

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's )  
Review of Chapter 4901:1-10, Ohio ) Case No. 12-2050-EL-ORD  
Administrative Code, Regarding )  
Electric Companies. )

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 4901:1-10, O.A.C., are regarding electric companies and govern the minimum service and safety standards for service provided by electric utilities.
- (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  - (a) The rules should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted: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;
  - (c) The rules need 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 121.71, 121.75, and 121.76, Revised Code; and
  - (d) The rules duplicate, overlap with, or conflict with other rules.

- (3) In addition, on January 10, 2011, the Governor of the state of Ohio issued Executive Order 2011-01K, entitled "Establishing the Common Sense Initiative," which sets forth several factors to be considered in the promulgation of rules and the review of existing rules. Among other things, the Commission must review its rules to determine the impact that a rule has on small businesses; attempt to balance properly the critical objectives of regulation and the cost of compliance by the regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative unintended consequences, or unnecessarily impede business growth.
- (4) Additionally, in accordance with Section 121.82, Revised Code, in the course of developing draft rules, the Commission must evaluate the rules against business impact analysis. If there will be an adverse impact on businesses, as defined in Section 107.52, Revised Code, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact.
- (5) 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 Chapter 4901:1-10, O.A.C., and recommends amendments to several rules as shown in the attachment to this entry.
- (6) An agency must also demonstrate that it has included stakeholders in the development of the rule, that it has evaluated the impact of the rule on businesses, and that the purpose of the rule is important enough to justify the impact. The agency must seek to eliminate excessive or duplicative rules that stand in the way of job creation.
- (7) A few of the more significant recommended changes have been summarized. The Commission is seeking general comments on the recommended revisions and requests specific comments to certain rules as detailed in this entry.
- (8) The Commission seeks comments on the proposed revisions to provide safeguards for disclosure of customer energy usage data. These revisions include defining customer energy usage data and

de-identified customer energy usage data, as well as prohibiting an electric utility from disclosing customer energy usage data without the customer's written or electronic authorization, or without a court or commission order, except in certain circumstances. The Commission seeks comments on whether these safeguards will adequately protect customers from undesired disclosure of customer energy usage data. The Commission further seeks comments on what other measures could be undertaken to further protect customers from unnecessary disclosure of their energy usage data and what other consumer protections should be considered by the Commission.

- (9) The Commission seeks comments on the proposed revisions to improve environmental disclosure and the disclosure of the approximate generation resource mix to consumers. The proposed revisions would replace unknown purchased resources with the regional generation resource mix provided by the RTO/ISO. The data on the regional generation resource mix for all purchased energy would then be integrated into the pie chart and data to demonstrate the approximate generation resource mix of the generation being supplied. The Commission seeks comments on whether supplementing the regional generation resource mix for unknown purchased resources will provide customers with a better approximation of the generation resource mix being supplied.
- (10) The Commission seeks specific comments on a number of issues regarding net metering. An explanation of some of the proposed revisions that the Commission seeks comments on is detailed below:
  - (a) The proposed revisions would clarify that any customer that hosts or leases generation equipment on its premises should be considered a customer-generator.
  - (b) The proposed revisions seek to clarify the definition of "intend primarily to offset part or all of a customer-generator's requirements for electricity", as found in 4928.01(31)(a) of the Revised Code. The clarification to the definition would include a presumption that a customer-generator that generates less than one-hundred and twenty percent of the customer-

generator's requirements for electricity intends "primarily to offset" part or all of the customer-generator's requirements for electricity. This presumption is proposed because the Commission and staff recognize that a customer-generator could generate in excess of the customer-generator's consumption while actually intending only to offset all of the customer-generator's requirements for electricity. The Commission and Staff further recognize the need to allow customer-generators to engage in energy efficiency measures without becoming excessive-generators. The Commission seeks comments on whether setting this presumption promotes the public policy of the state of Ohio and whether it could be appropriately and fairly applied to customer-generators.

- (c) The Commission seeks comments on the proposed revision to clarify a customer-generator's "requirements for electricity" as the customer-generator's average annual electricity consumption over the previous three years, using the annual period of June 1 to May 31.
- (d) The Commission seeks comments on the proposed revision to clarify the calculation of the credit for monthly excess generation and net excess generation. Under the proposed revisions, excess generation would be credited to the next month's bill. If the credit is not used in the next month, it's credited to a net excess generation account. That net excess generation account would then credit any months in which the generation from the prior month was insufficient. Net excess generation would accumulate for the twelve month period beginning on June 1 of each year and ending on the following May 31. If there exists net excess generation at the end of the twelve month period, the electric utility must issue a refund to the customer-generator for the net excess generation, calculated at the rate the customer-generator pays for generation and regardless of whether the customer-generator purchases generation

from the electric utility or a competitive retail electric service provider. The Commission seeks comments on whether these proposed revisions will bring consistency among the net metering tariffs offered by electric utilities and more consistent application of those tariffs to customers.

- (e) The Commission seeks comments on the proposed revision to clarify the definition of the customer-generator's premises. The clarified definition would recognize that a customer-generator's premises includes lots or areas contiguous to the lots or areas owned, operated, leased, or otherwise controlled by the customer-generator.
  - (f) The Commission further seeks comments on whether specific definitions of the acceptable technologies for net metering should be included in this rule. Specifically, whether the rule should contain a definition for microturbine technology and at what capacity or under what circumstances, if any, is a microturbine generator different from a traditional turbine generator.
  - (g) The Commission further seeks comments on whether virtual net metering and aggregate net metering could be implemented in Ohio without violating Section 4928.01 or Section 4928.67 of the Revised Code and whether virtual net metering and aggregate net metering would promote the public policy of the state.
- (11) The Commission seeks comments on the proposed revisions to add Rule 4901:1-10-34 for compliance with the Public Utility Regulatory Policies Act of 1978, as amended by the Energy Policy Act of 2005. This rule would provide a standard market-based rate for electricity and capacity transactions between EDUs and small power producing or cogeneration qualifying facilities of 20 megawatts or less. The Commission seeks comments on whether the proposed rule adequately brings the Ohio rules into compliance with PURPA, whether there will be any negative impact on

business as a result of this rule, and what other revisions may be necessary to comply with the federal PURPA requirements.

- (12) Staff's proposed changes to Chapter 4901:1-10, O.A.C., as well as the business impact analysis, are attached to this entry.
- (13) In order to avoid needless production of paper copies, the Commission will serve a paper copy of this entry only and will make Staff's proposed changes to Chapter 4901:1-10, O.A.C., as well as the business impact analysis available online at: [www.puco.ohio.gov/puco/rules](http://www.puco.ohio.gov/puco/rules). All interested persons may download the proposed rules and the business impact analysis from the above website, or contact the Commission's Docketing Division to be sent a paper copy.
- (14) The Commission requests comments from interested persons to assist in the review required by Section 119.032(C), Revised Code, and Executive Order 2011-01K. Comments on the draft rules and/or on the business impact analysis should be filed, either via electronic filing or in hard copy, by January 7, 2013. Reply comments should be filed by February 6, 2013.

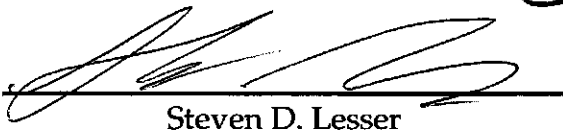
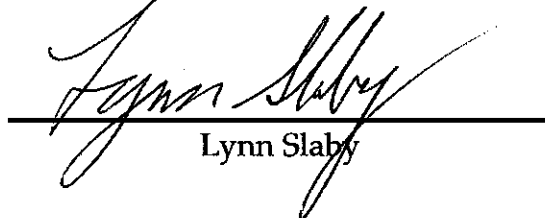
It is, therefore,

ORDERED, That all interested persons shall have until January 7, 2013, to file comments to the proposed rule changes and until February 6, 2013, to file reply comments in accordance with finding (14). It is, further,

ORDERED, That a copy of this entry with the attached rules and business impact analysis be submitted to CSI in accordance with Section 121.82, Revised Code. It is, further,

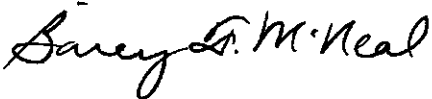
ORDERED, That an electronic notice or paper copy of this entry without the attached rules or business impact analysis be served upon all electric utilities in the state of Ohio, all certified competitive retail electric service providers in the state of Ohio, the Electric-Energy industry list-serve, and all other interested persons of record.

## THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman  
Steven D. Lesser  
Andre T. Porter  
Cheryl L. Roberto  
Lynn Slaby

BAM/dah

Entered in the Journal

**NOV 07 2012**

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Barcy F. McNeal  
Secretary

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**4901:1-10-01 Definitions**

As used in this chapter:

- (A) "Applicant" means a person who requests or makes application for service.
- (B) "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 an electric utility and a competitive retail electric service provider.
- (E) "Consumer" means any person who receives service from an electric utility or a competitive retail electric service provider.
- (F) "Critical customer" means any customer or consumer on a medical or life-support system who has provided appropriate documentation to the electric utility that an interruption of service would be immediately life-threatening.
- (G) "Customer" means any person who has an agreement, by contract and/or tariff with an electric utility or by contract with a competitive retail electric service provider, to receive service.
- (H) "Customer premises" means the residence(s), building(s), or office(s) of a customer.
- (I) "Customer energy usage data" means energy usage information and data that is identifiable to a retail customer.
- (J) "De-identified energy usage data" means aggregated information and data that is not identifiable to an individual retail customer or could not be used to reasonably ascertain a customer's identity.
- (K) "Director of the service monitoring and enforcement department" means the director of the service monitoring and enforcement department of the commission or the director's designee.
- (L) "Electric distribution utility" or "EDU" shall have the meaning set forth in



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division (A)(6) of section 4928.01 of the Revised Code.

- (M) "Electric light company" shall have the meaning set forth in division (A)(4) of section 4905.03 of the Revised Code.
- (N) "Electric services company" shall have the meaning set forth in division (A)(9) of section 4928.01 of the Revised Code.
- (O) "Electric utility" as used in this chapter shall have the meaning set forth in division (A)(11) of section 4928.01 of the Revised Code.
- (P) "Electric utility call center" means an office or department or any third party contractor of an electric utility designated to receive customer calls.
- (Q) "Fraudulent act" means an intentional misrepresentation or concealment by the customer or consumer of a material fact that the electric utility relies on to its detriment. Fraudulent act does not include tampering.
- (R) "Governmental aggregation program" means the aggregation program established by the governmental aggregator with a fixed aggregation term, which shall be a period of not less than one year and no more than three years.
- (S) "Major event" encompasses any calendar day when an electric utility's system average interruption duration index (SAIDI) exceeds the major event day threshold using the methodology outlined in section 4.5 of standard 1366-2003 adopted by the institute of electric and electronics engineers (IEEE) in "IEEE Guide for Electric Power Distribution Reliability Indices." The threshold will be calculated by determining the SAIDI associated with adding 2.5 standard deviations to the average of the natural logarithms of the electric utility's daily SAIDI performance during the most recent five-year period. The computation for a major event requires the exclusion of transmission outages. For purposes of this definition, the SAIDI shall be determined in accordance with paragraph (C)(3)(e)(iii) of rule 4901:1-10-11 of the Administrative Code.
- (T) "Mercantile customer" shall have the meaning set forth in division (A)(19) of section 4928.01 of the Revised Code.
- (U) "Outage coordinator" means the commission's ~~emergency-outage coordinator~~ service monitoring and enforcement department director or the director's designee.

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- (V) "Person" shall have the meaning set forth in division (A)(24) of section 4928.01 of the Revised Code.
- (W) "Postmark" means a mark, including a date, stamped or imprinted on a piece of mail which services 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. For electronic mail, postmark means the date the electronic mail was transmitted.
- (X) "Renewable energy credit" means the fully aggregated attributes associated with one megawatt hour of electricity generated by a renewable energy resource as defined in division (A)(35) of section 4928.01 of the Revised Code.
- (Y) "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.
- (Z) "Staff" means the commission staff or its authorized representative.
- (AA) "Sustained outage" means the interruption of service to a customer for more than five minutes.
- (BB) "Tampering" means to interfere with, damage, or by-pass a utility meter, conduit, or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so far as to reduce the amount of utility service that is registered on or reported by the meter. Tampering includes the unauthorized reconnection of a utility meter, conduit, or attachment that has been disconnected by the utility.
- (CC) "Third-party developer" means any person other than the electric utility, CRES provider, applicable regulatory authority, or independent system operator, that has an interest in or that uses customer energy usage data.
- (DD) "Transmission outage" means an outage involving facilities that would be included in rate setting by the federal energy regulation commission.
- (EE) "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.
- (FF) "Voltage excursions" are those voltage conditions that occur outside of the

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voltage limits as defined in the electric utility's tariffs and are beyond the control of the electric utility.

**4901:1-10-02. Purpose and scope**

- (A) The rules in this chapter:
- (1) Apply to investor-owned electric utilities, as defined in this chapter, and transmission owners.
  - (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 electric utilities and/or transmission owners to furnish other or additional service, equipment, and facilities upon:
- (1) The commission's own motion.
  - (2) Formal or informal commission resolution of a complaint.
  - (3) The application of any electric utility.
- (C) The commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.
- (D) The rules in this chapter shall not relieve the electric utilities 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 electric utility's tariffs. An electric utility may adopt or maintain tariffs providing superior standards of service, reliability or safety, or greater protection for customers or consumers. Further, an electric utility may adopt or maintain tariffs which are not inconsistent with the rules of this chapter.

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- (F) When an electric utility 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 4901:1-10-27 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 utility and/or transmission owner.
- (G) No tariff of an electric utility shall incorporate exculpatory clauses that purport to limit or eliminate liability on the part of the electric utility to its customers or others as a result of its own negligence when providing a regulated service. No electric utility tariff shall incorporate provisions which purport to establish liability on the part of the electric utility's customers for acts or failures to act involving an electric utility's facilities, which are beyond the control of the customer. Any contrary provisions in an electric utility's tariff now on file with the commission shall be eliminated.

**4901:1-10-03 Records**

(A) Retention of records

- (1) Unless otherwise specified in this chapter or in paragraph (A)(2) of this rule, the regulations governing the retention and preservation of electric utility records are set forth in the appendix to rule 4901:1-9-06 of the Administrative Code.
- (2) Unless otherwise specified in this chapter, each electric utility shall maintain, for three years, 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.
- (3) If compliance with any rule in this chapter is determined on the basis of activities (such as inspection, testing, or maintenance) occurring over a

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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 comprised of the activities required during the stated period.

(B) Access to records

- (1) Each electric utility shall provide access to its records maintained in accordance with paragraph (A) of this rule to the staff upon request of the staff.
- (2) Access to records and business activities includes such records and activities as would allow the staff to adequately monitor Ohio-specific customer calls made to the electric utility call center or a third party vendor hired by the electric utility.
- (3) Access includes the ability of staff to adequately monitor the electric utility call center interactions with Ohio customers either at a location in Ohio or in a manner agreed to by the staff. Electric utilities shall provide access to monitor customer calls without the customer service representative's knowledge of the monitoring.

**4901:1-10-04 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. For transmission facilities within the commission's jurisdiction, the voltage measuring equipment accuracy and testing requirements shall comply with the requirements of the transmission system operator. 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 and/or transmission owner.
- (B) Electric utilities and transmission owners shall comply with the following requirements regarding standard voltage:
  - (1) Each electric utility and transmission owner supplying electrical energy for

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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 customers, including the number of phases and service configurations and the voltage variations for each available service configuration. The nominal service voltage shall be based on the ~~2001 version~~ 2012 edition of the "American National Standards Institute" standard C84.1, electric power systems and equipment voltage ratings, or as subsequently amended.
- (3) The limits specified within this rule do not apply to voltage excursions.
- (4) Each electric utility and transmission owner shall develop procedures to reasonably 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 and transmission owner'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., voltage regulators and capacitors), available substation voltage monitoring equipment and other field investigations and system voltage studies.

- (C) Whenever an electric utility and/or transmission owner knows that voltage levels exist outside of the voltage ranges as specified in paragraph (B)(2) of this rule, the electric utility shall, in a nondiscriminatory manner, promptly take steps to investigate and initiate corrective action, if it is within the electric utility's and/or transmission owner's control to restore the voltage levels to within acceptable limits. The electric utility and/or transmission owner shall document the specifics of the investigation, its findings, and any corrective action that was necessary.
- (D) The voltage requirements outlined in this rule may be amended or modified by contractual agreement between the electric utility and/or transmission owner and its customer(s), provided the service rendered does not impact other customers on the system.

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- (E) The electric utility is not 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.

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

**4901:1-10-05 Metering**

- (A) Electric 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 2001-2008 version of ANSI C12.1 standards. No metering device shall be placed in service or knowingly allowed to remain in service if it does not comply with these standards.
- (C) Electric utility employees or authorized agents of the electric utility shall have the right of access to the electric utility'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 electric utility's requirements.
- (D) Meters that are not direct reading meters, such as meters with a multiplier equal to 1.0, 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 electric utility's meters shall be installed and removed by the electric utility's personnel or authorized agent. Before initial service to a service location is energized, the electric utility shall verify that the installation of the meter base

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and associated equipment has either been inspected and approved by the local inspection authority or, in any area where there is no local inspection authority, has been inspected by ~~an~~ a licensed electrician.

(F) Metering accuracy shall be the responsibility of the electric utility.

- (1) Upon request by a customer, the electric utility 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.
  - (b) The electric utility 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 electric utility 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 electric utility:
  - (a) Shall not charge a fee or recover any testing expenses from the customer.
  - (b) Shall recalibrate the meter or provide a properly functioning meter that complies with the ANSI C12.1 standards without charge to the customer.
  - (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 electric utility or customer has established the period of meter inaccuracy, the overcharge shall be computed on the basis of metered usage prior and/or subsequent to such period, consistent with the rates in effect during that period.



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- (ii) When the electric utility 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 shorter. The 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.

(d) Any undercharge shall be billed in accordance with Rule 4901:1-10-23 of the Administrative Code.

- (G) Each electric utility shall identify, by company name and/or parent trademark 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) Each electric utility 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) Serial or assigned meter number.
  - (2) Every location where the meter has been installed and removed, together with the dates of such installations and removals.
  - (3) Date of any customer request for a test of the meter.
  - (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) Each electric utility shall comply with the following requirements regarding meter reading:
  - (1) The electric utility shall obtain actual readings of all its in-service customer

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meters at least once each calendar year. Every billing period, the electric utility shall make reasonable attempts to obtain accurate, actual readings of the energy and demand, if applicable, delivered for the billing period, except where the customer and the electric utility have agreed to other arrangements. Meter readings taken by electronic means shall be considered actual readings.

- (2) In addition to the requirements of paragraph (1)(1) of this rule, the electric utility 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 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 calendar days immediately preceding initiation and/or termination of service and access to the meter is provided.
- (4) If the meter has most recently been read within the thirty-three to fifty-nine calendar days immediately preceding the initiation and/or termination of service, the electric utility shall inform the customer, when the customer contacts the electric utility, 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 calendar days immediately preceding the initiation and/or termination of service, the electric utility may estimate usage.

**4901:1-10-06 "National Electrical Safety Code"**

Each electric utility and transmission owner shall comply with the 2007 2012 edition of the "American National Standard Institute's," "National Electrical Safety Code" approved by the "American National Standards Institute" and adopted by the "Institute of Electric and Electronics Engineers."

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**4901:1-10-07 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 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.
- (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 electric utility's certified territory within a county or all adjoining municipalities and townships in an electric utility's certified territory.

(B) Each electric utility shall immediately report each outage to the commission's outage coordinator in a format prescribed by the outage coordinator. ~~Each electric utility 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.~~

**4901:1-10-08 Emergency plan, annual emergency contact report and annual review of emergency plan, critical customers, emergency exercise, and coordination.**

(A) Each electric utility shall maintain an emergency plan(s) in accordance with this rule. Each emergency plan shall include at least the following elements, or if these elements are contained in another document, each electric utility shall reference such document in the plan:

- (1) A table of contents, mission statement, and major objectives for the plan.

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- (2) A description of procedures the electric utility uses to move from its normal operations to each stage or level of outage response and restoration of services.
- (3) A description of the electric utility's requirements for restoring service.
- (4) Identification and annual updates of all of the electric utility's critical facilities, as defined by the electric utility, and reasonable measures to protect its personnel and facilities.
- (5) Contingency identification, i.e., a plan for training alternative or backup employees, identifying backup power supplies, and identifying alternative means of communicating with the office and field employees.
- (6) A list of twenty-four hour phone numbers of fire and police departments and county/regional emergency management directors in its service area.
- (7) Procedures for requesting aid, utilizing crews from other electric transmission owners and/or distribution utilities, and utilizing other restoration assistance.
- (8) Procedures for prompt identification of outage areas; timely assessment of damage; and, as accurately as conditions allow, provision of an informed estimate of materials, equipment, personnel, and hours required to restore service.
- (9) Performance objectives for telephone response time to customer outage calls and procedures to accomplish those objectives.
- (10) 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) of rule 4901:1-10-07 of the Administrative Code, and the entities specified in paragraph (A)(4) of rule 4901:1-10-07 of the Administrative Code.
  - (c) Providing information to critical customers who are without service.
- (11) The policy and procedures for providing outage response and restoration of service updates to the county/regional emergency management directors,

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mayors, and other elected officials; the commission's outage coordinator; the commission's media office; the media; and the electric utility's customers.

- (12) The policy and procedures to verify that service has been restored in each outage area.
- (13) The policy and procedures for providing maximum outage response, seeking outside assistance, and restoring service in a worst case outage scenario, i.e., "a major event."
- (14) The policy and procedures to provide supervisors who are responsible for emergency response a copy of the latest edition of the emergency plan.
- (15) The policy and procedures to:
  - (a) Establish and maintain a liaison with appropriate fire and police departments within the electric utility's service territory.
  - (b) Identify major interruptions of service during which the electric utility will notify appropriate fire departments, police departments, and public officials regarding such interruptions.
  - (c) Determine appropriate mutual assistance and communication methodologies that will be used during major restoration efforts.
- (16) In addition to any North American electric reliability corporation guidelines or standards, a continuity of operations plan to ensure continuance of minimum essential functions during events that cause staffing to be reduced. The continuity of operations plan shall, at a minimum, include:
  - (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 the state of 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.

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- (d) Identification of essential employees and critical inputs (e.g., raw materials, equipment, suppliers, subcontractor 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 commission during a declared emergency.
- (17) Policies and procedures for conducting an after-action assessment following activation of the emergency plan. An after-action assessment shall be prepared 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.
- (B) Each electric utility 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 electric utility may redact the following confidential information:
- (1) The electric utility's internal phone numbers.
  - (2) The list of specific critical facilities.
  - (3) Names, home addresses, and home phone numbers of electric utility employees, other than employee information required for the annual emergency contact report pursuant to paragraph (G)(1)(a) of this rule.
  - (4) Security and personal information and numbers (e.g., lock combination, computer access codes, cipher locks, and security codes).
  - (5) Identification of the electric utility's radio and dispatch channels.
  - (6) Identification of the radio and dispatch channels and telephone numbers of the following:
    - (a) Fire department.
    - (b) Police department.
    - (c) Other emergency/safety organizations.

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- (d) Government and public officials.
- (7) Similar information approved by the commission's outage coordinator.
- (C) Each electric utility shall follow and implement the procedures in its emergency plan.
- (D) Each electric utility 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 electric utility 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 electric utility 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) At the direction of the commission's outage coordinator, each electric utility 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, e-mail addresses, business telephone numbers, cellular telephone numbers, and home telephone numbers of at least three individuals who will serve as emergency contacts.
    - (b) Any available emergency hotline number.
    - (c) The fax number(s) of its emergency contacts.
  - (2) A report confirming that the electric utility has reviewed its emergency plan and, if applicable, has revised and/or updated the plan, or has established a new plan. Each electric utility shall also submit all revisions and updates to its plan or the new plan.
  - (3) Either of the following:

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- (a) If the electric utility has not implemented its emergency plan within the past year, a written statement attesting to that fact.
- (b) If the electric utility 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 that were not the result of a major event and that resulted in a major interruption of service and the electric utility implementing its emergency plan.
  - (ii) The electric utility's efforts to minimize the possibility of a recurrence of such failures.
- (H) Each electric utility shall promptly notify the commission's outage coordinator of any change in its emergency contacts.
- (I) Each electric utility 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, 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.
  - (3) Annually notify customers of its critical customer program by bill insert or other notice.
- (J) Every three years, each electric utility 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) Mayors and other elected officials.
  - (2) County/regional emergency management directors.
  - (3) Fire and police departments.
  - (4) Community organizations such as the American red cross.
  - (5) The commission's outage coordinator.
- (K) When an electric utility has implemented its emergency plan as set forth in



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paragraph (A) of this rule in response to a major event, natural disaster, or outage, that electric utility may request that the commission waive the testing and evaluation of the emergency plan for the three-year period during which such implementation occurred. To request a waiver, the electric utility must submit a report to the commission's outage coordinator detailing:

- (1) Its actions in implementing its emergency plan.
  - (2) What part of the emergency exercise the implemented plan replaces.
  - (3) Why the implementation is an appropriate replacement for an emergency exercise of all or a portion of the plan.
  - (4) The electric utility's interactions with the persons listed in paragraph (J) of this rule.
  - (5) Whether the implemented plan indicates that the electric utility's response to the emergency was sufficient. If the commission fails to act upon an electric utility's waiver request within sixty calendar days after such request is submitted to the outage coordinator, the waiver request shall be deemed to have been granted.
- (L) Each electric utility shall coordinate the implementation of its emergency plan, to the extent that such electric utility 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 electric utility's system.
  - (3) Any other electric utility or transmission owner with facilities connected to the electric utility.
- (M) Each electric utility shall coordinate the implementation of its emergency plan with local, state, and regional emergency management organizations.

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**4901:1-10.9 Minimum Electric Service (C)(3)**

- (A) On a calendar monthly basis, each electric utility 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, except for meters that are capable of starting and stopping service remotely, after the electric utility has been notified that the 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 service location is ready for service and all necessary tariff requirements have been met.
    - (c) Be completed within one business day after the electric utility has been notified that the service location is ready for service and all necessary tariff and regulatory requirements have been met for meters that are capable of starting and stopping service remotely.
  - (2) Ninety per cent of service upgrades and new service installations that require construction of electric facilities (including the setting of the meter) and that are not primary line extensions shall:
    - (a) Be completed within ten business days after the electric utility has been notified that the 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 service location is ready for service and all necessary tariff requirements have been met.
  - (3) If an applicant or customer, complies with all pertinent tariff requirements and the electric utility cannot complete the requested service installation or service upgrade as set forth in paragraph (A)(1)(a), (A)(1)(b), (A)(2)(a), or (A)(2)(b) of this rule, then the electric utility shall promptly notify the

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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 electric utility 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, 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 electric utility fails to complete the requested service installation or upgrade as set forth in paragraph (A)(1) or (A)(2) of this rule, as a result of a military action, war, insurrection, riot or strike, or as a result of a lack of access to the premises when necessary, then such failure shall not be included in the monthly percentage calculations for this rule. Each electric utility must justify and document in its records each instance where it relies on any of the exceptions listed in this paragraph.
- (B) On a calendar monthly basis, each electric utility's average (arithmetic mean) answer time for telephonic customer service calls shall not exceed ninety seconds. An electric utility 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 electric utility or at the point the caller begins to wait in queue, whichever comes first.
  - (3) When an electric utility utilizes a menu-driven, automated, interactive answering system (referred to as the system), the initial recorded message presented by the system to the caller shall only identify the company and the general options available to the caller, including the option of being transferred to a live attendant. At any time during the call, the caller shall be transferred to a live attendant if the caller fails to interact with the system for a period of ten seconds following any prompt.

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- (4) Callers shall not be delayed from reaching the queue by any promotional or merchandising material not selected by the customer.
- (C) Electric utilities shall comply with the following reporting requirements:
  - (1) When an electric utility fails to 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 electric utility shall notify the director of the service monitoring and enforcement department in writing within thirty calendar days after such failure. The notification shall 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 (B) of this rule constitutes a violation of this rule.
  - (2) By March thirty-first of each year, each electric utility shall submit an annual report to the director of the service monitoring and enforcement department, setting forth its actual monthly customer service performance data during the previous calendar year as compared with each of the minimum monthly customer service performance levels set forth in paragraphs (A) and (B) of this rule.
  - (3) Performance data during major events, consistent with that reported in accordance with paragraph (C)(2) of rule 4901:1-10-10 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.

**4901:1-10-10 Distribution system reliability**

- (A) General. This rule prescribes the measurement of each electric utility's service reliability, the development of minimum performance standards for such reliability, and the reporting of performance against the established standards.
- (B) Service reliability indices and minimum performance standards.
  - (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:

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CAIDI equals sum of customer interruption durations divided by total number of customer interruptions

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

SAIFI equals total number of customer interruptions divided by total number of customers served

- (2) Each electric utility in this state shall file with the commission an application to establish company-specific minimum reliability performance standards.
- (3) Applications for approval of a reliability performance standard shall include:
  - (a) A proposed methodology for establishing reliability standards.
  - (b) A proposed company-specific reliability performance standard for each service reliability index based on the proposed methodology.
  - (c) Supporting justification for the proposed methodology and each resulting performance standard.
- (4) Supporting justification for the proposed methodology and each resulting performance standard.
  - (a) Performance standards should reflect historical system performance, system design, technological advancements, service area geography, customer perception survey results as defined in paragraph (B)(4)(b) of this rule, and other relevant factors.
  - (b) Each electric utility 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 performance standards. The survey shall be paid for by the electric utility and shall be conducted under staff oversight. The objective of the survey is to measure customer perceptions, including, but not limited to, ~~economic impacts of disruptions in electric service, and~~ expectations of electric service reliability in terms of the service reliability indices defined in paragraph (B)(1) of this rule.

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- (c) Performance data during major events and transmission outages shall be excluded from the calculation of the indices, proposed standards, and any revised performance standards, as set forth in paragraph (B) of this rule.
- (5) A complete set of work papers must be filed with the application. Work papers must include, but are not limited to, any and all documents prepared by the electric utility for the application, a list of assumptions used in establishing its proposed methodology, and a narrative or other justification for its proposed methodology and each resulting performance standard.
- (6) Unless otherwise ordered by the commission, legal director, deputy legal director, or attorney examiner, the following procedural schedule shall apply:
  - (a) Upon the filing of an application, the commission, legal director, deputy legal director, or an attorney examiner will schedule a technical conference. The purpose of the technical conference is to allow interested persons an opportunity to better understand the electric utility's application. The electric utility will have the necessary personnel in attendance at this conference so as to explain, among other things, the filing, the work papers and the manner in which methodologies and resulting performance standards were devised. The conference will be held at the commission offices.
  - (b) Within twenty calendar days after the technical conference, any person may file comments.
  - (c) Within thirty calendar days after the technical conference, the commission's staff may file comments.
  - (d) Within fifty calendar days after the technical conference, any person may file a response to the comments.
  - (e) If it appears to the commission that the proposals in the application may be unjust or unreasonable, the commission shall set the matter for hearing and shall publish notice of the hearing in accordance with section 4909.10 of the Revised Code. At such hearing, the burden of proof to show that the proposals in the application are just and reasonable shall be upon the electric utility.

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- (f) Interested persons wishing to participate in the hearing shall file a motion to intervene no later than thirty calendar days after the issuance of the entry scheduling the hearing, unless ordered otherwise by the commission, legal director, deputy legal director, or attorney examiner. This rule does not prohibit the filing of a motion to intervene and conducting discovery prior to the issuance of an entry scheduling a hearing.
- (7) An electric utility may request to revise its authorized performance standards (starting with the next succeeding calendar year) by filing its revisions and supporting justification for such revisions with the commission for approval pursuant to paragraph (B)(6) of this rule, unless otherwise ordered by the commission, legal director, deputy legal director, or attorney examiner.
- (C) Annual report. Each electric utility shall file with the commission an annual report by March thirty-first of each year. That annual report shall include the following information regarding the previous calendar year:
  - (1) Annual performance and supporting data for each service reliability index set forth in paragraph (B) of this rule both with and without exclusions for major events and transmission outages. Supporting data includes, for example, the number of customers served, the number of customer interruptions, the number of customer minutes interrupted, SAIFI data for a major event, CAIDI data for a major event, information concerning a transmission interruption, and a listing of distribution circuits interrupted during a transmission interruption.
  - (2) Performance on the same indices during major events and transmission outages, reported in separate categories with their respective supporting data.
  - (3) Data for the total number of sustained outages, customers interrupted, and customer minutes interrupted for each outage cause code, all of which shall be reported in the following versions:
    - (a) Data excluding major events and transmission outages.
    - (b) Data for major events only.

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- (c) Data for transmission outages only.
- (4) Data for the total number of momentary interruptions on the electric utility's system where practicable.
- (5) Each electric utility shall file the annual report required by paragraph (C) of this rule in an electronic form prescribed by the commission or its staff.
- (D) ~~Except as otherwise provided in paragraph (E) of this rule, if~~ the annual performance of an electric utility does not meet the electric utility's performance standard for any index, the electric utility shall submit an action plan to the director of the service monitoring and enforcement department, by March thirty-first of the same-year following the year when the standard was missed.
  - (1) The action plan shall include the following:
    - (a) Factors which contributed to the actual performance level for that index.
    - (b) A proposal for improving performance to a level that meets or exceeds the performance standards authorized for each missed reliability index, including each action taken or planned to be taken, and the anticipated completion date.
  - (2) The action plan shall be submitted in an electronic form prescribed by the commission or its staff.
  - (3) A status report on each action included in the action plan shall be submitted to the director of the service monitoring and enforcement department upon request of the staff.
- (E) Failure to meet a the same performance standard for two consecutive years shall constitute a violation of this rule.

**4901:1-10-11. Distribution circuit performance.**

- (A) General. This rule sets forth a method for determining the performance of each electric utility's distribution circuits.
- (B) Circuit performance methodology. The following provisions apply to the determination of the appropriate method for calculating circuit performance.
  - (1) Circuit performance data during major events and transmission outages



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shall be excluded from the calculation of circuit performance.

- (2) Each electric utility 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 paragraph (B)(1) of rule 4901:1-10-10 of the Administrative Code and other factors proposed by the electric utility, and supporting justification for that method. An electric utility may revise the method it uses for calculating circuit performance (starting with the next succeeding ~~calendar~~ year reporting period) by submitting such revisions and supporting justification for such revisions to the director of the service monitoring and enforcement department for review and acceptance.
  - (3) If the electric utility and the director of the service monitoring and enforcement department cannot agree on the method to calculate circuit performance, then the director of the service monitoring and enforcement department shall issue a letter rejecting the proposal within forty-five calendar days of its submittal. The electric utility or the director may request a hearing to establish the appropriate calculation methodology. At such hearing, the burden of proof to show that the calculation methodology is just and reasonable shall be upon the electric utility.
  - (4) No proposal shall be effective until it is either accepted by the director or, in the event of a hearing, approved by the commission.
- (C) Worst performing circuits. The following provisions apply to the reporting of each electric utility's eight per cent worst performing circuits:
- (1) Each electric utility shall submit, no later than ninety calendar 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 electric utility's distribution circuits during the previous twelve-month reporting period.
  - (2) Unless otherwise approved by the commission, each electric utility's reporting period for purposes of paragraph (C) of this rule shall begin on September first of each year and shall end on August thirty-first of the subsequent year.
  - (3) The report prescribed by paragraph (C) of this rule shall provide the

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following information for each reported distribution circuit:

- (a) The circuit identification number.
- (b) The location of the primary area served by the circuit.
- (c) The approximate number of customers on the circuit by customer class.
- (d) The circuit ranking value.
- (e) The values and supporting data for each circuit's service reliability indices for the reporting period:
  - (i) System average interruption frequency index (SAIFI) determined according to paragraph (B)(1) of rule 4901:1-10-10 of the Administrative Code.
  - (ii) Customer average interruption duration index (CAIDI) determined according to paragraph (B)(1) of rule 4901:1-10-10 of the Administrative Code.
  - (iii) System average interruption duration index calculated by multiplying the SAIFI times the CAIDI.
- (f) The number of safety and reliability complaints, based on the definition of complaint pursuant to paragraph (A) of rule 4901:1-10-21 of the Administrative Code.
- (g) The number of critical customers on the circuit.
- (h) 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.
- (i) The total number of outages experienced during the reporting period for each such outage.
- (j) The total number of out-of-service minutes experienced during the reporting period for each such outage.
- (k) An identification of any major factors or events that specifically caused the circuit to be reported among the worst performing circuits and, if applicable, the analysis performed to determine those major factors.

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- (I) An action plan, including 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 the next two reporting periods. If the electric utility does not believe remedial action is necessary, then the electric utility must state the rationale for not taking any remedial action.
- (D) If the director of the service monitoring and enforcement department believes that an action plan submitted pursuant to paragraph (C)(3)(I) of this rule is insufficient or unreasonable, the director shall provide written notice to the electric utility within forty-five calendar days of the submittal, otherwise the report is deemed approved. Should no agreement be reached between the electric utility and the director of the service monitoring and enforcement department on a modified action plan, within thirty calendar days following the rejection of the action plan, the electric utility shall apply to the commission for a hearing. At such hearing, the burden of proof to show that the modified action plan is just and reasonable shall be upon the electric utility.
- (E) Each electric utility shall submit the reports required by this rule, on electronic media, in a format prescribed by the commission or its staff.
- (F) Electric utilities shall take sufficient remedial action to ~~cause each listed circuit to be removed from the list within two years~~ make sure that no circuit is listed on three consecutive reports. The inclusion of a given circuit in the report under paragraph (C) of this rule for three consecutive reporting periods shall create a rebuttable presumption of a violation of this rule.

**4901:1-10-12. Provision of customer rights and obligations**

Each electric utility 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 electric utility's website. The summary shall be in clear and understandable language. Each electric utility shall submit the summary or amendments thereto to the chief of the reliability and service analysis division for review at least sixty calendar 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~~ the latest version of the customer rights summary ~~within the preceding year~~. The

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summary shall include, but not be limited to, the following:

(A) The electric utility and commission procedures for complaints, which shall include:

(1) How complaints are made to the electric utility, including a local or toll free number, an address and a website, if applicable.

(2) A statement that:

"If your complaint is not resolved after you have called (your electric utility), or for general utility information, residential and business customers may contact the public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service)."

"The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.pickocc.org>."

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

(1) A list of customer rights and obligations 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 electric utility of material changes in the customer's equipment or usage within the time reasonably necessary to permit the electric utility 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) The circumstances under which the electric utility may demand and/or hold security deposits.

(b) The circumstances under which customers may obtain deferred payment plans and low-income assistance plans, and information concerning those plans.

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- (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) An explanation of what each applicant must do to receive service from that electric utility.
  - (6) 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.
  - (7) An explanation that the electric utility will not be held liable for any security breach, invasion of privacy, or unlawful public disclosure resulting from the customer's or a third-party developer's disclosure of customer energy usage data.
- (C) A statement notifying customers that, when electric utility 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) A statement concerning the availability of rate information, which shall include:
- (1) A statement that the electric utility's rates and tariffs are available for review at the electric utility's office, on the electric utility's website, and on the commission's website.
  - (2) A statement that, upon inquiry by a customer regarding rates or energy efficiency, the electric utility will disclose to the customer the existence and availability of the electric utility's alternative rates or any energy efficiency programs.
- (E) 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 electric utility 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 following purposes:

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- (a) The electric utility's collections and/or credit reporting.
  - (b) Participation in the home energy assistance program, the emergency home energy assistance program, and programs funded by the universal service fund, such as the percentage of income payment plan programs.
  - (c) Governmental aggregation.
- (2) A statement that the electric utility 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) The electric utility's consumer credit evaluation.
  - (b) The electric utility's or competitive retail electric service (CRES) provider's collections and/or credit reporting.
  - (c) Participation in the home energy assistance program, the emergency home energy assistance program, and programs funded by the universal service fund, such as the percentage of income payment plan programs.
- (3) A statement that the electric utility is prohibited from disclosing customer energy usage data without the customer's written consent or electronic authorization or without a court or commission order, except for the following purposes:
- (a) The electric utility's collection and/or credit reporting.
  - (b) Participation in the home energy assistance program, the emergency home energy assistance program, and programs funded by the universal service fund, pursuant to section 4928.52 of the Revised Code, such as the percentage of income payment plan programs.
  - (c) Governmental aggregation.
  - (d) The operative functions involved in supplying retail electric service.
  - (e) The reasonable sharing of de-identified energy usage data.
- (4) A statement that customers who are not engaged in time-differentiated pricing have the right to request up to twenty-four months of their usage history, payment history, and detailed consumption data, if available, and

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~~time-differentiated price data, if applicable,~~ from the electric utility without charge.

- (5) A statement that customers who are engaged in time-differentiated pricing have the right to request and receive up to twenty-four months of their usage history, payment history, time-differentiated price data, and detailed consumption data from the electric utility without charge.
- (6) A statement that customers have the right to prohibit the electric utility from including their names on mass customer lists made available to CRES providers.
- (7) A statement that staff is not prohibited from accessing records or business activities that would allow it to effectively monitor customer calls to the electric utility's call center.
- (G) A statement that customers have the right to obtain, from their electric utility, a list of available CRES providers, that are actively seeking residential customers in its service territory and their phone numbers.
- (H) A statement that customers returning to the electric utility'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) Information concerning notice of a change in the customer's supplier of electric service.
  - (1) A statement that, if a change in a residential or small commercial customer's electric services company is initiated, the electric utility is required to send the customer a notice confirming the change.
  - (2) A statement that the customer has a right to cancel any change in its supplier of electric service within seven calendar days after the notice has been sent by calling the electric utility at the telephone number on the notice.
- (J) 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

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governmental aggregation, the customer's supplier of generation and/or transmission services appearing on the customer's bill may be a company other than the electric utility.

- (2) If the customer's electric bill reflects a supplier of electric service not chosen by the customer, the customer should call the commission to initiate a slamming investigation.
- (3) If the staff determines that the customer's service was changed without proper authorization:
  - (a) The customer will be switched back to the customer's previous supplier of electric service without charge to the customer.
  - (b) The customer's account will be credited for any switching fees resulting from the customer being switched without proper authorization.
  - (c) The customer 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.

(K) Information concerning actual meter readings.

- (1) A statement that the electric utility is required to obtain an actual meter reading when the customer initiates or terminates electric service with the electric utility, if the meter has not been read within the preceding sixty days.
- (2) A statement that, if the meter has not been read within the preceding thirty-three to fifty-nine days, the electric utility is required to inform the customer, when the customer contacts the electric utility to initiate or terminate service, of the option to have an actual meter read, at no charge.
- (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.

(L) A statement that customers have the right to obtain the approximate generation resource mix and environmental characteristics in accordance with Rule 4901:1-



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10-31. The statement shall include a notification that customers shall be provided a hardcopy of the data upon request at no cost to the customer.

**4901:1-10.13. Public information**

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

**4901:1-10.14. Establishment of credit for applicants and customers**

- (A) Each electric utility 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 staff upon request.
- (B) Upon request, each electric utility shall provide applicants/customers with the following information:
  - (1) Their credit history with that company.
  - (2) A copy of this rule, the commission's website and the toll-free and TTY numbers of the commission's call center.
- (C) An applicant shall be deemed creditworthy if one of the following criteria is satisfied:
  - (1) The electric utility 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 methods 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;
    - (a) The company may request the applicant's social security number in order to obtain credit information and to establish identity, however if the applicant elects not to provide his/her social security number, the utility company may not refuse to provide service.
    - (b) If the applicant declines the utility company's request for a social security number, the utility company shall inform the applicant of all

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other options for establishing creditworthiness; the electric utility 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~~an electric utility 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) The applicant failed to pay its bill by the due date at least two times.
  - (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 electric utility, to secure payment of bills in an amount sufficient for a sixty-day supply for the service requested.
- (4) The applicant makes a cash deposit as set forth in this rule.
- (D) Unless otherwise provided in paragraph (H) of this rule, when an electric utility fails to demand security within thirty calendar days after initiation of service, it may not require security for that service.
- (E) Deposit to establish tariffed service; review of deposit upon customer request.
  - (1) An electric utility 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.
- (F) Each electric utility which requires a cash deposit shall communicate to the

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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's right to contest the electric utility's decision and to demonstrate creditworthiness.
- (4) The applicant/customer may appeal the electric utility's decision to the staff.
- (5) The commission's website and the toll-free and TTY telephone numbers of the commission's call center.

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

(G) Deposit to reestablish creditworthiness for tariffed service.

- (1) An electric utility may require a customer to make an initial or additional deposit, not to exceed one hundred thirty percent of the estimated annual average monthly bill for the customer's tariffed service for the ensuing twelve months, 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 electric utility.
- (2) A deposit may be required if the customer meets one of the following criteria:
  - (a) ~~The customer has not made full payment or payment arrangements by the due date for two consecutive bills during the preceding twelve months.~~ After considering the totality of the customer's circumstances, a utility company may require a deposit if the customer has not made full payment or payment arrangements for any given bill containing a previous balance for regulated service provided by that utility company.
  - (b) ~~The customer has been issued a disconnection notice for nonpayment on two or more occasions during the preceding twelve months.~~
  - (b) The customer has had service disconnected for nonpayment, a

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fraudulent practice, tampering, or unauthorized reconnection during the preceding twelve months.

- (H) Upon acceptance of a deposit, each electric utility 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.
  - (6) The conditions for refunding the deposit.
- (I) Each electric utility 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, both of the following are true:
    - (a) The customer's service was not disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection.
    - (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, 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.
    - (b) The customer had not more than two past due bills.
  - (3) Annually review each residential account, for which a deposit is being held,

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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 electric utility 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 electric utility shall promptly:
- (1) Apply the deposit and interest accrued to the final bill for service.
  - (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 electric utility'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 electric utility switches to a competitive retail electric service provider and is no longer served under an electric utility's bundled service or standard offer service, the electric utility shall apply the electric utility'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 electric utility 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) The guarantor shall sign a written guarantor agreement that shall include, at

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a minimum, the information shown in the appendix to this rule. The electric utility shall provide the guarantor with a copy of the signed agreement and shall keep the original on file during the term of the guaranty.

- (3) Each electric utility shall provide to the guarantor of a residential account all notices of disconnection of service which are provided to the customer.
- (4) Upon the residential customer's default, an electric utility 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 electric utility.
- (5) Under the circumstances where a guarantor's electric utility service is subject to disconnection or has requested release of financial responsibility related to a customer's account, the electric utility shall, within ten calendar days, advise the customer who provided the guarantor that the guarantor's responsibility to the customer's account will end by a specific date (thirty days from the date of the notice to the guaranteed customer). The electric utility shall also advise the customer that, prior to the specific end date stated in the notice he/she must reestablish credit through one of the alternative means set forth in paragraph (C) of this rule, or be subject to disconnection according to the applicable disconnection rules in Chapter 4901:1-18 of the Administrative Code.
- (N) Each electric utility 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.

**4901:1-10-15 Reasons for denial or disconnection of nonresidential service**

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

- (A) When the customer violates or fails to comply with an applicable electric utility contract or tariff(s).

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- (B) When electric utility service to a customer violates any law of this state or any political subdivision thereof, or any federal law or regulation.
- (C) When a consumer tampers with electric utility 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 electric utility service to other customers, 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 electric utility'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 electric utility facilities or equipment on the customer's property or property leased by the customer.
- (G) For nonpayment of electric utility bills and any tariffed charges, including security deposits and amounts not in bona fide dispute. Where the customer has registered a complaint with the commission's call center or filed a formal complaint with the commission which reasonably asserts a bona fide dispute, the electric utility 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 has moved from the service location and the property owner is otherwise subject to disconnect.
- (I) For repairs, provided that the electric utility has notified customers prior to scheduled maintenance interruptions in excess of six hours.
- (J) Upon the customer's request.
- (K) When a former customer, whose account with that electric utility is in arrears for service furnished at the premises, 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 electric utility's electrical system.
- (M) For other good cause shown.

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**4901:1-10-16 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 utility shall provide the nonresidential customer with written notice of pending disconnection, when either of the following conditions exists:
- (1) Violation of or noncompliance with the contract or electric utility's tariff(s) which applies to customer service, other than nonpayment of bills (which is addressed in rule 4901:1-10-17 of the Administrative Code).
  - (2) The customer refuses access to electric utility 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 calendar days after the postmark date on the notice.

- (B) Prior notice from the electric utility 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 electric utility's electrical system.
  - (2) When a safety hazard to consumers or their premises, the public, or the electric utility's personnel or facilities exists.
  - (3) When a consumer tampers with the electric utility's property.

**4901:1-10-17 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 calendar 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) The utility may disconnect service, after at least five days notice, during normal business hours. However, no disconnection for nonpayment shall be made after twelve-thirty p.m. on the day preceding a day on which all services necessary for the customer to arrange and the utility company to perform reconnection are not regularly performed



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- (C) Except as otherwise provided by contract approved by the commission pursuant to section 4905.31 of the Revised Code, each electric utility shall provide the nonresidential customer with a written notice of pending disconnection, which notice shall be postmarked not less than five calendar days before service is disconnected for nonpayment of tariffed service.
- (D) 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 electric utility's office for customers to contact about their accounts.
  - (4) A statement that the staff is available to render assistance with unresolved complaints, and the commission's current address, toll-free and TTY numbers of the commission's call center, and the commission's website.
  - (5) A statement that the customer's failure to pay the amount required at the electric utility'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, together with the amount of the reconnection charge.
  - (6) If any ~~non-tariffed~~ non-tariffed charges appear on the bill, a statement that the nonpayment of ~~non-tariffed~~ non-tariffed charge(s) shall not result in the disconnection of distribution service;
  - (7) If any charges for competitive retail electric services appear on the bill, a statement that the failure to pay charges for competitive retail electric services may result in loss of those products and services.
  - (8) If any charges for competitive retail electric services appear on the bill a statement that the failure to pay charges for competitive retail electric service may result in cancellation of the customer's contract with the competitive retail electric service provider, and returning of the customer to the electric utility's standard offer for generation services.

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

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**4901:1-10-18 Reconnection nonresidential service**

- (A) Unless a nonresidential customer requests otherwise, an electric utility shall reconnect service by the close of the following regular business day after either of the following:
- (1) The electric utility receives both of the following:
    - (a) The full amount in arrears, for which service was disconnected, or the amount in default on an agreed-upon deferred payment plan.
    - (b) Any security deposit authorized under this chapter and any tariffed reconnection charges.
  - (2) The customer establishes that the conditions which warranted disconnection of service have been eliminated.
- (B) Before service is reconnected under this rule, no electric utility 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.
  - (2) When the customer has multiple accounts in the same customer class, any amount owed on those other billing accounts.

**4901:1-10-19 Delinquent residential bills**

In addition to the requirements of Chapter 4901:1-18 of the Administrative Code, no electric utility may disconnect service to a residential customer when:

- (A) That customer fails to pay any charge for a ~~non-tariffed~~ non-tariffed service, including competitive retail electric service (CRES).
- (B) Any authorized agent or CRES provider providing billing and collection services for the electric utility fails to submit payment for the customer's tariffed distribution and/or transmission service(s) rendered by that electric utility.
- (C) The customer fails to pay any amount in bona fide dispute. Where the customer has registered a complaint with the commission's call center or filed a formal complaint with the commission which reasonably asserts a bona fide dispute, the electric utility can not disconnect service when the customer pays either the

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undisputed portion of the bill or the amount paid for the same billing period in the previous year.

- (D) The electric utility issues a disconnection notice which fails to separate regulated from ~~nontariffed~~ non-tariffed charges, including CRES charges.
- (E) The electric utility fails to include on the disconnection notice a statement that:
  - (1) Failure to pay charges for ~~nontariffed~~ non-tariffed products or services may result in loss of those products or services.
  - (2) Failure to pay charges for CRES may result in cancellation of the customer's contract with the CRES provider, and return to the electric utility's standard-offer generation service. This provision is applicable only on accounts issued a consolidated bill for electric services.

**4901:10-20. Fraudulent act, tampering, and theft of service**

- (A) Each electric utility shall establish and maintain an anti-theft and anti-tampering plan and shall submit its plan and subsequent amendments to the director of the service monitoring and enforcement department.
- (B) Disconnection of service for tampering or unauthorized reconnection.
  - (1) An electric utility may disconnect service for safety reasons without prior notice to a customer 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.
    - (b) A person not authorized by the electric utility has reconnected service.
  - (2) Each electric utility that has disconnected service under this paragraph shall tag or seal the customer's meter and hand deliver a written notice to the customer or consumer at the service location. If no adult customer or consumer is present, each electric utility shall attach written notice to a conspicuous place on the premises. When an electric utility reasonably believes that tagging or sealing the meter, hand delivering a notice, or posting a notice may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer or occupant. The notice shall clearly display each of the following items:

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- (a) An explanation that service was disconnected because one of the following circumstances was found:
    - (i) The meter, metering equipment and/or electric utility property was tampered with.
    - (ii) A person not authorized by the electric utility reconnected the customer's service.
  - (b) The electric utility's telephone number of the electric utility's office.
  - (c) A statement that the customer may contest the disconnection by contacting an electric utility representative at the telephone number provided.
  - (d) A statement that, if the customer does not contest the disconnection, the electric utility 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 electric utility an amount that the electric utility calculates for unmetered service, any defaulted amount, any damage to the electric utility's equipment or meter, any security deposit (consistent with rule 4901:1-10-14 of the Administrative Code), and any tariffed reconnection and investigation charges.
  - (e) A statement that the staff is available to render assistance, and the commission's current address, toll-free and TTY numbers of the commission's call center, and the commission's website.
- (3) If the customer meets with the electric utility to contest the disconnection, the electric utility shall timely mail or deliver its decision to the customer.
- (C) Disconnection of service for fraudulent act.

An electric utility may disconnect service, after following the steps set forth in this paragraph, when a customer uses any fraudulent act, as defined by paragraph (O) of rule 4901:1-10-01 of the Administrative Code, to obtain or maintain service

- (1) Before it may disconnect service for a fraudulent act, each electric utility shall hand deliver written notice to the customer or consumer at the service

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location. If no adult customer or consumer is present, the electric utility shall attach written notice to a conspicuous place on the premises. When an electric utility reasonably believes that hand delivering or posting notice may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer or occupant.

- (2) The notice shall clearly display each of the following items:
  - (a) A description of the alleged fraudulent act.
  - (b) The address and telephone number of the electric utility's office.
  - (c) A statement that the customer may contest the electric utility's findings by requesting a meeting with an electric utility representative.
  - (d) A statement that the electric utility may disconnect service if either of the following occurs:
    - (i) The customer does not contact the electric utility representative to contest the findings of the fraudulent act, within three business days after receiving this notice.
    - (ii) The customer does not provide a satisfactory explanation at that meeting.
  - (e) A statement that, if service is disconnected, the electric utility is not required to reconnect service until the customer pays or makes satisfactory arrangements to pay the electric utility the bill for service that was fraudulently obtained or maintained, any security deposit (consistent with rule 4901:1-10-14 of the Administrative Code), and any tariffed reconnection and investigation charges.
  - (f) A statement that the staff is available to render assistance, and the commission's current address, toll-free and TTY numbers of the commission's call center, and the commission's website.
- (3) An electric utility may terminate service for a fraudulent act in the following circumstances:
  - (a) No sooner than three business days after delivery of the written notice required by this paragraph, if the customer does not contact the electric utility at the telephone number provided.

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- (b) No sooner than two business days after the customer received the electric utility's written adverse decision subsequent to the discussion between the customer and the electric utility representative, in the event that the customer initiated the discussion.
- (D) Each electric utility shall maintain records that clearly set forth the basis for its decision to terminate service for a fraudulent act, tampering, unauthorized reconnection, or theft of service, 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 utility to resolve a point of contention.
- (B) Each electric utility shall make good faith efforts to settle unresolved disputes, which efforts may include meeting with the customer/consumer at a reasonable time and place.
- (C) Except as ordered by the commission or directed by the staff in disconnection or emergency cases, each electric utility 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 electric utility.
  - (2) The customer/consumer and staff, when investigating a complaint referred to the electric utility by the commission or staff.
- (D) If an investigation is not completed within ten business days, the electric utility shall provide status reports, either orally or in writing, to update the customer/consumer, or to update the customer/consumer and staff, where appropriate, every five business days until the investigation is complete, unless agreed to otherwise.
- (E) The electric utility shall inform the customer/consumer, or the customer/consumer and 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 staff may request the final report to be in writing.

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- (F) If the customer/consumer disputes the electric utility's report(s), the electric utility shall inform the customer/consumer that the staff is available to mediate complaints. The company shall provide the customer/consumer with the commission's current address, toll-free and TTY numbers of the commission's call center, and the commission's website.
- (G) If a customer contacts an electric utility concerning competitive retail electric service (CRES) issues, the electric utility shall take the following actions:
  - (1) Review the issue with the customer to determine whether it also involves the electric utility.
  - (2) Coordinate the resolution of any joint issues with the CRES provider.
  - (3) Refer the customer to the appropriate CRES provider only in those instances where the issue lacks any electric utility involvement.
- (H) Slamming complaints.
  - (1) A slamming complaint is a customer's allegation that the customer's supplier of electric service has been switched without the customer's authorization.
  - (2) If a customer contacts an electric utility 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 electric utility shall take the following actions:
    - (a) Provide the customer with the enrollment information contained in its records.
    - (b) Refer the customer to the commission and provide the customer with the commission's current address, toll-free and TTY numbers of the commission's 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 electric utility's standard offer service.
  - (3) If a customer initiates a slamming complaint with the staff within thirty

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calendar 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 staff determines that a customer's service was switched without the customer's authorization, the staff shall notify the electric utility of such determination. After such notification, and if the electric utility is not at fault, the electric utility may then seek reimbursement from the CRES provider that improperly initiated the switch for any incremental costs incurred by the electric utility to correct the unauthorized switch including any switching fees. The electric utility 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 electric utility 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 electric utility's normal practices and procedures for switching customers, except that the electric utility shall not charge, or shall credit to the customer, any switching fees and the electric utility is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-29 of the Administrative Code.
- (6) If correcting an unauthorized switch involves returning the customer to the electric utility's standard offer service, the electric utility shall make the corrective switch at the next regularly scheduled meter reading date in accordance with the electric utility's normal practices and procedures for switching customers, except that the electric utility shall not charge or shall credit to the customer any switching fees and the electric utility is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-29 of the Administrative Code.
- (7) If, as part of correcting an unauthorized switch, a customer who was taking standard offer service from the electric utility 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.



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- (8) If the electric utility switches the customer served by a CRES provider to the electric utility's standard offer service without authorization by the customer, without authorization by the appropriate CRES provider or pursuant to a commission order, the electric utility 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, take all three of the following actions:
    - (i) Credit or refund to the customer any fees previously charged for switching the customer to the electric utility.
    - (ii) Either of the two following actions:
      - (a) If reported to staff within thirty calendar 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.
      - (b) If reported to the staff more than thirty calendar days after being issued a bill by the alleged slammer, credit the customer any fees the electric utility charged in excess of the amount the customer would have paid its previous CRES provider for the same usage.
    - (iii) If the customer can not be returned to the original contract terms with its previous CRES provider, the slamming electric utility shall 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.
  - (c) Reimburse the CRES provider for any incremental costs incurred by the CRES provider to correct the unauthorized switch within thirty calendar days of receiving an itemized invoice of the incurred incremental costs.

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**4901:1-10-22 Electric utility customer billing and payments**

- (A) This rule applies to electric utility bills that do not include any competitive retail electric service (CRES) provider charges. Requirements for consolidated billing appear in rule 4901:1-10-33 of the Administrative Code.
- (B) Customer bills issued by or for the electric utility shall be accurate, shall be rendered at monthly intervals, and shall contain clear and understandable form and language. Each bill shall state at least the following information:
- (1) The customer's name, billing address, service address, and account number.
  - (2) The electric utility's name and its payment address.
  - (3) The electric utility's twenty-four hour local and toll-free telephone numbers for reporting service emergencies.
  - (4) A statement that customers with billing questions or complaints should call or write the electric utility first. The bill shall list the electric utility's local and toll-free telephone 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 contact the public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service)."

The Ohio consumers' counsel (OCC) represents utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.pickocc.org>."
  - (6) 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)

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- (b) Ending meter reading(s).
  - (c) Demand meter reading(s).
  - (d) Multiplier(s).
  - (e) Consumption(s).
  - (f) Demand(s).
- (9) An identification of estimated bills.
- (10) The due date for payment. The due date for residential bills shall not be less than fourteen days from the date of postmark. For residential bills being issued from outside the state of Ohio the due date shall not be less than twenty-one days.
- (11) The current billing 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) The current balance of the account, if the residential customer is billed according to a budget plan.
- (15) 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 ~~non-tariffed, nonregulated non-tariffed, non-regulated~~ service, and the name and toll-free telephone number of each provider of each service.
- (17) Any nonrecurring charge.
- (18) Any payment(s) or credit(s) applied to the account during the current billing period.
- (19) Any applicable percentage of income payment program (PIPP) billing information:

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- (a) Current PIPP payment.
  - (b) PIPP payments defaulted (i.e., past due).
  - (c) Total PIPP amount due.
  - (d) Total account arrearage.
- (20) An explanation of codes and abbreviations used.
- (21) 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, ~~shopping incentive or shopping credit,~~ and late payment charge, ~~and transition charge.~~
- (22) If applicable, the name of the CRES provider and a statement that such provider is responsible for billing the supplier charges.
- (23) 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.
- (24) 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 electric utility.
- (25) Any phase-in recovery charges shall be listed separately from base rates.
- (26) Other information required by Ohio law or commission rule or order.
- (C) Any new bill format proposed by an electric utility shall be filed with the commission for approval. If an application for sample bill approval is not acted upon within forty-five calendar days, said sample shall be deemed approved on the forty-sixth day after the filing.
- (D) Each electric utility 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. If an electric utility accepts payments from customers via authorized agents, the electric utility shall provide signage to the authorized agent with its logo, or other appropriate indicators, that affirm the payment location as an authorized agent of the electric utility. Customers shall not be

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charged more than two dollars for processing their payments by cash, check, or money order at authorized agent locations.

- (E) When a customer pays a bill at the electric utility'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 be credited to the customer's account as of the date received at the business office or by the agent. No electric utility shall disconnect service to a customer who pays, to the electric utility or an authorized agent of the electric utility, the total amount due on the account (or an amount agreed upon between the electric utility and the customer to prevent disconnection), by the close of business on the disconnection date listed on the disconnection notice. Payment received by an authorized agent of the electric utility shall constitute receipt of payment by the electric utility.
- (F) Each electric utility shall establish a policy for its own personnel and for its authorized agents to handle billing disputes, requests for payment arrangements, and payments to prevent disconnection of service. If such matters cannot be handled by an agent authorized to accept payments, the electric utility shall provide customers with its local and toll-free numbers to use at a nearby telephone.
- (G) Each electric utility 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.
  - (3) Other past due and current ~~nonregulated~~ non-regulated 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 electric utility wishing to issue billing statements online shall comply with the following requirements:
  - (1) A customer shall not be required to use online billing.

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- (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 electric utility 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 electric utility'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.
  - (7) If a customer chooses to use online billing, the electric utility shall continue to make all payment methods available to the customer.
- (I) The utility may transfer the unpaid balances of a customer's previously rendered final bills to a subsequent bill for a like service account in the name of that same customer. The transfer of bills is limited to like service, for example, residential to residential, commercial to commercial, gas to gas, and electric to electric. Such transferred final bills, if unpaid will be part of the past due balance of the transferee account and subject to the Company's collection and disconnection procedures which are governed by Chapters 4901:1-10 and 4901:1-18 of the Ohio Administrative Code. Any transfer of accounts shall not affect the residential customer's right to elect and maintain an extended payment plan for service under Rule 4901:1-18-10 of the Ohio Administrative Code.

**4901:1-10-23 Billing adjustments**

- (A) When an electric utility has undercharged any nonresidential customer as the result of a meter or metering inaccuracy, billing problem, or other continuing problem under the electric utility's control, unless the customer and the electric utility agree otherwise, the maximum portion of the undercharge that may be billed to the customer in any billing month, based upon the appropriate rates,

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shall be determined by dividing the amount of the undercharge by the number of months of undercharged service. The electric utility shall only bill the customer for the amount of the total undercharge amount rendered in the thirty-six month period immediately prior to the date the company remedies the metering inaccuracy. Each electric utility shall state the total amount to be collected in the first bill under this rule. This rule shall not affect the electric utility's recovery of regular monthly charges.

- (B) ~~Billing adjustments for residential customers shall comply with section 4933.28 of the Revised Code~~Pursuant to Section 4933.28 of the Revised Code, the company may only bill the residential customer for the amount of the unmetered electricity rendered in the three hundred sixty-five days immediately prior to the date the company remedies the meter inaccuracy.
- (C) This rule shall not apply to tampering with or unauthorized reconnection of the meter, metering equipment, or electric utility's property which causes meter or metering inaccuracies or no measurement of service.

**4901:1-10-24 - Customer Standards and Information**

- (A) Each electric utility shall notify customers annually, by bill insert or other notice, about its summary of customer rights and responsibilities, as prescribed by rule 4901:1-10-12 of the Administrative Code, and how to request a copy from the electric utility.
- (B) Each electric utility shall maintain a listing in each local telephone service provider's directory operating in the electric utility's certified territory.
- (C) Customer education and marketing practices.

Each electric utility shall provide informational, promotional, and educational materials that are non-customer specific and explain services, rates, and options to customers. The 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

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components and associated prices.

(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).

(4) An explanation of how the customer can access the approximate generation resource mix and environmental disclosure data, as prescribed in Rule 4901:1-10-31.

(D) Unfair and deceptive acts or practices. No electric utility 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 electric utility states to a customer that distribution service will or may be disconnected unless the customer pays any amount due for a ~~non-tariffed~~ non-tariffed or nonregulated non-regulated service.
- (2) An electric utility charges a customer for a service for 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 electric utility shall not disclose a customer's account number without the customer's written consent, or electronic authorization, or a court or commission directive ordering disclosure, except for the following purposes:
  - (a) An electric utility's collections and/or credit reporting activities.
  - (b) Participation in the home energy assistance program, the emergency home energy assistance program, and programs funded by the universal service fund, pursuant to section 4928.52 of the Revised Code, such as the percentage of income payment plan programs.
  - (c) Cooperation with governmental aggregation programs, pursuant to



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section 4928.20 of the Revised Code.

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

- (2) An electric utility shall not disclose a customer's social security number without the customer's written consent or without a court order, except for the following purposes:
- (a) Completing a customer credit evaluation.
  - (b) An electric utility's or competitive retail electric service (CRES) provider's collections and/or credit reporting activities.
  - (c) Participation in the home energy assistance program, the emergency home energy assistance program, and programs funded by the universal service fund, pursuant to section 4928.52 of the Revised Code, such as the percentage of income payment plan programs.

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

- (3) An electric utility shall not disclose customer energy usage data without the customer's written consent, or without a court order, or without the customer's electronic authorization, except for the following purposes:
- (a) The electric utility's collection and/or credit reporting.
  - (b) Participation in the home energy assistance program, the emergency home energy assistance program, and programs funded by the universal service fund, pursuant to Section 4928.52 of the Revised Code, such as the percentage of income payment plan programs.
  - (c) Governmental aggregation.
  - (d) The operative functions involved in supplying retail electric service.
  - (e) The reasonable sharing of de-identified energy usage data.

The electric utility shall use the consent form set forth in paragraph (E)(4) of this rule, except that the consent form for electronic authorization does not need to be a hard copy but may be provided as a

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separate electronic document.

- (4) 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 electric utility) to release the information set forth above. By my signature, I freely give (name of the electric utility) permission to release the information designated above." The information that the electric utility 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.
  - (5) Nothing in this rule prohibits the commission from accessing records or business activities of an electric utility, as provided for in paragraph (B) of rule 4901:1-10-03 of the Administrative Code.
  - (6) An electric utility shall not be held liable for any security breach, invasion of privacy, or unlawful public disclosure resulting from a customer's disclosure of customer energy usage data. An electric utility shall not be held liable for a third-party developer's disclosure of customer energy usage data if the third-party developer was provided the data pursuant to the customer's written consent, electronic authorization, or court order pursuant to paragraphs (E)(1), (E)(2), and (E)(3) of this section.
- (F) Customer load pattern information. An electric utility shall:
- (1) Upon request, timely provide customers who are not engaged in time-differentiated pricing twenty-four months of a customer's usage history, payment history, detailed consumption data, if available, ~~and time differentiated price data, if applicable,~~ to the customer without charge.
  - (2) Upon request, timely provide customers who are engaged in time-differentiated pricing twenty-four months of a customer's usage history, payment history, time-differentiated price data, and detailed consumption data to the customer without charge.
  - (3) Provide generic customer load pattern information, in a universal and user-

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friendly file format, to other electric service providers on a comparable and nondiscriminatory basis.

- (4) Provide customer-specific information to CRES providers on a comparable and nondiscriminatory basis as prescribed in paragraph (E) of rule 4901:1-10-29 of the Administrative Code, unless the customer objects to the disclosure of such information.
- (5) 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 (electric utility telephone number) or write (electric utility 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 (electric utility name) from providing your information to governmental aggregators."

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

- (6) If a customer objects as provided in paragraphs (F)(3) and (F)(4) of this rule, the electric utility shall not release such information unless and until the customer affirmatively indicates that the information may be released.
- (G) Each electric utility shall develop, update, and maintain a list of certified CRES providers that are actively seeking residential customers within the electric utility's service territory. Where CRES providers are actively seeking residential customers, the electric utility shall provide such lists to:

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- (1) All of its customers quarterly.
- (2) All applicants for new service and customers returning to standard offer service.
- (3) Any customer upon request.

**4901:10-26 Annual system improvement plan report**

- (A) Each electric utility and transmission owner 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 and transmission owner 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 and transmission owner's transmission and/or distribution service. The annual report shall include:
  - (1) A plan for investment in and improvements to the electric utility's or transmission owner's transmission and distribution facilities/equipment that will ensure high 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, and shall describe the relevant characteristics of the service territory including the following:
      - (i) The number of miles of overhead distribution lines.
      - (ii) The number of miles of underground distribution lines.
      - (iii) The number of miles of overhead transmission lines.
      - (iv) The number of miles of underground transmission lines.
      - (v) Any other notable characteristics.
    - (b) Cover a period of no less than three years following the year in which

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the report was filed.

- (c) Provide a timetable for achievement of the plan's goals.
  - (d) List any quality, safety, and reliability complaints the electric utility or transmission owner received during the reporting period from other electric 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.
  - (e) For transmission facilities within the commission's jurisdiction, list any electric reliability ~~organization~~—standards violations, regional transmission operator operating violations, transmission load relief, the top ten congestion facilities by hours of congestion occurring on the electric utility's and/or transmission owner's facilities, and a description of the relationship between the annual system improvement plan and the regional transmission operator's transmission expansion plan.
  - (f) Report all unresolved quality, safety, and reliability complaints and violations as described in paragraphs (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 or transmission owner's implementation of 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 and/or transmission owner's transmission and distribution facilities in Ohio. (In analyzing and reporting the age of the electric utility's and/or transmission owner's facilities and equipment, the electric utility and/or transmission owner 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 and/or transmission owner's system and an explanation of the criteria

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used in making the qualitative assessment.

- (b) An overview 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 or transmission owner's transmission capital and maintenance expenditures as follows:
  - (i) Total expenditures for the past year and the ratio of such expenditures to total transmission investment;
  - (ii) Reliability-specific budgeted vs. actual expenditures for the past year by budget category and total, and an explanation for any variance exceeding ten percent; and
  - (iii) Budgeted reliability-specific expenditures for the current year by budget category and total.
- (d) Each electric utility's distribution capital and maintenance expenditures as follows:
  - (i) Total expenditures for the past year and the ratio of such expenditures to total distribution investment;
  - (ii) Reliability-specific budgeted vs. actual expenditures for the past year by budget category and total, and an explanation for any variance exceeding ten percent; and
  - (iii) Budgeted reliability-specific expenditures for the current year by budget category and total.
- ~~(e) Each electric utility's or transmission owner's budgeted and actual reliability-specific capital and maintenance expenditures for the past and current fiscal year, by account and subaccount, reported separately for transmission construction and maintenance, the ratio of those expenditures to the electric utility's or transmission owner's total transmission investment, and an explanation for any variance between budgeted and actual expenditures that exceeds ten per cent.~~
- ~~(d) Each electric utility's budgeted and actual reliability specific capital and maintenance expenditures for the past and current fiscal year, by~~

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~~account and subaccount, reported separately for distribution construction and maintenance, and the ratio of those expenditures to the electric utility's total distribution investment, and an explanation for any variance between budgeted and actual expenditures that exceeds ten per cent.~~

- (e) The average remaining depreciation lives of the electric utility's and/or transmission owner's transmission and distribution facilities, expressed separately by facility type as a percentage of total depreciation lives.
- (f) For each reporting period, provide a list and purpose of current inspection, maintenance, repair, and replacement programs required by paragraph (E) of rule 4901:1-10-27 of the Administrative Code that the electric utility and/or transmission owner's 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 electric utility's and/or transmission owner'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 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 and/or transmission owner'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 and/or transmission owner's plans and programs to prevent overloading or excessive loading of its transmission and distribution facilities and equipment.
  - (v) The electric utility's and/or transmission owner's actions to remedy overloading or excessive loading of its transmission and distribution facilities and equipment.
  - (vi) An identification of the programs that have been added, deleted,

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and/or modified from the previous reporting period in accordance with the requirements of paragraph (F) of rule 4901:1-10-27 of the Administrative Code.

- (4) 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.

**4901:1-10-27 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 and/or transmission owner 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 4901:1-10-11 of the Administrative Code.
  - (C) Transmission system performance assessment. ~~Each~~ Every five years each electric utility and transmission owner shall ~~maintain, on file with the staff, commission~~ a report setting forth its methodology used to assess the reliability of its transmission circuits. That methodology shall be subject to review and acceptance by the director of the utilities department.
- (1) Each electric utility or transmission owner shall submit 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, or required by the electric reliability organization (ERO), the regional reliability organization (RRO), or the regional transmission operator, which affect circuit performance, together with supporting justification for that method.
    - (a) If the electric utility and/or transmission owner and the director of the utilities department can not agree on a method to assess transmission circuit reliability, the electric utility and/or transmission owner shall apply, within ninety calendar days after the submission of its proposal, to the commission for a hearing and shall file a written report along with



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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 utilities department, no later than ninety calendar days prior to the beginning of the next succeeding calendar year.
- (2) Each electric utility or transmission owner shall submit a report on electronic media in a format prescribed by the commission on or before March thirty-first of each year, 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) The circuit identification number.
  - (b) The circuit name (if different from the origin terminus).
  - (c) The circuit origin and terminus.
  - (d) The circuit voltage level (KV).
  - (e) The circuit mileage.
  - (f) The circuit in-service date, where available.
  - (g) The number of unplanned outages (sustained and momentary if available) and their causes by circuit.
  - (h) The substation(s) and/or distribution circuit(s) affected by each of the outages reported for paragraph (C)(2)(g) of this rule, by circuit.
  - (i) A description of and the rationale for any remedial action taken or planned to improve circuit performance or for taking no remedial action.
  - (j) The start and completion dates of any remedial action taken or planned.
  - (k) The applicable ERO standard requirement.
  - (l) The applicable ERO standard violation.
- (3) The annual report shall be submitted in a form prescribed by the commission or its staff.

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(D) Transmission and distribution facilities inspections.

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

- (1) Distribution - ~~at least one fifth of all distribution circuits and equipment shall be inspected annually. All~~ 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 twelve times annually, with no inspection interval exceeding forty calendar days between inspections.
- (4) On or before March thirty-first of each year, each electric utility and transmission owner shall submit a report in an electronic medium, in a format prescribed by the commission or its staff, of the electric utility's and/or transmission owner's compliance with the inspection schedule in paragraphs (D)(1) to (D)(3) of this rule for the preceding calendar 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 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 and transmission owner shall establish, maintain, and comply with written programs, policies, procedures, and schedules for the inspection, maintenance, repair, and replacement of its transmission and

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distribution circuits and equipment. These programs shall establish preventative requirements for the electric utility to maintain safe and reliable service. Programs shall include, but are not limited to, the following facilities:

- (a) Poles and towers.
  - (b) Circuit and line inspections.
  - (c) Primary enclosures (e.g., pad-mounted transformers and pad-mounted switch gear) and secondary enclosures (e.g., pedestals and handholes).
  - (d) Line reclosers.
  - (e) Line capacitors.
  - (f) Right-of-way vegetation control.
  - (g) Substations.
- (2) Each electric utility ~~and transmission owner~~ shall file its inspection, maintenance, repair, and replacement programs, instituted pursuant to paragraph (E)(1) of this rule, with the commission, and simultaneously provide a copy of the filing to the director of the service monitoring and enforcement department. The electric utility's ~~and transmission owner's~~ filing shall include supporting justification and rationale based upon generally accepted industry practices and procedures ~~or requirements set by ERO, RRO, or the transmission operator in the case of transmission.~~
- (3) If a filing to establish the electric utility's ~~and transmission owner's~~ inspection, maintenance, repair, and replacement programs is not acted upon by the commission within forty-five calendar days after it is filed, the inspection, maintenance, repair, and replacement programs shall be deemed approved on the forty-sixth day after filing.
- (4) Each electric utility and transmission owner 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 and transmission owner shall record all deficiencies revealed by inspections or tests and all actions taken to correct

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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 ~~likely to cause an outage~~ shall be corrected ~~within one~~ by the end of the year of following the completion of the inspection or testing that originally revealed such deficiencies. The electric utility shall document all deficiencies that are not corrected within the designated time, including the reason for not taking corrective action.

- (F) Inspection, maintenance, repair, and replacement program revisions and amendments.-
- (1) All revisions or amendments (including modification to a current program, addition of a new program, or elimination of an existing program) requested by an electric utility ~~or transmission owner~~ shall be filed with the commission as outlined in paragraph (E)(2) of this rule.
  - (2) If a filing to revise or amend the electric utility's ~~and transmission owner's~~ inspection, maintenance, repair, and replacement programs is not acted upon by the commission within forty-five days after it is filed, the inspection, maintenance, repair, and replacement programs shall be deemed approved on the forty-sixth day after filing.

**4901:1-10-28 Netmetering**

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

- (1) "Customer-generator" shall have the meaning set forth in section 4928.01(A)(29) of the Revised Code. A customer that hosts or leases generation equipment on its premises is considered a customer-generator.
- (2) "Electric utility" shall have the meaning set forth in section 4928.01(A)(11) of the Revised Code.
- (3) "Excessive-generator" means a customer-generator that does not intend primarily to offset part or all of the customer-generator's requirements for electricity.
- (4) "Microturbine" means a combustion-turbine used by a customer-generator on the customer-generator's premises.

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(5) "Net metering" shall have the meaning set forth in section 4928.01(A)(30) of the Revised Code.

(6) "Net metering system" shall have the meaning set forth in section 4928.01(A)(31) of the Revised Code.

(B) Standard net metering.

(1) Each electric utility shall develop a tariff for net metering. Such tariff shall be made available to customer-generators upon request in a timely manner and on a nondiscriminatory basis

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

(3) The electric utility's tariff for net metering shall be identical in rate structure, all retail rate components, and any monthly charges, to the tariff to which the same customer would be assigned if that customer were not a customer-generator. Such terms shall not change simply because a customer becomes a customer-generator. The tariff shall also contain provisions on the procedures the electric utility will take in working with and handling a customer-generator that becomes an excessive-generator.

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

(b) The electric utility shall disclose on the electric utility's website and to customer-generators upon request, all net metering tariff information and the rules and conditions regarding excessive generation. The rules and conditions regarding excessive generation should include when a customer-generator is considered to be an excessive-generator and the procedure the electric utility will take in working with and handling a customer-generator that is an excessive-generator.

(4) No electric utility's tariff for net metering shall require customer-generators to:

(a) Comply with any additional safety or performance standards beyond those established by rules in Chapter 4901:1-22 of the Administrative

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Code, and the "National Electrical Code," the "Institute of Electrical and Electronics Engineers," and "Underwriters Laboratories," in effect as set forth in rule 4901:1-22-03 of the Administrative Code.

- (b) Perform or pay for additional tests beyond those required by paragraph (B)(4)(a) of this rule.
- (c) Purchase additional liability insurance beyond that required by paragraph (B)(4)(a) of this rule.
- (5) A net metering system must be located on the customer-generator's premises. A customer-generator's premises includes areas owned, operated, leased, or otherwise controlled by the customer-generator, including contiguous lots or areas that are owned, operated, leased, or otherwise controlled by the customer-generator exclusive of easements, public thoroughfares, transportation rights-of-way, or utility rights-of-way.
- (6) A customer-generator must intend primarily to offset part or all of the customer-generator's requirements for electricity. A customer-generator that annually generates less than one hundred and twenty percent of its requirements for electricity is presumed to be primarily intending to offset part or all of its requirements for electricity.
- (7) A customer-generator's requirements for electricity is the average amount of electricity consumed annually by the customer-generator over the previous three years, using the annual period of June 1 to May 31. If the electric utility does not have the data or cannot calculate the average amount of electricity consumed annually over the previous three years, such as in instances of new construction or vacant properties, the electric utility shall use any available consumption data to estimate the customer-generator's annual electricity consumption and provide the estimation data to the customer-generator.
- (8) 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 electricity in each direction satisfies this requirement. If the customer's existing electrical meter is not capable of measuring the flow of electricity in each direction, the electric utility, upon written request from the customer, shall install at the customer's expense a meter that is capable of measuring electricity flow

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in each direction.

- (a) The electric utility, at its own expense and with the written consent of the customer-generator, may install one or more additional meters to monitor the flow of electricity in each direction.
  - (b) If a customer's existing meter needs to be reprogrammed or set up for the customer to become a customer-generator or to accommodate net metering, the electric utility shall not charge the customer for the reprogramming or setup of the existing meter.
  - (c) No electric utility shall impose, without commission approval, any additional interconnection requirement or additional charges on customer-generators refusing to give consent to install one or more additional meters to monitor the flow of electricity in each direction.
- (9) The measurement of net electricity supplied or generated shall be calculated in the following manner:
- (a) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.
  - (b) If the electric utility 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 electric utility supplied, as measured in accordance with normal metering practices.
  - (c) If the customer-generator has excess generation during a monthly billing period, the electric utility shall issue a credit in the amount of the excess generation to the customer-generator for the next monthly billing period. If the full amount of the credit is not used in the next monthly billing period, the remaining credit amount shall be credited to an account for net excess generation in the customer-generator's name. The amount in the net excess generation account shall be credited to a customer-generator in months where the credit from the previous month is insufficient to cover the cost of the customer-generator's requirements for electricity.
- (10) The electric utility shall issue a refund to the customer-generator for the

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amount of the credit remaining in the net excess generation account at the end of the twelve month period of June 1 to May 31, regardless of whether the customer-generator is receiving generation from the electric utility or a competitive retail electric service provider. This refund shall be equivalent to an annual true-up of net excess generation and should be calculated at the rate the customer-generator pays for generation. The refund should be issued to customer-generators by July 1 of each year.

- (11) In no event shall the electric utility impose on the customer-generator any charges that relate to the electricity the customer-generator feeds back to the system.
- (12) Customer-generators shall comply with the interconnection standards set forth in Chapter 4901:1-22 of the Administrative Code.
- (13) Renewable energy credits associated with a customer-generator's net metering facility shall be the property of the customer-generator, unless otherwise contracted through a separate transaction, independent of the net metering tariff or the customer-generator's net metering agreement with the electric utility.
- (14) The electric utility shall submit a net metering report to the commission to the director of the energy and environment department or its designee annually by July 1, which shall include:
  - (a) The total number of net metering systems in the electric utility's service territory.
  - (b) The rated generation capacity of the net metering systems within the electric utility's service territory in total and by fuel type.
  - (c) The estimated total kilowatt hours supplied to customer-generators by the electric utility.
  - (d) The total number of customer-generators deemed by the electric utility to be excessive-generators.
  - (e) The total dollar amount issued in refunds for net excess generation.
  - (f) Any other data the commission deems necessary or appropriate.

(C) Hospital net metering.



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- (1) Each electric utility shall develop a separate tariff providing for net metering for hospitals. Such tariff shall be made available to qualifying hospital customers upon request.
  - (a) As defined in section 3701.01 of the Revised Code, "hospital" includes public health centers and general, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, outpatient departments, nurses' home facilities, extended care facilities, self-care units, and central service facilities operated in connection with hospitals, and also includes education and training facilities for health professions personnel operated as an integral part of a hospital, but does not include any hospital furnishing primarily domiciliary care.
  - (b) A qualifying hospital customer generator is one whose generating facilities are:
    - (i) Located on a customer-generator's premises.
    - (ii) Operated in parallel with the electric utility's transmission and distribution facilities.
- (2) Net metering arrangements shall be made available regardless of the date the hospital's generating facility was installed.
- (3) The tariff shall be based both upon the rate structure, rate components, and any charges to which the hospital would otherwise be assigned if the hospital were not taking service under this rule and upon the market value of the customer-generated electricity at the time it is generated. For purposes of this rule, market value means the locational marginal price of energy determined by a regional transmission organization's operational market at the time the customer-generated electricity is generated.
- (4) For hospital customer-generators, net metering shall be accomplished using either two meters or a single meter with two registers that are capable of separately measuring the flow of electricity in both directions. One meter or register shall be capable of measuring the electricity generated by the hospital at the time it is generated. If the hospital's existing electrical meter is not capable of separately measuring electricity the hospital generates at the time it is generated, the electric utility, upon written request from the hospital, shall install at the hospital's expense a meter that is capable of such

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measurement.

- (5) The tariff shall allow the hospital customer-generator to operate its electric generating facilities individually or collectively without any wattage limitation on size.
- (6) The hospital customer-generator's net metering service shall be calculated as follows:
  - (a) All electricity flowing from the electric utility to the hospital shall be charged as it would have been if the hospital were not taking service under this rule.
  - (b) All electricity generated by the hospital shall be credited at the market value as of the time the hospital generated the electricity.
  - (c) Each monthly bill shall reflect the net of paragraphs (C)(6)(a) and (C)(6)(b) of this rule. If the resulting bill indicates a net credit dollar amount, the credit shall be netted against the hospital customer-generator's bill until the hospital requests in writing a refund that amounts to, but is no greater than, an annual true-up of accumulated credits over a twelve-month period.
- (7) No electric utility's tariff for net metering shall require hospital customer-generators to:
  - (a) Comply with any additional safety or performance standards beyond those established by rules in Chapter 4901:1-22 of the Administrative Code, and the National Electrical Code, the institute of electrical and electronics engineers, and underwriters laboratories, in effect as set forth in rule 4901:1-22-03 of the Administrative Code.
  - (b) Perform or pay for additional tests beyond those required by paragraph (C)(7)(a) of this rule.
  - (c) Purchase additional liability insurance beyond that required by paragraph (C)(7)(a) of this rule.
- (8) In no event shall the electric utility impose on the hospital customer-generator any charges that relate to the electricity the customer-generator feeds back to the system.

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**4901:1-10-23 Coordination with competitive retail electric service (CRES) providers**

- (A) Each electric utility shall coordinate with 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 electric utility 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 electric utility and CRES provider), customer billing (options, collection, and application of customer payments), metering, retail settlements, scheduling coordinators, losses, customer information (procedures for disclosing load profile, account information, and payment history), dispute resolution processes (between the electric utility and CRES provider), standard operating rules, performance incentives and standards, creditworthiness and default security, supplier agreement, electronic data interchange protocols, CRES provider enrollment with the electric 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 electric utility 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 electric utility and CRES provider shall execute a standardized trading partner agreement, as required by the standard electronic transmission protocols.
- (E) Pre-enrollment. Electric utilities shall make eligible-customer lists available to certified CRES providers in spreadsheet, word processing, or an electronic non-image-based format, with formula intact, compatible with personal computers. Such lists shall be updated quarterly. 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

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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 electric utility shall mail the customer a competitively neutral confirmation notice stating:
  - (a) That the electric utility 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 electric utility to rescind the enrollment request or notify the electric utility that the change of service provider was not requested by the customer.
  - (d) The electric utility's toll-free telephone number.
- (2) Such notice shall not be used as an opportunity for the electric utility to convince customers to remain on or return to the electric utility's standard offer service.
- (3) Each electric utility shall 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 electric utility to rescind enrollment with a CRES provider, the electric utility shall provide the customer a unique cancellation number.
- (5) Within two business days after receiving a customer's request to rescind enrollment with a CRES provider, the electric utility shall initiate such rescission and mail the customer confirmation that such action has been taken.

(G) Customer billing.

- (1) Electric utilities shall make consolidated billing available to CRES providers and shall not take any actions to inhibit or prohibit dual billing by CRES

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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, certification rescission of a CRES provider, or the end of their contract term with a CRES provider, will not be liable for any costs or penalties associated with the customer's return to the standard offer.
- (2) Within two business days after confirming the validated electronic data file for a CRES provider's customer-drop request, the electric utility shall mail the customer a notice stating:
  - (a) That the electric utility has received a request to drop the customer from competitive electric service with the named CRES provider.
  - (b) The deadline date for the electric utility to receive a CRES provider's request to enroll the customer.
  - (c) That the electric utility is available to address any questions the customer may have.
  - (d) The electric utility's local and 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) Electric utilities shall not switch PIPP and ~~arrearage crediting Graduate PIPP~~ program customers to CRES providers.
- (2) Customers pending enrollment with a CRES provider who subsequently become approved for PIPP or the electric utility's arrearage crediting program shall not be switched to the CRES provider.
- (3) Electric utility customers who have switched to a CRES provider and subsequently become approved for the electric utility's ~~arrearage crediting Graduate PIPP~~ program shall be transferred to the electric utility's standard

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offer service at the next regularly scheduled meter read date after the electric utility 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 electric utility to standard offer service at the next regularly scheduled meter read date after the electric utility receives notice of the customer's participation in PIPP. The electric utility 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 electric utility is not purchasing the receivables of the affected CRES provider, the electric utility 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 electric utility 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.

**4901:1-10-30 Penalties 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, direction, or requirement promulgated thereunder, may be subject to any and all remedies available under the law, including but not limited to the following:
  - (1) Forfeiture to the state of not more than ten thousand dollars for each such failure, with each day's continuance of the violation 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, direction or requirement promulgated thereunder, will be conducted in accordance with Chapter 4901:1-23 of the Administrative Code.

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**Electric Generation Resource**

- (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 utilities 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 electric utility 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 electric utility shall exercise all reasonable efforts to identify the power source or resource used to generate the power in question. The electric utilities shall maintain documentation sufficient to demonstrate the steps taken to make such identification.

- (b) Environmental characteristics.

Electric utilities 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.

Electric utilities 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, electric utilities shall report the generation of high- and low-level radioactive waste associated with the power being offered under their standard offers.

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- (2) Methodology for determining environmental disclosure data.
- (a) Any new electric utility shall submit to the staff, at least thirty days prior to commencing operations, 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 electric utility shall maintain documentation sufficient to demonstrate the accuracy of the actual environmental disclosure data.
  - (c) When calculating the generation resource mix, the electric utility shall assume that purchased energy has the same generation resource mix as the regional generation resource mix for the twelve month period of June 1 to May 31, as provided by the electric utility's regional transmission organization or independent system operator.
- (3) Each electric utility shall submit to staff for its review and approval a proposal for incorporating the use of renewable energy credits (RECs) ~~within into~~ its annual and quarterly environmental disclosures. ~~At a minimum, such submittal would be required for the following~~The electric utility shall provide statements, when applicable:
- (a) ~~An~~That the electric utility ~~sells~~sold RECs from one of its electric generating facilities.
  - (b) ~~An~~That the electric utility ~~purchases~~purchased RECs as a means of complying, in part or whole, with a renewable energy resource benchmark under the state's alternative energy portfolio standard requirements.
  - (c) Whether the electric utility complied with the renewable energy resource benchmark under the state's alternative energy portfolio standard requirements.
- (4) Timing for disclosing environmental disclosure data.
- (a) Electric utilities shall annually project their environmental disclosure



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data for at least the subsequent calendar year.

- (b) Electric utilities 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 - 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 the commission.

(1) Content.

Each customer shall receive environmental disclosure data, as detailed in paragraph (C) 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

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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~~ one-half percent. The pie chart shall not include colors, but shall include the use of shading and labels to more clearly communicate the information.

To the extent the patterns set forth in appendices A and B to this rule cannot be duplicated exactly, electric utilities 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

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shall be calculated from comparison of product-specific and average regional emission rates on a basis of pounds emitted per megawatt hour.

- (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 electric utility's standard offer, shall appear as depicted in appendix B to this rule.

- (f) Each electric utility shall maintain records detailing the magnitude of each environmental characteristic associated with the generation resource3s. Such details shall be provided to customers and staff upon request. Such details may be included on an electric utility's website.
- (g) The electric utility 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 electric utility shall maintain sufficient documentation to permit verification of the accuracy of any additional information that is

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disclosed.

(3) Timing.

(a) Annual projection.

Consistent with the schedule presented in paragraph (C)(4) 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)(4) 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 electric utility 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)(4) of this rule. The information provided to the staff shall be identical in content and format to that provided to customers.

(F) The generation resource mix disclosed pursuant to this rule should not be used as an indicator of an electric utility's compliance with Section 4928.64 of the Revised Code.

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**4901:1-10-32 Cooperation with Certified Governmental Aggregators**

- (A) Each electric utility shall cooperate with governmental aggregators to facilitate the proper formation and functioning of governmental aggregations. Upon the request of a certified governmental aggregator or certified electric services company under contract with the governmental aggregator, the electric utility shall 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:
- (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 electric services companies, must be available in spreadsheet, word processing, or an electronic non-image-based format, with formulas intact, compatible with personal computers..
  - (2) An identification of customers who are currently in contract with an electric services company or in a special agreement with the electric utility.
  - (3) On a best efforts basis, an identification of mercantile customers.
- (B) Each electric utility shall provide such customer information list to the governmental aggregator, or the electric services company under contract with the governmental aggregator, at no charge.
- (C) Each electric utility shall publish charges and/or fees for services and information provided to governmental aggregators in an approved tariff filed with the commission.
- (D) Unless a customer notifies the electric utility of the customer's intent not to join a governmental aggregation by responding to the confirmation notice or providing some other notice as provided by the electric utility's tariffs, the electric utility 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. A switching fee shall not be assessed to customer accounts that switch to or from a governmental aggregation.
- (E) Pursuant to division (I) of section 4928.20 of the Revised Code, if the electric utility establishes a surcharge under section 4928.144 of the Revised Code, the

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electric utility shall charge customers that are part of a governmental aggregation only a portion of such surcharge that is proportionate to the benefits that the electric load centers within the jurisdiction of the governmental aggregation as a group receive as determined by the commission.

- (F) Each electric utility shall cooperate with governmental aggregators to determine the amount of any surcharge that will be assessed to customers that are part of a governmental aggregation pursuant to division (I) of section 4928.20 of the Revised Code.
- (G) If a governmental aggregator notifies the commission of its election to not receive standby service from the electric utility that is operating under an approved electric security plan during the governmental aggregation program, the electric utility shall not charge any customer that is part of that governmental aggregation for standby service. However, the electric utility shall charge any customer that returns to the electric utility for retail electric service during the governmental aggregation program the market price of power incurred by the electric utility to serve that customer plus any amount attributable to the electric utility's cost of compliance with the alternative energy resource provisions of section 4928.64 of the Revised Code to serve that customer, unless that customer becomes ineligible pursuant to paragraph (E)(1)(a) or (E)(1)(g) of rule 4901:1-21-17 of the Administrative Code, or that customer moves within the aggregation boundaries where the electric utility considers the customer that is moving to be a new customer, or the commission otherwise terminates the electric utility's electric security plan in effect during the governmental aggregation program.

**4901:1-10-33 Consolidated billing requirements**

- (A) This rule applies to an electric utility that issues customers a consolidated electric bill that includes both electric utility and competitive retail electric service (CRES) provider charges for electric services. Nothing in this rule affects the obligations of the electric utility to provide disconnection notices.
- (B) A supplier agreement between an electric utility and a CRES provider must provide that if the electric utility 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 monthly intervals, and

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shall contain clear and understandable form and language. All consolidated customer bills issued by or on behalf of an electric utility and a CRES provider must include at least the following information:

- (1) The customer's name, billing address, and service address.
- (2) The electric utility's twenty-four hour, local and toll-free telephone numbers 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 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. The due date shall not be less than 14 days after the billing date on the bill. For residential bills being issued from outside the state of Ohio the due date shall be no less than twenty-one days.
- (14) Name and address of the electric utility to ~~whom~~ which payments should be

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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 contact the public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at <http://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 electric utility.

(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 electric utility, at least the following information:

(1) Electric utility account number.

(2) Applicable rate schedule.

(3) 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.



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- (5) If the customer is on a budget plan with the electric utility only, the monthly budget amount and current balance of electric utility account.
  - (6) Current charges.
  - (7) The electric utility's local and toll-free telephone numbers 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 electric utility account number.
  - (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 derived, as well as any other information the customer would need to recalculate the bill for accuracy.
  - (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.
  - (4) Current charges.
  - (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 electric utility 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 calendar 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 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.

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- (2) The billing electric utility shall include in the consolidated bill all required bill content information furnished by the non-billing 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 CRES provider charges, or, if applicable, CRES provider payment arrangement or past due CRES provider budget billing.
    - (b) Billed and past due electric utility distribution, standard offer generation, and transmission charges or, if applicable, electric utility payment arrangement or past due electric utility budget billing.
    - (c) Billed and due current electric utility distribution and transmission charges or current electric utility budget billing.
    - (d) Billed and due current CRES provider charges or current CRES provider budget billing.
    - (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 electric utility 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 the date after which the billing

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party will no longer remit payments to the previous CRES provider and include any outstanding balance due the previous CRES provider.

- (J) Any electric utility 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 electric utility 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 electric utility's business office and shall be posted to the customer's account in accordance with paragraph (F) of rule 4901:1-10-22 of the Administrative Code. The time needed to post the payment to the customer's account shall be clearly stated.
  - (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.

**4901:10-10-10 Compliance with NOLFA**

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

- (1) (1) "Day-ahead energy market" means the day-ahead hourly forward market in which participants offer to sell and bid to buy energy.
- (2) "Electric trading platform" means a digital commodity exchange where energy products are traded.
- (3) "Locational marginal price" means the hourly integrated market clearing

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price for energy at the location the energy is delivered or received.

- (4) "PURPA" means the Public Utility Regulatory Policies Act of 1978, as amended by the Energy Policy Act of 2005, at 16 U.S.C.S. Section 824a-3.
- (5) "Qualifying facility" means a small power producer and/or cogenerator that meets the criteria specified by the Federal Energy Regulatory Commission in 18 C.F.R. Sections 292.203(a) and (b).
- (6) "RTO/ISO" means the regional transmission organization or independent system operator.
- (7) "Simple swap" means a hedging contract mechanism for fifty megawatts of on-peak or off-peak energy in a future month.
- (B) The purpose of this rule is to implement a standard market-based rate for electricity and capacity transactions between EDUs and qualifying facilities as provided by PURPA, specifically for small power production facilities and cogeneration facilities.
- (C) All qualifying facilities that have a net capacity of 20 megawatts or less shall provide their electrical output to the EDU. Purchase payments to the qualifying facility for the supply of electricity to the EDU shall be based on the contractual design set forth in this rule.
- (D) All qualifying facilities must operate their interconnected facilities pursuant to the operating requirements of the RTO/ISO and in accordance with the EDU's specifications for interconnection and parallel operation.
- (E) All qualifying facilities interconnecting at the distribution level must comply with the guidelines set forth in Section 4901:1-22 of the Administrative Code, as well as the standard interconnection agreement by the EDU.
- (F) All qualifying facilities interconnecting at the transmission level must comply with the RTO/ISO's policies and procedures for interconnection, including interconnection procedures for small generators.
- (G) Nothing in this rule shall affect, modify, or amend the terms and conditions of any existing qualifying facility's contract with an EDU.
- (H) A qualifying facility may elect to execute a negotiated contract with the EDU instead of selling the electrical output of the qualifying facility at the standard

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market-based rate.

- (I) The EDU or the qualifying facility may seek alternative dispute resolution of any disputes which may arise out of the EDU tariffs filed under these rules, in accordance with Chapter 4901:1-26 of the Administrative Code.
- (J) Energy payments shall, at the option of the qualifying facility, be based on either of the following:
  - (1) The day-ahead energy market as cleared at the applicable locational marginal price at a liquid trading hub.
  - (2) The monthly simple swap price.
- (K) EDUs shall bi-annually file with the commission to the director of the energy and environment department or its designee a report detailing the qualifying facility activity in the EDU's service territory that includes the following:
  - (1) The name and address of each owner of a qualifying facility.
  - (2) The address of the location of each qualifying facility.
  - (3) A brief description of the type of each qualifying facility.
  - (4) The date of installation and the on-line date of each qualifying facility.
  - (5) The design capacity of each qualifying facility.
  - (6) A discussion identifying any qualifying facility that was denied interconnection by the EDU, including a statement of reasons for such denial.
  - (7) A discussion of the incremental reductions in purchases of electricity during the calendar year due to operations of qualifying facilities within the EDU's service territory.

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

Agency Name: Public Utilities Commission of Ohio (PUCO)  
Attention: Elizabeth Stevens, Legal Director  
Phone: 614-466-0122 Fax: 614-728-8373  
Elizabeth.stevens@puc.state.oh.us  
Greg Price, Electric Section Chief  
greg.price@puc.state.oh.us 614-752-9410

Regulation/Package Title: Electric Companies

Rule Number(s): Chapter 4901:1-10, O.A.C.

Date: 10/31/2012

**Rule Type:**

<input checked="" type="checkbox"/>	New	<input checked="" type="checkbox"/>	5-Year Review
<input checked="" type="checkbox"/>	New	<input type="checkbox"/>	Rescinded
<input checked="" type="checkbox"/>	Amended		

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

#### Regulatory Intent

1. Please briefly describe the draft regulation in plain language. *Please include the key provisions of the regulation as well as any proposed amendments.*

The proposed revisions to the rules in Chapter 4901:1-10, Ohio Administrative Code (O.A.C.), are in accordance with the State of Ohio's 5-year rule review procedures.

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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 4901:1-10, O.A.C., set forth electric service and safety standards.

The proposed revisions to Chapter 4901:1-10, O.A.C., would create consumer safeguards for the protection of customer energy usage data, direct more accurate disclosure of environmental data and the approximate generation resource mix, create more clarity and consistency for net metering customer-generators, and create a rule to comply with the federal Public Utility Regulatory Policies Act of 1978 (PURPA).

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

The amendments to the rules in Chapter 4901:1-10, Administrative Code, are in response Section 119.032, Revised Code, which requires all state agencies to conduct a review, every five years, of their rules and to determine whether to continue the rules without change, with amendments, or with rescissions. The Public Utilities Commission of Ohio (PUCO) has determined that certain amendments to the rules are necessary.

All of the proposed rules in Chapter 4901:1-10, Administrative Code, will be adopted in accordance with the authority granted to the PUCO in Sections 4905.04, 4905.22, 4905.28, 4928.06, 4928.08, 4928.10, 4928.11, 4828.16, 4928.20, 4928.53, and 4928.67, Revised Code.

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.**

Rule 4901:1-10-34 is being proposed to comply with the federal requirements set forth in the Public Utility Regulatory Policies Act of 1978 (PURPA), as amended by the Energy Policies Act of 2005. This federal requirement is to provide a market-based rate to small power producing and cogeneration qualifying facilities. The rule would require electric utilities to pay the standard market-based rate to qualifying facilities unless contracted otherwise.

4. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

The rules in 4901:1-10 do not implement a federal requirement, with the exception of 4901:1-10-34. Rule 4901:1-10-34 is written to comply with PURPA, it is not written to exceed the federal PURPA requirement. In fact, the Federal Power Act (FPA) defines a small power production facility as a facility that uses certain types of technology and has a capacity up to 80 megawatts. See 16 U.S.C. 796(17)(A)(i)-(ii) (2000). The proposed rule to Chapter 4901:1-10 would limit the PURPA compliance requirements to facilities that generate up to 20 megawatts.

5. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The rules contained in Chapter 4901:1-10, O.A.C., are intended to promote safe and reliable service to consumers and the public, and to provide minimum standards for uniform and reasonable practices. The proposed revisions to the rules in this chapter comply with the public purpose for the regulation and provide greater consumer protections and safeguards.

6. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The rules contained in this chapter govern electric companies. The success of the regulation in terms of outputs and outcomes will be measured based upon customer and electric utility feedback.

#### **Development of the Regulation**

7. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation. *If applicable, please include the date and medium by which the stakeholders were initially contacted.***

The Commission conducted a workshop on August 17, 2012, at the offices of the Commission to receive feedback from interested stakeholders and the general public. The case number for the commission's review of Chapter 4901:1-10, O.A.C., is 12-2050-EL-ORD. The entry providing notice of the workshop was served upon all investor-owned electric utilities in the state of Ohio, all competitive retail electric service providers in the state of Ohio, and the Electric-Energy industry list-serve. Over 21

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stakeholders signed the provided sign-in sheet for the workshop. The workshop was held in conjunction with other electric industry rules workshops, including the rules in chapters 4901:1-9, 4901:1-22, 4901:1-23, and 4901:1-25.

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Staff has adopted the recommendations provided by stakeholders at the workshop. While there was not significant stakeholder input on the rules in Chapter 4901:1-10 at the workshop, a number of changes have been made to the rules as a result of stakeholder feedback over the past five years. The proposed revisions include:

- (a) New definitions for customer energy usage data and de-identified customer energy usage data. These definitions are being added to prohibit an electric utility from disclosing customer energy usage data without the customer's written or electronic authorization, or without a court or commission order, except in certain circumstances.
- (b) Clarifications to environmental disclosure to supplement the regional generation resource mix data provided by the regional transmission organization for unknown purchased resources. This should provide consumers with a greater understanding of the generation resource mix for the generation they purchase.
- (c) A clarified definition of customer-generators that recognizes that a customer who hosts or leases generation equipment on its premises is considered a customer-generator.
- (d) A clarification to the phrase "intend primarily to offset part or all of a customer-generator's requirements for electricity", as found in 4928.01(31)(a), Revised Code. The clarification to the definition would include a presumption that a customer-generator that generates less than one-hundred and twenty percent of the customer-generator's requirements for electricity intends "primarily to offset" part or all of the customer-generator's requirements for electricity. This presumption is proposed because the Commission and staff recognize that a customer-generator could generate in excess of the customer-generator's consumption while actually intending only to offset all of the customer-generator's requirements for electricity. The Commission and Staff further recognize the need to allow customer-generators to engage in energy efficiency measures without becoming excessive-generators.

- (e) A clarification to the definition of a customer-generator's requirements for electricity, which would recognize that a customer-generator's requirements for electricity is the customer-generator's average annual electricity consumption over the previous three years, using the annual period of June 1 to May 31.
- (f) A rule for the calculation of the credit for monthly excess generation and net excess generation. Under the proposed revisions, excess generation would be credited to the next month's bill. If the credit is not used in the next month, it's credit to a net excess generation account. That net excess generation account would then credit any months in which the generation from the prior month was insufficient. Net excess generation would accumulate for the twelve month period beginning on June 1 of each year and ending on the following May 31. If there exists net excess generation at the end of the twelve month period, the electric utility must issue a refund to the customer-generator for the net excess generation, calculated at the rate the customer-generator pays for generation and regardless of whether the customer-generator purchases generation from the electric utility or a competitive retail electric service provider.
- (g) A proposed revision to clarify the definition of the customer-generator's premises. The clarified definition would recognize that a customer-generator's premises includes lots or areas contiguous to the lots or areas owned, operated, leased, or otherwise controlled by the customer-generator.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

No scientific data was provided or considered. In adopting any changes to Chapter 4901:1-10, O.A.C., the Commission takes into account feedback from stakeholders and the general public.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

Alternative regulations considered by the Commission and which the Commission seeks comments from stakeholders but did not add to the proposed revisions, include whether rule 4901:1-10-28 should contain definitions of the acceptable technologies for net metering (such as microturbine), whether 4901:1-10-28 can include virtual net metering

and aggregate net metering without violating Sections 4928.01 or 4928.67 of the Revised Code, and whether PURPA should be limited to less than 20 megawatts.

- 11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

No performance-based regulations were considered. The proposed revisions contain electric service and safety standards. The standards are not performance-based or outcome-based.

- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The Agency has reviewed other Ohio regulations and found no duplicate. Furthermore, no duplicate has been identified by stakeholders.

- 13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

Upon completion of the rulemaking process, the changes made to Chapter 4901:1-10, O.A.C., will be attached to the Commission's finding and order and served upon all investor-owned electric utilities in the state of Ohio, all competitive retail electric service providers in the state of Ohio, and the Electric-Energy industry list-serve.

#### **Adverse Impact to Business**

- 14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**

The scope of the business community impacted by the proposed revisions to Chapter 4901:1-10, O.A.C., includes all electric utilities in the state of Ohio and all customer-generators.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

The proposed revisions were drafted in an effort to minimize any adverse impact on business, while promoting the policies of the state of Ohio in Section 4928.02, Revised Code. Specifically, there are two policies of the state of Ohio that the proposed revisions promote particularly well.

Section 4928.02(F) states that it is the policy of this state to ensure that an electric utility's transmission and distribution systems are available to a customer-generator or owner of distributed generation, so that the customer-generator or owner can market and deliver the electricity it produces.

Section 4928.02(K) states that it is the policy of this state to encourage implementation of distributed generation access across customer classes through regular review and updating of administrative rules governing critical issues such as, but not limited to, interconnection standards, standby charges, and net metering.

**c. Quantify the expected adverse impact from the regulation. *The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.***

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The Commission has not identified an adverse impact on business as a result of the proposed revisions. Any business impact resulting from the proposed revisions will be a positive impact. The Commission seeks comments on the proposed revisions on whether there will be an adverse impact on business as a result of the proposed revisions. Specifically, whether the proposed revisions to 4901:1-10-28 will have an adverse impact on business and whether Rule 4901:1-10-34 will have an adverse impact on business.

**Regulatory Flexibility**

- 16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No. Electric utilities are under the jurisdiction of the Public Utilities Commission of Ohio and may not be exempted from the requirements provided in Chapter 4901:1-10, O.A.C.

- 17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Not Applicable.

- 18. What resources are available to assist small businesses with compliance of the regulation?**

Commission Staff works with small businesses to ensure compliance with the rules. In Commission Case No. 12-2050-EL-ORD, stakeholders and the general public, including small businesses, were invited to participate in a workshop to explain to Commission Staff potential revisions to the rules to decrease or eliminate any negative effects on business. Small businesses may contact Commission Staff at any time and may comment on the proposed revisions during the open comment period once the proposed revisions have been released via Commission Entry.