

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

FINDING AND ORDER

The Commission finds:

- (1) R.C. 119.032 requires the Commission to conduct a review, every five years, of its rules and to determine whether to continue its rules without change, amend its rules, or rescind its rules. At this time, the Commission is reviewing the minimum gas service standards (MGSS) contained in Ohio Adm.Code Chapter 4901:1-13 (MGSS Rules), as required by R.C. 119.032.
- (2) R.C. 119.032(C) requires that the Commission determine whether the rules:
 - (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;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) Need amendment or rescission to give more flexibility at the local level;
 - (c) Need amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by 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) Duplicate, overlap with, or conflict with other rules; and
 - (e) Have 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.
- (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) Staff evaluated the rules contained in Ohio Adm.Code Chapter 4901:1-13, as well as the stakeholder feedback provided at the workshop, and recommended amendments to several rules.
- (7) On February 26, 2014, after considering the feedback provided at the workshop, the Commission issued an Entry seeking comments on Staff's proposed amendments and the BIA.
- (8) On March 28, 2014, comments were filed by Duke Energy Ohio, Inc. (Duke); the Office of the Ohio Consumers' Counsel (OCC); and The East Ohio Gas Company d/b/a Dominion East Ohio, Vectren Energy Delivery of Ohio, Inc., and Columbia Gas of Ohio, Inc. (collectively, Joint Companies). Reply comments were filed on April 11, 2014, by Direct Energy Services, LLC

and Direct Energy Business, LLC (jointly, Direct Energy); Interstate Gas Supply, Inc. (IGS); OCC; Duke; and the Joint Companies.

- (9) The Commission has carefully reviewed the existing rules, Staff's proposed changes, and the comments filed by interested stakeholders in reaching its decisions regarding the rules at issue. The Commission will address the more relevant comments below. Some noncontroversial and unopposed changes have been incorporated into the new proposed rules without Commission comment. Any recommended change that is not discussed below or incorporated into the proposed rules should be considered denied.

Ohio Adm.Code 4901:1-13-01 - Definitions.

- (10) General. OCC recommends that the term "postmark" be defined and added to the definitions in Ohio Adm.Code 4901:1-13-01. OCC proposes that the definition used in the electric service and safety rules (ESS Rules) contained in Ohio Adm.Code 4901:1-10-01(Y),¹ with respect to the electric companies, be adopted for the MGSS Rules. The Commission finds that OCC's proposal is reasonable and should be adopted.

Ohio Adm.Code 4901:1-13-02 - Purpose and scope.

- (11) Paragraph (I). The Joint Companies note that this paragraph, as proposed by Staff, would prohibit the gas and natural gas companies' tariffs from containing certain clauses that either establish or eliminate liability. The Joint Companies contend that the intent and language of the second sentence of the proposed rule, which would prohibit clauses establishing customer liability for certain acts, is ambiguous. According to the Joint Companies, it is not clear whether the sentence is intended to actually affect substantive liability issues or merely to state that certain provisions addressing liability should not be included in tariffs. The Joint Companies add that it is unclear whether the clause "which are beyond the control of the customer" modifies "acts or failures to act" or "gas or natural gas company's facilities." The Joint Companies claim

¹ All references to the ESS Rules in this Finding and Order are to the rules as recently adopted by the Commission. *In re Comm. Review of Chapter 4901:1-10, Ohio Adm.Code, Regarding Electric Companies*, Case No. 12-2050-EL-ORD, Finding and Order (Jan. 15, 2014), Second Entry on Rehearing (May 28, 2014).

that paragraph (J) could be construed to prohibit reasonable tariff provisions, such as those addressing tampering and damage to service lines, which are merely intended to hold the party that caused the damage responsible. In addition to the alleged ambiguities, the Joint Companies argue that it is not clear how the proposed provision regarding exculpatory clauses would impact several sections of the Joint Companies' tariffs, particularly those that apply only to sophisticated commercial entities. Further, the Joint Companies argue that tariff provisions limiting consequential, incidental, and punitive damage claims should not be prohibited. OCC supports Staff's proposal, and urges the Commission to reject the Joint Companies' position.

- (12) Initially, the Commission points out that the proposed new paragraph is comparable to the existing ESS Rules, Ohio Adm.Code 4901:1-10-02(G). In rejecting opposition from the electric utilities with respect to the ESS Rules, the Commission found that the rule "simply codifies the Commission's longstanding policy and previous Supreme Court decisions that have held that a public utility cannot, through the use of an exculpatory clause, limit its liability for damages resulting from its own negligence when providing a required service." *In re Comm. Review of Chapters 4901:1-9, 4901:1-10, 4901:1-21, 4901:1-22, 4901:1-23, 4901:1-24, and 4901:1-25 of the Ohio Adm.Code*, Case No. 06-653-EL-ORD, Finding and Order (Nov. 5, 2008) at 6 (citing *Richard A. Berjian, D.O., Inc. v. Ohio Bell Tel. Co.*, 54 Ohio St.2d 147, 375 N.E.2d 410 (1978)). The Commission also noted that the proposed language "furtheres the practice of the Commission in determining that exculpatory clauses included in tariffs for regulated services are neither binding nor relevant in Commission proceedings." Consistent with the Commission's earlier findings, we reject the Joint Companies' arguments in this proceeding. The Joint Companies have offered no compelling objection or reason explaining why the gas and natural gas companies should be treated any differently than the electric utilities with regard to exculpatory clauses. Neither do we agree that the proposed language is ambiguous. It is clear that the second sentence specifically prohibits the inclusion of exculpatory provisions in a gas or natural gas company's tariffs, and that the clause "which are beyond the control of the customer" modifies the preceding phrase in its entirety (*i.e.*, "acts or failures to act involving a gas or natural gas company's facilities"). Accordingly, the

Commission finds that proposed new Ohio Adm.Code 4901:1-13-02(J) is reasonable and should be adopted.

Ohio Adm.Code 4901:1-13-03 – Retention of records and access to records and business activities.

- (13) Paragraph (E). In order to consolidate all rules addressing the MGSS for gas and natural gas companies in one chapter, Staff proposes to incorporate or 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 (CRNGS Rules). Those chapters currently contain provisions that more directly pertain to regulated gas and natural gas companies, rather than retail natural gas suppliers. Accordingly, Staff proposes to incorporate Ohio Adm.Code 4901:1-29-04(A),² which requires natural gas companies, as well as retail natural gas suppliers and governmental aggregators, to retain certain CRNGS-related records, in the new proposed paragraph.
- (14) The Joint Companies point out that, under the CRNGS Rules, Ohio Adm.Code 4901:1-29-04(B), records must be retained for a minimum of two years, while, as a result of incorporating the records retention requirement in proposed Ohio Adm.Code 4901:1-13-03(E), the records retention period would be extended to three years for gas and natural gas companies, consistent with existing Ohio Adm.Code 4901:1-13-03(C). The Joint Companies believe that the records retention periods should be the same for gas and natural gas companies and retail natural gas suppliers.
- (15) As the Joint Companies note, existing Ohio Adm.Code 4901:1-13-03(C) generally requires gas and natural gas companies to maintain, for three years, records that are sufficient to demonstrate compliance with the MGSS Rules. The Commission finds that Staff's proposal is consistent with the existing records retention period applicable to the gas and natural gas companies. An extension of the records retention requirement from two years to three years for CRNGS-related

² All references to the CRNGS rules in this Finding and Order are to the rules as recently adopted by the Commission. *In re Comm. Review of Chapters 4901:1-27 through 4901:1-34 of the Ohio Adm.Code*, Case No. 12-925-GA-ORD (CRNGS Rules Case), Finding and Order (Dec. 18, 2013), Entry on Rehearing (Feb. 26, 2014).

records is not unreasonable or unduly burdensome, given that the gas and natural gas companies are already required to retain most other records for three years. Further, we agree that Staff's proposal to consolidate all rules addressing the MGSS for gas and natural gas companies in one chapter will promote administrative efficiency for the companies. For these reasons, we adopt Staff's recommendation to incorporate the CRNGS Rules, Ohio Adm.Code 4901:1-29-04(A), in Ohio Adm.Code 4901:1-13-03(E).

- (16) Paragraph (E)(2). In its comments, Duke asserts that, although an existing rule will essentially be moved from one chapter to another, the rule is no longer sufficiently clear in its new location. Specifically, Duke argues that proposed new paragraph (E)(2) could be interpreted to mean that the regulated gas or natural gas company is required to keep records to support the Commission's investigation of customer complaints against retail natural gas suppliers. Duke believes that the gas or natural gas company should not have an obligation to serve as the custodian of such records. Duke also contends that the paragraph should be amended to indicate the length of time that various records must be maintained.
- (17) The Commission finds that the proposed new paragraph, which Staff recommends be incorporated from the existing CRNGS Rules, Ohio Adm.Code 4901:1-29-04(A)(2), is sufficiently clear. Nothing has changed from the existing requirements, and the gas and natural gas companies are only required to keep records of their contacts and other data related to CRNGS issues. Neither do we find it necessary to amend the rule to specify a retention period, given that Ohio Adm.Code 4901:1-13-03(C) already requires that records be maintained by the gas and natural gas companies for three years, unless otherwise specified in the chapter.

Ohio Adm.Code 4901:1-13-04 - Metering.

- (18) General. Duke urges the Commission to consider any appropriate amendments to ensure that gas metering requirements are coordinated with electric metering requirements.
- (19) As stated in the February 26, 2014 Entry, Staff proposes several revisions to the MGSS Rules for the purpose of ensuring

consistency with the ESS Rules, including metering requirements. As Duke's recommendation regarding coordination of the requirements for electric and gas and natural gas companies has already been considered and addressed by Staff, we find that no further action is necessary at this time.

- (20) Paragraph (D)(4). OCC proposes that new language be added to this paragraph, such that customers would be able to request a meter test once every three years, at no charge. OCC notes that its recommendation is consistent with the requirements for electric companies, and would reassure customers with respect to the accuracy of their usage and billing, particularly in light of the automatic meter reading equipment being installed throughout Ohio. The Joint Companies argue that OCC's proposal should be rejected as costly, unnecessary, and failing to account for differences in the electric and gas industries, such as the fact that gas meter testing is a lengthy and costly process that can be inconvenient for customers.
- (21) The Commission agrees with the Joint Companies. The process of testing a gas meter involves considerably more time and expense than is required to test an electric meter. Accordingly, we decline to adopt OCC's proposal, as it may impose an undue financial and administrative burden on the gas and natural gas companies.
- (22) Paragraph (D)(5). Duke notes that this paragraph sets forth the requirements to be followed when a meter is tested and found to be outside the specified tolerances, but does not address meters in compliance. Duke further notes that the ESS Rules, specifically Ohio Adm.Code 4901:1-10-05, which applies to electric meters, addresses both circumstances. Duke adds that, for an electric meter in compliance with the specified tolerances, the customer is limited to one free testing request every three years. Duke asserts that a similar limitation should apply to gas meter testing. Additionally, Duke points out that, although Ohio Adm.Code 4901:1-13-04(D)(5)(c) addresses metering inaccuracies that result in a customer overpayment, it does not address situations involving a customer underpayment due to a metering inaccuracy. Duke recommends that the rule provide for the means by which a customer must pay for service already received, in order to

ensure that other customers do not bear the cost of the underpayment.

- (23) The Commission notes that this paragraph is in the existing rules and it specifically governs situations in which the accuracy of a meter is found to be outside the specified tolerances, including the requirement that the customer may not be charged a fee for testing expenses. Staff has proposed no modifications to the rule. Given that the tariffs of the gas and natural gas companies already address the costs that may be charged to customers for meter testing, the Commission finds that Duke's proposal is unnecessary. Further, Ohio Adm.Code 4901:1-13-04(G)(2) and (G)(3) already address situations involving undercharges for residential and small commercial customers, respectively.
- (24) Addressing Ohio Adm.Code 4901:1-13-04(D)(5), OCC argues that gas and natural gas companies should be required to pay interest of not less than three percent on overcharged amounts that continue for a period of time exceeding six months. OCC also recommends that gas and natural gas companies, in calculating the amount of overcharges, be required to consider the effect of weather, number of heating degree days, changes in household size, changes in appliances and mechanical upgrades, and other energy efficiency measures implemented after the period of meter inaccuracy.
- (25) Duke opposes OCC's recommendations. Duke emphasizes that OCC's interest proposal is one-sided, given that interest is not collected on customers' underpayments or past due amounts. Duke also argues that OCC's proposal to require consideration of factors such as changes in household size, appliances, and efficiency measures in the calculation of overcharges is unreasonable and unnecessary, because gas and natural gas companies cannot be expected to know about such changes and, in any event, some of OCC's proposed factors, such as previous year's history for the same period and heating degree days, are already taken into consideration by Duke. The Joint Companies also oppose OCC's interest proposal, and argue that it is one-sided, unnecessary, costly, and irrelevant, given that situations rarely arise involving more than six months of overbilling due to a faulty meter. The Joint Companies further argue that OCC's proposed list of factors would essentially require gas and natural gas companies to

perform what amounts to individual reconstructions of past periods of usage. According to the Joint Companies, OCC's proposal is complicated, problematic, and likely to generate formal complaints.

- (26) The Commission finds that OCC's recommendations are unnecessary and should not be adopted. Rather, the amount of the overcharge reflected on the bill should be the amount returned to the customer. Additionally, the Commission finds that OCC's proposed list of factors would unnecessarily and unreasonably complicate the calculation of overcharges and pose an undue burden on the gas and natural gas companies.
- (27) Paragraph (F)(1). As proposed by Staff, this paragraph would specify that meter testing records be retained for two years or until the next meter test, whichever is longer.
- (28) Duke argues that, because there is no certainty that a meter will be retested, the proposed rule could unreasonably require that the meter testing records be retained for the life of the meter. Duke recommends that the rule be modified to require the retention of records for only two years.
- (29) The Commission notes that Staff's proposed language is consistent with the records retention requirements set forth in the appendix to Ohio Adm.Code 4901:1-9-06, which provides that records of gas meter tests must be retained until a superseding test occurs, but not less than two years. The existing requirements have not changed and, therefore, we reject Duke's recommendation.
- (30) Paragraph (G)(1)(a). In this paragraph, Staff proposes 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. The Joint Companies support the proposed revisions. Duke also agrees with Staff's proposal, although Duke asserts that the proposed rule should be clarified to indicate that nonsubstantive meter reading plan revisions need not be reviewed by Staff.
- (31) The Commission finds that Staff's proposal is reasonable and should be adopted. With respect to Duke's recommendation, we find that, under the proposed rule, a gas or natural gas

company will be directed to submit meter reading plan revisions to Staff as they occur, and that Staff will then review the plan to ensure that it includes the steps, notices, and measures that the company intends to take in order to read each customer's meter at least once every 12 months, consistent with the rule. Although the gas and natural gas companies may certainly submit to Staff plan revisions that are nonsubstantive in nature, we find that this paragraph, taken as a whole, is sufficiently clear that Staff's objective is to review revisions that may alter the substance of the meter reading plan.

- (32) Paragraph (G)(2). OCC recommends this paragraph be revised to require that customers be informed of their statutory right, pursuant to R.C. 4933.28, to have at least 12 months to pay undercharged amounts resulting from a meter inaccuracy. The Joint Companies argue that, although Staff also proposed to include some of the language from R.C. 4933.28 in the rule, such proposals are unnecessary, given the fact that the rule already clearly notifies customers of the applicability of the statute. The Joint Companies believe that there is no reason to notify customers of what the gas and natural gas companies are already required to do, consistent with the statute.
- (33) The Commission notes that, contrary to the Joint Companies' claim, R.C. 4933.28(A) does not specifically require gas and natural gas companies to notify customers of their right to pay, over 12 months, undercharged amounts resulting from a meter inaccuracy. We find that OCC's recommendation to include such a requirement in this paragraph is reasonable and should be adopted, although OCC's proposed language should be modified to specify that customers have the right to pay over 12 months rather than "at least" 12 months.
- (34) Paragraph (G)(3). Duke points out that this paragraph, which addresses billing adjustments for small commercial customers, covers "billing problems," while the comparable provision for residential customers, Ohio Adm.Code 4901:1-13-04(G)(2), does not. Duke also notes that both provisions start their respective time periods on the date on which the gas or natural gas company remedies the "meter inaccuracy." Duke recommends that a broader term or more precise language be used so that the deadlines can be used for the other problems that are addressed by paragraphs (G)(2) and (G)(3).

- (35) The Commission points out that "meter or metering inaccuracy or other continuing problem under [the gas or natural gas company's] control" is the language of R.C. 4933.28(A). The language is sufficiently broad to address the circumstances in which the rule applies. Although we find that billing problems fall within the category of a continuing problem under the gas or natural gas company's control, we agree that billing problems should be specifically enumerated in Ohio Adm.Code 4901:1-13-04(G)(2) to ensure that the rules pertaining to residential and small commercial customers are comparable. Therefore, the Commission finds that Duke's request should be denied.
- (36) Paragraph (G)(8). Duke notes that this paragraph requires that confirmation of the scheduling of a meter reading be provided by "i.e., order confirmation number, written letter." Duke argues that it is unclear as to whether the rule is mandating the means of compliance or simply provides examples. If it is the latter, Duke suggests that "i.e." should be changed to "e.g."
- (37) The Commission finds that the rule is intended to provide examples rather than an exclusive list. Accordingly, we find that Duke's proposed revision should be adopted.

Ohio Adm.Code 4901:1-13-05 - Minimum customer service levels.

- (38) Paragraph (A). 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).
- (39) Duke contends that, if the timeframe for new service requests is shortened from five business days to three business days, the rule would be unreasonably burdensome and should, therefore, be left unchanged. Duke raises the same argument with respect to Staff's proposal to reduce the time for a rescheduled completion date, as set forth in proposed Ohio Adm.Code 4901:1-13-05(A)(4). The Joint Companies argue that Staff's proposal would require substantial increases in the cost of service and that there is no apparent need for the accelerated deadlines. According to the Joint Companies, they will not be able to comply with the proposed deadlines during peak times, unless staffing, fleet, and other resources are substantially increased. The Joint Companies add that increased costs would be incurred for reprogramming their scheduling systems. For

these reasons, the Joint Companies oppose the proposed timeframes set forth in Ohio Adm.Code 4901:1-13-05(A)(1) and (A)(4). OCC points out that the Joint Companies and Duke failed to provide any support for their claims. Emphasizing that the standard timeframe for new service installations should be the same for the electric and natural gas sectors, OCC supports Staff's proposal.

- (40) The Commission agrees with OCC that Duke and the Joint Companies have offered no support for their claims that Staff's proposal will substantially increase costs, create a backlog in service requests, or guarantee that the gas and natural gas companies fail to meet the minimum service levels. We further agree that the standard for new service installations should be the same for the electric and gas and natural gas companies. Given that the rule requires only that 90 percent of new service installations be completed within three business days, we find that Staff's proposal reasonably balances the interests of all stakeholders and, therefore, should be adopted, and the proposals by Duke and the Joint Companies should be denied.
- (41) Paragraph (A)(4). With respect to Staff's proposal that notice of a rescheduled completion date be provided to the customer "either in writing or in a manner agreed upon by the parties," the Joint Companies recommend the language be revised to "either in writing or in another manner reasonable under the circumstances." The Joint Companies believe that a more flexible requirement is reasonable and would avoid the unnecessary formality of obtaining an express agreement from the customer.
- (42) The Commission finds that Staff's recommendation is reasonable and should be adopted. We find that Staff's proposed language provides the necessary flexibility in allowing the parties to agree to an alternative means of notice. Therefore, the request of the Joint Companies should be denied.
- (43) Paragraph (A)(5). Duke proposes that extreme weather be added to the list of occurrences enumerated in this paragraph that will excuse a gas or natural gas company's failure to meet the deadlines specified in Ohio Adm.Code 4901:1-13-05(A)(1) and (A)(2) for completing a requested service installation or upgrade. Noting that Duke failed to provide any support for

its proposal, OCC opposes Duke's recommendation. OCC argues that extreme weather events tend to be short-lived and should, therefore, not excuse a gas or natural gas company from its obligation to comply with the service standards.

- (44) The Commission agrees with OCC that extreme weather does not constitute a force majeure situation or otherwise excuse a failure to meet the minimum service levels. In its current form, the rule addresses infrequent and unusual circumstances, such as military action, war, insurrection, riot, and strike, and is not intended to cover the rather routine situation of poor weather, even if classified as "extreme." We, therefore, decline to adopt Duke's recommendation.
- (45) Paragraph (C)(1). In this paragraph, Staff proposes that no expected arrival time window be provided for a reconnection of service following a disconnection for nonpayment pursuant to Ohio Adm.Code 4901:1-18-07.
- (46) OCC asserts that different service standards should not be imposed on customers requiring reconnection as opposed to any other reason for a service appointment. OCC points out that a single standard is easier to understand and enforce, and that all customers benefit from having an appointment with an expected arrival time so that they can better plan their daily activities, while the gas and natural gas companies benefit from a consistent arrival time window for all types of service appointments. The Joint Companies respond that, in many cases, Ohio Adm.Code 4901:1-18-07 provides more beneficial treatment for customers, such as same-day or next-day reconnection. The Joint Companies note that, given these accelerated timeframes, it may not be practicable to provide advance four-hour arrival time windows.
- (47) The Commission finds that Staff's proposal is reasonable and should be adopted. As the Joint Companies point out, it is appropriate to add an exception to the four-hour window requirement for reconnections pursuant to Ohio Adm.Code 4901:1-18-07. The exception will ensure that the protections afforded by Ohio Adm.Code 4901:1-18-07 apply in situations where disconnected customers are seeking to have their service restored. Therefore, OCC's proposal should be denied.

- (48) Paragraph (C)(3). In this paragraph, 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. As proposed, paragraph (C)(3)(c) would require the gas or natural gas company, if an appointment is considered cancelled by the customer, to offer the customer, within 48 hours after the customer calls to reschedule, either a four-hour window appointment or a next-day appointment with no expected arrival time window.
- (49) Duke argues that Staff's proposed requirement may result in scheduling conflicts and unreasonably impact previously scheduled appointments for other customers. Duke believes that rescheduling customers that have already missed an appointment should be treated no differently than scheduling any other customer. Like Duke, the Joint Companies question why a customer that misses an initial appointment should receive favored treatment and priority rescheduling. The Joint Companies also argue that the proposed rule would be difficult to comply with during peak periods.
- (50) OCC points out that there are many reasons that may explain a customer's need to reschedule an appointment, such as medical issues or family emergencies. OCC believes that a customer's failure to meet an appointment should not be held against the customer. Emphasizing that customers have already paid significant amounts for service modernization upgrades, OCC contends that it is reasonable to expect gas and natural gas companies to redirect resources to prioritize service establishment appointments and provide service to customers as soon as possible.
- (51) The Commission agrees that Staff's proposal, as drafted, appears to require gas and natural gas companies to expedite rescheduled appointments only for customers that have not made themselves available for the originally scheduled appointment. Accordingly, we find that existing Ohio Adm.Code 4901:1-13-05(C)(4) should be revised and new Ohio Adm.Code 4901:1-13-05(C)(5) should be adopted to require that, if either the company or the customer, respectively, is unable to meet a scheduled appointment, the company shall offer the customer either a next-business-day appointment with no expected arrival time window or a four-hour window

appointment within two business days. Therefore, the request of Duke and the Joint Companies should be denied.

- (52) Paragraph (E)(1). Currently, this paragraph requires that Staff be notified if a gas or natural gas company fails to meet an average minimum service level in any calendar year. As proposed by Staff, this paragraph would be revised to require such notification if the company does not meet minimum service levels for any two consecutive months in any 12-month period.
- (53) Duke argues that Staff unreasonably proposes to alter the rule. According to Duke, it is highly likely that minimum service levels will not be met during the course of a harsh winter. Duke maintains that, being forced to consider a rolling 12-month period, gas and natural gas companies will be required to file reports much more frequently than in the past, as a result of events that are outside of their control. The Joint Companies also oppose Staff's proposal. Noting that an identical proposal was previously rejected by the Commission, the Joint Companies point out that the proposed rule could generate constant monthly reporting, is duplicative of the monthly service performance information that would be contained in the annual report under Staff's proposed Ohio Adm.Code 4901:1-13-05(E)(3), and is inconsistent with the calendar year reporting specified in Ohio Adm.Code 4901:1-13-05(A) and (E)(3). The Joint Companies assert that, although a more stringent and frequent reporting requirement may make sense for a particular company with customer service problems, it is unreasonable to require every company to comply with the proposed rule, in light of the expected increase in the cost of service, as well as the absence of any complaint or other information indicating a need for a tighter reporting requirement.
- (54) The Commission acknowledges that, as the Joint Companies emphasize, the minimum customer service levels, including the reporting requirements, contained in Ohio Adm.Code 4901:1-13-05 were the subject of considerable review and discussion in a prior case addressing the MGSS Rules. *In re Amendment of Chapter 4901:1-13, Ohio Adm.Code*, Case No. 05-602-GA-ORD, Opinion and Order (Jan. 18, 2006), Entry on Rehearing (May 16, 2006), Third Entry on Rehearing (July 12, 2006), Fourth Entry on Rehearing (Aug. 23, 2006). However, although the

Commission may have declined to adopt a particular proposal in that case, circumstances change over time and, therefore, the rules are regularly reviewed to determine whether they require amendment in light of present conditions. We find that, under current Ohio Adm.Code 4901:1-13-05(E)(1), it is possible for the gas and natural gas companies to fail to meet a minimum service level in the majority of months of the year, while still meeting the standard on an annual basis. In fact, the gas and natural gas companies have never reported missing the annual standard since the current rule became effective, although the Commission's call center regularly receives complaints from customers regarding service installation, telephone response, and repair times that take too long, as well as missed appointments. To ensure that the minimum service levels are meaningful, the standards should apply on a monthly, rather than annual, basis. Therefore, we find that Ohio Adm.Code 4901:1-13-05(A), (B), (C), and (D) should be revised accordingly, by removing the calendar year restriction, and, in this respect, the requests of Duke and the Joint Companies should be denied.

- (55) As for Staff's proposal in Ohio Adm.Code 4901:1-13-05(E)(1) to require reporting in the event that a gas or natural gas company does not meet a minimum service level for any two months within any 12-month period, the Commission notes that these revisions ensure comparable reporting requirements for the gas and electric industries. However, in recognition of the fact that the gas and natural gas companies may have more difficulty in meeting a monthly minimum service level compared with the electric utilities' annual-based standard, we find that Staff's proposed revisions to the reporting process set forth in paragraph (E)(1) should be modified, such that a report is only required when a minimum service level is missed in two consecutive months. The revised reporting standard should be less difficult to comply with, because it is statistically less likely that a missed service level will occur in two consecutive months during a calendar year, as compared with missing the service level during any two months within a rolling 12-month period. Further, two consecutive missed service levels may indicate a potential service issue or problem more so than any two misses in a 12-month period.
- (56) Finally, the Commission disagrees with the Joint Companies' contention that Ohio Adm.Code 4901:1-13-05(E)(1) is

duplicative of the requirements in Ohio Adm.Code 4901:1-13-05(E)(3). The reporting required by paragraph (E)(1) specifically pertains to failures to meet the minimum service levels, whereas paragraph (E)(3) requires annual reports of actual performance data. The annual reports are needed to identify performance across the industry, including any adverse performance trends, as well as to identify any failure to provide the reports required by paragraph (E)(1). Therefore, the Joint Companies' request on this issue should be denied.

- (57) Paragraph (E)(3). As proposed by Staff, this paragraph requires that each gas or natural gas company submit an annual report to Staff, setting forth the company's actual monthly customer service performance data for the previous calendar year.
- (58) OCC recommends that gas and natural gas companies be directed to file publicly the annual report required by the rule rather than merely submit it to Staff. Emphasizing that OCC has not shown any need for a public filing, the Joint Companies oppose OCC's recommendation.
- (59) The Commission disagrees that a public filing of the annual report is necessary. Nothing precludes OCC or other interested stakeholders from requesting a copy of the annual report that has been submitted to Staff by the gas and natural gas companies. Therefore, OCC's request should be denied.

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

- (60) Paragraph (B). Staff proposes to amend this paragraph to require the provision of a summary of customer rights and obligations when a customer opens a new account and has not received the current version of the summary information.
- (61) The Joint Companies oppose Staff's proposal, noting that it would require reprogramming of their information systems. The Joint Companies recommend that the current rule be maintained, which requires that the summary information be provided if the customer has not received it within the preceding year. Alternatively, the Joint Companies state that the rule could be modified to specify that, for those companies that do track which version has been sent, a summary need not be provided unless it has changed. Further, the Joint

Companies assert that the most reasonable requirement would be to require provision of the summary only on request, given that the summary is already available on the Companies' respective web sites, and that there is a cost associated with printing and mailing the summary to customers. In response, OCC contends that the rule should be amended to require gas and natural gas companies to provide all new customers with a current copy of the summary.

- (62) The Commission finds that Staff's proposal is reasonable and should be adopted. Staff's recommended language strikes an appropriate balance between OCC's position that every new customer should receive a copy of the written summary of customer rights and obligations and the Joint Companies' preference that the summary only be provided upon customer request. Although Staff's proposal may require some of the gas and natural gas companies to begin tracking which version of the summary information has been sent to their customers, we find that the proposed change is intended to ensure that customers are offered the current version, while ultimately minimizing the time and expense required of the companies in providing the summary information to new customers. Therefore, the requests of the Joint Companies and OCC should be denied.

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

- (63) Paragraph (D)(2). Duke notes that Ohio Adm.Code 4901:1-13-08(D)(2) provides that the notice requirements for disconnecting small commercial service do not apply in situations involving safety hazards and emergencies. Duke proposes that tampering be added to the rule, consistent with the comparable electric provision, Ohio Adm.Code 4901:1-10-16(B). Noting that natural gas facilities are no less dangerous than electric facilities, Duke contends that, although tampering could be considered a safety hazard within the meaning of the existing rule, tampering should be clearly enumerated.
- (64) As Duke appears to recognize, tampering is already encompassed by the rule's existing category of "safety hazard." Accordingly, the Commission finds that Duke's recommendation is unnecessary and should not be adopted.

- (65) Paragraph (D)(3)(h). Staff recommends this new paragraph be added to require that disconnection notices for small commercial service include a specific description of the reasons for the disconnection.
- (66) The Joint Companies argue that this requirement is unclear, because paragraphs (D)(1)(a) through (D)(1)(c) already require gas and natural gas companies to state whether certain conditions exist that justify disconnection and, therefore, a specific description is already provided. The Joint Companies add that, if the rule is intended to require additional narrative detail on disconnection notices, the rule is needlessly burdensome, labor intensive, costly, and likely confusing to customers, and would also necessitate substantial reprogramming.
- (67) The Commission finds no merit in the Joint Companies' position. Ohio Adm.Code 4901:1-13-08(D)(1) sets forth a list of conditions that trigger the need for a disconnection notice. It does not, however, require that the gas and natural gas companies provide a reason for disconnection on the disconnection notice. We, therefore, find that Staff's recommendation is reasonable and should be adopted, and the proposal by the Joint Companies should be denied.

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

- (68) Paragraph (D). This paragraph requires a gas or natural gas company to retain records including the basis for its decision to disconnect service for tampering, unauthorized reconnection, or fraudulent practice. Duke recommends that the rule be amended to specify a reasonable time period for the retention of such records.
- (69) The Commission finds that Duke's proposal is unnecessary and should be denied, given that Ohio Adm.Code 4901:1-13-03(C) already sets forth a reasonable records retention period that applies to the records described in this paragraph.

Ohio Adm.Code 4901:1-13-10 - Complaints and complaint-handling procedures.

- (70) Paragraph (G). OCC recommends that the gas and natural gas companies be required to inform customers about the

availability of the Commission's call center to help in resolving a CRNGS issue. Additionally, OCC proposes the addition of a new provision for customers wishing to return back to the gas or natural gas company's service, which would require that, in cases where the company has a monthly variable rate (MVR), the company explain the difference between the standard choice offer (SCO) rate and the MVR, as well as inform the customer that the SCO rate must be specifically mentioned in order to obtain that rate. OCC adds that, if a customer wishes to enroll in the SCO, the gas or natural gas company should assist the customer in enrolling in the SCO, even if the customer fails to use any specific words.

- (71) Direct Energy opposes OCC's recommended additions. According to Direct Energy, the MGSS Rules are not the appropriate place to address alleged customer confusion regarding the MVR and, in any event, OCC's proposed language is too broad, in that it relates to all service issues and not just concerns about pricing. Direct Energy believes that, if there is any remaining customer confusion regarding the MVR process, it should be addressed through customer education. Direct Energy recommends that, if the Commission nevertheless agrees that a change is necessary, the gas or natural gas company should be required to provide details on other competitive options in addition to the MVR and SCO, including products offered by retail natural gas suppliers. Direct Energy further recommends that each company should convene a working group or collaborative to determine the details involved in informing customers of their options, as well as the mechanics of transferring customers to a supplier. Finally, Direct Energy argues that OCC's proposal regarding referrals to the Commission's call center is too broad and would needlessly increase call volume. Like Direct Energy, IGS urges the Commission to reject OCC's proposal regarding the SCO as a collateral attack on the Commission's recent orders in the *CRNGS Rules Case*. IGS points out that the *CRNGS Rules Case* included a review of the rule in question, which Staff now proposes to move from the CRNGS Rules to the MGSS Rules. IGS adds that OCC's favoritism of the SCO is improper and contrary to state policy promoting customer choice, diversity of suppliers, and reduced regulation of natural gas service. With respect to OCC's call center proposal, IGS emphasizes that not every customer with a CRNGS issue has a complaint and that, in any event, the CRNGS Rules, specifically Ohio Adm.Code

4901:1-29-08, already addresses the handling of CRNGS complaints. The Joint Companies also oppose OCC's recommendations, given that not every CRNGS issue involves the difference between the MVR and SCO. The Joint Companies also point out that no company call center representative can possibly be expected to know that a customer wishes to enroll in the SCO, if the customer "fails to use any specific words."

- (72) With respect to OCC's proposed requirement that the gas and natural gas companies refer customers with a CRNGS issue to the Commission's call center, as well as OCC's recommendations regarding the SCO, the Commission finds that such proposals are unduly burdensome and unnecessary, given that not every customer contacting a gas or natural gas company about a CRNGS issue will require or even want direction to the Commission's call center or information regarding the SCO. Further, as IGS and Direct Energy point out, the rule has not changed, and was recently reviewed by the Commission in the *CRNGS Rules Case*. Therefore, OCC's request should be denied.
- (73) Paragraphs (G)(1) and (3). These are new paragraphs that Staff proposes to move from the CRNGS Rules, Ohio Adm.Code 4901:1-29-08(C). The paragraphs provide that, when contacted by a customer regarding a CRNGS issue, the gas or natural gas company must determine whether the issue involves the company and refer the customer to the appropriate retail natural gas supplier or governmental aggregator where the issue lacks gas or natural gas company involvement.
- (74) Duke asserts that these paragraphs should be clarified to specify the types of issues that would require participation and cooperation by the gas or natural gas company, when contacted by a customer concerning CRNGS issues. Duke also believes that paragraph (G)(3) should require that the customer be referred to the retail natural gas supplier in all circumstances.
- (75) The Commission declines to adopt Duke's recommendations, as the language used in the new proposed paragraphs has been in place for a considerable length of time, and was recently subject to review in the *CRNGS Rules Case*. Staff merely proposes to move the existing provisions from the CRNGS Rules to the MGSS Rules.

- (76) Paragraph (H)(2). This new paragraph, which Staff proposes to move from the CRNGS Rules, Ohio Adm.Code 4901:1-29-08(D)(6), would require the gas and natural gas companies, in instances of slamming, to switch the customer back to the regulated sales service without penalty.
- (77) Duke believes that the customer should be switched to whatever service or supplier is requested by the customer and, to the extent that another party is at fault for the slamming, that party should reimburse the gas or natural gas company for any associated expenses.
- (78) Although the Commission agrees with Duke that customers should be returned to the supplier of their choice, we point out that the CRNGS Rules, specifically Ohio Adm.Code 4901:1-29-08(D), already addresses slamming situations involving retail natural gas suppliers and governmental aggregators. Accordingly, Ohio Adm.Code 4901:1-13-10(H)(2) should be adopted, as proposed by Staff, with no further changes.

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

- (79) Paragraph (A). As proposed by Staff, this paragraph would address dual billing and consolidated billing available to retail natural gas suppliers and governmental aggregators.
- (80) The Joint Companies assert that Staff's proposed changes to this paragraph would, in effect, move the dual and consolidated billing requirements from the CRNGS Rules, Ohio Adm.Code 4901:1-29-12. The Joint Companies, therefore, request clarification that paragraph (A) refers to utility consolidated billing.
- (81) The Commission finds that this paragraph clearly applies to consolidated bills issued by gas and natural gas companies. The rules addressing consolidated bills issued by retail natural gas suppliers are contained in the CRNGS Rules, Ohio Adm.Code 4901:1-29-12.
- (82) Paragraph (B)(8). This existing paragraph requires that each bill display the billing determinants, if applicable, including the beginning and ending meter readings.

- (83) Duke asserts that such readings are not always possible to obtain. Specifically, Duke argues that gas meters that receive pulse data should be exempt from the requirement that the bill include beginning and ending meter readings.
- (84) The Commission finds that the beginning and ending meter readings should remain on customer bills, as they are necessary elements to verify the usage billed. Therefore, we decline to adopt Duke's recommendation.
- (85) Paragraph (B)(27). This paragraph requires that the bills issued by the gas or natural gas company prominently display an apples-to-apples notice, if the company has a choice program.
- (86) OCC proposes that this paragraph be modified to require not only an apples-to-apples notice on natural gas bills, but also a price to compare notice and a reference to OCC's "comparing your natural gas choices" fact sheets. OCC asserts that this information will enable customers to determine whether there are savings in the market. OCC also points out that electric bills have included a price to compare notice for many years.
- (87) IGS opposes OCC's proposal to modify the bill format in a manner that IGS believes would favor the SCO. IGS adds that price comparisons on the bill are often misleading and confusing to customers, as they do not consider product differences or past and future prices. Noting that CRNGS-related consumer protection issues were already resolved in the *CRNGS Rules Case*, IGS argues that OCC's proposal falls outside the scope of this proceeding. Duke and the Joint Companies also oppose OCC's proposal for several reasons, and argue that the costs would outweigh any benefits.
- (88) The Commission finds that the apples-to-apples chart provides sufficient information regarding the comparison of rates, such that customers are able to make informed decisions about their choice of supplier. We find that OCC's proposal is, therefore, unnecessary and would require unwarranted changes to the bill format, which already includes information regarding the Commission's apples-to-apples chart. Accordingly, OCC's request should be denied.
- (89) Paragraph (C). As proposed by Staff, this paragraph requires that residential bills issued from outside the state of Ohio have a due date no less than 21 days from the date on the bill.

- (90) The Joint Companies contend that there is no justification for the proposed rule, which they believe would have major financial impacts on the gas and natural gas companies' cash flow, working capital requirements, and uncollectible expense riders. According to the Joint Companies, the proposed requirement would also create a needless incentive to locate printing in state and encourage customers to choose paper over electronic billing. The Joint Companies note that the rule could be amended to require that the gas and natural gas companies take reasonable steps to ensure timely delivery of any bills issued outside of Ohio.
- (91) OCC supports Staff's proposal, and recommends that, to minimize ambiguity concerning bill due date requirements, the Commission adopt similar requirements to those recently adopted for the electric utilities. OCC also proposes that the Commission clarify that natural gas bills must be sent by first class or equivalent mail through the United States Postal Service so that customers have more time to pay their bills. Additionally, OCC points out that the Joint Companies did not quantify any of their alleged cost impacts or provide any other type of supporting analysis.
- (92) The Commission finds that Staff's proposal is reasonable and should be adopted. In its current form, a gas or natural gas company issuing bills from outside the state of Ohio may fully comply with the terms of the rule, while effectively allowing customers little time to pay their bills. With Staff's proposed 21-day requirement in place, customers should have a reasonable amount of time to pay their bills after receipt. We find that the proposed rule appropriately balances the interests of the gas and natural gas companies and their customers. Staff's proposal is also consistent with a similar requirement newly adopted in the ESS Rules, Ohio Adm.Code 4901:1-10-22(B)(10). Further, given the new timeframe for out-of-state mailings, as well as the existing timeframe for in-state mailings, we find that OCC's recommendation regarding first class or equivalent mail is unnecessary. OCC's concerns about any ambiguity in the rule are addressed by the addition of the definition of "postmark" in Ohio Adm.Code 4901:1-13-01. Therefore, OCC's request should be denied.

- (93) Paragraph (E). This paragraph addresses the payment methodologies and parameters that gas and natural gas companies must make available to customers.
- (94) Duke notes that paragraphs (E)(1)(a), (E)(1)(c), (E)(4), and (E)(6) reference the ability of customers to make payments in person to the gas or natural gas company. Because a gas or natural gas company may no longer have business offices for in-person payments, Duke argues that the provisions should be more clearly permissive in nature. OCC responds that Duke's recommendation is premature and should be rejected, given that many of the smaller gas and natural gas companies continue to maintain local business offices where customers may pay their bills.
- (95) The Commission finds that Duke's recommendation should be rejected, because there are gas and natural gas companies that maintain company offices at which customers may make payments or conduct other business.
- (96) Paragraph (E)(3). This paragraph provides that a gas or natural gas company shall not charge more than \$2.00 for processing payments by cash, check, or money order at authorized agent locations.
- (97) OCC urges the Commission to reduce or eliminate charges for payments made at an authorized agent location. OCC believes that such charges are unreasonable and not cost justified and that the impact on customers has not been determined. Further, OCC argues that the Commission should evaluate the issue of payments made by credit and debit cards and eliminate the associated convenience fees, which range from \$1.50 to \$2.50 per transaction. OCC asserts that the gas and natural gas companies have not demonstrated that it is unreasonable for them to accept credit and debit card payments directly from customers rather than through use of a third party. OCC points out that participants in social service programs often receive their benefits through prepaid debit cards. OCC also emphasizes that credit and debit cards are a universal method of payment for goods and services that could be a cost-effective way to improve the gas and natural gas companies' cash flow and reduce credit and collections costs.

- (98) Duke opposes OCC's recommendations, and argues that the \$2.00 cap on charges by authorized agents should remain in place to allow for maximum flexibility and a variety of options for customers. With respect to credit and debit card payments, Duke points out that it does not recover the costs associated with such payments through rates.
- (99) The Commission finds that an investigation is unwarranted at this time, given that Staff routinely reviews and evaluates all convenience fees imposed by the gas and natural gas companies for payments received by alternate means. We agree with Duke that \$2.00 is an appropriate cap that should remain in place. Further, in accordance with the rule, customers may submit their payments by check or money order through the mail at no charge, which provides customers a low-cost option for paying their bills, even when the cost of postage and other related costs are factored into the analysis. Therefore, OCC's request should be denied.
- (100) Paragraph (G)(2). As proposed by Staff, this paragraph would address a gas or natural gas company's handling of partial payments for consolidated bills.
- (101) Duke argues that Staff's proposal would dramatically alter the partial payment priority system that is set forth in the CRNGS Rules, Ohio Adm.Code 4901:1-29-12(F). Noting that substantial and costly technology changes would be required to update the existing payment priority system, Duke asserts that Staff's proposal is unreasonably burdensome and should not be adopted. Like Duke, the Joint Companies argue that there is no reason to change the payment priority for consolidated bills. The Joint Companies add that, because all of the major gas and natural gas companies in Ohio purchase the receivables of retail natural gas suppliers, it is not clear why Staff is proposing the change at this time.
- (102) The Commission finds that Staff's proposed rule is not consistent with the current partial payment priority, as recently reviewed by the Commission in the *CRNGS Rules Case*. Accordingly, the Commission finds that the existing language of the rule should be maintained, while comparable language from the CRNGS Rules, Ohio Adm.Code 4901:1-29-12(F), addressing the partial payment priority should be added to the rule.

- (103) Paragraph (I). As proposed by Staff, this paragraph provides that, when a customer switches from a retail natural gas supplier, the gas or natural gas company shall identify, on the bill, the date after which the billing party will no longer remit payments to the previous retail natural gas supplier and include the outstanding balance due.
- (104) The Joint Companies believe that there is no present need for the rule, given that the gas and natural gas companies with choice programs purchase receivables from retail natural gas suppliers. The Joint Companies also argue that, if the rule did apply, it would require a number of new policies, as well as substantial reprogramming.
- (105) Although the Commission recognizes the Joint Companies' concerns, Staff's proposed rule will ensure that the rule applies to gas and natural gas companies that may elect, in the future, to pursue a choice program, and that do not implement a *purchase of receivables program*. *We find that it is appropriate to revise the rule to include an exception for gas and natural gas companies that have a purchase of receivables program in place. Therefore, the request of the Joint Companies should be denied.*

Conclusion

- (106) The Commission has considered the matters set forth in Executive Order 2011-01K and R.C. 121.82. With these factors in mind, and upon consideration of Staff's recommendations and the comments of interested stakeholders, the Commission concludes that new Ohio Adm.Code 4901:1-13-14 should be adopted and existing OhioAdm.Code 4901:1-13-01, -02, -03, -04, -05, -06, -08, -09, -10, -11, -12, and -13 should be amended, as proposed by Staff and consistent with the recommendations of interested stakeholders, to the extent adopted by the Commission in this Finding and Order. The Commission also finds that no change should be made to existing Ohio Adm.Code 4901:1-13-07. Finally, in light of our approval of Staff's proposal to consolidate all MGSS-related provisions pertaining to the gas and natural gas companies in the same chapter by moving certain provisions from the CRNGS Rules to the MGSS Rules, the Commission notes that the CRNGS Rules will require amendment at the earliest opportunity, in order to

eliminate any duplication between the MGSS Rules and CRNGS Rules.

- (107) The rules are posted at: www.puco.ohio.gov/puco/rules. To minimize the expense of this proceeding, the Commission will serve a copy of this Finding and Order only. All interested persons are directed to download the rules from the above website, or to contact the Commission's Docketing Division to be sent a paper copy.

It is, therefore,

ORDERED, That attached new Ohio Adm.Code 4901:1-13-14 and amended Ohio Adm.Code 4901:1-13-01, -02, -03, -04, -05, -06, -08, -09, -10, -11, -12, and -13 be adopted. It is, further,

ORDERED, That existing Ohio Adm.Code 4901:1-13-07 be adopted with no changes. It is, further,

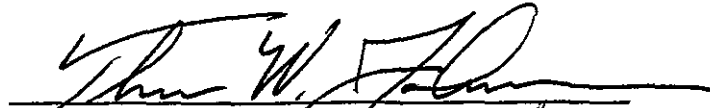
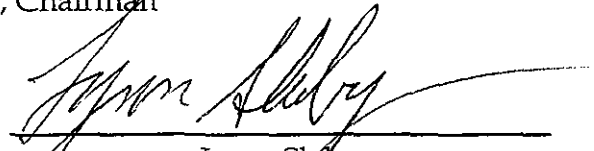

ORDERED, That the adopted rules be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with divisions (D) and (E) of R.C. 111.15. It is, further,

ORDERED, That the final rules be effective on the earliest date permitted by law. Unless otherwise ordered by the Commission, the five-year review date for Ohio Adm.Code Chapter 4901:1-13 shall be in compliance with R.C. 119.032. It is, further,

ORDERED, That a copy of this Finding and Order be sent to the gas-pipeline industry list serve. It is, further,

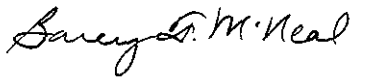
ORDERED, That, in accordance with finding (107), a copy of this Finding and Order be served upon all regulated gas and natural gas companies, all competitive retail natural gas suppliers, OCC, the Ohio Gas Association, the Ohio Petroleum Council, the Ohio Oil and Gas Association, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman
Steven D. Lesser
Lynn Slaby
M. Beth Trombold
Asim Z. Haque

SJP/vrm

Entered in the Journal

JUL 30 2014Barcy 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) "Postmark" means a mark, including a date, stamped or imprinted on a piece of mail which serves to record the date of its mailing, which in no event shall be earlier than the date on which the item is actually deposited in the mail. For electronic mail, postmark means the date the electronic mail was transmitted.
- (Q) "Pounds per square inch gauge" refers to a measurement when testing gas pressure.
- ~~(Q)~~(R) "Residential gas service" means a gas or natural gas service provided to any location where the use is primarily of a domestic nature.
- ~~(R)~~(S) "Retail natural gas supplier" has the meaning set forth in section 4929.01 of the Revised Code.
- ~~(S)~~(T) "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)~~(U) "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)~~(V) "Small gas company" means a gas company serving seventy-five thousand or fewer customers.
- ~~(V)~~(W) "Small natural gas company" means a natural gas company serving seventy-five thousand or fewer customers.
- ~~(W)~~(X) "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.

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~~(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.~~

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.

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- (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 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

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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.
- (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.

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- (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.
- (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

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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 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

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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.

- (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, billing problem, 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. Customers shall be notified by the gas or natural gas company of their right to have twelve months to pay, in equal installments, any undercharge for unmetered gas service.

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- (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 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~~

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~~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.e.g., order confirmation number, written letter) to the customer by the following business day, verifying the nature of the interaction and any appointment made.
- (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~~thre~~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~~thre~~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.

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- (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 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-

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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 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.

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- (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 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.

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- (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 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.
- (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~~either:
- (a) A next business day appointment (following the date of the missed appointment) with no expected arrival time window; or
 - (b) A four-hour window appointment within two business days after the date of the missed appointment.
- (5) If the gas or natural gas company considers an appointment cancelled by the customer, or the customer cancels an appointment, the company shall offer the customer either:
- (a) A next business day appointment with no expected arrival time window; or
 - (b) A four-hour window appointment within two business days after the customer contacts the company to reschedule.
- (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

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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 consecutive months,~~ 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.
- (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~~ 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.~~

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(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.
- (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>."

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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 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.

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- (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:
 - (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.

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- (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.
 - (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.

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- (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.
 - (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-.

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- (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.
 - (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.

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- (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.
 - (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:

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- (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 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

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<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) ~~These 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) Consolidated bills. Partial payments applied towards any past due amount on a bill or the balance due on a disconnection notice must be apportioned in the following order:
 - (a) First, credit past due gas or natural gas company service and delivery charges.
 - (b) Second, credit current gas or natural gas company service and delivery charges.
 - (c) Third, credit retail natural gas supplier or governmental aggregator charges.

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If the customer pays the entire amount past due or more, any amount paid over the amount past due shall be applied first to gas or natural gas company service and delivery charges.

- (3) Budget billing payments and payments in full of the undisputed amount related to a bona fide dispute do not constitute partial payments. Payments made on accounts for which there is a bona fide dispute shall be credited to the undisputed portion of the account.
- (H) Any 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) Except in cases where the gas or natural gas company is engaging in a purchase of receivables program, when a customer switches 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.

(I) 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.