

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Review of Chapters 4901:1-17 and)
4901:1-18, and Rules 4901:1-5-07,)
4901:1-10-22, 4901:1-13-11, 4901:1-15-17,) Case No. 08-723-AU-ORD
4901:1-21-14, and 4901:1-29-12 of the)
Ohio Administrative Code.)

ENTRY

The Attorney Examiner, in carrying out the authority granted by Rule 4901:1-14, Ohio Administrative Code (O.A.C.), finds:

- (1) On December 17, 2008, the Commission issued its finding and order in this case adopting new and amended rules in Chapters 4901:1-17 and 4901:1-18, O.A.C.
- (2) On page 46 of the finding and order the Commission stated the following:

The Commission notes that the appendices and forms for Rule 18-08 have been revised to reflect the amendments that are being adopted in this Order. Also, the Commission notes that the forms referenced in appendix B to this rule will be available on the Commission's website at <http://puc.ohio.gov/PUCO/rules>. Further, the Commission finds that the electric, gas, and natural gas utility companies shall update their landlord-tenant forms to comply with the landlord-tenant forms on the Commission's website, within 30 days from the effective date of this rule.

- (3) Because the rules are not yet effective, the referenced appendices and forms for Rule 4901:1-18-08, and for Rule 4901:1-17-03, have not been posted to the Commission's website. However, making the appendices and forms available at this time will enable interested persons to have a better understanding of the requirements of the rules. Accordingly, a copy of the appendices and/or forms for Rules 4901:1-17-03 and 4901:1-18-08 should be served upon all interested


persons who were served with a copy of the Commission's December 17, 2008 finding and order, and the referenced appendices and forms should be posted on the Commission's website.

It is, therefore,

ORDERED, That the Docketing Division post the appendices and/or forms for Rules 4901:1-17-03 and 4901:1-18-08 on the Commission's website. It is, further,

ORDERED, That a copy of this entry and attachments be served upon all commenters, electric distribution companies, gas or natural gas companies, waterworks and/or sewage disposal companies, the Office of the Ohio Consumers' Counsel, and any other interested persons of record.

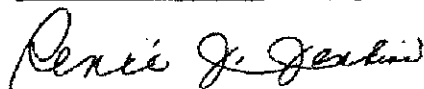
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Janet K. Stoneking
Attorney Examiner



Entered in the Journal

DEC 22 2008



Renee J. Jenkins
Secretary

Guarantor Agreement

I, (name of guarantor), agree to be the guarantor for the (utility type) service provided by (name of utility company) for (customer's name) at the service address of (location).

As the guarantor for (customer's name), I agree to be obligated for charges for the (type of utility) services provided to the guaranteed customer, (customer's name), through the date of termination of the guaranty.

I understand that the utility company will send a notice to me when the customer requests to transfer service to a new location.

I understand that the utility company will also send to me all disconnection notifications sent to (name of customer).

If (customer's name) defaults on the account, I will be held legally responsible for and agree to pay the defaulted amount. As guarantor, I understand that the defaulted amount may be transferred to my account and that my service may be subject to disconnection, if the transferred amount remains unpaid for thirty days. I understand that this amount will not be more than the amount of the bill for sixty days of service or two monthly bills.

I understand that I may terminate this guarantor agreement upon thirty days' written notice to (name of utility company). I also understand that, if I terminate this guarantor agreement, (customer's name) may be required to reestablish creditworthiness when I terminate the guaranty.

I understand that the utility company shall annually review the account history of each customer who has provided a guarantor. Once (customer's name) satisfies the requirements for the release of a guarantor, as stated in Rule 4901:1-17-06, of the Ohio Administrative Code, (name of utility company) shall, within thirty days, notify me in writing that I am released from all further responsibility for the account.

I agree to be a guarantor for (customer's name).

(signature of guarantor)
(date)_____

(UTILITY COMPANY LETTERHEAD displaying name of
utility company, street address, city and zip code)

_____, 20____

TEN-DAY SERVICE DISCONNECTION NOTICE TO TENANTS

YOU MAY LOSE YOUR GAS/ELECTRIC SERVICE!

Your landlord _____ (Name of landlord/agent) _____, _____ (Address) _____,
_____, _____ (City) _____ (Zip code) _____, has not paid the _____ (Gas/electric) _____ bill for
your building(s) and now owes _____ (Name of utility company) _____ \$ _____ (Amount) _____.
As a result, your _____ (Gas/electric) _____ service will be disconnected on _____ (Date) _____.

If you want to keep service, you must within 10 business days from the date of this notice or within 14 calendar days after disconnection, do one of the following:

- A. Act as a representative or have another tenant act as a representative and collect from the tenants the amount of the landlord's current bill. Contact (Name of utility company) to find out the amount of the current bill. In order to keep service, you must also continue to pay the current bill as long as the landlord remains in default. Please note: If you choose this option, you must also continue to pay your rent to your landlord.

-OR-

- B. Notify your landlord that you intend to pay your rent to the appropriate court (escrow your rent). Your rent must be current and you must continue to pay your rent to the landlord as usual until the appropriate court accepts your rent in escrow. Please check with your local court for the proper escrow procedures. The utility company must continue service for at least 30 days, if you follow the list of procedures and file the forms (provided by the utility company). Please note: If you do not escrow your rent properly, you will likely not have a valid defense should your landlord file an eviction for nonpayment of rent. This option is not available if your landlord gave you written notice when you moved in that he/she owns less than four dwelling units.

** IMPORTANT! UPON REQUEST, _____ (Name of utility company) _____ WILL PROVIDE A LIST OF PROCEDURES AND FORMS FOR YOU TO USE.

** IMPORTANT! IF YOU WANT TO ORDER THE FORMS, OR IF YOU HAVE ANY QUESTIONS, PLEASE CALL _____ (Name of utility company) _____ AT _____ (Phone No.) _____ DURING BUSINESS HOURS.

You may also wish to contact your attorney, local tenant organization at _____ (Phone no.) _____, local bar association(s) at _____ (Phone No.) _____, Ohio State Legal Services Association at 1-800-589-5888, the Public Utilities Commission of Ohio at 1-800-686-7826, or the Office of Consumers' Counsel at 1-877-742-5622. For residents of _____ (City, State Zip Code) _____, you may want to contact _____ (Local legal services program) _____ at _____ (Phone No.) _____.

**NOTICE OF YOUR RIGHTS AS A TENANT
TO AVOID DISCONNECTION OF UTILITY SERVICE
AND WHAT YOU MAY DO TO HAVE SERVICE RECONNECTED IF
DISCONNECTION HAS ALREADY TAKEN PLACE**

Because your landlord failed to pay the bill, your (Gas/electric) service provided by (Name of utility company) will be disconnected shortly or has already been disconnected. If you want to retain or reconnect service, you must within 10 business days of notice or within 14 calendar days after disconnection, do one of the following:

- A. Act as a representative or have another tenant act as a representative and collect from the tenants the amount of the landlord's current bill. Contact (Name of utility company) to find out the amount of the current bill. In order to keep service, you must also continue to pay the current bill as long as the landlord remains in default. Please note: If you choose this option, you must also continue to pay your rent to your landlord.

-OR-

- B. Notify your landlord that you intend to pay your rent to the appropriate court (escrow your rent). Your rent must be current and you must continue to pay your rent to the landlord as usual until the appropriate court accepts your rent in escrow. Please check with your local court for the proper escrow procedures. The utility company must provide service for at least 30 days, if Steps 1, 2, and 3 (as described on page 2 of this appendix) are completed properly. Please note: If you do not escrow your rent properly, you will likely not have a valid defense should your landlord file an eviction for nonpayment of rent. This option is not available if your landlord gave you written notice when you moved in that he/she owns less than four dwelling units.

The following forms shall be made available by the utility company and will also be available on the commission's website at <http://www.puco.ohio.gov/PUCO/Rules>.

- *** Form A is a notice to your landlord that he or she must pay the utility bill or you will apply to the appropriate court to escrow your rent. Form A is also used to notify the utility company that you plan to escrow your rent.
- *** Form B is your Application to the appropriate court to escrow your rent. In some counties, the court must approve this application before you may place your rent in escrow. You may want to contact your local clerk of courts.
- *** Form C is your Application to the appropriate court to request an order for payment of the landlord's utility bill.

THE ABOVE REFERENCED FORMS ARE NOT A COMPLETE LIST OF YOUR LEGAL RIGHTS AND ARE NOT INTENDED TO BE SO. THEY ARE REQUIRED BY THE PUBLIC UTILITIES COMMISSION OF OHIO AND HAVE BEEN PROVIDED FOR YOUR CONVENIENCE. FOR FURTHER INFORMATION AND/OR ASSISTANCE, YOU MAY WISH TO CONTACT YOUR OWN ATTORNEY, LOCAL TENANT ORGANIZATIONS AT (Phone no.), LOCAL BAR ASSOCIATIONS AT (Phone no.), OHIO STATE LEGAL SERVICES ASSOCIATION AT 1-800-589-5888, THE PUBLIC UTILITIES COMMISSION OF OHIO AT 1-800-686-7826 OR THE OFFICE OF CONSUMERS' COUNSEL AT 1-877-742-5622. FOR RESIDENTS OF (City, State, Zip Code), YOU MAY WANT TO CONTACT (Local legal services program) AT (Phone no.).

Should you choose to begin the escrow procedure, take all of the following actions:

- Step 1 Complete Form A. Have tenants from at least 50% of the occupied apartments in a multi-unit dwelling, or the tenant in a single-occupancy dwelling, sign it; and
- Step 2 Keep a copy of Form A. Have a witness with you when you give it to the landlord or send it "certified mail - return receipt requested" to the place you usually pay your rent; and
- Step 3 Mail or fax a copy of Form A to the utility company's office as soon as possible; and
- Step 4 Continue to pay your rent to the landlord as usual until 30 days after you send Form A to the landlord. After that, but no later than the next date the rent is due, each tenant who signed Form A will have to file Forms B and C with the appropriate local court. If this is not done, utility service may be disconnected. If there is/are a fee(s) to file Forms B and C and you cannot afford the fee(s), ask the clerk of courts how to file a request that the fee(s) not be charged; and
- Step 5 Remember to keep copies of all forms for your records. For additional forms, contact the utility company or the Public Utilities Commission of Ohio at 1-800-686-7826.

NOTE

- * TAKE THE COMPLETED FORMS TO THE LOCAL CLERK OF COURTS. ASK THE CLERK IF EACH FORM IS REQUIRED. IF NOT, ASK THE CLERK TO GIVE YOU THE APPROPRIATE FORMS.

NOTICE OF LANDLORD'S BREACH OF OBLIGATION

TO: _____ COPY TO: _____
 (Landlord) (Utility company)

 (Landlord's address) (Utility company's address)

 (City) (Zip code) (City) (Zip code)

THIS NOTICE IS TO INFORM YOU THAT AS THE OWNER/AGENT OF THE DWELLING LOCATED AT THE ADDRESS(ES) LISTED BELOW YOU HAVE BREACHED YOUR OBLIGATIONS UNDER SECTION 5321.04 OF THE REVISED CODE AND/OR THE RENTAL AGREEMENT.

THE FOLLOWING CONDITIONS MUST BE CORRECTED:

1. THE BILL HAS NOT 2. _____
(Gas/electric)
BEEN PAID AND THE 3. _____
HAS SENT NOTICE
(Name of utility company)
OF DISCONNECTING SERVICE.

IF THE NECESSARY STEPS ARE NOT TAKEN TO CORRECT THE ABOVE CONDITIONS IN A REASONABLE TIME AS REQUIRED BY LAW, WE THE TENANT(S) AT THE ADDRESS(ES) BELOW WILL FILE AN APPLICATION WITH THE COURT TO DEPOSIT RENT WITH THE CLERK OF COURTS UNTIL THE CONDITIONS ARE CORRECTED AND TAKE SUCH OTHER ACTION AS PERMITTED BY SECTION 5321.07 OF THE REVISED CODE.

THE TOTAL NUMBER OF APARTMENTS OCCUPIED IN THE BUILDING(S) IS _____. WE THE TENANTS HAVE OBTAINED SIGNATURES FROM AT LEAST 50% OF THE OCCUPIED APARTMENTS IN OUR BUILDING(S), (OR THE TENANT IN A SINGLE-OCCUPANCY DWELLING, IF APPLICABLE).

[illegible]

4901:1-18-08

NAME

ADDRESSAPT #

DATE RENT
DUE OR
PAST-DUE

(Date mailed to or delivered to landlord)

(Date mailed or delivered to utility company)

IN THE _____ COURT _____
 _____ COUNTY, OHIO

FORM B

IN RE: _____
 (Your name)

 (Street address)

 (City) (Zip code)
 VS.

 (Landlord's name)

 (Address)

 (City) (Zip code)

APP. NO. _____

APPLICATION FOR ESCROW OF RENT

Applicant hereby petitions the court for the right to place his/her rent in escrow with the court because of the following violation(s) by the landlord: (R.C. 5321.07)

1. FAILURE TO PAY BILL 3. _____
 (Gas/electric)
2. _____ 4. _____

Tenants in 50% of the occupied apartments (or the tenant in a single-occupancy dwelling, if applicable) including myself, have given notice informing the landlord of his or her breach of obligation pursuant to Rule 4901:1-18-08(E)(1) of the Administrative Code and Section 5321.07 of the Revised Code.

DO NOT WRITE BELOW THIS LINE.NOTICE TO LANDLORD OR AGENT

The above applicant has applied to have his/her rent deposited with the _____ Court pursuant to Section 5321.07 of the Revised Code.

On _____ AT _____, ROOM _____
 (Date) (Time) (Room number)

_____, a hearing shall be held to
 (Location of hearing)

determine whether the court shall permit deposit of the tenant's rent. You may appear at that time and present objections. If you do not appear, the rent shall be accepted.

 Name of Clerk_____
 Court_____
 Name of County

Section: 5321.07 ORC
 5321.08 ORC

BY: _____
 Deputy Clerk

IN THE _____ COURT _____
_____ COUNTY, OHIO

FORM C

IN RE: _____
(Your name)

(Street address)

(City) (Zip code)

VS.

(Landlord's name) Defendant

(Address)

(City) (Zip code)

CASE NO. _____

JUDGE _____

TENANT'S APPLICATION FOR ORDER
TO COMPEL LANDLORD TO: PAY
UTILITY BILL, RELEASE RENT TO PAY
UTILITY BILL, AND OTHER RELIEF

This is an application to the court for:

- () Order to compel landlord to pay utility bill.
- () Order to release rent deposited in court to pay utility bill.
- () Other relief _____

STATEMENT OF CLAIM

I _____, the
Tenant,
(Your first name, middle initial, last name)

reside at the address above and claim that the Landlord-Defendant of the premises where I live has failed to fulfill its responsibilities under Section 5321.04 of Revised Code and/or our rental agreement. My present rent under the agreement is \$_____ per month.
(Amount)

IN SUPPORT OF THIS CLAIM, I STATE THE FOLLOWING FACTS:

- (1) That I am current in payment of my rent; and
- (2) That my landlord is obligated to pay the _____ bill
(Name of utility)

in accordance with my rental agreement and/or Section 5321.04 of the Revised Code. My landlord has not made these payments. Therefore, service is now subject to disconnection for nonpayment; and

(3) That the tenants in 50% of the occupied apartments (or the tenant in a single-occupancy dwelling, if applicable) have given the landlord notice informing him/her of his/her breach of obligation pursuant to Rule 4901:1-18-08(E)(1) of the Administrative Code and Section 5321.07 of the Revised Code; and

(4) That I was one of the tenants who notified the landlord as described in paragraph (3) above.

(List any other facts which you feel may be helpful to support your claim for utility service.)

WHEREFORE, I request the Court to order: (Check the appropriate box[es])

- ☐ The Clerk of Courts release to _____ from the rent money
(Name of utility company)
paid to the Clerk, the amount needed to pay the utility bill and keeping the utility bill current.
- ☐ The landlord to pay or arrange to pay the balance of the utility bill not covered by the rent release.
- ☐ The landlord to do all things necessary to continue to provide gas/electric service, including keeping the utility bill current.
- ☐ Any other relief sought by the tenant.

(Signature of tenant)

(Street address)

(City) (Zip code)

(Phone number of tenant)