

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Review of     )  
Chapter 4901:1-13 of the Ohio Administrative     ) Case No. 09-326-GA-ORD  
Code.     )

ENTRY

The Commission finds:

- (1) Section 119.032, Revised Code, requires all state agencies, every five years, to conduct a review of each of its rules and to determine whether to continue its rules without change, amend its rules or rescind its rules. The current review date for the rules contained in Chapter 4901:1-13, Ohio Administrative Code (O.A.C.), is September 30, 2009. In general, the rules address minimum gas service standards.
- (2) Section 119.032(C), Revised Code, requires that the Commission determine each of the following:
  - (a) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted.
  - (b) Whether the rule needs amendment or rescission to give more flexibility at the local level.
  - (c) Whether the rule needs amendment to eliminate unnecessary paperwork.
  - (d) Whether the rule duplicates, overlaps with, or conflicts with other rules.
- (3) In addition, on February 12, 2008, the governor of the state of Ohio issued Executive Order 2008-04S, entitled "Implementing Common Sense Business Regulation," (executive order) which sets forth several factors to be considered in the promulgation of rules and requires the Commission to review its existing body of promulgated rules. Specifically, among other things, the Commission must review its rules to ensure that each of its rules is needed in order to implement the underlying statute; must amend or rescind rules that are unnecessary, ineffective, contradictory,

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redundant, inefficient, or needlessly burdensome, or that unnecessarily impede economic growth, or that have had unintended negative consequences; and must reduce or eliminate areas of regulation where federal regulation now adequately regulates the subject matter.

- (4) Following its review, staff of the Commission recommends that the rules contained in Chapter 4901:1-14, O.A.C., should be amended to provide better consistency with similar rules applicable to other industries, as well as to clarify and correct other issues.
- (5) In making the determinations required by Section 119.032(C), Revised Code, staff considered those matters set forth in the executive order and in Section 119.032(C), Revised Code, as well as the continued need for the rules; the nature of any complaints or comments received concerning these rules; and any relevant factors that have changed in the subject matter area affected by the rules.
- (6) Staff's proposed changes to rules in Chapter 4901:1-13, O.A.C., are posted on the following website:

[www.puco.ohio.gov/puco/rules](http://www.puco.ohio.gov/puco/rules)

To minimize the expense of this proceeding, the Commission will serve a paper copy of only this entry. All interested persons are directed to download the proposed rules from the above website, or to contact the Commission's Docketing Division at (614) 466-4095, Monday through Friday between the hours of 7:30 a.m. and 5:30 p.m., if a paper copy of the proposed rules is required.

- (7) Those persons or entities interested in making comments should file their comments, in writing, with the Commission's docketing division by May 22, 2009. Any person or entity interested in making reply comments should file such reply comments, in writing, with the Commission's docketing division by June 8, 2009.

Pursuant to the Commission's May 7, 2008, entry in Case No. 06-900-AU-WVR, comments and replies may be filed electronically. Further information is available at <http://dis.puc.state.oh.us/> by clicking on "Electronic Filing Information & Links."

All comments filed may be viewed at:

<http://dis.puc.state.oh.us/CaseRecord.aspx?CaseNo=09-326>

Any person filing comments may request paper copies of the other comments by filing a notice of such request in this docket. All other commenters shall then serve a copy of the comments upon the requesting party via email or hard copy to the address provided.

It is therefore,

ORDERED, That any interested person or entity wishing to file comments or reply comments with the Commission regarding the proposed rules do so no later than May 22, 2009, or June 8, 2009, respectively. It is, further,

ORDERED, That a copy of this entry, without any attachments, be served upon all regulated gas and natural gas companies, the Ohio Consumers' Counsel, the Ohio Gas Association, and the Ohio Oil and Gas Association.

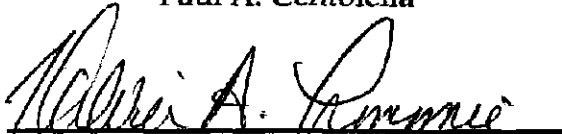
THE PUBLIC UTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

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Entered in the Journal

APR 22 2009



Renee J. Jenkins  
Secretary

4901:1-13-01 Definitions.

As used in this chapter:

- (A) "Bona fide dispute" means a complaint 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.
- (~~BC~~)  
~~"Ccf" means one hundred cubic feet.~~
- (~~C~~) ~~"C.F.R." means the code of federal regulations.~~
- (~~D~~) "Commission" means the public utilities commission of Ohio.
- (~~ED~~) "Company" means a gas or natural gas company as defined in section 4905.03 of the Revised Code.
- (~~FE~~) "Consumer" means any person who receives service from a gas or natural gas company.
- (~~GF~~) ~~"CRNGS" means "Competitive retail natural gas service" as defined~~has the meaning set forth in section 4929.01 of the Revised Code.
- (~~HG~~) "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.
- (~~HI~~) "Customer premises" means the residence(s), building(s), or office(s) of a customer.
- (~~IJ~~) "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.
- (~~KJ~~) "Gas company" ~~has the meaning~~means a company that meets the definition of a gas company set forth in section 4905.03 of the Revised Code and which that also meets the definition of a public utility under section 4905.02 of the Revised Code.
- (~~LK~~) ~~"Governmental aggregation aggregator" shall have the meaning set forth in section 4929.01 of the Revised Code.~~"Governmental aggregation aggregator" shall have the meaning set forth in section 4929.01 of the Revised Code.~~means the gathering of the competitive retail natural gas~~

~~service for the retail natural gas loads by a municipal corporation, a board of township trustees, or a board of county commissioners acting under section 4929.26 or 4929.27 of the Revised Code or under section four of Article XVIII of the Ohio Constitution.~~

(ML) "Manometer" means an instrument for measuring the pressure of gas or natural gas.

(N) ~~"Mcf" means one thousand cubic feet.~~

(OM) "Natural gas company" ~~has the meaning~~ means a company that meets the definition of a natural gas company set forth in section 4905.03 of the Revised Code and which that also meets the definition of a public utility under section 4905.02 of the Revised Code.

(PN) "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.

(QO) "Person" includes an individual, corporation, company, co-partnership, association, or joint venture.

(R) ~~"PIPP" means percentage of income payment plan.~~

(SP) ~~"PSIG" means pounds~~ Pounds per square inch gauge, "refers to a measurement when testing gas pressure.

(TQ) "Residential gas service" means a gas or natural gas service provided to any location where the use is primarily of a domestic nature.

(R) "Retail natural gas supplier" has the meaning set forth in section 4929.01 of the Revised Code.

(US) "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.

(VI) "Small commercial customer" means a commercial customer which is not a mercantile customer under division (L) of section 4929.01 of the Revised Code.

(WU) "Small gas company" means a gas company serving seventy-five thousand or fewer customers.

(XV) "Small natural gas company" means a natural gas company serving seventy-five thousand or fewer customers.

(~~YW~~) "TDD/TTY" means ~~telecommunication device for the deaf/text telephone yoke as defined in 47 C.F.R. 64.601 as of May 1, 2006, 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 commission's own motion~~ 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 ~~Chapter 4901:1-13 of the Administrative Code~~ this chapter, other than a requirement mandated by statute, for good cause shown ~~or upon its own motion.~~

(D) The rules in this chapter shall not relieve the gas or natural gas companies from ~~both~~ either of the following:

- (1) Providing adequate service and facilities as prescribed by the commission.
- (2) Complying with the laws of this state.

(E) Except as set forth in this rule, the rules of this chapter supersede any inconsistent provisions, terms, and conditions of the gas or natural gas company's tariffs. A gas or natural gas company may adopt or maintain tariffs providing superior standards of service, reliability, or greater protection for customers or consumers. Further, a gas or

natural gas company may adopt or maintain tariff provisions which involve other areas not addressed by the rules of this chapter.

- (F) When a gas or natural gas company in a complaint proceeding under section 4905.26 of the Revised Code demonstrates compliance with the relevant service or performance standard of this chapter, a rebuttable presumption is created that the gas or natural gas company is providing adequate service regarding that standard. Such presumption applies solely to the specific standard addressed by the 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.
- (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 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  
    [date]    .

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 ~~for examination and copy.~~
- (B) The regulations governing the retention and preservation of gas or natural gas company records are set forth in 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.

4901:1-13-04 Metering.

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



- (4) Each company shall notify the customer of applicable charges prior to the test.
- (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 any overpayment to the customer, in accordance with one of the following billing adjustments:
    - (i) When the company or customer has reasonably established the approximate period of meter inaccuracy, the overcharge shall be computed on the basis of a customer's metered usage prior and/or subsequent to such period consistent with the rates in effect during that period.
    - (ii) When the company and customer cannot reasonably establish the approximate period of meter inaccuracy, the overcharge period shall be determined to be the most recent twelve months, or the period since the date of the most recent meter test performed, whichever is less. The rates applicable shall be those in effect during the period of inaccuracy in order to determine the appropriate credit or refund.

Paragraph (D)(5) of this rule shall not apply in the event there has been either tampering with or unauthorized reconnection of the meter, metering equipment, or other property of the gas or natural gas company's property during the involved period of time ~~and which, 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, ~~which 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 gas or natural gas company shall:
  - (1) Maintain all of the following meter test records:
    - (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 the meter is in service:
- (a) Identification and location of the meter.
  - (b) Date of installation.
  - (c) Serial or assigned meter number.
- (G) Meter reading.
- (1) Each gas or natural gas company shall obtain actual readings of its customer meters at least once every twelve months. At a minimum, each company shall make reasonable attempts to obtain actual readings of its customer meters every other month, except where the customer and the company have agreed to other arrangements. Meter readings taken by electronic means (i.e., automated meter reading equipment) shall be considered actual readings. While remote meter index equipment readings may be used by a company, they do not qualify as actual meter readings. When billing customers based on estimated usage, the gas or natural gas company shall calculate the amount due using the applicable rate(s) in effect during each period of estimated usage.
- (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 its plan 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 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 meter at least once every twelve months. In the event that a gas or natural gas company failed failure to read the 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 meter at least once in the twelve-month period was a matter beyond the its control of the gas or natural gas company.
- (2) If a gas or natural gas company fails to read a residential or small commercial customer's meter for any reason for any twelve-month period and the company has underestimated the customer's usage, the company may only bill the customer for the difference between the estimated usage and the actual usage under the terms of section 4933.28 of the Revised Code based upon the appropriate rates in effect at the time the gas or natural gas was used. If the company fails to read a residential or small commercial customer's meter for any twelve-month period and the company has overestimated the customer's usage, the company shall credit such customer for the overestimated usage at the appropriate rate(s) in effect at the time the gas or natural gas was used.
- (3) When a gas or natural gas company has undercharged any small commercial customer as the result of a meter or metering inaccuracy 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 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 undercharge correction shall be in compliance with division (B) of section 4933.28 of the Revised Code. 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. This paragraph shall not apply in the event there has been either the tampering with or the unauthorized reconnection of the meter, metering equipment, or the other property of the gas or natural gas company's property company during the involved period of time and which, where such activity causes meter or metering inaccuracies or no measurement of service.
- (4) 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 ~~read~~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 ~~read~~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.

- (5) 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.
- (6) 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 ~~could~~may use the summary information provided at service initiation ~~per pursuant to rule 4901:1-13-06 of the Administrative Code to satisfy this~~ paragraph's notification requirement when the customer contacts the company to initiate service.
- (7) When a meter ~~read~~reading is scheduled through a menu-driven, automated, interactive answering system that allows the customer to interact mechanically rather than through a live person, the gas or natural gas company shall provide confirmation (i.e., order confirmation number, written letter) to the customer by the following business day, verifying the nature of the interaction and any appointment made.
- (8) 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 at the following monthly average 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 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 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 requiring installation of the service line, including the setting of the meter, shall comply with either one of the following requirements:
  - (a) Requests will be completed within twenty business days after the gas or natural gas company has been notified that the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.
  - (b) Requests will be completed by the requested installation date, when a customer requests an installation date more than twenty business days after the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.

Paragraph (A)(2) of this rule shall not apply to main line extension installations. For residential and small commercial customers placing requests for new service that require installation of main line extensions, the gas or natural gas company shall contact the customer within thirty days with an 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 ~~reestablishing~~ reestablishment of residential or nonresidential gas service (including after an outage), the gas piping downstream of the meter shall be tested with a service drop installed for a gas appliance 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 designed and calibrated to read, record, or indicate a pressure loss due to leakage during the pressure test period.

- (b) For new house lines at new installations, a pressure test shall be conducted at no less than one and one-half times the proposed maximum working pressure, but not less than three pounds per square inch gauge (PSIG). Consideration shall be given to accommodate the manufacturer's inlet pressure specifications for connected appliances. Appliances may need to be isolated during the pressure test to prevent damage. All appliance drops shall be tested at a minimum of operating pressure. The test duration shall be no less than one-half hour for each five hundred cubic feet of pipe volume or fraction thereof. When testing a system having a volume less than ten feet or a system in a single-family dwelling, the test duration shall be a minimum of ten minutes. The duration of the test shall not be required to exceed twenty-four hours.
  - (c) For existing house lines when reestablishing gas service, a pressure test shall be conducted at operating pressure for a duration of no less than three minutes. When gas service has been off for less than thirty days (such as, during an outage), a dial test at operating pressure may be used in place of a pressure test. The duration of the dial test shall be no less than: five minutes for meters which have minimum registering dials showing one-fourth or one-half cubic foot; seven minutes for meters ~~which~~ that have a minimum registering dial showing one cubic foot; ten minutes for meters ~~which~~ that have a minimum registering dial showing two cubic feet; twenty minutes for meters ~~which~~ that have a minimum registering dial showing five cubic feet; and thirty minutes for meters ~~which~~ 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 as of May 1, 2006, 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 three PSIG for a duration of no less than ten 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 business days, written notification shall be given to the customer including the reason(s) for the delay, the steps being taken to complete the work and the new rescheduled completion date. This notification process shall be repeated as necessary. Each subsequent missed completion date shall count as a missed service installation or upgrade for purposes of calculating performance under paragraph (A)(1) or (A)(2) of this rule.

- (5) If the gas or natural gas company fails to complete the requested service installation or upgrade as set forth in paragraph (A)(1) or (A)(2) of this rule, as a result of a military action, war, insurrection, riot or strike or a failure by the residential or small commercial customer or the customer's agent to provide access to the premises when necessary, such failure shall be reported but not be included in the monthly percentage calculation for this rule. Each gas or natural gas company must justify and document in its records each instance where it applied any of the exceptions listed in this paragraph.
- (B) Telephone response. On an average monthly basis (based on a calendar year), each gas or natural gas company's average answer time for customer service calls made to its customer service telephone number shall not exceed ninety seconds. A gas or natural gas company shall set its queue to minimize the number of disconnected calls and busy signals. The requirements in this paragraph do not apply to small gas and natural gas companies.
- (1) As used in this paragraph, "answer" means the service representative or automated system is ready to render assistance and/or accept the information 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 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. 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.
- (2) On an average monthly basis (based on a calendar year), each gas or natural gas company shall complete ninety-five per cent of the scheduled appointments with its customers.
- (3) If the gas or natural gas company offers a call-ahead process to confirm its imminent arrival at an appointment and the customer has requested telephonic notification of the company's imminent arrival, then, if the customer does not respond to the call, the appointment shall be considered to have been cancelled by 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.

- (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. On an average monthly basis (based on a calendar year), each gas or natural gas company shall complete ninety-five percent of these repairs by the end of the next day 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), ~~or (C)~~, or (D) of this rule, based on ~~an~~ any calendar year, 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 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 staff shall review and evaluate the failure reports required by this rule and make any necessary recommendations ~~considered necessary~~ to the commission or the gas or natural gas company.

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

(A) Each gas or natural gas company shall provide new customers, upon application for service, and existing customers upon request, written summary information detailing who to contact concerning ~~different rights and responsibilities~~ 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 summary information within the preceding year.

(B) At a minimum, the summary information shall ~~let customers know of the existence and how to get further information orally and in writing, relating to the following topics include the following items and shall instruct customers how to get further information orally or in writing.~~

- (A1) Complaint procedures available at the gas or natural gas company and the commission.
- (B2) Customer rights and responsibilities, including installation of service, payment of bills, disconnection and reconnection of service, meter testing, security deposits, ~~rights to 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.
- (C3) Requirements ~~of~~ applicable to company personnel on customer premises.
- (D4) Availability of rate information and alternatives upon request.
- (E5) 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.

(F6) Privacy rights.

(G7) Actual meter readings.

(H8) Gas choice programs available to its customers, including information on slamming.

(IC) 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 for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570, from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.puco.ohio.gov](http://www.puco.ohio.gov).

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.pickocc.org](http://www.pickocc.org)."

4901:1-13-07 Employee identification.

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

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

This rule addresses standards involving creditworthiness, deposits, bases for denial or disconnection, notice requirements and reconnection for small commercial customers. ~~Standards applicable to the provision of residential gas service are set forth in Chapters 4901:1-17 and 4901:1-18 of the Administrative Code.~~

(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, toll-free and TDD/TTY numbers of the commission's consumer hotline.

(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) ~~Options~~ The options available to establish credit.
    - (iii) ~~The~~ That the small commercial customer may contest the company's decision and show creditworthiness.
    - (iv) ~~The~~ That the small commercial customer may raise concerns with the public utilities commission of Ohio, which has staff available to provide assistance with complaints.
    - (v) The commission's website and the local, toll-free and ~~TDD~~/TTY numbers of the commission's call center.
  - (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 ~~which shows~~ 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 ~~from one premise to another premise~~ within the gas or natural gas company territory or service area shall not be deemed a disconnection under this paragraph.
- (C) Reasons to deny or disconnect small commercial service. Each gas or natural gas company may refuse or disconnect service to small commercial customers only in the following circumstances~~for only the following reasons~~:
- (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~~For using~~ 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 ~~the~~ a small commercial customer, a landlord of ~~the~~ a small commercial customer, or a tenant leasing ~~the~~ a landlord or small commercial customer's premises ~~repeatedly refuses~~ prevents access to gas or natural gas company facilities or equipment on the property.
  - (7) ~~For~~ When nonpayment of a small commercial gas or natural gas company customer has failed to pay bills and any tariffed charges, including deposits and amounts not in bona fide dispute. Where the small commercial customer has ~~registered an informal complaint with the commission's staff or filed a formal complaint with the commission which reasonably asserts 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 ~~the~~ a small commercial customer vacates the premises.
  - (9) ~~For~~ 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 hours.
  - (10) Upon the small commercial customer's request.
  - (11) When a former small commercial customer, whose account with that gas or natural gas company is still in arrears for service previously furnished at the premises, has again requested service for ~~that premises~~ 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) ~~which that~~ applies to small commercial customer service.

- (b) The small commercial customer ~~refuses-prevents~~ access to gas or natural gas company facilities or equipment on the property.
  - (c) For nonpayment of bills and any tariffed charges, including security deposits and amounts not in a bona fide dispute. ~~Where the customer has registered a complaint with the commission call center or filed a formal complaint with the commission which reasonably alleges a bona fide dispute, the gas or natural gas company shall not disconnect service if the customer pays either the undisputed portion of the bill or the amount paid for the same billing period in the previous year.~~
- (2) Prior notice from the gas or natural gas company is not required when ~~either of the following conditions exist:~~
- ~~(a) 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.~~
  - ~~(b) When a customer or consumer tampers with gas or natural gas company property.~~
- (3) The disconnection notice itself or the documents accompanying the disconnection notice shall clearly display all of the following:
- (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 ~~account~~accounts.
  - (e) A statement that the commission staff is available to render assistance with unresolved complaints, and the commission's current address, the local, toll-free and ~~FDD~~/TTY numbers of the commission's call center, and the commission's website address.
  - (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.

(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 ~~by the close of the following regular working day 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 these rules and any tariffed charges.
  - (b) The gas or natural gas company agrees with the customer on a deferred payment plan and ~~already received~~ receives a payment (if required under the plan), and the gas or natural gas company receives any deposit authorized under these rules 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) ~~When~~ If the small commercial customer has multiple small commercial accounts, any amount owed or overdue on those other small commercial accounts.
- (3) Upon payment or proof of payment of the delinquent amount as stated on the disconnection notice and any applicable reconnection charge, the gas or natural gas company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions:
  - (a) For customers disconnected from service for ten business days or less, the gas or natural gas company may assess a reconnection charge and shall

reconnect to service by the close of the following regular company working day.

- (b) For customers disconnected from service for more than ten business days, the gas or natural gas company may treat the customers as new customers and connect service consistent with the timeframe in rule 4901:1-13-05 of the Administrative Code. In addition, the gas or natural gas company may assess a customer a reconnection charge in accordance with approved tariffs.
- (c) If service is disconnected for nonpayment for no more than ten business days and the customer wishes to guarantee the reconnection of service the same day on which payment is rendered, the customer must provide proof of payment to the company no later than 12:30 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 customers 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 ~~for safety reasons~~ without prior notice to a customer when either of the following occurs:
    - (a) The gas service meter, metering equipment, or associated property was damaged, interfered with, displaced, bypassed, or otherwise tampered with by a customer, consumer, or other person.
    - (b) A person not authorized by the gas or natural gas company has reconnected service.



- (2) Each gas or natural gas company that has disconnected service under this paragraph shall tag or seal the customer's meter and hand-deliver written notice to the customer or consumer at the service location. If neither the customer nor an adult consumer is present, the gas or natural gas company shall attach a prominent written notice to a conspicuous place on the premises. When a gas or natural gas company reasonably believes that tagging or sealing the meter, hand delivering notice, or posting notice may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer and consumer if the customer is not located at the service location. The notice shall include the following information:

- (a) ~~Service~~ 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) ~~If~~ An explanation that, if the customer does not contest the disconnection, ~~no~~ 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 ~~which~~ 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 or for TTY toll-free at 1-800-686-1570, from 8:00 a.m. to 5:00 p.m. weekdays, or visit [www.puco.ohio.gov](http://www.puco.ohio.gov).

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues toll-free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit [www.pickocc.org](http://www.pickocc.org)."

- (3) If the customer contests the disconnection, the company shall timely mail or deliver its decision to the customer.

(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.
- (2) The notice shall include the following information:
  - (a) ~~The~~ 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) ~~The~~ An explanation that gas or natural gas company may disconnect service ~~if 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) ~~If~~ 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 ~~which 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 or for TTY toll-free at 1-800-686-1570, from 8:00 a.m. to 5:00 p.m. weekdays, or visit [www.puco.ohio.gov](http://www.puco.ohio.gov).

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues toll-free at 1-877-742-5622 from 8:00 a.m. to 5:00 p.m. weekdays, or visit [www.pickocc.org](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. 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 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.

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, ~~each 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.
- (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, local and toll-free telephone numbers, and ~~TDD~~/TTY toll-free telephone number of the commission's call center.

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

- (A) This rule applies to gas or natural gas company bills that do not include any retail natural gas CRNGS supplier or governmental aggregator charges. Requirements for natural gas consolidated billing appear in rule 4901:1-29-12 of the Administrative Code.
- (B) Bills issued by or for the gas or natural gas company shall be accurate and rendered at regular-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.
  - (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 for assistance at 1-800-686-7826 (toll free) or

for TTY at 1-800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.puco.ohio.gov](http://www.puco.ohio.gov).

Residential customers may also contact the Ohio Consumers' Counsel for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.pickocc.org](http://www.pickocc.org)."

- (6) A rate schedule, if applicable.
- (7) The dates of the service period covered by the bill.
- (8) The billing determinants, if applicable:
  - (a) Beginning meter reading(s).
  - (b) Ending meter reading(s).
  - (c) Multiplier(s).
  - (d) Consumption(s).
- (9) The gas cost recovery rate for purchase of the gas or natural gas commodity, expressed in dollars and cents per mcf-Mcf or ccf-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 gas cost recovery 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) 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) The identification of estimated bills.

(13) The due date for payment.

(14) The total charges for the current billing period.

(15) Any late payment charge or gross and net charges, if applicable.

(16) Any unpaid amounts due from previous bills, customer credits, and total amounts due and payable.

(17) The current balance of the account, if the residential customer is billed according to a budget plan.

(18) The current gas and electric charges separately, if the customer is billed for gas and electric service on the same bill.

(19) If applicable, each charge for a service that is either nontariffed or nonregulated service(s) and, with regard to services that are nonregulated, the name and toll-free telephone number of each provider of service.

(20) Any nonrecurring charge(s).

(21) Any payment(s) or credit(s) applied to the account during the current billing period.

(22) If applicable, all the percentage of income payment plan (PIPP) billing information:

(a) Current PIPP payment.

(b) PIPP payments defaulted (i.e., past due).

(c) Total PIPP amount due.

(d) Total account arrearage.

(e) Any other information required to implement the PIPP program under Chapter 18 of the Administrative Code.

- (~~22~~23) An explanation of codes and abbreviations used.
- (~~23~~24) If a customer's selected ~~CRNGS~~-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.
- (~~24~~25) 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.
- (~~25~~26) A prominently displayed "apples-to-apples" notice, if the company has a choice program.
- (~~26~~27) 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.
- (~~27~~28) Other information required by Ohio law or commission rule or order.
- (C) All bills shall ~~not~~ 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.
- (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. Those ways 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. Each gas or natural gas company shall, upon request, provide customers with an updated list of its available payment options and descriptions thereof. The list 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. 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.

- (2) Each gas or natural gas company shall not charge more than two ~~times the cost of a first-class postage stamp~~ dollars for processing ~~their~~ 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) 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 a customer pays the bill by check or money order through the mail,  $\frac{1}{2}$  by check over the telephone,  $\frac{1}{2}$  by credit card,  $\frac{1}{2}$  or electronically, the customer's account shall be credited immediately where feasible and, in any event, within two business days of receipt at the gas or natural gas company's business office.
  - (4) 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) 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 number.
- (F) Any gas or natural gas company that issues billing statements electronically shall comply with each of the following requirements:



- (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) of this rule. The time needed to post the payment to the account shall be clearly stated.

(G) Handling partial payments

- (1) Each gas or natural gas company shall credit any customer's partial payments in the following order:
  - (a) First, credit past due distribution and sales service charges.
  - (b) Second, credit current distribution and sales service charges.
  - (c) Third, credit past due and current nonregulated or nontariffed charges.
- (2) Budget billing payments and payments in full of the undisputed amount related to a bona fide dispute do not constitute partial payments. Payments made on accounts for which there is a bona fide dispute shall be credited to the undisputed portion of the account.

(H) Any billing adjustments shall be made according to paragraph (G) of rule 4901:1-13-04 of the Administrative Code.

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 to a customer that distribution service will or may be disconnected unless the customer pays any amount due for ancillary service unrelated to regulated distribution service.
  - (2) A gas or natural gas company charges a customer for a service in 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 ~~only not~~ disclose a customer's account number without the customer's written consent ~~for gas or natural gas company credit evaluation, collections and/or credit reporting or pursuant to court order or subpoena 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.

- (2) Except as otherwise provided in rule 4901:1-29-09 of the Administrative Code, a gas or natural gas company shall ~~only not~~ disclose a customer's social security number without the customer's written consent ~~for gas or natural gas company credit evaluation, collections and/or credit reporting or as ordered by the commission, other governmental agency or pursuant to court order or subpoena or without a court order, except for the following purposes:-~~

- (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.

The gas or natural gas company must use the consent form described in this rule.

- (3) ~~When required by this rule, the gas or natural gas company must obtain the customer's signature on the consent form prior to releasing the customer's social security number. 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.