

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review of)
Chapters 4901:1-9, 4901:1-10, 4901:1-21,) Case No. 06-653-EL-ORD
4901:1-22, 4901:1-23, 4901:1-24, and 4901:1-25)
of the Ohio Administrative Code.)

ENTRY

The Commission finds:

- (1) Section 119.032, Revised Code, requires 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. The rules in Chapter 4901:1-9, Ohio Administrative Code (O.A.C.), address a variety of matters, including demand metering; uniform systems of accounts for electric companies; retention of records by electric, sewage disposal, water, and gas companies; and nuclear decommissioning. The rules in Chapter 4901:1-10, O.A.C., govern the minimum service and safety standards for service provided by electric utilities. The rules in Chapter 4901:1-21, O.A.C., govern the rules for operations by competitive retail electric service (CRES) providers. The rules in Chapter 4901:1-22, O.A.C., set forth electric interconnection standards. The rules in Chapter 4901:1-23, O.A.C., cover electric service provider enforcement provisions. The rules in Chapter 4901:1-24, O.A.C., govern applications for certification to operate as a CRES provider. The rules in Chapter 4901:1-25, O.A.C., comprise regulations relating to electric market monitoring.
- (2) Section 119.032(C), Revised Code, requires the Commission to determine whether:
 - (a) The rules should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted;
 - (b) The rules need amendment or rescission to give more flexibility at the local level;

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered to the requesting agency of business
Technician AB Date 4-4-07

- (c) The rules needs amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by Section 121.74, Revised Code, and whether the incorporation by reference meets the standards stated in Sections 121.72, 121.75, and 121.76, Revised Code; and
 - (d) The rules duplicate, overlap with, or conflict with other rules.
- (3) In making its review, an agency is required to consider the continued need for the rules, the nature of any complaints or comments received concerning the rules, and any factors that have changed in the subject matter area affected by the rules. The Commission staff has evaluated the rules contained in Chapters 4901:1-9, 4901:1-10, 4901:1-21, 4901:1-22, 4901:1-23, 4901:1-24, and 4901:1-25, O.A.C., and recommends amendments to several rules as shown in the attachment to this entry. A few of the more significant recommended changes are summarized below.
 - (4) Staff is recommending adding definitions to Chapter 4901:1-9.
 - (5) Appendix A to Rule 4901:1-9-06 has been substantially condensed.
 - (6) Chapter 4901:1-10 is proposed to be reorganized to improve readability and logical sequence. Charts showing the proposed sequence and its relationship to the existing sequence are attached to this entry.
 - (7) Staff proposes to modify certain definitions in Rule 4901:1-10-01. One change would add a new statistical definition of the term "major event." Another modification adds a definition of "sustained outage."
 - (8) In Rule 4901:1-10-02, staff proposes to restrict the rebuttable presumption of adequate service to exclude complaints about service to individual customers or segments of the system. That same rule would be also be modified to clarify that exculpatory language in tariffs is not binding on the Commission and is not

relevant to any Commission determination of adequacy. Tariffs would also be required to inform customers of this limitation.

- (9) Staff is proposing to expand the retention time for certain maintenance records, in Rule 4901:1-10-03, to capture the time involved in cyclical maintenance programs.
- (10) Rule 4901:1-10-05 (old rule 4901:1-10-14) would be modified to eliminate residential customers from its coverage. At the same time, staff proposes to modify Rule 4901:1-17-01 to include electric distribution utilities in its coverage. Paragraph (C) of that rule would, if amended, read as follows:

"Utility" or "public utility" means ~~all persons, firms, or corporations~~ ANY PERSON, FIRM, OR CORPORATION engaged in the business of providing natural gas, ELECTRIC DISTRIBUTION, telecommunications (excluding commercial mobile radio service), water, or sewage disposal service to consumers, as defined in division (G) of section 4929.01 of the Revised Code, ~~and~~ DIVISION (A)(6) OF SECTION 4928.01 OF THE REVISED CODE, OR divisions (A)(2), (A)(8) ~~and~~ OR (A)(14) of section 4905.03 of the Revised Code, respectively. ~~Rules for the establishment of credit for electric distribution utilities are included in Chapter 4901:1-10 of the Administrative Code.~~

- (11) Staff proposes to modify Rule 4901:1-10-07 (old rule 4901:1-10-09) to require an annual report of performance against the installation time and answer time service levels. This rule, as well as certain paragraphs within Rules 4901:1-10-26, 27, and 29, are also proposed to be modified to set procedures and timelines for settlement of disputes with staff.
- (12) Rule 4901:1-10-08 (old rule 4901:1-10-12) includes modification relating to the posting of a summary of rights and obligations on the EDUs' websites and to the provision of information relating to actual meter readings to customers.
- (13) Staff proposes metering modifications in Rule 4901:1-10-24 (old rule 4901:1-10-05), relating to the retention of meter test records and the reading of demand meters.

- (14) No changes are being proposed in this docket to modify Rule 4901:1-10-25 (old rule 4901:1-10-28), as this rule is being considered in *In the Matter of the Commission's Response to the Federal Energy Policy Act of 2005 Regarding Net Metering, Smart Metering, Demand Response, Cogeneration and Power Production Purchase and Sale Requirements, and Interconnection*, Case No. 05-1500-EL-COI.
- (15) In Rule 4901:1-10-26 (old rule 4901:1-10-10), staff proposes to reduce the number of reliability measures. Specifically SAIDI and ASAI would be eliminated. Staff would add a requirement for periodic customer surveys to use as an input for setting new performance targets. The transmission outage exclusion would be modified to refer to bulk transmission. A new requirement for reporting interruptions by outage cause would be added. The rule would also be amended such that it would be a violation of the rule to miss a performance target for any two consecutive years.
- (16) Rule 4901:1-10-27 (old rule 4901:1-10-11) would be modified to eliminate MAIFI reporting.
- (17) Staff suggests modifying Rule 4901:1-10-28 (old rule 4901:1-10-26) to add new requirements for reporting violations of national reliability standards administered by FERC, along with violations of reliability standards administered by regional reliability organizations and regional transmission system operators. Staff would also delete the reporting of the number and duration of planned and unplanned interruptions, together with a sampling of voltage measurements.
- (18) In Rule 4901:1-10-29, staff proposes to modify the substation inspection requirements. Staff would also add a provision making an EDU's failure to comply with its own programs and policies for inspection, maintenance, etc., a violation of the rule.
- (19) Staff proposes to modify Rule 4901:1-10-31 (old rule 4901:1-10-08) to eliminate the requirement to define "major storms." Instead, the term "major event" would be uniform among all companies.
- (20) In Rule 4901:1-21-05, staff proposes to add a requirement for CRES providers to disclose an affiliate relationship with an Ohio utility.

- (21) In Rule 4901:1-21-06, staff's revisions include a requirement that CRES providers provide a unique confirmation number when enrolling a customer by telephone or on the internet.
- (22) Staff would amend Rule 4901:1-21-11 to delete the requirement that CRES providers limit contract duration to 24 or 36 months.
- (23) Staff proposes to amend Rule 4901:1-24-07 to allow CRES providers to file reports on behalf of governmental aggregators.
- (24) Staff would amend the market monitoring rules in Chapter 4901:1-25 regarding distributed generation.
- (25) A copy of the proposed amended rules will be available as an attachment to this entry on the Commission's docketing website but, due to its length, a paper copy will not be served with this entry. Those persons desiring to review the proposal should access it through the website, at <http://dis.puc.state.oh.us>. Any person needing a paper copy of the proposal may contact the docketing division at 614-466-4095.
- (26) The Commission requests comments from interested persons to assist in the review required by Section 119.032(C), Revised Code. Interested persons shall file their comments, in writing, with the Commission Docketing Division by Friday May 18, 2007. Anyone wishing to file reply comments shall do so by Friday, June 8, 2007.

It is, therefore,

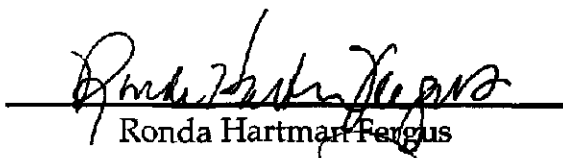
ORDERED, That all interested persons shall have until Friday, May 18, 2007, to file comments to the proposed rule changes and until Friday, June 8, 2007, to file reply comments in accordance with finding 26. It is, further,

ORDERED, That a copy of this entry and the attached chart, but without a copy of the attached proposed rules, be served upon all investor-owned electric utilities in the state of Ohio, all certified competitive retail electric service providers in the state of Ohio, all gas and natural gas companies in the state of Ohio, and all waterworks and sewage disposal system companies in the state of Ohio.


THE PUBLIC UTILITIES COMMISSION OF OHIO



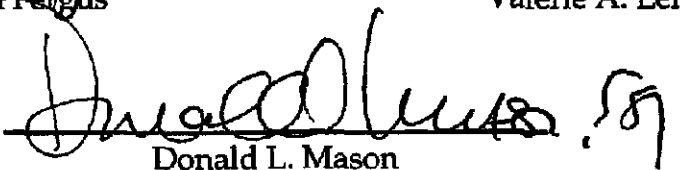
Alan R. Schriber, Chairman



Ronda Hartman Fergus



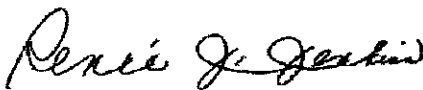
Valerie A. Lemmie



Donald L. Mason

JWK;geb

Entered in the Journal

APR 04 2007Renee J. Jenkins
Secretary

<u>New Rule Number</u>	<u>Topic</u>	<u>Old Rule Number</u>
	<u>General</u>	
4901:1-10-01	Definitions	4901:1-10-01
4901:1-10-02	Purpose and Scope	4901:1-10-02
4901:1-10-03	Retention of Records	4901:1-10-03
4901:1-10-04	Failure to Comply with the rules of commission orders	4901:1-10-30
	<u>New Customers/Enrollment</u>	
4901:1-10-05	Deposits	4901:1-10-14
4901:1-10-06	Consumer safeguards and information (also Competitive)	4901:1-10-24
4901:1-10-07	Minimum customer service levels	4901:1-10-09
4901:1-10-08	Provision of customer rights and obligations	4901:1-10-12
4901:1-10-09	Coordination with CRES providers	4901:1-10-29
4901:1-10-10	Cooperation with certified governmental aggregators	4901:1-10-32
	<u>Billing</u>	
4901:1-10-11	Employee identification	4901:1-10-13
4901:1-10-12	EDU customer billing and payments	4901:1-10-22
4901:1-10-13	Consolidated billing requirements	4901:1-10-33
4901:1-10-14	Delinquent residential bills (also competitive)	4901:1-10-19
4901:1-10-15	Billing adjustments	4901:1-10-23
	<u>Disconnection</u>	
4901:1-10-16	Reasons for denial or disconnection of nonresidential service	4901:1-10-15
4901:1-10-17	Notice of disconnection of nonresidential service	4901:1-10-16
Deleted	Notice of disconnection to tenants and landlords	4901:1-10-25
4901:1-10-18	Payment schedule and disconnection procedures for nonpayment by nonresidential customers	4901:1-10-17
4901:1-10-19	Reconnection of nonresidential service	4901:1-10-18
4901:1-10-20	Fraudulent practice, tampering, and theft of service	4901:1-10-20
	<u>Customer Complaints</u>	
4901:1-10-21	Customer complaints and complaint-handling procedures (also Competitive)	4901:1-10-21
	<u>Power Quality and Reliability</u>	
4901:1-10-22	National Electrical Safety Code	4901:1-10-06
4901:1-10-23	Equipment for voltage measurements and system voltage and frequency requirements	4901:1-10-04
4901:1-10-24	Metering	4901:1-10-05
4901:1-10-25	Net metering (05-1500)	4901:1-10-28
4901:1-10-26	Distribution system reliability	4901:1-10-10
4901:1-10-27	Distribution circuit performance	4901:1-10-11
4901:1-10-28	Annual system improvement plan report	4901:1-10-26
4901:1-10-29	Inspection, maintenance, repair, and replacement of transmission and distribution facilities (circuits and equipment)	4901:1-10-27
	<u>Outages and Emergencies</u>	
4901:1-10-30	Outage Reports	4901:1-10-07
4901:1-10-31	Emergency plan(s), annual emergency contact report and annual review of emergency plan, critical customers, emergency exercise, and coordination	4901:1-10-08
	<u>Environmental Labeling</u>	
4901:1-10-32	Environmental disclosure	4901:1-10-31
4901:1-10-32	Appendix A	4901:1-10-31
4901:1-10-32	Appendix B	4901:1-10-31

<u>Old Rule Number</u>	<u>Topic</u>	<u>New Rule Number</u>
4901:1-10-01	Definitions	4901:1-10-01
4901:1-10-02	Purpose and Scope	4901:1-10-02
4901:1-10-03	Retention of Records	4901:1-10-03
4901:1-10-04	Equipment for voltage measurements and system voltage and frequency requirements	4901:1-10-23
4901:1-10-05	Metering	4901:1-10-24
4901:1-10-06	National Electrical Safety Code	4901:1-10-22
4901:1-10-07	Outage Reports	4901:1-10-30
4901:1-10-08	Emergency plan(s), annual emergency contact report and annual review of emergency plan, critical customers, emergency exercise, and coordination	4901:1-10-31
4901:1-10-09	Minimum customer service levels	4901:1-10-07
4901:1-10-10	Distribution system reliability	4901:1-10-26
4901:1-10-11	Distribution circuit performance	4901:1-10-27
4901:1-10-12	Provision of customer rights and obligations	4901:1-10-08
4901:1-10-13	Employee identification	4901:1-10-11
4901:1-10-14	Deposits	4901:1-10-05
4901:1-10-15	Reasons for denial or disconnection of nonresidential service	4901:1-10-16
4901:1-10-16	Notice of disconnection of nonresidential service	4901:1-10-17
4901:1-10-17	Payment schedule and disconnection procedures for nonpayment by nonresidential customers	4901:1-10-18
4901:1-10-18	Reconnection of nonresidential service	4901:1-10-19
4901:1-10-19	Delinquent residential bills (also competitive)	4901:1-10-14
4901:1-10-20	Fraudulent practice, tampering, and theft of service	4901:1-10-20
4901:1-10-21	Customer complaints and complaint-handling procedures (also Competitive)	4901:1-10-21
4901:1-10-22	EDU customer billing and payments	4901:1-10-12
4901:1-10-23	Billing adjustments	4901:1-10-15
4901:1-10-24	Consumer safeguards and information (also Competitive)	4901:1-10-06
4901:1-10-25	Notice of disconnection to tenants and landlords	Deleted
4901:1-10-26	Annual system improvement plan report	4901:1-10-28
4901:1-10-27	Inspection, maintenance, repair, and replacement of transmission and distribution facilities (circuits and equipment)	4901:1-10-29
4901:1-10-28	Net metering (05-1500)	4901:1-10-25
4901:1-10-29	Coordination with CRES providers	4901:1-10-09
4901:1-10-30	Failure to Comply with the rules of commission orders	4901:1-10-04
4901:1-10-31	Environmental disclosure	4901:1-10-32
4901:1-10-31	Appendix A	4901:1-10-32
4901:1-10-31	Appendix B	4901:1-10-32
4901:1-10-32	Cooperation with certified governmental aggregators	4901:1-10-10
4901:1-10-33	Consolidated billing requirements	4901:1-10-13

4901:1-9-01 **DEFINITIONS.**

AS USED IN THIS CHAPTER:

- (A) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION OF THE STATE OF OHIO.
- (B) "COMPETITIVE RETAIL ELECTRIC SERVICE" SHALL HAVE THE MEANING SET FORTH IN DIVISION (A)(4) OF SECTION 4928.01 OF THE REVISED CODE.
- (C) "ELECTRIC DISTRIBUTION UTILITY" SHALL HAVE THE MEANING SET FORTH IN DIVISION (A)(6) OF SECTION 4928.01 OF THE REVISED CODE.
- (D) "ELECTRIC LIGHT COMPANY" SHALL HAVE THE MEANING SET FORTH IN DIVISION (A)(4) OF SECTION 4905.03 OF THE REVISED CODE.
- (E) "ELECTRIC UTILITIES" SHALL HAVE THE MEANING SET FORTH IN DIVISION (A)(11) OF SECTION 4928.01 OF THE REVISED CODE.

4901:1-9-03 **Demand or load meter option for residential customers.**

Each electric light company shall maintain on file with the ~~public utilities~~ commission a tariff, in which the company:

- (A) Offers residential customers, whose residences are primarily heated by electricity, the option of metering usage by a demand or load meter.
- (B) May require customers to pay for any demand/load meter they select and its installation, if no such meter is already installed.
- (C) Shall bill customers with demand/load meters for kilowatt hours in excess of a prescribed number of kilowatt hours per kilowatt of billing demand, at a rate per kilowatt hour that reflects the lower cost of providing service during off-peak periods.

4901:1-9-05 **Uniform system of accounts for electric companies.**

- (A) Electric DISTRIBUTION UTILITIES AND PROVIDERS OF COMPETITIVE RETAIL ELECTRIC SERVICE ~~light companies subject to the jurisdiction of the public utilities commission of Ohio~~ shall keep their books of accounts and records in accordance with the uniform system of accounts from time to time prescribed by the federal energy regulatory commission (FERC) except to the extent that the provisions of said uniform system of accounts are inconsistent in any way with the outstanding accounting orders of the ~~public utilities commission of Ohio~~.
- (B) The ~~public utilities commission of Ohio~~ reserves to itself the right to require the creation and maintenance of such additional accounts as may hereafter be prescribed to cover the

accounting procedures of electric DISTRIBUTION UTILITIES AND PROVIDERS OF COMPETITIVE RETAIL ELECTRIC SERVICE ~~light companies operating within the state of Ohio.~~

4901:1-9-06 Retention of records.

Unless otherwise specified in Chapter 4901:1-10 of the Administrative Code, the regulations governing the retention and preservation of records of electric utilities are set forth in appendix A to this rule.

Rule 4901:1-9-06, Administrative Code: Appendix A

**REGULATIONS TO GOVERN
THE PRESERVATION OF RECORDS**

BY

**ELECTRIC, GAS, WATER, AND
SEWAGE DISPOSAL UTILITIES**

PROMULGATION

- (A) This rule, set forth as appendix A of rule 4901:1-9-06 of the Administrative Code (hereinafter referred to as "rule"), is prescribed and promulgated as the regulations governing the preservation of records by electric, gas, water, and sewage disposal system public utilities subject to the jurisdiction of the commission, to the extent and in the manner set forth therein.
- (B) This rule, as originally promulgated, became effective on January 1, 1988. As to any electric, gas, water, or sewage disposal system public utility that may hereafter become subject to the jurisdiction of the commission, this rule shall become effective as of the date when such public utility becomes subject to the jurisdiction of the commission.

GENERAL INSTRUCTIONS

- (A) Scope of this rule
 - (1) This rule applies to all books of account and other records prepared or acquired by or on behalf of the public utility.
 - (2) The provisions of this rule shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed herein.
 - (3) Unless otherwise specified in the schedule, duplicate copies of records may be destroyed at any time provided that the duplicate copies contain no significant information not shown on the originals.

- (4) Records other than those listed in the schedule may be destroyed at the option of the public utility or licensee. However, if alternative records are used in lieu of those listed, then such alternative records shall be preserved for the periods prescribed for the listed records. Further, retention of records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall conform to the principles embodied herein.
- (5) The commission may, upon the request of a public utility, authorize a shorter period of retention for any record listed in this schedule upon a showing by the public utility that preservation of such record for a longer period is not necessary or appropriate in the public interest or for the protection of investors or consumers.
- (6) When records are copied or reproduced in any of the media forms approved by this rule, those copies, if properly identified by an officer of the company, shall have the same force and effect in any proceeding before this commission as the original record.

(B) Designation of supervisory official

- (1) Each public utility subject to the regulations in this rule shall designate one or more persons with official responsibility to supervise the utility's program for the preservation and the authorized destruction of its records.
- (2) The utility must develop a written procedure to ensure the integrity of permanent computer records and must furnish the name and title of the official responsible for validating the information. These computer records should be generated according to "accepted general business practices."

(C) Protection and storage of records

The public utility shall provide reasonable protection for records subject to the regulations in this rule from damage by fires, floods, and other hazards, and, in the selection of storage spaces, shall safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of proper ventilation.

Records maintained in electronic, magnetic, micrographic, optical and other similar media shall be stored in a controlled environment with temperature and humidity ranges within the standards accepted by the National Archives for use by federal agencies.

(D) Definition of record media

- (1) For the purpose of these regulations, the data constituting the records listed in the schedule may be retained in any of the media shown on the chart entitled "Record Media" following paragraph (D)(3) of this rule, or in any other generally accepted electronic or photographic medium, if the medium selected has a standard life expectancy equal to or in excess of the specified retention period. However, records supporting plant and licensed project cost shall be retained in their original form unless microfilmed. (See general instruction, paragraph (J) of this rule.) In no instance, except in emergencies, will document regeneration to achieve the full length of period retention be allowed without commission approval of the request of the utility. In emergency cases, management shall take such action as prudence calls for and notify the commission immediately thereafter.
- (2) If the form of the record retained is other than a readable paper copy, then reader and/or printer equipment and related printout programs, if required, shall be provided by the utility for data reference.
- (3) The medium initially selected for the record becomes the "original" for that particular record. If subsequent conditions (e.g., improved medium life expectancy, increased utility resources, environmental factors) require a change in the medium, and if the remaining retention period permits it, the utility may convert to another medium. In that event, the certification processes described in paragraph (E) of this rule must be observed and data referencing capability must be maintained.

RECORD MEDIA		
Medium	Expected Life	Comments and Standards
Paper and card stock (hardcopy)	Archival permanency	For each document, paper stock should be selected with a life expectancy equal to or greater than the retention period specified for that document.
Tape		
Magnetic (including video tape)	5 years	Records should be stored under conditions that will ensure their preservation for their full retention period. Utilities may consult life expectancy guidelines issued by the American National Standards Institute for measures that can be used to meet retention requirements.
Punched	Archival permanency	For each record, tape media (paper, mylar, metallic base) should be selected with a life expectancy equal to or greater than the retention period specified for that record.
Microforms:		
Microfilm, including computer output microfilm (COM), microfiche jackets, and aperture cards.	Archival permanency	Records should be stored under conditions that will ensure their preservation for their full retention period. Utilities may consult life expectancy guidelines issued by the American National Standards Institute for measures that can be used to meet retention requirements.
Updatable type	Dependent on use of media	For temporary records not requiring archival permanency, so long as the microform or film selected has a life expectancy equal to or greater than the retention period for that record. Same storage as for microfilm.
Metallic recording data strips	Archival permanency	Same storage conditions as for microfilm.

(E) Microform, tape, and computer output certification

(1) As the initial recording media:

- (a) Except as provided in paragraph (E)(1)(d) of this rule, each microform record series shall contain, at the beginning, a microform introduction stating the title of the record series, the date prepared, and the name of the individual responsible for validating the data contained herein. Each microform record series shall be closed with a clear and standard microform notation indicating the completion of the series and the date.
- (b) If, after validation, supplemental data and/or corrections (i.e., resulting from computer programming) are required, said microform may be produced separately or as a part of the series

rerun, but shall be affixed to the original microform certificate as described in paragraph (E)(1)(a) of this rule.

- (c) Each tape record series shall be externally labeled and, as a basic part of the program, shall include at the beginning of that series an introduction stating the record series title, date prepared, the name of the individual responsible for validating or confirming the data contained therein and an index where appropriate. Each record series shall be closed with a clear and standard notation indicating the completion of that series and the date.
- (d) If an official permanent record series is a computer output product (i.e., output paper or microfilm, jacketed microfiche or aperture cards), any certification that may otherwise be required under paragraph (E)(1)(a) of this rule is not required if both of the following are met:
 - (i) The series is prepared in accordance with written standard procedures developed, or accepted general business practices followed, by the utility that ensure the integrity of record series that are the product of computer output.
 - (ii) Such procedures or practices include the name or title of the official responsible for validating or confirming the data contained in the record series and confirming that a particular computer output record series was produced in accordance with the standard procedure or practices.

(2) Conversion from other media:

- (a) Each microform record series shall include, as an integral part, a certificate(s) stating that the microforms are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate(s) shall be executed by a person(s) having personal knowledge of the facts covered thereby.
- (b) Each microform record series shall commence and end with a statement as to the nature and arrangement of the records reproduced, and the date. Rolls of film shall not be cut except to produce jacketed microfiche. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of microform found to be defective, shall be attached to the beginning of the microform record series. However, if a retrieval system using such methods as, for example, image count indexing or "blipping" is used, the supplemental or retaken film may be attached at the end of the series if provisions at the beginning of the series advise the viewer of the location of the problem frames and the location of the supplemental or retaken frames. If supplemental or retaken film of misplaced or omitted documents, or of portions of microform found to be defective, are attached to the microform record series, the certificate described in paragraph (E)(2)(a) of this rule shall cover the supplemental or retaken film and shall state the reasons for the attachment.
- (c) If, in accordance with the provisions of paragraph (F) of this rule, the utility or licensee elects to convert records to the tape media, the same certification provisions specified in paragraph (E)(1)(c) of this rule must be provided in the conversion program.

(F) Change of media for existing records

Those records prepared and maintained under previous regulations in a paper media and whose remaining retention period falls within the life expectancy range of any of the media shown on the chart entitled "Record Media," following paragraph (D)(3) of this rule, may be converted to that medium, at the public utility's option, if the applicable certification process described in paragraph (E) of this rule is observed and an audit referencing capability maintained.

(G) Media

All records created or maintained in a medium and a format other than readable entries on paper shall:

- (1) Be prepared, arranged, classified, identified and indexed as to permit the subsequent location, examination and reproduction of the record to readable media.
- (2) Be stored in such a manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. and maintained in a controlled environment.
- (3) Be regenerated, including proper certification, when damaged.

The company shall be prepared to furnish, at its own expense, standard facilities for reading media and shall additionally provide, if the commission so directs, copies of the record in a readable form.

All film stock shall be an approved type for permanent-record microcopying and shall meet the current specifications of the American National Standards Institute.

(H) Destruction of records

The destruction of records permitted to be destroyed under the provisions of this rule may be performed in any manner elected by the utility concerned. Precautions should be taken, however, to macerate or otherwise destroy the legibility of records, where the content is forbidden by law to be divulged to unauthorized persons.

(I) Premature destruction or loss of records

When any records are destroyed or lost before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed or lost, and describing the circumstances of accidental or other premature destruction or loss, shall be filed with the commission within ninety days from the date of discovery of such destruction or loss.

(J) Schedule of records and periods of retention

The schedule of records and periods of retention that follows these instructions shows the periods of time that designated records shall be preserved. Regardless of any provisions to the contrary, records related to plant shall be retained a minimum of twenty-five years unless accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commission having jurisdiction and either continuing plant inventory records are maintained or unitization of construction costs appears in work orders.

However, records related to the construction of licensed projects, or additions or betterments thereto, for which the commission has not determined the actual legitimate original cost, shall be retained until such cost has been determined. Additionally, all records that affect the determination of amortization reserves related to licensed projects shall be retained until the Commission determination and final adjudication is made.

(K) Retention periods for matters not covered

Where documents are not covered by this rule, those documents may be destroyed only if such destruction is appropriate to limited managerial interest in such records and if such optional destruction is not in conflict with other legal retention requirements or the usefulness of such records in satisfying pending regulatory actions or directives.

(L) Records of services performed by associated companies

The public utility to this rule applies shall assure the availability of records of services performed by associated companies for the periods indicated herein, as are necessary, to support the cost of services rendered to it by an associated company.

(M) Index of records

At each office of the public utility where records are kept or stored, such records as are required to be preserved shall be so arranged, filed, and currently indexed that they may be readily identified and made available to representatives of the commission.

(N) Schedule of notes

- (1) For the purposes of this rule, a stockholder's account may be treated as a closed account at the time that such stockholder ceases to be a holder of record of the particular class and series of stock of the company and the six-year retention period prescribed herein shall run from that date. If such person subsequently acquires shares of capital stock of the company and thus again becomes a stockholder of the company, the record of such acquisition shall be treated as a new stockholder account.
- (2) The terms "bonds" and "debentures" shall include all debt securities, such as bonds, debentures, or notes other than debt securities, that evidence temporary borrowings and that are expected to be repaid out of the proceeds of the sale of longer term securities. Typical of such temporary debt securities would be notes issued to banks evidencing temporary working capital and construction loans and gas storage loans.
- (3) Canceled bonds and debentures and paid interest coupons pertaining thereto may be destroyed, provided that a certificate of destruction giving full description reference to the documents destroyed shall be made by the person or persons authorized to perform such destruction and shall be retained by the company for the period herein prescribed. The certificate of destruction evidencing the destruction of paid interest coupons pertaining to bonds and debentures need not contain a listing of the bond or debenture serial numbers pertaining to such paid interest coupons. When documents represent debt secured by mortgage, the certificate of destruction shall also be authorized by a representative of the trustee(s) acting in conjunction with the person or persons destroying the documents or shall have the trustee(s) acceptance thereon. The certificate of destruction described above may be destroyed six years after the payment and discharge of the bonds or debentures or interest coupons described in such certificate.
- (4) If a retention period is prescribed elsewhere in the schedule with respect to any document which is included as an exhibit to any filing retained pursuant to the requirements of this item, the company need retain only one copy of such document in its files provided appropriate cross references are established.
- (5) Life or mortality study data for depreciation purposes should be retained for twenty-five years or for ten years after the plant is retired, whichever is longer.

CORPORATE AND GENERAL

- | | |
|---|---|
| (A) Annual reports or statements to stockholders | 50 years or life of corporation, whichever comes first. Duplicate copies may be destroyed at option. |
| (B) Debt security records: | |
| (1) Paid or canceled debt securities evidencing temporary borrowings. | 3 years after payment or cancellation, provided other records of issuance and payment or cancellation are maintained. |
| (2) Paid interest checks. | 6 years. |
| (C) Organizational documents: | |
| (1) Minute books of stockholders', directors', and directors' committee meetings. | 50 years or termination of the corporation's existence, whichever occurs first. |
| (2) Titles, franchises, and licenses: | |

(a) Deeds and other title papers (including abstracts of title and supporting data).	6 years after property is disposed of unless surrendered to transferee.
(b) Corporate charters, certificates of incorporation, franchises, certificates authorizing operations as a public utility, copies of formal orders of regulatory commissions served upon the utility.	Life of corporation
(c) Licenses (including amendments) granted by federal or state authorities for construction and operation of utility plant.	25 years after plant is retired or expiration of license, whichever is shorter.
(3) Permits and granted applications for the utility's use of facilities of others or for other entities' use of the utility's facilities.	6 months after expiration or cancellation.
(4) Organization diagrams and charts.	Destroy at option after expiration or supersession.
(D) Contracts and agreements (except contracts provided for elsewhere):	
(1) Service contracts, such as for management, accounting and financial services, and contracts with other utilities for the purchase, sale or interchange of product.	6 years after expiration or cancellation.
(2) Leases pertaining to rentals of property; contracts and agreements with employees, labor unions, company unions, and other employee organizations relative to wage rates, hours and similar matters; and contracts, agreements, and/or other essential records necessary to the carrying out of the functions of an employee's stock purchase or other type of employees' saving plan.	3 years after expiration or cancellation.
(3) Contracts or agreements for the acquisition or disposal of investments (excluding temporary cash investments).	3 years after disposal.
(4) Memoranda essential to clarifying or explaining provisions of contracts listed above; and records of contracts, leases, and agreements showing dates of expirations and renewals; and memoranda of receipts and payments.	For the same period as contracts to which they relate.
(E) Internal audit reports and work papers and reports of examinations and audits by accountants and auditors not in the regular employ of the utility (such as reports of public accounting firms and regulatory commission accountants).	7 years after date of report or commission audit, whichever comes last.

AUTOMATIC DATA PROCESSING	
(A) Automatic data processing records	Retain original source data used as input for data processing and data processing applicable periods prescribed elsewhere in the schedule.

(B) Program documentation and revisions thereto.	Retain for periods prescribed for related output data. Statements and illustrations as to the scope of operations should be sufficiently detailed to indicate (a) the application being performed, (b) the procedures employed in each application (which, for example, might be supported by flow charts, block diagrams or other descriptions of operating procedures), and (c) the controls used to insure accurate and reliable processing. Major program changes, together with their effective dates, should be noted in order to preserve an accurate chronological record.
--	--

<u>GENERAL ACCOUNTING RECORDS</u>	
(A) General and subsidiary ledgers:	
(1) General, subsidiary, and auxiliary ledgers and their indexes, except as provided for elsewhere.	50 years.
(2) Trial balance sheets of general and subsidiary ledgers.	2 years.
(B) General and subsidiary journals.	50 years.
(C) Journal vouchers and journal entries, including supporting detail:	
(1) Journal vouchers and journal entries.	50 years.
(2) Analyses, summarizations, distributions, and other computations supporting journal vouchers and entries:	6 years.
(D) Cash books: General and subsidiary or auxiliary books.	10 years after close of fiscal year.
(E) Voucher or similar records when used as a source document.	6 years.
(F) Vouchers: Paid and canceled vouchers (one copy of the analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers); original bills and invoices for materials, services, etc., paid by vouchers; paid checks and receipts for payments by voucher or otherwise; and authorization for the payment of specific vouchers.	6 years.
(G) Accounts receivable: Record or register of accounts receivable and indexes thereto and summaries of distribution.	3 years after settlement.
(H) Records of securities owned: Records of securities owned, in treasury, or with custodians (excluding temporary investment of cash).	3 years after disposal of the investment.
(I) Payroll records:	

	(1) Payroll sheets or registers of payments of salaries and wages; records showing the distribution of salaries and wages paid and summaries or recapitulation statements of such distribution; time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked; description of work and accounts to be charged; paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees; applications and authorizations for changes in wage and salary rates, summaries and reports of changes in payrolls, and similar records; and payroll authorizations and records of authorized positions.	3 years.
	(2) Employees' individual earnings records.	3 years after termination of employment.

<u>INSURANCE</u>		
	(A) Insurance records:	
	(1) Records of insurance policies in force, showing coverage, premiums paid and expiration dates.	Destroy at option after expiration of such policies.
	(2) Insurance policies.	3 years after expiration.
	(3) Records of amounts recovered from insurance companies in connection with losses and of claims against insurance companies, including reports of losses and supporting papers.	6 years.
	(B) Injuries and damages:	
	(1) Claim registers, card or book indexes and similar records in connection with claims presented against the company in connection with accidents resulting in damage to the property of others or personal injuries; papers, reports, statements of witnesses, etc., necessary to the support or rejection of individual claims against the company; and detailed schedules or spread sheets of payments to others for personal injuries or for property damages.	3 years after settlement.

		(2) Other papers, reports or statements, pertaining to accidents resulting in property damages or personal injuries, not necessary to the support or rejection of claims.	3 years.
--	--	---	----------

<u>OPERATIONS AND MAINTENANCE</u>			
		(A) Production	
		(1) Electric:	
		(a) Boiler room, condenser room, turbine room, and pump room logs, including supporting data; boiler room and turbine room reports of equipment in service and performance; boiler-tube failure report; generating high-tension and low-tension load records; and load curves, temperature logs, coal, and water logs.	3 years.
		(b) Generation and output logs with supporting data.	6 years.
		(c) Station and system generation reports.	25 years for hydro and 6 years for steam and other.
		(d) Gage-reading reports.	2 years, except river-flow data collected in connection with hydro-operation shall be retained for life of corporation.
		(e) Recording instrument charts.	1 year, except where the basic chart information is transferred to another record, the charts need only be retained six months provided the record containing the basic data is retained one year.
		(2) Gas:	
		(a) Boiler and gas machine logs, including supporting data; gas generation and output logs with supporting data; temperature and atmospheric pressure logs; coal, coke, and oil reports; residual reports; and records of general inspection and operating tests.	3 years.
		(b) Recording instrument charts such as pressure (static and/or differential), temperature, specific gravity, heating value, etc.	1 year, except where the basic chart information is transferred to another record, the charts need only be retained six months provided the record containing the basic data is retained one year.
		(c) Test of heating value at stations and outlying points; records of gas produced, gas purchased, gas sent out and holder stock; and analysis of gas produced and purchased including Btu and sulfur content.	6 years.
		(d) Well records, including records for clearing, bailing, shooting, etc.; rock pressure; open flow; production, gas analysts' reports, etc.	1 year after field or relevant production area abandoned.
		(e) Gas measuring records.	1 year, except where the basic chart information is transferred to another record, the charts need only be retained six months provided the record containing the basic data is retained one year.
		(f) Records of meter tests.	Until superseding test, but not less than two years.

		(g) Meter history records.	For life of meter.
		(3) Nuclear:	
		(a) Records of normal plant operation, including power levels and periods of operation at each power level; records of principal maintenance activities, including inspection, repair, substitution or replacement of principal items of equipment pertaining to nuclear safety; records of abnormal occurrences; and records of periodic checks, inspections and calibrations performed to verify that surveillance requirements are being met.	5 years. However, records pertaining to the first year's operation shall be stored for the life of the corporation.
		(b) Records and prints of changes made to the plant as described in the "Final Safety Analysis Report" of the Nuclear Regulatory Commission. Records of new and spent fuel inventory and assembly histories; records of monthly plant radiation and continuation surveys; records of offsite environmental monitoring surveys; records of radiation exposure of all plant personnel, including all contractors and visitors to the plant who enter radiation control areas; records of radioactivity in liquid and gaseous wastes released to the environment; records of any special reactor tests or experiments; and records of changes made in the operating procedures.	Life of corporation.
		(4) Water supply, purification and pumping:	
		(a) Record of water supplied to distribution system, by sources.	15 years or 3 years after the source is abandoned, whichever is shorter.
		(b) Boiler room, condenser room, turbine room, and pump room logs, including supporting data; boiler room and turbine room reports of equipment in service and performance; equipment failure reports; oil and waste reports; coal and water logs; gage-reading reports; and recording instrument charts.	3 years.
		(c) Pumping output logs with supporting data.	6 years.
		(d) Station output reports.	25 years for hydro and 6 years for steam or other.
		(B) Transmission and Distribution	
		(1) Electric:	
		(a) Substation and transmission line logs; system operator's daily logs and reports of operation; storage battery and other equipment logs and records; records of substation general inspections and operation tests; line-trouble reports and records; and meter shop reports (monthly reports summarizing test, repairs, etc.).	3 years.
		(b) Interruption logs and reports and apparatus failure reports.	6 years.
		(c) Records of meter tests.	Life of the meter plus 3 years
		(d) Transformer, pole, tower, structure, and other history records.	For life of equipment plus additional time required to determine compliance with maintenance policies, schedules, and programs.
		(2) Gas:	

		(a) Transmission line logs; transmission and distribution department load dispatching operating logs; records of general inspections and operating tests; reports on inspections and repairs of all street openings; apparatus failure reports; records of meter tests; meter shop reports (monthly reports summarizing tests, repairs, etc.); gas measuring records; transmission line operating reports; compressor operation and reports; and gas pressure department reports.	3 years.
		(b) Service interruption logs and reports.	6 years.
		(c) Meter history records.	For the life of the meter plus 3 years.
		(d) Recording instrument charts such as pressure (static and differential), temperature, specific gravity, heating value, etc.	1 year, except where the basic chart information is transferred to another record, the charts need only be retained 6 months provided the record containing the basic data is retained 1 year.
		(3) Water and Sewage Disposal:	
		(a) Operator's daily logs and reports of operation. Apparatus failure reports. Reports on inspections and repairs of all street openings. Meter shop reports (monthly reports summarizing tests, repairs, etc.).	6 years.
		(b) Equipment logs and records.	3 years.
		(c) Records of meter tests.	Life of the meter plus 3 years.
		(d) Meter, pipeline, structure, equipment, and other history records.	For the life of equipment.
		(C) Customers Service: Records and reports of customers' service complaints and inspections of customers' premises.	3 years.
		(D) Records of auxiliary and other operations: Records of operations other than utility operations.	3 years.
		(E) Maintenance work orders and job orders: Authorization for expenditures for maintenance work to be covered by work orders, including memoranda showing the estimates of costs to be incurred; work order sheets to which are posted in detail the entries for labor, material, and other charges in connection with maintenance, and other work pertaining to utility operations; and summaries of expenditures on maintenance and job orders and clearances to operating and other accounts (exclusive of plant accounts).	6 years.

<u>PERSONNEL</u>			
		(A) Personnel records: Employees' service records, length of service and other pertinent data.	3 years after termination of employment.
		(B) Employees' benefit and pension records:	
		(1) Detailed records showing computations of accruals for pension liabilities.	3 years after supersession of the study or report or termination of plan.
		(2) Pension or annuity payrolls; pension paychecks; and records pertaining to employees' benefit programs.	3 years.

(C) Instruction to employees and others: Bulletins or memoranda of general instructions issued by the company to employees pertaining to changes in accounting, engineering, operating, maintenance and construction policies, methods, and procedures.	3 years after expiration or supersession.
---	---

<u>PLANT AND DEPRECIATION</u>	
(A) Plant ledgers:	
(1) Ledgers of utility plant accounts including land and other detailed ledgers showing the cost of utility plant by classes.	50 years.
(2) Continuing plant inventory ledger, book or card records showing description, location, quantities, cost, etc., of physical units (or items) of utility plant owned.	6 years after plant is retired, provided mortality data are retained.
(B) Construction work in progress ledgers, work orders, and supplemental records:	
(1) Construction work in progress ledgers; work order sheets to which are posted in summary form or in detail the entries for labor, materials and other charges for utility plant additions and the entries closing the work orders to utility plant in service at completion; and analysis or cost reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction project.	10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.
(2) Authorizations for expenditures for additions to utility plant, including memoranda showing the detailed estimates of cost and the bases therefor (including original and revised or subsequent authorizations); requisitions and registers of authorizations for utility plant expenditures; and completion or performance reports showing comparison between authorized estimated and actual expenditures for utility plant additions.	10 years.
(3) Well-drilling logs and well-construction records.	1 year after field or relevant production area abandoned.
(C) Retirement work in progress ledgers, work orders, and supplemental records:	
(1) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to utility plant accounts for cost of plant retired.	10 years after plant is retired, provided mortality data are retained.
(2) Authorizations for retirement of utility plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs.	10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.
(3) Registers of retirement work orders.	10 years.
(D) Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to utility plant accounts not covered by construction or retirement work orders and their supporting records.	10 years after clearance to the plant account, provided continuing plant inventory records are maintained; otherwise 6 years after plant is retired.
(E) Appraisals and valuations: Appraisals and valuations made by the company of its properties or investments or of the properties or investments of any associated companies. (Includes all essential records.)	3 years after disposition, termination of lease, or write-off of property or investment.

	(F) Maps and map reproductions: Geological maps and aerial photographs of field showing the location and physical characteristics of production, transmission, and distribution systems of other utility or natural gas company.	Until map is superseded or 6 years after plant is retired, provided mortality data are retained.
	(G) Engineering records in connection with construction projects: Maps, diagrams, profiles, plans, photographs, records of engineering studies and similar records in connection with proposed construction projects:	
	(1) If construction of project results wholly or in part.	Until record is superseded or 6 years after plant is retired.
	(2) If construction of project does not result.	Destroy at option after completely accounting for expense incurred.
	(H) Contracts and other agreements relating to utility or natural gas company records:	
	(1) Contracts relating to acquisition or sale of plant and contracts and other agreements relating to services performed in connection with construction of utility plant (including contracts for the construction of plant by others for the utility and for supervision and engineering relating to construction work).	6 years after plant is retired.
	(2) The primary records of gas acreage owned, leased or optioned excluding deeds and leases but including such records as lease sheets, leasehold cards, and option agreements.	6 years after rights to the gas acreage have expired or otherwise dissolved.
	(I) Records pertaining to reclassifications of utility plants accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications.	6 years.
	(J) Records of accumulated provision for depreciation and depletion of utility plant: Detailed records or analysis sheets segregating the accumulated provision for depreciation according to functional classification of plant and records supporting computation of depreciation and depletion expense of utility plant, including such data as life and salvage studies.	25 years.

PURCHASES AND STORES

	(A) Procurements:	
	(1) Agreements, together with all related documents, entered into for the acquisition of goods or the performance of services and supporting documents including bids or proposals evidencing all relevant elements of the procurement.	6 years.
	(2) All other procurement records such as requisitions, advices from suppliers, registers or similar records of invoices.	Destroy at option after company's accounts have been examined by independent accountants.
	(B) Material ledgers:	
	(1) Ledger sheets and card records of materials and supplies received, issued and on hand.	6 years.
	(2) Statements of materials and supplies on hand, per ledgers.	3 years.
	(C) Materials and supplies received and issued:	

	(1) Records and reports pertaining to receipt of materials and supplies; records of inspecting and testing materials and supplies; and records of material issued, transferred or returned to stock	3 years.
	(2) Records showing the detailed distribution of materials and supplies issued during accounting periods.	6 years.
	(D) Records of sales of scrap and materials and supplies, including authorization for sale, contracts and memoranda.	3 years.
	(E) Inventories of materials and supplies: General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records into agreement with physical inventories and minor inventories of materials and supplies on hand if not reflected in adjustments of accounts.	3 years.

REVENUE ACCOUNTING AND COLLECTING

	(A) Customers' service applications and contracts:	
	(1) Applications for utility service for which contracts have been executed.	3 years.
	(2) Contracts or sales agreements with customers and others for sale of merchandise and appliances.	1 year after sales agreement is discharged.
	(3) Applications and contracts for extensions covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	1 year after entire amount is refunded.
	(4) Applications and contracts for extensions for which donations or contributions are made by customers or others.	6 years after plant is retired.
	(B) Rate schedules: General files of published rate sheets and schedules of utility service. (Including schedules suspended or superseded).	50 years or termination of the corporation's existence, whichever occurs first.
	(C) Customers' guarantee deposits: Customers' deposit ledgers, card records or certificate books; Receipts for interest on and refund of customers' deposits.	3 years after termination.
	(D) Meter reading sheets and records: Superseded meter reading sheets; meter reread sheets (special readings to check high or low consumption); customers' reading cards; and connection and disconnection orders.	2 years or as may be necessary to comply with service rules regarding refunds on fast meters.
	(E) Maximum demand, pressure, temperature, and specific gravity charts and demand meter record cards.	1 year, except where the basic chart information is transferred to another record the charts need only be retained 6 months, provided the record containing the basic data is retained 1 year.
	(F) Miscellaneous billing data: Service and inspection orders from which customers are charged and sundry charge advices; authorizations for charges under utility service contracts; and standard billing sheets or schedules (showing computed bills of varying consumption according to rates).	3 years.
	(G) Revenue summaries: Summaries of monthly operating revenues according to classes of service for entire utility and according to classes of service by towns, districts, or divisions (including summaries of forfeited discounts and penalties).	6 years.
	(H) Customers' ledgers and other records in lieu thereof:	
	(1) Customers' ledgers; records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, etc.; and copies of large bills.	3 years or as may be necessary to comply with service rules regarding refunds on fast meters.

	(2) Trial balances of ledgers referred to above; indexes to customers' accounts; and cards and other records relating to forfeited discounts.	3 years.
	(I) Merchandise sales - accounting and collecting:	
	(1) Merchandise sales tickets (duplicates) and charge slips for work done.	Destroy at option after annual audit and 6 months after account is settled.
	(2) Merchandise registers and summaries of sales; cashiers' stubs for merchandise collections; and indexes and trial balances of merchandise ledgers.	3 years.
	(3) Merchandise ledgers and installment records.	3 years after completion of payments.
	(4) Merchandise sales returns and adjustment tickets.	Destroy at option after annual audit and 6 months after account is settled.
	(J) Collections reports and records:	
	(1) Periodic reports, lists, and summaries of collections of operating revenues by collectors, agents, and local or divisional or district offices.	3 years.
	(2) Bill stubs, copies of bills, collections slips, and other records pertaining to collections, summarized or detailed in daily or periodic cash reports.	6 months.
	(K) Customers' account adjustments: Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records and detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts.	3 years.
	(L) Uncollectible accounts and customers' credit records: Records of rating credit classifications, and investigations of customers; ledger accounts and supporting details of customers' accounts considered uncollectible; reports and statements showing age and status of customers' accounts; data on unpaid final bills; and authorizations for writing off customers' accounts.	

<u>TAX</u>		
	(A) Tax records:	
	(1) Copies of returns and schedules filed with taxing authorities, supporting work papers, records of appeals, tax bills and receipts for payment.	
	(a) Federal income tax returns; agreements between associate companies as to allocation of consolidated income taxes; and schedule of allocation of consolidating federal income taxes among associate companies.	7 years after settlement.
	(b) State income and property tax, and all taxes not otherwise listed.	2 years after settlement.
	(c) Sales and use taxes.	3 years.
	(2) Filings with taxing authority to qualify employee benefit plans.	7 years after settlement of federal return or discontinuance of plan, whichever is later.
	(3) Information returns and reports to taxing authorities.	3 years, or for the period of any extensions granted for audit.

<u>TREASURY</u>		
(A) Statements of funds and deposits:		
(1)	Requisitions and receipts for funds furnished managers, agents, and others.	Destroy at option after funds have been returned or accounted for.
(2)	Records of fidelity bonds of employees and others responsible for funds of the utility.	Destroy at option after liability of bonding company has expired.
(B) Records of deposits with banks and others:		
(1)	Copies of bank deposit slips; advice of deposits made when information thereon is shown on other records which are retained; statements from depository showing the details of funds received, disbursed, transferred, and balances on deposit; bank reconciliation papers; and statements from banks of interest credits.	Destroy at option after completion of annual audit by independent accountants.
(2)	Check stubs, registers or other records of checks issued.	6 years.
(3)	Correspondence and memoranda relating to the stopping of payment of bank checks and to the issuance of duplicate checks.	6 years or destroy at option after check is recovered.
(C) Records of receipts and disbursements:		
(1)	Daily or other periodic statements of receipts or disbursements of funds.	Destroy at option after completion of annual audit by independent accountants.
(2)	Records or periodic statements of outstanding vouchers, checks, drafts, etc. issued and not presented.	3 years.

<u>MISCELLANEOUS</u>		
(A) Statistics and miscellaneous:		
(1)	Annual financial, operating and statistical reports regularly prepared in the course of business for internal administrative or operating purposes (and not used as the basis for entries to accounts of the companies concerned) to show the results of operations and the financial condition of the utility.	10 years after date of report.
(2)	Quarterly, monthly, or other periodic financial, operating and other statistical reports as described in (A)(1) above.	2 years after date of report.
(B) Budgets and other forecasts (prepared for internal administrative or operating purposes) of estimated future income, receipts, and expenditures in connection with financing, construction and operations, and acquisitions or disposals of properties or investments by the company and its associate companies, including revisions of such estimates and memoranda showing reasons for revisions; also records showing comparison of actual income and receipts and expenditures with estimates.		3 years.

(C) Records of predecessors and former associates.	Retain until the records of utility plant acquired have been integrated with the utility's plant records and the original cost of the acquired plant is adequately supported by cost details and until it is ascertained that such records are not necessary to fulfillment of any unsatisfied regulatory requirement, such as: (a) approval and recording of accounting adjustments resulting from reclassification and original cost studies and acceptance of property acquisition journal entries, (b) cost, depreciation and amortization reserve determinations for licensed projects, (c) establishment of continuing plant inventory records or accounting evidence of the cost of long-lived property in the absence of such continuing plant inventory records.
(D) Reports to federal and state regulatory commissions:	
(1) Annual financial, operating and statistical reports.	Life of corporation.
(2) Monthly and quarterly reports of operating revenues, expenses, and statistics.	3 years after date of report.
(3) Special or periodic reports on the following subjects:	
(a) Transactions with associated companies.	6 years.
(b) Budgets of expenditures.	3 years.
(c) Employees and wages.	5 years.
(d) Loans to officers and employees.	3 years after fully paid.
(e) Issues of securities.	Retain data filed with the Securities and Exchange Commission for 25 years or until all securities covered are retired, whichever is shorter; retain other reports until securities covered are retired.
(f) Purchases and sales of utility properties and plant changes (units added and retired).	Life of corporation.
(g) Service interruptions.	6 years.
(E) Other miscellaneous records: Copies of advertisements by the company on behalf of itself or any associate company in newspapers, magazines and other publications, including records thereof. (Excludes advertising of product, appliances, employment opportunities, services, territory routine notices and invitations for bids for securities, all of which may be destroyed at option.)	6 years.

4901:1-9-07 **Rules, regulations and practices for the construction of electric line extensions in rural territory.**

Every person, firm, and corporation operating as an electric ~~company~~ DISTRIBUTION UTILITY furnishing electrical energy for public and private use in the State of Ohio shall prepare and file

with this ~~Commission~~COMMISSION, and thereafter observe and follow, a schedule providing for the construction of electric line extensions in rural territory in conformity to the following plan:

(A) Availability of Service.

This plan is applicable for light, power and domestic service to rural customers. Electric energy shall be made available to such customers adjacent to distribution lines carrying less than 15,000 volts upon guarantee of revenue as herein provided. Electric ~~companies~~ DISTRIBUTION UTILITIES may, in particular cases, be relieved by the ~~Commission~~COMMISSION from the duty of tapping lines.

(B) Definitions.

AS USED IN THIS RULE:

- (1) ~~"Electric company" means any public service corporation in the State of Ohio authorized to and engaged in the distribution of electricity for light, heat or power purposes to consumers in the State of Ohio.~~
- (21) "Customer" means any applicant for electric service from a line extension, exclusive of industrial or manufacturing plants, who has contracted with the electric ~~company~~ DISTRIBUTION UTILITY to take and pay for the same for a definite period of time, under schedules filed by such electric ~~company~~ DISTRIBUTION UTILITY and approved by the ~~Commission~~COMMISSION.
- (32) "Line extension" means the provision of such facilities (poles, fixtures, wires and appurtenances) as are necessary for delivering electrical energy for general use along public highways or the electric ~~company's~~ DISTRIBUTION UTILITY'S rights-of-way to one or more customers so located that they cannot be adequately supplied from a secondary system or the electric ~~company's~~ DISTRIBUTION UTILITY'S existing distribution system.
- (43) "Point of origin" means the point where a line extension made under this plan connects with and receives energy from any existing transmission or distribution line. Said point shall be the nearest practical point to the customers to be served by said extension.
- (54) "Construction cost" means the cost of constructing any line extension, and shall include all costs of labor and materials directly chargeable to and necessary to construct the line extensions, and all transformers, meters, services, rights-of-way, tree trimming rights, highway permits actually paid for by said ~~company~~ ELECTRIC DISTRIBUTION UTILITY and all other elements of actual cost properly chargeable to or against the line extension. The electric ~~company~~ DISTRIBUTION UTILITY may, for the purpose of standardization, establish standard construction costs which shall not exceed, in any event, the average cost of constructing such lines in the territory involved, in which case "construction cost" as used in this rule means the standard cost thus established. Items of cost shall be classified according to the "Uniform Classification of Accounts for Electric Companies" prescribed by the ~~Commission~~COMMISSION.

(65) "Service" means wires and other appurtenances of adequate capacity from the nearest or most suitable pole of the line extension of the electric ~~company~~ DISTRIBUTION UTILITY, extending not to exceed one service span or approximately 100 feet in length toward the pole, building, or terminal connection provided by the customer.

(7) "~~Commission~~" means the ~~Public Utilities Commission for the State of Ohio~~.

(C) Line Extensions.

(1) Any electric ~~company~~ DISTRIBUTION UTILITY in the ~~State~~STATE of Ohio shall make line extensions within its territory, provided applicants on such extensions shall, after establishment of credit, contract for payment for energy supplied them at the electric ~~company's~~ DISTRIBUTION UTILITY'S applicable tariff filed for supply of energy, and thus become customers as defined in this rule.

(2) Such extensions shall be installed and put into operation within six months after date of said contracts and establishment of credit and when satisfactory rights-of-way have been established, provided the ~~company~~ ELECTRIC DISTRIBUTION UTILITY will not be required to start construction until ninety percent of the applicants have entered into contracts for wiring of their premises and that not less than fifty percent of such applicants have completed the wiring of their premises and are ready for service.

(D) Rates.

The rates applicable to such customers shall not be greater than provided by tariffs on file with the ~~Commission~~COMMISSION.

(E) Construction Plan.

(1) Electric ~~companies~~ DISTRIBUTION UTILITIES shall construct in accordance with their "Standard of Construction" approved by the ~~Commission~~COMMISSION and thereafter operate and maintain at their own cost line extensions required to serve any customers, who will guarantee revenues therefrom in sufficient amount to comply with the tariffs of the ~~company~~ ELECTRIC DISTRIBUTION UTILITY as filed and approved by the ~~Commission~~COMMISSION and with the conditions as set forth under "Guarantee of Revenue."

(2) In determining the revenues originally so to be guaranteed and any subsequent changes therein:

(a) The total construction cost of the line extension shall be credited with all money, labor, materials, or other items of cost contributed by said customers, at the cost to the electric ~~company~~ DISTRIBUTION UTILITY of all items entering into said contributions. Total revenue to be guaranteed shall be based upon cost after credit.

- (b) Appropriate adjustments shall be made, at least annually, in the amount of revenue guaranteed by each customer on account of change in the number and/or classification of customers supplied from the line extension.

(F) Guarantee of Revenue.

Customers served by said line extension shall guarantee a monthly payment to the electric ~~company~~ DISTRIBUTION UTILITY for service supplied under applicable rates not to exceed two percent of the total "construction cost" of the line extension. In no case shall the minimum monthly payment guaranteed to the electric ~~company~~ DISTRIBUTION UTILITY be less than the minimum called for by the tariff applicable to the customer's service.

(G) Establishment of Credit.

The electric ~~company~~ DISTRIBUTION UTILITY, in order to safeguard its investments, may require any applicant customer to establish a satisfactory credit standing as a guarantee of the payment of his bills during the term of the contract, or, in lieu thereof, to make a suitable cash deposit.

(H) Apportionment and Adjustment of Guarantees.

- (1) Monthly guarantees shall be apportioned among those to be served in the ratio which the minimum monthly payment specified in the applicable tariffs bears to the total of all such minimums in the contract for service from the given line extension. For the purpose of such calculation the minimum monthly payment for residential lighting shall in all cases be considered to be not less than one dollar. This paragraph of this rule does not preclude any customer from assuming more than his pro-rata share of such guarantee subject to acceptance thereof by the electric ~~company~~ DISTRIBUTION UTILITY.
- (2) Customers added to an extension already established shall guarantee revenue to the electric ~~company~~ DISTRIBUTION UTILITY to the same extent and in the same manner as is then currently guaranteed by other customers of the same class served from the line extension. The minimum monthly guarantee shall be reapportioned at least annually in the manner described above, among all customers supplied from the line extension.

(I) Extension to Additional Customers.

Additional customers shall be connected to line ~~extensions~~ EXTENSIONS already built or to a further extension thereof upon the same terms and conditions as would apply were the extension then being made for all customers including the new customers, provided the inclusion of such new customers will not increase the cost to the extension customers. Otherwise any line extension constructed to serve additional customers shall be considered and treated as a new and separate line extension.

(J) Customers Wiring and Equipment.

- (1) All wiring and equipment on the premises of the customers, for utilization of service, shall be installed and maintained at the expense of the customer in a manner to conform with the rules and requirements of any recognized inspection service in effect in the community, and to a standard satisfactory to the electric ~~company~~ DISTRIBUTION UTILITY.
- (2) The customer shall also furnish, install, and maintain any poles, wires and other construction necessary to bring the terminus of his wiring to a location where it can be connected to the electric ~~company's~~ DISTRIBUTION UTILITY's line extension by a service span to be supplied by the electric ~~company~~ DISTRIBUTION UTILITY. The electric ~~company~~ DISTRIBUTION UTILITY may at any time discontinue service being supplied to such equipment if it is deemed such equipment is not in accordance with accepted practices. Such disconnection shall not be considered as a cancellation of the agreement, and shall not relieve the customer of payment of any minimum.

(K) Title to Line Extensions Financed in Part by Customers.

The electric ~~company~~ DISTRIBUTION UTILITY shall not be obligated to deliver energy to any line extension financed in part by customers until every customer participating in said financing has agreed, in writing, that the ownership of such line extension shall be vested in the electric ~~company~~ DISTRIBUTION UTILITY and thereafter such ~~company~~ ELECTRIC DISTRIBUTION UTILITY shall be obligated to maintain such lines.

(L) Limitation of Charges for Service.

No ~~company~~ ELECTRIC DISTRIBUTION UTILITY shall charge a consumer a greater rate than is just and equitable nor in excess of the schedule for such service filed with and approved by the ~~Commission~~ COMMISSION.

(M) Term of Contract.

The initial contract shall be for a period of four years.

(N) Optional Plan.

This rule does not prevent the electric ~~company~~ DISTRIBUTION UTILITY from filing with the ~~Commission~~ COMMISSION an optional plan for the extension of lines for the supplying of light, heat, and power service to rural customers; customers to select plan under which service is to be supplied.

(O) Demands for Service Apart from This Rule.

This rule does not prevent the ~~Commission~~ COMMISSION from considering upon its own merits and acting upon any demand for service, otherwise lawful, nor to preclude the

~~Commission~~ COMMISSION from altering, modifying or amending this rule from time to time as the ~~Commission~~ COMMISSION may deem necessary or advisable, nor to preclude the ~~Commission~~ COMMISSION from relieving any electric ~~company~~ DISTRIBUTION UTILITY from the obligation herein imposed should the special circumstances of the case warrant such relief.

(P) Supplemental Rules Relative to Construction of Electric Extensions.

- (1) Upon the expiration of the initial contract period of four years and without the negotiation of a new contract for service with the affected consumer, the minimum monthly charge shall not exceed one percent of the total construction cost of the line extension.
- (2) The electric ~~light-company~~ DISTRIBUTION UTILITY shall not be required to apply a minimum monthly charge in an amount less than the minimum specified by the tariff applicable to the customer's service nor, for residential lighting, less than the sum of \$1.00.
- (3) In the application of this provision of this rule, the electric ~~light-companies~~ DISTRIBUTION UTILITIES shall apply the provisions of the same to all customers attached to each line extension and not to the individual consumers.

4901:1-9-09 **Nuclear decommissioning reports.**

- (A) Pursuant to section 4928.13 of the Revised Code, each electric utility that owns nuclear generation facilities located in Ohio shall demonstrate compliance with decommissioning requirements of the nuclear regulatory commission (~~NRC~~) and the ~~public-utilities commission of Ohio~~ (commission) and shall demonstrate adequate financing mechanisms to fund facility decommissioning.
- (B) Each electric utility or affiliate that owns nuclear generation facilities located in Ohio shall submit to the commission, on or before January 31, 2001, a copy of the study used to estimate decommissioning costs for each nuclear generating facility, as used for internal modeling purposes, as of December 31, 1998. If a later estimate of decommissioning costs has been prepared, this study also shall be provided by the above date.
- (C) On a biennial basis, commencing March 31, 2001, an electric utility or affiliate owning nuclear generation facilities shall cause the entity responsible for managing the external trust fund (fund) created to hold funds for the decommissioning of each nuclear facility located in Ohio, as described in case no. 87-1183-EL-COI, to report to the commission on the status of that fund. This reporting may be coordinated so as to coincide with the reporting requirements of the NUCLEAR REGULATORY COMMISSION ~~NRC~~. The annual reports shall include:

- (1) Information on the receipts of the fund.
 - (2) The investment income of the fund.
 - (3) The costs incurred by the fund.
 - (4) The balance of the fund.
 - (5) A description of the current fund investments, as to return and investment grade reported by applicable reporting services.
- (D) In addition, an electric utility or affiliate owning nuclear generation facilities shall cause the entity responsible for managing the external trust fund to file copies of all documents required to be filed with other state or federal agencies, including tax returns, with the commission within thirty days following their submittal to the requiring agency. This requirement includes updated estimates of nuclear decommissioning cost estimates as and when required by the NUCLEAR REGULATORY COMMISSION NRC.
- (E) The above referenced documents shall be filed with the commission's docketing division as notice filings.

4901:1-10

Electric Service and Safety Standards

4901:1-10-01	Definitions
4901:1-10-02	Purpose and scope
4901:1-10-03	Retention of records
4901:1-10-04	Failures to comply with rules or commission orders
4901:1-10-05	Deposits
4901:1-10-06	Customer safeguards and information
4901:1-10-07	Minimum customer service levels
4901:1-10-08	Provision of customer rights and obligations
4901:1-10-09	Coordination with CRES providers
4901:1-10-10	Cooperation with certified governmental aggregators
4901:1-10-11	Employee identification
4901:1-10-12	EDU customer billing and payments
4901:1-10-13	Consolidated billing requirements
4901:1-10-14	Delinquent residential bills
4901:1-10-15	Billing adjustments
4901:1-10-16	Reasons for denial or disconnection of nonresidential service
4901:1-10-17	Notice of disconnection of nonresidential service
4901:1-10-18	Payment schedule and disconnection procedures for nonpayment by nonresidential customers
4901:1-10-19	Reconnection of nonresidential service

4901:1-10-20	Fraudulent practice, tampering, and theft of service
4901:1-10-21	Customer complaints and complaint-handling procedures
4901:1-10-22	National Electrical Safety Code
4901:1-10-23	Equipment for voltage measurements and system voltage and frequency requirements
4901:1-10-25	Notice of disconnection to landlords and tenants
4901:1-10-24	Metering
4901:1-10-25	Net metering
4901:1-10-26	Distribution system reliability
4901:1-10-27	Distribution circuit performance
4901:1-10-28	Annual system improvement plan report
4901:1-10-29	Inspection, maintenance, repair, and replacement of transmission and distribution facilities (circuits and equipment)
4901:1-10-30	Outage reports
4901:1-10-31	Emergency plan(s); annual emergency contact report and annual review of emergency plan; critical customers; emergency exercise, and coordination
4901:1-10-32	Environmental disclosure
4901:1-10-32	Appendix A
4901:1-10-32	Appendix B

4901:1-10-01 Definitions.

As used in this chapter:

- (A) "Applicant" means a person who requests or makes application for service.
- (B) ~~"Chief of the public interest center" means the chief of the public interest center of the commission's consumer services department.~~
- ~~(C) "Commission" means the public utilities commission of Ohio.~~
- (C) "Competitive retail electric service provider" means a provider of competitive retail electric service, subject to certification under section 4928.08 of the Revised Code.
- (D) "Consolidated billing" means that a customer receives a single bill for electric services provided during a billing period for services from both EDU and an electric distribution utility and ~~CRES~~ a competitive retail electric service provider-services.
- (E) "Consumer" means any person who receives service from an electric distribution ~~company~~ utility or a electric service company, competitive retail electric supplier.
- ~~(F) "CRES provider" means a provider of competitive retail electric service.~~

- (F) "Critical customer" means any customer or consumer on a medical or life-support system who has provided appropriate documentation to the EDU electric distribution utility that an interruption of service would be immediately life-threatening.
- (~~GH~~) "Customer" means any person who has an agreement, by contract and/or tariff with an EDU electric distribution utility or by contract with ana competitive retail electric service company provider, to receive service.
- (~~HI~~) "Customer premises" means the residence(s), building(s), or office(s) of a customer.
- (~~IJ~~) "~~Director of the consumer service~~service monitoring and enforcement department" means the ~~commission's director of consumer service~~the service monitoring and enforcement department of the commission or the director's designee.
- (I) "Director of the utilities department" means the director of the utilities department of the commission or the director's designee.
- (K) "~~EDU~~" means an electric "Electric distribution utility" shall have the same meaning as defined is assigned to this term in division (A)(6) of section 4928.01 of the Revised Code.
- (L) "Electric distribution utility call center" means an office or department or any third party contractor to receive customer calls.
- (~~ML~~) "Electric light company" shall have the same meaning as is assigned to it in division (A)(7) of section 4928.01 of the Revised Code.
- (~~LN~~) "Electric utility" as used in this chapter ~~includes EDUs and electric transmission owners~~shall have the same meaning as is assigned to it in division (A)(11) of section 4928.01 of the Revised Code.
- (~~MO~~) "Fraudulent practice" means an intentional misrepresentation or concealment of a material fact that the ~~EDU~~electric distribution utility relies on to its detriment.
- (~~N~~) "~~Microturbine~~" means ~~a combustion turbine with a peak generation capacity of one hundred kW or less.~~
- (~~OP~~) "Major event" encompasses any calendar day when an electric distribution utility's system average interruption duration index (SAIDI) is at least 2.5 standard deviations above that electric distribution utility's average daily performance on that index during the most recent five-year period. The computation for a major event requires the exclusion of bulk transmission outages. For purposes of this definition, the SAIDI shall be determined in accordance with paragraph (C)(3)(e)(iii) of rule 4901:1-10-27 of the Administrative Code.
- (Q) "Mercantile commercial customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven

hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(R) "Outage coordinator" means the commission's emergency-outage coordinator ~~of the commission's consumer services department.~~

(PS) "Person" ~~includes~~ means an individual, corporation, company, ~~co~~-partnership, association, or joint venture.

(T) "Postmark" means a mark, including a date, stamped or imprinted on a piece of mail which serves to record the date of its mailing, which in no event shall be earlier than the date on which the item is actually deposited in the mail. The postmark of an item sent electronically must appear on the bill and shall in no event be earlier than the date which it is electronically sent.

(QU) "Slamming" means the transfer of or requesting the transfer of a customer's competitive electric service to another provider without obtaining the customer's consent.

(V) "Sustained outage" means the interruption of service to a customer for more than five minutes.

(RW) "Universal service fund" means a fund established pursuant to section 4928.51 of the Revised Code, for the purpose of providing funding for low-income customer assistance programs, including the percentage of income payment plan program, customer education, and associated administrative costs.

(SX) "Voltage excursions" are those voltage conditions that occur outside of the voltage limits as defined in the electric utility's tariffs that may result from: ~~the lightning, storms, winds, accidents, emergency operations, operations of customer equipment (e.g., spot welders or motor starting), lightning, storms, winds, accidents, or other factors beyond the control of the electric utility, the electric utility's system operations (e.g., switching operations); or by emergency operations.~~

4901:1-10-02 Purpose and scope.

(A) The rules in this chapter:

- (1) Apply to investor-owned ~~EDU~~ electric distribution utilities (EDU) and transmission owners, as defined in this chapter;
- (2) Are intended to promote safe and reliable service to consumers and the public, and to provide minimum standards for uniform and reasonable practices.

- (B) The commission may, in addition to the rules in this chapter, require EDUs and/or transmission owners to furnish other or additional service, equipment, and facilities upon ~~any of the following~~:
- (1) The commission's own motion;
 - (2) Formal or informal commission resolution of a complaint;
 - (3) The application of any EDU.
- (C) The commission may waive any requirement of Chapter 4901:1-26 of the Administrative Code for good cause shown or upon its own motion.
- (D) The rules in this chapter shall not relieve the EDUs and/or transmission owners from:
- (1) Providing adequate service and facilities as prescribed by the commission;
 - (2) Complying with the laws of this state.
- (E) Except as set forth below, the rules of this chapter supersede any inconsistent provisions, terms, and conditions of the EDU's tariffs. An EDU may adopt or maintain tariffs providing superior standards of service, reliability or safety, or greater protection for customers or consumers. Further, an EDU may adopt or maintain tariffs which are not inconsistent with the rules of this chapter.
- (F) When an EDU and/or transmission owner in a complaint proceeding under section 4905.26 of the Revised Code demonstrates compliance with the relevant service or performance standard of this chapter, excluding rule 4901:1-10-29 of the Administrative Code, a rebuttable presumption is created that the electric utility is providing adequate service regarding that standard. Such presumption applies solely to the specific standard addressed by the commission for the time period at issue in the complaint proceeding. No such presumption is created merely by compliance with any reporting requirement of this chapter. In addition, to the extent the service and performance standards in this chapter are based on system-wide data, no such rebuttable presumption is applicable to complaints regarding the adequacy of service provided either to individual customers or consumers or to any segment of the system of an electric distribution utility and/or transmission owner.
- (G) Exculpatory language that purports to limit or eliminate liability for customer or consumer losses and that is included in a tariff of an electric utility shall not be binding on the commission and is irrelevant to any commission determination regarding either the adequacy of service by that electric utility or any other violation of Title XLIX of the Revised Code or administrative rules enacted thereunder. Any electric utility tariff that includes any exculpatory language shall also include, immediately following the exculpatory language, the following statement:

This limitation on liability is not relevant to any determination by the Public Utilities Commission of Ohio as to whether the company may be in violation of any section of Title XLIX of the Ohio Revised Code or any administrative rules promulgated thereunder.

4901:1-10-03 Retention of records.

- (A) Unless otherwise specified in this chapter or in paragraph (B) of this rule, the regulations governing the retention and preservation of electric utility records are set forth in appendix A to rule 4901:1-9-06 of the Administrative Code.
- (B) Unless otherwise specified in this chapter, each electric utility shall maintain ~~records~~, records that are sufficient to demonstrate compliance with the rules of this chapter. Failure to retain records, as required by this rule, sufficient to demonstrate compliance with the rules of this chapter shall give rise to a rebuttable presumption to the contrary.
- (C) If compliance with any rule in this chapter is determined on the basis of activities (such as inspection, testing, or maintenance) occurring over a period of two years or more, then the three-year record retention requirement shall be increased by the total number of years over which such activities are required to occur and shall apply to the compilation of records comprising all of the activities required during the stated period of time.
- (D) Access to records and business activities includes such records and activities as would allow the commission staff to effectively monitor Ohio-specific customer calls made to the electric distribution utility (EDU)'s call center or a third party vendor hired by the EDU. Access includes the ability of commission staff to adequately monitor EDU call center interactions with Ohio customers either at a location in Ohio or in a manner agreed to by the commission staff. EDUs shall provide access to monitor customer calls without the customer service representative's knowledge of the monitoring.

4901:1-10-3004 Failures to comply with the rules or commission orders.

- (A) Any electric utility ~~or CRES provider~~ that fails to comply with the rules and standards in this chapter, ~~or with any commission order adopted, direction, or requirement officially promulgated thereunder,~~ may be subject to any and all of the following remedies available under the law, including but not limited to the following:
 - (1) Forfeiture to the state of not more than ~~one~~ten thousand dollars for each such failure. ~~Each,~~ with each day's continuance of the violation ~~is being~~ a separate offense;
 - (2) Corrective action to effectuate compliance;

(3) Restitution or damages to the customer/consumer.

(B) Enforcement of any rule in this chapter or commission order ~~adopted~~, direction, or requirement promulgated thereunder will be conducted in accordance with Chapter 4901:1-23 of the Administrative Code.

4901:1-10-1405 Deposits. Establishment of credit for nonresidential applicants and customers

(A) The establishment of credit for residential customers is governed by Chapter 4901:1-17 of the Administrative Code. The remainder of this rule applies to the establishment of credit for nonresidential applicants and customers.

(B) Each electric distribution utility (EDU) shall establish written procedures to determine creditworthiness of applicants and customers for service based solely on the customer's or applicant's creditworthiness. These procedures shall be submitted in current form to the commission staff upon request.

(BC) Upon request, each EDU shall provide applicants/customers with the following information:

(1) Their credit history with that company; ~~and,~~

(2) A copy of this rule, the commission's website and the local/toll-free and TDD/TTY numbers of the ~~commission's public interest center~~ commission's call center.

(CD) An applicant shall be deemed creditworthy if one of the following criteria is satisfied:

(1) The EDU verifies that the applicant is a creditworthy property owner or verifies the applicant's creditworthiness in accordance with legally accepted practices to verify credit. ~~Verification for residential applicants shall include, but not be limited to, consideration of the applicant's employer and length of service, reference letters, and substantive credit cards;~~

(2) The applicant had a prior account with the EDU for the same class of service within two years before the date of application, unless during the final year of prior service one of the following occurred:

(a) The company disconnected applicant for nonpayment;

(b) Applicant failed to pay his/her/its bill by the due date at least two times; ~~or,~~

(c) The company disconnected the applicant for a fraudulent practice, tampering, or unauthorized reconnection;

- (3) The applicant furnishes a reasonably safe guarantor, who is a customer of that EDU, to secure payment of bills in an amount sufficient for a sixty-day supply for the service requested;~~or.~~
- (4) The applicant makes a cash deposit as set forth in this rule.
- (DE) Unless otherwise provided in paragraph (GH) of this rule, when an EDU fails to demand security within thirty days after initiation of service, it may not require security for that service.
- (EF) Deposit to establish tariffed service; review of deposit upon customer request.
- (1) An EDU may require an applicant who fails to establish creditworthiness to make a deposit. The amount of the deposit shall not exceed one hundred thirty per cent of the estimated annual average monthly bill for the customer's tariffed service for the ensuing twelve months.
- (2) Upon the customer's request, the amount of the deposit paid is subject to adjustment, when the deposit paid differs by twenty per cent or more from the deposit which would have been required, based upon actual usage for three consecutive billing periods while taking into account seasonal variations in usage.
- (FG) Each EDU which requires a cash deposit shall communicate to the applicant/customer:
- (1) The reason(s) for its decision;~~;~~
- (2) Options available to establish credit (including a guarantor to secure payment);~~).~~
- (3) The applicant/customer may contest the ~~company's~~EDU's decision and show creditworthiness;~~;~~
- (4) The applicant/customer may contest the ~~commission's public interest center~~EDU's decision with the commission staff.
- (5) The commission's website and the local/toll-free and TDD/TTY numbers of the ~~commission's public interest center~~ commission's call center.

Upon request of the applicant/customer the information in paragraph (FG) of this rule shall be provided in writing.

(GH) Deposit to reestablish creditworthiness for tariffed service.

- (1) An EDU may require a customer to make an initial or additional deposit on an account, as set forth in this rule, to reestablish creditworthiness for tariffed service based on the customer's credit history on that account with that ~~company~~EDU.

- (2) A deposit may be required if the customer ~~has~~meets one of the following criteria:
- (a) ~~Not~~The customer has not made full payment or payment arrangements by the due date on which the bill becomes past due for two consecutive bills; during the preceding twelve months.
 - (b) ~~Received~~The customer has been issued a disconnection notice for nonpayment on two or more occasions during the preceding twelve months; ~~or,~~
 - (c) ~~Had~~The customer has had service disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection during the preceding twelve months.

(HI) Upon acceptance of a deposit, each EDU shall furnish a receipt to the applicant or customer which shows:

- (1) The name of the applicant;
- (2) The address of the premises currently served or to be served;
- (3) The billing address for service;
- (4) The amount of the deposit;
- (5) A statement as to the interest rate to be paid and the length of time the deposit must be held to qualify for interest; ~~and,~~
- (6) The conditions for refunding the deposit.

(I) Each EDU shall:

- (1) Review each ~~nonresidential~~ account after the first two years of service for which a deposit is being held, and shall promptly refund the deposit or credit the ~~nonresidential~~ customer's account, plus interest accrued, if during the preceding twenty-four months:
 - (a) The customer's service was not disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection; ~~and,~~
 - (b) The customer had not more than three past due bills.
- (2) Upon customer request, but not more than annually, review each ~~nonresidential~~ account after the first two years of service for which a deposit is being held, and shall

promptly refund the deposit or credit the customer's account, plus interest accrued, if during, with regard to the preceding twelve months, both of the following are true:

- (a) The customer's service was not disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection; and,
 - (b) The customer had not more than two past due bills.
- ~~(3) Annually review each residential account, for which a deposit is being held, and shall promptly refund the deposit or credit the customer's account, plus interest accrued, if during the preceding twelve months:~~
- ~~(a) The customer's service was not disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection; and~~
 - ~~(b) The customer had not more than two past due bills.~~

~~(J)~~ Each EDU shall pay interest on a deposit of not less than three per cent per annum, provided the company has held the deposit for at least six consecutive months.

~~(K)~~ When service is terminated or disconnected, each EDU shall promptly:

- (1) Apply the deposit and interest accrued to the final bill for service; and,
- (2) Refund any amount in excess of the final bill to the customer, unless the amount of the refund is less than one dollar.

A transfer of service from one premise to another premise within the EDU's certified territory or service area shall not be deemed a disconnection under this paragraph.

~~(L)~~ Deposits for customers leaving bundled or standard offer services.

When a customer who has previously paid a deposit to the EDU switches to a CRES competitive retail electric service provider and is no longer served under an EDU's bundled service or standard offer service, the EDU shall apply the EDU's generation service portion of the deposit and the accrued interest to the amounts due and payable on the next bill and refund any amount remaining to the customer, unless the amount of the refund is less than one dollar.

~~(M) Residential service guarantors.~~

- ~~(1) Each EDU shall annually review an account where the residential customer provided a guarantor. When a residential customer satisfies the requirements for a deposit refund under paragraph (I) of this rule, each company shall notify the guarantor in writing within thirty days that he/she is no longer obligated for that account.~~

(2) _____

~~(2) Each EDU shall provide to the guarantor of a residential account all notices of disconnection of service which are provided to the customer.~~

~~(3) Upon the residential customer's default, an EDU may:~~

~~(a) Transfer the balance owed by the customer, not to exceed the amount for sixty days service, to his/her guarantor's account; and~~

~~(b) Disconnect service under the guaranty, if the guarantor fails to pay the customer's balance within thirty days after notice of the customer's default or fails to make other payment arrangements acceptable to the EDU.~~

(N) Each EDU shall retain records of customer deposits for at least one year after the deposit, including interest, is returned and/or applied to the customer's bill.

4901:1-10-2406 ConsumerCustomer safeguards and information.

(A) Each electric distribution utility (EDU) shall ~~annually~~ notify customers annually, by bill insert or other notice, about its summary of customer rights and responsibilities, as prescribed by rule 4901:1-10-8 of the Administrative Code, and how to request a copy from the ~~company~~ EDU.

(B) Each EDU shall maintain a listing in each local telephone service provider's directory operating in the EDU's certified territory.

(C) Customer education and marketing practices.

Each EDU shall provide informational, promotional, and educational materials ~~which~~ that are non-customer specific and explain services, rates, and options to customers. The commission staff may review and/or request modification of informational, promotional, and educational materials. Such materials, shall include the following information:

(1) An explanation of the service, its application, and any material exclusions, reservations, restrictions, limitations, modifications, or conditions;

(2) If services are bundled, an identification and explanation of service components and associated prices; and,

(3) An identification and explanation of:

(a) Any one-time or nonrecurring charge(s), e.g., penalties and open-ended clauses;

(b) Recurring charge(s) (e.g., usage).

(D) Unfair and deceptive acts or practices. No EDU shall commit an unfair or deceptive act or practice in connection with the promotion or provision of service, including an omission of material information. An unfair or deceptive act/practice includes, but is not limited to, the following:

- (1) An EDU states to a customer that distribution service will or may be disconnected unless the customer pays any amount due for a nontariffed or nonregulated service; ~~or,~~
- (2) An EDU charges a customer for a service in which the customer did not make an initial affirmative order. An affirmative order means that a customer or applicant for service must positively elect to subscribe to a service before it is added to the account. Failure to refuse an offered or proposed service is not an affirmative order for the service.

(E) Customer specific information.

- (1) An EDU shall ~~only not~~ disclose a customer's account number without the customer's written consent or electronic authorization or without a court or commission order, except for the following purposes:

(a) EDU consumer credit evaluation, collections and/or credit reporting and for CRES provider credit collections and/or reporting; for participants,

(b) EDU or competitive retail electric service (CRES) provider collections and/or credit reporting;

(c) Participation in programs funded by the universal service fund, pursuant to section 4928.54 of the Revised Code; ~~for governmental,~~ such as the percentage of income payment plan programs.

(d) Governmental aggregation, pursuant to section 4928.20 of the Revised Code; ~~or pursuant to court order.~~

The EDU must use the consent form set forth in paragraph (E)(3) of this rule; unless authorization is obtained electronically.

- (2) An EDU shall ~~only not~~ disclose a customer's social security number without the customer's written consent or without a court order, except for EDU the following purposes:

(a) EDU consumer credit evaluation;

- (b) EDU or CRES provider collections and/or credit reporting and for CRES provider credit collections and/or reporting; for participants;
- (c) Participation in programs funded by the universal service fund, pursuant to section 4928.54 of the Revised Code; or as ordered by the commission, other governmental agency or pursuant to court order, such as the percentage of income payment plan programs.

The EDU must use the consent form set forth in paragraph (E)(3) of this rule.

- (3) ~~The EDU must obtain the customer's signature on the consent form prior to releasing the customer's account number or social security number. The consent form shall be on a separate piece of paper and shall be clearly identified on its face as a release of personal information and all text appearing on the consent form shall be in at least 16-point type. The following statement shall appear prominently on the consent form, just prior to the signature, in type darker and larger than the type in surrounding sentences: "I realize that under the rules and regulations of the public utilities commission of Ohio, I may refuse to allow (name of the EDU) to release the information set forth above. By my signature, I freely give (name of the EDU) permission to release the information designated above." The information that the EDU seeks to release shall be specified on the form. Forms requiring a customer to circle or to check off preprinted types of information to be released may not be used.~~
- (4) Nothing in this rule prohibits the commission from accessing records or business activities of an EDU, as provided for in rule 4901:10-03(D).

(F) Customer load pattern information. An EDU shall:

- (1) Upon request, timely provide twelve months of a customer's usage history and twenty-four months of a customer's payment history to the customer;
- (2) Provide generic customer load pattern information, in a universal file format, to other electric service providers on a comparable and nondiscriminatory basis;
- (3) Provide customer-specific information to CRES providers on a comparable and nondiscriminatory basis as prescribed in paragraph (E) of rule 4901:1-10-9 of the Administrative Code, unless the customer objects to the disclosure of such information;
- (4) Prior to issuing any eligible-customer lists and at least four times per calendar year, provide all customers clear written notice, in billing statements or other communications, of their right to object to being included on such lists. Such notice shall include instructions for reporting such objection. This notice shall read as follows:

"We are required to include your name, address, and usage information on a list of eligible customers that is made available to other competitive retail electric service providers. If you do not wish to be included on this list, please call (company-EDU telephone number) or write (company-EDU address). If you have previously made a similar election, your name will continue to be excluded from the list without any additional action on your part. If you previously decided not to be included on the list and would like to reverse that decision, please call or write us at the same telephone number and address. An election not to be included on this list will not prevent (EDU name) from providing your information to governmental aggregators."

In addition, the EDU may offer its customers the option of contacting the ~~company~~EDU by electronic means and, if it does so, shall add ~~their~~its electronic mail address or web site to the above notice.

- (5) If a customer ~~reports such objection~~objects as provided in paragraphs (F)(3) and (F)(4) of this rule, the EDU shall not release such information unless and ~~until~~ the customer affirmatively indicates that the information may be released.
- (G) Each EDU shall develop, update, and maintain a list of certified CRES providers that are actively seeking residential customers within the EDU's service territory. Where CRES providers are actively seeking residential customers, the EDU shall provide such lists to:
 - (1) All of its customers ~~quarterly for the remainder of the market development period;~~
 - (2) All applicants for new service and customers returning to standard offer service; ~~and;~~
 - (3) Any customer upon request.

4901:1-10-0907 Minimum customer service levels.

- (A) ~~Service turn on and upgrades.~~ On a calendar monthly basis, each electric distribution utility (EDU) shall complete the installation of new service or upgrade of service as follows:
 - (1) Ninety-nine per cent of new service installations requiring no construction of electric facilities shall:
 - (a) Be completed within three business days after the EDU has been notified that the ~~customer's~~ service location is ready for service and all necessary tariff and regulatory requirements have been met;
 - (b) Be completed by the requested installation date, when an applicant requests an installation date more than three business days after the ~~customer's~~ service location is ready for service and all necessary tariff requirements have been met.

- (2) Ninety per cent of service upgrades and new service installations requiring that require construction of electric facilities, (including the setting of the meter and ninety per cent of service upgrades,) and that are not primary line extensions shall:
- (a) Be completed within ten business days after the EDU has been notified that the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met;
 - (b) Be completed by the requested installation date, when an applicant or customer requests an installation date more than ten business days after the ~~customer's~~ service location is ready for service and all necessary tariff requirements have been met. ~~Paragraph (A)(2) of this rule shall not apply to primary line extensions.~~
- (3) If an applicant ~~/ or customer,~~ complies with all pertinent tariff requirements and the EDU cannot complete the requested service installation or service upgrade as set forth in paragraph (A)(1)(a) ~~or, (A)(1)(b) or paragraph, (A)(2)(a), or (A)(2)(b)~~ of this rule, then the EDU shall promptly notify the applicant ~~/ or~~ customer of the delay, the reasons for the delay, the steps being taken to complete the work, and the probable completion date. The EDU shall make a reasonable attempt to provide such notification at least one business day prior to the end of the prescribed time interval. If a rescheduled completion date cannot be met, the applicant or customer shall be promptly notified. If the rescheduled completion date is delayed more than two business days, written notification shall be given ~~to the customer including, stating~~ the reason(s) for the delay, the steps being taken to complete the work and the new rescheduled completion date. This notification process shall be repeated as necessary. Each subsequent missed completion date shall count as a missed service installation or upgrade pursuant to paragraph (A)(1) or (A)(2) of this rule.
- (4) If the EDU fails to complete the requested service installation or upgrade as set forth in paragraphs (A)(1) or (A)(2) of this rule, as a result of a military action, war, insurrection, riot or strike ~~or a failure by the customer, or customer's agent to gain as a result of a lack of~~ access to the premises when necessary, then such failure shall not be included in the monthly percentage calculation calculations for this rule. Each EDU must justify and document in its records each instance where it ~~applied~~ relies on any of the exceptions listed in this paragraph.
- (B) ~~Telephone response.~~ On a calendar monthly basis, each EDU's average (arithmetic mean) answer time for telephonic customer service calls shall not exceed sixty-ninety seconds. An EDU shall set its queue to minimize the number of disconnected calls and busy signals.
- (1) As used in this paragraph, "answer" means the service representative or automated system is ready to render assistance and/or to accept the information necessary to process the call.

- (2) Answer time shall be measured from the first ring at the EDU or at the point the customer caller begins to wait in queue, whichever comes first.
 - (3) When an EDU utilizes a menu-driven, automated, interactive answering system (referred to as the system), the initial recorded message presented by the system to the customer caller shall only identify the company and the general options available to the customer caller, including the option of being transferred to a live attendant. At any time during the call, the customer caller shall be transferred to a live attendant if the customer caller fails to interact with the system for a period of ten seconds following any prompt.
 - (4) Customer Callers shall not be delayed from reaching the queue by any promotional or merchandising material not selected by the customer.
- (C) Reporting EDUs shall comply with the following reporting requirements:
- (1) When an EDU does not meet any minimum service level, as set forth in paragraph (A) or (B) of this rule, for any two months within any twelve-month period, the EDU shall notify the director of the consumer services service monitoring and enforcement department ~~or the director's designee~~ in writing within thirty days after such failure. The notification shall ~~include~~ identify any factors that contributed to such failure, as well as any remedial action taken or planned to be taken or rationale for not taking any remedial action. Any failure to report the lack of compliance with the minimum service levels set forth in paragraphs (A) and ~~or~~ (B) of this rule constitutes a violation of this rule.
 - (2) ~~Performance data during a "major storm" or comparable term as such term is used by the EDU in its emergency plan shall be excluded from the calculation. By March 31 of~~ monthly minimum each year, each EDU shall submit an annual report to the director of the service values pursuant to paragraphs (A) monitoring and (B) of this rule. The EDU shall submit to the director of the consumer services enforcement department or the director's designee a report that includes any such, setting forth its actual monthly customer service performance data which is being excluded from the calculations of during the previous calendar year as compared with each of the minimum monthly minimum customer service values due to a "major storm". If after reviewing this report, the director of the consumer services department or the director's designee disagrees with the exclusion of such "major storm" or comparable information from the performance data calculated pursuant to levels set forth in paragraphs (A) and (B) of this rule, staff and/or the EDU may apply to the commission for a hearing within forty five days after submission of the company's proposal. Staff and the EDU shall file a written report and/or recommendations and submit evidence on such performance data at the hearing.
 - (3) ~~(3) Each electric distribution company shall maintain records sufficient to demonstrate compliance with this rule, for a period of not less than three years and shall provide such records to the commission staff upon request. Performance data~~

during major events, as defined in rule 4901:1-10-01 of the Administrative Code, shall be excluded from the calculations of actual monthly customer service performance pursuant to paragraphs (A) and (B) of this rule. The EDU shall submit to the director of the service monitoring and enforcement department a report that includes any such performance data that is being excluded from the calculations of actual monthly customer service performance due to a major event. If, after reviewing this report, the director of the service monitoring and enforcement department disagrees with the exclusion of such performance data related to an identified major event from the calculations pursuant to paragraphs (A) and (B) of this rule, then the director of the service monitoring and enforcement department shall issue a letter rejecting the report within 45 days after its submittal. The EDU may apply to the commission for a hearing within 30 days after such rejection. If the director of the service monitoring and enforcement department does not reject the report within 45 days after its submittal, it shall be deemed accepted.

- (4) No report will be effective until it is either accepted by the director or, in the case of a hearing, approved by the Commission.

4901:1-10-1208 Provision of customer rights and obligations.

Each election distribution utility (EDU) shall provide to new customers, upon application for service, and existing customers upon request, a written summary of their rights and obligations under this chapter. This written summary shall also be prominently posted on the EDU's website. The summary shall be in clear and understandable language and delivered to customers. Each EDU shall submit the summary or amendments thereto to the chief of the - commission's call center reliability and service analysis division for review at least sixty days prior to mailing the summary to its customers. For purposes of this rule "new customer" means a customer who opens a new account and has not received such a customer rights summary within the preceding year. The summary shall include, but not be limited to, the following:

- (A) Complaint EDU and commission procedures available at the EDU and the commission for complaints, which shall include:

- (1) How complaints are made to the EDU, including a local or toll-free telephone number, an address and a website, if applicable; and.
- (2) A statement that:

"If your complaint is not resolved after you have called (your EDU), or for general utility information, residential and business customers may call the Public Utilities Commission of Ohio (PUCO) toll free at 1-800-686-7826 or for TDD/TTY toll free at 1-800-686-1570, from 8:00 a.m. to 5:30 p.m. weekdays, or visit www.PUCO.ohio.gov."

- (B) Customer rights and responsibilities, which shall include:

- (1) A list of customer rights and obligations ~~to the EDU~~ relating to installation of service, payment of bills, disconnection and reconnection of service, and meter testing;
 - (2) Information detailing the customer's responsibility to notify the EDU of material changes in the customer's equipment or usage, ~~within a reasonable time~~ reasonably necessary to permit the EDU to provide necessary facilities and acquire additional power supply, if needed. The summary shall provide examples of such changes in customer equipment and usage;
 - (3) A description of the following customer rights:
 - (a) ~~When~~ The circumstances under which the EDU ~~demands~~ may demand and/or holds security deposits; ~~and,~~
 - (b) ~~For~~ The circumstances under which customers may obtain deferred payment plans and low-income assistance plans; and information concerning those plans.
 - (4) The toll-free telephone number(s) for the "one-call" or "call-before-you-dig" protection service(s) to locate underground utility facilities;
 - (5) The following text: "The Ohio Consumers' Counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted toll free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org.";
 - (6) An explanation of what each applicant must do to receive service from that company; ~~and EDU.~~
 - (7) Information explaining when a customer will be charged for the cost of modifying service, installing a meter, and/or providing facilities necessary to serve that customer.
- (C) A statement notifying customers that, when EDU employee(s) or agent(s) seek access to the customer's and/or landlord's premises, the customer or landlord may request the employee/agent to show photo identification and to state the reason for the visit.
- (D) ~~Availability~~ A statement concerning the availability of rate information, which shall include:
- (1) A statement that the EDU's rates and tariffs are available for review at the ~~company's~~ EDU's office, on the ~~company's~~ EDU's website, and on the commission's website; ~~and,~~
 - (2) A statement that, upon inquiry by a customer regarding rates, the EDU ~~shall~~ will disclose to the customer the existence and availability of the ~~company's~~ EDU's alternative rates.

- (E) ~~Customers~~A statement that customers may review a copy of the electric service and safety standards on the commission's website or obtain a copy from the commission upon request.
- (F) Information on privacy rights, which shall include:
- (1) A statement that the EDU is prohibited from disclosing a customer's account number without the customer's written consent or electronic authorization or without a court or commission order, except for the EDU's following purposes:
 - (a) EDU consumer credit evaluation, collection, and credit reporting; for a CRES provider's credit collections and reporting; for participants.
 - (b) EDU or competitive retail electric service (CRES) provider collections and/or credit reporting.
 - (c) Participation in programs funded by the universal service fund, such as the percentage of income payment plan programs; for governmental.
 - (d) Governmental aggregation or pursuant to court order;
 - (2) A statement that the EDU is prohibited from disclosing a customer's social security number without the customer's written consent or without a court order, except for the following purposes:
 - (a) EDU consumer evaluation.
 - (b) EDU or CRES provider collections and/or credit reporting.
 - (c) Participation in programs funded by the universal service fund; for the EDU's credit evaluation, collection, and credit reporting; for a CRES provider's credit collections and reporting; such as ordered by the commission, other governmental agency or pursuant to court order; percentage of income payment plan programs.
 - (3) A statement that customers have the right to request up to twelve months of usage information and twenty-four months of payment history from the EDU without charge; and.
 - (4) A statement that customers have the right to prohibit the EDU from including their names on mass customer lists made available to CRES providers.
 - (5) A statement that commission staff is not prohibited from accessing records or business activities that would allow it to effectively monitor customer calls to the EDU call center.

- (G) ~~CRES provider lists. Customers~~ A statement that customers have the right to obtain, from their EDU, a list of available CRES providers, their phone numbers, and the customer class(es) they are actively seeking to serve.
- (H) ~~Return to standard offer. Customers~~ A statement that customers returning to the EDU's standard offer service due to default, abandonment, slamming, or certification rescission of a CRES provider will not be liable for any costs associated with the switch.
- (I) ~~Notice~~ Information concerning notice of change in supplier.
- (1) ~~If~~ A statement that, if a change in a residential or small commercial customer's CRES provider is initiated, the EDU ~~shall~~ is required to send the customer a notice confirming the change.
 - (2) ~~The~~ A statement that the customer has a right to cancel any change in supplier within seven days after the notice has been sent, by calling the EDU at the telephone number on the notice.
- (J) ~~Slamming.~~ Information explaining the procedures customers must follow if they believe their generation and/or transmission service has been switched without their consent. This explanation shall include, at a minimum, the following information:
- (1) If a customer participates in the percentage of income payment plan or in a governmental aggregation, the customer's generation and/or transmission supplier appearing on the customer's bill may be a company other than the EDU;
 - (2) If the customer's electric bill reflects a supplier not chosen by the customer, the customer should call the commission to initiate a slamming investigation; and,
 - (3) If the commission staff determines that the customer's service was changed without proper authorization:
 - (a) The customer ~~shall~~ will be switched back to the customer's previous supplier without charge to the customer;
 - (b) The customer's account ~~shall~~ will be credited for any switching fees resulting from the customer being ~~slammed; and, switched without proper authorization.~~
 - (c) The customer ~~shall~~ will be credited or reimbursed for any charges in excess of what the customer would have paid absent the unauthorized change in electric service provider, ~~excluding the distribution charges.~~
- (K) ~~Actual~~ Information concerning actual meter readings.

- ~~(1) Customers may have the option for an actual meter reading, depending on when the EDU most recently read the meter, when the customer initiates or terminates electric service with the EDU.~~
- (1) A statement that the EDU is required to obtain an actual meter reading when the customer initiates or terminates electric service with the EDU, if the meter has not been read within the preceding 60 days.
- (2) A statement that, if the meter has not been read within the preceding 33 to 59 days, the EDU is required to inform the customer, when the customer contacts the EDU to initiate or terminate service, of the option to have an actual meter read, at no charge.
- (2) ~~The~~ 3) A statement that the customer may request two actual meter reads per calendar year, at no charge, if the customer's usage has been estimated for more than two of the consecutively preceding billing cycles or if the customer has reasonable grounds to believe that the meter is malfunctioning.

4901:1-10-209 Coordination with CRES providers.

- (A) ~~Each EDU electric distribution utility (EDU) shall coordinate with CRES competitive retail electric service (CRES) providers to promote nondiscriminatory access to electric services, to ensure timely enrollment with CRES providers to maintain a customer's electric service, and to timely and correctly switch the customer's electric service between CRES providers.~~
- (B) Each EDU shall adopt a supplier tariff containing standardized requirements, to the extent such standardization is feasible. At a minimum, such tariff shall include requirements for imbalances, load profiles, scheduling, billing (between the EDU and CRES provider), customer billing (options, collection, application of customer payments), metering, retail settlements, scheduling coordinators, losses, customer information (procedures for disclosing load profile, account information, and payment history), dispute resolution ~~process~~ processes (between the EDU and CRES provider), standard operating rules, performance incentives and standards, creditworthiness and default security, supplier agreements, electronic data interchange protocols, CRES provider enrollment with utility, service termination and disconnection (of end-user customer), certified CRES provider lists, return to standard offer, customer enrollment and switching, supplier training, and supplier proof of certification.
- (C) An EDU shall execute, with each CRES provider, a supplier agreement to operate under the terms of the supplier tariff. At minimum, the supplier agreement shall include representations and warranties, indemnification, limitations on liability, default (breach), remedies, force majeure, form/format of scheduling coordinators, commencement, and term.
- (D) The EDU and CRES provider shall execute a standardized trading partner agreement, as required by the standard electronic transmission protocols.

- (E) Pre-enrollment. EDUs shall make eligible-customer lists available to certified CRES providers via electronic media. Such lists shall be updated quarterly ~~during the market development period~~. The eligible customer list shall, at a minimum, contain customer name, service and mailing address, rate schedule (class and sub-class), applicable riders, load profile reference category, meter type, interval meter data indicator, budget bill indicator, meter read date or schedule, and historical consumption data (actual energy usage plus any applicable demand) for each of the most recent twelve months.
- (F) Customer enrollment.
- (1) Within two business days after confirming the validated electronic data file for a CRES provider's customer enrollment request, the EDU shall mail the customer a competitively neutral confirmation notice stating:
 - (a) That the EDU has received a request to enroll the customer for competitive electric service with the named CRES provider;
 - (b) The date such service is expected to begin;
 - (c) That residential and small commercial customers have seven days from the postmark date on the notice to contact the EDU to rescind the enrollment request or to notify the EDU that the change of service provider was not requested by the customer; ~~and,~~
 - (d) The EDU's toll-free telephone number.
 - (2) Such notice shall not be used as an opportunity for the EDU to convince customers to remain on or return to the EDU's standard offer service.
 - (3) Each EDU shall ~~employ~~ have a twenty-four hour per day capability for accepting CRES residential and small commercial customer enrollment rescission by telephone.
 - (4) When a residential or small commercial customer calls the EDU to rescind enrollment with a CRES provider, the EDU shall provide the customer a cancellation number.
 - (5) Within two business days after receiving a customer's request to rescind enrollment with a CRES provider, the EDU shall initiate such rescission and mail the customer confirmation that such action has been taken.
- (G) Customer billing.
- (1) EDUs shall make consolidated billing available to CRES providers and shall not take any actions to inhibit or prohibit dual billing by CRES providers.

- (2) Consolidated billing shall include budget billing as a customer-elected option.

(H) Customers returning to standard offer.

- (1) Any customer returning to the standard offer, due to a CRES provider's default, abandonment, slamming, or certification rescission of a CRES provider, will not be liable for any costs associated with the switch.
- (2) Within two business days after confirming the validated electronic data file for a CRES provider's customer-drop request, the EDU shall mail the customer a notice stating:
 - (a) That the EDU has received a request to drop the customer from competitive electric service with the named CRES provider;
 - (b) The deadline date for the EDU to receive a CRES provider's request to enroll the customer;
 - (c) That the EDU is available to address any questions the customer may have; and,
 - (d) The EDU's toll-free telephone number.

(I) Percentage of income payment plan (PIPP) customers will be coordinated exclusively by the Ohio department of development pursuant to section 4928.54 of the Revised Code.

- (1) EDUs shall not switch PIPP and arrearage crediting program customers to CRES providers.
- (2) Customers pending enrollment with a CRES provider who subsequently become approved for PIPP or the EDU's arrearage crediting program shall not be switched to the CRES provider.
- (3) EDU customers who have switched to a CRES provider and subsequently become approved for the EDU's arrearage crediting program shall be transferred to the EDU's standard offer service at the next regularly scheduled meter read date after the EDU enrolls the customer in the program.
- (4) Until the Ohio department of development has in place a mechanism for the administration and operation of the low-income customer assistance programs, customers who have switched to a CRES provider and subsequently become approved for PIPP shall be dropped by the EDU to standard offer service at the next regularly scheduled meter read date after the EDU receives notice of the customer's participation in PIPP. The EDU shall notify the affected CRES provider within ten business days of the customer's transfer to a new electric service provider to

participate in PIPP. Any switching fees shall be added to the customer's arrearages, not current charges.

- (5) When the host EDU is not purchasing the receivables of the affected CRES provider, the EDU shall submit to Ohio department of development, on behalf of the affected CRES provider(s), the pre-PIPP arrearages of customers transferred to the PIPP program.
- (6) The host EDU shall transfer the pre-PIPP arrearages received from the Ohio department of development, on behalf of the affected CRES provider, to the appropriate CRES provider within ten business days after receipt from the Ohio department of development.

4901:1-10-3210**Cooperation with certified governmental aggregators.**

- (A) Each electric distribution utility (EDU) shall cooperate with governmental aggregators to facilitate the proper formation and functioning of governmental aggregations. Upon the request of a certified governmental aggregator or competitive retail electric service (CRES) provider under contract with the governmental aggregator, the EDU shall provide, ~~an updated list of names, account numbers, service addresses, billing addresses, rate codes, percentage of income payment plan codes, load data, and other related customer information for all customers residing within the governmental aggregator's aggregator's boundaries. The information provided shall be consistent with the information that is provided to other CRES providers. This information shall also include like data for, including those customers who have opted off the pre-enrollment list and account numbers for all customers within the governmental aggregator's boundaries.~~ the following information:
 - (1) An updated list of names, account numbers, service addresses, billing addresses, rate codes, percentage of income payment plan codes, load data, and other related customer information, consistent with the information that is provided to other CRES providers.
 - (2) An identification of customers who are currently in contract with a CRES provider or in a special contract with the EDU.
 - (3) On a best efforts basis, an identification of mercantile commercial customers.
- (B) EDUs shall publish charges and/or fees for services and information provided to governmental aggregators in an approved tariff filed with the commission.
- (C) Unless a customer notifies the EDU of the customer's intent not to join a governmental aggregation by responding to the confirmation notice or providing some other form of notice as provided by may be set forth in the EDU's tariffs, the EDU shall switch customer

accounts to or from a governmental aggregation under the same processes and time frames provided in published tariffs for switching other customer accounts.

4901:1-10-1311 Employee identification.

Any ~~EDU~~electric distribution utility employee or agent seeking access to the customer's or landlord's premises shall, upon request, identify himself/herself, provide company photo identification, and state the reason for the visit.

4901:1-10-2212 EDU customer billing and payments.

(A) This rule applies to electric distribution utility (EDU) bills that do not include any competitive retail electric service (CRES) provider charges. Requirements for consolidated billing appear in rule 4901:1-10-13 of the Administrative Code.

(B) Customer bills issued by or for the EDU shall be accurate and rendered at ~~regular-monthly~~ intervals, and contain clear and understandable form and language. Each bill shall state all of the following information:

- (1) The customer's name, billing address, service address, and account number;
- (2) The EDU's name and its payment address;
- (3) The EDU's twenty-four hour local ~~and~~ toll-free ~~number~~numbers for reporting service emergencies;
- (4) Customers with billing questions or complaints should call or write to the EDU first. The bill shall list the EDU's local ~~and~~ toll-free ~~number~~numbers and the address where a question or complaint may be sent;
- (5) The following text:

"If your complaint is not resolved after you have called your electric utility, or for general utility information, residential and business customers may call the Public Utilities Commission of Ohio (PUCO) toll free at 1-800-686-7826 or for TDD/TTY toll free at 1-800-686-1570, from 8:00 a.m. to 5:30 p.m. weekdays, or visit www.PUCO.ohio.gov.

The Ohio Consumers' Counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted toll free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org."

- (6) ~~Rate~~The rate schedule, if applicable;

- (7) Dates of the service period covered by the bill;.
- (8) The billing determinants applicable:
 - (a) Beginning meter reading(s);.
 - (b) Ending meter reading(s);.
 - (c) Demand meter reading(s);.
 - (d) Multiplier(s);.
 - (e) Consumption(s); and.
 - (f) Demand(s);.
- (9) ~~Identification~~An identification of estimated bills;.
- (10) ~~Due~~The due date for payment;.
- (11) ~~Current~~The current billing ~~which~~that reflects the net-metered usage for customer generators, if applicable;.
- (12) Any late payment charge or gross and net charges, if applicable;.
- (13) Any unpaid amounts due from previous bills, any customer credits, and the total amount due and payable;.
- (14) ~~Current~~The current balance of the account, if the residential customer is billed according to a budget plan;.
- (15) ~~Current~~The current gas and electric charges separately, if the customer is billed for gas and electric service on the same bill;.
- (16) If applicable, each charge for nontariffed, nonregulated service;.
- (17) Any nonrecurring charge;.
- (18) Any payment(s) or credit(s) applied to the account during the current billing period;.
- (19) ~~Percentage~~Any applicable percentage of income payment program (PIPP) billing information-applicable:
 - (a) Current PIPP payment;.

- (b) PIPP payments defaulted (~~i.e.i.e.,~~ past due);
 - (c) Total PIPP amount due; and,
 - (d) Total account arrearage.
- (20) An explanation of codes and abbreviations used;
- (21) If applicable, the name of the CRES provider and a statement that such provider is responsible for billing the supplier charges;
- (22) A numerical representation of the customer's historical consumption during each of the preceding twelve months, with a total and average consumption for such twelve-month period;
- (23) The price-to-compare notice on residential customer bills and a notice that such customers can obtain a written explanation of the price-to-compare from their EDU; and,
- (24) Other information required by Ohio law or commission rule or order.
- (C) Any new bill format proposed by an EDU shall be filed with the commission for approval. If an application for sample bill approval is not acted upon within forty-five days, said sample shall be deemed approved.
- (D) Each EDU shall, upon request, provide customers with an updated list of the name and street address/location of the nearest payment center and/or local authorized agent, and alternative methods available for payment of customer bills. Customers shall not be charged more than ~~two times the cost of a first class postage stamp~~ two dollars for processing their payments by cash, check, or money order at authorized agent locations.
- (E) When a customer pays ~~the a~~ bill at the EDU's business office or to an authorized agent of the company, that payment, including any partial payment, shall be immediately credited to the customer's account, where feasible, and in any event shall be credited to the customer's account as of the date received at the business office or by the agent. No EDU shall disconnect service to a customer who pays, to the ~~company~~ EDU or an authorized agent of the ~~company~~ EDU, the total amount due on the account (or an amount agreed upon between the EDU and the customer to prevent disconnection) ~~on the account~~, by the close of business on the disconnection date listed on the disconnection notice. Payment received by an authorized agent of the EDU shall constitute receipt of payment by the ~~company~~ EDU.
- (F) Each EDU shall establish a policy for its own personnel ~~at its business offices~~ and for its authorized agents to handle billing disputes, requests for payment arrangements, and ~~reporting~~ payments to prevent disconnection of service. If such matters cannot be handled

by an agent authorized to accept payments, ~~each~~ the EDU shall provide customers with its local/toll-free number ~~to use at a nearby phone.~~

(G) Each EDU shall credit any customer's partial payments in the following order:

- (1) Past due distribution, standard offer generation, and transmission charges;
- (2) Current distribution, standard offer generation, and transmission charges; ~~and.~~
- (3) Other past due and current nonregulated charges.

Budget billing payments and payments in full of the undisputed amount related to a bona fide dispute do not constitute partial payments. Payments made on accounts for which there is a bona fide dispute shall be credited to the undisputed portion of the account.

(H) Any EDU wishing to issue billing statements online shall follow the listed guidelines:

- (1) A customer shall not be required to use online billing;
- (2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online;
- (3) The online billing statement shall include all requirements listed in paragraph (B) of this rule;
- (4) The EDU shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process;
- (5) Any fees to accept online payments shall be clearly disclosed in payment window(s);
- (6) Any payment made online shall be treated as a payment made at the ~~company's~~ EDU's business office and shall be posted to the account in accordance with paragraph (E) of this rule. The time needed to post the payment to the account shall be clearly stated; ~~and.~~
- (7) If a customer chooses to use online billing, the customer shall not be restricted to making payments online in the future. All payment methods shall continue to be available to the customer.

4901:1-10-3313

Consolidated billing requirements.

- (A) This rule applies to an electric distribution utility (EDU) that issues customers a consolidated electric bill that includes both EDU and competitive retail electric service (CRES) provider charges for electric services. Nothing in this rule affects the obligations of the EDU to provide disconnection notices.

- (B) A supplier agreement between an EDU and a CRES provider must provide that, if the EDU collects customer payments on behalf of the CRES provider, the customer's liability to the CRES provider ceases to the extent of a payment made and applicable to the customer's CRES provider account.
- (C) Consolidated bills shall be accurate, shall be rendered at regular monthly intervals, and shall contain clear and understandable form and language. All consolidated customer bills issued by or on behalf of an EDU and a CRES provider must include at least the following information:
- (1) The customer's name, billing address and service address;
 - (2) The EDU's twenty-four hour, local/toll-free number for reporting service emergencies;
 - (3) The dates of the service period covered by the bill;
 - (4) Current electric charges, separated from gas charges, if these charges appear on the same bill, but only to the extent that the biller provides both electric and gas services;
 - (5) Applicable billing determinants: beginning meter read, ending meter read, demand meter read, multipliers, consumption, and demand;
 - (6) Identification of estimated bills;
 - (7) Any non-recurring charge(s);
 - (8) Net-metered usage for customer generators, if applicable;
 - (9) Each charge for non-tariffed and/or non-regulated service or product, if applicable, and the name and toll-free/local number of each provider of such service(s);
 - (10) Amount due for previous billing period;
 - (11) Total payments, late payment charges or gross/net charges and total credits applied during the billing period;
 - (12) Total consolidated amount due and payable, or, if applicable, the total consolidated budget bill amount;
 - (13) Due date for payment to keep the account current;
 - (14) Name and address of company to whom payments should be made;
 - (15) The following notice:

"If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may call the Public Utilities Commission of Ohio (PUCO) toll free at 1-800-686-7826 or for TDD/TTY toll free at 1-800-686-1570, from 8:00 a.m. to 5:30 p.m. weekdays, or visit www.PUCO.ohio.gov.

The Ohio ConsumerConsumers's' Counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted toll free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org."

- (16) An explanation of codes and abbreviations used;
 - (17) At a minimum, definitions for the following terms, or like terms used by the company, if applicable: customer charge, delivery charge, estimated reading, generation charge, kilowatt hour (kWh), shopping incentive or shopping credit, late payment charge, and transition charge;
 - (18) The price-to-compare for residential bills and a notice that such customers can obtain a written explanation of the price-to-compare from their EDU.
- (D) In addition to the information required pursuant to paragraph (C) of this rule, each consolidated bill issued must include, in that portion of the bill which details the charges from the EDU, at least the following information:
- (1) EDU account number;
 - (2) List applicable rate schedule;
 - (3) ~~Numerically state~~ Numerical statement of the customer's historical consumption for each of the preceding twelve months, and both the total and average consumption for such twelve-month period;
 - (4) Specific tariffed charges to the extent applicable: customer charge, delivery charge, transition charge, shopping incentive or shopping credit, and other conceptually similar tariffed charges;
 - (5) If the customer is on a budget plan with the EDU only, the monthly budget amount and current balance of EDU account;
 - (6) Current charges; ~~and~~;
 - (7) The EDU's toll free/local number and address for questions and complaints.

- (E) In addition to the information required pursuant to paragraph (C) of this rule, each consolidated bill issued must include, in that portion of the bill which details the charges from the CRES provider, at least the following information:
- (1) Customer's CRES account number, if different from the EDU account number₂
 - (2) To the extent applicable, itemization for each charge including, for fixed-price offers, the unit price per kWh for competitive service and, for all other offers for electric generation service, an explanation of how the rate is derived₂ and, as well as any other information the customer would need to recalculate the bill for accuracy₂
 - (3) If the customer is on a budget plan with the CRES provider only, the monthly budget amount and the current balance of the CRES account₂
 - (4) Current charges₂ and₂
 - (5) A highlighted notice of any change in rates, terms₂ or conditions appearing on the first two consecutive bills following the occurrence of any such changes and a clear explanation of each change.
- (F) Consolidated bill format. Any new consolidated bill format proposed by an EDU or a CRES provider shall be filed with the commission for approval. If an application for a consolidated bill format is not acted upon by the commission within forty-five days after it is filed, the consolidated bill format shall be deemed approved on the forty-sixth day after filing.
- (G) Transfer of customer billing information.
- (1) The non-billing EDU or CRES provider shall furnish the applicable required bill content information to the billing party in a timely manner and in a mutually agreed upon electronic format for inclusion in the consolidated customer bill.
 - (2) The billing EDU or CRES provider shall include in the consolidated bill all required bill content information furnished by the non-billing EDU or CRES provider.
 - (3) An entity ordered by the commission to provide any bill content, message, insert₂ or notice remains responsible to provide such information to its customers, although the information may be provided through the consolidated bill.
- (H) Partial payment priority.
- (1) A customer's partial payment shall be credited in the following order:
 - (a) — Billed and past due CRES provider charges or, if applicable, CRES provider payment arrangement or past due CRES provider budget billing.

- ~~(b) Billed and past due EDU distribution, standard offer generation, and transmission charges; or, if applicable, EDU payment arrangement or past due EDU budget billing;~~
 - ~~(b) Billed and past due CRES provider current EDU distribution and transmission charges; or, if applicable, CRES provider payment arrangement or past due CRES provider current EDU budget billing;~~
 - ~~(e)~~
 - (d) Billed and due current CRES provider charges or current CRES provider budget billing;
 - ~~(d) Billed and due current EDU distribution and transmission charges or current EDU budget billing and,~~
 - (e) Other past due and current non-regulated charges, excluding CRES charges.
 - (2) Exceptions to the partial payment priority.
 - (a) Payments in full of the undisputed amount related to a bona fide dispute do not constitute partial payments. Payments made on accounts for which there is a bona fide dispute shall be credited to the undisputed portion of the account.
 - (b) If a customer pays an agreed-upon EDU and/or CRES budget payment amount, then that payment shall be considered payment in full for the current bill.
 - (I) Upon the customer's switch from a CRES provider, the billing party shall identify for the customer and state on the bill as of what date the billing party will no longer remit payments to the previous CRES provider and any outstanding balance due the previous CRES provider.
 - (J) Any EDU wishing to issue consolidated billing statements online shall follow the listed guidelines:
 - (1) A customer shall not be required to use online billing;
 - (2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online;
 - (3) The online billing statement shall include all requirements listed in paragraphs (C), (D), and (E) of this rule;

- (4) The EDU shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process~~;~~.
- (5) Any fees to accept online payments shall be clearly disclosed in payment window(s)~~;~~.
- (6) Any payment made online shall be treated as a payment made at the company's business office and shall be posted to the customer's account in accordance with paragraph (E) of rule 4901:1-10-12 of the Administrative Code. The time needed to post the payment to the customer's account shall be clearly stated~~;~~ and~~;~~.
- (7) If a customer chooses to use online billing, the customer shall not be restricted to making payments online in the future. All payment methods shall continue to be available to the customer.

4901:1-10-4914 Delinquent residential bills.

No electric distribution utility (EDU) may disconnect service to a residential customer when:

- (A) That customer fails to pay any charge for a nontariffed service, including competitive retail electric service~~;~~.
- (B) Any authorized agent or competitive retail electric service (CRES) provider providing billing and collection services for the EDU fails to submit payment for the customer's tariffed distribution and/or transmission service(s) rendered by that EDU~~;~~.
- (C) The customer fails to pay any amount in bona fide dispute. Where the customer has registered a complaint with the commission's ~~public-interest~~ call center or filed a formal complaint with the commission which reasonably asserts a bona fide dispute, the EDU can not disconnect service when the customer pays either the undisputed portion of the bill or the amount paid for the same billing period in the previous year~~;~~.
- (D) The EDU issues a disconnection notice which fails to separate regulated from nontariffed charges, including CRES charges~~;~~ or~~;~~.
- (E) The EDU fails to include on the disconnection notice a statement that:
 - (1) Failure to pay charges for nontariffed products or services may result in loss of those products or services~~;~~ and~~;~~.
 - (2) Failure to pay charges for competitive retail electric service may result in cancellation of the customer's contract with the CRES provider, and return to the EDU's standard-offer generation service. This provision is applicable only on accounts issued a consolidated bill for electric services.

4901:1-10-2315 Billing adjustments.

- (A) When an electric distribution utility (EDU) has undercharged any nonresidential customer as the result of a meter or metering inaccuracy, billing, or other continuing problem under the EDU's control, unless the customer and the ~~company~~ EDU agree otherwise, the maximum portion of the undercharge that may be billed to the customer in any billing month, based upon the appropriate rates, shall be determined by dividing the amount of the undercharge by the number of months of undercharged service. Each EDU shall state the total amount to be collected in the first bill under this rule. This rule shall not affect the EDU's recovery of regular monthly charges.
- (B) Billing adjustments for residential customers shall comply with section 4933.28 of the Revised Code.
- (C) This rule shall not apply to tampering with or unauthorized reconnection of the meter, metering equipment, or EDU's property which causes meter or metering inaccuracies or no measurement of service.

4901:1-10-156 Reasons for denial or disconnection of nonresidential service.

Each electric distribution utility (EDU) may refuse or disconnect service to nonresidential customers for only the following reasons:

- (A) When the customer violates or fails to comply with the contract or EDU tariff(s);
- (B) When EDU service to a customer ~~or consumer~~ violates any law of this state or any political subdivision thereof, or any federal law or regulation;
- (C) When a ~~customer or consumer~~ tampers with EDU property or engages in a fraudulent practice to obtain service, as set forth in rule 4901:1-10-20 of the Administrative Code;
- (D) For using electricity or equipment which adversely affects EDU service to other customers ~~or consumers~~, e.g., voltage fluctuations, power surges, and interruptions of service;
- (E) When a safety hazard to consumers or their premises, the public, or to the EDU's personnel or facilities exists;
- (F) When the customer, landlord of the tenant/customer, or tenant leasing the landlord/customer's premises refuses access to EDU facilities or equipment on the customer's property or property leased by the customer;
- (G) For nonpayment of EDU bills and any tarified charges, including security deposits and amounts not in bona fide dispute. Where the customer has registered a complaint with the commission's ~~public interest~~ call center or filed a formal complaint with the commission

which reasonably asserts a bona fide dispute, the EDU shall not disconnect service if the customer pays either the undisputed portion of the bill or the amount paid for the same billing period in the previous year;.

- (H) When the customer vacates the premises;.
- (I) For repairs, provided that the EDU has notified ~~consumers~~customers prior to scheduled maintenance interruptions in excess of six hours;.
- (J) Upon the customer's request;.
- (K) ~~A—When a former customer, whose account with that EDU is in arrears for service furnished at the premises, resides~~consumes service at, or has requested service for, such premises;.
- (L) When an emergency may threaten the health or safety of a person, a surrounding area, or the operation of the EDU's electrical system; and,
- (M) For other good cause shown.

4901:1-10-167 Notice of disconnection of nonresidential service.

- (A) ~~Except as otherwise provided by contract approved by the commission pursuant to section 4905.31 of the Revised Code, each electric distribution utility (EDU) shall give~~provide the nonresidential customer with written notice, not less than five days after the postmark date, before service is disconnected, of pending disconnection, when ~~any~~either of the following conditions exists:
 - (1) Violation of or noncompliance with the contract or EDU's tariff(s) which applies to customer service, other than nonpayment of bills; (which is addressed in rule 4901:1-10-18 of the Administrative Code).
 - (2) The customer refuses access to EDU facilities or equipment on the customer's property or property leased by the customer.

The notice shall set forth the earliest date on which service may be disconnected, which date shall not be less than five days after the postmark date on the notice.

- (B) Prior notice from the EDU is not required when any one or more of the following conditions exists:
 - (1) When an emergency may threaten the health or safety of a person, a surrounding area, or the operation of the EDU's electrical system;.
 - (2) When a safety hazard to consumers or their premises, the public, or the EDU's personnel or facilities exists;.

- (3) When a customer or consumer tampers with EDU property.

All the provisions of this rule already appear in Rule 4901:1-18-07

4901:1-10-25 Notice of disconnection to tenants and landlords.

~~(A) The EDU shall provide notice of requested disconnection of electric service.~~

- ~~(1) If a customer who is a property owner, or the agent thereof, requests disconnection of service when residential tenants reside at the premises, each EDU shall provide at least ten days advance notice of the intended disconnection of service by mail to residential tenants or by posting such notice in conspicuous places on the premises.~~

- ~~(2) Each EDU shall inform such customer of the customer's liability for all electricity consumed during the ten-day notice period.~~

~~(B) Upon the request of a property owner or agent thereof, each EDU shall provide the property owner or agent thereof with at least three days advance notice when service is to be disconnected to a residential customer who is a tenant either at the customer's request or for nonpayment.~~

~~(C) Notwithstanding any notice requirement of an EDU under this rule, an EDU will not be found to have violated this rule if:~~

- ~~(1) The EDU uses reasonable efforts to determine the status of the customer/consumer as either a property owner or agent thereof or a tenant; or~~
- ~~(2) The customer/consumer misrepresents the status of the customer/consumer as either a property owner or agent thereof or tenant.~~

4901:1-10-178 Payment schedule and disconnection procedures for nonpayment by nonresidential customers.

- (A) A nonresidential customer's bill for tariffed services shall not be due earlier than twenty-one days from the date of the postmark on the bill. If the bill is not paid by the due date, it then becomes past due.
- (B) Except as otherwise provided by contract approved by the commission pursuant to section 4905.31 of the Revised Code, each electric distribution utility (EDU) shall provide the nonresidential customer with a written notice of pending disconnection, which notice shall be postmarked not less than five days before service is disconnected for nonpayment of tariffed service.
- (C) The disconnection notice shall clearly display each of the following items:

- (1) The delinquent billing account number, total amount past due, reconnection charge, and any security deposit owed;
- (2) The earliest date when disconnection may occur;
- (3) The address and phone number of the EDU office for customers to contact about their account;
- (4) A statement that the commission staff is available to render assistance with unresolved complaints, and the commission's current address, the local toll-free number and the TDD/TTY numbers of the commission's public interest call center, and the commission's website;
- (5) A statement that the customer's failure to pay the amount required at the EDU's office or to one of its authorized agents by the date specified in the notice may result in a security deposit, and in a charge for reconnection and, together with the amount of the reconnection charge; and, if applicable,
- (6) If any nontariffed charges appear on the bill, a statement that the nonpayment of nontariffed charge(s) shall not result in the disconnection of distribution service;
- (7) If any charges for CRES services appear on the bill, a statement that the failure to pay charges for CRES services may result in loss of those products and services; and,
- (8) ~~(8)~~ If any charges for CRES services appear on the bill, a statement that the failure to pay charges for CRES service may result in cancellation of the customer's contract with the CRES provider, and return the customer to the EDU's standard offer for generation services.

The information required by this paragraph may be included in documents accompanying the disconnection notice.

4901:1-10-1819 Reconnection of nonresidential service.

- (A) Unless a nonresidential customer requests otherwise, an electric distribution ~~company~~ utility (EDU) shall reconnect service by the close of the following regular working day after either of the following:
- (1) The EDU receives both of the following:
 - (a) The full amount in arrears, for which service was disconnected, or agrees with the customer on a deferred payment plan and a payment, if required, under the plan; and,

~~(2) The EDU receives any (b) Any security deposit authorized under these rules and any tariffed reconnection charge; or,~~

(32) The customer establishes that the conditions which warranted disconnection of service have been eliminated.

(B) Before service is reconnected under this rule, no ~~electric distribution company~~ EDU may request or require a nonresidential customer to pay any of the following to have service reconnected:

(1) Any amount owed but not yet past due; ~~and,~~

(2) When the customer has multiple accounts in the same customer class, any amount owed on those other billing accounts. ~~Paragraph (B)(2) of this rule shall not apply to any amount past due on another electric billing account in the same customer class.~~

4901:1-10-20 Fraudulent practice, tampering, and theft of service.

(A) Each electric distribution utility (EDU) shall establish and maintain an anti-theft and anti-tampering plan and shall submit its plan and subsequent amendments to the director of the ~~consumer services~~ service monitoring and enforcement department ~~or the director's designee.~~

(B) Disconnection of service for tampering or unauthorized reconnection.

(1) An EDU may disconnect service for safety reasons without prior notice to a customer when in either of the following circumstances:

(a) The electric service meter, metering equipment, or associated property was damaged, interfered or tampered with, displaced, or bypassed, ~~or otherwise tampered with by a customer, consumer, or other person;~~

(b) A person not authorized by the EDU has reconnected service.

(2) Each EDU ~~which that~~ has disconnected service under this paragraph shall tag or seal the customer's meter and hand-deliver written notice to the customer ~~or consumer~~ at the service location. If no adult ~~consumer~~ customer is present, each EDU shall attach written notice to a conspicuous place on the premises. When an EDU reasonably believes that tagging or sealing the meter, hand-delivering notice, or posting notice may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer ~~or occupant~~. The notice shall state clearly display each of the following items:

(a) ~~Service~~An explanation that service was disconnected because one of the following circumstances was found:

(i) The meter, metering equipment and/or EDU property was tampered with;
or,

(ii) A person not authorized by the EDU reconnected the customer's service.

(b) The ~~EDU's~~address and phone number and of the EDU office.

(c) A statement that the customer may contest the disconnection by requesting a meeting with a company an EDU representative;

~~(e) If~~(d) A statement that, if the customer does not contest the disconnection, the
EDU is not required to restore service until the customer has provided satisfactory assurances that such tampering or unauthorized reconnection has ceased and has paid or made satisfactory arrangements to pay the company-EDU an amount ~~which~~that the company-EDU calculates for unmetered service, any defaulted amount, any damage to company-EDU equipment or meter, any security deposit (consistent with rule 4901:1-10-5 of the Administrative Code), and any tariffed reconnection and investigation charges;

~~(d) The address, website, local/toll free number~~(e) A statement that the commission staff is available to render assistance, and the commission's current address; the local, toll-free and TDD/TTY number numbers of the commission's public interest call center; and the commission's website.

(3) If the customer meets with the EDU to contest the disconnection, ~~each company the~~EDU shall timely mail or deliver its decision to the customer.

(4) Each EDU shall maintain records that clearly set forth the basis for its decision to terminate service for tampering or unauthorized reconnection, and the steps taken under this rule.

(C) Disconnection of service for fraudulent practice.

~~(1) An EDU may disconnect service, after providing notice to the customer pursuant to following the steps set forth in this paragraph (C), when a customer uses any fraudulent practice, as defined by paragraph (MO) of rule 4901:1-10-01 of the Administrative Code, to obtain or maintain service.~~

~~(2) Before it may disconnect service for a fraudulent practice, each EDU shall hand-~~
deliver written notice to the customer ~~or consumer~~ at the service location. If no adult ~~consumer~~customer is present, the company-EDU shall attach written notice to a conspicuous place on the premises. When a ~~company~~an EDU reasonably believes that

hand-delivering or posting notice may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer.

(32) The notice shall state clearly display each of the following items:

- (a) ~~The~~ A description of the alleged fraudulent practice;
- (b) The EDU's address and phone number and of the EDU's office.
- (c) A statement that the customer may contest the company's EDU's findings by requesting a meeting with a companyan EDU representative;
- (e) ~~The~~ (d) A statement that the EDU may disconnect service if either of the following occurs:
 - (i) The customer does not contact the EDU representative to schedule a meeting and contest the findings of fraudulent practice, within three business days after receiving this notice; or,
 - (ii) The customer does not provide a satisfactory explanation at that meeting;
- (d) ~~If~~ (e) A statement that, if service is disconnected, the EDU is not required to reconnect service until the customer pays or makes satisfactory arrangements to pay the companyEDU the bill for service whichthat was fraudulently obtained or maintained, any security deposit (consistent with rule 4901:1-10-5 of the Administrative Code), and any tariffed reconnection and investigation charges;
- (e) ~~The~~ (f) A statement that the commission staff is available to render assistance, and the commission's current address; local/- toll-free number, and TDD/TTY numbersnumbers of the commission's public-interestcall center; and the commission's website.

(43) An EDU may terminate service for a fraudulent practice in the following circumstances:

- (a) ~~When the customer fails to request a meeting with the company within~~ (a) No sooner than three business days after delivery of the written notice required by this paragraph; if the customer does not request a meeting with the EDU.
- (b) No sooner than two business days after the customer received the EDU's written adverse decision regarding the meeting between the customer and companyEDU, in the event that such a meeting was requested.

(D) Each EDU shall maintain records which-shall includethat clearly set forth the basis for its decision to terminate service for a fraudulent practice, and the steps taken under this rule;

4901:1-10-21 Customer complaints and complaint-handling procedures.

- (A) As used in this rule, customer/consumer complaint means a customer/consumer contact when such contact necessitates follow-up by or with the electric distribution utility (EDU) to resolve a point of contention.
- (B) Each EDU shall make good faith efforts to settle unresolved disputes, which efforts may include meeting with the customer at a reasonable time and place.
- (C) Except as ordered by the commission or directed by the commission staff in disconnection or emergency cases, each EDU shall investigate customer/consumer complaints and provide a status report within three business days of the date of receipt of the complaint to:
- (1) The customer/consumer, when investigating a complaint made directly to the EDU;
or,
 - (2) The customer/consumer and commission staff, when investigating a complaint referred to the EDU by the commission or commission staff.
- ~~(CD)~~ If an investigation is not completed within ten business days, ~~each the~~ EDU shall provide status reports, either orally or in writing, to update the customer/consumer, or to update the customer/consumer and commission staff, where appropriate, either orally or in writing, at every five business day intervals days until the investigation is complete, unless the action that must be taken will take longer than five days (e.g., volt meter will be placed on the premises for twenty days). ~~In such cases the EDU may omit the status report for a maximum of thirty days if a response date is given to the customer/consumer or the customer/consumer and commission staff, where appropriate, when the investigation is initiated otherwise agreed to.~~
- ~~(D)~~ (E) The EDU shall inform the customer/consumer, or the customer/consumer and commission staff, where appropriate, of the results of the investigation, orally or in writing, no later than five business days after completion of the investigation. The customer/consumer or commission staff may request the final report to be in writing.
- ~~(EF)~~ If the customer/consumer disputes the EDU's report(s), ~~each the~~ EDU shall inform the customer/consumer that the commission staff is available to mediate complaints. The company shall provide the customer/consumer with the commission's current address; local/- toll-free numbers, and TDD/TTY numbers of the commission's public interest call center; and the commission's website.
- ~~(F)~~ ~~Each EDU shall make good faith efforts to settle unresolved disputes, which may include meeting with customer/consumer at~~
- (G) If a reasonable time and place.

~~(G) — If customers contact the~~ customer contacts an EDU concerning competitive retail electric service (CRES) issues, the EDU shall take the following actions:

- (1) Review the issue with the customer to determine whether it also involves the EDU;
- (2) Coordinate the resolution of any joint issues with the CRES provider; ~~and,~~
- (3) Refer the customer to the appropriate CRES provider only in those instances where the issue lacks any EDU involvement.

(H) Slamming complaints.

- (1) A slamming complaint is a customer's allegation that the customer's electric supplier has been switched without the customer's authorization.
- (2) ~~If the a~~ customer contacts the an EDU with a slamming complaint after the end of the seven-day rescission period for the customer's enrollment with the alleged slamming CRES provider, the EDU shall take the following actions:
 - (a) Provide the customer with the enrollment information contained in its records, and refer the customer to the commission;
 - (b) Provide the customer with the commission's current address; local, toll-free telephone, and TDD/TTY numbers of the commission's consumer services department; and call center; and the commission's website.
 - (c) Cooperate with the staff in any subsequent investigations of the slamming complaint, including assisting the staff in determining the amount of any restitution owed to the customer pursuant to paragraph (C)(5) of rule 4901:21-08 of the Administrative Code if the customer was switched without authorization from the EDU's standard offer service.
- (3) If a customer initiates a slamming complaint within thirty days after being issued a bill from the alleged slammer, the customer shall not be required to pay the current charges assessed by the alleged slammer until the staff determines that the change in the customer's electric service provider was authorized.
- (4) If the commission staff determines that a customer's service was switched without the customer's authorization, the staff shall notify the EDU of such determination. After such notification, and if the EDU is not at fault, the EDU may then seek reimbursement from the CRES provider that improperly initiated the switch for any incremental costs incurred by the EDU to correct the unauthorized switch, including any switching fees. The EDU shall provide the CRES provider an itemized list of any such incremental costs.

- (5) If correcting an unauthorized switch involves returning the customer to its previous CRES provider, the EDU shall make the corrective switch at the next regularly scheduled meter reading date following receipt of the enrollment request from the previous CRES provider. Such corrective switch shall be made in accordance with the EDU's normal practices and procedures for switching customers, except that the EDU shall not charge, or shall credit to the customer, any switching fees and the EDU is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-9 of the Administrative Code.
- (6) If correcting an unauthorized switch involves returning the customer to the EDU's standard offer service, the EDU shall make the corrective switch at the next regularly scheduled meter reading date in accordance with the EDU's normal practices and procedures for switching customers, except that the EDU shall not charge, or shall credit to the customer, any switching fees and ~~that the EDU is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-9 of the Administrative Code.~~
- (7) If, as part of correcting an unauthorized switch, a customer who was taking standard offer service from the EDU at the time of the unauthorized switch is returned to standard offer service, the customer shall not be subject to any minimum stay or other commission-approved alternative for returning customers, unless the customer would have been subject to such a requirement had the unauthorized switch not occurred.
- (8) If the EDU switches the customer served by a CRES provider to the EDU's standard offer service without authorization by the customer, without authorization by the appropriate CRES provider or pursuant to a commission order, the EDU shall take the following actions:
 - (a) Not charge, or shall credit the customer, any switching fees and shall return the customer to the previous CRES provider, making the corrective switch at the next regularly scheduled meter reading date following receipt of the enrollment request from the previous CRES provider;
 - (b) By the next billing cycle:
 - (i) ~~Credit~~ credit the customer's EDU account for any fees previously charged for switching the customer to the EDU; ~~and,~~
 - (c) By the next billing cycle, take one of the following actions:
 - (ii) If reported to the commission staff within thirty days after being issued a bill from the alleged slammer, absolve the customer of any liability for any charges assessed to the customer, excluding the distribution charges, and refund to the customer any charges collected from the customer; ~~or,~~

- (iii) If reported to the commission staff more than thirty days after being issued a bill by the alleged slammer, credit the customer any fees the EDU charged in excess of the amount the customer would have paid its previous CRES provider for the same usage.
- (e) ~~If the customer can not be returned to the original contract terms with its previous CRES provider, the slamming EDU shall credit~~ Credit or refund to the customer, the value of the customer's contract with the previous CRES provider for the remaining term of the contract immediately prior to the slam; if the customer can not be returned to the original contract terms with its previous CRES provider.
- (de) Reimburse the CRES provider, within thirty days of receiving an invoice, for any incremental costs incurred by the CRES provider to correct the unauthorized switch.

4901:1-10-0622 National Electrical Safety Code.

Each electric utility shall comply with the ~~2002~~2007 edition of the American National Standard Institute's, "National Electrical Safety Code". ~~The provisions in "Session Order No. 285," December 1, 1949, referring to the designation of the medium loading district for a part of Ohio remain in effect. Reference for this exception is to rule 250 "General Loading Requirements and Maps" of the "American National Standard, National Electrical Safety Code."~~ issued by the American national standards institute.

4901:1-10-0243 Equipment for voltage measurements and system voltage and frequency requirements.

- (A) Portable indicating instruments (e.g., electro-mechanical indicating, electronic indicating, and electronic indicating and recording) used to test or record service voltage at the customer's premises in response to a customer inquiry or complaint shall be checked for accuracy against a recognized standard. Accuracy checks shall be conducted as recommended by the manufacturer or annually if no period is specified. The most recent accuracy test record shall be kept with each such instrument, or at a central location for the electric utility.
- (B) ~~Standard~~ Electric utilities shall comply with the following requirements regarding standard voltage:
 - (1) Each electric utility supplying electrical energy for general use shall adopt nominal service voltages to be supplied to its customers and shall make every reasonable effort, by the use of proper equipment and operation, to maintain the service voltages to its customers within the limits as defined within this rule.

(2) Each electric utility shall file with the commission, as part of its tariffs, the nominal service voltage available to consumers~~customers~~, including the number of phases and service configurations, and the voltage variations for each available service configuration. These nominal service ~~voltages~~voltage shall be based on the 2001 version of the "American National Standards Institute" (ANSI) standard C84.1, electric power systems and equipment voltage ratings, or ~~standard as later~~subsequently amended.

(3) The limits specified within this rule do not apply to voltage excursions.

(4) Each electric utility shall develop procedures to reasonably ~~assure~~ensure that the delivered service voltages are within the ranges as specified in paragraph (B)(2) of this rule.

— The procedures shall include a description of the electric utility's practices to assure that service voltages are within acceptable limits and may include the inspections of substation voltage regulation equipment, line voltage regulation equipment (~~i.e.~~i.e., voltage regulators and capacitors), available substation voltage monitoring equipment and other field investigations and system voltage studies.

(C) ~~Corrective action.~~

— ~~Whenever the~~an electric utility knows that voltage levels exist outside of the voltage ranges as specified in paragraph (B)(2) of this rule, the electric utility ~~will~~shall, in a nondiscriminatory manner, promptly take steps to investigate and initiate corrective action, if it is within the electric utility's control to restore the voltage levels to within acceptable limits. The electric utility shall document the specifics of the investigation, its findings, and any corrective action that was necessary.

(D) ~~Special contracts or conditions.~~

— The voltage requirements outlined in this rule may be amended or modified by ~~contractual~~actual agreement between the electric utility and its customer(s), provided the service rendered does not impact other customers on the system.

(E) ~~Special applications.~~

— ~~The customer is responsible for installing regulating apparatus for special equipment requiring voltage regulation other than those prescribed by these rules or as defined in the electric utility's tariffs.~~

(F) Each electric utility supplying alternating current shall adopt a standard frequency of ~~60~~sixty hertz ~~and, which standard frequency shall be stated in the electric utility's tariff.~~

- (A) ~~Electric service provided by an EDU~~ energy delivered to the customer shall be metered, except where it is impractical to meter the electric usage, such as in street lighting and temporary or special installations. The usage in such exceptions may be calculated or billed on a demand or connected load rate as provided in an approved tariff on file with the commission.
- (B) A customer's electric usage shall be metered by commercially acceptable measuring devices that comply with "American National Standards Institute" (ANSI) standards. Meter accuracy shall comply with the 2001 ANSI "C12.1" standards. No metering device shall be placed in service or knowingly allowed to remain in service if it ~~violates~~ does not comply with these standards.
- (C) Electric distribution utility (EDU) employees or authorized agents of the EDU shall have the right of access to the EDU's metering equipment for the purpose of reading, replacing, repairing, or testing the meter, or determining that the installation of the metering equipment is in compliance with the EDU's requirements.
- (D) ~~Meters which~~ that are not direct reading meters shall have the multiplier plainly marked on or adjacent to the meter. All charts taken from recording meters shall be marked with the date of the record, the meter number, the customer name, and the chart multiplier. The register ratio shall be marked on all meter registers. The watt-hour constant for the meter shall be placed on all watt-hour meters.
- (E) The EDU's meters shall be installed and removed by the utility's personnel or authorized agent. Before initial service to a ~~customer's~~ service location is energized, the utility shall verify that the installation of the ~~customer's~~ meter base and associated equipment:
- (1) ~~Has~~ has been inspected and approved by the local inspection authority; or
 - (2) ~~In any area where there is no local inspection authority, has been inspected by an~~ building authority or has been certified to comply with applicable standards by a licensed electrician.
- (F) ~~Meter test at customer's request.~~ Metering accuracy shall be the responsibility of the EDU.
- (1) Upon request by a customer, the EDU shall test its meter to verify its compliance with the ANSI "C12.1" standards within thirty business days after the date of the request.
 - (2) The customer or the customer's representative may be present when the meter test is performed at the customer's request.
 - (3) A written explanation of the test results shall be provided to the customer within ten business days of the completed test.

- (4) If the accuracy of the meter is found to be within the tolerances specified in this rule:
- (a) The first test at the customer's request shall be free of charge; ~~and,~~
 - (b) The EDU may charge the customer an approved tariffed fee for each succeeding test conducted less than thirty-six months after the last test requested by the customer. Each EDU shall notify the customer of such charge prior to the test.
- (5) If the accuracy of the meter is found to be outside the tolerances specified in this rule, the EDU:
- (a) Shall not charge a fee or recover any testing expenses from the customer; ~~and,~~
 - (b) Shall recalibrate the meter or provide a properly functioning meter that complies with the ANSI "C12.1" standards without charge to the customer; ~~and,~~
 - (c) Shall, within thirty days, pay or credit any overpayment to the customer, in accordance with one of the following billing adjustments:
 - (i) When the EDU or customer has established the period of meter inaccuracy, the overcharge shall be computed on the basis of a ~~customer's metered~~ usage prior and/or subsequent to such period, consistent with the rates in effect during that period.
 - (ii) When the EDU and customer cannot establish the period of meter inaccuracy, the overcharge period shall be determined to be: the period since the customer's "on" date or the period since the date of most recent meter test performed, whichever is less shorter. The ~~rates applicable~~ rates shall be those in effect during the period of inaccuracy, in order to determine the appropriate credit or refund.

Paragraph (F)(5) of this rule shall not apply to meter or metering inaccuracies caused by tampering with or unauthorized reconnection of the meter or metering equipment, ~~which causes meter or metering inaccuracies.~~

- (G) ~~Identification of meters. Each EDU shall identify each customer meter, which it owns, operates, or maintains, by company name and serial or assigned meter numbers and/or letters, placed in a conspicuous position on the meter.~~ each customer meter that it owns, operates, or maintains.
- (H) ~~Meter test and history records. Each EDU shall~~ maintain the following records regarding each meter that it owns, operates, or maintains, for the life of each such meter plus three years:
- (1) ~~Maintain the following meter test records:~~

- ~~(a) Date of customer's request for each test;~~
- ~~(b) Date and reason for each test;~~
- ~~(c) Test results;~~
- ~~(d) Meter reading(s) before and after each test; and~~
- ~~(e) Accuracy "as found" and "as left".~~

~~(2) Keep the following records while the meter is in service:~~

- ~~(a) Identification and (1) Serial or assigned meter number.~~
- ~~(2) Every location of where the meter; has been installed, together with the dates of such installations.~~
- ~~(b) Date of installation; and (3) Date of any customer request for a test of the meter.~~
- ~~(c) Serial or assigned meter number (4) Date and reason for any test of the meter.~~
- ~~(5) Result of any test of the meter.~~
- ~~(6) Meter readings before and after each test of the meter.~~
- ~~(7) Accuracy of the meter found during each test, "as found" and "as left".~~

(I) Meter reading. Each EDU shall comply with the following requirements regarding meter reading:

- (1) The EDU shall obtain actual readings of all its in-service customer meters at least once each calendar year. Every billing period, the EDU shall make reasonable attempts to obtain accurate, actual readings of its in-service customer meters the energy and demand, if applicable, delivered for the billing period, except where the customer and the EDU have agreed to other arrangements. Meter readings taken by electronic means shall be considered actual readings.
- (2) In addition to the requirements of paragraph (I)(1) of this rule, the EDU shall provide, upon the customer's request, two actual meter readings, without charge, per calendar year. The customer may only request an actual meter read if ~~the customer's usage has been estimated for more than two of the immediately preceding billing cycles consecutively~~ or if the customer has reasonable grounds to believe that the meter is malfunctioning.

- (3) An actual meter reading is required at the initiation and/or the termination of service, if the meter has not been read within the sixty days immediately preceding sixty days initiation and/or termination of service and access to the meter is provided.
- (4) If the meter has most recently been read within the ~~immediately preceding thirty-three to fifty-nine days of~~immediately preceding the initiation and/or termination of service, the EDU shall inform the customer, when the customer contacts the EDU, of the option to have an actual meter read, at no charge to the customer.
- (5) If the meter has been read within the thirty-two days immediately preceding thirty-two days of the initiation and/or termination of service, the EDU may estimate the customer's consumption usage.

4901:1-10-25 Net metering

We have reviewed this rule and are proposing no changes, as it was just reviewed in Case No. 05-1500-EL-COI.

4901:1-10-26 Distribution system reliability.

- (A) General. This rule sets forth a basis for measuring reliability of each ~~EDU's~~the distribution system of each electric distribution utility (EDU).
- (B) Service reliability indices and performance targets.

- (1) The service reliability indices are as follows:

"CAIDI," or the customer average interruption duration index, represents the average interruption duration or average time to restore service per interrupted customer. CAIDI is expressed by the following formula:

CAIDI = Sum of customer interruption durations ÷ Total number of customer interruptions

~~"SAIDI" or the system average interruption duration index, represents the average time each customer is interrupted. SAIDI is expressed by the following formula:~~

~~SAIDI = Sum of customer interruption durations ÷ Total number of customers served~~

"SAIFI," or the system average interruption frequency index, represents the average number of interruptions per customer. SAIFI is expressed by the following formula:

SAIFI = Total number of customer interruptions ÷ Total number of customers served

- ~~"ASAI", or the average system availability index, is the ratio of time the system provided service to each customer. ASAI is expressed by the following formula:~~
- ~~ASAI = Total customer hours service was available : Total customer hours service was demanded.~~
- ~~(2) The following provisions apply to the determination of appropriate performance targets:~~
- (a) Performance targets should reflect historical system performance, system design, technological advancements, service area geography, customer perception survey results as defined in rule 4901:1-10-27(c), and other relevant factors.
- (b) Each EDU shall submit performance targets and supporting justification for each service reliability index to the director of the consumer serviceservice monitoring and enforcement department or the director's designee. An EDU may revise performance targets (starting with the next succeeding calendar year) by submitting such revisions and supporting justification for such revisions to the director of the consumer serviceservice monitoring and enforcement department or the director's designee for review and acceptance. Performance targets should reflect historical system performance, system design, area geography and other relevant factors.
- (c) Each EDU shall periodically (no less than every three years) conduct a customer perception survey. The survey results shall also be used as an input to the methodology for calculating new targets. The survey shall be paid for by the EDU and shall be conducted under staff oversight. The objective of the survey is to measure customer perceptions and expectations of electric service reliability in terms of the service reliability indices defined in rule 4901:1-10-26(B)(1) of the Administrative Code.
- (de) If the director of the service monitoring and If the company and director of the consumer servicesenforcement department or does not agree with the director's designee cannot agree on anyEDU proposed target, staff and/or the company may apply,director shall reject the proposal by providing written notice within forty-five days issue a letter rejecting the proposal within forty-five days of its submittal. after submission of the performance target, The EDU may apply to the commission for a hearing, file a written report and/or recommendations, and submit evidence on such targets at the hearing.
- (ed) The director of the service monitoring and enforcement department may also recommend revisions to the targets. Should no agreement be reached concerning this recommended revision, the director may request a hearing.

No target shall be effective until accepted by the director of the service monitoring and enforcement department or, in the event of a hearing, approved by the commission.

- (3) ~~Performance data during a "major storm", or comparable term as that term is used by the EDU in its emergency plan and subject to review events and acceptance by the director of the consumer services department or the director's designee, along with bulk transmission outages caused by transmission facilities, shall be excluded from the calculation of the indices, proposed targets, and any revised performance targets, as set forth in paragraph (B) of this rule.~~
- (C) Annual report. Each EDU shall submit an annual report to the director of the consumer services department or the director's designee by March service monitoring and enforcement department by March thirty-first of each year that includes. That annual report shall include the following information from regarding the previous calendar year:
 - (1) Annual performance levels and supporting data for each service reliability index set forth in paragraph (B) of this rule and performance data during a both with and without exclusions for major storm or comparable term as used by the EDU shall be reported in a separate category using the same indices; events and bulk transmission outages.
 - (2) ~~If the annual performance level is worse than the target for any index, each EDU shall include in its report:~~ (2) Performance on the same indices during major events and bulk transmission outages, reported in separate categories with their respective supporting data.
 - (3) The total number of service interruptions, customers interrupted, and customer minutes interrupted for each outage cause code, all of which shall be reported in the following versions:
 - (a) Excluding major events and bulk transmission outages.
 - (b) Excluding major events only.
 - (c) Excluding bulk transmission outages only.
 - (4) If the annual performance of an EDU does not meet the EDU's target for any index, that EDU shall submit to the director of the service monitoring and enforcement department, a supplement to the report by March 31st of the same year and include in that supplement:
 - (a) Factors which contributed to such performance level for that index; and,

(b) An action plan to improve performance to a level that meets or exceeds the target level for each missed reliability index. The action plan shall include a breakdown of each action taken or planned to be taken, and the estimated cost to be incurred and shall include anticipated completion dates for each action. A status report on each action included in the action plan shall be submitted to the director of the ~~consumer services department or the director's designee~~ service monitoring and enforcement department upon request of the commission staff.

~~(c) (e)~~ — If the director of the ~~consumer services department or the director's designee~~ service monitoring and enforcement department believes that an action plan submitted pursuant to paragraph (C)(2)(b) of this rule is insufficient or unreasonable, the director ~~or the director's designee shall provide~~ shall reject the plan by providing written notice to the EDU. If the parties cannot agree upon a revised action plan to improve performance to a level that meets or exceeds the target level for each missed reliability index, either party may request a hearing before the commission, within 45 days of its submittal, otherwise the report is deemed approved. Should no agreement be reached between the EDU and director of the service monitoring and enforcement department on a modified action plan, within thirty days following the rejection of the action plan, the EDU shall apply to the commission for a hearing.

(5) Each EDU shall submit the annual and status reports required by this paragraph (C) of this rule on electronic media in a format prescribed by the commission.

(D) Failure to meet a performance target for two consecutive years shall be a violation of this rule.

4901:1-10-4427 **Distribution circuit performance.**

(A) General. This rule sets forth a method for determining the performance of each electric distribution utility's (EDU's) distribution circuits.

(B) Circuit performance methodology. The following provisions apply to the determination of the appropriate method for calculating circuit performance:

(1) ~~Each EDU shall submit for review and acceptance by the director of the consumer services department or the director's designee, a method to calculate circuit performance, based on CAIDI, SAIFI, and other factors proposed by the company, and supporting justification for that method. Circuit performance data during a "major storm" or comparable term as that term is used by the EDU in its emergency planevents and subject to review and acceptance by the director of the consumer services department or the director's designee, along with bulk transmission outages caused by transmission facilities, shall be excluded from the calculation of circuit performance and from any revised method of calculating circuit performance. If the~~

~~company and the director of the consumer services department or the director's designee can not agree on a method to calculate circuit performance, staff and/or the company may apply, within forty five days after submission of the company's proposal, to the commission for a hearing, file a written report and/or recommendations, and submit evidence on the circuit performance calculation at the hearing.~~

- (2) ~~An EDU may revise its method for calculating circuit performance.~~ (2) Each EDU shall submit, for review and acceptance by the director of the service monitoring and enforcement department, a method to calculate circuit performance, based on the service reliability indices defined in rule 4901:1-10-26 (B)(1) of the Administrative Code and other factors proposed by the EDU, and supporting justification for that method. An EDU may revise the method it uses for calculating circuit performance (starting with the next succeeding reporting period, calendar year) by submitting such revisions and supporting justification for such revisions to the director of the consumer services service monitoring and enforcement department or the director's designee, for review and acceptance.

- (C) ~~Each EDU shall submit, no later than ninety days after each reporting period ending on December thirty first, a report to the director of the consumer services department or the director's designee that identifies the lowest performing eight per cent of the EDU's distribution circuits for the previous twelve month reporting period.~~ (3) If the EDU and the director of the service monitoring and enforcement department cannot agree on any proposed or recommended method to calculate circuit performance then the director of the service monitoring and enforcement department shall issue a letter rejecting the proposal within 45 days of its submittal. The EDU may apply to the commission for a hearing to establish the appropriate calculation method.

The director may also recommend a method to calculate circuit performance. If the director and EDU cannot agree on a method concerning this recommended revision, the director may request a hearing.

- (4) No proposal shall be effective until it is either accepted by the director or, in the event of hearing, approved by the Commission.

- (C) Reporting. The following provisions apply to the reporting of each EDU's eight percent worst performing circuits.

- (1) Each EDU shall submit, no later than ninety days after the end of its reporting period, a report to the director of the service monitoring and enforcement department that identifies the worst performing eight per cent of the EDU's distribution circuits during the previous twelve-month reporting period.

- (2) Unless otherwise approved by the commission, each EDU's reporting period for purposes of paragraph (C) of this rule shall begin on January first of each year and shall end on December thirty-first of each year.
- (3) The report prescribed by paragraph (C) of this rule shall provide the following information for each reported distribution circuit:
- (1) ~~Circuit (a)~~ The circuit identification number;
 - (2b) The location of the circuit and primary service area;
 - (3) ~~Approximate number of customers on the~~ served by the circuit;
 - (4) ~~(c)~~ The approximate number of customers on the circuit.
 - (d) The circuit ranking value;
 - (5e) The values and supporting data for each circuit's service reliability indices for the reporting period, as they are defined in paragraph (B) of rule 4901:1-10-10 of the Administrative Code;
 - (a) ~~SAIFI; (i)~~ System average interruption frequency index determined according to paragraph (B)(1) of rule 4901:1-10-26 of the Administrative Code.
 - (b) ~~SAIDI; (ii)~~ System average interruption duration index, calculated by multiplying the system average interruption frequency index times the customer average interruption duration index.
 - (c) ~~CAIDI; and (iii)~~ Customer average interruption duration index determined according to paragraph (B)(1) of rule 4901:1-10-26 of the Administrative Code.
 - (d) ~~MAIFI — the index which represents the average number of momentary interruptions per customer. A momentary interruption means an interruption of electric service to one or more customers of duration limited to the period required to restore service by an interrupting device. For example, if a recloser or circuit breaker operates, the operation shall be considered one momentary interruption. MAIFI is expressed by the following formula:~~
 - ~~— MAIFI = the total number of customer momentary interruptions ÷ the total number of customers served;~~

- (6) ~~(f)~~ The number of safety and reliability complaints, based on the definition in paragraph (A) of rule 4901:1-10-21 of the Administrative Code.
- (g) An identification of each circuit lockout that occurred during the reporting period, together with an explanation of the cause and duration; of each such circuit lockout.
- (7) ~~(h)~~ The total number of outages experienced during the reporting period, together with an explanation of the cause; of each such outage.
- (8) ~~(i)~~ The total out-of-service minutes during the reporting period, for the reporting period by each outage cause;.
- (9) ~~Identify~~ (j) An identification of any major factors or events that specifically caused the circuit to be reported among the worst performing circuits and, if applicable, and the analysis performed to determine the those major factors;.
- (10) ~~(k)~~ An action plan, including the estimated cost to be incurred and the start and completion dates of all remedial action taken or planned, to improve circuit performance to a level that removes the circuit from the report submitted pursuant to paragraph (C) of this rule within by the next two reporting periods. If the EDU does not believe remedial action is necessary, then the EDU must state the rationale for not taking any remedial action.
- (D) If the director of the consumer services department or the director's designee service monitoring and enforcement department believes that an action plan submitted pursuant to paragraph (C)(10)(k) of this rule is insufficient or unreasonable, the director or the director's designee shall provide written notice to the EDU. If the parties cannot agree upon a revised action plan to improve performance, either party may request a hearing before the commission, within 45 days of the submittal, otherwise the report is deemed approved. Should no agreement be reached between the EDU and director of the service monitoring and enforcement department on a modified action plan, within thirty days following the rejection of the action plan, the EDU shall apply to the commission for a hearing.
- (E) Each EDU shall submit the reports, as required by this rule, on electronic media, in a format prescribed by the commission.
- (F) The inclusion of a given circuit in the report under paragraph (C) of this rule for three consecutive reporting periods shall constitute a violation of this rule.

- (A) Each electric utility shall report annually regarding its compliance with the minimum service quality, safety, and reliability requirements for noncompetitive retail electric services.
- (B) Annual report. On or before March thirty-first of each year, each electric utility shall file with the commission an annual report for the previous calendar year by the utility's chief executive officer or other senior officer responsible for the service quality, safety, and reliability of the electric utility's transmission and/or distribution service. The annual report shall include:
- (1) A plan for future investment ~~and in~~ safety, reliability, and service quality improvements for the electric utility's transmission and distribution facilities/equipment that will ensure continued quality, safe and reliable delivery of energy to customers, and will provide the delivery reliability needed for fair and open competition. Each plan shall also contain: the estimated cost of implementation and any changes to the plan from the previous annual report. Each plan shall:
 - (a) Cover all of the electric utility's service territory, ~~including a description of and shall describe~~ the relevant characteristics of the service territory, including:
 - (i) The number of miles with overhead service.
 - (ii) The number of miles with underground service.
 - (iii) Any other notable characteristics.
 - (b) Cover a period of no less than ~~three~~two years following the year in which the report was filed~~;~~
 - (c) Provide a timetable for achievement of the plan's goals~~;~~
 - (d) List any quality, safety, and reliability complaints the ~~utility's electric utility~~ system received during the reporting period from other electric ~~utility~~ companies, ~~regional transmission entity~~distribution utilities, rural electric cooperatives, municipal electric utilities, and competitive retail electric suppliers and shall report the specific actions the electric utility took to address these complaints~~; and,~~
 - (e) ~~Report all unresolved quality, safety, and reliability complaints about the electric utility's system received from other electric utility companies, regional transmission entity, and competitive retail electric suppliers and explain why these complaints are still unresolved;~~
 - (e) List any electric reliability organization (ERO) standards violations, regional reliability organization (RRO) standards violations, regional transmission operator (RTO) operating violations, transmission load relief (TLR), and the top ten congestion facilities by hours of congestion occurring on the transmission owner's facilities.

- (f) Report all unresolved quality, safety, and reliability complaints and violations as described in section (B)(1)(d) and (B)(1)(e) of this rule that were carried over from the prior year, along with the reason the complaint or violation was not resolved.
- (2) A report of the electric utility's implementation of ~~its~~ the plan that it filed pursuant to paragraph (B)(1) of this rule for the previous annual reporting period, including an identification of significant deviations from the goals of the previous plan and the reasons for the deviations;
- (3) A report by service territory of the age, current condition, reliability, and performance of the electric utility's transmission and distribution facilities. (In analyzing and reporting the age of the electric utility's facilities and equipment, the electric utility may utilize book depreciation. Statistical estimation and analysis may be used when actual ages and conditions of facilities are not readily available. The use of such techniques shall be disclosed in the report.) The report shall include:
- (a) A qualitative characterization of the condition of the electric utility's system and an explanation of the criteria used in making the qualitative assessment;
- (b) An overview ~~pertaining to~~ of the number and substance of customers' safety and reliability complaints for the annual reporting period in each service territory;
- (c) Each electric utility's reliability-specific expenditures, reported separately for transmission construction and maintenance, if applicable, ~~expressed in constant dollars,~~ and the ratio of those expenditures to the electric utility's total transmission investment;
- (d) Each electric utility's reliability-specific expenditures, reported separately for distribution construction and maintenance, if applicable, ~~expressed in constant dollars,~~ and the ratio of those expenditures to the electric utility's distribution investment;
- (e) The average remaining depreciation lives of the electric utility's transmission and distribution facilities, expressed separately by facility type, as a percentage of total depreciation lives;
- (f) For each reporting period ~~ending December thirty first,~~ provide a list and purpose of current inspection, maintenance, repair, and replacement programs required by Rule 4901:1-10-29(E) that the electric utility utilizes for quality, safe, and reliable service from its transmission, substation, and distribution facilities and/or equipment. This report shall include the following:
- (i) The goals of each program and whether the ~~company's~~ electric utility's annual goals for each program were achieved. If the goals were achieved,

describe how they were achieved and to what extent, including numerical values and percentages in the description. If the goals were not achieved, describe the ~~causes which problems that~~ prevented the achievement and the level of completion of each program, including numerical values and percentages;

- (ii) A summary of the electric utility's annual findings as a result of performing each program;
- (iii) A summary of the remedial activity that has been or will be performed as a result of the program findings and the actual and estimated completion dates for such remedial activity;
- (iv) The electric utility's plans and programs to prevent overloading or excessive loading of its transmission and distribution facilities and equipment; and
- (v) The electric utility's actions to remedy overloading or excessive loading of its transmission and distribution facilities and equipment;
- ~~(g) For each reporting period thereafter, an~~(vi) An identification of the programs that have been added, deleted, and/or modified from the previous reporting period in accordance with the requirements of rule 4901:1-10-29 (E)(2)(b). Each electric utility shall:
 - ~~(i) Explain why any program is being eliminated;~~
 - ~~(ii) Identify what aspects of a program are being modified and explain what the modifications are and what affects these modifications would have on the current program and/or related programs; and~~
 - ~~(iii) Identify all inspection, maintenance, repair, and replacement programs that have been added during the reporting period. For each added program provide the explanation of the program's purpose and the goals expected to be achieved;~~
- ~~(4) The number and duration of planned and unplanned interruptions of service and supply a periodic sampling of voltage measurements for the annual reporting period; and~~
- (5) An identification of customer service interruptions that were due solely to the actions or in-actions of another electric utility, regional transmission entity, and/or a competitive retail electric supplier for the annual reporting period and the causes of these interruptions.

4901:1-10-2729 Inspection, maintenance, repair, and replacement of transmission and distribution facilities (circuits and equipment).

- (A) This rule applies to the inspection, maintenance, repair, and replacement of utility transmission and distribution system facilities (circuits and equipment). The rebuttable presumption that an electric utility is providing adequate service pursuant to paragraph (F) of rule 4901:1-10-02 of the Administrative Code, does not apply to this rule.
- (B) Distribution system performance assessment. For electric distribution circuits, the electric utility shall comply with rule 4901:1-10-27 of the Administrative Code.
- (C) Transmission system performance assessment. Each electric utility ~~operating during the year 2000 shall maintain, on file a report no later than January 1, 2001 and any new electric utility commencing operation after January 1, 2001 shall file within ninety days of commencing operations with the commission staff,~~ a report setting forth its methodology used to assess the reliability of its transmission circuits, ~~for review and acceptance by the commission. That methodology shall be subject to review and acceptance by the director of the consumer services utilities department or the director's designee,.~~
- (1) ~~Each electric utility shall submit for review and acceptance by the director of the consumer services department or the director's designee,~~ a method to assess circuit reliability based on the total number of sustained outages per circuit per calendar year and other factors proposed by the electric utility company, or required by the electric reliability organization (ERO), the regional reliability organization (RRO), or the regional transmission operator (RTO), and together with supporting justification for that method.
- (a) ~~If the electric utility and the director of the consumer services utilities department or the director's designee,~~ cannot agree on a method to assess transmission circuit reliability, the electric utility shall apply, within ninety days after the submission of its proposal, to the commission for a hearing and shall file a written report along with documentation supporting its methodology.
- (b) Revisions to a previously accepted methodology for assessing the reliability of its transmission circuits, shall be submitted for review and acceptance along with supporting justification to the director of the ~~consumer services utilities department or the director's designee,~~ no later than ninety days prior to the beginning of the next succeeding calendar year.
- (2) Each electric utility providing transmission service shall submit a report, ~~no later than sixty days after the end of each calendar~~ on electronic media in a format prescribed by the commission on or before March thirty-first of each year ending December thirty first, to the director of the consumer services department or the director's designee, that identifies the performance of each transmission circuit for the previous calendar year. Each annual report shall, at a minimum, provide the following information for each transmission circuit:

- (a) ~~Circuit~~The circuit identification number;
- (b) ~~The location of each circuit;~~
- (c) ~~The number of outages and their causes by circuit; name (if different from the origin terminus).~~
- (d) The circuit origin and terminus.
- (e) The circuit voltage level (KV).
- (f) The circuit mileage.
- (g) The circuit in-service date.
- (h) The number of unplanned outages (momentary and sustained) and their causes, by circuit.
- (i) The substation(s) and/or distribution circuit(s) affected by each of the outages reported for paragraph (C)(2)(eh) of rule 4901:1-10-29 of the Administrative Code, by circuit;
- (j) A description of and the rationale for any remedial action taken or planned to improve circuit performance or for taking no remedial action; and,
- (k) The start and completion dates of any remedial action taken or planned;
- (l) The applicable ERO standard requirement.
- (m) The applicable ERO standard violation.

(3) The annual report shall be submitted in a form prescribed by the commission.

(D) Transmission and distribution facilities inspections.

Unless otherwise determined by the commission, each electric utility shall, at a minimum, inspect its electric transmission and distribution facilities (circuits and equipment) to maintain safe and reliable service on the following scheduled basis:

- (1) Distribution - at least ~~one-fifth~~ 15 percent of all distribution circuits and equipment shall be inspected annually. All distribution circuits and equipment shall be inspected at least once every five years.
- (2) Transmission - all transmission circuits and equipment shall be inspected at least once every year.
- (3) Substations - all transmission and distribution substations and equipment shall be inspected ~~at least once each month~~ twelve times annually, with no inspection interval exceeding forty calendar days between inspections.
- (4) Each electric utility shall ~~file~~submit a report on an electronic medium, in a format prescribed by the commission, of its compliance with the inspection schedule in paragraphs (D)(1) to (D)(3) of this rule no later than ninety days after the end of each calendar year ending December, on or before March thirty-first, of each year. The annual report of inspection compliance shall include:

- (a) A listing of distribution circuits inspected during the year and, for each listed circuit, the date(s) such inspection was performed.
- (b) A listing of transmission circuits inspected during the year and, for each listed circuit, the date(s) such inspections were performed.
- (c) For each substation, the date(s) of each inspection during the year.
- (d) The date(s) when any circuits or substations were added or retired during the reporting year.

(E) Transmission and distribution inspection, maintenance, repair, and replacement programs.

- (1) Each electric utility shall establish and maintain written programs, policies, procedures and schedules for the inspection, maintenance, repair, and replacement of its transmission and distribution circuits and equipment. These programs shall establish preventative requirements for the electric utility to maintain safe and reliable service. Failure to comply with the requirements of the electric utility's programs, policies, procedures, and schedules shall be considered a violation of this rule. The director of the service monitoring and enforcement department for distribution, or the utilities department for transmission, may request that the EDU adopt or revise such programs, policies, procedures, and schedules. Programs shall include, but are not limited to, the following facilities:

- (a) Poles and towers;
- (b) ~~Conductors;~~
- (b) Circuit and line inspections.
- (c) ~~Pad~~Pedestals, pad-mounted transformers; and pad-mounted switch gear.
- (d) Line reclosers;
- (e) Line capacitors;
- (f) Right-of-way vegetation control; ~~and.~~
- (g) Substations.

(2) Inspection, maintenance, repair, and replacement program review.

- (a) ~~Each electric utility operating during the year 2000 shall submit~~Each electric utility shall maintain, with the commission staff, a current plan for the inspection, maintenance, repair, and replacement of circuits and equipment as stated in programs instituted pursuant to paragraph (E)(1) of this rule for review and acceptance shall have those plans accepted by the director of the consumer services service monitoring and enforcement department or for distribution and the director's designee no later than January 1, 2001. The utilities department director for transmission. Any electric utility's submittal shall include supporting justification and rationale based upon historical practices and procedures used by the electric utility over

~~the past five years. Any new electric utility commencing operation after January 1, 2001, shall file within ninety days of commencing operations a plan for its inspection, maintenance, repair and replacement of circuits and equipment, including supporting justification and rationale for the plan, or requirements set by ERO, RRO or the transmission operator in the case of transmission.~~

- ~~(b) If the electric utility and the director of the consumer services department or the director's designee cannot agree on the details and contents of the utility's All plan, the amendments (including modification to a current program, addition of a new program or elimination of an existing program) requested by an electric utility shall file, within one hundred twenty days after the submission of its plan, with the commission for a hearing, file a written report and documentation supporting its plan.~~
- ~~(c) Revisions to a previously accepted plan shall be submitted for review and acceptance as outlined in paragraph (E)(2)(a) and (E)(2)(c) of this rule, no later than ninety days prior to the beginning of the next succeeding calendar year.~~
- ~~(F) Records. Each electric utility shall maintain records sufficient to demonstrate compliance with its transmission and distribution facilities inspection, maintenance, repair, and replacement programs as required by this rule.~~
- ~~(c) If the electric utility and the director of either the service monitoring and enforcement department for distribution or the utilities department for transmission cannot agree on the details and contents of the electric distribution utility's proposed amendments the respective director shall provide written notice rejecting the plan within 45 days of its submittal. In the event of such rejection, the EDU may apply to the commission for a hearing within 120 days after such rejection.~~
- ~~(d) The director of the service monitoring and enforcement department for distribution, or the director the Utilities Department for transmission, may propose amendments to electric utilities' plans including the addition of new program or the elimination of a current program. In the event the director(s) and EDU can not reach agreement on the proposed plan amendment, the director(s) may request a hearing.~~
- ~~(e) No plan amendment will take effect until it is either accepted by the director(s) or, in the event of a hearing, approved by the Commission.~~

~~(F)~~

- ~~(F)~~ Each electric utility shall maintain records sufficient to demonstrate compliance with its transmission and distribution facilities inspection, maintenance, repair, and replacement programs as required by this rule. Each electric utility shall record all deficiencies revealed by inspections or tests and all actions taken to correct those deficiencies. Lines and equipment with recorded defects that could reasonably be expected to endanger life or

property shall be promptly repaired, disconnected, or isolated. All remaining deficiencies shall be corrected within one year of the completion of the inspection or testing that originally revealed such deficiencies.

4901:1-10-0730 Outage reports.

(A) As used in this rule, "outage" means an interruption of service to:

- (1) Two thousand five hundred or more customers in an area for a projected period of four hours or more;
- (2) One hundred or more customers in an area for a projected period of twenty-four hours or more;
- (3) A facility of any telephone company, electric light company, natural gas company, water-works company, or a sewage disposal system company, as defined in section 4905.03 of the Revised Code and including such a company that is operated not-for-profit; or owned or operated by a municipal corporation, when an interruption to that facility for a projected period of four hours or more, affects or will affect public safety; or
- (4) Any police department, fire department, hospital, or countywide 9-1-1 system, for a projected period of four hours or more.

As used in this paragraph, "area" means: the ~~EDU's~~electric distribution utility's (EDU) certified territory within a county; or all adjoining municipalities and townships in an EDU's certified territory.

- (B) Each EDU shall immediately report each outage to the commission's outage coordinator. Each ~~company~~EDU shall report to the commission's outage coordinator by voice mail message, or e-mail or, during normal business hours, by faxing the outage report on a ~~model~~ form approved by the commission's outage coordinator.

4901:1-10-0831 Emergency plan(s); annual emergency contact report and annual review of emergency plan; critical customers; emergency exercise; and coordination.

- (A) Each electric distribution utility (EDU) shall maintain an emergency plan~~(s)~~ in accordance with this rule. Each EDU shall make its emergency plan and amendments available for review by the commission's outage coordinator. In the emergency plan made available to the commission's outage coordinator, the EDU may delete the following confidential information:

- (1) The EDU's internal phone numbers;

- (2) Names, home addresses, and home phone numbers of EDU employees, other than employee information required for the annual emergency contact report pursuant to paragraph (G)(1)(a) of this rule;
 - (3) Security and personal information and numbers (e.g., lock combination, computer access codes, cipher locks, security codes);
 - (4) Identification of the EDU's radio and dispatch channels;
 - (5) Identification of the radio and dispatch channels and telephone numbers of the following persons:
 - (a) Fire department;
 - (b) Police department;
 - (c) Other emergency/safety organizations; ~~and~~;
 - (d) Government and public officials; ~~and~~;
 - (6) Similar information approved by the commission's outage coordinator.
- (B) Each emergency plan shall include at least the following elements, or, if these elements are contained in another document, each EDU shall reference such document in the plan:
- (1) A table of contents, mission statement, and major objectives for the plan;
 - (2) A description of procedures the EDU uses to move from its normal operations to each stage or level of outage response and restoration of service;
 - (3) A description of the EDU's requirements for restoring service;
 - (4) Identification of, and annual updates of, all of the EDU's critical facilities, as defined by the EDU, and reasonable measures to protect its personnel and facilities.
 - (5) Contingency identification, i.e., a plan for training alternative or backup staff, identifying backup power supplies, and identifying alternative means of communicating with the office and field staff;
 - (56) A list of twenty-four hour phone numbers of fire and police departments and county/regional emergency management directors in its service area;
 - (67) Procedures for requesting aid, utilizing crews from other electric transmission owners and/or distribution utilities, and utilizing other restoration assistance;

- (78) Procedures for prompt identification of outage areas, ~~how to~~; timely assess assessment of damage; and, as accurately as conditions allow, provide provision of an informed estimate of materials, equipment, personnel, and hours required to restore service;
- (89) Performance objectives ~~and procedures~~ for telephone response time to customer outage calls; and procedures to accomplish those objectives.
- (910) The policy and procedures for outage response and restoration of service by priority and a list of such priorities, including the following:
- (a) "Live wire down" situations;
 - (b) Restoring service to the facilities designated in paragraph (A)(3) and the entities specified in paragraph (A)(4) of rule 4901:1-10-30 of the Administrative Code; and.
 - (c) Providing information to critical customers who are without service;
- (1011) The policy and procedures for providing outage response and restoration of service updates to the county/regional emergency management directors, mayors, and other elected officials; the commission's outage coordinator, ~~commission~~; the commission's media office; the media; and the EDU's customers;
- (1112) The policy and procedures to verify that service has been restored in each outage area;
- (12) ~~Policy(13)~~ The policy and procedures for providing maximum outage response, seeking outside assistance, and restoring service in a worst case weather outage scenario, ~~i.e.i.e., "a major event. storm". Each EDU shall define "major storm" or~~ comparable term in its emergency plan. ~~If the company and director of the consumer services department or the director's designee cannot agree on the definition of a "major storm" or comparable term, staff and/or the company may apply to the commission for a hearing within forty five days after submission of the company's proposal and file a written report and/or recommendations and submit evidence on such at the hearing.~~
- (13) ~~Policy(14)~~ The policy and procedures to provide supervisors who are responsible for emergency response a copy of the latest edition of the emergency plan; and.
- (14) ~~Policy(15)~~ The policy and procedures to:
- (a) Establish and maintain a liaison with appropriate fire and police departments within ~~their~~ the EDU's service territory; and.

- (b) Identify major interruptions of service in ~~during~~ which the EDU ~~notifies~~ will notify appropriate fire departments, police departments, and public officials and how to engage in regarding such interruptions.
 - (c) Determine appropriate mutual assistance and communication methodologies that will be used during major restoration efforts.
- (16) A continuity of operations plan to assure continuance of minimum essential functions during a large scale event in which staffing is reduced. Such plans shall provide for:
- (a) Plan activation triggers such as the world health organization's pandemic phase alert levels, widespread transmission within the United States, or a case at one or more locations within Ohio.
 - (b) Identification of a pandemic coordinator and team with defined roles and responsibilities for preparedness and response planning.
 - (c) Identification of minimal essential functions, minimal staffing required to maintain such essential functions, and personnel resource pools required to ensure continuance of those functions in progressive stages associated with a declining workforce.
 - (d) Identification of essential employees and critical inputs (e.g., raw materials, equipment, suppliers, sub-contractor services/products, and logistics) required to maintain business operations by location and function.
 - (e) Policies and procedures to address personal protection initiatives.
 - (f) Policies and procedures to maintain lines of communication with the Public Utilities Commission of Ohio during a declared emergency.
- (17) Policies and procedures for conducting an after-action assessment following activation of any part of the emergency plan. An after-action report shall be written and shall include lessons learned, deficiencies in the response to the emergency, deficiencies in the emergency plan, and actions to be taken to correct said deficiencies.
- (C) Each EDU shall follow and implement the procedures in its emergency plan.
 - (D) Each EDU shall review employee activities to determine whether its procedures in the emergency plan, as set forth in paragraph (B) of this rule, were effectively followed.
 - (E) Each EDU shall establish and maintain policy and procedures to train its operating and emergency response personnel to assure they know and can implement emergency procedures, as set forth in paragraph (B) of this rule.

- (F) Each EDU shall establish procedures for analyzing failures of equipment and facilities which result in a major interruption of service, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence.
- (G) ~~Each EDU shall submit to~~ At the direction of the commission's outage coordinator, not later than December first of each year ~~EDU shall submit:~~
- (1) An emergency contact report which shall contain all of the following information:
 - (a) The names, position titles, areas of functional responsibility, business addresses, and e-mail addresses, business telephone numbers, cellular telephone numbers, and home telephone numbers of at least three individuals who will serve as emergency contact personnel; contacts.
 - (b) Any available emergency hotline number; and,
 - (c) The fax number(s) of its emergency contact personnel; contacts.
 - (2) A report confirming that the EDU has reviewed its emergency plan and, if applicable, has revised and/or updated the plan, or has established a new plan. Each EDU shall also submit all revisions and updates to its plan or the new plan; ~~and,~~
 - (3) Either of the following:
 - (a) If the company has not implemented its emergency plan within the past year, a written statement attesting to that fact or a written summary of;
 - (b) If the company has implemented part or all of its emergency plan within the past year, a written summary of both of the following:
 - (i) Any failures of equipment or facilities which that were not the result of a major storm and that resulted in a major interruption of service, not as a result of a major storm, and the company implementing its emergency plan; and,
 - (b)ii) The company's efforts to minimize the possibility of a recurrence of such failures.
- (H) Each EDU shall promptly notify the commission's outage coordinator of any change in its emergency ~~contact personnel~~ contacts.
- (I) ~~Critical customers.~~ Each EDU shall:
- (1) Maintain and annually verify and update its list of critical customers; ;

- (2) Provide ~~critical~~ customers, within ten business days after acceptance of their application for the critical customer, with a written statement of their options and responsibilities during outages, ~~i.e.,~~ the need for backup generators, an alternative power source, or evacuation to another location; ~~and.~~
 - (3) Annually notify customers of its critical customer program by bill insert or other notice.
- (J) ~~Emergency exercise.~~ (1) Every three years, each EDU shall conduct a comprehensive emergency exercise to test and evaluate major components of its emergency plan and shall invite a cross-section of the following, or their representatives, to the exercise:
- (1)a) Mayors and other elected officials;
 - (2)b) County/regional emergency management directors;
 - (3)c) Fire and police departments;
 - (4)d) Community organizations ~~like the Red Cross; and~~ such as the American red cross.
 - (5) ~~Commission's~~ (e) The commission's outage coordinator.
- (2) When an EDU ~~implements~~ has implemented any element of its emergency plan as set forth in paragraph (B) of this rule in response to a major storm (or comparable term) event, natural disaster, or outage, such company that EDU may request that the commission waive the testing and evaluation of the emergency plan for the applicable three-year period during which such implementation occurred. To request a waiver, the EDU must submit a report to the commission's outage coordinator detailing its:
- (a) Its actions, what in implementing its emergency plan.
 - (b) What part of the emergency exercise the implemented plan replaces, why it.
 - (c) Why the implementation is an appropriate replacement for the part an emergency exercise of all or a portion of the plan, including the.
 - (d) The EDU's interactions with the persons listed in this paragraph and whether (I)(1) of this rule.
 - (e) Whether the implemented plan indicates that the company's EDU's response to the emergency was sufficient. If the commission fails to act upon an and may EDU's waiver request that the actual use of its emergency plan meets this

~~rule's requirement for an emergency exercise. If the commission's outage coordinator fails to act upon the company's request to find that the use of its emergency plan meets the requirements for an emergency exercise within sixty days after such request is submitted to the outage coordinator, then the company waiver request shall be considered deemed to have exercised its emergency plan in accordance with this paragraph been granted.~~

- (K) ~~Coordination.~~ Each EDU shall coordinate the implementation of its emergency plan, to the extent that such EDU would rely on or require information ~~or~~ assistance during an emergency, with the following:
- (1) Any regional ~~or~~ state entities with authority, ownership, or control over electric transmission lines;
 - (2) Any generation provider connected to the EDU's system; ~~and,~~
 - (3) Any other EDU or transmission owner with facilities connected to the EDU.

4901:1-10-342 **Environmental disclosure.**

- (A) This rule establishes a process by which customers are assured of receiving information, in a timely and consistent manner, concerning the approximate retail generation resource mix and environmental characteristics associated with electric power offered in Ohio's competitive marketplace.
- (B) This rule applies to all electric distribution utilities (EDUs) providing a standard offer for retail electric generation service.
- (C) Determination of environmental disclosure data.
- (1) Contents of environmental disclosure data.
 - (a) Approximate generation resource mix.

Each EDU shall specifically identify each of the following generation sources used in the generation of the power that is made available under its standard offer: biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, other sources, solar power, unknown purchased resources, and wind power.

The EDU shall exercise all reasonable efforts to identify the power source or resource used to generate the power in question. The EDUs shall maintain documentation sufficient to demonstrate the steps taken to make such identification.

(b) Environmental characteristics.

EDUs shall report the environmental characteristics typically associated with the generation resources used to generate the power that is made available under their respective standard offers.

EDUs shall also report the air emissions of nitrogen oxides, sulfur dioxide, and carbon dioxide associated with the generation of power being offered under their respective standard offers.

In addition, EDUs shall report the generation of high- and low-level radioactive waste associated with the power being offered under their standard offers.

(2) Methodology for determining environmental disclosure data.

- (a) ~~By December 1, 2000, or for any~~Any new EDU shall submit to the commission staff, at least thirty days prior to commencing operations, ~~each EDU shall submit to the commission staff its~~ proposed methodology for determining its environmental disclosure data. Such submittal shall detail the proposed methodology for completing the required annual projection, as well as the methodology for determining and compiling the required quarterly actual data.
- (b) The actual environmental disclosure data, to be provided quarterly, shall be verifiable. Each EDU shall maintain documentation sufficient to demonstrate the accuracy of the actual environmental disclosure data.

(3) Timing for disclosing environmental disclosure data.

- (a) EDUs shall annually project their environmental disclosure data for at least the subsequent calendar year.
- (b) EDUs shall also complete no less than quarterly comparisons of actual to projected environmental disclosure data.
- (c) Below is the schedule applicable to the environmental disclosure process.

January - disclosure of projected environmental disclosure data for current calendar year.

March (not applicable during initial year of disclosure requirement) - disclosure of actual environmental disclosure data for the prior calendar year, compared to the projected environmental disclosure data from prior calendar year.

June - disclosure of actual environmental disclosure data for January through March of current year, compared to projected data for current calendar year.

September - disclosure of actual environmental disclosure data for January to June of current year, compared to projected data for current calendar year.

December - disclosure of actual environmental disclosure data for January through September of current year, compared to projected data for current calendar year.

(D) Environmental disclosure to customers.

(1) Content.











Each customer shall receive environmental disclosure data, as detailed in paragraph (C)(1) of this rule.

(2) Format.

The environmental disclosure data shall be provided in a standardized format in order to facilitate comparisons by customers. This data shall be disclosed in not less than a ten-point font. The presentation of this data shall comply with each of the following requirements:

- (a) A pie chart shall be provided which illustrates on a percentage basis the various generation resources, as detailed in paragraph (C)(1)(a) of this rule, used in the generation of power that is made available under the standard offer.

The percentages shall be rounded to the nearest whole number. The pie chart shall not include colors, but shall include the use of shading and labels to more clearly communicate the information. ~~The following shades, when applicable, shall be utilized to develop the pie chart, as set forth in appendices A and B of~~ this rule.

Biomass power - white	
Coal-fired power - five per cent shading	
Hydro power - ten per cent shading	
Natural gas-fired power - twenty per cent shading	
Nuclear power - twenty-five per cent shading	
Oil-fired power - thirty per cent shading	
Other sources - forty per cent shading	
Solar power - fifty per cent shading	
Unknown purchased resources - sixty per cent shading	
Wind power - seventy per cent shading	

To the extent ~~these~~ the patterns set forth on appendices A and B cannot be duplicated exactly, EDUs shall exercise reasonable efforts to simulate the required shading to the extent possible.

- (b) A table shall be provided which illustrates the typical environmental characteristics associated with the generation resource categories detailed in paragraph (C)(1)(a) of this rule.

The general categories and assumptions to be depicted in the table are as follows:

Biomass power - results in air emissions and solid waste.

Coal-fired power - results in air emissions and solid waste.

Hydro power - results in wildlife impacts.

Natural gas-fired power - results in air emissions and solid waste.

Nuclear power - results in radioactive waste.

Oil-fired power - results in air emissions and solid waste.

Other sources - results in unknown impacts.

Solar power - results in no significant impacts.

Unknown purchased resources - results in unknown impacts.

Wind power - results in wildlife impacts.

- (c) The product-specific air emissions shall be presented in a bar chart, along with a regional average emission reference. The product-specific emission rates shall appear as a percentage of the average regional emission rate for each of the three types of air emissions. Percentages shall be calculated from comparison of product-specific and average regional emission rates on a basis of pounds emitted per megawatt hour ~~(lb./MWh)~~.
- (d) The figures reflecting the generation of radioactive wastes shall be presented in a table. High-level radioactive waste shall be reported in pounds per one thousand kilowatt hours (kWh), while low-level radioactive waste is to be reported in cubic feet per one thousand kWh. Any radioactive waste greater than zero but less than ".0001" shall be depicted as "<0.0001".

For use in the implementation of this rule, the following definitions shall apply:

High-level radioactive waste - means nuclear fuel that has been removed from a nuclear reactor. Low-level radioactive waste - means radioactive waste not

classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in section 11(E)(2) of the "Atomic Energy Act of 1954-," 68 Stat. 921, 42 U.S.C. 2014(e)(2), as amended by the Price-Anderson Amendments Act of 2005, 119 Stat. 779.

- (e) The annual projection of approximate generation resource mix and environmental characteristics shall appear as depicted in appendix A to this rule. The regional average data, if available, will be updated by the commission by December first of each year or as conditions warrant.

The quarterly comparisons of actual environmental disclosure data to projected environmental disclosure data, comprised of data specific to the EDU's standard offer, shall appear as depicted in appendix B to this rule.

- (f) Each EDU shall maintain records detailing the magnitude of each environmental characteristic associated with the generation resources. Such details shall be provided to customers and commission staff upon request. Such details may be included on an EDU's website.
- (g) An EDU may include other information that it feels is relevant to the required environmental disclosure data, provided this additional information is distinctly separated from the required information. The EDU shall maintain sufficient documentation to permit verification of the accuracy of any additional information that is disclosed.

(3) Timing.

- (a) Annual projection.

Consistent with the schedule presented in paragraph (C)(3) of this rule and the format depicted by appendix A of this rule, the most recent projection of environmental disclosure data shall be provided to each customer of the standard offer for generation service either via bill insert or separate mailing.

- (b) Quarterly comparisons of actual to projected environmental disclosure data.

The comparison of actual to projected environmental disclosure data shall be provided to customers on a quarterly basis consistent with both the schedule presented in paragraph (C)(3) of this rule and the format as depicted by appendix B to this rule.

These items will be disclosed to customers via bill inserts or by separate mailing. The quarterly environmental disclosure can be accomplished electronically if a customer agrees to such an approach.

(E) Environmental disclosure to the commission.

Each EDU shall submit its annual projection and quarterly comparisons of environmental disclosure data to the deputy director of the utilities department or their designee consistent with the schedule presented in paragraph (C)(3)(c) of this rule, on electronic media (e.g., diskettes) as prescribed by the commission. The information provided to the commission staff shall be identical in content and format to that provided to customers.

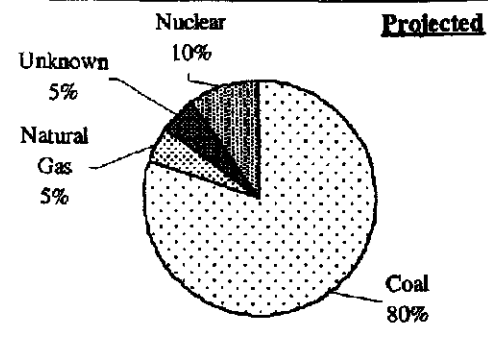
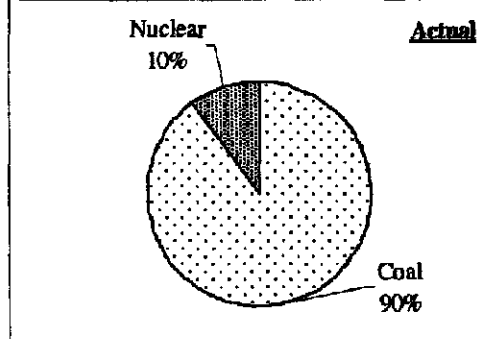
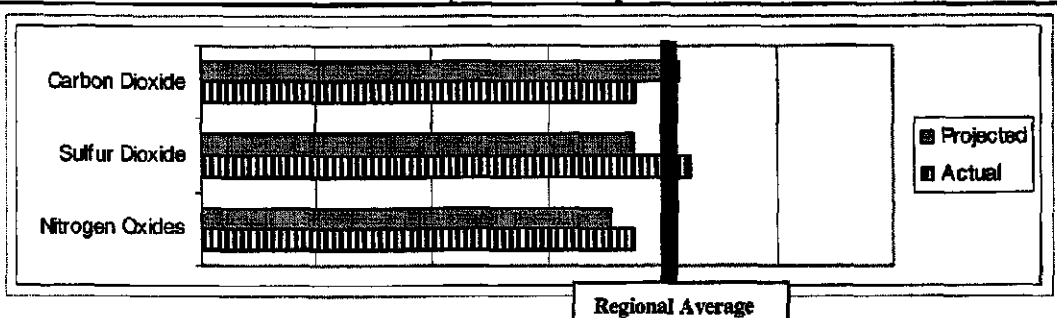
4901:1-10-312

Appendix A

Environmental Disclosure Information																						
Company Name																						
Projected Data for the XXXX Calendar Year																						
Generation Resource Mix - A comparison between the sources of generation used to produce this product and the historic regional average supply mix.	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Supplier's Product</p> </div> <div style="text-align: center;"> <p>Regional</p> </div> </div>																					
Environmental Characteristics - A description of the characteristics associated with each possible generation resource.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Biomass Power</td> <td style="width: 50%;">Air Emissions and Solid Waste</td> </tr> <tr> <td>Coal Power</td> <td>Air Emissions and Solid Waste</td> </tr> <tr> <td>Hydro Power</td> <td>Wildlife Impacts</td> </tr> <tr> <td>Natural Gas Power</td> <td>Air Emissions and Solid Waste</td> </tr> <tr> <td>Nuclear Power</td> <td>Radioactive Waste</td> </tr> <tr> <td>Oil Power</td> <td>Air Emissions and Solid Waste</td> </tr> <tr> <td>Other Sources</td> <td>Unknown Impacts</td> </tr> <tr> <td>Solar Power</td> <td>No Significant Impacts</td> </tr> <tr> <td>Unknown Purchased Resources</td> <td>Unknown Impacts</td> </tr> <tr> <td>Wind Power</td> <td>Wildlife Impacts</td> </tr> </table>		Biomass Power	Air Emissions and Solid Waste	Coal Power	Air Emissions and Solid Waste	Hydro Power	Wildlife Impacts	Natural Gas Power	Air Emissions and Solid Waste	Nuclear Power	Radioactive Waste	Oil Power	Air Emissions and Solid Waste	Other Sources	Unknown Impacts	Solar Power	No Significant Impacts	Unknown Purchased Resources	Unknown Impacts	Wind Power	Wildlife Impacts
Biomass Power	Air Emissions and Solid Waste																					
Coal Power	Air Emissions and Solid Waste																					
Hydro Power	Wildlife Impacts																					
Natural Gas Power	Air Emissions and Solid Waste																					
Nuclear Power	Radioactive Waste																					
Oil Power	Air Emissions and Solid Waste																					
Other Sources	Unknown Impacts																					
Solar Power	No Significant Impacts																					
Unknown Purchased Resources	Unknown Impacts																					
Wind Power	Wildlife Impacts																					
Air Emissions - A comparison between the air emissions related to this product and the regional average air emissions.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Carbon Dioxide</td> <td style="width: 70%; text-align: center;"> </td> </tr> <tr> <td>Sulfur Dioxide</td> <td style="text-align: center;"> </td> </tr> <tr> <td>Nitrogen Oxides</td> <td style="text-align: center;"> </td> </tr> </table> <div style="text-align: right; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px;">Regional Average</div> </div>		Carbon Dioxide		Sulfur Dioxide		Nitrogen Oxides															
Carbon Dioxide																						
Sulfur Dioxide																						
Nitrogen Oxides																						
Radioactive Waste - Radioactive waste associated with the product.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Type:</th> <th style="width: 40%;">Quantity:</th> </tr> </thead> <tbody> <tr> <td>High-Level Radioactive Waste</td> <td style="text-align: center;">Lbs./1,000 kWh</td> </tr> <tr> <td>Low-Level Radioactive Waste</td> <td style="text-align: center;">Ft³/1,000 kWh</td> </tr> </tbody> </table> <p style="font-size: small; margin-top: 5px;">Note: The generation of this product involves the use of x% of unknown purchased resources. The air emissions and radioactive waste associated with these unknown resources are not included in these charts.</p>		Type:	Quantity:	High-Level Radioactive Waste	Lbs./1,000 kWh	Low-Level Radioactive Waste	Ft ³ /1,000 kWh														
Type:	Quantity:																					
High-Level Radioactive Waste	Lbs./1,000 kWh																					
Low-Level Radioactive Waste	Ft ³ /1,000 kWh																					
<p>With in-depth analysis, the environmental characteristics of any form of electric generation will reveal benefits as well as costs. For further information, contact (Company name) at (company web address) or by phone at (company phone #).</p>																						

4901:1-10-342

Appendix B

Environmental Disclosure - Quarterly Comparisons																						
Company Name																						
Projected Data for the XXXX Calendar Year																						
Actual Data for the Period MM/DD/XX to MM/DD/XX.																						
Generation Resource Mix - A comparison between the sources of generation projected to be used to generate this product and the actual resources used during this period.	Projected 	Actual 																				
Environmental Characteristics - A description of the characteristics associated with each possible generation resource.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Biomass Power</td> <td style="width: 50%;">Air Emissions and Solid Waste</td> </tr> <tr> <td>Coal Power</td> <td>Air Emissions and Solid Waste</td> </tr> <tr> <td>Hydro Power</td> <td>Wildlife Impacts</td> </tr> <tr> <td>Natural Gas Power</td> <td>Air Emissions and Solid Waste</td> </tr> <tr> <td>Nuclear Power</td> <td>Radioactive Waste</td> </tr> <tr> <td>Oil Power</td> <td>Air Emissions and Solid Waste</td> </tr> <tr> <td>Other Sources</td> <td>Unknown Impacts</td> </tr> <tr> <td>Solar Power</td> <td>No Significant Impacts</td> </tr> <tr> <td>Unknown Purchased Resources</td> <td>Unknown Impacts</td> </tr> <tr> <td>Wind Power</td> <td>Wildlife Impacts</td> </tr> </table>		Biomass Power	Air Emissions and Solid Waste	Coal Power	Air Emissions and Solid Waste	Hydro Power	Wildlife Impacts	Natural Gas Power	Air Emissions and Solid Waste	Nuclear Power	Radioactive Waste	Oil Power	Air Emissions and Solid Waste	Other Sources	Unknown Impacts	Solar Power	No Significant Impacts	Unknown Purchased Resources	Unknown Impacts	Wind Power	Wildlife Impacts
Biomass Power	Air Emissions and Solid Waste																					
Coal Power	Air Emissions and Solid Waste																					
Hydro Power	Wildlife Impacts																					
Natural Gas Power	Air Emissions and Solid Waste																					
Nuclear Power	Radioactive Waste																					
Oil Power	Air Emissions and Solid Waste																					
Other Sources	Unknown Impacts																					
Solar Power	No Significant Impacts																					
Unknown Purchased Resources	Unknown Impacts																					
Wind Power	Wildlife Impacts																					
Air Emissions - Product-specific projected and actual air emissions for this period compared to the regional average air emissions.																						
Radioactive Waste - Product-specific projected and actual radioactive waste for this period.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Type:</th> <th style="width: 40%;">Quantity:</th> </tr> </thead> <tbody> <tr> <td>High-Level Radioactive Waste</td> <td style="text-align: center;">Lbs./1,000 kWh</td> </tr> <tr> <td>Low-Level Radioactive Waste</td> <td style="text-align: center;">Ft³/1,000 kWh</td> </tr> </tbody> </table> <p style="font-size: small; margin-top: 5px;">Note: The generation of this product involves the use of x% of unknown purchased resources. The air emissions and radioactive waste associated with these unknown resources are not included in these charts.</p>		Type:	Quantity:	High-Level Radioactive Waste	Lbs./1,000 kWh	Low-Level Radioactive Waste	Ft ³ /1,000 kWh														
Type:	Quantity:																					
High-Level Radioactive Waste	Lbs./1,000 kWh																					
Low-Level Radioactive Waste	Ft ³ /1,000 kWh																					
<p>With in-depth analysis, the environmental characteristics of any form of electric generation will reveal benefits as well as costs. For further information, contact (Company name) at (company web address) or by phone at (company phone #).</p>																						

4901:1-17-01 Definitions.

As used in this chapter:

- (A) "Commercial mobile radio service (CMRS)" includes and is specifically limited to mobile telephone, mobile cellular telephone, paging, personal communication services, and specialized mobile radio service providers when serving as a common carrier in Ohio, consistent with rule 4901:1-6-01 of the Administrative Code. Fixed wireless is not considered as CMRS, consistent with rule 4901:1-6-01 of the Administrative Code.
- (B) "Regulated service" means a service offering regulated by the commission.
- (C) "Utility" or "public utility" means ~~all persons, firms, or corporations~~ any person, firm, or corporation engaged in the business of providing natural gas, electric distribution, telecommunications (excluding commercial mobile radio service), water, or sewage disposal service to consumers, as defined in division (G) of section 4929.01 of the Revised Code, division (A)(6) of section 4928.01 of the Revised Code, and or divisions (A)(2), (A)(8) and or (A)(14) of section 4905.03 of the Revised Code, respectively. ~~Rules for the establishment of credit for electric distribution utilities are included in Chapter 4901:1-10 of the Administrative Code.]~~

RULES FOR COMPETITIVE RETAIL ELECTRIC SERVICE (CRES)

4901:1-21-01	Definitions
4901:1-21-02	Purpose and scope
4901:1-21-03	General provisions
4901:1-21-04	Records and record retention
4901:1-21-05	Marketing and solicitation
4901:1-21-06	Customer enrollment
4901:1-21-07	Credit and deposits
4901:1-21-08	Customer access, slamming complaints, and complaint-handling procedures
4901:1-21-09	Environmental disclosure
4901:1-21-10	Customer information
4901:1-21-11	Contract administration
4901:1-21-12	Contract disclosure
4901:1-21-13	Net-metering contracts
4901:1-21-14	Customer billing and payments
4901:1-21-15	Noncompliance with rules or orders
4901:1-21-16	Formation and operation of an opt-out governmental aggregation
4901:1-21-17	Opt-out disclosure requirements
4901:1-21-18	Consolidated billing requirements

4901:1-21-01 Definitions.

~~(A)~~ As used within Chapter 4901:1-21 of the Administrative Code, these terms denote the following:

~~(1A)~~ "Aggregation" means combining the electric load of multiple retail customers via an agreement with the customers or formation of a governmental aggregation pursuant to section 4928.20 of the Revised Code for the purpose of purchasing retail electric generation service on an aggregated basis.

~~(2B)~~ "Aggregator" means a person, certified by the commission, who contracts with customers to combine the customers' electric load for the purpose of purchasing retail electric generation service on an aggregated basis.

~~(3C)~~ "Billing and collection agent" has the meaning set forth in division (A)(2) of section 4928.01 of the Revised Code.

~~(4D)~~ "Biomass power" means a renewable generation resource that is primarily derived from the combustion of organic matter. Biomass fuels may be solid, liquid, or gas and are derived from feedstocks. Examples of such feedstocks include, but are not limited to: agricultural crops and residues, industrial wood and logging residues, farm animal wastes, the organic portion of municipal solid waste, and methane gas from landfills.

~~(5E)~~ "Commission" means the public utilities commission of Ohio.

~~(6F)~~ "Competitive retail electric service" (CRES) has the meaning set forth in division (A)(4) of section 4928.01 of the Revised Code, and includes the services provided by retail electric generation providers, power marketers, power brokers, aggregators, and governmental aggregators.

~~(7G)~~ "Complaint" means any customer/consumer contact when such contact necessitates follow-up by or with the electric supplier or electric utility to resolve a point of contention.

~~(8H)~~ "Consumer" means a person who uses a competitive retail electric service.

~~(9I)~~ "Contract" means an agreement between a customer and ~~competitive retail electric service~~ CRES provider that specifies the terms and conditions for provision of a competitive retail electric service or services.

~~(10J)~~ "CRES provider" means a person or entity, under certification by the commission, ~~who that~~ supplies or offers to supply a ~~competitive retail electric service~~ CRES. This term does not apply to an electric distribution utility in its provision of standard offer generation service.

~~(11K)~~ "Customer" means a person who contracts with or is solicited by a ~~competitive retail electric service~~ CRES provider for the provision of a ~~competitive retail electric service~~ CRES.

(12L) "Deposit" means a sum of money a CRES provider collects from a customer as a precondition for initiating service.

(13M) "Direct solicitation" means face-to-face solicitation of a customer initiated by a CRES provider at the home of a customer or at a place other than the normal place of business of the provider, and includes door-to-door solicitations.

(14N) "Distribution service" means the physical delivery of electricity to consumers through facilities provided by an electric distribution utility.

(15O) "Electric cooperative" has the meaning set forth in division (A)(5) of section 4928.01 of the Revised Code.

(16P) "Electric distribution utility" (EDU) has the meaning set forth in division (A)(6) of section 4928.01 of the Revised Code.

(17Q) "Electric generation service" means retail electric generation service.

(18R) "Electric utility" has the meaning set forth in division (A)(11) of section 4928.01 of the Revised Code.

(19S) "Environmental disclosure data" means both generation resource mix and environmental characteristics.

(20T) "Governmental aggregator" has the meaning set forth in division (A)(13) of section 4928.01 of the Revised Code.

(21U) "Market development period" has the meaning set forth in division (A)(17) of section 4928.01 of the Revised Code.

(22V) "Mercantile commercial customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

~~(22) (23) "Microturbine" means a combustion turbine with a peak generating capacity of one hundred kW or less.~~

~~(23)~~ (24W) "Net metering" has the meaning set forth in division (A)(31) of section 4928.01 of the Revised Code.

~~(24)~~ (25X) "OCC" means the Ohio consumers' counsel.

~~(25)~~ (26Y) "Other sources" means known electric energy generation resources that cannot reasonably be included within any of the specific fuel categories.

~~(26)~~ ~~(27Z)~~ "Person" has the same meaning as in section 1.59 of the Revised Code.

~~(27)~~ ~~(28AA)~~ "Power broker" means a person certified by the commission, who provides power brokerage.

~~(28)~~ ~~(29BB)~~ "Power brokerage" means assuming the contractual and legal responsibility for the sale and/or arrangement for the supply of retail electric generation service to a retail customer in this state without taking title to the electric power supplied.

~~(29)~~ ~~(30CC)~~ "Power marketer" means a person, certified by the commission, who provides power marketing services.

~~(30)~~ ~~(31DD)~~ "Power marketing" means assuming the contractual and legal responsibility for the sale and provision of retail electric generation service to a retail customer in this state and having title to electric power at some point during the transaction.

~~(31)~~ ~~(32EE)~~ "Residential customer" means a customer who contracts for a competitive retail electric service for residential purposes.

~~(32)~~ ~~(33FF)~~ "Retail electric service" has the meaning set forth in division (A)(27) of section 4928.01 of the Revised Code.

~~(33)~~ ~~(34FF)~~ "Retail electric generation service" means the provision of electric power to a retail customer in this state through facilities provided by an electric distribution utility and/or a transmission entity in this state. The term encompasses the services performed by retail electric generation providers, power marketers, and power brokers, but does not encompass the service provided by an EDU pursuant to section 4928.14 or division (D) of section 4928.35 of the Revised Code.

~~(34)~~ ~~(35GG)~~ "Small commercial customer" means a commercial customer that is not a mercantile commercial customer.

~~(35)~~ ~~(36HH)~~ "Solicitation" means any communication intended to elicit a customer's agreement to purchase or contract for a ~~competitive retail electric service~~ CRES.

~~(36)~~ ~~(37II)~~ "Staff" means the commission staff.

~~(37)~~ ~~(38JJ)~~ "Toll-free" means telephone access provided to a customer without toll charges to the customer.

~~(38)~~ ~~(39KK)~~ "Unknown purchased resources" means electric energy generation resources neither owned nor operated by a competitive retail generation supplier where the electric energy generation source(s) or process cannot be identified after making all reasonable efforts to identify the source or process used to produce the power.

4901:1-21-02 Purpose and scope.

(A) The rules in this chapter:

(1) Apply to persons offering or providing any retail electric service which has been declared competitive pursuant to section 4928.03 of the Revised Code including retail electric generation, aggregation, power marketing, and power brokerage.

(2) Are intended to:

(a) Provide minimum standards for service quality, safety, and reliability;₂

(b) Provide consumers with sufficient information to make informed decisions about competitive retail electric service (CRES) and;₂

(c) Protect consumers against deceptive, unfair, and unconscionable acts and practices in the marketing, solicitation, and sale of ~~competitive retail electric service~~ CRES and in the administration of any contract for that service.

(B) After notice and, if necessary, an opportunity for hearing, the commission may require ~~competitive retail electric service (CRES)~~ providers to take any appropriate action necessary to comply with these rules and the state's policy as stated in section 4928.02 of the Revised Code upon:

(1) The commission's own motion;₂

(2) Formal or informal complaints brought to the commission;~~or,~~₂

(3) The application of any CRES provider.

(C) The commission may waive any requirement of Chapter 4901:1-21 of the Administrative Code for good cause shown or upon its own motion. Any CRES provider requesting a waiver of any requirement in Chapter 4901:1-21 of the Administrative Code shall serve notice of the request upon the Ohio consumers' counsel and all electric distribution utilities operating in Ohio.

(D) The rules in this chapter shall not relieve CRES providers from complying with all applicable federal, state, and local laws.

(E) The rules of this chapter supersede any inconsistent provisions, terms, and conditions of ~~the~~each CRES provider's contracts or other documents describing service offerings for customers or potential customers in Ohio.

4901:1-21-03 General provisions.

(A) ~~CRES~~Competitive retail electric service (CRES) providers shall not engage in unfair, misleading, deceptive, or unconscionable acts or practices related to, without limitation, the following activities:

(1) Marketing, solicitation, or sale of a ~~competitive retail electric service;~~CRES.

(2) Administration of contracts for ~~such service;~~ or CRES.

(3) Provision of ~~such service~~CRES, including interactions with consumers.

(B) CRES providers shall not cause or arrange for the disconnection of distribution service, or employ the threat of such actions, as a consequence of contract termination, customer nonpayment, or for any other reason.

(C) CRES providers shall not change or authorize the changing of a customer's supplier of retail electric service without the customer's prior consent, as provided for under rule 4901:1-21-06 of the Administrative Code. For the purpose of procuring CRES, this requirement does not apply to governmental aggregation pursuant to division (A) of section 4928.10 of the Revised Code, or for programs funded by the universal service fund for whom the Ohio department of development procures electric services pursuant to section 4928.54 of the Revised Code or the assignment of contracts where such assignment occurs in accordance with the rules in Chapter 4901:1-24 of the Administrative Code.

(D) For the purposes of market monitoring and providing the public comparative information from CRES providers' residential standard contract offers, CRES providers shall furnish to the director of the ~~consumer services department~~ service monitoring and enforcement department or the director's designee the following information, transmitted by e-mail or facsimile within four calendar days of making such offers to Ohio customers:

(1) For fixed-rate contracts, the price per kWh kilowatt hour for generation service;₂

(2) For variable-rate contracts, an explanation of the factors that will cause the price to vary, and the frequency of such variation;₂

(3) For all standard contracts, a listing of any recurring and nonrecurring charges not provided under paragraphs (D)(1) and (D)(2) of this rule, and a statement of the length of contract term; and₂

(4) Other information as the staff may deem necessary.

4901:1-21-04 Records and record retention.

(A) Each ~~CRES~~competitive retail electric supplier provider shall establish and maintain records and data sufficient to:

(1) Verify its compliance with the requirements of any applicable commission rules;~~and,~~

(2) Support any investigation of customer complaints.

(B) Unless otherwise prescribed in this chapter, all records required by this chapter shall be retained for no less than two years.

(C) Unless otherwise prescribed by the commission or its authorized representatives, all records required by this chapter shall be provided to the commission staff within five calendar days of its request.

4901:1-21-05 Marketing and solicitation.

(A) Each ~~CRES~~competitive retail electric service (CRES) provider that offers retail electric generation service to residential or small commercial customers shall provide, in marketing materials that include or accompany a service contract, sufficient information for customers to make intelligent cost comparisons against offers they receive from other providers.

(1) For fixed-rate offers, such information shall, at minimum, include:

(a) The cost per kWh for generation service;~~;~~

(b) The amount of any other recurring or nonrecurring CRES provider charges;~~;~~

(c) A statement that the customer will incur additional service and delivery charges from the ~~EDU;~~ and electric distribution utility (EDU).

(d) A statement of any contract contingencies or conditions precedent.

(2) For variable-rate offers, such information shall, at minimum, include:

(a) A clear and understandable explanation of the factors that will cause the price to vary, including any related indices, and how often the price can change and, for discounted rates, an explanation of the discount and the basis on which any discount is calculated;~~;~~

(b) The amount of any other recurring or nonrecurring CRES provider charges;~~;~~

(c) A statement that the customer will incur additional service and delivery charges from the ~~EDU;~~ and,

(d) A statement of any contract contingencies or conditions precedent.

(B) A CRES provider's promotional and advertising material that is targeted for residential and small commercial customers shall be provided to the commission or its staff within five calendar days of a request by the commission or its staff.

(C) No CRES provider may engage in marketing, solicitation, or sales acts, or practices which are unfair, misleading, deceptive, or unconscionable in the marketing, solicitation, or sale of a CRES. Such unfair, misleading, deceptive, or unconscionable acts or practices include, but are not limited to, the following:

(1) Soliciting customers to enroll for a ~~competitive retail electric service~~ at either of the following times:

(a) After suspension, rescission, or conditional rescission of its certification by the commission; ~~or,~~

(b) After denial of certification renewal by the commission;

(2) Failing to comply with paragraph (A) or (B) of this rule;

(3) Failing to provide, in or with its advertisements and promotional materials that make an offer for sale, a toll-free/local telephone number (and address for printed materials) which the potential customer may call or write to request detailed information regarding the price, terms, conditions, limitations, restrictions, and, if applicable, environmental characteristics of the service offered;

(4) Soliciting via telephone calls initiated by the CRES provider (or its agent) without first taking both of the following actions:

(a) Obtaining the list of Ohio customers ~~consumers~~ who have requested to be placed on a the federal trade commission's "do not call" list registry; and,

(b) Obtaining monthly updates of the federal trade commission's "do not call" list registry;

(5) Engaging in telephone solicitation of customers who have been placed on the federal trade commission's do not call" list registry;

(6) Engaging in telephone solicitation to residential customers either before nine a.m. or after nine p.m.;

(7) Engaging in direct solicitation to residential customers where the CRES provider's sales agent fails to wear and display a valid CRES provider photo identification;

(8) Advertising or marketing offers that:

- (a) Claim that a specific price advantage, savings, or guarantee exists if it does not;
 - (b) Claim to provide a ~~competitive retail electric service~~ CRES when such an offer is not a bona fide offer to sell such services;
 - (c) Offer a fixed price for ~~competitive retail electric service~~ CRES without disclosing the cost per kilowatt hour and all recurring and nonrecurring charges;
 - (d) Offer a variable price for ~~competitive retail electric service~~ CRES without disclosing all recurring and nonrecurring charges;
 - (e) Fail to disclose all material limitations, exclusions, contract contingencies, conditions precedent and offer expiration dates; and
 - (f) Offer a variable price for competitive retail electric service that is not based on verifiable factors;
 - (g) Fail to conspicuously disclose an affiliate relationship with an existing Ohio utility.
- (9) Marketing, advertising, or claiming that the environmental characteristics of any generation service energy source(s) provide an environmental advantage that does not exist.

4901:1-21-06 Customer enrollment.

- (A) Except as provided in paragraph (B) of this rule, ~~CRES~~ competitive retail electric service (CRES) providers shall coordinate customer enrollment with the EDU in accordance with the procedures set forth in the applicable ~~EDU~~ electric distribution utility (EDU) tariff.
- (B) Percentage of income payment plan (PIPP) customers will be coordinated exclusively by the Ohio department of development pursuant to section 4928.54 of the Revised Code.
- (1) CRES providers are prohibited from knowingly enrolling PIPP and arrearage crediting program customers.
- (2) Customers pending enrollment with a CRES provider who subsequently become approved for PIPP or the EDU's arrearage crediting program shall not be switched to the CRES provider.
- (3) EDU customers who have switched to a CRES provider and subsequently become approved for the EDU's arrearage crediting program shall be transferred to the EDU's standard offer service at the next regularly scheduled meter read date after the EDU enrolls the customer in the program.

(4) Until the Ohio department of development has in place a mechanism for the administration and operation of the low-income customer assistance programs, customers who have switched to a CRES provider and subsequently become approved for PIPP shall be dropped by the EDU to standard offer service at the next regularly scheduled meter read date after the EDU receives notice of the customer's participation in PIPP. Any switching fees shall be added to the customer's arrearages, not current charges.

(5) When the host EDU is not purchasing the receivables of the affected CRES provider, the CRES provider shall submit to the host EDU the pre-PIPP arrearages for the PIPP participant within sixty days of the customer's transfer to the EDU's standard offer service or the Ohio department of development's selected CRES provider pursuant to section 4928.54 of the Revised Code.

(C) CRES providers are prohibited from enrolling potential customers without their consent and proof of that consent as delineated in paragraph (D) of this rule. This requirement does not apply to automatic governmental aggregation pursuant to division (A) of section 4928.20 of the Revised Code and ~~percentage of income payment plan (PIPP)~~ customers who will be coordinated exclusively by the Ohio department of development pursuant to section 4928.54 of the Revised Code.

(D) Residential and small commercial enrollment.

(1) Mailings, facsimiles, and direct solicitation.

(a) Where enrollment occurs by mail, facsimile, or direct solicitation, the customer's signature on a contract shall constitute consent.

(b) Consistent with rule 4901:1-21-05 of the Administrative Code, prior to entering into a contract for service, CRES providers shall provide each customer with enrollment documents that contain, at a minimum, understandable pricing, the terms and conditions of service, the dollar amount of all recurring and nonrecurring charges (including any fees for early termination of the contract), the applicable generation resource mix and environmental characteristics, and the duration of the contract.

(c) Before obtaining a signature from the applicant, CRES providers shall provide each customer a reasonable opportunity to read all enrollment documents and shall answer any and all questions posed by any applicant about information contained in the documents.

(d) Immediately upon obtaining the customer's signature, CRES providers shall provide the applicant a legible copy of the signed contract.

(e) Where enrollment occurs by direct solicitation, customers shall be advised both verbally and in the contract that: (i) the EDU will be sending a confirmation notice of the transfer of service;

(ii) they are allowed a seven day period to rescind the contract; and (iii) the customer should contact the EDU to rescind the contract.

(f) The CRES provider shall not initiate enrollment with the EDU prior to the completion of the enrollment transaction with the customer.

(g) The CRES provider shall send an electronic enrollment request to the EDU within three calendar days following completion of the enrollment transaction with the customer, unless a later start date is agreed to in the contract.

(2) Telephonic enrollment.

(a) To enroll a residential or small commercial customer telephonically, a CRES provider shall make a date and time stamped audio recording verifying before the completion of the telephone call, at a minimum, all of the following:

(i) The CRES provider's identity and the exact purpose of the call;

(ii) A verbal statement and the customer's acknowledgement that the call is being recorded;

(iii) A verbal question and the customer's acknowledgement that the customer wishes to enroll with the provider;

(iv) A verbal question and the customer's acknowledgement that the customer is the customer of record at the customer's local distribution utility or is authorized to switch providers by the customer of record;

(v) In accordance with rule 4901:1-21-12 of the Administrative Code, a verbal statement and the customer's acceptance of each of the principal terms and conditions for the service that will be provided, including, but not limited to all of the following:

(a) The service(s) that will be provided;

(b) The price;

(c) The length of the contract term;

(d) An approximate service commencement date;

(e) The contract termination date, and any fees for customer cancellation prior to such date;

(f) Any material limitations, exclusions, contract contingencies or conditions precedent;

(g) Any fees or costs to the customer;

(h) If applicable, whether the provider will perform a credit check and require a deposit, including the amount; ~~and,~~

(i) Who will bill for the provider's service(s); ~~and,~~

(vi) A verbal statement and the customer's acknowledgement that the provider will, within one calendar day, send the customer a written contract that details the terms and conditions that were summarized in the telephone call; ~~and,~~

(vii) A verbal statement and the customer's acknowledgement that the customer has seven calendar days from the postmark date of the EDU's confirmation notice to cancel the contract without penalty and a reminder that the EDU will give the customer a cancellation number to confirm any cancellation of the contract during the cancellation period; ~~and,~~

(viii) A toll-free or local telephone number the customer can call to cancel the contract; ~~and,~~

(ix) If applicable, a verbal request for and the customer's provision of the customer's electric distribution utility account number; ~~and,~~

(x) A verbal request for and the customer's provision of the customer's mailing address; ~~and,~~

(xi) ~~A~~ A unique enrollment confirmation number.

(b) Following telephonic enrollment, the CRES provider shall comply with all of the following:

(i) Within one calendar day, send the customer a written contract that details the terms and conditions summarized in the telephone call and the generation resource mix and environmental characteristics information pursuant to rule 4901:1-21-09 of the Administrative Code. Such contract shall in no way alter the terms and conditions to which the customer agreed in the telephone call; ~~and,~~

(ii) Retain the audio recording of the customer's enrollment for one year after the contract with the customer is terminated; ~~and,~~

(iii) Provide a copy of the audio recording to the commission or its staff within five calendar days of a request.

(c) The CRES provider shall send an electronic enrollment request to the EDU no sooner than three calendar days and no later than five calendar days after sending the customer the written contract, unless a later start date is agreed to in the contract; ~~and,~~

(d) The CRES provider shall not initiate enrollment with the EDU prior to the completion of the enrollment transaction with the customer.

(3) Internet enrollment;

- (a) Where enrollment occurs by internet, prior consent shall be obtained by encrypted customer input on a provider's internet web site.
- (b) The internet enrollment web site shall, at a minimum, include all of the following:
- (i) A copy of the CRES provider's customer contract with all terms and conditions as required by rule 4901:1-21-12 of the Administrative Code;₂
 - (ii) A conspicuous statement, within the body of the electronic version of the contract, that residential and small commercial customers may cancel their enrollment within seven calendar days following a confirmation notice from the EDU;₂
 - (iii) A statement that the EDU will be sending a confirmation notice of the transfer of service and that the customer should contact the EDU to rescind the contract and a reminder that the EDU will give the customer a cancellation number to confirm any cancellation of the contract during the cancellation period;₂ and₂
 - (iv) A conspicuous prompt for the customer to print or save a copy of the contract.
- (c) The CRES provider shall not initiate enrollment with the EDU prior to the completion of the enrollment transaction with the customer.
- (d) The CRES provider shall send an electronic enrollment request to the EDU within three calendar days following completion of the enrollment transaction with the customer, unless a later start date is agreed to in the contract.
- (e) Any electronic version of the contract shall be identified by version number, in order to ensure the ability to verify the particular contract to which the customer assents.
- (f) Throughout the duration of the contract, the CRES provider shall retain and, within three calendar days of the customer's request, provide to the customer an e-mail, paper, or facsimile of the terms and conditions of the numbered contract version to which the customer assents.
- (g) The CRES provider shall require the customer to complete an electronic customer consent form in a format retrievable by the CRES provider that includes all of the following:
- (i) The customer's agreement to the terms and conditions;₂
 - (ii) An electronic agreement version number;₂
 - (iii) The name of the CRES provider;₂
 - (iv) The date the customer electronically enrolled;₂

- (v) The name of the account holder;₂
- (vi) The EDU account number or other customer identification number *provided by the EDU* and used for customer choice purposes; *and*;₂
- (vii) The account holder's U.S. mailing address.
- (h) The CRES provider shall provide a mechanism by which both the submission and receipt of the electronic customer consent form are recorded by time and date.
- (i) After the customer completes the electronic customer consent form, the internet enrollment process shall disclose conspicuously that the customer has been enrolled and the CRES provider shall provide the customer ~~as~~ a unique enrollment confirmation number.

4901:1-21-07 Credit and deposits.

(A) Each ~~CRES~~competitive retail electric service (CRES) provider must establish reasonable and nondiscriminatory creditworthiness standards and may require a deposit or other reasonable demonstration of creditworthiness from a customer as a condition of providing service. In the application of such standards, deposits, or creditworthiness procedures, the CRES provider shall:

- (1) Disclose in service contracts with customers its policies regarding creditworthiness and deposits, including the amount of any deposit, the allocation of the deposit, and the return of any deposit balance;₂
- (2) Accept a reasonable and nondiscriminatory cash deposit as sufficient evidence of the customer's creditworthiness to initiate service;₂
- (3) Disclose whether interest will be paid on deposits, and the applicable rate of interest;₂
- (4) *Provide the customer a receipt for any deposit within fourteen days of the date that the deposit is collected*;₂
- (5) Return the deposit within ten days if the customer cancels the contract during the rescission period;₂
- (6) Apply the deposit to the final bill and promptly refund any excess to the customer when service is terminated;₂
- (7) Not require an applicant to pay the balance due another CRES provider as a condition of establishing credit or providing competitive retail electric service; *and*;₂

~~(8) Notify customers that the failure to pay competitive retail electric service charges may result in the customer being returned to the EDU's standard offer service and forfeiture of the customer's ability to choose another CRES provider until the arrearages are paid off.~~

4901:1-21-08 Customer access, slamming complaints and complaint handling procedures.

(A) Customer access.

(1) Each ~~CRES~~competitive retail electric service (CRES) provider shall ensure customers reasonable access to its service representatives to make inquiries and complaints, discuss charges on customer bills, terminate competitive service, and transact any other pertinent business.

(2) Telephone access shall be toll-free and afford customers prompt answer times during normal business hours.

(3) Each CRES provider shall provide a twenty-four hour automated telephone message instructing callers to report any service interruptions or electrical emergencies to their ~~EDU~~electric distribution utility (EDU).

(B) Customer complaints.

(1) Each CRES provider shall investigate customer complaints (including customer complaints referred by the EDU) and provide a status report within five calendar days following receipt of the complaint to:

(a) The consumer, when the complaint is made directly to the CRES provider;~~or,~~

(b) The consumer and commission staff, when a complaint is referred to the CRES provider by the commission staff.

(2) If an investigation is not completed within fourteen calendar days, the CRES provider shall provide status reports to the consumer, ~~or,~~ if applicable, to the consumer and commission staff. Such status reports shall be provided at five-day intervals until the investigation is complete, unless the action that must be taken will require more than five calendar days and the customer has been so notified.

(3) The CRES provider shall inform the consumer, or the consumer and commission staff, of the results of the investigation, orally or in writing, no later than five calendar days after completion of the investigation. *The consumer or commission staff may request the report in writing.*

(4) If a residential or small commercial consumer disputes the CRES provider's report, the CRES provider shall inform the consumer that the commission staff is available to help resolve informal complaints. The CRES provider shall provide the consumer with the current address,

local/toll-free telephone numbers, and TDD/TTY telephone numbers of the commission's ~~consumer services~~ service monitoring and enforcement department.

(5) Each CRES provider shall retain records of customer complaints, investigations, and complaint resolutions for one year after the occurrence of such complaints, and shall provide such records to the commission staff within five calendar days of request.

(6) Each CRES provider shall make good faith efforts to resolve disputes, and cooperate with the resolution of any joint issues with the EDU.

(C) Slamming complaints,

(1) A slamming complaint is a customer's allegation that the customer's electric supplier has been switched without the customer's authorization.

(2) If a customer contacts the CRES provider alleging that the customer's supplier has been switched without the customer's authorization, the CRES provider shall:

(a) Provide the customer any evidence relating to the customer's enrollment;²

(b) Refer the customer to the commission and provide the customer with the local/toll-free telephone numbers, and TDD/TTY telephone numbers of the commission's consumer services service monitoring and enforcement department,² ~~and,~~

(c) Cooperate with the commission staff in any subsequent investigations of the slamming complaint, including assisting the commission staff in determining the amount of any restitution owed the customer pursuant to this rule if the customer was switched without authorization.

(3) If a customer initiates a slamming complaint with the commission staff within thirty days after being issued a bill from the alleged slammer, the customer shall not be required to pay the current charges assessed by the alleged slammer until the staff determines that the change in the customer's electric service provider was authorized.

(4) Except as provided in rules 4901:1-21-16 and 4901:1-21-17 of the Administrative Code, if the CRES provider cannot produce valid documents confirming that the customer authorized the switch, there shall be a rebuttable presumption that the customer was switched without authorization. Such documents shall include one of the following, in conformance with the requirements of rule 4901:1-21-06 of the Administrative Code:

(a) A signed contract, in the case of direct enrollment;²

(b) An audio recording, in the case of telephonic enrollment; ~~or,~~

(c) Electronic consent, in the case of internet enrollment.

(5) If the commission staff determines that the customer was switched without authorization, the CRES provider responsible for initiating the switch shall, by the end of the succeeding billing period following the customer's return to the correct electric supplier, take all three of the following actions:

(a) Credit or refund to the customer any fees previously charged for switching the customer to and from the correct electric supplier; ~~and~~

(b) Either of the two following actions:

(i) If reported to the commission staff within the thirty days after being issued a bill from the alleged slammer, absolve the customer of any liability for charges assessed by the slamming electric service provider to the customer and refund to the customer any charges collected from the customer; ~~or,~~

(e)(ii) If reported to the commission staff more than thirty days after being issued a bill from the alleged slammer, credit the customer any fees the slamming CRES provider charged in excess of the amount the customer would have paid its previous electric service provider for the same usage; ~~and,~~

(d)(c) If the customer can not be returned to the original contract terms with its previous electric service provider, the slamming CRES provider shall credit or refund to the customer the value of the customer's contract with the customer's previous electric service provider for the remaining term of the contract immediately prior to the slam.

(6) In the event the customer was switched without authorization, the customer's previous CRES provider shall take all of the following actions:

(a) Re-enroll the customer without penalty under such customer's original contract price and terms, including substantially similar inducements to enter such contract. If the original CRES provider is unable to return the customer to the original contract price, the original CRES provider may enroll the customer in a new contract pursuant to the provisions of rule 4901:1-21-06 of the Administrative Code, or the customer may select a new CRES provider, or return to the EDU's standard offer service; ~~and,~~

(b) Issue the customer a credit on the first bill following the customer's re-enrollment, for any exit fees previously charged the customer as a result of the unauthorized switch, or directly reimburse the customer for such fees; ~~and,~~

(c) Assist the commission staff in determining the amount of any restitution owed the customer under this rule.

(7) If the commission staff informs the CRES provider that a customer was switched without the customer's authorization, the CRES provider that improperly initiated the switch shall within

thirty days reimburse the prior CRES provider and the EDU for any reasonable incremental costs incurred by them to correct the unauthorized switch.

(8) If the commission staff determines that a customer's service was switched without the customer's authorization, the staff shall notify the EDU of such determination. After such notification, and if the EDU is not at fault, the EDU may then seek reimbursement from the CRES provider that improperly initiated the switch for any incremental costs incurred by the EDU to correct the unauthorized switch including any switching fees. The EDU shall provide the CRES provider an itemized list of any such incremental costs.

(9) If correcting an unauthorized switch involves returning the customer to its previous CRES provider, the EDU shall make the corrective switch at the next regularly scheduled meter reading date following receipt of the enrollment request from the previous CRES provider. Such corrective switch shall be made in accordance with the EDU's normal practices and procedures for switching customers, except that the EDU shall not charge or shall credit to the customer any switching fees and the EDU is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-29 of the Administrative Code.

(10) If correcting an unauthorized switch involves returning the customer to the EDU's standard offer service, the EDU shall make the corrective switch at the next regularly scheduled meter reading date in accordance with the EDU's normal practices and procedures for switching customers, except that the EDU shall not charge or shall credit to the customer any switching fees and that the EDU is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-29 of the Administrative Code.

(11) If, as part of correcting an unauthorized switch, a customer who was taking standard offer service from the EDU at the time of the unauthorized switch is returned to standard offer service, the customer shall not be subject to any minimum stay or other commission-approved alternative for returning customers, unless the customer would have been subject to such a requirement had the unauthorized switch not occurred.

(12) If the EDU switches a CRES provider's customer to the EDU's standard offer service without authorization by the customer, without the authorization of the appropriate CRES provider or pursuant to a commission order, the EDU shall take all of the following actions:

(a) Not charge the customer any switching fees and shall return the customer to the previous CRES provider, making the corrective switch at the next regularly scheduled meter reading date following receipt of the enrollment request from the previous CRES provider; ~~and,~~

(b) By the next billing cycle, take all three of the following actions:

(i) Credit or refund to the customer any fees previously charged for switching the customer to the CRES provider; ~~and,~~

(ii) either:

(a) If reported to the commission staff within thirty days after being issued a bill by the alleged slammer, absolve the customer of any liability for any charges assessed by the slamming electric service provider to the customer and refund to the customer any charges collected from the customer; ~~or.~~

~~(iii)~~(b) If reported to the commission staff more than thirty days after being issued a bill by the alleged slammer, credit the customer any fees the slamming CRES provider charged in excess of the amount the customer would have paid its previous electric service provider for the same usage; ~~and.~~

~~(iv)~~(iii) If the customer can not be returned to the original contract terms with its previous electric service provider, the slamming EDU shall credit or refund to the customer, the value of the customer's contract with the customer's previous electric service provider for the remaining term of the contract immediately prior to the slam.

4901:1-21-09 Environmental disclosure.

(A) This rule establishes a process by which customers are assured of receiving information, in a timely and consistent manner, concerning the approximate retail electric generation resource mix and environmental characteristics associated with electrical power offered in Ohio's competitive marketplace.

(B) This rule applies to all ~~CRES~~competitive retail electric service (CRES) providers of retail electric generation service. CRES providers offering or providing more than one contract for power supplies shall disclose the appropriate generation resource mix and environmental characteristics for each such contract.

(C) Determination of environmental disclosure data.

(1) Contents of environmental disclosure data.

(a) Approximate generation resource mix.

CRES providers shall specifically identify each of the following generation sources used in their generation of power: biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, other sources, solar power, wind power, and unknown purchased resources.

CRES providers shall exercise all reasonable efforts to identify the power source or resources used to generate the power in question, and shall maintain documentation sufficient to demonstrate the steps taken to make such identification.

(b) Environmental characteristics

CRES providers shall report the environmental characteristics typically associated with the generation of power being offered under each supply contract.

CRES providers shall also report the air emissions of nitrogen oxides, sulfur dioxide, and carbon dioxide associated with the generation of power being offered under the supply contract. In addition, CRES providers shall report the generation of high- and low-level radioactive waste associated with the power being offered under the supply contract.

(2) Methodology for determining environmental disclosure data,

(a) At the time of certification, CRES providers shall submit for commission review their proposed methodology for determining their environmental disclosure data.

(b) The actual environmental disclosure data, to be provided quarterly, shall be verifiable. CRES providers shall maintain documentation sufficient to demonstrate the accuracy of the actual environmental disclosure data.

(3) Timing for disclosing environmental data,

(a) Certified CRES providers shall annually project their environmental disclosure data for the current calendar year.

(b) Certified CRES providers shall make quarterly comparisons of actual to projected environmental disclosure data.

(c) Each certified CRES provider shall publish the required environmental disclosure data each year according to the following schedule:

January - disclose projected data for current calendar year.

March - disclose actual data for the prior calendar year, compared to projected data for prior calendar year.

June - disclose actual data for the period January through March of current year, compared to projected data for current calendar year.

September - disclose actual data for the period January through June of current year, compared to projected data for current calendar year.

December - disclose actual data for the period January through September of current year, compared to projected data for current calendar year.

(D) Environmental disclosure to customers,











(1) Content,

Each customer shall receive environmental disclosure data, as detailed in paragraph (C)(1) of this rule.

(2) Format.

The environmental disclosure data shall be provided in a standardized format to facilitate comparisons by customers. This data shall be disclosed in not less than ten-point type. The presentation of this data shall comply with each of the following requirements:

(a) A pie chart shall be provided which illustrates on a percentage basis the various generation resources, as detailed in paragraph (C)(1)(a) of this rule, used in the generation of the power offered under the contract. The percentages shall be rounded to the nearest whole number. The pie chart shall not include colors, but shall include the use of shading and labels to more clearly communicate the information, as set forth in appendix A and B. ~~The following shades, when applicable, shall be utilized to develop the pie chart:~~ [delete the following chart]

Biomass power - white	
Coal-fired power - five per cent shading	
Hydro power - ten per cent shading	
Natural gas-fired power - twenty per cent shading	
Nuclear power - twenty-five per cent shading	
Oil-fired power - thirty per cent shading	
Other sources - forty per cent shading	
Solar power - fifty per cent shading	
Unknown purchased resources - sixty per cent shading	
Wind power - seventy per cent shading	

To the extent ~~these~~the patterns set forth in appendix A and B cannot be duplicated exactly, providers shall exercise reasonable efforts to simulate the required shading to the extent possible.

(b) A table shall be provided which illustrates the typical environmental characteristics associated with the generation resource categories detailed in paragraph (C)(1)(a) of this rule. The general categories and assumptions to be depicted in the table are as follows:

Biomass power - results in air emissions and solid waste.
 Coal-fired power - results in air emissions and solid waste.
 Hydro power - results in wildlife impacts.
 Natural gas-fired power - results in air emissions and solid waste.
 Nuclear power - results in radioactive waste.

Oil-fired power - results in air emissions and solid waste.

Other sources - results in unknown impacts.

Solar power - results in no significant impacts.

Unknown purchased resources - results in unknown impacts.

Wind power - results in wildlife impacts.

(c) The product-specific air emissions shall be presented in a bar chart, along with a regional average emission reference. The product-specific emission rates shall appear as a percentage of the average regional emission rate for each of the three types of air emissions. Percentages shall be calculated from comparison of product-specific and average regional emission rates on a basis of pounds emitted per ~~megawatt~~megawatt hour (~~lb/MWh~~).

(d) The figures reflecting the generation of radioactive wastes shall be presented in a table.

High-level radioactive waste shall be reported in pounds per one thousand ~~kWh~~kilowatt hour, while low-level radioactive waste is to be reported in cubic feet per one thousand ~~kWh~~kilowatt hour. Any radioactive waste greater than zero but less than ".0001" shall be depicted as "<0.0001".

For use in the implementation of this rule, the following definitions shall apply:

High-level radioactive waste - means nuclear fuel that has been removed from a nuclear reactor.

Low-level radioactive waste - means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in section 11(E)(2) of the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.2014(e)(2), as amended by the Price-Anderson Amendments Act of 2005, 119 Stat. 779.

(e) The annual projection of approximate generation resource mix and environmental characteristics shall appear as depicted in appendix A to this rule. The regional average data, if available, will be updated by the commission by December first of each year or as conditions warrant.

The quarterly comparisons of actual environmental disclosure data to projected environmental disclosure data, comprised of data specific to the power offered under the contract, shall appear as depicted in appendix B to this rule.

(f) Each CRES provider shall maintain records detailing the magnitude of each environmental characteristic associated with the power offered under the contract. Such details shall be provided to customers and commission staff upon request and may be included on a CRES provider's website.

(g) A CRES provider may include other information that it feels is relevant to the required environmental disclosure data, provided this additional information is distinctly separated from

the required information. CRES providers shall maintain sufficient documentation to permit verification of the accuracy of any additional information that is disclosed.

(3) Timing.

(a) Annual projection.

The CRES provider shall include, with each customer contract, its most recent projection of environmental disclosure data, consistent with the schedule presented in paragraph (C)(3) of this rule and the format depicted by appendix A to this rule.

If a customer is under contract at the time the projected environmental disclosure data is revised, the revised environmental disclosure data shall be provided to the customer via bill insert or separate mailing.

(b) Quarterly comparisons of actual to projected data.

The comparison of actual to projected environmental disclosure data shall be provided to customers on a quarterly basis, consistent with both ~~The both~~ the schedule presented in paragraph (C)(3) of this rule and the format depicted by appendix B to this rule.

These items will be disclosed to customers via bill inserts or by separate mailing. The quarterly environmental disclosure can be accomplished electronically if a customer agrees to such an approach.

(E) Environmental disclosure to the commission.

Each CRES provider shall submit its annual projection and quarterly comparisons of environmental disclosure data to the deputy director of the utilities department or ~~their~~ the director's designee consistent with the schedule presented in paragraph (C)(3)(c) of this rule, on electronic media (e.g., diskettes) as prescribed by the commission. The information provided to the commission staff shall be identical in content and format to that provided to customers.

4901:1-21-10 Customer information.

(A) Upon customer request and if the ~~CRES~~ competitive retail electric service (CRES) provider possesses such information, a CRES provider shall timely provide to the customer no more than twice within a twelve-month period, up to twenty-four months of the customer's payment history without charge.

(B) CRES providers shall ~~only not~~ disclose a customer's account number without the customer's written consent or electronic authorization or without a court or commission order, except for the following purposes:

(1) Electric distribution utility (EDU) or CRES consumer credit evaluation.

(2) EDU or CRES provider collections and credit reporting;

(3) Participation for participants in programs funded by the universal service fund, pursuant to section 4928.54 of the Revised Code, such as the percentage of income payment plan programs;
for

(4) Governmental governmental aggregation, pursuant to section 4928.20 of the Revised Code;

(5) Assignment of a customer contract to another CRES provider, or pursuant to court order.
The CRES provider must use the consent form set forth in paragraph (D) of this rule unless
authorization is obtained electronically.

(C) CRES providers shall ~~only not~~ disclose a customer's social security number without the customer's written consent or without a court order, except for the following purposes:

(1) EDU or CRES provider credit evaluation.

(2) EDU or CRES provider collections and /or credit reporting.

(3) Participation in programs funded by the universal service fund, pursuant to section 4928.54 of the Revised Code, such as the percentage of income payment plan programs; for credit evaluation, collections and/or reporting;

(4) Assignment of a customer contract to another CRES provider, or as ordered by the commission or other governmental agency or pursuant to court order.

The CRES provider must use the consent form set forth in paragraph (D) of this rule.

(D) The CRES provider must obtain the customer's signature on the consent form prior to releasing the customer's account number or social security number, except as set forth in paragraphs (B) or (C) of this rule. The consent form shall be on a separate piece of paper and shall be clearly identified on its face as a release of personal information and all text appearing on the consent form shall be in at least sixteen-point type. The following statement shall appear prominently on the consent form, just prior to the signature, in type darker and larger than the type in surrounding sentences: "I realize that under the rules and regulations of the public utilities commission of Ohio, I may refuse to allow (name of the CRES provider) to release the information set forth above. By my signature, I freely give (name of the CRES provider) permission to release the information designated above." The information that the CRES provider seeks to release shall be specified on the form. Forms requiring a customer to circle or to check off preprinted types of information to be released may not be used.

4901:1-21-11 Contract administration.

(A) CRES Competitive retail electric service (CRES) providers, except automatic governmental aggregation pursuant to division (A) of section 4928.20 of the Revised Code, and percentage of

income payment plan customers for whom the Ohio department of development procures electric services pursuant to section 4928.54 of the Revised Code, shall arrange for the provision of competitive retail electric service by contracting with their customers. In their administration of such contracts, CRES providers are prohibited from engaging in unfair, deceptive, misleading, and unconscionable acts and practices.

(B) CRES providers shall arrange for the provision of competitive retail electric service to residential and small commercial customers in compliance with rule 4901:1-21-06 of the Administrative Code.

~~(C) During the market development period or until December 31, 2005, whichever comes last, a CRES provider shall establish residential contract terms of not more than twenty four consecutive months and small commercial contracts of not more than thirty six consecutive months. Any CRES provider that offers small commercial contracts of more than twenty four consecutive months shall include as an addendum to the report filed pursuant to rule 4901:1-25-02 of the Administrative Code, the following information:~~

~~(1) For the first quarterly report filed which includes any small commercial contract with a term of more than twenty four consecutive months, the number of small commercial customers the CRES provider has enrolled in each EDU service territory prior to November 1, 2001;~~

~~(2) The number of small commercial customers signed to contracts for a term of more than twenty four consecutive months and the number assigned to contracts for a term of twenty four consecutive months or less during the quarter in each EDU service territory; and~~

~~(3) For each customer reported in response to paragraph (C)(2) of this rule, the estimated kWh load.~~

~~(D)~~(C) CRES providers shall maintain copies of individual customer contracts for no less than two years after each such contract terminates.

~~(E)~~(D) In its administration of residential and small commercial contracts, a CRES provider shall also comply with the following requirements:

~~(1) Not~~A CRES provider shall not assign a customer contract(s) to another CRES provider without:

(a) Providing a minimum of fourteen days written notice to the director of the ~~consumer services~~ service monitoring and enforcement department or the director's designee and ~~the any~~ affected ~~EDU(s)~~ electric distribution utility (EDU) before the contract assignment. Such notice shall include:

- (i) The name of the CRES provider to whom the contracts will be assigned;₂
- (ii) The type of contracts to be assigned (i.e., residential, small commercial)-₂
- (iii) The number of contracts to be assigned;₂

- (iv) The EDU service territories involved;₂
- (v) The date of the proposed assignment;~~and~~₂
- (vi) A copy of the customer notification;~~and~~₂

(b) Providing written notice to the customer prior to the customer's next bill that includes a statement that following the assignment the customer's service will continue under the same rates, terms, and conditions established under the original contract and ~~provide~~includes the new CRES provider's name, local/toll-free telephone number and address;₂

(2) When assigned a contract previously administered by another CRES provider, the CRES provider to whom the contract is assigned shall comply with all terms and conditions in effect for the contract before the assignment occurred;₂

(3) ~~Comply~~A CRES provider shall comply in a timely manner with all valid notices from customers to cancel or terminate the contract as provided for by the contract and by these rules;₂

(4) ~~Assign~~A CRES provider shall assign a number to each version of its standard contract form (including changes in contract price), retain such forms for no less than two years, and provide copies to commission staff within three days of request.

~~(F)~~(E) Residential and small commercial customers shall have the right to rescind their contracts, within seven calendar days following the postmark date on the EDU's confirmation notice:

- (1) By calling the EDU at the designated toll-free or local telephone number;₂
- (2) By written notice to the EDU, which is effective as of the date of the postmark;₂

~~(G)~~(F) Contract renewals;₂

The provisions of this paragraph apply to all contracts which contain automatic renewal clauses except those which renew on a month-to-month basis.

(1) For contracts that contain an early termination or cancellation option with no fee for early termination or cancellation, the CRES provider shall, in a separate notice, notify customers of such expiration at least forty-five days, but not more than ninety days, in advance of the contract expiration date. Such notice shall accurately describe or highlight any changes, and state that the customer contract will renew at the specified rate unless the customer affirmatively cancels the contract. Such notices must clearly and accurately describe the manner in which the customer may cancel the contract and the time during which the customer must act to cancel the contract.

(a) The notice shall be made by separate mailing (envelope or postcard), the front cover of which shall state: "Important notice regarding your electric service contract."

(b) The notice shall, at a minimum, state any renewal period and how the customer may terminate, renew, and/or extend the contract.

(c) The renewal period for contracts with renewal provisions shall not exceed the initial contract period.

(2) For contract renewals that contain an early termination or cancellation option with a fee of twenty-five dollars or less for early termination or cancellation, the CRES provider shall provide the customer with two separate notices that accurately describe or highlight any changes, and state that the customer contract will renew at the specified rate unless the customer affirmatively cancels the contract. Such notices must clearly and accurately describe, in understandable language, the manner in which the customer may cancel the contract and the time during which the customer must act to cancel the contract. The first notice shall be in writing in accordance with the requirements of this rule. The second notice must be sent to the customer at least fifteen days subsequent to the first notice and may be in writing, in accordance with the requirements of this rule, or by telephone, by a notice on the customer's monthly bill, or by electronic mail. The notices shall be provided at least forty-five days, but not more than ninety days, in advance of the contract expiration date, and comply with paragraphs (G)(1)(a)(F)(1)(a) to (G)(1)(e)(F)(1)(c) of this rule.

(a) In the event that the CRES provider provides the second notice by telephone, the CRES provider ~~or opt-in governmental aggregator~~ must confirm that the customer of record is on the line, clearly explain both the new contract price and the manner in which the customer may cancel the contract, record the entire conversation, and retain such recording in a manner consistent with rule 4901:1-21-06 of the Administrative Code.

(b) In the event that the CRES provider provides the second notice on the customer's monthly bill, such notice must be in a different color, highlighted, or otherwise differentiated from the remainder of the bill.

(c) In the event that the CRES provider provides the second notice by electronic mail, the notice must:

- (i) State "Important notice regarding your electric service contract" in the subject area of the message.
- (ii) Be from an electronic mail address that is readily identifiable as the CRES provider.
- (iii) Include a receipt returned to the sender which confirms that the addressee has opened the document.

(d) This paragraph shall not apply to contract renewals which renew on a month-to-month basis.

(3) For contract renewals that contain an early termination or cancellation option with a fee greater than twenty-five dollars for early termination or cancellation or which contain no option for early termination or cancellation, the CRES provider shall notify the customer of any changes, describe or highlight each change, and also obtain the customer's affirmative consent to such changes pursuant to any of the enrollment procedures established in rule 4901:1-21-06 of

the Administrative Code. In addition, the CRES provider shall notify the customer that no response will result in the customer automatically reverting to the EDU unless the customer chooses another CRES provider. The notice shall be provided at least forty-five days, but not more than ninety days, in advance of the contract expiration date, and comply with paragraphs ~~(G)(1)(a)(F)(1)(a)~~ to ~~(G)(1)(e)(F)(1)(c)~~ of this rule. This paragraph shall not apply to contract renewals which renew on a month-to-month basis.

~~(H)(G)~~ The CRES provider shall furnish written notice to residential and small commercial customers of pending contract expiration between forty-five and ninety days before the contract expires. Such notice shall be made by separate mailing (envelope or postcard), or by conspicuously placed bill message or bill insert. The front cover of such mailing shall contain the following statement: "Important notice regarding your electric service contract's expiration." This notice may be combined with a renewal notice specified in paragraph ~~(G)(F)~~ of this rule. This paragraph does not apply to the expiration of contract periods of one month or less.

If the contract does not contain an automatic renewal clause, the notice shall include a statement that the customer will automatically default to the EDU's standard offer service if the customer does not re-enroll with the current CRES provider or enroll with another CRES provider. ~~The notice shall include a statement that the customer will automatically default to the EDU's standard offer service if the customer does not re-enroll with the current CRES provider or enroll with another CRES provider.~~

~~(I)(H)~~ No CRES provider contract shall limit a residential or small commercial customer's right to make formal or informal complaints to the commission. A CRES provider shall not require a residential or small commercial customer as part of the terms of service to engage in alternative dispute resolution.

4901:1-21-12 Contract disclosure.

(A) All CRES competitive retail electric service (CRES) provider customer contracts shall include, but not be limited to, the following information:

(1) A notification that the EDU electric distribution utility (EDU) may charge switching fees to the customer;₂

(2) A notification that the customer has the right to request from the CRES provider, twice within a twelve month period, up to twenty-four months of the customer's payment history without charge.

(B) All CRES provider contracts with residential and small commercial customers shall include, but not be limited to, the following information (to be stated in clear and understandable language):

(1) The CRES provider's name, mailing address, internet address (if applicable), and a toll-free telephone number (with hours of operation and time-zone reference) for customer contacts;₂

- (2) The services to be provided by the CRES provider and those to be provided by the EDU, including which entity will bill for those services;
- (3) The number of days a customer has to cancel such contract without penalty and the methods for customers to make such cancellation by contacting the EDU (orally, electronically, and in writing);
- (4) The respective policies, procedures, and any penalties for contract termination by the CRES provider and by the customer after the cancellation period;
- (5) A notification that the CRES provider may terminate the contract on at least fourteen days' written notice should the customer fail to pay the bill or fail to meet any agreed-upon payment arrangements;
- (6) The customer's right to terminate the contract without penalty if in either of the following circumstances:
- (a) ~~The~~ If the customer moves outside the CRES provider's service area or into an area where the CRES provider charges a different price; then the customer shall be afforded the right to terminate the contract without penalty.
- (b) ~~The~~ If the contract allows the CRES provider to terminate the contract for any reason, excluding the customer's failure to pay, then the customer shall be afforded a reciprocal right to terminate the contract; without penalty.
- (8) An itemized list and explanation of all prices and fees associated with the service such that:
- (a) For fixed-rate offers, such information shall, at minimum, include: the cost per ~~kWh~~ kilowatt hour for generation service; the amount of any other recurring or nonrecurring CRES provider charges; and a statement that the customer will incur additional service and delivery charges from the EDU;
- (b) For variable-rate offers, such information shall, at minimum, include: a clear and understandable explanation of the factors that will cause the price to vary, including any related indices, and how often the price can change; for discounted rates, an explanation of the discount and the basis on which any discount is calculated; the amount of any other recurring or nonrecurring CRES provider charges; and a statement that the customer will incur additional service and delivery charges from the EDU.
- (9) The terms and conditions of service, including any restrictions and, limitations, contingencies, or conditions precedent associated with the service or product offered;
- (10) Procedures for handling complaints and disputes, including the following statement:

"If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may call the Public Utilities Commission of Ohio (PUCO) toll free at 1-800-686-7826, or for TDD/TTY toll free at 1-800-686-1570, from 8:00 a.m. to 5:30 p.m. weekdays, or visit www.PUCO.ohio.gov.

(11) "The Ohio Consumers' Council (OCC) represents utility customers in matters before the PUCO. The OCC can be contacted toll free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org."

Billing intervals and any late payment fees;

(1211) Contract duration, including the estimated starting and expiration dates and a commitment that service shall begin with the next available meter reading after processing of the request by the EDU and the CRES provider;

(1312) If the contract contains an automatic renewal provision and the terms of such provision do not require the customer's affirmative consent, a conspicuous, highlighted statement indicating that the CRES provider can renew this contract without the customer's affirmative consent even when there is a change in the rate or other terms and conditions;

(1413) Any credit, deposit, and collection procedures, including terms and conditions associated with the return of any deposit at the time of contract termination;

(1514) For generation service contracts, an incorporation by reference of information (accompanying the contract) regarding the approximate generation resource mix and environmental characteristics of the power supplies;

(1615) Who will bill for the CRES provider's service(s);

(1716) A notification that the CRES provider is prohibited from disclosing a customer's social security number and/or account number(s) without the customer's affirmative written consent except in specific circumstances for the CRES provider's collections and credit reporting, participation in programs funded by the universal service fund, pursuant to section 4928.54 of the Revised Code, or assigning a customer contract to another CRES provider;

(1817) A statement informing customers that if they switch back to (name of EDU) they may or may not be served under the same rates, terms, and conditions that apply to other customers served by the EDU; and,

(1918) A statement indicating to the customer whether the CRES provider offers billing for the generation portion of the bill.

4901:1-21-13 Net-metering contracts. [Being revised in 05-1500.]

(A) Consistent with the requirements of rules 4901:1-21-11 and 4901:1-21-12 of the Administrative Code, CRES providers that supply retail electric generation service shall develop

a standard contract for net metering. Such contract shall be made available upon request on a first come, first served basis, to qualifying customer generators whenever the total rated generating capacity used by customer generators is less than one per cent of the CRES provider's aggregate customer peak demand in the state.

(1) A qualifying customer generator is one whose generating facilities are:

(a) Fueled by solar, wind, biomass, landfill gas, or hydropower, or use a microturbine or a fuel cell;

(b) Located on a customer generator's premises;

(c) Operated in parallel with the EDU's transmission and distribution facilities; and

(d) Intended primarily to offset part or all of the customer generator's requirements for electricity.

(2) Net-metering arrangements shall be made available regardless of the date the customer's generating facility was installed.

(3) The generating facility's rated capacity shall be counted toward the one per cent limit as of the date the customer generator signs a CRES provider's net-metering contract. Conversely, such capacity shall no longer count toward the one per cent limit upon cancellation of a net-metering contract.

(B) The rate structure of a CRES provider's net-metering contracts, including retail rate components and any monthly charges, shall be identical to such aspects of the contracts for noncustomer generators.

(C) No contracts for net metering shall require customer generators to:

(1) Comply with any additional safety or performance standards beyond those established by the "2002 National Electrical Code," the "Institute of Electrical and Electronics Engineers," and "Underwriters Laboratories," and rules 4901:1-23-03 and 4901:1-23-04 of the Administrative Code;

(2) Perform or pay for additional tests beyond those required by paragraph (C)(1) of this rule; or

(3) Purchase additional liability insurance beyond that required by paragraph (C)(1) of this rule.

(D) Net metering shall be accomplished using a single meter capable of registering the flow of electricity in each direction. A customer's existing single-register meter that is capable of registering the flow of energy in both directions satisfies this requirement. Only if its existing electrical meter is not capable of measuring the flow of electricity in two directions, the customer

generator shall be responsible for all expenses involved in purchasing and installing a meter that is capable of measuring electricity flow in two directions.

(E) The measurement of net electricity supplied or generated shall be calculated in the following manner:

- (1) The net electricity produced or consumed during the billing period shall be measured in accordance with normal metering practices.
- (2) If the CRES provider supplies more electricity than the customer generator feeds back to the system in a given billing period, the customer generator shall be billed for the net electricity that the CRES provider supplied, as measured in accordance with normal metering practices.
- (3) If the customer generator feeds more electricity back to the system than the CRES provider supplies to the customer generator, only the excess generation component shall be allowed to accumulate as a credit until netted against the customer generator's bill, or until, after three consecutive months of such accumulation, the customer generator requests a refund.

4901:1-21-14 Customer billing and payments.

(A) This rule applies to ~~CRES~~competitive retail electric service (CRES) bills that do not include any ~~EDU~~electric distribution utility (EDU) charges. Requirements for consolidated billing appear in rule 4901:1-21-18 of the Administrative Code.

(B) A CRES provider may bill customers directly for competitive retail electric services or arrange for the EDU to bill customers for such services according to a tariff approved by the commission.

(C) Residential and small commercial customer bills issued by or for CRES providers shall be accurate and understandable, be rendered at intervals consistent with those of the customer's EDU, and contain sufficient information for customers to compute and compare the total cost of competitive retail electric service(s). Such bills shall also include:

- (1) The customer's name, billing address, service address, ~~the customer's~~ EDU account number, and, if applicable, the CRES account number;₂
- (2) The dates of service covered by the bill, an itemization of each type of competitive service covered by the bill, any related billing components, the charge for each type of service, and any other information the customer would need to recalculate the bill for accuracy;₂
- (3) The applicable billing determinants, including beginning meter reading(s), ending meter reading(s), demand meter reading(s), multiplier(s), consumption(s), and demands;₂
- (4) For customer generators with net-metering contracts, a statement of the net-metered generation;₂

- (5) The unit price per ~~kWh~~kilowatt hour charged for competitive service, as calculated by dividing the current-period competitive service charges by the current-period consumption;₂
- (6) An identification of the provider of each service appearing on the bill;₂
- (7) A notice in ~~bold face~~boldface type containing clear explanation for any change of providers, rates, terms, or conditions of service (~~such~~, Such notice shall appear on the first two consecutive bills following the occurrence of any such changes, excluding the first billing after the starting date of competitive retail electric service);₂
- (8) The amount billed for the current period, any unpaid amounts due from previous periods, any payments or credits applied to the customer's account during the current period, any late payment charges or gross and net charges, if applicable, any nonrecurring charges, and the total amount due and payable;₂
- (9) The due date for payment to keep the account current. Such due date shall be no less than:
- (a) Fourteen days after the postmark date on the bill for residential customers;~~and~~₂
- (b) Twenty-one days after the postmark date on the bill for nonresidential customers;₂
- (10) ~~Current~~The current balance of the account, if a residential customer is billed according to a budget plan;₂
- (11) Options and instructions on how customers may make their payments;₂
- (12) For each provider whose charges appear on the bill, a listing of the provider's toll-free telephone number and address for customer billing questions or complaints;
- (13) The following notice:
- If your complaint is not resolved after you have called (name of CRES provider), or for general utility information, residential and business customers may call the Public Utilities Commission of Ohio (PUCO) toll free at 1-800-686-7826 or for TDD/TTY toll free at 1-800-686-1570, from 8:00 a.m. to 5:30 p.m. weekdays, or visit www.PUCO.ohio.gov.
- The Ohio Consumers' Council (OCC) represents utility customers in matters before the PUCO. The OCC can be contacted toll free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org.
- (14) The applicable EDU's twenty-four hour local/toll-free telephone number for reporting service emergencies;₂

(15) ~~Identification~~ An identification of estimated bills or bills not based upon actual end-of-period meter readings for the period; ~~and~~.

(16) An explanation of any codes and abbreviations used.

(D) If applicable, each CRES provider shall, upon request, provide customers with the name and street address/location of the nearest payment center and/or authorized payment agent.

(E) If applicable, when a customer pays the bill at a payment center or to an authorized payment agent, such payment shall be credited to the customer's account as of the day it is received by such payment center or agent.

(F) Each CRES provider shall establish policies and procedures for handling billing disputes and requests for payment arrangements.

(G) Each CRES provider shall credit any customer partial payments in the following order:

(1) Billed and past due CRES provider charges;₂

(2) Billed and due current CRES provider charges; ~~and~~.

(3) Other past due and current nonregulated charges.

Budget billing payments and payments in full of the undisputed amount related to a bona fide dispute do not constitute partial payments. Payments made on accounts for which there is a bona fide dispute shall be credited to the undisputed portion of the account.

(H) Any CRES provider wishing to issue billing statements online shall comply with the following guidelines:

(1) A customer shall not be required to use online billing;₂

(2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online;₂

(3) The online billing statement shall include all requirements listed in paragraph (C) of this rule;₂

(4) The CRES provider shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process;₂

(5) Any fees to accept online payments shall be clearly disclosed in payment window(s);₂

(6) Any payment made online shall be treated as a payment made at the company's business office and shall be posted to the account in accordance with paragraph (E) of this rule. The time needed to post the payment to the account shall be clearly stated; ~~and~~.

(7) If a customer chooses to use online billing, the customer shall not be restricted to making payments online in the future. All payment methods shall continue to be available to the customer.

4901:1-21-15 Noncompliance with rules or orders.

(A) Any ~~CRES~~competitive retail electric service (CRES) provider that fails to comply with Chapter 4928 of the Revised Code, any rule in this chapter, or any commission order adopted thereunder may, after opportunity for hearing, be subject to any and all of the following available under the law, including but not limited to:

- (1) Forfeiture to the state of not more than ~~one~~ ten thousand dollars for each such failure. Each day's continuance of the violation is a separate offense_;
- (2) Suspension, rescission, conditional rescission, or revocation of the CRES provider's certificate or denial of a request for renewal of a certificate;
- (3) Rescission of a customer contract_;
- (4) Restitution or damages to the customer/consumer.

(B) Enforcement of any rule in this chapter or any commission order adopted thereunder will be conducted in accordance with Chapter 4901:1-23 of the Administrative Code.

4901:1-21-16 Formation and operation of an opt-out governmental aggregation.

(A) Prior to applying for certification from the commission, a governmental aggregator seeking to form an opt-out aggregation shall complete all of the requirements specified in divisions (A) to (C) of section 4928.20 of the Revised Code, including adopting an ordinance or resolution authorizing an opt-out aggregation, conducting a general or special election in accordance with division (B) of section 4928.20 of the Revised Code for authorization from electors to form the aggregation, and approving a plan for operation and governance of the aggregation as specified by division (C) of section 4928.20 of the Revised Code.

(B) The operation and governance plan adopted shall detail the services to be provided under the aggregation and specify all customer rights and obligations under the aggregation. The plan shall be sufficiently detailed to allow customers to readily understand the services that the governmental aggregator is to provide and to compare those services to similar services provided by competitive suppliers. The governmental aggregator shall write the plan in clear and plain language so that ~~residential~~ consumers can easily understand it. The plan shall, at a minimum, contain all of the following:

- (1) A detailed description of services the governmental aggregator is to provide under the aggregation, noting whether the service is to be provided directly by the governmental aggregator or by a party contracted by the governmental aggregator.
- (2) A description of the processes that the governmental aggregator will use to determine the rates that will be charged.
- (3) A detailed description of the governmental aggregator's plan for providing the required opt-out disclosure notices to customers. The plan shall describe the steps that the governmental aggregator will take to ensure that all eligible customers residing within the governmental aggregator's boundaries are notified. The plan shall also identify the time frames associated with the opt-out disclosure notice.
- (4) A detailed description of the process for developing the pool of customer accounts that will be included in the aggregation, including the steps that the governmental aggregator will take to identify and exclude from the pool customers who have opted out of the aggregation and customers that are otherwise ineligible.
- (5) A detailed description of the governmental aggregator's opt-out process and opt-out *methodologies*. *The process shall include provisions for customers to opt out, including returning a postcard or similar notice to the governmental aggregator. The process may include, in addition, other opt-out methods, such as telephonic or internet notice, provided that these alternative methods provide*allow *for verification of a customer's election to opt out of the aggregation.*
- (6) A detailed description of the customer classes that the governmental aggregator intends to include in its aggregation pool.
- (7) The governmental aggregator's plan for billing customers, including an identification of billing intervals and the identity of the entity that will transmit the bill to the customer.
- (8) A listing of any credit or deposit procedures and policies that the governmental aggregator will employ in the event the customer fails to pay its bill(s).
- (9) A detailed description of the governmental aggregator's customer service procedures and dispute resolution processes, including notice of the customer's right to contact the commission and the commission's toll-free and TDD/TTY telephone numbers. These procedures and processes shall comply with the requirements specified in rule 4901:1-21-08 of the Administrative Code.
- (10) A detailed description of the policies associated with a customer moving into the aggregation or within the aggregation where the electric distribution utility (EDU) considers the customer that is moving to be a new customer. If the policies provide that these customers will be automatically included in the aggregation, the governmental aggregator shall provide the

customer an opportunity to opt out of the aggregation in accordance with the procedures set forth in rule 4901:1-21-17 of the Administrative Code.

(11) A detailed description of the policies associated with a customer moving within the aggregation where the customer is not assigned a new account number by the EDU. A customer in these circumstances shall maintain the rate that the customer was charged at its previous location or, if the rate at the new location is higher than at the customer's previous location, the customer shall have the opportunity to opt out of the aggregation without penalty, pursuant to the procedures set forth in rule 4901:1-21-17 of the Administrative Code.

(12) A description of the governmental aggregator's policies regarding the ability of a customer who has previously opted out of the aggregation to join the aggregation, including identification of any associated conditions.

(C) A governmental aggregator shall keep its operation and governance plan available for public inspection and shall, upon request, provide a copy of the plan to any existing or potential customer of the aggregation.

(D) A governmental aggregator shall not alter its operation and governance plan in any way that materially affects the customers of the aggregation without first providing notice to all affected customers and providing these customers the opportunity to opt out of the aggregation according to the procedures established for the initial opt-out disclosure notice set forth in rule 4901:1-21-17 of the Administrative Code. The notice shall set forth the changes to the plan, inform the customer of its right to opt out of the aggregation without penalty, and identify the method and time frame for the customer to opt out.

(E) No governmental aggregator shall send an opt-out disclosure notice to potential customers of an aggregation prior to the governmental aggregator being certified by the commission as a CRES competitive retail electric service provider.

4901:1-21-17 Opt-out disclosure requirements.

(A) Prior to including a customer's electric account or accounts in an aggregation, a governmental aggregator shall provide each customer written notice that the customer's account(s) will be automatically included in the aggregation unless the customer affirmatively opts out of the aggregation. The notice, written in plain language, shall, at a minimum, include:

(1) A summary of the actions that the governmental entity took to authorize the aggregation.

(2) A description of the services that the governmental aggregator will provide under the aggregation.

(3) Disclosure of the price that the governmental aggregator will charge customers for electric generation service. If the price is a fixed rate, the governmental aggregator shall express the price in cents per kilowatt hour. If the governmental aggregator offers a variable rate, the

governmental aggregator shall provide an understandable description of the factors that will cause the price to vary (including any associated indices) and disclose how frequently the rate will change. If the governmental aggregator charges different rates to different rate classes within the aggregation, the governmental aggregator shall disclose the applicable rate(s) to customers within each rate class.

(4) An itemized list and explanation of all fees and charges that are not incorporated into the rates charged for electricity generation that the governmental aggregator will charge to the customer for participating in the aggregation, including any applicable switching fees or early termination penalties. These switching fees and/or early termination penalties shall not apply to a customer that moves out of the governmental aggregator's territory.

(5) Disclosure of the dates covered by the aggregation, including an estimated service commencement date, and notice that the customer may opt out of the aggregation at least every two years without penalty.

(6) A statement informing customers that, if they switch back to (name of electric distribution utility (EDU)), they may not be served under the same rates, terms, and conditions that apply to other customers served by the EDU.

(7) Disclosure of any credit and/or deposit policies and requirements.

(8) Disclosure of any limitations or conditions on customer acceptance into the aggregation.

(9) A description of the process and associated time period for customers to opt out of the aggregation. The process shall include provisions for customers to return a postcard or similar notice to the governmental aggregator or its agent. The process may include, in addition, other opt-out methods, such as telephonic or internet notice, provided that these alternative methods provide allow for verification of a customer's election to opt out of the aggregation. The time period for a customer to choose to opt out of the aggregation shall extend at least twenty-one days from the date of the postmark on the written notice. If a customer's return postcard or notice is postmarked before the opt-out deadline has elapsed, the customer shall be deemed to have opted out of the aggregation.

(10) A local or toll free telephone number, with the available calling hours, that customers may call with questions regarding the formation or operation of the aggregation.

(B) At least every two years from the establishment of its initial aggregation pool, a governmental aggregator shall provide notice to all customers served by the aggregation of their right to opt out of the aggregation without penalty. This notice shall follow the procedures established for the initial opt-out notice set forth in this rule and shall prominently disclose to customers all changes to the terms and conditions associated with the aggregation. The governmental aggregator shall not send an opt-out notice to the same customer account during the period covered by the aggregation where such customer account has previously opted out.

(C) No governmental aggregator or competitive retail electric service (CRES) provider serving a governmental aggregation may impose any terms, conditions, fees, or charges on any customer served by a governmental aggregation unless the particular term, condition, fee, or charge was clearly disclosed to customers at the time the customer chose not to opt out of the aggregation.

(D) (1) To assist in the preparation and dissemination of required opt-out notices, a governmental aggregator that is certified by the commission shall request that an EDU provide, for all customers residing within the governmental aggregator's boundaries, including those customers who have opted off the pre-enrollment list, the following information:

(a) An updated list of names, addresses, account numbers, rate codes, percentage of income payment plan codes, load data, and other related customer information, consistent with the information that is provided to other CRES providers.

(b) An identification of customers who are currently in contract with a CRES provider or in a special contract with the EDU.

(c) On, and on a best efforts basis, an identification of mercantile commercial customers.

(2) The governmental aggregator shall use the list of eligible aggregation customers to distribute its opt-out notices within thirty days of the date the list is generated by the EDU.

(3) The governmental aggregator shall remove from its list of eligible aggregation customers the accounts of customers who appear commission's "do not aggregate" list 60 days prior to the distribution of its opt-out notice.

(4) The governmental aggregator shall not, without the customer's expressed written consent or an appropriate order, disclose or use for any purpose, other than formation and operation of its aggregation, a customer's account number or social security number or any information regarding customers who opted off of an EDU's pre-enrollment list. Before a governmental aggregator releases any customer account number, service delivery identification number, or social security number or any information related to a customer who has opted off of an EDU's pre-enrollment list for any purpose other than those specified in this rule, unless the release is pursuant to a court or commission order, the governmental aggregator shall obtain the customer's written consent or electronic authorization. Before a governmental aggregator releases a customer's social security number for any purpose other than those specified in this rule, unless the release is pursuant to a court order, the governmental aggregator shall obtain the signature of the customer on a written release. The release shall be on a separate piece of paper. The release shall be clearly identified on its face as a release of personal information and all text appearing on the release shall be in at least sixteen-point type. The following statement shall appear prominently on the release, just prior to the signature, in type darker and larger than the type in surrounding sentences: "I realize that under the rules and regulations of the public utilities commission of Ohio, I may refuse to allow (name of aggregator) to release the information set forth above. By my signature, I freely give (name of aggregator) permission to release the information designated above." The information that the governmental aggregator

seeks to release shall be specified on the form. Forms requiring a customer to circle or to check off preprinted types of information to be released may not be used.

(E) Notice of governmental aggregation and opt-out notice.

~~(1) Each governmental aggregator shall ensure that only customer accounts within the governmental aggregator's governmental boundaries, customers who are not in contract with a CRES provider or in a special contract with the EDU, and the accounts of customers who have not opted out of the aggregation are included in its aggregation.~~

(1) Each governmental aggregator shall ensure that only eligible customers are included in its aggregation. For the purposes of this rule the following customers are not eligible and shall not be included in an aggregation:

- (a) A customer that is not located within the governmental aggregator's boundaries;
- (b) A customer who appears on the commission's "do not aggregate" list;
- (c) A customer that has opted out of the aggregation;
- (d) A customer in contract with a CRES provider;
- (e) A customer that has a special contract with the EDU; or,
- (f) A mercantile customer that has not provided affirmative consent to join the aggregation.

~~(2) The governmental aggregator must include a bold and highlighted statement on its opt-out notice: "WARNING: If you are already in contract with a competitive retail electric service provider you may incur a contract termination fee or other charges if you fail to opt out of the aggregation."~~

(2) If accounts of customers who appear on the "do not aggregate" list, accounts from outside the governmental aggregator's governmental boundaries, accounts of customers who have opted out of the aggregation, or accounts of customers in contract with a CRES provider, accounts of customers in a special contract with the EDU, or accounts of mercantile commercial customers who did not opt into the governmental aggregation are switched to the governmental aggregation, the governmental aggregator shall promptly inform the customer and take all necessary actions to have the customer switched back to the customer's former service provider. The governmental aggregator shall reimburse the customer for any switching fees that the customer paid as a result of the switch. In addition, if the customer's former rate was less than the rate charged by the governmental aggregator, then the governmental aggregator shall reimburse the customer the difference between the customer's former rate and the governmental aggregator's rate multiplied by the customer's usage during the time that the customer was served by the governmental aggregator.

(3) If a customer is enrolled in a governmental aggregation program at the time the customer first appears on the "do not aggregate" list, the governmental aggregator shall remove the customer from the program at the next opt-out opportunity that is available to the customer under section 4928.20 of the Revised Code.

(4) If a mercantile commercial customer is enrolled in an opt-out governmental aggregation, the governmental aggregator shall remove the mercantile commercial customer from the program at the next opt-out opportunity that is available to the customer under section 4928.20 of the Revised Code unless that mercantile commercial customer affirmatively consents to opt into the governmental aggregation.

(F) The governmental aggregator shall docket with the commission's docketing division the final opt out and any supplemental opt outs no more than thirty days but no less than ten days prior to sending the opt outs to customers. The notice to the commission shall include the beginning and ending dates of the twenty-one day opt-out period and the identification of the selected CRES supplier.

4901:1-21-18 Consolidated billing requirements.

(A) This rule applies to a competitive retail electric service (CRES) provider that issues customers a consolidated electric bill that includes both electric distribution utility (EDU) and CRES provider charges for electric services. Nothing in this rule affects the obligations of the EDU to provide disconnection notices.

(B) A supplier agreement between an EDU and a CRES provider must provide that if the CRES provider collects customer payments on behalf of the EDU, the customer's liability to the EDU ceases to the extent of the payment made and applicable to the customer's EDU account.

(C) Consolidated bills shall be accurate, rendered at regular intervals, and shall contain clear and understandable form and language. All consolidated customer bills issued by or on behalf of an EDU and a CRES provider must include at least the following information:

- (1) The customer's name, billing address, and service address;₂
- (2) The EDU's twenty-four hour, local/toll-free number for reporting service emergencies;₂
- (3) The dates of the service period covered by the bill;₂
- (4) Current electric charges, separated from gas charges, if these charges appear on the same bill, but only to the extent that the biller provides both electric and gas services;₂
- (5) Applicable billing determinants: beginning meter read, ending meter read, demand meter read, multipliers, consumption, and demand;₂
- (6) Identification of estimated bills;₂
- (7) Any nonrecurring charge(s)-;₂
- (8) Net-metered usage for customer generators, if applicable;₂

- (9) Each charge for nontariffed and/or nonregulated service or product, if applicable, and the name and toll-free/local number of each provider of such service(s);₂
- (10) Amount due for previous billing period;₂
- (11) Total payments, late payment charges or gross/net charges, and total credits applied during the billing period;₂
- (12) Total consolidated amount due and payable, or, if applicable, the total consolidated budget bill amount;₂
- (13) Due date for payment to keep the account current;₂
- (14) Name and address of company to whom payments should be made;₂
- (15) The following notice:

If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may call the Public Utilities Commission of Ohio (PUCO) toll free at 1-800-686-7826 or for TDD/TTY toll free at 1-800-686-1570, from 8:00 a.m. to 5:30 p.m. weekdays, or visit www.PUCO.ohio.gov.

The Ohio Consumers' Council (OCC) represents utility customers in matters before the PUCO.

The OCC can be contacted toll free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit www.pickocc.org.

- (16) An explanation of codes and abbreviations used;₂
- (17) At a minimum, definitions for the following terms, or like terms used by the company, if applicable: customer charge, delivery charge, estimated reading, generation charge, kilowatt hour (kWh), shopping incentive or shopping credit, late payment charge, and transition charge;₂
- ~~(18) The following notice: "To obtain information about Ohio Electric Choice, visit the Ohio Electric Choice website at 'www.OhioElectricChoice.com' or call 1-888-632-1314"; and~~
- (19) (18) The price-to-compare for residential bills and a notice that such customers can obtain a written explanation of the price-to-compare from their EDU.

(D) In addition to the information required pursuant to paragraph (C) of this rule, each consolidated bill issued must include, in that portion of the bill which details the charges from the EDU, at least the following information:

- (1) EDU account number;₂

(2) ~~List applicable~~ Applicable rate schedule;₂

(3) ~~Numerically state~~ A numerical statement of the customer's historical consumption for each of the preceding twelve months, and both the total and average consumption for such twelve-month period;₂

(4) Specific tariffed charges to the extent applicable: customer charge, delivery charge, transition charge, shopping incentive or shopping credit, and other conceptually similar tariffed charges;₂

(5) If the customer is on a budget plan with the EDU only, the monthly budget amount and current balance of EDU account;₂

(6) Current charges;~~and~~₂

(7) The EDU's toll free/local number and address for questions and complaints.

(E) In addition to the information required pursuant to paragraph (C) of this rule, each consolidated bill issued must include, in that portion of the bill which details the charges from the CRES provider, at least the following information:

(1) Customer's CRES account number, if different from the EDU account number;₂

(2) To the extent applicable, itemization for each charge including: for fixed-price offers, the unit price per kWh for competitive service; for all other offers for electric generation service, an explanation of how the rate is derived; and any other information the customer would need to recalculate the bill for accuracy;₂

(3) If the customer is on a budget plan with the CRES provider only, the monthly budget amount and the current balance of the CRES account;₂

(4) Current charges;~~and~~₂

(5) A highlighted notice of any change in rates, terms, or conditions appearing on the first two consecutive bills following the occurrence of any such changes and a clear explanation of each change.

(F) Consolidated bill format. Any new consolidated bill format proposed by an EDU or a CRES provider shall be filed with the commission for approval. If an application for a consolidated bill format is not acted upon by the commission within forty-five days after it is filed, the consolidated bill format shall be deemed approved on the forty-sixth day after filing.

(G) Transfer of customer billing information.

- (1) The non-billing EDU or CRES provider shall furnish the applicable required bill content information to the billing party in a timely manner and in a mutually agreed upon electronic format for inclusion in the consolidated customer bill.
- (2) The billing EDU or CRES provider shall include in the consolidated bill all required bill content information furnished by the nonbilling EDU or CRES provider.
- (3) An entity ordered by the commission to provide any bill content, message, insert, or notice remains responsible to provide such information to its customers, although the information may be provided through the consolidated bill.

(H) Partial payment priority.

- (1) A customer's partial payment shall be credited in the following order:

~~(a) Billed and past due EDU distribution, standard offer generation, and transmission charges, or if applicable, EDU payment arrangement or past due EDU budget billing;~~

~~(b) Billed and past due CRES provider charges, or, if applicable, CRES provider payment arrangement or past due CRES provider budget billing;~~

~~(c) Billed and due current CRES provider charges or current CRES provider budget billing;~~

~~(d) Billed and due current EDU distribution and transmission charges or current EDU budget billing; and~~

(a) Billed and past due CRES provider charges, or, if applicable, CRES provider payment arrangement or past due CRES provider budget billing;

(b) Billed and past due EDU distribution, standard offer generation, and transmission charges, or, if applicable, EDU payment arrangement or past due EDU budget billing;

(c) Billed and due current EDU distribution and transmission charges or current EDU budget billing;

(d) Billed and due current CRES provider charges or current CRES provider budget billing; and,

(e) Other past due and current nonregulated charges, excluding CRES charges.

- (2) Exceptions to the partial payment priority.

(a) Payments in full of the undisputed amount related to a bona fide dispute do not constitute partial payments. Payments made on accounts for which there is a bona fide dispute shall be credited to the undisputed portion of the account.

(b) If a customer pays an agreed-upon EDU and/or CRES budget payment amount, then that payment shall be considered payment in full for the current bill.

(I) Upon the customer's switch from a CRES provider, the billing party shall identify for the customer and state on the bill as of what date the billing party will no longer remit payments to the previous CRES provider and any outstanding balance due to the previous CRES provider.

(J) Any CRES provider wishing to issue consolidated billing statements online shall comply with the following guidelines:

(1) A customer shall not be required to use online billing;

(2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online;

(3) The online billing statement shall include all requirements listed in paragraphs (C), (D), and (E) of this rule;

(4) The CRES provider shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process;

(5) Any fees to accept online payments shall be clearly disclosed in payment window(s);

(6) Any payment made online shall be treated as a payment made at the company's business office and shall be posted to the account in accordance with paragraph (E) of rule 4901:1-21-14 of the Administrative Code. The time needed to post the payment shall be clearly stated, and;

(7) If a customer chooses to use online billing, the customer shall not be restricted to making payments online in the future. All payment methods shall continue to be available to the customer.

Chapter 4901:1-22

We have reviewed this chapter. We propose to amend rule 4901:1-22-03 to update the referenced date. Other than that change, no modifications are being proposed, as this chapter was just reviewed in Case No. 05-1500-EL-COI.

4901:1-23-01 Purpose and scope.

- (A) The rules contained in this chapter prescribe procedures for STAFF OF the PUBLIC UTILITIES commission OF OHIO staff to administer and enforce the electric reliability, customer service, and safety code set forth in Chapters 4901:1-21 and/or 4901:1-10 of the Administrative Code and commission orders issued thereunder.
- (B) This chapter also governs customer service, reliability, and safety proceedings of the PUBLIC UTILITIES commission OF OHIO to:
- (1) Investigate and determine an electric utility's or competitive retail electric service provider's compliance with Chapters 4901:1-21 and/or 4901:1-10 of the Administrative Code and commission orders issued thereunder;
 - (2) Review settlement agreements and approve stipulations by the staff and the electric utility or competitive retail electric service provider;
 - (3) Issue and enforce compliance orders;
 - (4) Assess forfeitures; ~~and~~.
 - (5) Direct the attorney general to seek enforcement of commission orders, including orders authorizing forfeitures, and appropriate remedies in court to protect the public safety, reliability, and customer service.
- (C) AS USED IN THIS CHAPTER:
- (1) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION OF OHIO.
 - (2) "COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER" MEANS A PROVIDER OF COMPETITIVE RETAIL ELECTRIC SERVICE, SUBJECT TO CERTIFICATION UNDER SECTION 4928.08 OF THE REVISED CODE.
 - (3) "ELECTRIC UTILITY" INCLUDES ELECTRIC DISTRIBUTION UTILITIES, AS THAT TERM IS DEFINED IN DIVISION (A)(6) OF SECTION 4928.01 OF THE REVISED CODE, AND ELECTRIC TRANSMISSION OWNERS.

4901:1-23-02 Staff notice of probable noncompliance, proposed corrective action, and proposed forfeiture.

- (A) After an inspection, investigation, or complaint, a staff notice of probable noncompliance may be issued. The staff notice of probable noncompliance may be issued with a proposed corrective action and/or a proposed forfeiture.

- (B) The staff may issue an amended notice of probable noncompliance, proposed corrective action, or proposed forfeiture at any time prior to the commencement of a compliance proceeding or other commission proceeding brought pursuant to rule 4901:1-23-05 of the Administrative Code, in order to modify or include additional probable noncompliance or violations, facts, proposed forfeitures, and proposed compliance orders. Once the commission initiates a compliance or other proceeding pursuant to rule 4901:1-23-05 of the Administrative Code, this rule does not prevent the staff, during the course of such proceeding, from seeking a finding of violations not listed in the staff notice or amended staff notice of probable noncompliance (or rescinding or refraining from seeking a finding of violations) or from seeking a corrective action or proposed forfeiture that varies from previous staff notices issued under this rule, provided that the staff's proposed findings and/or violations relate to the same incident, type of incident, investigation, or audit(s).
- (C) Any staff notice of probable noncompliance, proposed corrective action, proposed forfeiture, or amendments thereto shall be served pursuant to rule 4901:1-23-03 of the Administrative Code.

4901:1-23-03 Service of staff notices of probable noncompliance, proposed corrective action, and proposed forfeiture.

- (A) Staff notices of probable noncompliance, proposed corrective actions, proposed forfeitures, and amendments thereto under rule 4901:1-23-02 of the Administrative Code and investigative reports under rule 4901:1-23-05 of the Administrative Code shall be served on the electric utility or competitive retail electric service provider by certified United States mail. Service is effective upon receipt by any employee, agent of, or person designated by the electric utility, or competitive retail electric service provider. Unless otherwise provided in this paragraph, service upon an electric utility or competitive retail electric service provider shall be made at the address designated as the service address in the company's most recent annual financial report, in its certification application, or certification renewal application.
- (B) Each electric utility ~~company~~ or competitive retail electric service provider shall provide the commission with ~~the company's or provider's~~ ITS current service address. If the service address has changed since the most recent annual report was submitted to the commission, or the service address or business address has not been disclosed to the commission, service shall be made at any business address known to the commission.
- (C) If the service envelope is returned with an endorsement showing failure of delivery, then service may be made by ordinary United States mail and is effective on the date of mailing.

4901:1-23-04 **Settlement agreements and stipulations.**

- (A) If staff and the electric utility or competitive retail electric service provider reach agreement regarding ~~any of the following:~~ ~~The~~THE violation of a rule within this chapter, or ~~Chapter~~CHAPTERS 4901:1-21 or 4901:1-10 of the Administrative Code, the violation of a commission order, a proposed corrective action or remedy, or the amount of a forfeiture or other payment, THEN the agreement must be reduced to writing in a settlement agreement. Such agreement shall be signed by an officer of the company or its attorney and the assistant attorney general who serves as legal counsel for the commission staff. Except as otherwise provided in paragraph (B) of this rule, the settlement agreement shall not be effective until BOTH OF THE FOLLOWING HAVE OCCURRED:
- (1) The stipulation is filed with the commission for approval pursuant to a compliance or other proceeding; and.
 - (2) The stipulation is approved by and made the order of the commission.
- (B) If the settlement agreement provides for the payment of a forfeiture or other payment by an electric utility or competitive retail electric service provider of ~~one~~ TEN thousand dollars or less, the agreement shall be DEEMED accepted by the commission and fully enforceable upon the electric utility or competitive retail electric service provider upon its execution.
- (C) Unless contained in or otherwise provided in a stipulation, no statement or conduct during settlement negotiations is admissible in any commission proceeding regarding the noncompliance.
- (D) Where an electric utility or competitive retail electric service provider has demonstrated to the staff's satisfaction, as confirmed in writing from the ~~commission's~~director of the COMMISSION'S SERVICE MONITORING AND ENFORCEMENT ~~consumer services~~ department or the director of THE COMMISSION'S utilities department or his/her designee, that the violation(s) listed in the staff notice (or amended staff notice) of probable noncompliance or investigative report has been corrected and where the company submits full payment of the proposed forfeiture prior to the execution of a written settlement agreement or final commission order, the violation(s) listed in such staff notice of probable noncompliance OR INVESTIGATIVE REPORT shall only be considered by the commission as part of the company's history of violations in determining the appropriate forfeiture or corrective action for any future violation. If a company pays a proposed forfeiture of more than ~~one~~TEN thousand dollars without executing a written settlement agreement, the payment shall be fully effective when approved by and made the order of the commission.

4901:1-23-05 Commission proceedings.

- (A) The commission may initiate a compliance or other proceeding upon its own initiative, or after an incident has occurred, AFTER a complaint is filed pursuant to section 4905.26 of the Revised Code, or AFTER a staff notice of probable noncompliance is served.
- (B) The commission shall conduct such compliance or other proceedings in accordance with Chapter 4901-1 of the Administrative Code.
- (C) Unless otherwise ordered by the commission or an attorney examiner assigned to the proceeding, the staff shall file with the commission and serve upon the electric utility or competitive retail electric service provider a written report of investigation (investigative report) in each proceeding, within forty-five days after the commission issues an entry initiating a compliance proceeding. The investigative report shall present:
- (1) The findings on any alleged noncompliance specified in any staff notice or amended staff notice, WHICH may include:
 - (a) Noncompliances not included in any staff notice or amended staff notice, provided that such additional noncompliances relate to the same incident, investigation, or safety audit(s) referenced in the initial or amended staff notice,
 - (b) Staff's findings on the electric utility or competitive retail electric service provider's practices and policies, and.
 - (2) Staff's recommendations for commission action.
- (D) The commission shall hold an evidentiary hearing on all proceedings initiated under this rule. The hearing may include evidence on the issues of proposed corrective action, compliance orders issued by the commission, forfeitures, enforcement of a commission order, and other remedies.
- (E) If, after a hearing, the commission finds an electric utility or competitive retail electric service provider has violated or is violating Chapter 4928. of the Revised Code, or ~~Chapter~~ CHAPTERS 4901:1-21 or 4901:1-10 of the Administrative Code, this chapter, or any order adopted thereunder, the commission, by order:
- (1) Shall require the electric utility or competitive retail electric service provider to comply with Chapter 4928. of the Revised Code, ~~Chapter~~ CHAPTERS 4901:1-21 or 4901:1-10 of the Administrative Code, this chapter, or any commission order thereunder, and to undertake corrective action necessary to protect the public safety, reliability, and customer service. The commission is not restricted in the making of the compliance order by the terms of any proposed corrective action and/or forfeiture by the staff,

- (2) May assess forfeitures upon an electric utility or competitive retail electric service provider of not more than ~~one~~TEN thousand dollars for each day of each violation.
- (3) May direct the attorney general to seek enforcement of commission orders, including orders authorizing forfeitures, and appropriate remedies in court; ~~and~~.
- (4) May determine other appropriate remedies to protect the public safety, reliability, and customer service.

4901:1-23-06 **Payment of forfeitures and other payments.**

- (A) All forfeitures and other payments shall be paid by certified check or money order made payable to "Treasurer, State of Ohio," and shall be mailed or delivered to:

"Public ~~utilities~~UTILITIES Commission of Ohio

Fiscal Division

180 East Broad Street, ~~tenth floor~~TENTH FLOOR

Columbus, Ohio 43215-3793"

- (B) All instruments of payment shall contain the identifying number of the violation/staff notice for which payment is tendered.
- (C) No electric utility or competitive retail electric service provider may recover any forfeiture, or other payment in any pending or subsequent proceeding before the commission.

CRES 2006 DRAFT REVISIONS CERTIFICATION 9/28/2006

Application for Certification to Operate as a Provider of Competitive Retail Electric Services

4901:1-24-01	Definitions
4901:1-24-02	Purpose and scope
4901:1-24-03	General prohibitions
4901:1-24-04	Application process
4901:1-24-05	Affidavits
4901:1-24-06	Application approval or denial
4901:1-24-07	Regulatory assessments
4901:1-24-08	Default of retail electric generation providers
4901:1-24-09	Certification renewal
4901:1-24-10	Material changes to business operations
4901:1-24-11	Transfer or abandonment of a certificate
4901:1-24-12	Certification suspension, rescission, or conditional rescission
4901:1-24-13	Noncompliance with rules or orders

4901:1-24-01 Definitions.

As used in this chapter:

- (A) "Abandonment" means ceasing to provide competitive retail electric service(s) to one or more classes of customers in one or more electric distribution service territories prior to the expiration of customers' contracts.
- (B) "Aggregation" means combining the electric load of multiple retail customers through an agreement with the customers or formation of a governmental aggregation pursuant to section 4928.20 of the Revised Code for the purposes of purchasing retail electric generation service on an aggregated basis.
- (C) "Aggregator" means a person, certified by the commission, who contracts with customers to combine the customers' electric load for the purpose of purchasing retail electric generation service on an aggregated basis. The term, as used in this chapter, does not include a governmental aggregator.
- (D) "Applicant" means a person who files an application for certification or certification renewal under this chapter.
- (E) "Application form" means a form, approved by the commission, that an applicant seeking certification or certification renewal as a competitive retail electric service provider shall file with the commission as set forth in this chapter.
- (F) "Billing and collection agent" has the meaning set forth in division (A)(2) of section 4928.01 of the Revised Code.
- (G) "Certified territory" has the meaning set forth in division (A)(3) of section 4928.01 of the Revised Code.
- (H) "Competitive retail electric service" (CRES) has the meaning set forth in division (A)(4) of section 4928.01 of the Revised Code, and includes the services provided by retail electric generation providers, power marketers, power brokers, aggregators, and governmental aggregators.
- (I) "Commission" means the public utilities commission of Ohio.
- (J) "CRES provider" means a person or entity, under certification by the commission who supplies or offers to supply a CRES.
- (K) "Electric cooperative" has the meaning set forth in division (A)(5) of section 4928.01 of the Revised Code.

- (L) "Electric distribution utility-~~(EDU)~~" (EDU) has the meaning set forth in division (A)(6) of section 4928.01 of the Revised Code.
- (M) "Electric services company" has the meaning set forth in division (A)(9) of section 4928.01 of the Revised Code.
- (N) "Electric utility" has the meaning set forth in division (A)(11) of section 4928.01 of the Revised Code.
- (O) "Filing under seal" means personally delivering to the commission's docketing division a sealed envelope containing information intended to be kept proprietary and confidential. This action must be accompanied by the filing and docketing of a "motion for protective order," pursuant to rule 4901-1-24 of the Administrative Code.
- (P) "Governmental aggregator" has the meaning set forth in division (A)(13) of section 4928.01 of the Revised Code.
- ~~(Q) "Mercantile commercial customer" has the meaning set forth in division (A)(19) of section 4928.01 of the Revised Code.~~
- (Q) "Mercantile commercial customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.
- (R) "Person" has the meaning set forth in section 1.59 of the Revised Code.
- (S) "Power broker" means a person, certified by the commission, who provides power brokerage.
- (T) "Power brokerage" means assuming the contractual and legal responsibility for the sale and/or arrangement for the supply of retail electric generation service to a retail customer in this state without taking title to the electric power supplied.
- (U) "Power marketer" means a person, certified by the commission, who provides power marketing services.
- (V) "Power marketing" means assuming the contractual and legal responsibility for the sale and provision of retail electric generation service to a retail customer in this state and having title to electric power provided at some point during the transaction.
- (W) "Retail electric generation provider" means a person, certified by the commission, who provides retail electric generation service in this state.

(X) "Retail electric generation service" means the provision of electric power to a retail customer in this state through facilities provided by an electric distribution utility and/or a transmission entity in this state. The term encompasses the services performed by retail electric generation providers, power marketers, and power brokers, but does not encompass the service provided by an EDU pursuant to section 4928.14 or division (D) of section 4928.35 of the Revised Code.

(Y) "Service agreement" means the initial agreement and any amendments or supplements thereto entered into by the applicant and any provider of a service necessary to transport, schedule, and deliver CRES to the retail customer (~~E.G.e.g.~~ transmission service, ancillary services, scheduling coordination, and distribution service).

(Z) "Small commercial customer" means a commercial customer that is not a mercantile commercial customer.

4901:1-24-02 Purpose and scope.

Under the rules in this chapter:

(A) Any electric utility, electric services company, electric cooperative, or governmental aggregator which intends to offer or provide a CRES competitive retail electric service (CRES) to consumers in this state shall obtain a certificate to operate from the commission prior to commencing operations.

(B) An electric cooperative or governmental aggregator that is a municipal electric utility which provides a customer both a CRES and a nonCRES through transmission or distribution facilities it ~~solely~~ solely or jointly owns or operates is not required to obtain a certificate.

(C) Nothing contained in this chapter shall in any way preclude the commission from altering, amending, or waiving, in whole or in part, any of these rules.

(D) These rules do not apply to a billing and collection agent if it is a fully independent agent, not affiliated with or otherwise controlled by an electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code, to the extent that the agent is under contract with such utility, company, cooperative, or aggregator solely to provide billing and collection for retail electric service on behalf of the utility, company, cooperative, or aggregator. Nothing in this rule exempts such utility, company, cooperative, or aggregator from liability for the acts of its billing and collection agents.

4901:1-24-03 General prohibitions.

(A) No person shall offer, contract or provide a CRES competitive retail electric service in this state without a valid certificate.

(B) Nothing in this rule is intended to prohibit a person from conducting market research or advertisements designed solely to ascertain and raise customer awareness and/or improve name recognition.

~~(C) A CRES provider shall not contract with a residential customer for the provision of a CRES prior to being certified.~~

4901:1-24-04 Application process.

(A) An application for certification shall be made on forms supplied by the commission. The application forms shall provide for sufficient information to enable the commission to assess an applicant's managerial, financial, and technical capability to provide the service it intends to offer and its ability to comply with commission rules or orders adopted pursuant to Chapter 4928. of the Revised Code.

(B) The applicant shall complete the appropriate application form (e.g., retail electric generation provider, aggregator/power broker, or governmental aggregator) in its entirety and supply all required attachments, affidavits, and evidence of capability specified by the form at the time an application is filed.

(1) Retail electric generation providers, power marketers shall file general, technical, managerial, and financial information as set forth in the application. This information includes but is not limited to:

(a) Ownership and organizational descriptions.

(b) Managerial experience and capabilities and prior regulatory or judicial actions.

(c) Financial capability as depicted on publicly available information, balance sheets, and credit ratings.

(d) Technical ability and experience in scheduling and providing power under contract agreements.

(2) Aggregators/power brokers shall file general, managerial, and financial information as set forth in the application. This information includes but is not limited to:

(a) Ownership and organizational descriptions.

(b) Managerial experience in providing aggregation services, financial capability as depicted on publicly available information, and applicable credit ratings.

(3) Governmental aggregators shall file general information as set forth in the application.

This information includes but is not limited to:

- (a) Copies of its operational plans.
- (b) Descriptions of experience.
- (C) An applicant for certification or certification renewal shall file a completed and notarized original application signed by a principal officer of the applicant and ten conformed copies, including all supporting attachments and affidavits, with the commission's docketing division.
- (1) The date that the commission's docketing division stamps an application received shall serve as the official filing date with the commission.
- (2) In accordance with rule 4901:1-24-06 of this chapter, the commission may deny without prejudice any application that is not complete or does not include the attachments, documentation, and affidavits required by the application form.
- (3) In accordance with this chapter, in instances where information and/or documentation required by these rules is not available at the time of filing an application, an applicant may substitute a notarized affidavit by an officer of the applicant stating that the applicant will file such information and/or documentation with the commission at least ten business days prior to offering or providing CRESany competitive retail electric service to a customer in this state. The affidavit shall be accompanied by an explanation as to why such information is not available for inclusion with the application.

4901:1-24-05 Affidavits.

In addition to all other affidavits required by this chapter, each applicant shall submit with its application, on forms prescribed by the commission, affidavits attesting that:

- (A) The information provided by the applicant on its application form and supporting attachments is complete, true, and accurate to the best knowledge of the applicant.
- (B) The applicant will timely file an annual report of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to division (A) of section 4905.10, division (A) of section 4911.18, and division (F) of section 4928.06 of the Revised Code.
- (C) The applicant will timely pay any assessment made pursuant to sections 4905.10, 4911.18, or division (F) of section 4928.06 of the Revised Code.
- (D) The applicant will comply with all applicable commission rules or orders adopted pursuant to Chapter 4928. of the Revised Code.
- (E) The applicant will cooperate with the commission and its staff in the investigation of any consumer complaint regarding any service offered or provided by the applicant.

(F) The applicant will comply with section 4928.09 of the Revised Code regarding consent to the jurisdiction of Ohio courts and the service of process.

4901:1-24-06 Application approval or denial.

(A) If the commission does not act upon an application within thirty days of the filing date, the application shall be deemed automatically approved pursuant to section 4928.08 of the Revised Code, on the thirty-first day after the official filing date.

(1) Upon good cause shown, the commission, or an attorney examiner appointed by the commission, may suspend ~~its consideration of~~ an application.

(2) If the commission, or an attorney examiner appointed by the commission has acted to suspend an application, the commission will:

(a) Notify the applicant of the reasons for such suspension and may direct the applicant to furnish any additional information as the commission deems necessary to evaluate the application;_;

(b) Act to approve or deny the application within ninety days from the date that the application was suspended;~~and;~~

(c) At its discretion, set the matter for hearing.

(B) In evaluating an application, the commission will consider the information contained in the applicant's application, supporting attachments and evidence, and recommendations of its staff.

(C) The commission will act to approve an application if it finds that both of the following are true:

(1) The applicant is managerially, financially, and technically fit and capable of performing the service it intends to provide;~~and;~~

(2) The applicant is managerially, financially, and technically fit and capable ~~to comply of~~ complying with all applicable commission rules and orders adopted pursuant to Chapter 4928. of the Revised Code.

(D) When the commission approves an application, it will notify the applicant that its application has been approved and will issue the applicant a numbered certificate that specifies the service(s) for which the applicant is certified to provide and the dates for which the certificate is valid.

- (E) Unless otherwise specified by the commission, a ~~CRES~~competitive retail electric service provider's initial or renewal certificate is valid for a period of two years, beginning and ending on the dates specified on the certificate.
- (F) If the commission acts to deny, in whole or in part, an application, it will notify the applicant that its application, or parts of its application, has been denied, including the reason(s) for such denial.

4901:1-24-07 Regulatory assessments.

- (A) In accordance with sections 4905.10, 4911.18, and division (F) of section 4928.06 of the Revised Code, each ~~CRES~~competitive retail electric service (CRES) provider is subject to an annual assessment based upon its intrastate gross receipts or gross earnings (collectively "gross revenue") associated with the provision of each CRES ~~for~~ which it is certified to provide.
- (B) Each CRES provider that provides retail electric generation service shall, in the manner and on the date specified by the commission or its staff, file an annual report of the gross revenue derived from its intrastate sales of kilowatt-hours of electricity. For the purpose of the report, sales of kilowatt-hours of electricity are deemed to occur at the meter of a retail customer.
- (C) Each CRES provider that provides a CRES(s) in addition to, or other than, retail electric generation service shall, in the manner and on the date specified by the commission or its staff, file an annual report of the intrastate gross revenue derived from its provision of such service(s). For the purpose of the report, sales of kilowatt-hours of electricity are deemed to occur at the meter of a retail customer.
- (D) Each CRES provider shall maintain detailed records to support the information provided pursuant to paragraphs (B) and (C) of this rule. Such records and information are subject to audit by the commission.
- (E) In instances where a CRES provider underreports its gross revenue, the commission may, in computing an assessment made pursuant to paragraph (A) of this rule, include any gross revenues that were underreported in a prior year. The commission shall also, in addition to any other penalty under the Revised Code, assess the provider interest on the amount underreported at the rate stated in section 1343.01 of the Revised Code.
- (F) A governmental aggregator may authorize its CRES provider, or a designated agent, to file, on its behalf, any report required by this rule.

4901:1-24-08 Default of retail electric generation providers.

- (A) Pursuant to a tariff filed with the commission in accordance with rule 4901:1-10-29 of the Administrative Code, an ~~EDU~~electric distribution utility (EDU) may require a retail electric generation service provider to issue and maintain a financial instrument with the EDU to protect

the EDU in the event that the retail electric generation service provider fails, in whole or in part, to deliver contracted retail generation service to a customer for which the EDU supplied to the customer in its capacity as default supplier.

(B) An EDU may require a retail electric generation service provider to furnish financial and other information contained in its tariff to determine the type and/or amount of the financial instrument required for compliance with paragraph (A) of this rule.

(C) If a retail electric generation service provider fails to maintain sufficient financial security to protect an EDU from default by the retail electric generation service provider, the EDU may apply for relief at the commission. In accordance with rule 4901:1-24-12 of the Administrative Code, the commission, upon its own motion or upon complaint, may suspend, rescind, or conditionally rescind a retail electric generation service provider's certificate for failure to maintain sufficient financial security at any EDU as required by this rule.

4901:1-24-09 Certification renewal.

(A) No less than thirty and no more than ~~one hundred twenty~~ sixty days prior to the expiration date indicated on the ~~CRES competitive retail electric service~~ provider's certificate, the provider shall file an application with the commission for certification renewal on forms supplied by the commission. **IF THE PROVIDER FILES SUCH RENEWAL APPLICATION LESS THAN THIRTY DAYS PRIOR TO THE EXPIRATION DATE INDICATED ON THE CERTIFICATE, THE PROVIDER SHALL FILE A MOTION TO EXTEND THE EXPIRATION DATE ON ITS CURRENT CERTIFICATE FOR AN ADDITIONAL THIRTY DAYS. SUCH MOTION SHALL BE DEEMED AUTOMATICALLY APPROVED, UNLESS OTHERWISE RULED UPON BY THE COMMISSION OR AN ATTORNEY EXAMINER WITHIN THREE BUSINESS DAYS OF THE FILING OF THE MOTION.**

(B) The applicant shall, as instructed by the renewal form, update the information supplied with an applicant's initial certification application.

(C) The commission will act to approve, deny, or suspend an application for certification renewal pursuant to the same processes and timelines delineated in rule 4901:1-24-06 of the Administrative Code, except that, without limitation, the commission may also consider an applicant's complaint history and operational performance in this state.

4901:1-24-10 Material changes to business operations.

(A) ~~CRES Competitive retail electric service (CRES)~~ providers shall inform the commission of any material change to the information supplied in a certification or certification renewal application within thirty days of such material change.

(1) A CRES provider shall file such notice under the docket number assigned to the CRES provider's initial certification or certification renewal application.

- (2) After notice and an opportunity for a hearing, the commission may suspend, rescind, or conditionally rescind a CRES provider's certificate if it determines that the material change will adversely affect the CRES provider's fitness or ability to provide the services it is certified to provide.
- (B) Material changes to the information contained in or supplied with a certification or certification renewal application include, but are not limited to, the following:
- (1) Any significant change in ownership (being an ownership interest of five per cent or more) of the applicant or CRES provider.
 - (2) An affiliation or change in affiliation with an ~~EDU~~electric distribution utility (EDU) in this state.
 - (3) Retirement or other long-term changes to the operational status of generation resources relied upon by the provider to provide retail electric generation service.
 - (4) Revocation, restriction, or termination of any interconnection or service agreement with a transmission entity or EDU relied upon by a CRES provider to provide retail electric generation service.
 - (5) The applicant or CRES provider's bond rating falls below "BBB-" as reported by "Standard & Poors", ~~Duff & Phelps, or Fitch IBCA~~ or below "Baa3" as reported by "Moody's investors service" ~~Investors Service~~.
 - (6) The applicant or CRES provider has or intends to file for reorganization, protection from creditors, or any other form of bankruptcy with any court.
 - (7) Any judgment, finding, or ruling by a court or regulatory agency that could affect a CRES ~~providers~~provider's fitness or ability to provide service in this state.
 - (8) Any change in the contact person, business address, or telephone/fax number for commission staff use in investigating complaints.
 - (9) Any change in the contact person, business address, or telephone/fax number for commission staff use in investigating regulatory or emergency matters.
 - (10) Any change in the business address, or toll-free telephone/fax number for customer service and complaints.

4901:1-24-11 Transfer or abandonment of a certificate.

- (A) A ~~CRES~~competitive retail electric service (CRES) provider shall not transfer its certificate to any person without prior commission approval.

- (1) A CRES provider may apply for commission approval to transfer its certificate by filing a certificate transfer application.
- (2) A transfer application shall be automatically approved on the thirty-first day after filing, unless the commission acts to suspend or reject the application.
- (B) A CRES provider shall not abandon the service(s) it provides under a certificate without filing an abandonment application and without commission approval. The CRES provider shall fulfill the terms of all existing contracts with customers or assign such contracts to another CRES provider prior to abandoning service.
- (1) Abandonment applications shall be filed at least ninety days prior to the effective date ~~that on which~~ the CRES provider will cease providing service. The application shall include copies of any notices provided pursuant to paragraphs (B)(2), (B)(3), and (B)(4) of this rule.
- (2) At least ninety days prior to abandoning service, a CRES provider shall provide written notice to each ~~EDU~~electric distribution utility in whose certified territory the CRES provider operates of its intent to cease providing service.
- (3) At least ninety days prior to abandoning service, a CRES provider shall provide written notice to its customers of its intent to abandon service. Such notice shall provide instructions to the customers on how they may obtain replacement service(s) and identify the commission's toll-free and TTY-/TDD telephone numbers.
- (4) The CRES provider shall also provide notice of its abandonment on each billing statement rendered to customers beginning at least ninety days prior to the effective date of the abandonment and continuing to provide such notice on all subsequent billing statements until the service is abandoned.
- (5) If the commission does not act upon the application within ninety days of the filing date, the application shall be deemed automatically approved on the ninety-first day after the official filing date.

4901:1-24-12 Certification suspension, rescission, or conditional rescission.

- (A) After notice and the opportunity for a hearing, the commission may, upon its own motion or upon complaint, suspend, rescind, or conditionally rescind a ~~CRES~~competitive retail electric service (CRES) provider's certificate, in whole or in part, for good cause shown.
- (B) If the commission suspends a CRES provider's certificate, the commission will notify the CRES provider of the reasons and effective dates for such suspension and specify the actions, including associated time frames, that the CRES provider must take in order to have the suspension lifted.

(C) If the commission suspends a CRES provider's certificate, the CRES provider shall continue to provide all services it is obligated to provide under contract to its existing customers but it shall not advertise, offer, or contract to provide any new CRES to existing customers nor advertise, offer, or contract to provide any CRES to potential customers during the suspension, unless the commission orders otherwise.

(D) If the commission conditionally rescinds a CRES provider's certificate, it will delineate the specific conditions that the CRES provider must meet and establish a date by which the conditions must be met in order for the CRES provider to avoid permanent rescission of its certificate. If, in the commission's sole discretion, the CRES provider does not meet the condition(s) set forth by the commission on or before the specified date, the provider's certificate will be rescinded. The CRES provider shall continue to provide all services it is obligated to provide under contract to its existing customers, but it shall not advertise, offer, or contract to provide any new CRES to existing customers nor advertise, offer, or contract to provide any CRES to potential customers during the pendency of the conditional rescission.

(E) If the commission rescinds a CRES provider's certificate, it will notify the CRES provider of the reasons for and effective date of such rescission.

(F) Upon the effective date specified by the commission, a CRES provider whose certificate has been rescinded shall cease providing all CRES for which it is no longer certified to provide.

(G) Prior to the effective date of the certificate rescission, a CRES provider that provides retail electric generation service to customers shall cooperate fully with each EDU electric distribution utility (EDU) in whose certified territory it provides such service to ensure that its customers will be served by another CRES provider or by the EDU on and after the effective date of the certificate rescission.

(H) Prior to the effective date of the certificate rescission, a CRES provider whose certificate has been rescinded shall provide a written notice to each of its customers that indicates that the CRES provider's certificate has been rescinded and specifies the date(s) it will cease to provide service. Such notice shall also inform customers that, if they do not choose an alternative provider, they will be served by their EDU and shall provide instructions on how they can obtain service from an alternative CRES provider.

(I) Reasons that the commission may suspend, rescind, or conditionally rescind a CRES provider's certificate include, but are not limited to:

(1) A CRES provider's failure to timely pay any assessment made pursuant to sections 4905.10, 4911.18, or division (F) of section 4928.06 of the Revised Code.

(2) A CRES provider's failure to timely file an annual report of its intrastate gross receipts and sales of kilowatt-hours of electricity pursuant to sections 4905.10, 4911.18, or division (F) of section 4928.06 of the Revised Code as directed by commission rule or order.

- (3) A finding by the commission that a CRES provider has materially underreported its intrastate gross receipts and/or sales of kilowatt-hours on reports required by rule 4901:1-24-07 of this chapter.
- (4) A finding by the commission that any information reported to the commission subsequent to granting a certificate adversely affects a CRES provider's fitness or capability to provide any service covered by its certificate.
- (5) A finding by the commission that a CRES provider deliberately omitted information or knowingly provided false information on a certification or certification renewal application, including supporting attachments.
- (6) A finding by the commission that a CRES provider has provided a CRES to a customer without being certified by the commission to provide such service.
- (7) A finding by the commission that a CRES provider has violated any applicable commission rule or order adopted pursuant to Chapter 4928. of the Revised Code.
- (8) A finding by the commission that a CRES provider has failed to consent to the jurisdiction of the courts of this state or has failed to designate an agent to accept service of process pursuant to section 4928.09 of the Revised Code.
- (9) A finding by the commission that a CRES provider has engaged in an anticompetitive act.
- (10) A finding that a CRES provider has failed to maintain appropriate default security or has otherwise failed in a material way to adhere to requirements contained in an EDU'S tariff governing supplier requirements approved by the commission.
- (11) A finding by the commission that a CRES provider has failed to comply with state laws or rules designed to protect consumers in this state.

4901:1-24-13 Noncompliance with rules or orders.

In addition to penalties specified in rule 4901:1-24-12 of the Administrative Code, any person subject to certification under section 4928.08 of the Revised Code that fails to comply with any rule in this chapter or with sections 4928.01 to 4928.10 of the Revised Code or any commission order ~~adopted~~issued thereunder may be subject to, ~~after notice and the opportunity for a hearing,~~ any and all of remedies available under the law, including but not limited to the following:

- (A) Forfeiture to the state of not more than ~~one~~ ten thousand dollars for each failure. Each day's continuance of the violation is a separate offense;
- (B) Rescission of a customer contract; ~~and;~~

- (C) Restitution or damages to the customer/consumer.

4901:1-25-01 **Definitions.**

As used in this chapter:

- (A) "Affiliate" has the meaning set forth in rule 4901:1-20-16 of the Administrative Code.
- (B) "Aggregation service" means the act of combining the electric load of multiple customers for the purposes of supplying or arranging for the supply of competitive retail electric generation service to those customers.
- (C) "Aggregator" means a person who provides aggregation service.
- (D) "Certified competitive electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company, which has been certified by the commission to be a competitive retail electric service provider in accordance with the provisions of section 4928.08 of the Revised Code.
- (E) "Commercial customer" means a nonresidential, nonindustrial customer.
- (F) "Commission" means the public utilities commission of Ohio (~~PUCO~~).
- (G) "Competitive retail electric service" (CRES) has the meaning set forth in division (A)(4) of section 4928.01 of the Revised Code.
- (H) "Customer" for the purpose of this chapter has the same meaning as it has in the distribution tariff of the electric distribution utility serving the customer.
- (I) "Electric distribution utility" (EDU) has the meaning set forth in division (A)(6) of section 4928.01 of the Revised Code.
- (J) "Electric utility" has the meaning set forth in division (A)(11) of section 4928.01 of the Revised Code.
- (K) "Electric services company" has the meaning set forth in division (A)(9) of section 4928.01 of the Revised Code.
- (L) "Governmental aggregator" has the meaning set forth in division (A)(13) of section 4928.01 of the Revised Code. In accordance with division (F) of section 4928.20 of the Revised Code, a

governmental aggregator is not a public utility engaging in the wholesale purchase and resale of electricity, and provision of the aggregation service is not a wholesale utility transaction.

- (M) "Independent power producer" means, ~~for the purposes of this chapter,~~ an owner of generation who sells at least a portion of the electric energy from that generation at retail.
- (N) "Industrial customers" means establishments categorized under standard industrial classification ~~(SIC)~~ codes 01 through 39, or the associated 1997 North American Industry Classification System ~~(NAICS)~~ codes 11, 21, 23, 31, 32, and 33.
- (O) "INTERCONNECTION SERVICE CUSTOMER" HAS THE SAME MEANING AS IT HAS IN RULE 4901:1-22-02(M) OF THE ADMINISTRATIVE CODE.
- (P) "Ohio certificate number" means the authorized identification number of an approved certification to provide a competitive retail electric service as granted to the provider by ~~this~~ ~~THE~~ commission in accordance with the provisions of section 4928.08 of the Revised Code.
- (PQ) "Power marketer" means a person, certified by the commission, who provides power marketing services.
- (QR) "Power marketing" means assuming the contractual and legal responsibility for the sale and provision of competitive retail electric generation service to a retail customer in this state and having title to electric power at some point during the transaction.
- (RS) "Reporting entity" means, ~~for the purposes of this chapter,~~ the electric distribution utility or the certified competitive retail electric service provider filing market monitoring information on a regularly scheduled basis as required by the commission.
- (ST) "Residential customers" means customers who consume electricity at private residences, whether owned or rented, including single family homes, multifamily housing units that are individually metered, and mobile homes only for personal use. Institutional housing, such as school dormitories, hospitals, and military barracks are included in the commercial sector.
- (FU) "Special contract customer" means a customer taking bundled service under a contract approved by the commission ~~pursuant to section 4905.31 of the Revised Code prior to January 1, 2001.~~
- (UV) "Street lighting and other customer" means a customer purchasing electric generation service for purposes of street and highway lighting.
- (VW) "Standard offer" ~~during an electric utility's market development period,~~ means a standard service offer filed with the commission by an EDU under section 4909.18 ~~OR SECTION 4928.14~~ of the Revised Code, of all competitive retail electric services necessary to

maintain essential electric service to consumers, including a ~~firm~~ supply of electric generation service priced in accordance with the schedule containing the utility's unbundled generation service component.

4901:1-25-02 **Market monitoring - reporting requirements.**

- (A) Pursuant to sections 4905.04, 4905.05, and 4905.06 of the Revised Code, each electric distribution utility and pursuant to division (F) of section 4928.06 of the Revised Code, each electric utility, electric services company, electric cooperative, and governmental aggregator subject to certification under section 4928.08 of the Revised Code shall submit market monitoring data to the commission, on forms to be issued by the commission, as follows:
- (1) Each electric distribution utility, electric utility, competitive retail electric service provider (electric services company, marketer, broker, nongovernmental aggregator, and independent power producer), certified competitive electric cooperative and certified governmental aggregator shall file a quarterly report which contains information that includes, but is not limited to, the following:
 - (a) Entity name.
 - (b) Business address.
 - (c) Name and title of the person responsible for submitting the market monitoring data required by this rule.
 - (d) Authorized signature.
 - (e) The address, telephone number, fax number, and e-mail address of the person responsible for customer enrollment.
 - (f) Those reporting entities that file quarterly transaction reports with the federal energy regulatory commission (FERC), should submit a copy of its current FERC quarterly transaction report to ~~this~~ ~~THE~~ commission in the same form that it filed the report with the FERC.
 - (g) Appended to a reporting entity's first quarterly report for each calendar year, ~~INCLUDE~~ a copy of, OR AN INTERNET LINK TO, the reporting entity's most recent securities and exchange commission form 10-K or the 10-K of the controlling owner of the reporting entity.

The information contained in the report filed with the commission pursuant to paragraph (A)(1) of this rule is public information.

- (2) Each electric distribution utility shall file, on a quarterly basis, monthly data related to ~~noncompetitive~~ electric generation services. The information contained in this report shall include, but not be limited to, the following:
- (a) For those customers for whom the entity provides generation service: The number of customers, the amount of sales in ~~MW~~ ~~MEGAWATT-HOURS~~, and the amount of billed revenues. The reporting entity shall report this data by rate schedule and by class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable, separately for standard offer customers and for special contract customers.
 - (b) Monthly system peak data identifying the number of ~~MW~~ ~~MEGAWATTS~~, the peak day of the month, the peak day of the week, and the peak hour of the month.
 - (c) INFORMATION ABOUT GENERATION RESOURCES CONNECTED TO ITS DISTRIBUTION SYSTEM ("DISTRIBUTED GENERATION"). THIS INFORMATION SHALL BE REPORTED QUARTERLY, AS AN ATTACHMENT TO THE EDU'S MARKET MONITORING REPORT. THE REPORT SHALL INCLUDE THE DATA AS OF THE END OF THE QUARTER COVERED BY THE REPORT. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:
 - (1) A LIST OF GENERATING UNITS.
 - (2) A STATEMENT OF WHETHER EACH GENERATING UNIT IS OWNED BY AN END USE CUSTOMER, BY THE EDU, BY AN AFFILIATE OF THE EDU, OR BY A NON-AFFILIATED ENTITY THAT IS NOT AN END USE CUSTOMER.
 - (3) A STATEMENT OF WHETHER OR NOT THE GENERATOR IS DISPATCHED BY THE CONTROL AREA OPERATOR OR BY THE OWNER.
 - (4) THE NAMEPLATE CAPACITY OF THE GENERATOR, IN MEGAWATTS OR KILOWATTS.
 - (5) THE FUEL TYPE USED BY EACH GENERATING UNIT.
 - (6) THE TYPE OF GENERATING UNIT (E.G., FUEL CELL, TURBINE, DIESEL, PHOTOVOLTAIC, ETC.).
 - (d) NOTICE TO THE COMMISSION STAFF OF ANY AND ALL COMPLETED APPLICATIONS BY ENTITIES SEEKING TO BECOME INTERCONNECTION SERVICE CUSTOMERS, WHERE SUCH APPLICATIONS HAVE NOT YET RESULTED IN INTERCONNECTION (THAT IS, APPLICATION THAT ARE UNDER CONSIDERATION). THE REQUIRED NOTICE SHALL BE IN THE FORM OF A NARRATIVE REPORT ATTACHED TO THE QUARTERLY MARKET MONITORING REPORT THAT IS REQUIRED BY RULE 4901:1-25-02 OF THE ADMINISTRATIVE CODE. THE NARRATIVE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

- (1) NAME AND CONTACT INFORMATION OF THE EDU EMPLOYEE WHO IS DIRECTLY RESPONSIBLE FOR PROCESSING THE APPLICATION AND/OR INTERACTING WITH THE APPLICANT.
- (2) DESCRIPTION OF EACH INTERCONNECTION REQUEST IN TERMS OF THE AMOUNT AND TYPE OF GENERATION FOR WHICH INTERCONNECTION IS BEING SOUGHT, AND THE LOCATION OF THE PROPOSED INTERCONNECTION.
- (3) IDENTIFICATION OF ANY AND ALL CONDITIONS BEING IMPOSED UPON THE APPLICANT BY THE EDU FOR APPROVAL OF EACH REQUEST, AND THE EDU'S ASSESSMENT OF OPTIONS THAT MAY BE AVAILABLE FOR MEETING SUCH CONDITIONS.
- (4) DESCRIPTION OF THE STATUS OF EACH APPLICATION IN TERMS OF PROCESS STEPS THAT HAVE BEEN COMPLETED, PROCESS STEPS THAT REMAIN TO BE COMPLETED, AND ANY PROGRESS OR LACK THEREOF IN ADDRESSING ISSUES.

THE STATUS OF EACH COMPLETED APPLICATION SHALL BE UPDATED IN SUBSEQUENT QUARTERLY NARRATIVE REPORTS BY DESCRIBING ANY MODIFICATIONS TO THE APPLICATION, ANY MEETINGS THAT MAY HAVE OCCURRED, AND ANY CORRESPONDENCE OR COMMUNICATIONS THAT HAVE OCCURRED BETWEEN THE EDU AND THE APPLICANT.

THE EDU SHALL PROVIDE A COPY OF THE SECTION OF THE QUARTERLY REPORT THAT DESCRIBES THE STATUS OF A COMPLETED APPLICATION TO THE ENTITY APPLYING TO BECOME AN INTERCONNECTION SERVICE CUSTOMER.

The information contained in the report filed with the commission pursuant to ~~paragraph~~ PARAGRAPHS (A)(2)(A), (A)(2)(B), AND (A)(2)(C) of this rule is public information. THE INFORMATION CONTAINED IN THE REPORT FILED WITH THE COMMISSION PURSUANT TO PARAGRAPH (A)(2)(D) OF THIS RULE IS CONFIDENTIAL INFORMATION, UNLESS AND UNTIL THE APPLICANT MAY MAKE, OR AGREE TO MAKE, SUCH REPORT PUBLIC.

- (3) Each certified competitive retail electric service provider, a certified competitive electric cooperative, and certified governmental aggregator shall submit to commission staff, on a quarterly basis, monthly data related to competitive electric generation services. The reporting entity shall submit this information separately for each electric distribution utility's service territory in which it does business. The information contained in this report shall include, but not be limited to, the following:
 - (a) Identity of the reporting entity. If the reporting entity is a CRES provider or is reporting on behalf of a CRES provider, the reporting entity should include the CRES certificate number.
 - (b) For those customers for whom the entity provides generation service: The number of customers, the amount of sales in ~~MWH~~MEGAWATT-HOURS. The reporting entity

shall report this data by rate schedule class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable.

- (c) For those customers for whom the entity provides generation services ~~TOTAL, total~~ billed revenues. The reporting entity shall report this data by rate schedule class (residential, commercial, industrial, or street lighting/other) and by subclass, if applicable.

The information contained in the report submitted to commission staff pursuant to paragraph (A)(3) of this rule is confidential information.

- (4) Each aggregator and certified governmental aggregator shall submit to commission staff on a quarterly basis monthly data related to aggregation activity. The reporting entity shall submit this information separately for each electric distribution utility's service territory in which it does business. The information contained in this report shall include, but not be limited to, the following:

- (a) The identity of the aggregator including its CRES certificate number.
- (b) The electric distribution utility's service territory for which the report is being made.
- (c) The name of each aggregated group.
- (d) The number of customers by class in each aggregated group.
- (e) The total number of customers in each aggregated group.
- (f) The total number of all customers by class.
- (g) The total number of customers.

The information contained in the report submitted to commission staff pursuant to paragraph (A)(4) of this rule is confidential information.

- (B) Pursuant to Chapter 4935, and division (E) of section 4928.02 of the Revised Code, any entity that owns or has an affiliate that owns electric transmission or distribution facilities shall provide or cause to be provided to the commission and to commission staff cost-effective and efficient access to information regarding the operation of the transmission or distribution systems of electric utilities to assist in determining the existence and extent of a transmission constrained area, and to information that may assist the commission or commission staff in determining the impact of transmission constraints on the price of a competitive retail electric service. Each entity that owns or that has an affiliate that owns electric transmission or distribution facilities shall provide or cause to be provided to the commission and commission staff a report of any denials of service for either transmission or distribution service due to constraints in the transmission or distribution system, the

amounts of energy curtailed or denied, the duration of these curtailments or denials, and the reasons why the service was denied. These reports shall be provided to the commission and to commission staff with the quarterly report filed pursuant to paragraph (A)(1) of this rule.

- (C) Nothing in this rule shall limit the ability of the commission, or commission staff, to collect additional data from any electric distribution utility or any electric utility, electric services company, electric cooperative, or governmental aggregator subject to certification under section 4928.08 of the Revised Code in carrying out the commission's responsibilities under Chapter 4928. of the Revised Code.