BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission Review of)	
Chapter 4901:1-17, Ohio Administrative)	Case No. 98-973-AU-ORD
Code (O.A.C.).)	

ENTRY

The Commission finds:

- (1) The Public Utilities Commission of Ohio is an "agency" as defined by Section 119.032(A)(1), Revised Code.
- (2) Section 119.032(B), Revised Code, requires each agency as defined by Section 119.032(A)(1), Revised Code, to assign a review date to each of its rules that is currently in effect and to notify the Joint Committee on Agency Rule Review of the review date for each such rule.
- (3) On December 29, 1997, this Commission notified the Joint Committee on Agency Rule Review that this agency had assigned a review date of November 30, 1998, to rules contained in Chapter 4901:1-17, O.A.C. Chapter 4901:1-17, O.A.C., relates to the establishment of credit for residential utility services.
- (4) Section 119.032(C), Revised Code, requires that an agency determine all of the following:
 - (a) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;
 - (b) Whether the rule needs amendment or rescission to give more flexibility at the local level;
 - (c) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork; and
 - (d) Whether the rule duplicates, overlaps with, or conflicts with other rules.

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(5) Following its review, the staff of the Commission has recommended that, given the uncertainty concerning the structure of the electric industry in the near future, the rules contained in Chapter 4901:1-17, O.A.C., should be continued without amendment at this time, subject to future review.

- (6) In making the determination required by Section 119.032(C), Revised Code, the Commission staff considered those matters set forth in Section 119.032(C), Revised Code, as well as the continued need for the rules; the nature of any complaints or comments received concerning these rules; and any relevant factors that have changed in the subject matter area affected by the rule.
- (7) Even though the Commission staff has proposed no changes to the rules contained in Chapter 4901:1-17, O.A.C., we are issuing this entry with the rules attached for comment to assist us in the review required by Section 119.032, Revised Code.
- (8) Those persons or entities interested in making comments should do so no later than the close of business on July 23, 1998.
- (9) Any person filing comments on behalf of anyone other than themselves needs to review Section 121.60, Revised Code, to determine if he or she needs to register as an executive agency lobbyist prior to the filing of comments.

It is, therefore,

ORDERED, That any interested person or entity wishing to file comments with this Commission regarding the attached rules do so no later than the close of business on July 23, 1998. It is, further,

ORDERED, That a copy of this entry be served upon each electric, gas, telephone, sewage treatment, and water company subject to the jurisdiction of this Commission;

the Office of Consumers' Counsel; the mayors of the eight largest cities in the state; and upon any other interested person or entity.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Bairy Butler

Judith A. Jones

Donald L. Mason

SJD/vrh

JUL 2 1998

A True Copy

Gary E. Vigorito Secretary

Establishment of Credit for Residential Utility Services

4901:1-17-01	Definition of utility.
4901:1-17-02	Declaration of public policy.
4901:1-17-03	Establishment of credit.
4901:1-17-04	Reestablishment of credit.
4901:1-17-05	Deposit, amount, receipt, interest.
4901:1-17-06	Refund of deposit.
4901:1-17-07	Record of deposit.
4901:1-17-08	Appeal by applicant or customer.

4901:1-17-01 Definition of utility.

The term "utility" or "public utility" as used in these rules includes all persons, firms, or corporations engaged in the business of furnishing gas, water, electricity, telephone or sewage disposal service to consumers.

A.O. No. 210 Case No. 36,832 Eff. May 16, 1971

4901:1-17-02 Declaration of public policy.

The public utilities commission of Ohio, hereinafter referred to as the "commission," declares that it is in the public interest for each utility to fairly and indiscriminately administer a reasonable policy reflected by written regulations, in accord with these rules, which will permit an applicant for residential service to establish or an existing residence customer to reestablish credit with the utility for the use of its service. The commission further declares that when it is necessary for an applicant or customer to make a cash deposit to establish or reestablish credit in accord with these rules, the making of such deposit is in the public interest because it avoids, to the extent practicable, the creation of a burden arising from the uncollectible bills which would have to be borne ultimately by all the utility's ratepayers. The commission further declares that the essential ingredient in each utility's administration of deposit policy in accord with these rules is its equitable and indiscriminate application to all applicants for service and customers throughout the service area without regard to the economic character of the area or any part thereof, and such deposit policy shall be predicated upon the credit risk of the individual as determined by the utility without regard to the collective credit reputation of the area in which he lives.

A.O. No. 210 Case No. 36,832 Eff. May 16, 1971

4901:1-17-03 Establishment of credit.

- (A) Each utility may require an applicant for residential service to satisfactorily establish his financial responsibility, which will be deemed established if:
 - (1) The applicant is a financially responsible freeholder of the premises to be served or of other real estate within the territory served by the utility; or
 - (2) The applicant demonstrates that he is a satisfactory credit risk by means, which may be quickly and inexpensively checked by the utility. In determining whether the applicant is a financially responsible person, the public utility may request from the applicant and shall consider information including, but not limited to, the following: name of employer, place of employment, position held, length of service, letters of reference, and substantive credit cards; or
 - (3) The applicant has been a customer of a utility of a similar type of service within a period of twenty-four consecutive months preceding the date of application, unless records of such previous service indicate that the applicant's service was disconnected for nonpayment of his bill during the last twelve consecutive months of that prior service, or the applicant had on more than two occasions during such twelve-month period failed to pay his bill by the time specified by the regulations of the utility regarding the prompt payment of bills, provided that the average periodic bill for such previous service was

equal to at least fifty per cent of that estimated for the new service; and provided further, that the financial responsibility of the applicant is not otherwise impaired.

. . .

The applicant shall bear the burden of establishing the applicability of this rule. All utility companies shall promptly provide to any applicant, upon request, information in writing, which will reflect the service record of such customer as such record relates to the specific matters, which may require determination in this rule; or

- (4) The applicant furnishes a reasonably safe guarantor to secure payments of bills in an amount sufficient for sixty days' supply for the service requested; or
- (5) The applicant makes a cash deposit to secure payment of bills for the utility's service as prescribed in rule 4901:1-17-05.
- (B) The establishment of credit under the provisions of these rules, or the reestablishment of credit under the provisions of rule 4901:1-17-04, shall not relieve the applicant for service from compliance with the reasonable regulations of the utility regarding advance payments and prompt payment of bills, and shall not modify any regulations of the utility as to the discontinuance of service for the nonpayment of bills for service furnished.
- (C) Upon default in the payment of any bill for utility service by a customer who has furnished a guarantor as provided in rule 4901:1-17-03(A)(4), which guarantor is a customer of the same utility, said utility may transfer said customer's bill to the guarantor's bill and may, further, discontinue service to said guarantor upon thirty days notice if said bill remains unpaid, provided, that the guaranty agreement makes provision for the same.
- (D) An applicant for service who owes an unpaid bill for previous residential service, whether said bill is owed as a result of service provided to said applicant or is owed under a guaranty agreement, shall not be deemed to have satisfactorily established or reestablished his financial responsibility so long as said bill remains unpaid.

A.O. No. 210 Case No. 36,832 Eff. May 16, 1971

4901:17-04 Reestablishment of credit.

- (A) An applicant for service who previously has been a customer of the utility and whose service was discontinued during the last twelve consecutive months of that prior service because of nonpayment of his bills may be required to reestablish his credit by depositing the amount prescribed in rule 4901:1-17-05, except, that such an applicant shall not be required to make such deposit if the previous discontinued service resulted from failure to pay his bills for nonresidential utility service and, in addition, such applicant can satisfactorily establish his financial responsibility by any of the other methods set forth in rule 4901:1-17-03(A).
- (B) A customer who fails to pay his bill by the time specified by the regulations of the utility regarding the prompt payment of bills, and who further fails to pay such bill within a reasonable period after presentation of a discontinuance of service notice for nonpayment of bill (regardless of whether or not service is discontinued for such nonpayment), may be required to pay such bill together with the reasonable reconnection charge, if any reconnection is required, and to reestablish his credit by depositing the amount prescribed in rule 4901:1-17-05.

A.O. No. 210 Case No. 36,832 Eff. May 16, 1971

4901:1-17-05 Deposit, amount, receipt, interest.

- (A) No public utility, except telephone companies, shall require a cash deposit to establish or reestablish credit in an amount in excess of one-twelfth of the estimated charge for all service for the ensuing twelve months, plus thirty per cent of the monthly estimated charge. No telephone company shall require a cash deposit to establish or reestablish credit in an amount in excess of two-twelfths of the estimated charge for all services for the ensuing twelve months, plus thirty per cent of the monthly estimated charge. Each utility, upon request, shall furnish a copy of these rules to the applicant for service or customer from whom a deposit is required and such copy shall contain the name, address and telephone number of the commission.
- (B) Upon receiving a cash deposit, the utility shall furnish to the applicant for service or customer a receipt showing:
 - (1) The name of the applicant for service or customer;
 - (2) The address of the premises to be served;
 - (3) The billing address for such service; and
 - (4) The amount of deposit and a statement that the rate of interest to be paid on said deposit will be not less than the rate established by the public utilities commission of Ohio from time to time.
- (C) Each utility shall pay interest at a rate of at least five per cent on a deposit. Interest on a deposit shall accrue annually and shall either be paid to the customer when his deposit is refunded or deducted from the customer's final bill for service. A utility shall not be required to pay interest on a deposit held less than one hundred eighty days, and shall not be required to pay interest on a deposit after termination or discontinuance of service, if the utility has made a reasonable effort to refund the deposit. Thereafter, an unclaimed deposit, plus accrued interest, shall be disposed of in conformity with Chapter 169. of the Revised Code.

Case No. 83-303-GE-COI Eff. December 1, 1983 Amended: May 16, 1971 Rule amplifies: 4933.17, R.C.

4901:1-17-06 Refund of deposit.

- (A) Upon termination or discontinuance of service, the utility shall promptly apply the customer's deposit, including interest accrued to date, to the final bill for service. The remainder, if any, in excess of the final bill for service, shall be promptly refunded to the customer. A transfer of service from one premises to another within the service area of the utility shall not be deemed a discontinuance within the meaning of these rules.
- (B) After the customer has paid his bills for service for twelve consecutive months without having had service discontinued for nonpayment of his bill, and without having had more than two occasions on which his bill was not paid by the time specified by the regulations of the utility regarding prompt payment of bills, and the customer is not then delinquent in the payment of his bills, the utility shall promptly refund the deposit plus interest accrued to date. If the customer has had service discontinued for nonpayment of his bill; or had more than two such past due bills for such period, the utility shall thereafter review the account every twelve months and shall promptly refund the deposit plus interest accrued to date after the customer has neither had service discontinued for nonpayment of his bill nor had more than two such past due bills during the twelve consecutive months prior to any review, and the customer is not then delinquent in the payment of his bills.
- (C) The utility shall promptly return the deposit plus interest accrued to date at any time upon request, if the customer's credit has been otherwise established or reestablished in accordance with these rules.

A.O. No. 210 Case No. 36,832 Eff. May 16, 1971

4901:1-17-07 Record of deposit.

Each utility holding a cash deposit shall keep a record thereof until the deposit is refunded or otherwise disposed of in accordance with applicable law. The record shall show:

- (1) The name and current billing address of each depositor;
- (2) The amount and date of the deposit; and
- (3) Each transaction concerning the deposit.

A.O. No. 210 Case No. 36,832 Eff. May 16, 1971

4901:1-17-08 Appeal by applicant or customer.

Each utility shall direct its personnel engaged in initial contact with an applicant for service or customer seeking to establish or reestablish credit under the provisions of these rules to inform him, if he expresses dissatisfaction with the decision of such personnel, of his right to have the problem considered and acted upon by supervisory personnel of the utility. Each utility shall further direct such supervisory personnel to inform such an applicant or customer who expresses dissatisfaction with the decision of such supervisory personnel and requests government review of his right to have the problem reviewed by an official of the commission and shall furnish him the business address and telephone number of the commission. The payment of a deposit as requested by the utility shall not foreclose or in any manner affect the applicant's right to appeal hereunder.

A.O. No. 210 Case No. 36,832 Eff. May 16, 1971 SERVICE NOTICE

PAGE 1

CASE NUMBER

98-973-AU-ORD

CASE DESCRIPTION

CHAPTER 4901:1-17, O.A.C.

DOCUMENT SIGNED ON

July 2, 1998

DATE OF SERVICE

PERSONS SERVED

PARTIES OF RECORD

ATTORNEYS

ALL GAS & ELECTRIC COMPANIES SEE ATTACHED SHEETS FOR OTHER SERVED.

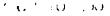
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Quick Communications, Inc. 1500 Roebuck Drive Meridian MS 39302

RAM Technologies, Inc. 2025 13th Street P.O. Box 2558 Ashland KY 41105 Ray's Mobile Communications, Inc. 14250 West State Route 105 Oak Harbor OH 43449 Selective Paging of Columbus, Inc. P.O. Box 738 Ashtabula OH 44005-0738

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Skytel Corporation 200 South Lamar Street Jackson MS 39201

Southern Ohio Communications Services, Inc. 100 East Third Street Waverly OH 45690 Springfield Cellular Telephone Co. 350 E. Wilson Bridge Rd. Worthington OH 43085

Sprint Cellular Company of Ohio No. 4 8725 Higgins Rd. Chicago IL 60631 SPS Communications, Inc. 932 W. Mound St. Columbus OH 43223

Sygnet Communications, Inc. 6550-B Seville Drive Canfield OH 44406

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American Nortel Communications, Inc. 7201 E. Camelback Suite 320 Scottsdale AZ 85251

American Tel Group, Inc. 5850 Eubank Blvd. N.E. Suite B-16 Albuquerque NM 87111

American Telco, Inc. 100 Waugh Drive Suite 200 Houston TX 77007 American Telecommunications Enterprises, Inc. P.O. Box 6544
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Americatel Corporation 4045 NW 97th Avenue Miami FL 33178 Amerifax, Inc. 10975 Benson Drive Suite 340 Overland Park IS 66210 Ameriline Communications, Inc. P.O. Box 910 Zanesville OH 43702-0910 Ameritech Advanced Data Services of Ohio, Inc. 95 W. Algonquin #124
Arlington Hts. IL 60005

Ameritech Payphone Services 225 W. Randolph Street Floor 15B Chicago IL 60606 Ameritel Pay Phones, Inc. 1209 W. North Carrier Parkway Suite 300 Grand Prairie TX 75050

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Athena International, LLC 701 Poydras St. Suite 675 New Orleans LA 70139

Atlas Equity, Inc. 4100 Newport Place Suite 400 Newport Beach CA 92660 Bass Island Telephone Company 9887 4th Street, North Suite 319 St. Petersburg FL 33702 Bell Atlantic Communications, Inc. 1320 N. Court House Road 9th Floor Arlington VA 22201

BellSouth Long Distance, Inc. 28 Perimeter Center East Atlanta GA 30346 BLT Technologies, Inc. 515 East Amite Street Jackson MS 39201-2702

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Brittan Communications International Corp. 600 Jefferson Suite 500 Houston TX 77002

Budget Call Long Distance, Inc. 180 South Clinton Avenue Rochester NY 14646

Buehner-Fry, Inc. 62975 Boyd Acres Road Suite 2 Bend OR 97701

Business Telecom, Inc. 4300 Six Forks Road Suite 500 Raleigh NC 27609 Cablevision Lightpath Ohio, Inc. 111 New South Road Woodbury NY 11801 Calling Card International, Inc. 535 5th Avenue 22nd Floor New York NY 10017

Calls for Less, Inc. 725 North Derby Lane N. Sioux City SD 57049

Capital Network Systems, Inc. 600 Congress Avenue Suite B-100 Austin TX 78701

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Consolidated Communications Telecom Services, Inc. 121 South 17th Street Mattoon IL 61938

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Deltacom, Inc. 500 Boulevard South Suite 203 Huntsville AL 35802

Destiny Telecomm International, Inc. P.O. Box 1757
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Easton Telecom Services, Inc. 4646 W. Streetsboro Road P.O. Box 550 Richfield OH 44286 Econophone, Inc. 6455 E. Johns Crossing Suite 285 Duluth GA 30097

Efficy Group, Inc. 403 Woods Lake Road Suite 140 Greenville SC 29607 Electric Lightwave, Inc. P.O. Box 4678 Vancouver WA 98662-0678

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Hamtramck MI 48211-1403

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Metropolitan Fiber Systems of Columbus, Inc. 11808 Miracle Hills Drive Omaha NE 68154 Microwave Services, Inc. Three Bala Plaza East Suite 502 Bala Cynwyd PA 19004

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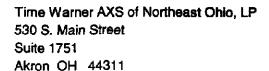
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