

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Review of Chapter 4901:1-13 of the)
Ohio Administrative Code, Regarding) Case No. 13-2225-GA-ORD
Minimum Gas Service Standards.)

ENTRY

The Commission finds:

- (1) R.C. 119.032 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. At this time, the Commission is reviewing the minimum gas service standards contained in Ohio Adm.Code Chapter 4901:1-13.
- (2) R.C. 119.032(C) requires that the Commission determine:
 - (a) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;
 - (b) Whether the rule needs amendment or rescission to give more flexibility at the local level;
 - (c) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork, 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 R.C. 121.74 and whether the incorporation by reference meets the standards stated in R.C. 121.72, 121.75, and 121.76;

- (d) Whether the rule duplicates, overlaps with, or conflicts with other rules; and
 - (e) Whether the rule has an adverse impact on businesses, reviewing the rule as if it were a draft rule being reviewed under R.C. 107.52 and 107.53, and whether any such adverse impact has been eliminated or reduced.
- (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 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 R.C. 121.82, in the course of developing draft rules, the Commission must evaluate the rules against the business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Commission is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative (CSI) office the draft rules and the BIA.
- (5) On January 14, 2014, the Commission held a workshop in this proceeding to enable interested stakeholders to propose revisions to the rules found in Ohio Adm.Code Chapter 4901:1-13 for the Commission's consideration. Representatives of several interested stakeholders attended the workshop, with one stakeholder offering comments.

- (6) The Commission's Staff has evaluated the rules contained in Ohio Adm.Code Chapter 4901:1-13, including consideration of the stakeholder comments from the workshop. Among other minor, nonsubstantive changes throughout the chapter intended to improve clarity or update cross-references, Staff's more significant proposed changes to Ohio Adm.Code Chapter 4901:1-13 are as follows:
- (a) Staff proposes to insert new provisions in several of the rules to ensure consistency with Ohio Adm.Code Chapter 4901:1-10, which sets forth electric service and safety standards. These proposed revisions would ensure that the service standards for the gas and natural gas companies are comparable to the standards for the electric companies, to the extent feasible. The revisions may be found in proposed Ohio Adm.Code 4901:1-13-02(F) and (J), 4901:1-13-05(E)(1) and (E)(3), 4901:1-13-06(B), (C), and (C)(9), 4901:1-13-09(B)(3), and 4901:1-13-11(C).
 - (b) In order to consolidate all rules addressing the minimum service standards for the gas and natural gas companies in one chapter, Staff proposes to move, into Ohio Adm.Code Chapter 4901:1-13, several existing provisions from the Commission's rules governing competitive retail natural gas service (CRNGS), as set forth in Ohio Adm.Code Chapters 4901:1-27 through 4901:1-34. Those chapters currently contain provisions that more directly pertain to regulated gas and natural gas companies, rather than retail natural gas suppliers. If Staff's proposal is adopted by the Commission, the existing provisions in the applicable CRNGS rules would then be removed through amendment or rescission, in order to eliminate any duplication of rules. Within Ohio Adm.Code Chapter 4901:1-13,

Staff's proposal would necessitate the following changes:

- (i) Ohio Adm.Code 4901:1-29-04(A)¹ would be moved to Ohio Adm.Code 4901:1-13-03(E).
- (ii) Ohio Adm.Code 4901:1-29-08(C) would be moved to Ohio Adm.Code 4901:1-13-10(G).
- (iii) Ohio Adm.Code 4901:1-29-08(D)(2) and (D)(6) would be moved to Ohio Adm.Code 4901:1-13-10(H)(1) and (H)(2), respectively.
- (iv) Ohio Adm.Code 4901:1-29-13, in its entirety, would be moved to a new rule, Ohio Adm.Code 4901:1-13-14, addressing coordination between gas and natural gas companies and retail natural gas suppliers and governmental aggregators. Ohio Adm.Code 4901:1-29-06(H) and (I) would also be moved to the new rule.

Staff's proposed revisions are intended to simplify and facilitate the gas and natural gas companies' compliance with rules governing service standards, by consolidating all such rules in one location within the Ohio Administrative Code.

¹ All references to the CRNGS rules in this Entry are to the rules as recently adopted by the Commission. *In re Rules for Competitive Retail Natural Gas Service Contained in Chapters 4901:1-27 through 4901:1-34 of the Ohio Administrative Code*, Case No. 12-925-GA-ORD, Finding and Order (Dec. 18, 2013); Entry on Rehearing (Feb. 26, 2014).

- (c) In Ohio Adm.Code 4901:1-13-04(G)(1)(a), Staff proposes to require that meter reading plan revisions be submitted by the gas and natural gas companies for review only when the revisions occur, and to remove the requirement that such plans be automatically updated and reviewed every three years.
- (d) In Ohio Adm.Code 4901:1-13-04(G)(2) and (G)(3), Staff proposes additional language to clarify the requirements involving billing adjustments for residential and small commercial customers, respectively, that result from meter inaccuracies.
- (e) In Ohio Adm.Code 4901:1-13-04(G)(7) and 4901:1-13-06, Staff proposes to update requirements pertaining to the provision of information regarding customer rights and obligations.
- (f) Staff proposes to change the specified timeframe for new service installations in Ohio Adm.Code 4901:1-13-05(A)(1)(a), (A)(1)(b), and (A)(4).
- (g) In Ohio Adm.Code 4901:1-13-05(A)(4), Staff proposes that notification of a rescheduled completion date for a service installation be provided to the customer, either in writing or in a manner agreed upon by the parties.
- (h) In Ohio Adm.Code 4901:1-13-05(C)(1), Staff proposes an exception to the expected arrival time window requirement for reconnections pursuant to Ohio Adm.Code 4901:1-18-07.
- (i) In Ohio Adm.Code 4901:1-13-05(C)(3), Staff recommends new provisions regarding customer notice and rescheduling of appointments, where the gas or natural gas

company offers a call-ahead process to confirm imminent arrival at an appointment.

- (j) In Ohio Adm.Code 4901:1-13-08(C)(9), Staff proposes to change the specified duration of scheduled maintenance interruptions requiring a reasonable attempt at notification.
 - (k) In Ohio Adm.Code 4901:1-13-08(D)(3)(h), Staff proposes to require that the reason for disconnection be included on a disconnection notice provided to a small commercial customer.
- (7) Staff's proposed changes to Ohio Adm.Code Chapter 4901:1-13 (Attachment A) and the BIA (Attachment B) for this chapter are posted at: www.puco.ohio.gov/puco/rules. To minimize the expense of this proceeding, the Commission will serve a paper copy of this Entry only. All interested persons are directed to download the attachments to this Entry from the above web site or to contact the Commission's Docketing Division to request a paper copy.
- (8) The Commission requests comments from interested persons to assist in the review required by R.C. 119.032(C) and Executive Order 2011-01K. Comments should be filed, via electronic filing or in hard copy, by March 28, 2014. Reply comments should be filed by April 11, 2014.

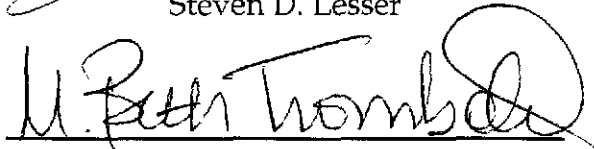
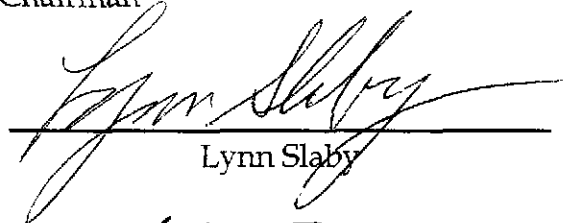

It is, therefore,

ORDERED, That all interested persons or entities wishing to file comments or reply comments with the Commission regarding the proposed rules and the BIA do so no later than March 28, 2014, and April 11, 2014, respectively. It is, further,

ORDERED, That a copy of this Entry, with the attached rules and the BIA, be submitted to CSI in accordance with R.C. 121.82. It is, further,

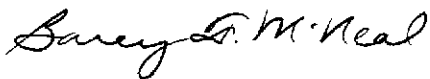
ORDERED, That a copy of this Entry be sent to the gas-pipeline industry list serve and served upon all regulated gas and natural gas companies, all competitive retail gas suppliers, the Ohio Consumers' Counsel, the Ohio Gas Association, the Ohio Petroleum Council, the Ohio Oil and Gas Association, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman
Steven D. Lesser
M. Beth Trombold
Lynn Slaby
Asim Z. Haque

SJP/sc

Entered in the Journal

FEB 26 2014
Barcy F. McNeal
Secretary

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4901:1-13-01 Definitions.

As used in this chapter:

- (A) "Bona fide dispute" means a reasonable dispute registered with the commission's call center or a formal complaint filed with the commission's docketing division.
- (B) "Business day" means, for purposes of initiation or installation of service, a day when a gas or natural gas company performs regularly scheduled installation and, for all other purposes, a day when the provider observes regularly scheduled customer service office hours.
- (C) "Commission" means the public utilities commission of Ohio.
- (D) "Company" means a gas or natural gas company as defined in section 4905.03 of the Revised Code.
- (E) "Consumer" means any person who receives service from a gas or natural gas company.
- (F) "Competitive retail natural gas service" or "CRNGS" has the meaning set forth in section 4929.01 of the Revised Code.
- (G) "Customer" means any person who has an agreement, by contract and/or tariff, with a gas or natural gas company to receive service or any person who requests or makes application for service from a gas or natural gas company.
- (H) "Customer premises" means the residence(s), building(s), or office(s) of a customer.
- (I) "Fraudulent practice" means an intentional misrepresentation or concealment of a material fact that the gas or natural gas company relies on to its detriment. Fraudulent practice does not include tampering or unauthorized reconnection of gas service.
- (J) "Gas company" means a company that meets the definition of a gas company set forth in section 4905.03 of the Revised Code and that also meets the definition of a public utility under section 4905.02 of the Revised Code.
- (K) "Governmental aggregator" shall have the meaning set forth in section 4929.01 of the Revised Code.
- (L) "Manometer" means an instrument for measuring the pressure of gas or natural gas.

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- (M) "Natural gas company" means a company that meets the definition of a natural gas company set forth in section 4905.03 of the Revised Code and that also meets the definition of a public utility under section 4905.02 of the Revised Code.
- (N) "Nonresidential gas service" means a gas or natural gas service provided to any location where the use is primarily of a business, professional, institutional, or occupational nature.
- (O) "Person" includes an individual, corporation, company, co-partnership, association, or joint venture.
- (P) "Pounds per square inch gauge" refers to a measurement when testing gas pressure.
- (Q) "Residential gas service" means a gas or natural gas service provided to any location where the use is primarily of a domestic nature.
- (R) "Retail natural gas supplier" has the meaning set forth in section 4929.01 of the Revised Code.
- (S) "Slamming" means the transfer of or requesting the transfer of a customer's competitive natural gas service to another provider without obtaining the customer's consent.
- (T) "Small commercial customer" means a commercial customer which is not a mercantile customer under division (L) of section 4929.01 of the Revised Code.
- (U) "Small gas company" means a gas company serving seventy-five thousand or fewer customers.
- (V) "Small natural gas company" means a natural gas company serving seventy-five thousand or fewer customers.
- (W) "Tampering" means to interfere with, damage, or bypass a utility meter, gas line, or gas facilities with the intent to impede the correct registration of a meter or the proper functions of a gas line or gas facilities 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, gas line, or gas facility that has been disconnected by the utility.
- (X) ~~TTY" means text telephone yoke as defined in 47 C.F.R. 64.601, effective as of the date set forth in paragraph (I) of rule 4901:1-13-02 of the Administrative Code.~~

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4901:1-13-02 Purpose and scope.

- (A) The rules in this chapter:
- (1) Apply to investor-owned gas or natural gas companies, as defined in this chapter.
 - (2) Are intended to promote reliable service to consumers and the public, and to provide minimum standards for uniform and reasonable practices.
 - (3) Unless otherwise specified, apply to both residential and nonresidential gas or natural gas service.
- (B) The commission may, in addition to the rules in this chapter, require gas or natural gas companies to furnish other or additional service, equipment, and facilities upon any of the following:
- (1) The resolution of a commission-ordered investigation.
 - (2) Formal or informal commission resolution of a complaint.
 - (3) The application of any gas or natural gas company.
- (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 gas or natural gas companies from either of the following:
- (1) Providing adequate service and facilities as prescribed by the commission.
 - (2) Complying with the laws of this state.
- (E) Except as set forth in this rule, the rules of this chapter supersede any inconsistent provisions, terms, and conditions of the gas or natural gas company's tariffs. A gas or natural gas company may adopt or maintain tariffs providing superior standards of service, reliability, or greater protection for customers or consumers. Further, a gas or natural gas company may adopt or maintain tariff provisions which involve other areas not addressed by the rules of this chapter.
- (F) When a gas or natural gas company in a complaint proceeding under section 4905.26 of the Revised Code demonstrates compliance with the relevant service or performance standard of this chapter, a rebuttable presumption is created that the gas or natural gas company is providing adequate service regarding that standard. Such presumption applies solely to the specific standard addressed by the

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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 a gas or natural gas company.

- (G) Each gas or natural gas company is also subject to the requirements in:
- (1) The pipeline safety code and requirements set forth in Chapter 4901:1-16 of the Administrative Code.
 - (2) Establishing credit for residential gas or natural gas services contained in Chapter 4901:1-17 of the Administrative Code.
 - (3) Disconnecting residential gas or natural gas service contained in Chapter 4901:1-18 of the Administrative Code.
 - (4) The provision of CRNGS, as applicable to gas or natural gas companies, in Chapters 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-32, and 4901:1-34 of the Administrative Code, to the extent applicable to gas or natural gas companies.
- (H) Nothing in this chapter is intended to supersede, alter or amend the administrative requirements listed in paragraph (G) of this rule.
- (I) Each citation contained with this chapter that is made to a section of the United States code or a regulation in the code of federal regulations is intended, and shall serve, to incorporate by reference the particular version of the cited matter that was effective ~~on February 10, 2010~~ at the time of the effective date of this rule.
- (J) No tariff of a gas or natural gas company shall incorporate exculpatory clauses that purport to limit or eliminate liability on the part of the gas or natural gas company to its customers or others as a result of its own negligence when providing a regulated service. No gas or natural gas company tariff shall incorporate provisions which purport to establish liability on the part of the gas or natural gas company's customers for acts or failures to act involving a gas or natural gas company's facilities, which are beyond the control of the customer. Any contrary provisions in a gas or natural gas company's tariff now on file with the commission shall be eliminated.

4901:1-13-03 Retention of records and access to records and business activities.

- (A) Each gas and natural gas company shall maintain and have available for auditing and inspection any and all utility property and all associated equipment.

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- (B) The regulations governing the retention and preservation of gas or natural gas company records are set forth in the appendix ~~A~~ to rule 4901:1-9-06 of the Administrative Code.
- (C) Unless otherwise specified in this chapter, each gas or natural gas company shall maintain records for three years that are sufficient to demonstrate compliance with the rules of this chapter.
- (D) Access to records and business activities includes such records and activities as would allow the commission staff to effectively monitor Ohio-specific customer calls made to the gas or natural gas company. Access includes the ability of commission staff to adequately monitor gas or natural gas company customer call center interactions with Ohio customers either at a location in Ohio or in a manner agreed to by the commission staff. Gas and natural gas companies, other than small gas and small natural gas companies, shall provide access to monitor customer/consumer calls without the customer service representative's knowledge of the monitoring.
- (E) Each gas or natural gas company (for records retention related to competitive retail natural gas services) shall establish and maintain records and data sufficient to:
 - (1) Verify its compliance with the requirements of any applicable commission rules.
 - (2) Support any investigation of customer complaints.

4901:1-13-04 Metering.

- (A) Service provided by a gas or natural gas company shall be metered, except where it is impractical to meter the gas usage, such as in street lighting and temporary or special installations. The usage in such exceptions may be calculated or billed in accordance with an approved tariff on file with the commission.
- (B) A customer's usage shall be metered by commercially acceptable measuring devices. Meter accuracy shall also comply with the standards found in section 4933.09 of the Revised Code. No metering device shall be placed in service or knowingly allowed to remain in service if it violates these standards.
- (C) Gas or natural gas company employees or authorized agents of a gas or natural gas company shall have the right of access to 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 company's requirements.

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- (D) Meter test at customer's request. Metering accuracy shall be the responsibility of the gas or natural gas company.
- (1) Upon request by a customer, the company shall test its meter to verify its compliance with section 4933.09 of the Revised Code, within thirty business days after the date of the request.
 - (2) The customer or the customer's representative has the right to be present when the meter test is performed at the customer's request. The customer shall be informed by the company of the customer's right to be present at the meter test during the time that such meter test is being scheduled.
 - (3) A written explanation of the test results shall be provided to the customer within ten business days of the completed test.
 - (4) Each company shall notify the customer of applicable charges prior to the test. Such charges must be set forth in the company's tariff.
 - (5) If the accuracy of the meter is found to be outside the tolerances specified in this rule, the gas or natural gas company shall do all of the following:
 - (a) Not charge a fee or recover any testing expenses from the customer.
 - (b) Provide a properly functioning meter without charge to the customer.
 - (c) Within thirty days, pay or credit, at the customer's discretion, any overpayment to the customer, in accordance with one of the following billing adjustments:
 - (i) When the company or customer has reasonably established the approximate period of meter inaccuracy, the overcharge shall be computed on the basis of a customer's metered usage prior and/or subsequent to such period consistent with the rates in effect during that period.
 - (ii) When the company and customer cannot reasonably establish the approximate period of meter inaccuracy, the overcharge period shall be determined to be the most recent twelve months, or the period since the date of the most recent meter test performed, whichever is less. The rates applicable shall be those in effect during the period of inaccuracy in order to determine the appropriate credit or refund.

Paragraph (D)(5) of this rule shall not apply in the event there has been either tampering with or unauthorized reconnection of the meter, metering equipment, or other property of the gas or natural gas company during the

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involved period of time, where such activity causes meter or metering inaccuracies or no measurement of service.

- (E) Each gas or natural gas company shall identify each customer meter that it owns, operates, or maintains, by serial or assigned meter numbers and/or letters, placed in a conspicuous position on the meter.
- (F) ~~Each~~In accordance with the records retention schedules set forth in the appendix to rule 4901:1-9-06 of the Administrative Code, each gas or natural gas company shall:
 - (1) Maintain all of the following meter test records for two years or until the next superseding test, whichever is longer:
 - (a) Date of customer's request for each test.
 - (b) Date and reason for each test.
 - (c) Test results.
 - (d) Meter reading(s) before and after each test.
 - (e) Accuracy "as found" and "as left."
 - (2) Keep all of the following records ~~while for the life of the meter is in service~~:
 - (a) Identification and location of the meter.
 - (b) Date of installation and removal from service.
 - (c) Serial or assigned meter number.
- (G) Meter reading.
 - (1) Each gas or natural gas company shall obtain actual readings of its customer meters at least once every twelve months. At a minimum, each company shall make reasonable attempts to obtain actual readings of its customer meters every other month, except where the customer and the company have agreed to other arrangements. Meter readings taken by electronic means (i.e., automated meter reading equipment) shall be considered actual readings. While remote meter index equipment readings may be used by a company, they do not qualify as actual meter readings. When billing customers based on estimated usage, the gas or natural gas company shall calculate the amount due using the applicable rate(s) in effect during each period of estimated usage. Once operationally feasible, actual meter reads shall be performed by the company on a monthly basis when automatic meter reading equipment is installed in a specific geographic area of the company.

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- (a) Each gas or natural gas company shall submit a plan to the director of the commission's service monitoring and enforcement department to read all customer meters at least once every twelve months. Plans should include the steps, notices, and measures the company intends to take in order to read each customer's meter at least once every twelve months. Each gas or natural gas company shall ~~update or resubmit~~ submit any revisions of its plan to the director of the service monitoring and enforcement department or the director's designee for review every three years.
 - (b) If the director of the service monitoring and enforcement department or the director's designee rejects the plan or does not approve the company's plan within one hundred twenty days of submittal, the gas or natural gas company may file a request with the commission for a hearing seeking approval of its plan. In such event, the gas or natural gas company shall file a written report and provide documentation supporting its plan.
 - (c) Adherence to the procedures of a gas or natural gas company's plan, accepted under the terms of this rule, shall place that gas or natural gas company in compliance with the requirement to read each customer meter at least once every twelve months. In the event that a complaint proceeding is brought under section 4905.26 of the Revised Code, alleging that a gas or natural gas company failed to read the customer meter at least once in the twelve-month period, adherence to the company's accepted plan will also create a rebuttable presumption that the company's failure to read the customer meter at least once in the twelve-month period was a matter beyond its control.
- (2) Billing adjustments for residential customers shall comply with section 4933.28 of the Revised Code. When a gas or natural gas company has undercharged any residential customer as the result of a meter or metering inaccuracy or other continuing problem under the gas or natural gas company's control, the company may only bill the customer for the amount of the unmetered gas rendered in the three hundred sixty-five days immediately prior to the date the company remedies the meter inaccuracy.
- (3) When a gas or natural gas company has undercharged any small commercial customer as the result of a meter or metering inaccuracy, billing problem, or other continuing problem under the gas or natural gas company's control, unless the customer and the company agree otherwise, the maximum portion of the undercharge that may be billed to the small commercial customer in any billing month, based upon the appropriate rates, shall be determined by dividing the amount of the undercharge by the number of months of undercharged service. The company may only bill the customer for the amount

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of the unmetered gas rendered in the thirty-six month period immediately prior to the date the company remedies the meter inaccuracy. Each gas or natural gas company shall state the total amount to be collected in the first bill under this rule. This paragraph shall not affect the gas or natural gas company's recovery of regular monthly charges.

- (4) This rule shall not apply in the event there has been either the tampering with or the unauthorized reconnection of the meter, metering equipment, or other property of the gas or natural gas company during the involved period of time, where such activity causes meter or metering inaccuracies or no measurement of service.
- (5) Upon the customer's request, and in addition to the requirements of paragraph (G)(1) of this rule, the gas or natural gas company shall provide two actual meter readings, without charge, per calendar year. The customer may only request an actual meter reading, without charge, if the customer's usage has been estimated for more than two of the immediately preceding billing cycles consecutively or if the customer has reasonable grounds to believe that the meter is malfunctioning. Nothing in the preceding sentence is intended to limit a customer's ability to obtain a meter reading prior to transferring service to a new retail natural gas supplier or governmental aggregator as provided by paragraph (J) of rule 4901:1-29-06 of the Administrative Code.
- (6) Each gas or natural gas company is required to do an actual meter reading at the initiation and/or the termination of service if the meter has not been read within the immediately preceding seventy days and access to the meter is provided.
- (7) If a gas or natural gas company has read the meter within the immediately preceding seventy days, it shall inform the customer, when the customer contacts the company to initiate or terminate service, of the customer's right to have an actual meter read at no charge to the customer. ~~The gas or natural gas company may use the summary information provided at service initiation pursuant to rule 4901:1-13-06 of the Administrative Code to satisfy this paragraph's notification requirement when the customer contacts the company to initiate service.~~
- (8) When a meter reading is scheduled through a menu-driven, automated, interactive answering system that allows the customer to interact electronically rather than through a live person, the gas or natural gas company shall provide confirmation (i.e., order confirmation number, written letter) to the customer by the following business day, verifying the nature of the interaction and any appointment made.

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- (9) Where there is a landlord/tenant relationship and neither the gas or natural gas company nor the customer has access to the meter, the gas or natural gas company shall render notice by mail to both the landlord, when the address is available, and the tenant, summarizing its inability to obtain access to the meter for any of the provisions of this rule.

4901:1-13-05 Minimum customer service levels.

- (A) Service initiation and upgrades. Each gas or natural gas company shall complete the installation of new service as set forth in this paragraph. Percentages shall be calculated as monthly averages (based on a calendar year).

- (1) Ninety per cent of residential and small commercial new service requests requiring no installation of gas pipelines shall comply with either one of the following requirements:

- (a) Requests will be completed within ~~five~~three business days after the gas or natural gas company has been notified that the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.
- (b) Requests will be completed by the requested installation date, when a customer requests an installation date more than ~~five~~three business days after the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.

- (2) Ninety per cent of residential and small commercial new service ~~installations~~requests requiring installation of the service line, including the setting of the meter, shall comply with either one of the following requirements:

- (a) Requests will be completed within twenty business days after the gas or natural gas company has been notified that the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.
- (b) Requests will be completed by the requested installation date, when a customer requests an installation date more than twenty business days after the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.

Paragraph (A)(2) of this rule shall not apply to main line extension installations. For residential and small commercial customers placing requests for new service that require installation of main line extensions, the gas or natural gas company shall contact the customer within thirty days with an

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estimate of the cost of the main line extension and the amount, if any, of a deposit. In addition, the gas or natural gas company shall provide an estimated date to complete the main line extension.

- (3) Prior to initial operation or reestablishment of residential or nonresidential gas service (including after an outage), the gas piping downstream of the meter shall be tested to determine that no leaks exist. Testing may be accomplished by pressure testing or dial testing as set forth in paragraphs (A)(3)(a) to (A)(3)(d) of this rule.
 - (a) When pressure testing, the test pressure shall be measured with a manometer or with a pressure measuring device of equal sensitivity and accuracy designed and calibrated to read, record, or indicate a pressure loss due to leakage during the pressure test period.
 - (b) For new house lines at new installations, a pressure test shall be conducted at no less than one and one-half times the proposed maximum working pressure, but not less than three pounds per square inch gauge (PSIG). Consideration shall be given to accommodate the manufacturer's inlet pressure specifications for connected appliances. Appliances may need to be isolated during the pressure test to prevent damage. All appliance drops shall be tested at a minimum of operating pressure. The test duration shall be no less than one-half hour for each five hundred cubic feet of pipe volume or fraction thereof. When testing a system having a volume less than ten feet or a system in a single-family dwelling, the test duration shall be a minimum of ten minutes. The duration of the test shall not be required to exceed twenty-four hours.
 - (c) For existing house lines when reestablishing gas service, a pressure test shall be conducted at operating pressure for a duration of no less than three minutes. When gas service has been off for less than thirty days (such as, during an outage), a dial test at operating pressure may be used in place of a pressure test. The duration of the dial test shall be no less than: five minutes for meters which have minimum registering dials showing one-fourth or one-half cubic foot; seven minutes for meters that have a minimum registering dial showing one cubic foot; ten minutes for meters that have a minimum registering dial showing two cubic feet; twenty minutes for meters that have a minimum registering dial showing five cubic feet; and thirty minutes for meters that have a minimum registering dial showing ten cubic feet.
 - (d) Prior to the reestablishment of service when gas has been disconnected or discontinued in a service line, the service line shall be tested in accordance

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with 49 C.F.R. 192, effective as of the date set forth in paragraph (I) of rule 4901:1-13-02 of the Administrative Code. Bare steel services operating at a pressure less than one PSIG shall be tested at a minimum of ten PSIG for a duration of no less than five minutes. Bare steel service lines that have been previously abandoned shall not be returned to service. For purposes of this rule, "abandoned" shall mean pipe that was not intended to be used again for supplying of gas or natural gas, including a deserted pipe that is closed off to future use.

- (4) If a residential or small commercial customer complies with all pertinent tariff requirements and the gas or natural gas company cannot complete the requested service installation or service upgrade as set forth in paragraph (A)(1) or (A)(2) of this rule, the gas or natural gas company shall promptly notify the customer of the delay, the reasons for the delay, the steps being taken to complete the work, and the probable completion date. If a rescheduled completion date cannot be met, the customer shall be promptly notified. If the rescheduled completion date is delayed more than ~~five~~three business days, ~~written~~ notification shall be given to the customer, either in writing or in a manner agreed upon by the parties, including stating the reason(s) reasons 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 for purposes of calculating performance under paragraph (A)(1) or (A)(2) of this rule.
 - (5) If the gas or natural gas company 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 a failure by the residential or small commercial customer or the customer's agent to provide access to the premises when necessary, such failure shall be reported but not be included in the monthly percentage calculation for this rule. Each gas or natural gas company must justify and document in its records each instance where it applied any of the exceptions listed in this paragraph.
- (B) Telephone response. On an average monthly basis (based on a calendar year), each gas or natural gas company's average answer time for customer service calls made to its customer service telephone number shall not exceed ninety seconds. A gas or natural gas company shall set its queue to minimize the number of disconnected calls and busy signals. The requirements in this paragraph do not apply to small gas and natural gas companies.
- (1) As used in this paragraph, "answer" means the service representative or automated system is ready to render assistance and/or accept the information

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necessary to process the call. Acceptance of an automated call back feature by a caller, allowing a caller to pick a later time to be called by a live company representative, shall satisfy the definition of answer.

- (2) Answer time shall be measured from the first ring at the gas or natural gas company or, for companies using a menu-driven, automated, interactive answering system, at the point when the caller begins to wait in queue.
 - (3) When a gas or natural gas company 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. The system should include the option of being transferred to a live attendant by selecting a zero on the phone or by following another prompt in the first or second tier of caller options. 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 fifteen seconds following any prompt or if the customer pushes zero or equivalent prompt indicated in the first or second tier. Calls handled exclusively by an automated system shall be included in the answer time measurement.
 - (4) Callers shall not be delayed from reaching the queue by any promotional or merchandising material not selected by the caller.
- (C) Scheduled appointments with customers.

- (1) The gas or natural gas company shall provide all customers with an expected company arrival time window of four hours or less for all appointments requiring the customer to be present, except when reconnecting pursuant to rule 4901:1-18-07 of the Administrative Code.
- (2) On an average monthly basis (based on a calendar year), each gas or natural gas company shall complete ninety-five per cent of the scheduled appointments with its customers.
- (3) If the gas or natural gas company offers a call-ahead process to confirm its imminent arrival at an appointment and the customer has requested telephonic or electronic notification of the company's imminent arrival, the company must:
 - (a) ~~at~~ At the time the company offers the call-ahead process, ~~the company must~~ inform the customer that, if the customer does not respond to the notification, the appointment may be cancelled.
 - (b) ~~The company must attempt~~ Attempt to notify the customer at least twice before the company may consider the appointment to have been cancelled

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by the customer if the customer does not respond to the notification. The company's second notification to the customer shall not be placed sooner than ten minutes after the first attempt to notify the customer.

- (c) If the appointment is considered cancelled by the customer pursuant to paragraph (C)(3)(b) of this rule, offer the customer, within forty-eight hours after the customer calls to reschedule, either a four-hour window appointment or a next day appointment with no expected arrival time window.
- (4) When the gas or natural gas company will not be able to meet a scheduled appointment with a customer, the company shall reasonably attempt to notify the customer in advance of the failure to meet the appointment and arrange a new appointment date and time.
- (D) If the gas or natural gas company repairs customer service lines, the company shall complete the repair of service-line leaks that require service shutoff by the end of the next day after the service has been shut off for residential and small commercial customers, unless the company is unable to perform the repair or replacement due to lack of access or unsafe working conditions. At the customer's request, the customer and the company may agree upon a mutually acceptable timeframe for the completion of repairs or replacement requiring either a discontinuance of service or a scheduled discontinuation. On an average monthly basis (based on a calendar year), each gas or natural gas company shall complete ninety-five per cent of these repairs by the end of the next day after the service has been shut off.
- (E) Reporting requirements.
- (1) When a gas or natural gas company does not meet the ~~average monthly~~ minimum service level set forth in paragraph (A), (B), (C), or (D) of this rule, ~~in any calendar year~~ for any two months within any twelve-month period, the gas or natural gas company shall notify the director of the commission's service monitoring and enforcement department or the director's designee in writing within ~~sixty~~thirty days after such failure. The notification shall include 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 paragraph (A), (B), ~~or (C), or (D)~~ of this rule constitutes a violation of this rule.
- (2) ~~The commission's~~ commission staff shall review and evaluate the failure reports required by this rule and make any necessary recommendations to the commission or the gas or natural gas company.

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- (3) By March thirty-first of each year, each gas or natural gas company shall submit an annual report to the director of the commission's service monitoring and enforcement department, setting forth the company's actual monthly customer service performance data during the previous calendar year as compared with each of the minimum service levels set forth in paragraphs (A), (B), (C), and (D) of this rule.

4901:1-13-06 Provision of customer rights and obligations.

- (A) Each gas or natural gas company shall maintain and make available a handbook of customer rights and obligations.
- (B) Each gas or natural gas company shall prominently post on its web-site and shall provide new customers, upon application for service, and existing customers upon request, a written summary information detailing who to contact concerning of their rights and responsibilities obligations under this chapter. This summary information shall be in clear and understandable language and delivered to customers. Each gas or natural gas company shall submit the initial version of the summary information and notice of each subsequent amendment thereafter to the director of the commission's service monitoring and enforcement department or the director's designee in writing for review prior to the first mailing of that version of the summary information to its customers. For purposes of this rule, "new customer" means a customer who opens a new account and has not received such the current version of the summary information within the preceding year.
- ~~(B)(C)~~ At a minimum, the summary information shall include the following items ~~and shall instruct customers how to get further information orally or in writing:~~
- (1) Complaint procedures available at the gas or natural gas company and the commission.
 - (2) Customer rights and responsibilities including installation of service, payment of bills, disconnection and reconnection of service, meter testing, security deposits, usage history, deferred payment plans, low-income assistance, information relating to the area's "one-call" or "call-before-you-dig" protection services, and service line responsibilities.
 - (3) Requirements applicable to company personnel on customer premises.
 - (4) Availability of rate information and alternatives upon request.
 - (5) A statement that customers may review a copy of the minimum gas service standards on the commission's website or obtain a copy from the commission upon request.

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- (6) Privacy rights.
- (7) Actual meter readings.
- (8) Gas choice programs available to its customers, including information on slamming.
- (9) Instructions on how to get further information orally or in writing.

€(D) The summary information shall also include the following statement:

"If your complaint is not resolved after you have called (name of 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>."

4901:1-13-07 Employee identification.

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

4901:1-13-08 Standards specific to the provision of small commercial gas service.

This rule addresses standards involving creditworthiness, deposits, bases for denial or disconnection, notice requirements and reconnection for small commercial customers.

(A) Creditworthiness for establishing small commercial gas service.

- (1) Each gas or natural gas company shall establish equitable and nondiscriminatory written procedures to determine creditworthiness of customers for small commercial gas service. These procedures shall be submitted in current form to the commission staff upon request.
- (2) Upon request, each gas or natural gas company shall provide small commercial gas service customers with their credit history with that company, a copy of this rule, the commission's website, and the local, and toll-free ~~and TTY~~

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numbers of the commission's consumer hotline. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service).

(B) Deposits for establishing and reestablishing small commercial gas service.

(1) Review of deposit upon small commercial customer request.

(a) Each gas or natural gas company which requires a cash deposit shall communicate all of the following to the small commercial customer:

(i) The reason(s) for its decision.

(ii) The options available to establish credit.

(iii) That the small commercial customer may contest the company's decision and show creditworthiness.

(iv) That the small commercial customer may raise concerns with the public utilities commission of Ohio, which has staff available to provide assistance with complaints.

(v) The commission's website and the local, and toll-free and TTY-numbers of the commission's call center. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service).

(b) Upon request of the small commercial customer, the information in paragraph (B)(1)(a) of this rule shall be provided in writing.

(2) Upon acceptance of a deposit under this rule, each gas or natural gas company shall furnish a receipt to the small commercial customer, showing all of the following: the name of the small commercial customer; the address of the premises currently served or to be served; the billing address for service; the amount of the deposit; a statement as to the interest rate to be paid; the length of time the deposit must be held to qualify for interest; and the conditions for refunding the deposit.

(3) In retaining and returning deposits for small commercial gas service, the gas or natural gas company shall do all of the following:

(a) Review, on a biennial basis, each small commercial account for which a deposit has been held for twenty-four months and promptly refund the deposit or credit the small commercial customer's account, plus any interest accrued, if during the preceding twenty-four months all of the following conditions are satisfied:

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- (i) The small commercial customer's service was not disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection.
 - (ii) The small commercial customer had no more than three past due bills.
 - (iii) The small commercial customer is not then delinquent in payment of bills.
 - (b) Pay interest of not less than three per cent per annum on a deposit, provided the company has held the deposit for at least six consecutive months.
 - (c) When service is terminated or disconnected, promptly apply the deposit and interest accrued to the final bill for service and refund any amount in excess of the final bill to the small commercial customer. A transfer of service within the gas or natural gas company territory or service area shall not be deemed a disconnection under this paragraph.
- (C) Reasons to deny or disconnect small commercial service. Each gas or natural gas company may refuse or disconnect service to small commercial customers only in the following circumstances:
- (1) When the small commercial customer violates or fails to comply with a contract approved by the commission pursuant to section 4905.31 of the Revised Code, or the gas or natural gas company tariff(s).
 - (2) When gas or natural gas company service to a small commercial customer or consumer violates any law of this state or any political subdivision thereof, or any federal law or regulation.
 - (3) When a small commercial customer or consumer tampers with gas or natural gas company property or engages in a fraudulent practice to obtain service, as set forth in rule 4901:1-13-09 of the Administrative Code.
 - (4) When a small commercial customer uses gas or equipment which adversely affects gas or natural gas company service to other customers or consumers, e.g., interruptions of service.
 - (5) When a safety hazard or emergency may threaten the health and safety of any of the following: the premises, occupants of the premises, the surrounding area, the public, the gas or natural gas company's personnel, or the operation or integrity of the gas or natural gas company's facilities.

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- (6) When a small commercial customer, a landlord of a small commercial customer, or a tenant leasing a landlord or small commercial customer's premises prevents access to gas or natural gas company facilities or equipment on the property.
 - (7) When a small commercial gas or natural gas company customer has failed to pay bills and any tarified charges, including deposits and amounts not in bona fide dispute. Where the small commercial customer has a bona fide dispute, the gas or natural gas company shall not disconnect service if the small commercial customer pays either the undisputed portion of the bill or the amount paid for the same billing period in the previous year.
 - (8) When a small commercial customer vacates the premises.
 - (9) When repairs are necessary, provided that the gas or natural gas company has reasonably attempted to notify the small commercial customer and, if the small commercial customer is not located at the service location, the consumer, prior to scheduled maintenance interruptions in excess of ~~six~~four hours.
 - (10) Upon the small commercial customer's request.
 - (11) When a former small commercial customer, whose account with that gas or natural gas company is still in arrears for service previously furnished at the premises, has again requested service for those premises.
 - (12) When a small commercial customer does not meet the gas or natural gas company's creditworthiness standards.
 - (13) For other good cause shown.
- (D) Notice requirements when disconnecting small commercial service.
- (1) Except as otherwise provided by contract approved by the commission pursuant to section 4905.31 of the Revised Code, each gas or natural gas company shall give the small commercial customer written notice, not less than five business days after the postmark date, before service is disconnected, when any of the following conditions exist:
 - (a) Violation of or noncompliance with the contract or gas or natural gas company's tariff(s) that applies to small commercial customer service.
 - (b) The small commercial customer prevents access to gas or natural gas company facilities or equipment on the property.
 - (c) For nonpayment of bills and any tarified charges, including security deposits and amounts not in a bona fide dispute.

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- (2) Prior notice from the gas or natural gas company is not required when a safety hazard or emergency may threaten the health or safety of any of the following: the premises, occupants of the premises, the surrounding area, the public, the gas or natural gas company's personnel, or the operation or integrity of the gas or natural gas company's facilities.
- (3) The disconnection notice itself or the documents accompanying the disconnection notice shall clearly display all of the following, as applicable:
 - (a) The delinquent or invoiced billing account number.
 - (b) The dollar amounts for any past due amounts, any reconnection charge, and any deposit owed.
 - (c) The earliest date when disconnection may occur.
 - (d) The address and toll-free telephone number of the gas or natural gas company office for customers to contact about their accounts-.
 - (e) A statement that the commission staff is available to render assistance with unresolved complaints, and the commission's current address, the local, and toll-free and TTY numbers of the commission's call center, and the commission's website address. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service).
 - (f) ~~If applicable, a~~ statement that the small commercial customer's failure to pay the amount required at the gas or natural gas company's office or to one of its authorized agents or by other acceptable available means by the date specified in the notice may result in a deposit and in a charge for reconnection.
 - (g) ~~If applicable, a~~ statement that the nonpayment of charge(s) for ancillary service unrelated to regulated distribution service shall not result in the disconnection of regulated gas distribution service.
 - (h) A specific description of the reasons for disconnection of service.
- (E) Reconnection of small commercial service.
 - (1) Unless a small commercial customer requests or agrees otherwise, a gas or natural gas company shall reconnect service after any of the following occurs:
 - (a) The gas or natural gas company receives the full amount in arrears, for which service was disconnected, and the gas or natural gas company receives any deposit authorized under this chapter and any tariffed charges.

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- (b) The gas or natural gas company agrees with the customer on a deferred payment plan and receives a payment (if required under the plan), and the gas or natural gas company receives any deposit authorized under this chapter and any tariffed charges.
 - (c) The customer establishes that the conditions that warranted disconnection of service have been eliminated.
- (2) Before small commercial gas service is reconnected, a gas or natural gas company may not require a small commercial customer to pay any of the following to have service reconnected:
 - (a) Any amount owed but not yet past due.
 - (b) If the small commercial customer has multiple small commercial accounts, any amount owed or overdue on those other small commercial accounts.
- (3) Upon payment or proof of payment of the delinquent amount as stated on the disconnection notice and any applicable reconnection charge, the gas or natural gas company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions:
 - (a) For customers disconnected from service for ten business days or less, the gas or natural gas company may assess a reconnection charge and shall reconnect to service by the close of the following regular company working day.
 - (b) For customers disconnected from service for more than ten business days, the gas or natural gas company may treat the customers as new customers and connect service consistent with the timeframe in rule 4901:1-13-05 of the Administrative Code. In addition, the gas or natural gas company may assess a customer a reconnection charge in accordance with approved tariffs.
 - (c) If service is disconnected for nonpayment for no more than ten business days and the customer wishes to guarantee the reconnection of service the same day on which payment is rendered, the customer must provide proof of payment to the company no later than twelve-thirty p.m. If the customer requests that reconnection occur after normal business hours, and such service is offered by the company, the company may require the customer to pay or agree to pay the company's approved tariff charges for after-hours reconnection. The company may collect this fee prior to reconnection or with the customer's next monthly billing.

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- (d) The gas or natural gas company shall not assess a reconnection charge unless it has actually disconnected the service. The gas or natural gas company may, however, assess a collection charge if the collection charge is part of the company's approved tariff. The collection charge shall not be assessed more than once per billing cycle.

4901:1-13-09 Fraudulent practice, tampering, and theft of gas service.

- (A) Each gas or natural gas company shall establish and maintain an antitheft and antitampering plan.
- (B) Disconnection of service for tampering or unauthorized reconnection.
 - (1) A gas or natural gas company may disconnect service without prior notice to a customer when either of the following occurs:
 - (a) The gas service meter, metering equipment, or associated property was damaged, interfered with, displaced, bypassed, or otherwise tampered with by a customer, consumer, or other person.
 - (b) A person not authorized by the gas or natural gas company has reconnected service.
 - (2) Each gas or natural gas company that has disconnected service under this paragraph shall tag or seal the customer's meter and hand-deliver written notice to the customer or consumer at the service location. If neither the customer nor an adult consumer is present, the gas or natural gas company shall attach a prominent written notice to a conspicuous place on the premises. When a gas or natural gas company reasonably believes that tagging or sealing the meter, hand delivering notice, or posting notice may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer and consumer if the customer is not located at the service location. The notice shall include the following information:
 - (a) An explanation that service was disconnected because either the meter, metering equipment and/or gas or natural gas company property was tampered with, or a person not authorized by the gas or natural gas company reconnected the customer's service.
 - (b) The gas or natural gas company's telephone number and notice that the customer may contest the disconnection by requesting an opportunity to discuss the matter with a company representative.
 - (c) An explanation that, if the customer does not contest the disconnection, the gas or natural gas company is not required to restore service until the

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customer has provided satisfactory assurances that such tampering or unauthorized reconnection has ceased and has paid or made satisfactory arrangements to pay the company an amount that the company calculates for unmetered service, any defaulted amount, any damage to company equipment or meter, any security deposit (consistent with rules 4901:1-13-08 and 4901:1-17-05 of the Administrative Code), and any tariffed reconnection and investigation charges.

(d) A statement that:

"If your complaint is not resolved after you have called (name of utility), or for general utility information, residential and business customers may contact the public utilities commission of Ohio (PUCO), toll-free at 1-800-686-7826 from eight a.m. to five p.m. weekdays, or visit <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 from eight a.m. to five p.m. weekdays, or visit <http://www.pickocc.org>."

(3) If the customer contests the disconnection, the company shall timely mail or deliver its decision to the customer. If the company's decision is that service can be reconnected, the company may notify the customer by telephone to arrange for reconnection.

(C) Disconnection of service for fraudulent practice.

(1) A gas or natural gas company may disconnect service, after providing notice to the customer pursuant to this paragraph, when a customer uses any fraudulent practice to obtain or maintain service. Before it may disconnect service for a fraudulent practice, each gas or natural gas company shall deliver or send a written notice to the customer or consumer at the service location.

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- (2) The notice shall include the following information:
- (a) A description of the alleged fraudulent practice.
 - (b) The gas or natural gas company telephone number and notice that the customer may contest the company's findings by requesting an opportunity to discuss the matter with a company representative.
 - (c) An explanation that the gas or natural gas company may disconnect service in either of the following circumstances:
 - (i) The customer does not contact the gas or natural gas company to contest the findings of fraudulent practice within three business days after receiving this notice.
 - (ii) The customer does not provide a satisfactory explanation to the company.
 - (d) An explanation that, if service is disconnected, the gas or natural gas company is not required to reconnect service until the customer pays or makes satisfactory arrangements to pay the company the bill for service that was fraudulently obtained or maintained, any security deposit (consistent with rules 4901:1-13-08 and 4901:1-17-05 of the Administrative Code), and any tariffed reconnection and investigation charges.
 - (e) A statement that:

"If your complaint is not resolved after you have called (name of utility), or for general utility information, residential and business customers may contact the public utilities commission of Ohio (PUCO), toll-free at 1-800-686-7826 from eight a.m. to five p.m. weekdays, or visit <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 from eight a.m. to five p.m. weekdays, or visit <http://www.pickocc.org>."
- (3) A gas or natural gas company may terminate service for a fraudulent practice when the customer fails to contest the disconnection with the company within three business days after delivery of the written notice required by this paragraph~~rule~~. Should the customer contest the notice and fail to satisfy the claims of fraud, the company may terminate service two business days after the customer receives the gas or natural gas company's written adverse decision

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regarding the matter. Notice of actual disconnection shall be left for the customer or consumer at the service location in a conspicuous location. When a company reasonably believes that posting the notice of actual disconnection may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer and consumer (if the customer is not located at the service location).

- (D) Each gas or natural gas company shall maintain records which include the basis for its decision to disconnect service for tampering, unauthorized reconnection, or fraudulent practice.

4901:1-13-10 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 gas or natural gas company to resolve a point of contention.
- (B) Each gas or natural gas company shall make good faith efforts to settle unresolved disputes, which may include meeting with the customer/consumer at a reasonable time and place.
- (C) Except as ordered by the commission or directed by the commission staff in disconnection or emergency cases, each gas or natural gas company shall investigate customer/consumer complaints and, unless otherwise agreed to, provide a status report within three business days of the date of receipt of the complaint to the customer/consumer, when investigating a complaint made directly to the gas or natural gas company, and to the customer/consumer and commission staff, when investigating a complaint referred to the gas or natural gas company by the commission or commission staff.
- (D) If an investigation is not completed within ten business days, the gas or natural gas company shall provide status reports to update the customer/consumer, or update the customer/consumer and commission staff when investigating a complaint referred to the gas or natural gas company by the commission or commission staff, either orally or in writing, at five-business-day intervals, unless otherwise agreed to, until the investigation is complete.
- (E) Each gas or natural gas company shall inform the customer/consumer, and commission staff when involved, of the results of the investigation, orally or in writing, no later than five business days after completion of the investigation. The customer/consumer or commission staff may request the final report to be in writing.

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- (F) If the customer/consumer disputes the gas or natural gas company's report(s), each gas or natural gas company shall inform the customer/consumer that the commission staff is available to mediate complaints. The company shall provide the customer/consumer with the commission's current address, website, and local and toll-free telephone numbers, and ~~TTY toll-free telephone number~~ of the commission's call center. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service).
- (G) If a customer contacts the gas or natural gas company concerning competitive retail natural gas service issues, the gas or natural gas company shall:
- (1) Review the issue with the customer to determine whether it also involves the gas or natural gas company.
 - (2) Cooperate with the resolution of any joint issues with the retail natural gas supplier or governmental aggregator.
 - (3) Refer the customer to the appropriate retail natural gas supplier or governmental aggregator in those instances where the issue lacks gas or natural gas company involvement.
- (H) Slamming complaints.
- (1) If a customer contacts a gas or natural gas company alleging that the customer has been switched from regulated sales service to a retail natural gas supplier or governmental aggregator without authorization, the gas or natural gas company shall:
 - (a) Provide the customer any evidence relating to the customer's enrollment.
 - (b) Refer the customer to the commission's call center.
 - (c) Provide the customer with the local/toll-free telephone numbers of the commission's call center.
 - (d) Cooperate with the commission staff in any subsequent investigations of the slamming complaint.
 - (2) In the event that a customer was switched from a gas or natural gas company's regulated sales service to a retail natural gas supplier or governmental aggregator without authorization, the gas or natural gas company shall switch the customer back to the gas or natural gas company's regulated sales service without penalty.

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4901:1-13-11 Gas or natural gas company customer billing and payments.

- (A) This rule applies to all gas or natural gas company bills that do not include, including those issued on behalf of any retail natural gas supplier or governmental aggregator charges. Requirements for natural gas consolidated billing appear in rule 4901:1-29-12 of the Administrative Code. Gas or natural gas companies shall make dual billing and consolidated billing available to retail natural gas suppliers and governmental aggregators.
- (B) Bills issued by or for the gas or natural gas company shall be accurate and rendered at monthly intervals and shall contain clear and understandable form and language. Each bill shall display all of the following information:
- (1) The customer's name, billing address, service address, and account number, and, if applicable, the retail natural gas supplier or governmental aggregator account number.
 - (2) The gas or natural gas company's name and its payment address.
 - (3) The gas or natural gas company's twenty-four hour, local or toll-free telephone number for reporting service emergencies.
 - (4) A statement that customers with bill questions or complaints should call or write the gas or natural gas company first. The bill shall list the gas or natural gas company's local or toll-free telephone number(s) 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 (name of 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>."
 - (6) AThe identification of the applicable rate schedule, if applicable.
 - (7) The dates of the service period covered by the bill.
 - (8) The billing determinants, if applicable:

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- (a) Beginning meter reading(s).
 - (b) Ending meter reading(s).
 - (c) Multiplier(s).
 - (d) Consumption(s).
 - (e) Fixed monthly customer charge.
- (9) The rate for purchase of the gas or natural gas commodity, expressed in dollars and cents per Mcf or Ccf, reflecting either of the following:
- (a) The gas cost recovery rate.
 - (b) The rate for the commodity service, if the company has been granted an exemption under section 4929.04 of the Revised Code.
- (10) The total charge attributable to the rate for purchase of the gas or natural gas commodity, expressed in dollars and cents, reflecting either of the following:
- (a) The gas cost recovery rate.
 - (b) The rate for the commodity sales service, if the company has been granted an exemption under section 4929.04 of the Revised Code.
- (11) If applicable, the name of the retail natural gas supplier or governmental aggregator in close proximity to the retail natural gas supplier or governmental aggregator commodity charges, as well as a toll-free or local telephone number and address for customer billing questions or complaints regarding retail natural gas supplier or governmental aggregator charges.
- ~~(11)~~(12) The total charge attributable to the gross receipts tax, expressed in dollars and cents, and the gross receipts tax rate. This requirement only applies to gas or natural gas companies that allow for competitive retail natural gas services on their system.
- ~~(12)~~(13) The identification of estimated bills.
- ~~(13)~~(14) The due date for payment.
- ~~(14)~~(15) The total charges for the current billing period.
- ~~(15)~~(16) Any late payment charge or gross and net charges, if applicable.
- ~~(16)~~(17) Any unpaid amounts due from previous bills, customer credits, and total amounts due and payable.

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- ~~(17)~~~~(18)~~ The current balance of the account, if the residential customer is billed according to a *budget plan*.
- ~~(18)~~~~(19)~~ The current gas and electric charges separately, if the customer is billed for gas and electric service on the same bill.
- ~~(19)~~~~(20)~~ If applicable, each charge for a service that is either nontariffed or nonregulated and, with regard to services that are, the name and toll-free telephone number of each provider of service.
- ~~(20)~~~~(21)~~ Any nonrecurring charge(s).
- ~~(21)~~~~(22)~~ Any payment(s) or credit(s) applied to the account during the current billing period.
- ~~(22)~~~~(23)~~ If applicable, all the percentage of income payment plan plus (PIPP Plus) billing information:
- (a) Current PIPP Plus payment.
 - (b) PIPP Plus payments defaulted (i.e., past due).
 - (c) Total PIPP Plus amount due.
 - (d) Total account arrearage.
 - (e) Any other information required to implement the PIPP Plus program under Chapter 4901:1-18 of the Administrative Code.
- ~~(23)~~~~(24)~~ An explanation of codes and abbreviations used.
- ~~(24)~~~~(25)~~ If a customer's selected retail natural gas supplier or governmental aggregator bills separately for its supplier charges, the supplier's name and a statement that such supplier is responsible for billing the gas supplier charges and such supplier will separately bill the customer for that component of natural gas service.
- ~~(25)~~~~(26)~~ The customer's historical consumption during each of the preceding twelve months, with a total and average consumption for such twelve-month period, if the company has a choice program.
- ~~(26)~~~~(27)~~ A prominently displayed "apples-to-apples" notice, if the company has a choice program.
- ~~(27)~~~~(28)~~ A statement, either appearing directly on the bill, in a bill insert, or as a separate mailing, of any payment arrangement agreed upon by the customer and the company.

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- (28)(29) Other information required by Ohio law or commission rule or order.
- (C) All bills shall be due no earlier than fourteen days from the date of the postmark on the bill. If the bill is sent electronically, the bill shall not be due earlier than fourteen days from the date of the electronic postmark on the bill. If the bill is mailed by means that does not place a postmark on the bill (i.e., such as permit mailing), the bill shall not be due earlier than fourteen days from the date on the actual bill. All bills mailed without postmarks shall be mailed no later than the day listed 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 from the date on the actual bill.
- (D) A gas or natural gas company proposing any new bill format shall file its proposed bill format with the commission for approval. If the commission does not act upon an application for a new bill format approval within forty-five days, the proposed bill format shall automatically be approved on the forty-sixth day.
- (E) Payment methodologies and parameters.
- (1) Each gas or natural gas company shall make payment options available ~~in a number of ways~~ to customers.
- (a) ~~Those ways~~ Payment options may include, but are not limited to: cash, check, or money order payments in person to the company or a payment agent; check or money order through the mail; check over the telephone; credit card; or electronic money transfers.
- (b) Each gas or natural gas company shall, upon request, provide customers with an updated list of its available payment options and descriptions thereof, and shall post the updated list on its website.
- (c) The list of available payment options shall ~~also~~ include the name and street address/location of the nearest payment center and/or local authorized agent, and all applicable fees for utilizing the various methods available for payment of customer bills.
- (d) The gas or natural gas company may not deny a customer the use of one or more of the payment options solely because the customer's account is in arrears.
- (2) If a gas or natural gas company accepts payments from customers via authorized agents, the company 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 gas or natural gas company. ~~The gas or natural gas company may not deny a customer the use of one or more of the payment options solely because the customer's account is in arrears.~~

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- (2)(3) Each gas or natural gas company shall not charge more than two dollars for processing payments by cash, check, or money order at authorized agent locations. Customers may not be charged for processing their payments by check or money order through the mail. Customers may be charged for processing their payments by check over the telephone, by credit card, or electronic money transfers and such charges will be evaluated by the commission.
- (3)(4) When a customer pays the bill at the gas or natural gas company's business office or to an authorized agent of the company, the 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. When payment is received at the company's business office through other means, such as by mail or on line, the payment shall be posted immediately upon receipt to the customer's account, where feasible, and in any event, be credited to the customer's account on the date received.
- (4)(5) No gas or natural gas company shall disconnect service to a customer who pays the total amount due (or an amount agreed upon between the gas or natural gas company and the customer to prevent disconnection) on the account by the close of business on the disconnection date listed on the disconnection notice. Payment received by an authorized agent of the gas or natural gas company shall constitute receipt of payment by the company.
- (5)(6) Each gas or natural gas company shall establish a written policy for its personnel at its business offices and for its authorized agents to handle billing disputes, requests for payment arrangements, and for the reporting of payments made by customers due to their receipt of a disconnection notice, in order to prevent disconnection of service. If such matters cannot be handled by an agent authorized to accept payments, the agent shall provide customers with the gas or natural gas company's local or toll-free telephone number.
- (7) When applicable, a supplier agreement between a gas or natural gas company and a retail natural gas supplier must provide that if the gas or natural gas company collects customer payments on behalf of the retail natural gas supplier, then customer's liability to the retail natural gas supplier ceases to the extent of a payment made and applicable to the customer's retail natural gas supplier account.
- (F) Any gas or natural gas company that issues billing statements electronically shall comply with each of the following requirements:

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- (1) A customer receiving a billing statement electronically shall not be required to pay that bill electronically or pay electronically any future bill statements. All payment methods shall continue to be available to the customer.
 - (2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information electronically.
 - (3) The electronic billing statement shall include all requirements listed in paragraph (B) of this rule.
 - (4) The gas or natural gas company shall maintain a secure and encrypted internet location that is to be accessed only by the customer of record after completing a secure registration process.
 - (5) Any fees to accept electronic payments shall be clearly disclosed in payment window(s).
 - (6) Any payment made electronically shall be treated as a payment made at the company business office and shall be posted to the account in accordance with paragraph ~~(E)(3)~~(E)(4) of this rule. The time needed to post the payment to the account shall be clearly stated.
- (G) Handling partial payments.
- (1) Nonconsolidated bills. Each gas or natural gas company shall credit any customer's partial payments in the following order:
 - (a) First, credit past due distribution and sales service charges.
 - (b) Second, credit current distribution and sales service charges.
 - (c) Third, credit past due and current nonregulated or nontariffed charges.
 - (2) ~~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.~~Consolidated bills. A customer's partial payment shall be credited in the following order:
 - (a) Billed and past due retail natural gas supplier charges, or, if applicable, retail natural gas supplier payment arrangement or past due retail natural gas supplier budget billing.
 - (b) Billed and past due gas or natural gas company tariff service charges or, if applicable, gas or natural gas company payment arrangement or past due gas or natural gas company budget billing.

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- (c) Billed and due current gas or natural gas company tariff service charges or current gas or natural gas company budget billing.
 - (d) Billed and due current retail natural gas supplier charges or current retail natural gas supplier budget billing.
- (3) 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 and/or budget payment amount, then that payment shall be considered payment in full for the current bill.
- (H) Any billing adjustments shall be made according to paragraph (G) of rule 4901:1-13-04 of the Administrative Code.
- (I) Transfer of customer billing information.
 - (1) The nonbilling retail natural gas supplier shall furnish the applicable required bill content information to the billing party in a timely manner and in a mutually agreed upon electronic format for inclusion in the consolidated customer bill.
 - (2) The billing gas or natural gas company shall include in the consolidated bill all required bill content information furnished by the nonbilling retail natural gas supplier.
 - (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.
- (J) Upon the customer's switch from a retail natural gas supplier, the gas or natural gas company shall identify for the customer and state on the bill the date after which the billing party will no longer remit payments to the previous retail natural gas supplier and include any outstanding balance due the previous retail natural gas supplier.

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4901:1-13-12 Consumer safeguards and information.

- (A) Each gas or natural gas company shall maintain a listing including the twenty-four hour emergency number in each local telephone service provider's directory operating in the gas or natural gas company's service territory.
- (B) The commission staff may review and/or request modification of informational, promotional, and educational materials.
- (C) Unfair and deceptive acts or practices.

No gas or natural gas company 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) A gas or natural gas company ~~states~~representing to a customer that distribution service will or may be disconnected unless the customer pays any amount due for ~~ancillary service unrelated to regulated~~nonregulated, nontariffed distribution service.
 - (2) A gas or natural gas company ~~charges~~charging a customer for a service ~~infor~~ which the customer did not make an initial affirmative order. An affirmative order means that a customer 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.
- (D) Customer-specific information.
- (1) Except as otherwise provided in rule 4901:1-29-09 of the Administrative Code, a gas or natural gas company 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) A gas or natural gas company's collections and/or credit reporting activities.
 - (b) Participation in the home energy assistance program, the emergency home energy assistance program, and the percentage of income payment plan programs.
 - (c) Cooperation with governmental aggregators.

The gas or natural gas company must use the consent form described in this rule, unless authorization is obtained electronically.

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- (2) Except as otherwise provided in rule 4901:1-29-09 of the Administrative Code, a gas or natural gas company 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 (the gas or natural gas company must use the consent form described in this rule):
 - (a) Completing a customer credit evaluation.
 - (b) Collections and/or credit reporting activities by a gas or natural gas company, a competitive retail natural gas supplier, or a governmental aggregator.
 - (c) Participation in the home energy assistance program, the emergency home energy assistance program, and the percentage of income payment plan programs.
- (3) 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 gas or natural gas company) to release the information set forth above. By my signature, I freely give (name of the gas or natural gas company) permission to release the information designated above." The information that the gas or natural gas company seeks to release shall be specified on the form. Forms requiring a customer to circle or to check off preprinted types of information to be released may not be used.
- (4) Nothing in this rule prohibits the commission or its staff from accessing customer-specific information held by a gas or natural gas company.
- (E) Upon customer request, a gas or natural gas company shall timely provide twelve months of a customer's usage history and twenty-four months of a customer's payment history to the customer.

4901:1-13-13 Uniform system of accounts for gas companies.

- (A) ~~Gas or Natural~~ natural gas companies subject to the jurisdiction of the public utilities commission of Ohio shall keep their books of accounts and records in accordance with the uniform system of accounts from time to time prescribed by the federal energy regulatory commission except to the extent that the provisions of said uniform system of accounts are inconsistent in any way with any outstanding orders of the public utilities commission of Ohio.

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- (B) The public utilities commission of Ohio reserves to itself the right to require the creation and maintenance of such additional accounts as may hereafter be prescribed to cover the accounting procedures of gas or natural gas companies operating within the state of Ohio.

4901-13-14 Coordination between gas or natural gas companies and retail natural gas suppliers or governmental aggregators.

- (A) At a minimum, the gas or natural gas company tariff shall include provisions governing the relationship between the retail natural gas supplier and the governmental aggregator for competitive retail natural gas service. Such provisions shall address:
- (1) Nomination and deliveries.
 - (2) Billing (between the gas or natural gas company and the retail natural gas supplier or governmental aggregator).
 - (3) Customer billing (options, collection, application of customer payments).
 - (4) Measurement of delivered volume.
 - (5) Shrinkage and retainable factors.
 - (6) Customer enrollment process information exchange.
 - (7) Dispute resolution process (between the gas or natural gas company and the retail natural gas supplier or governmental aggregator).
 - (8) Standard operating rules.
 - (9) Performance standards of the retail natural gas supplier or governmental aggregator.
 - (10) Creditworthiness and default security.
 - (11) Supplier agreement.
 - (12) A listing and description of all fees and charges assessed to retail natural gas suppliers or governmental aggregators.
 - (13) Service termination and disconnection (of end-user customer).

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- (14) Conditions and processes for returning customers to the gas or natural gas company's commodity service.
- (15) Customer enrollment and switching.
- (16) Supplier proof of certification.
- (B) A gas or natural gas company shall execute a supplier agreement with each retail natural gas supplier and governmental aggregator to operate under the terms of the gas or natural gas company's tariff. At a minimum, the supplier agreement shall include representations and warranties, indemnification, limitations on liability, default (breach), remedies, force majeure, commencement, and term.
- (C) Gas or natural gas companies shall make eligible-customer lists available to certified retail natural gas suppliers and governmental aggregators via electronic media. Such lists shall be updated quarterly and shall, at a minimum, contain customer name, service and mailing addresses, load profile reference category, meter read date or schedule, and historical consumption data for each of the most recent twelve months.
- (D) The gas or natural gas company shall coordinate customer enrollment with the retail natural gas supplier and governmental aggregator in accordance with the procedures set forth in rule 4901:1-29-06 of the Administrative Code.
- (E) The gas or natural gas company shall switch customer accounts to or from a governmental aggregation under the same processes and timeframes provided in published tariffs for switching other customer accounts, except in cases where a customer notifies the gas or natural gas company of the customer's intent to not join a governmental aggregation by returning a confirmation notice or otherwise giving notice as provided by that gas or natural gas company's tariffs.
- (F) The gas or natural gas company shall, within two business days of confirming a retail natural gas supplier's or governmental aggregator's valid electronic enrollment request and prior to commencing enrollment, mail the customer a competitively neutral confirmation notice stating:
 - (1) The gas or natural gas company has received a request to enroll the customer for competitive retail natural gas service with the named retail natural gas supplier or governmental aggregator.
 - (2) The date such service is expected to begin.

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- (3) The customer has seven business days from the postmark date on the notice to contact the gas or natural gas company to rescind the enrollment request or notify the gas or natural gas company that the change of the retail natural gas supplier or governmental aggregator was not requested by the customer.
- (4) The gas or natural gas company's toll-free or local telephone number.
- (G) Within two business days after receiving a customer's request to rescind enrollment with the retail natural gas supplier or governmental aggregator, the gas or natural gas company shall initiate such rescission and inform the retail natural gas supplier or governmental aggregator that such action has been taken.
- (H) Customers returning to the gas or natural gas company.
 - (1) Any customer returning to the gas or natural gas company's commodity service due to default, abandonment, slamming, or certification rescission of a retail natural gas supplier or governmental aggregator will not be liable for any costs associated with the switch.
 - (2) Any switching fee applicable to customers switching from one marketer to another marketer shall also apply to customers switching from a marketer to a gas or natural gas company's applicable tariff service.
 - (3) Customers participating in an opt-out government aggregation program will not be charged a switching fee upon returning to a gas or natural gas company's applicable tariff service due to either termination of the aggregation or the aggregator switching suppliers.
 - (4) Any customer returned to a gas or natural gas company's applicable tariff service shall pay the applicable rate while taking such service.
 - (5) Any customer returned to the gas or natural gas company's applicable tariff service pursuant to rule 4901:1-28-04(E) of the Administrative Code shall not be charged a switching fee.
 - (6) Within two business days after confirming the validated electronic data file for a retail natural gas supplier's or governmental aggregator's customer drop request, the gas or natural gas company shall mail the customer a notice stating both of the following:
 - (a) The gas or natural gas company has received a request to drop the customer from competitive retail natural gas service or governmental

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aggregation with the named retail natural gas supplier or governmental aggregator.

(b) The retail natural gas supplier's or governmental aggregator's toll-free telephone number.

(I) Within three business days of notifying a retail natural gas supplier of a customer cancellation, the gas or natural gas company shall provide to the customer by mail a notice stating all of the following:

(1) The gas or natural gas company has received the cancellation request from the customer and has notified the customer's retail natural gas supplier of the cancellation.

(2) The date the gas or natural gas company received the cancellation.

(3) The gas or natural gas company's toll-free telephone number.

(J) In the event of a material default, as defined by a gas or natural gas company's tariff or by an agreement between the gas or natural gas company and the retail natural gas supplier or governmental aggregator, the gas or natural gas company shall follow the provisions of rule 4901:1-27-13(F) of the Administrative Code.

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

| | |
|--|---|
| Agency Name: | Public Utilities Commission of Ohio (PUCO) |
| | Attention: Angela Hawkins, Legal Director |
| | Phone: 614-466-0122 Fax: 614-728-8373 |
| | angela.hawkins@puc.state.oh.us |
| Regulation/Package Title: | Gas Companies |
| <u>Rule Number(s):</u> | |
| 4901:1-13-01, 4901:1-13-02, 4901:1-13-03, 4901:1-13-04, 4901:1-13-05, 4901:1-13-06, 4901:1-13-07, 4901:1-13-08, 4901:1-13-09, 4901:1-13-10, 4901:1-13-11, 4901:1-13-12, 4901:1-13-13, 4901:1-13-14 | |
| Date: | <u>February 26, 2014</u> |
| <u>Rule Type:</u> | <input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> 5-Year Review |
| | <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinded |
| | <input checked="" type="checkbox"/> No Change |

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.

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CSIOhio@governor.ohio.gov

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 Ohio Adm.Code Chapter 4901:1-13 are in accordance with the state of Ohio's five-year rule review procedures. R.C. 119.032 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 Ohio Adm.Code Chapter 4901:1-13 set forth the minimum gas service standards for gas and natural gas companies subject to the Commission's jurisdiction. The chapter currently includes rules addressing retention of records and access to records and business activities; metering; minimum customer service levels; provision of customer rights and obligations; employee identification; standards specific to the provision of small commercial gas service; fraudulent practice, tampering, and theft of gas service; complaints and complaint-handling procedures; customer billing and payments; consumer safeguards and information; and uniform system of accounts.

The proposed revisions to Ohio Adm.Code Chapter 4901:1-13 are primarily intended to accomplish two objectives. First, the proposed amendments would insert new provisions in several of the rules to ensure consistency with Ohio Adm.Code Chapter 4901:1-10, which sets forth electric service and safety standards. The proposal would necessitate changes to Ohio Adm.Code 4901:1-13-02, 4901:1-13-05, 4901:1-13-06, 4901:1-13-09, and 4901:1-13-11. These proposed changes would ensure that the service standards for the gas and natural gas companies are comparable to the standards for the electric companies, to the extent feasible, recognizing that there are differences in the industries.

Second, in order to consolidate all rules addressing the minimum service standards for the gas and natural gas companies in one chapter, the proposed revisions would move, into Ohio Adm.Code Chapter 4901:1-13, several existing provisions from the Commission's rules governing competitive retail natural gas service (CRNGS), as set forth in Ohio Adm.Code Chapters 4901:1-27 through 4901:1-34. Those chapters currently contain several provisions that more directly pertain to regulated gas and natural gas companies, rather than competitive retail natural gas suppliers. If the proposal is ultimately adopted by the Commission, following consideration of any comments and reply comments from stakeholders on the proposal, the existing provisions in the applicable CRNGS rules would then be removed through amendment or rescission, in order to eliminate any duplication of rules. Within Ohio Adm.Code Chapter 4901:1-13, the proposal would necessitate the following changes: (1) Ohio Adm.Code 4901:1-29-04(A) would be moved to Ohio Adm.Code 4901:1-13-03(E); (2) Ohio Adm.Code 4901:1-29-08(C) would be moved to 4901:1-13-10(G); (3) Ohio Adm.Code 4901:1-29-08(D)(2) and (D)(6) would be moved to 4901:1-13-10(H)(1) and (H)(2), respectively; and (4) Ohio Adm.Code 4901:1-29-06(H) and (I), as well as Ohio Adm.Code 4901:1-29-13, in its entirety, would be moved to a new rule, Ohio Adm.Code 4901:1-13-14, addressing coordination between gas and natural gas companies and retail suppliers and

governmental aggregators. All references to the CRNGS rules in Ohio Adm.Code Chapter 4901:1-29 are to the rules as recently adopted by the Commission in Case No. 12-925-GA-ORD. The proposed revisions are intended to simplify and facilitate the gas and natural gas companies' compliance with rules governing service standards, by consolidating all such rules in one location within the Ohio Administrative Code.

Other proposed revisions would (1) add records retention provisions; (2) require that meter reading plan revisions be submitted by the gas and natural gas companies for review only when they occur, and remove the requirement that such plans be automatically updated and reviewed every three years; (3) change applicable timeframes for certain new service installations, as well as certain customer notification requirements; (4) update all rules in the chapter addressing the Commission's contact information for hearing impaired customers; (5) require gas and natural gas companies to notify customers that, in certain cases, they have the right to an actual meter read at no charge; (6) insert an exception to the requirement that customers be provided with an arrival time window, in cases involving reconnection of service; (7) add provisions addressing customer notice and rescheduling of service appointments, where the gas or natural gas company uses a call-ahead process to confirm imminent arrival; (8) require gas and natural gas companies to maintain and make available a handbook of customer rights and obligations; and (9) require gas and natural gas companies to provide the reason for disconnection on a disconnection notice provided to a small commercial customer. Other minor changes are proposed for clarity and to update cross-references and definitions.

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

| Rule | Statutory Authority – Ohio Revised Code |
|---|---|
| 4901:1-13-01 through 4901:1-13-13 | 4905.04, 4905.06, 4905.22, 4905.28 |
| 4901:1-13-14 | 4905.04, 4905.06, 4905.22, 4905.28, 4929.22 |

- 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.

No rule in this chapter implements a federal requirement or is being adopted or amended to enable Ohio to obtain or maintain approval to administer or enforce a federal law.

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

Not applicable.

- 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 Ohio Adm.Code Chapter 4901:1-13 are intended 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 gas and natural gas companies. The success of the regulation in terms of outputs and outcomes will be measured based upon feedback from customers, retail natural gas suppliers, and gas and natural gas companies.

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.***

On December 4, 2013, the Commission, in Case No. 13-2225-GA-ORD, ordered a workshop to take place on January 14, 2014, to allow stakeholders the opportunity to propose revisions to Ohio Adm.Code Chapter 4901:1-13. The Commission's order scheduling the workshop was publicly filed in Case No. 13-2225-GA-ORD, as well as served on stakeholders, including all gas and natural gas companies, all competitive retail gas suppliers, Ohio Consumers' Counsel, Ohio Gas Association, Ohio Petroleum Council, Ohio Oil and Gas Association, and other subscribers to the Commission's gas pipeline industry electronic mail list. The Commission's gas pipeline industry electronic

mail list includes over 360 subscribers. In addition to Commission staff, nineteen individuals were in attendance at the January 14, 2014, workshop, including representatives from the Ohio Consumers' Counsel, Duke Energy Ohio, Dominion East Ohio, Columbia Gas of Ohio, Vectren Energy Delivery of Ohio, and Direct Energy. One stakeholder offered comments at the workshop. The workshop was webcast via the Commission's web site and transcribed by a court reporter.

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

Despite the opportunity, the Commission received no significant stakeholder input on Ohio Adm.Code Chapter 4901:1-13. Comments were offered by only one stakeholder, and pertained more to retail natural gas suppliers, rather than service provided by a gas or natural gas company. Such issues were addressed by the Commission in its most recent review of the CRNGS rules in Case No. 12-925-GA-ORD. The Commission will consider any comments or reply comments addressing the minimum service standards for gas and natural gas companies, as well as coordination between such companies and retail natural gas suppliers, that are filed by stakeholders and the general public in Case No. 13-2225-GA-ORD.

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 used to develop Ohio Adm.Code Chapter 4901:1-13. In adopting any changes to Ohio Adm.Code Chapter 4901:1-13, the Commission will take into account all feedback from stakeholders and the general public regarding the rules, including any scientific data that is provided. Stakeholder and public feedback can be made directly to the Commission by filed comments from residential, commercial, and industrial consumers, the Ohio Consumers' Counsel, regulated gas and natural gas companies, and any other person or entity.

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?

Ohio Adm.Code Chapter 4901:1-13 is required to comply with the legislative intent of R.C. 4905.04, 4905.06, 4905.22, and 4905.28. Thus, regulatory alternatives were not available. As discussed above, however, the Commission will consider any alternative

proposals put forth in comments or reply comments filed by stakeholders and the general public.

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.

Ohio Adm.Code Chapter 4901:1-13 is required to comply with the legislative intent of R.C. 4905.04, 4905.06, 4905.22, and 4905.28. Thus, performance-based regulations were not considered. The proposed revisions pertain to minimum gas service standards. The standards are not performance-based in the sense defined above. The rules in the chapter are regulatory in nature as required by the Revised Code.

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

Ohio Adm.Code Chapter 4901:1-13 is required to comply with the legislative intent of R.C. 4905.04, 4905.06, 4905.22, and 4905.28. Thus, the determination as to whether the statutes duplicate existing Ohio regulations was performed by the Legislative Service Commission.

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.

Ohio Adm.Code Chapter 4901:1-13 is required to comply with the legislative intent of R.C. 4905.04, 4905.06, 4905.22, and 4905.28. The opportunity for continued feedback and input from the regulated community always exists through interaction with the Commission staff and better ensures that implementation of the rules in this chapter occurs consistently and predictably. Upon completion of the rulemaking process, the changes made to Ohio Adm.Code Chapter 4901:1-13 will be attached to the Commission's Finding and Order and served upon all gas and natural gas companies, all competitive retail gas suppliers, Ohio Consumers' Counsel, Ohio Gas Association, Ohio Petroleum Council, Ohio Oil and Gas Association, and other subscribers to the Commission's gas pipeline industry electronic mail list.

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;

Ohio Adm.Code Chapter 4901:1-13 establishes minimum gas service standards for gas and natural gas companies subject to the Commission's jurisdiction. The provisions of the chapter are intended to promote reliable service to consumers and the public, and to provide minimum standards for uniform and reasonable practices. The rules are in effect to protect customers and ensure that the services provided by the gas and natural gas companies are prudent and appropriate.

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

Any adverse impact takes the form of the time and expense associated with compliance. For example, some of the rules require gas and natural gas companies to file specified reports and plans to the Commission or its staff. Other rules may have an adverse impact in terms of the time and expense involved for the gas and natural gas companies to adjust their systems or to update their tariffs to reflect the proposed rule revisions.

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.

The Commission staff works extensively with all regulated companies toward rule compliance involving the least amount of time and expense. Any adverse impact in terms of dollars and hours to comply should, in most instances, be minimal. For example, regulated companies are required under the rules to report a failure to meet minimum service levels within a specified timeframe, which involves a nominal amount of time and expense

to compile and report the necessary information. The rules have been reviewed in an effort to minimize any adverse impact on business, while complying with the legislative intent of R.C. 4905.04, 4905.06, 4905.22, and 4905.28. Additionally, the Commission anticipates that some of the revisions to Ohio Adm.Code Chapter 4901:1-13, such as proposed revisions that would enable the gas and natural gas companies to work with their customers to agree upon alternative notification methods in certain situations, as well as the rule consolidation proposal to move certain provisions out of the CRNGS rules, will have a positive impact on the gas and natural gas companies.

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

The Commission did not make a determination that the regulatory intent justifies any adverse impact to the regulated business community; rather, the Commission determined that Ohio Adm.Code Chapter 4901:1-13 is required to comply with the legislative intent of R.C. 4905.04, 4905.06, 4905.22, and 4905.28. The Commission is vested with power and jurisdiction to supervise and regulate public utilities, including that such utilities furnish products and services in a manner that promotes the public interest. The Commission has worked with stakeholders over the years to develop a chapter that best serves these goals. It is notable that the regulated community has not indicated that the rules in the chapter are particularly onerous. In fact, no comments were offered by any gas or natural gas company at the workshop held on January 14, 2014.

Regulatory Flexibility

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

Gas and natural gas companies are under the jurisdiction of the Commission and may not generally be exempted from the requirements provided in Ohio Adm.Code Chapter 4901:1-13. However, small gas and natural gas companies serving 75,000 or fewer customers are exempted from some of the provisions of the chapter, specifically Ohio Adm.Code 4901:1-13-03(D) and 4901:1-13-05(B). Additionally, the Commission staff works extensively with all regulated companies, including the smaller ones, toward rule compliance.

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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?

Ohio Adm.Code Chapter 4901:1-13 is intended to reflect the legislative intent of R.C. 4905.04, 4905.06, 4905.22, and 4905.28, and to articulate Commission authority to enforce rules governing the minimum gas service standards. The focus of the Commission's implementation of the minimum gas service standards is not on seeking penalties for first-time paperwork offenses. The Commission will fully comply with R.C. 119.14.

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

The Commission staff routinely works with small regulated companies to assist them with understanding the rules found in Ohio Adm.Code Chapter 4901:1-13. In Case No. 13-2225-GA-ORD, stakeholders and the general public, including small businesses, were invited to participate in a workshop to discuss potential revisions to the rules in order to decrease or eliminate any adverse impact on the business community. Small businesses may contact the Commission at any time to voice their concerns and may file written comments on the rules during the comment period.