net metering customers" argument by contending CRES providers are already permitted to offer net-metering contracts under Ohio Adm.Code 4901:1-10-28(B)(2) and 4901:1-21-13. Rather, AEP Ohio claims it merely seeks to clarify that generation energy credits must be paid by the entity providing the generation component of the customer-generator's bill. As for SUN's contention that AEP Ohio's proposal would increase costs on rooftop solar households, AEP Ohio states that its proposal only seeks to have all customers pay their fair share of distribution costs, as intended by the principle of cost causation. Responding to IGS, AEP Ohio argues that its own proposal accomplishes IGS' stated goal of ensuring fair compensation for net metered projects preventing undue costs on distributed generation projects.

{¶ 13} IGS argues in reply comments that AEP Ohio's proposed rule changes would disregard shopping customer-generators' full contributions of excess electricity, depriving them of proper compensation for the electrons provided to the grid. To do so, IGS insists, would be discriminatory and contrary to state policy and the purpose of net metering. IGS points to the Commission's 2012 case in which net metering was established to argue that the Commission has already explicitly stated its reasons for opening net metering to all customer-generators, standard service and shopping alike. *See In re the Commission's Review of Chapter 4901:1:10*, Case No. 12-2050-EL-ORD (*Net Metering Rules Case*), Fifth Entry on Rehearing (Dec. 19, 2018) at ¶ 16. Staff's no-change proposal accords with state policy, IGS contends, and promotes reliability in the face of generation retirements, data center load growth, and long leads times on natural gas generation construction, which have all increased near-term capacity prices. Finally, IGS notes that AEP Ohio has a pending rate case with the Commission, and that attempting to change rates in that type of proceeding is more appropriate than in this rule review matter.

{¶ 14} RESA, too, supports Staff's no-change proposal, pointing to prior, lengthy Commission consideration of what became the current net metering standards. This carefully constructed regulatory framework, RESA contends, would be completely upset by

AEP Ohio's proposal. Furthermore, RESA opposes AEP Ohio's contention that its reading of R.C. 4928.67(B)(3)(b) is the "plain language" reading, as it confuses the term "supplied." RESA argues that the statute lacks the restriction of access to the net metering tariff which AEP Ohio reads into the distinction it draws between standard service and shopping customers. Instead, RESA posits, the common-sense reading advances the current interpretation, that the utility supplies electricity to standard service and shopping customers alike, and cannot be used to block some from accessing net metering. RESA also argues that AEP Ohio interacts with the regional grid operator in ways that frustrate the purpose of net metering rules. RESA further argues that AEP Ohio's proposal would unlawfully discriminate between standard service and shopping customer-generators, thus violating bedrock Commission principles and rules. Finally, RESA argues that AEP Ohio's "net billing" proposal is supported only by generic claims and is unjustifiable. For these reasons, RESA supports Staff's no-change proposal.

{¶ 15} OCC filed reply comments that share AEP Ohio's concern that customer-generators are likely not paying their fair share of the distribution costs, and contend that the current "net usage" model may be contributing to some shopping net metering customers having an outsized impact on the distribution system, subsidized by non-generating consumers who pay full distribution costs. According to OCC, a "net billing" approach, as suggested by AEP Ohio, provides clear price signals by compensating customers for their excess generation at a rate reflecting its actual value to the grid. Additionally, OCC argues, net billing strikes a more appropriate balance by preserving important incentives for customers who choose to invest in solar or other distributed resources while reducing the risk of cost shifting to non-participants who continue to rely on the distribution system. Thus, OCC concurs with AEP Ohio's proposal to change the net metering rules to create a "net billing" approach.

{¶ 16} In their joint comments, OEC and ELPC disagree with AEP Ohio's proposal, advocating, instead, for either Staff's no-change proposal or changes to net metering rules that would further incentivize net metering. OEC/ELPC posit that AEP Ohio's proposed changes to how shopping customer-generators are charged would dramatically change the rate structure for these customers, in violation of R.C. 4928.67(A)(1)'s requirement of identical rate structures between customers who generate and those who do not. Further, OEC/ELPC argue that R.C. 4928.02(C)'s stated policy of encouraging distributed and small generation would be contravened by AEP Ohio's proposal as well. Distributed resources like rooftop solar generate capacity at critical times for the grid, OEC/ ELPC maintains, which benefits all consumers and the utilities too, who may otherwise have to acquire needed capacity. In fact, OEC/ELPC argue, current rules ignore the capacity value added to the grid by customer-generators; and they do not receive compensation for the cost avoidance and peak demand reduction they provide. If any changes should be contemplated, OEC/ELPC argue, the rules should be amended to compensate customer-generators for these benefits they provide. Finally, OEC/ELPC contend that the Commission should take notice of the many public comments submitted (currently numbering 275) which all support no-change or additional incentives for net metering.

{¶ 17} CUB Ohio supports Staff's no-change proposal. Responding to AEP Ohio's proposal, CUB Ohio argues that it would reduce customer choice, increase reliance on costly and often-delayed regional grid capacity additions, and undermine reasonable investment-backed expectations of current customer-generators. CUB Ohio insists that there is no evidence to suggest customer-generators are not paying their fair share towards distribution costs, and a reversal of course without such evidence would be unwarranted. CUB Ohio lists several benefits provided by net metering, such as reduced line losses, mitigated peak demand, deferred infrastructure upgrades, and enhanced resilience and price stability. CUB Ohio characterizes AEP Ohio's "net billing" proposal as contrary to R.C. 4928.67(A)(1) because it creates alternative rate structures between customers and customer-generators where the statute requires identical rate structures. CUB Ohio also states that the proposal conflicts with the state's policy of promoting small and distributed generation.

C. Conclusion

{¶ 18} The Commission has considered the matters set forth in R.C. 121.82. With these factors in mind, and upon consideration of Staff's recommendations and the various comments filed, the Commission finds that no changes shall be made to Ohio Adm.Code 4901:1-10-28.

{¶ 19} As Staff's proposal suggests no changes to current net metering standards, AEP Ohio challenges the existing language of Ohio Adm.Code 4901-1:10-28 as unlawful. We disagree. The current net metering standards were exhaustively litigated and considered in the *Net Metering Rules Case*, lawfully enacted after six Entries on Rehearing, and are properly in effect today. Regarding the specific issue raised by AEP Ohio – that R.C. 4928.67 does not contemplate an EDU extending net metering to shopping customer-generators – the Commission explicitly addressed the matter in the *Net Metering Rules Case*. There, upon consideration of IGS's argument that net metering should apply to all customer-generators, we accepted the argument and determined the following:

> Although, in the long-term, net metering service should be a competitive retail electric service delivered to shopping customers by their CRES providers, we agree that further deployment of advanced meters and improvements to the EDU's billing systems are necessary before the EDU net metering tariffs can be limited to SSO customers. We will continue to explore and develop the question of when and how to transition net metering service to a competitive service through our . . . initiative. Further, we will consider a waiver of this rule, on a case-by-case basis, for any EDU that can demonstrate full deployment of appropriate advanced meters in its service territory and demonstrate that its billing systems are fully compatible with net metering service provided by CRES providers.

Net Metering Rules Case, Fifth Entry on Rehearing, at ¶ 16. At the time, we acknowledged the benefit of net metering for all customer-generators, conceded that eventually transitioning net metering to a competitive service would be appropriate, defined how we would measure progress towards that goal, and established a pathway for case-by-case approval of the transition where an EDU could demonstrate the transition would be appropriate. Here, AEP Ohio would prefer that we ignore that determination, and instead, in a rule review case, short-circuit our carefully structured transition process. Instead of reviewing an EDU's presentation of its progress towards the goals we established for advancement towards net metering as a competitive service, we would be adopting an already-rejected legal argument without any new evidence. Doing so would be inappropriate, and undoubtedly, would upset the thoughtfully-constructed net metering market – burdening, not promoting, the development of distributed generation in the state of Ohio.

{¶ 20} Furthermore, while we appreciate AEP Ohio's concerns about customer-generators not paying their "fair share" for distribution costs, we agree with several commenters that AEP Ohio's comments do not provide the detail and actual data necessary to warrant a change in the billing structure for customer-generators at this time. The existing net metering framework in Ohio continues to promote various goals of this Commission, such as the mitigation of peak demand, reduced line losses, deferred infrastructure upgrades, and enhanced resilience and price stability, and this, at the very least, complicates AEP Ohio's contention that the existing framework somehow creates a burden to the distribution utility.

{¶ 21} For these reasons, we adopt Staff's recommendation and determine that Ohio Adm.Code 4901:10-28 should be adopted with no changes at this time. However, we will remain responsive to any demonstration that the current framework does not adequately capture and/or allocate a customer-generator's "fair share" of distribution costs.

{¶ 22} The rule is posted on the Commission's Docketing Information System website at http://dis.puc.state.oh.us. To minimize the expense of this proceeding, the Commission will serve a paper copy of this Finding and Order only. All interested persons are directed to input case number 25-349 into the Case Lookup box to view this Finding and Order, as well as the rule, or to contact the Commission's Docketing Division to request a paper copy.

III. ORDER

{¶ 23} It is, therefore,

{¶ 24} ORDERED, That Ohio Adm.Code 4901:1-10-28 be adopted with no changes. It is, further,

{¶ 25} ORDERED, That the adopted rule be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with R.C. 111.15(D). It is, further,

{¶ 26} ORDERED, That the final rule be effective on the earliest date permitted by law. Unless otherwise ordered by the Commission, the five-year review date for Ohio Adm.Code 4901:1-10-28 shall be in compliance with R.C. 111.15. It is, further,

{¶ 27} ORDERED, That a copy of this Finding and Order be served upon all electric utilities and all certified retail electric service providers in the state of Ohio, the electric industry service list, and all interested persons of record in this matter.

COMMISSIONERS:
Approving:
Jenifer French, Chair
Daniel R. Conway
Lawrence K. Friedeman
Dennis P. Deters
John D. Williams

CRW/mef

NO CHANGE

4901:1-10-28 Net metering.

(A) For purposes of this rule, the following definitions apply:

(1) "Advanced meter" means any electric meter that meets the pertinent engineering standards using digital technology and is capable of providing two-way communications with the electric utility to provide usage and/or other technical data.

(2) "CRES provider" means any provider of competitive retail electric service.

(3) "Customer-generator" has the meaning set forth in division (A)(29) of section 4928.01 of the Revised Code. A customer that hosts or leases third party owned generation equipment on its premises is considered a customer-generator.

(4) "Electric utility" has the meaning set forth in division (A)(11) of section 4928.1 of the Revised Code.

(5) "Hospital" has the meaning set forth in division (C) of section 3701.01 of the Revised Code.

(6) "Interval meter" means any electric meter that is capable of measuring interval usage data on at least an hourly basis.

(7) "Microturbine" means a turbine or an integrated modular turbine package with a capacity of two megawatts or less.

(8) "Net metering" has the meaning set forth in division (A)(30) of section 4928.01 of the Revised Code.

(9) "Net metering system" has the meaning set forth in division (A)(31) of section 4928.01 of the Revised Code. Net metering system includes all facilities, regardless of whether the

customer-generator is on the electric utility's net metering tariff or engaged in net metering with a CRES provider.

(10) "Third party" means a person or entity that may be indirectly involved or affected but is not a principal party to an arrangement, contract, or transaction between other parties.

(B) Net metering.

(1) Each electric utility shall develop a standard net metering tariff and a hospital net metering tariff. The electric utility shall timely make such tariffs available to customer-generators upon request and on a nondiscriminatory basis.

(2) A CRES provider may offer net metering contracts to its customers, consistent with Chapter 4901:1-21 of the Administrative Code, at any price, rate, credit, or refund for excess generation. The CRES provider and the customer may define the terms of any contract, including the price, rate, credit, or refund for any excess production by a customer-generator. A CRES provider is not required to enter into any net metering contract with any customer. Only customers who have signed an interconnection agreement with the electric utility may engage in net metering with a CRES provider.

(3) Except as used by hospitals, a net metering system must use as its fuel either solar, wind, biomass, landfill gas, or hydropower, or use a microturbine or a fuel cell.

(4) The electric utility's standard net metering tariff shall be identical in rate structure, all retail rate components, and any monthly charges, to the tariff to which the same customer would be assigned if that customer were not a customer-generator.

(a) The electric utility shall disclose on the electric utility's website, and to any customer upon request, the name, address, telephone number, and email address of the electric utility's net metering department or contact person.

(b) The electric utility shall provide on the electric utility's website, and to any customer upon request, all necessary information regarding eligibility for the electric utility's net metering tariffs. The electric utility shall also provide this information to any customer, upon request, within a net metering application packet. The website and application packet shall describe and provide the following information in a straightforward manner: net metering tariff terms and conditions, sample net metering and interconnection agreements, and the terms and conditions for eligibility to be a net metering customer-generator. The website and application packet shall also provide information on costs that the customer may incur as a result of net metering enrollment, including any costs associated with the following: application, interconnection, and meter installation.

(5) A net metering system must be located on the customer-generator's premises. A customer-generator's premises is the area that is owned, operated, or leased by the customer-generator with the metering point for the customer-generator's account. A contiguous lot to the area with the customer-generator's metering point may be considered the customer-generator's premises regardless of easements, public thoroughfares, transportation rights-of-way, or utility rights-of-way, so long as it would not create an unsafe or hazardous condition pursuant to the interconnection standards set forth in Chapter 4901:1-22 of the Administrative Code.

(6) Unless it is a hospital, a customer-generator must intend primarily to offset part or all of the customer-generator's requirements for electricity, regardless of whether the customer-generator is on the electric utility's net metering tariff or engaged in net metering by contract with a CRES provider.

(a) The electric utility shall communicate with and assist a customer-generator in calculating the customer-generator's requirements for electricity based on the average amount of electricity supplied by the electric utility to the customer-generator annually over the previous three years. In instances where the electric utility cannot provide data without divulging confidential or proprietary information, or in circumstances where the electric utility does not have the data or cannot calculate the average annual electricity supplied to the premises over the previous three years due to new construction, vacant properties, facility expansions, or other unique circumstances, the electric utility shall use any available consumption data or measures to establish an appropriate consumption estimate. Upon request from any customer-generator, the electric utility shall provide or make available to the customer-generator either the average electricity supplied to the premises over the previous three years or a reasonable consumption estimate for the premises.

(b) A customer-generator must size its facilities so as to not exceed one hundred twenty per cent of its requirements for electricity at the time of interconnections, regardless of whether the customer-generator intends to take service through an electric utility or a CRES provider.

(7) Net metering shall be accomplished using a single meter capable of registering the flow of electricity in each direction. Upon request from a customer-generator, the electric utility shall provide the customer-generator with a detailed cost estimate of installing an interval meter. If the net metering system is located in an area where advanced meters have been deployed or are proposed to be deployed within twelve months, then the electric utility shall provide the customer-generator with a detailed cost estimate of installing an advanced meter that is also an interval meter.

(a) If a customer-generator requests an advanced meter that is also an interval meter, then such cost shall be paid by the customer-generator through the applicable smart grid rider. If the net metering system is not located in an area where the electric utility has deployed, is deploying, or proposes to deploy within twelve months advanced meters, then the electric utility may install any interval meter.

(b) The electric utility, at its own expense and with the written consent of the customer-generator, may install one or more additional meters to monitor the flow of electricity in each direction. No electric utility shall impose, without commission approval, any additional interconnection requirement or additional charges on customer-generators refusing to give such consent.

(c) If a customer's existing meter needs to be reprogrammed for the customer to become a customer-generator, or to accommodate net metering, then the electric utility shall provide the customer-generator a detailed cost estimate for the reprogramming or setup of the existing meter. The cost of setting up the meter to accommodate net metering shall be at the customer's expense. If a customer-generator has a meter that is capable of measuring the flow of electricity in each direction, is sufficient for net metering, and does not require setup or reprogramming, then the customer-generator shall not be charged for a new meter, setup, or reprogramming to accommodate net metering.

(d) For hospital customer-generators, net metering shall be accomplished using either two meters or a single meter with two registers that are capable of separately measuring the flow of electricity in both directions. One meter or register shall be capable of measuring the electricity generated by the hospital at the output of the generator or net of the hospital's load behind the meter at the time it is generated. If the hospital's existing electric meter is not capable of separately measuring electricity the hospital generates at the time it is generated, the electric utility, upon written request from the hospital, shall install at the hospital's expense a meter that is capable of such measurement.

(8) The measurement of net electricity supplied by the electric utility or received from the customer-generator is calculated in the following manner:

(a) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(b) If the electricity supplied by the electric utility exceeds the electricity received from the customer-generator over the monthly billing cycle, then the customer-generator shall be billed for the net electricity consumed by it in accordance with normal metering practices.

(c) For customer-generators on the electric utility's standard net metering tariff, when the electric utility receives more electricity from the customer-generator than it supplied to the customer-generator over a monthly billing cycle, the excess electricity shall be converted to a monetary credit at the energy component of the electric utility's standard service offer that continuously carries forward as a monetary credit on the customer-generator's future bills. The electric utility shall not be required to pay the monetary credit, other than to credit it to future bills, and the monetary credit may be lost if a customer-generator does not use the credit or stops taking service from the electric utility.

(d) The hospital net metering tariff shall comply with division (A)(2) of section 4928.67 of the Revised Code. For purposes of this rule, the market value means the locational marginal price of energy determined by a regional transmission organization's operational market at the time the customer-generated electricity is generated.

(e) A CRES provider may offer a net metering contract at any price, rate, or manner of credit for excess generation. The CRES provider shall notify the electric utility whenever a net metering contract has been entered into with a customer-generator. The electric utility may move the customer-generator to bill-ready billing, unless the CRES provider and the customer-generator agree to dual billing.

(f) If a customer-generator is net metering with a CRES provider and uses an advanced meter capable of measuring at least hourly interval usage data, the electric utility shall transmit or make available to the CRES provider the customer-generator's interval data for that billing period within twenty-four hours of performing industry-standard validation, estimation, and editing processes. The electric utility shall also transmit or make available to the CRES provider the customer-generator's daily interval usage data within twenty-four hours of performing daily industry-standard validation, estimation, and editing processes.

(g) The electric utility shall at least annually calculate and provide or make available to the CRES provider the individual network service peak load values and peak load contributions of customer-generators engaged in net metering with that CRES provider.

(h) The electric utility shall ensure that any final settlement data sent to a regional transmission organization includes negative loads in the hourly load calculation of any electricity provided to a CRES provider from its customer-generators with hourly interval metering. Load from a customer-generator shall be incorporated in the CRES provider's total hourly energy obligation reported to the regional transmission organization and will offset the CRES provider's reported load to the regional transmission organization. For customer-generators with non-hourly metering, customer generation will offset the CRES provider's energy obligation.

(9) In no event shall the electric utility impose on the customer-generator any charges that relate to the electricity the customer-generator feeds back to the system.

(10) All customer-generators shall comply with the interconnection standards set forth in Chapter 4901:1-22 of the Administrative Code.

(11) Renewable energy credits associated with a customer-generator's net metering facility shall be the property of the customer-generator unless otherwise contracted with an electric utility, CRES provider, or other entity.

(12) The electric utility shall annually report to the commission the total number and installed capacity of customer-generators on the electric utility's net metering tariffs for each technology and consumer class.