

**FILE**

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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In the Matter of the Application 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 )

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**APPLICATION OF BRAINARD GAS CORPORATION FOR APPROVAL TO RETAIN  
ITS CURRENT PIPP PROGRAM FOR ITS CURRENT PIPP CUSTOMERS AND  
OTHERWISE FOR EXEMPTION FROM THE REQUIREMENTS OF ADOPTED  
RULES 4901:1-18-12 THROUGH 4901:1-18-17**

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Brainard Gas Corporation ("Applicant" or "Brainard") hereby states its desire to retain the current Percentage of Income Payment Plan ("PIPP") only for its one customer who is currently participating in PIPP. In support of its Application, Brainard states the following:

1. In its Entry in this case on December 9, 2009 the Public Utilities Commission of Ohio ("Commission") determined that natural gas companies with fewer than 15,000 customers that do not have PIPP riders may be serving PIPP customers. The Commission directed that small utilities fitting this description file, on or before March 1, 2010, proposed amendments to their credit and collections policies and proposed customer notices to either retain the PIPP for their current PIPP customers, or file another proposal for the Commission's consideration (December 9 Entry, Finding No. 9, p. 5).
2. Applicant has 124 total customers served pursuant to its Commission-approved tariff currently. Brainard currently serves one PIPP customer. The accumulated arrearage of such PIPP customer is \$227.50.

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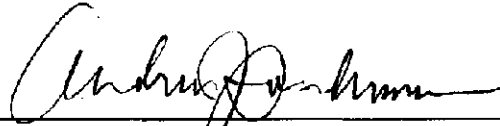
3. Attachment A to this Application is the proposed "Notice to Percentage of Income Payment Plan Customer" which will be mailed directly to this current PIPP customer after approval of this Application.
4. Attachment B to this Application is the proposed "Notice of discontinuation of Percentage of Income Payment Plan" which will be provided by bill insert to each non-PIPP customer after approval of this Application.
5. Attachment C to this Application is the amended Residential Credit and Collection Policies and Procedures of Applicant to account for the grandfathered PIPP program.
6. Applicant will continue to offer all customers the one-third payment plan during the winter heating season and one-sixth payment plan set forth in currently effective Ohio Admin. Code Rule 4901:1-18-04(A)<sup>1</sup>, and effective November 1, 2009 will offer all customers the one-ninth payment plan adopted at Rule 4901:1-18-05(B) in this proceeding.

WHEREFORE, Brainard Gas Corporation requests that the Commission approve its Application to continue to offer the Percentage of Income Payment Plan only to its one current PIPP customer as of the effective date of the grandfathered PIPP program after notice to all customers and to be exempt otherwise from the requirements of the PIPP and graduate PIPP programs contained in Rules 4901:1-18-12 through 4901:1-18-17 as adopted by The Commission in this proceeding (Entry on Rehearing, April 1, 2009).

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<sup>1</sup> Effective November 1, 2010 these payment plans are included in amended Rule 4901:1-18-05(B) along with the one-ninth payment plan adopted in this proceeding.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Andrew J. Sonderman", written in black ink.

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Andrew J. Sonderman (0008610)  
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Counsel for Applicant  
Brainard Gas Corporation

ATTACHMENT A

NOTICE TO PERCENTAGE OF INCOME PAYMENT PLAN CUSTOMER

February \_\_, 2010

Dear Customer:

Brainard Gas Corporation is continuing to provide service to you under the Percentage of Income Payment Plan currently in effect as of the date of this notice pursuant to Ohio Administrative Code Rule 4901:1-18(B). To continue participating in the Percentage of Payment Income Plan, you must comply with all of the following requirements:

1. You must reverify your eligibility annually or sooner when there is a change in household size or income;
2. The Ohio Department of Development must determine that you continue to be eligible; and
3. You must make the required monthly PIPP payment of 10 percent of household income.

If you do NOT meet these requirements, you will no longer qualify to participate in the Percentage of Income Plan and you cannot re-qualify later.

Brainard Gas Corporation will continue to offer extended payment plans even if you no longer qualify for the Percentage of Income Payment Plan. These include the available Public Utilities Commission of Ohio-approved extended payment options of the one-sixth payment plan, the one-ninth payment plan effective November 1, 2010 and the one-third payment plan available during the winter heating season. Please contact a Brainard Gas Corporation Customer Service Representative at 1- (800) 832-6164 if you have any questions.

ATTACHMENT B

NOTICE TO CUSTOMERS NOT CURRENTLY ENROLLED IN  
PERCENTAGE OF INCOME PAYMENT PLAN

February \_\_, 2010

Dear Customer:

Pursuant to Order of the Public Utilities Commission of Ohio, Brainard Gas Corporation is terminating its Percentage of Income Payment Plan (PIPP) Program to Customers who are not currently enrolled in PIPP effective as of the date of this notice.

Brainard Gas Corporation will continue to offer extended payment plans. These include the available Public Utilities Commission of Ohio-approved extended payment options of the one-sixth payment plan, the one-ninth payment plan effective November 1, 2010 and the one-third payment plan available during the winter heating season. Please contact a Brainard Gas Corporation Customer Service Representative at 1- (800) 832-6164 if you have any questions.

ATTACHMENT C

RESIDENTIAL CREDIT AND  
COLLECTIONS POLICY

***Brainard Gas Corporation***  
***Credit and Collection Policy and Procedure***

**Residential Credit Policy and Procedure Overview**

Brainard Gas Corporation ("Company") has established residential credit procedures following the rules of the Public Utilities Commission of Ohio set forth in Ohio Administrative Code, Chapter 4910:1-17. These procedures are administered in a nondiscriminatory manner without regard to race, color, religion, gender, national origin, age, handicap or disability and without regard to the collective credit reputation of the area in which the residential applicant or customer lives. These credit procedures are available to applicants and customers on request.

The Company follows the requirements of the rules of the Public Utilities Commission of Ohio as set forth in the Ohio Administrative Code with respect to the Establishment of Credit for Residential Service including the following rules currently in effect which are attached hereto:

1. Rule 4901:1-17-03, "Establishment of Credit"
2. Rule 4901:1-17-03, "Appendix Guarantor Agreement"
3. Rule 4901:1-17-04, "Deposit to Reestablish Creditworthiness"
4. Rule 4901:1-17-05, "Deposit Administration Provisions"
5. Rule 4901:1-17-06, "Refund of Deposit and Release of Guarantor"
6. Rule 4901:1-17-07, "Record of Deposit"
7. Rule 4901:1-17-08, "Applicant and/or Customer Rights"

The Company follows the requirements of the rules of the Public Utilities Commission of Ohio as set forth in Chapter 4901:1-18 of the Ohio Administrative Code with respect to Termination of Service including the following rules currently in effect which are attached hereto:

1. Rule 4901:1-18-02, "General Provisions"
2. Rule 4901:1-18-03, "Delinquent Bills"
3. Rule 4901:1-18-04, "Extended Payment Plans and Responsibilities"
4. Rule 4901:1-18-05, "Disconnection Procedures for Natural Gas and Electric Companies"
5. Rule 4901:1-18-06, "Reconnection of Service"
6. Rule 4901:1-18-07, "Landlord-Tenant Provisions"

In Case No. 08-723-AU-ORD, the Commission adopted changes to the Residential Credit and Disconnect Rules in Chapters 4901:1-17 and 4901:1-18, respectively, of the Ohio Administrative Code. In an entry on June 3, 2009 in that case, the Commission postponed the effective date of those changes to November 1, 2010. The Company will follow the amended rules effective as of that date (and will substitute copies of the

amended rules as attachments to this Residential Credit and Collections Policy and Procedure) **except that the Company does not offer the Percentage of Income Payment Plan ("PIPP") to residential customers who were not enrolled in PIPP as of [insert effective date of waiver of PIPP except as to grandfathered PIPP customers].**

The Percentage of Income Payment Plan Rules do not apply as a result of the Commission's approval of the Company's waiver request in Case No. 08-723-AU-ORD. Because the Company does not offer PIPP except to those customers who were enrolled in PIPP as of [insert effective date of waiver of PIPP except as to grandfathered PIPP customers], references to PIPP in amended Rule 4901:1-18-05 "Extended Payment Plans and Responsibilities", and the complete text of amended Rule 4901:1-18-12 "Percentage of Income Payment Plan Program Eligibility for Gas Utility Service", amended Rule 4901:1-18-13 "Payment Requirements for Percentage of Income Payment Plan Customers", amended Rule 4901-18-14 "Incentive Programs for Percentage of Income Payment Plan and Graduate Percentage of Income Payment Plan Customers", amended Rule 4901:1-18-05 "General Percentage of Income Payment Plan Provisions", and amended Rule 4901:1-18-17, "Removal From or Termination of Customer Participation in the Percentage of Income Payment Plan" are not (and will not in the future be) included in this Residential Credit and Collections Policy.

A Residential Customer who was enrolled in PIPP as of [insert effective date of waiver of PIPP except as to grandfathered PIPP customers] will continue to participate in the pre-amendment PIPP program under Rule 4901:1-18(B) (effective generally until November 1, 2010), attached hereto as noted above, so long as the enrolled PIPP customer complies with all of the following requirements:

1. The enrolled PIPP customer re-verifies his/her eligibility annually or sooner when there is a change in household size or income;
2. The Ohio Department of Development determines the enrolled PIPP customer continues to be eligible; and
3. The enrolled PIPP customer continues to make the required monthly PIPP payment of 10 percent of household income

Any enrolled PIPP customer who fails to meet these requirements will be ineligible for participation in the grandfathered PIPP program and will not be eligible to re-enroll later.

### **Collections Policy and Procedure Overview**

The Company follows the procedures described herein in attempting to recover past due amounts owed by customers. These procedures are administered in a uniform, nondiscriminatory manner throughout the Company's service area, and are consistent with the rules set forth in Chapter 4901:1-18, Ohio Administrative Code, and the Company's tariff. See the Rules contained in Chapter 4901:1-18, governing Delinquent Bills, Extended Payment Plans and Responsibilities, Disconnection of Service, Reconnection of Service and Landlord-Tenant Provisions.



The Company provides gas utility service to its customers under specific payment terms set forth in the tariff. Residential, commercial and industrial accounts are due prior to the Company's next billing date, and if payment of the unpaid balance is not received prior to the next billing date a late payment charge of 1.5 percent of the unpaid balance is added to the following month's bill. The Company expects those customers to honor these payment terms. However, in the event a customer fails to meet payment terms, the Company has an obligation to make reasonable efforts to collect past due accounts.

Disconnection Notices are provided as required by the Commission's attached rule "Disconnection Procedures for Electric, Gas and Natural Gas Utilities".<sup>1</sup> Customers are advised of the medical certification program in cases where there is a medical problem.

The Company offers extended payment plans agreeable to the customer and the Company. If the customer does not offer acceptable payment terms, the Company advises the customer of the available PUCO extended payment options of the one-sixth payment plan, the one-ninth payment plan effective November 1, 2010 and the one-third payment plan available during the winter heating season. See attached rule "Extended Payment Plans and Responsibilities". Budget payment plans are offered to customers with no arrearages once per year in August. The Company's uniform practice is to work with all customers to maintain service depending on the individual circumstances. However, if satisfactory terms cannot be reached to maintain service, the Company will disconnect service for non-payment.

The Company takes a final meter reading when a customer moves or is disconnected for non-payment, a fraudulent act, tampering or at the request of the customer and sends the customer a bill for all accumulated charges. The Company sends monthly statements with final account balance due to the customer for two additional cycles (90 days). The Company also makes collection calls each time a statement is sent to the disconnected customer. These calls are noted on the customers' account.

Unpaid accounts greater than 90 days are considered delinquent. Payments are applied to the oldest unpaid invoice. The Company writes off bad debt after 180 days and sends a list of write-offs to a Collection Agency.

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<sup>1</sup> By Finding and Order entered on [insert date] in Case No. 09-1970-GA-UNC, the Company was authorized to immediately employ regular mail for the 10 day notice winter disconnect notice as will be permitted generally pursuant to amended Rule 4901:1-18-06(B) which will be effective on November 1, 2010.

## Chapter 4901:1-17

### Establishment of Credit for Residential Service

4901:1-17-01	Definitions.
4901:1-17-02	Written credit procedures required.
4901:1-17-03	Establishment of credit.
4901:1-17-04	Deposit to reestablish creditworthiness.
4901:1-17-05	Deposit administration provisions.
4901:1-17-06	Refund of deposit and release of guarantor.
4901:1-17-07	Record of deposit.
4901:1-17-08	Applicant and/or customer rights.
4901:1-17-09	Waiver requests.

#### 4901:1-17-01 Definitions.

As used in this chapter:

- (A) "Commercial mobile radio service (CMRS)" includes and is specifically limited to mobile telephone, mobile cellular telephone, paging, personal communication services, and specialized mobile radio service providers when serving as a common carrier in Ohio, consistent with rule 4901:1-6-01 of the Administrative Code. Fixed wireless is not considered as CMRS, consistent with rule 4901:1-6-01 of the Administrative Code.
- (B) "Regulated service" means a service offering regulated by the commission.
- (C) "Utility" or "public utility" means all persons, firms, or corporations engaged in the business of providing natural gas, telecommunications (excluding commercial mobile radio service), water or sewage disposal service to consumers as defined in division (G) of section 4929.01 of the Revised Code and divisions (A)(2), (A)(8) and (A)(14) of section 4905.03 of the Revised Code, respectively. Rules for the establishment of credit for electric distribution utilities are included in Chapter 4901:1-10 of the Administrative Code.]

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Replaces: 4901:1-17-01

Effective: 9/1/04

R.C. 119.032 Review date: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04, 4905.28

Rule amplifies: R.C. 4905.06, 4905.22, 4933.17

Prior effective dates: 5/16/71, 5/16/71, 7-1-99

#### 4901:1-17-02 Written credit procedures required.

Each public utility shall establish written credit procedures consistent with these rules that allow an applicant for residential service to establish, or an existing residential customer to reestablish, credit with the utility. The procedures should be equitable and administered in a nondiscriminatory manner. The utility, without regard to race, color, religion, gender, national origin, age, handicap, or disability, shall base its credit procedures upon the credit risk of the individual as determined by the utility without regard to the collective credit reputation of the area in which the residential applicant or customer lives.

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Replaces: 4901:1-17-02; (former 31.02) A. O. No. 210

Effective: 9/1/04

R.C. 119.032 Review dates: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.231; 4933.17

Prior effective dates: 5/16/71

**4901:1-17-03     Establishment of credit.**

(A) Each utility may require an applicant for residential service to satisfactorily establish financial responsibility. If the applicant has previously been a customer of that utility, the utility may require the residential applicant to establish financial responsibility pursuant to paragraph (C) of rule 4901:1-17-04 of the Administrative Code. An applicant's financial responsibility will be deemed established if the applicant meets one of the following criteria:

- (1) The applicant is the owner of the premises to be served or of other real estate within the territory served by the utility and has demonstrated financial responsibility.
- (2) The applicant demonstrates that he/she is a satisfactory credit risk by means that may be quickly and inexpensively checked by the utility. In determining whether the applicant is a financially responsible person, the public utility may request from the applicant and shall consider information including, but not limited to, the following: name of employer, place of employment, position held, length of service, letters of reference, and names of credit cards possessed by the applicant.
- (3) The applicant demonstrates that he/she has had the same class and a similar type of utility service within a period of twenty-four consecutive months preceding the date of application, unless utility records indicate that the applicant's service was disconnected for nonpayment during the last twelve consecutive months of service, or the applicant had received two consecutive bills with past due balances during that twelve-month period and provided further that the financial responsibility of the applicant is not otherwise impaired.

When an applicant requests a copy of his/her payment history to satisfy paragraph (A)(3) of this rule, each utility shall provide a customer, at his/her request, written information reflecting the customer's payment history. The utility shall provide this information within five business days of this request.

- (4) The applicant makes a cash deposit to secure payment of bills for the utility's service as prescribed in rule 4901:1-17-05 of the Administrative Code.
- (5) The applicant furnishes a creditworthy guarantor to secure payment of bills in an amount sufficient for a sixty-day supply for the service requested. If a third party agrees to be a guarantor for a utility customer, he or she shall meet the criteria as defined in paragraph (A) of this rule or otherwise be creditworthy.
  - (a) Telecommunications service providers shall further comply with the provisions set forth in rule 4901:1-5-14 of the Administrative Code.
  - (b) For all utilities, including telecommunications service providers, the guarantor shall sign a written guarantor agreement that shall include, at a minimum, the information shown in the appendix to this rule. The company shall provide the guarantor with a copy of the signed agreement and shall keep the original on file during the term of the guaranty.
  - (c) For all utilities, including telecommunications providers, the company shall send all disconnection notifications for the guaranteed customer also to the guarantor, unless the guarantor affirmatively waives that right.
  - (d) For all utilities, including telecommunication providers, the company shall send a notice to the guarantor when the guaranteed customer requests a transfer of service to a new location. The transfer of service notice shall display all of the following information:

- (i) The name of the guaranteed customer.
  - (ii) The address of the current guaranteed customer service location.
  - (iii) A statement that the transfer of service to the new location may affect the guarantor's liability.
  - (iv) A statement that, if the guarantor does not want to continue the guaranty at the new service location, the guarantor must provide thirty days' written notice to the company to end the guaranty.
- (B) The establishment of credit under the provisions of these rules, or the reestablishment of credit under the provisions of rule 4901:1-17-04 of the Administrative Code, shall not relieve the applicant or customer from compliance with the regulations of the utility regarding advance payments and payment of bills by the due date, and shall not modify any regulations of the utility as to the discontinuance of service for nonpayment.
- (C) Upon default by a customer who has furnished a guarantor as provided in paragraph (A)(5) of this rule, the utility may pursue collection actions against the defaulting customer and the guarantor in the appropriate court, or if the guarantor is a customer of the same utility, that utility may transfer the defaulting customer's bill to the guarantor's. The defaulted amount transferred to the guarantor's bill shall not be greater than the amount billed to the customer for sixty days of service or two monthly bills. After thirty days from the transfer, the utility may make the guarantor subject to disconnection procedures, if the amount transferred still remains unpaid.
- (D) An applicant who owes an unpaid bill for previous residential service, whether the bill is owed as a result of service provided to that applicant or is owed under a guarantor agreement, shall not have satisfactorily established or reestablished his/her financial responsibility as long as the bill remains unpaid.

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Replaces: 31.03, A. O. No. 210

Effective: 9/1/04

R.C. 119.032 Review dates: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.231, 4933.17

Prior effective dates: 5/16/71

**4901:1-17-04     Deposit to reestablish creditworthiness.**

- (A) A utility may require a customer to make a deposit or an additional deposit on an account, as set forth in this rule and pursuant to rules 4901:1-17-03 and 4901:1-17-05 of the Administrative Code, to reestablish creditworthiness for tariffed service based on the customer's credit history on that account with that company. After considering the totality of the circumstances, the utility may require a customer whose service has been disconnected to pay a deposit, the delinquent bill, and the reconnection charges prior to restoring service.
- (B) A utility may require a deposit if the customer account meets one of the following criteria:
- (1) The customer has not made full payment or payment arrangements by the due date for two consecutive bills during the preceding twelve months.
  - (2) The customer has been issued a disconnection notice for nonpayment on two or more occasions during the preceding twelve months.

- (C) A utility may require a deposit if the applicant for service was a customer of that utility, during the preceding twelve months, and had service disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection.

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Replaces: 4901:1-17-04

Effective: 9/1/04

R.C. 119.032 Review dates: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.22, 4905.231, 4933.17

Prior effective dates: 5/16/71

**4901:1-17-05     Deposit administration provisions.**

- (A) No public utility, as defined in this chapter, except telecommunications providers, shall require a cash deposit to establish or reestablish credit in an amount in excess of one-twelfth of the estimated charge for regulated service(s) provided by that distribution utility for the ensuing twelve months, plus thirty per cent of the monthly estimated charge. No telecommunications provider shall require a cash deposit to establish or reestablish credit in an amount in excess of that prescribed in rule 4901:1-5-13 of the Administrative Code. Each utility, upon request, shall furnish a copy of these rules to the applicant/customer from whom a deposit is required. If a copy of the rule is provided to a customer/applicant, the utility shall also provide the name, address, website address, and telephone number of the public utilities commission of Ohio.
- (B) Upon receiving a cash deposit, the utility shall furnish to the applicant/customer a receipt that displays all of the following information:
- (1) The name of the applicant/customer.
  - (2) The address of the premises to be served.
  - (3) The billing address for the service.
  - (4) The amount of the deposit and a statement that the rate of interest to be paid on the deposit will be not less than three per cent per annum if the deposit is held for one hundred eighty days or longer.
- (C) Each utility shall accrue interest at a rate of at least three per cent per annum per deposit held for one hundred eighty days or longer. Interest shall be paid to the customer when the deposit is refunded or deducted from the customer's final bill. A utility shall not be required to pay interest on a deposit it holds for less than one hundred eighty days. No utility shall be required to pay additional interest on a deposit after discontinuance of service, if the utility has made a reasonable effort to refund the deposit. A utility shall dispose of any unclaimed deposit, plus accrued interest, in conformity with Chapter 169. of the Revised Code.

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Effective: 9/1/04

R.C. 119.032 Review dates: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.22, 4905.231, 4933.17

Prior effective dates: 5/16/71, 12/1/83 (Emer.)

**4901:1-17-06     Refund of deposit and release of guarantor.**

- (A) After discontinuing service, the utility shall promptly apply the customer's deposit, including any accrued interest, to the final bill. The utility shall promptly refund to the customer any deposit, plus any accrued interest, remaining. A transfer of service from one customer location to another within the service area of the utility does not prompt a refund of the deposit or a release of the guarantor.
- (B) The utility shall review each account holding a deposit or a guarantor agreement every twelve months and promptly refund the deposit, plus any accrued interest, or release the guarantor, if the account meets the following criteria:
  - (1) The customer has paid his/her bills for service for twelve consecutive months without having had service disconnected for nonpayment.
  - (2) The customer has not had more than two occasions on which his/her bill was not paid by the due date.
  - (3) The customer is not then delinquent in the payment of his/her bills.
- (C) The utility shall promptly return the deposit, plus any accrued interest, upon the customer's request at any time the customer's credit has been otherwise established or reestablished, in accordance with this chapter of the Administrative Code.
- (D) Once the customer satisfies the requirements for release of the guarantor, pursuant to paragraph (B) of this rule, the utility shall notify the guarantor in writing, within thirty days, that the guarantor is released from all further responsibility for the account.

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Replaces: 4901:1-17-06

Effective: 9/1/04

R.C. 119.032 Review dates: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.22, 4905.231, 4933.17

Prior effective dates: 5/16/71

#### 4901:1-17-07 Record of deposit.

Until the deposit is refunded or otherwise disposed of in accordance with applicable law, each utility holding a cash deposit shall maintain a record that displays all of the following information:

- (A) The name and current or last known billing address of each depositor.
- (B) The amount and date of the deposit.
- (C) Each transaction concerning the deposit.

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Replaces: 31.07

Effective: 9/1/04

R.C. 119.032 Review dates: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.22, 4905.231, 4933.17

Prior effective dates: 5/16/71

#### 4901:1-17-08 Applicant and/or customer rights.

- (A) Each public utility that requires a cash deposit shall notify the applicant/customer of all options available to establish credit as listed in paragraph (A) of rule 4901:1-17-03 of the Administrative Code.
- (B) If a public utility requires a cash deposit to establish or reestablish service and the customer expresses dissatisfaction with the utility's decision, the company shall inform the customer of the following:
- (1) The reason(s) for its decision.
  - (2) How to contest the utility's decision and show creditworthiness.
  - (3) The right to have the utility's decision reviewed by an appropriate utility supervisor.
  - (4) The right to have the utility's decision reviewed by the commission staff, and provide the applicant/customer the local or toll-free numbers and/or TDD/TTY numbers, address, and the website address of the commission as stated below: The public utilities commission of Ohio (PUCO) toll-free at 1-800-686-7826 or 1-614-466-3292, or for TDD/TTY toll-free at 1-800-686-1570 or 1-614-466-8180, from 8:00 a.m. to 5:00 p.m. weekdays, or the PUCO website at [www.PUCO.ohio.gov](http://www.PUCO.ohio.gov).
- (C) Each public utility, upon request, shall provide in writing to the applicant/customer the information required by paragraph (B) of this rule.

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Replaces: 4901:1-17-08

Effective: 9/1/04

R.C. 119.032 Review Date: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.22, 4905.231, 4933.17

Prior effective dates: 5/16/71

#### **4901:1-17-09     Waiver requests.**

The public utilities commission of Ohio may waive any rule or any part of a rule contained in this chapter of the Administrative Code for good cause upon its own motion or upon application by a company.

The application for a waiver shall include the specific rule(s) requested to be waived. If the request is to waive only a part or parts of a rule, then the application should identify the appropriate paragraphs, sections, or subsections to be waived. The waiver request shall provide sufficient explanation by rule, including advantages and possible disadvantages, to allow the commission to thoroughly evaluate the waiver request.

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Effective: 9/1/04

R.C. 119.032 Review dates: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.22, 4905.231, 4933.17

## Chapter 4901:1-18

### Termination of Residential Service

4901:1-18-01	Definitions.
4901:1-18-02	General provisions.
4901:1-18-03	Delinquent bills.
4901:1-18-04	Extended payment plans and responsibilities.
4901:1-18-05	Disconnection procedures for natural gas and electric companies.
4901:1-18-06	Reconnection of service.
4901:1-18-07	Landlord-tenant provisions.
4901:1-18-08	Waiver requests
4901:1-18-10	Combination utility companies.
4901:1-18-11	Insufficient reasons for refusing or disconnecting service.
4901:1-18-12	Restrictive language prohibition.

#### 4901:1-18-01 Definitions.

- (A) "Collection charge" means a tariffed charge assessed to a residential customer by a company for dispatching an employee or agent to a residence who is authorized to accept payment for utility service.
- (B) "Commission" means the public utilities commission of Ohio.
- (C) "Company" means a natural gas company as defined in division (G) of section 4929.01 of the Revised Code or an electric distribution utility as defined in division (A)(6) of section 4928.01 of the Revised Code.
- (D) "Consumer" means any person who is the ultimate user of electric or gas service.
- (E) "Customer" means any person who enters into a contractual agreement with the company to receive residential electric or gas service.
- (F) "Default" means the failure to make the required payment on an extended payment plan by the due date.
- (G) "Extended payment plan" means an agreement between the customer and the company that requires the customer to make payments over a set period of time to the company on unpaid amounts owed to the company.
- (H) "Household income" has the meaning attributed to it by the Ohio department of development, office of community services, in the administration of the home energy assistance program.
- (I) "Primary source of heat" means the energy that is the heat source for the central heating system of the residence or, if the residence is not centrally heated, the energy that makes up the bulk of the energy used for space heating.
- (J) "Secondary source of heat" means the energy that is the heat source for space heating other than that provided by the central heating system of the residence or, if the residence is not centrally heated, the energy that does not make up the bulk of the energy used for space heating or, if the residence is centrally heated using some other form of energy, the energy required to operate equipment needed for the proper functioning of the central heating system.

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Replaces: 4901:1-18-02

Effective: 9/1/04

R.C. 119.032 Review date: 11/30/08

Promulgated under: R.C. 111.15



Statutory authority: R.C. 4905.04, 4905.28

Rule amplifies: R.C. 4905.06, 4905.22, 4933.12, 4933.121, 4933.122

Prior Effective dates: 3/22/80, 1/19/84

4901:1-18-02     General provisions.

4901:1-18-02     General provisions.

Natural gas or electric companies under the jurisdiction of the commission may disconnect service to residential customers only for the following reasons:

- (A) For purposes of this chapter, a customer/consumer complaint means a customer/consumer contact when such contact necessitates follow-up by or with the gas, natural gas, or electric company to resolve a point of contention.
- (B) For any violation of or refusal to comply with a contract and/or the general service rules and regulations on file with the commission that apply to the customer's service.
- (C) When a consumer uses electricity or gas in a manner detrimental to the service to other consumers.
- (D) When providing service is in conflict or incompatible with any order of the commission, court of law, laws of the state of Ohio or any political subdivision thereof, or of the federal government or any of its agencies.
- (E) When the customer has moved from the customer location.
- (F) When supplying electricity or gas creates a safety hazard to consumers or their premises, the public, or to the company's personnel or facilities or where, because of conditions beyond the consumer's premises, disconnection of the supply of electricity or gas is reasonably necessary. The company shall not restore service until the hazardous condition(s) has been corrected.
- (G) When a customer, consumer, or his/her agent:
  - (1) Prevents utility company personnel from reading the meter for a year or more, unless the company suspects tampering or other fraudulent activities.
  - (2) After notice and a reasonable period of time under the circumstances, continues to prevent company personnel from calibrating, maintaining, or replacing the company's meter, metering equipment, or other company property used to supply service.
  - (3) Resorts to any fraudulent practice to obtain electric or gas service, is the beneficiary of the fraudulent practice, or damages the company's meter, metering equipment or other property used to supply the service. Under the circumstances stated in this paragraph the company need not restore service until the consumer or customer has completed each of the following:
    - (a) Given assurance that the fraudulent or damaging practice has been discontinued.
    - (b) Paid to the company an amount estimated by the company to be reasonable compensation for unauthorized usage obtained and not paid for at the time of disconnection.
    - (c) Paid for any damage to property of the company including any cost to repair the damage.
    - (d) All other fees and charges authorized by tariff resulting from the fraudulent practice or tampering.

- (H) For repairs, provided that notice to consumers is given prior to scheduled maintenance interruptions in excess of six hours.
- (I) Upon the request of the customer.
- (J) For nonpayment, including nonpayment of security deposits applied to delinquent bills as a condition for continued service, only after the provisions and procedures set forth in the rules in this chapter have been complied with by the natural gas or electric company.

Effective: 4/6/06

R.C. 119.032 review dates: 12/9/08

Promulgated Under: 111.15

Statutory Authority: 4905.04, 4905.28

Rule Amplifies: 4905.06, 4905.22, 4905.261, 4905.30, 4933.17, 4933.122

Prior Effective Dates: 7/27/80, 6/13/81, 7/1/99, 9/1/04

**4901:1-18-03 Delinquent bills.**

- (A) Individually metered residential service accounts will be considered delinquent and subject to the company's disconnection procedures for nonpayment if the account meets one of the following criteria:
  - (1) The customer has not made full payment or arrangements for payment by the due date, for any given bill containing a previous balance for regulated services provided by the distribution utility.
  - (2) The customer is in default on an extended payment plan.
  - (3) The customer fails to make the initial payment on an extended payment plan.
- (B) The minimum payment necessary in order to avoid the disconnection procedures shall not be greater than the delinquent amount, i.e., that portion of the bill that represents a previous balance for regulated services provided by the distribution utility.

Replaces 4901:1-18-03, 4901:1-18-13

Effective: 9/1/04

R.C. 119.032 Review dates: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.22, 4933.12, 4933.121, 4933.122

Prior effective dates: 3/22/80

**4901:1-18-04 Extended payment plans and responsibilities.**

- (A) Upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, the company shall inform the customer that it will make extensions or other extended payment plans appropriate for both the customer and the company. The company may require the customer to demonstrate an inability to pay. If the customer proposes payment terms, the company may exercise discretion in the acceptance of the payment terms based upon the account balance, the length of time that the balance has been outstanding, the customer's recent payment history, the reasons why payment has not been made, and any other relevant factors concerning the circumstances of the customer, including health, age, and family circumstances. If the customer fails to propose payment terms acceptable to the company, the company shall then advise the customer of the availability of one of the extended payment plans as set forth in paragraphs (A)(1) and (A)(2) of this rule and of the availability of the extended payment plan set forth in paragraph (B) of this rule for a customer whose income quali-

fies him/her for such a plan. A customer who is in default on an extended payment plan other than one set forth in paragraphs (A)(1), (A)(2), or (B) of this rule is eligible for an extended payment plan as set forth in paragraphs (A)(1), (A)(2), and (B) of this rule provided he/she meets the qualifications for those plans. A customer who is in default on one of the extended payment plans set forth in paragraph (A)(1) or (A)(2) of this rule is eligible for the extended payment plan set forth in paragraph (B) of this rule provided he/she meets the qualifications for that plan.

If a customer informs the company of a medical problem, the company shall inform the customer of the medical certification program as provided in paragraph (C) of rule 4901:1-18-05 of the Administrative Code.

Each company shall offer the customer at least one of the following extended payment plans:

- (1) A plan that requires six equal monthly payments on the arrearages in addition to full payment of current bills.
  - (2) A plan that requires payment of one-third of the balance due each month (arrearages plus current bill). This plan shall be offered during the winter heating season as required by paragraph (B)(3) of rule 4901:1-18-05 of the Administrative Code.
- (B) No company shall disconnect the service of any residential customer for nonpayment or refuse to reconnect, because of an arrearage, the service of a residential customer who has requested to transfer his/her service from one address to another as long as that customer meets each of the following qualifications:
- (1) The customer has a household income for the past three months, which if annualized, would equal one hundred fifty per cent of the federal poverty level or less or, if the household income for the past three months annualized is more than one hundred fifty per cent of the federal poverty level, the customer has a household income for the past twelve months equal to one hundred fifty per cent of the federal poverty level or less.
  - (2) For usage during any billing period all or part of which is within the winter period as defined by paragraph (B) of rule 4901:1-18-05 of the Administrative Code, the customer pays at least one of the following amounts:
    - (a) Ten per cent of his/her monthly household income to the jurisdictional company that provides the customer with his/her primary source of heat and pays at least five per cent of his/her monthly household income to the jurisdictional company that provides the customer a secondary source of heat.
    - (b) Fifteen per cent of his/her monthly household income to the jurisdictional company that provides both primary and secondary source of heat.
    - (c) Fifteen per cent of his/her monthly household income to the jurisdictional electric company that provides the totality of energy used for heating purposes to his/her residence.
    - (d) Ten per cent of his/her monthly household income to the jurisdictional company that provides the primary source of heat when a nonjurisdictional utility company or other person provides the secondary source of heat.
    - (e) Five per cent of his/her monthly household income to the jurisdictional company that provides the secondary source of heat when a nonjurisdictional utility company or other person provides the primary source of heat.
  - (3) For usage during any billing period, no part of which is within the winter period as defined by paragraph (B) of rule 4901:1-18-05 of the Administrative Code, the customer pays that percent-

age of his/her income required by paragraph (B)(2) of this rule or the current bill for actual non-winter usage, whichever is greater.

- (4) The customer applies for all public energy assistance for which he/she is eligible.
  - (5) The customer applies for all weatherization programs for which he/she is eligible.
  - (6) The customer provides proof to the jurisdictional company or the Ohio department of development, whichever is appropriate, no less often than once in every twelve months that he/she meets the household income requirements of paragraph (B)(1) of this rule. For customers determined to have zero income under paragraph (B)(1) of this rule, the jurisdictional company may require the customer to verify the household income no more than once every ninety days.
  - (7) The customer signs a waiver permitting the affected jurisdictional company to receive information from any public agency or private agency providing income or energy assistance and from any employer whether public or private.
- (C) For purposes of paragraphs (B)(1) and (B)(2) of this rule, any money provided to the jurisdictional company from the regular home energy assistance program (HEAP), or similar program, on behalf of the customer as energy assistance shall not be considered as household income or counted as part of the monies paid by the customer to meet the percentage of income requirement. Any money provided to the jurisdictional company on an irregular or on an emergency basis by a public or private agency for the purpose of paying utility bills shall not be considered as household income. These monies shall first be applied to the customer's current monthly payment obligation as determined in accordance with paragraph (B)(2) of this rule, with any money in excess of the amount necessary to satisfy the current monthly payment obligation being applied to either the amount the customer is in default on an extended payment plan or, if no such default exists, then to the customer's arrearages.
- (D) The company shall provide an optional uniform payment plan (budget plan) on an annual basis for any customer who is not in default on a previously agreed upon extended payment plan. Arrearages need not be included in the optional uniform payment plan (budget plan).
- (E) A customer's failure to make any payment provided for under paragraph (A) or (B) of this rule shall entitle the company to disconnect service in accordance with the procedures set forth in rule 4901:1-18-05 of the Administrative Code.
- (F) The company shall furnish upon the request of the customer entering into an extended payment plan a written, typed, printed, or computer-generated copy of the plan and, if the extended payment plan was arranged by a company employee, the name of that employee.

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Replaces: 4901:1-18-02

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Prior Effective dates: 3/22/80, 10/6/82, 12/1/83, 1/19/84, 10/10/84 (Emer.), 1/8/85, 12/7/91

#### 4901:1-18-05     Disconnection procedures for natural gas and electric companies.

- (A) If a residential customer is delinquent in paying for regulated services provided by the distribution utility, the company may, after proper and reasonable notice of pending disconnection of service (not less than fourteen days), disconnect the customer's service during normal company business hours in compliance with all of the following conditions:

- (1) No disconnections for nonpayment shall be made after twelve-thirty p.m. on the day preceding a day on which all services necessary for the customer to arrange and the company to perform re-connection are not regularly performed.
- (2) On the day of disconnection of service, the company shall provide the customer with personal notice. If the customer is not at home, the company shall provide personal notice to an adult consumer. If neither the customer nor an adult consumer is at home, the company shall attach written notice to the premises in a conspicuous location prior to disconnecting service.
- (3) Third-party or guarantor notification:
  - (a) Each company shall permit a residential customer to designate a third party to receive notice of the pending disconnection of the customer's service or of any other credit notices sent to the customer. If the customer has a guarantor, the guarantor shall receive notice of the pending disconnection of the guaranteed customer's service or of any other credit notices sent to the guaranteed customer, except where the guarantor has affirmatively waived the right to receive notices pursuant to rule 4901:1-17-03 of the Administrative Code. The company shall notify the third party or the guarantor at least fourteen days prior to disconnecting the customer's service.
  - (b) The company shall inform the third party that his/her receipt of such notices does not constitute acceptance of any liability by the third party for payment for service provided to the customer unless the third party has also agreed, in writing, to be a guarantor for the customer.
  - (c) In compliance with division (E) of section 4933.12 and division (D) of section 4933.121 of the Revised Code, if the company plans to disconnect the residential utility service of a customer for the nonpayment of his/her bill, and that customer resides in a county in which the department of job and family services has provided the company with a written request for prior notification of residential service disconnection, then the company shall provide the appropriate county department of job and family services with a listing of those customers whose service will be disconnected for nonpayment at least twenty-four hours before the action is taken.
  - (d) Upon the request of a property owner or the agent of a property owner, each company shall provide the property owner or the agent of a property owner with at least three-days advance notice when service to his/her property is to be disconnected either at the request of a residential customer who is a tenant or for nonpayment.
- (4) Employees or agents who disconnect service at the premises may or may not, at the discretion of the company, be authorized to make extended payment arrangements. Company employees or agents who disconnect service shall be authorized to complete one of the following:
  - (a) Accept payment in lieu of disconnection.
  - (b) Dispatch an employee to the premises to accept payment.
  - (c) Make available to the customer another means to avoid disconnection.
- (5) The following information shall be either clearly displayed on the disconnection notice or included in documents accompanying the disconnection notice:
  - (a) The delinquent billing account number, the total amount required to prevent disconnection of the regulated services provided by the distribution utility and any security deposit owed at the time of the notice.
  - (b) The earliest date when disconnection may occur.

- (c) The local or toll-free number and address of the company's office for customers to contact about their account.
- (d) The following statement:

"If you have a complaint in regard to this disconnection notice that can not be resolved after you have called (name of utility), or for general utility information, residential and business customers may call 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)."

- (e) A statement that the customer's failure to pay the amount required at the company's office or to one of its authorized agents by the date specified in the notice may result in a security deposit and a charge for reconnection being required. The statement shall also include the amount of the security deposit and the reconnection charge.
- (f) If applicable, a statement that the failure to pay charges for nontariffed and/or nonregulated products or services may result in the loss of those products and/or services.
- (g) An explanation of the payment plans and options available to a customer whose account is delinquent, as provided in this rule and rule 4901:1-18-04 of the Administrative Code, and, when applicable, rule 4901:1-18-10 of the Administrative Code.
- (h) If disconnection of service is to occur, as a result of nonpayment, a statement that a medical certification program and forms are available from the company.
- (i) A statement that a listing of the company's authorized payment agents is available by calling the company's toll-free customer service number.

- (B) The company shall not disconnect service to residential customers for nonpayment during the period of November first through April fifteenth unless, in addition to the other requirements of this rule, the company completes each of the following:

- (1) Makes contact with the customer or other adult consumer at the premises ten days prior to disconnection of service by personal contact, telephone, or hand-delivered written notice.
- (2) Informs the customer or adult consumer that sources of federal, state, and local government aid for payment of utility bills and for home weatherization are available at the time the company delivers the notice required in paragraph (B)(1) of this rule, and provides sufficient information to allow the customer to further pursue available assistance.
- (3) Informs the customer of the right to enter into a payment plan as set forth in paragraph (A)(2) of rule 4901:1-18-04 of the Administrative Code, unless the customer qualifies for the payment plan set forth in paragraph (B) of rule 4901:1-18-04 of the Administrative Code, in which event the company shall inform the customer of the availability of both plans. The company may require reasonable verification of the customer's household income, including but not necessarily limited to verification by the local agency providing governmental aid in paying utility bills. If the customer does not respond to the notice described in paragraph (B)(1) of this rule, or refuses to accept a payment plan or fails to make the initial payment on a payment plan referenced in this paragraph, the company may disconnect service after the ten-day notice expires.

- (C) Medical certification

- (1) The company shall not disconnect service for nonpayment if the disconnection of service would be especially dangerous to health. The health condition must be certified in accordance with this rule.
- (2) When the disconnection of service would make operation of necessary medical or life-supporting equipment impossible or impractical, the company shall not disconnect service for nonpayment, if the customer establishes an inability to pay the amount due in full and enters into and makes payments in accordance with an extended payment plan. The necessary medical or life-supporting equipment must be certified in accordance with this rule.
- (3) The electric distribution company shall give notice of availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period and at the beginning of the summer cooling period. The natural gas company shall give notice of the availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period.
- (4) The company shall provide application forms for health care professionals or local board of health physicians for certification upon request of any residential consumer.
- (5) Any consumer who is a permanent resident of the premises where the service is rendered may qualify for certification.
- (6) The condition shall be certified to the company by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse-midwife, or local board of health physician.
  - (a) The certification required by paragraphs (C)(1) and (C)(2) of this rule shall be in writing and shall include the name of the person to be certified, a statement that the person is a permanent resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the condition, and a signed statement by the certifying party that disconnection of service will be especially dangerous to health.
  - (b) Initial certification by the certifying party may be by telephone if written certification is forwarded to the company within seven days.
  - (c) In the event service has been disconnected within twenty-one days prior to certification of special danger to health for a qualifying resident, service shall be restored to that residence if proper certification is made in accordance with the foregoing provisions and the customer agrees to an extended payment plan.
  - (d) Certification shall prohibit disconnection of service for thirty days. Certification may be renewed two additional times (thirty days each) by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse-midwife, or local board of health physician by providing an additional certificate to the company. The total certification period is not to exceed ninety days per household in any twelve-month period.
  - (e) Upon renewal of certification, company personnel shall personally contact the customer and advise the customer of the governmental assistance programs that may be available. In the event that the best efforts of the company fail to result in personal contact, the company shall provide assistance information by mail.
  - (f) If a medical certificate is used to avoid disconnection, the customer shall enter into an extended payment plan prior to the end of the medical certification period or be subject to disconnection. The initial payment on the plan shall not be due until the end of the certification period.

- (D) Upon request of the customer, the company shall provide an opportunity for review of the initial decision to disconnect the service. The company shall review the circumstances surrounding the disconnection, escalate the review to an appropriate supervisor if requested, and inform the customer of the decision upon review as soon as possible. At the customer's request, the company shall re-pond in writing.
- (E) The company when contacted by the commission's public interest center shall respond to an inquiry concerning a pending disconnection or actual disconnection within two business days. At the request of commission staff, the company shall respond in writing. Commission staff will notify the customer of the company's response.
- (F) The company shall include in its tariff its current standard practices and procedures for disconnection, including the applicable collection and reconnect charges. The company shall submit a sample disconnection notice for approval.

Effective: 2/11/08

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Statutory Authority: 4905.04, 4933.122

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Prior Effective Dates: 3/22/80, 10/6/82, 12/1/83, 4/21/86, 6/19/88, 12/3/94, 2/4/00, 9/1/04, 4/6/06

#### 4901:1-18-06     Reconnection of service.

The company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions:

- (A) Upon payment or proof of payment, including any reconnection charge, of the amount owed for the service that was previously disconnected or of an amount sufficient to cure the default on any extended payment plan described in rule 4901:1-18-04 of the Administrative Code, including any reconnection charge, the company shall reconnect service by the close of the following regular company working day. The amount sufficient to cure the default includes all amounts that would have been due and owing under the terms of the applicable extended payment plan, absent default, on the date on which service is reconnected.
- (B) If service is disconnected and the customer wishes to guarantee the reconnection of service the same day on which payment is rendered:
  - (1) The customer must provide proof of payment, and notify the company no later than twelve-thirty p.m. that reconnection of service is requested the same day.
  - (2) The company may require the customer to pay or agree to pay the company's approved tariff charges for reconnection of service if reconnection of service occurs after normal company business hours. The company may collect this fee prior to reconnection or with the customer's next monthly billing.
- (C) The company shall not assess a reconnection charge unless the company has actually disconnected the service. The company may, however, assess a collection charge if a collection charge is part of the company's approved tariff.
- (D) If the company requires a guarantor in order to reestablish service, the guarantor shall sign an acknowledgment that he/she is willing to accept the responsibility to secure payment of the customer's bill in an amount sufficient for a sixty-day supply of service.



Replaces: 4901:1-18-13

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Prior Effective dates: 3/22/80, 10/6/82, 12/1/83, 1/19/84, 4/21/86

#### **4901:1-18-07 Landlord-tenant provisions.**

A company may disconnect utility service of individuals whose utility services are included in rental payments and of consumers residing in a multi-unit dwelling (i.e., tenants who receive master-metered services) for which the customer is the landlord, only in accordance with the following

- (A) The company shall give a notice of disconnection of service to the landlord/agent at least fourteen days before the disconnection would occur. If, at the end of the fourteen-day notice period, the customer has not paid or made payment arrangements for the bill to which the fourteen-day notice relates, the company shall then make a good faith effort by mail, or otherwise, to provide a separate ten-day notice of pending disconnection to the landlord/agent, and to each unit of a multi-unit dwelling (i.e., each tenant who receives master-metered service). This ten-day notice shall be in addition to the fourteen-day notice given to the landlord/agent. This notice requirement shall be complied with throughout the year. In a multi-unit dwelling, written notice shall also be placed in a conspicuous place.
- (B) The company shall also provide the following information in its ten-day notice:
  - (1) A summary of the remedies tenants may choose to prevent disconnection or to have service re-connected.
  - (2) A statement to inform tenants that a list of procedures and forms to prevent disconnection or to have service reconnected are available from the company upon request. A model form of the tenants' ten-day notice is attached as appendix A to this rule.
- (C) The company shall inform any consumer inquiring about the notice, posted pursuant to paragraph (A) of this rule, of the amount due for the current month's bill and that the disconnection of service may be prevented if the consumer(s) makes a single payment to the company in the amount of the current month's bill.
- (D) The company shall credit to the appropriate account any payment made by tenants equal to or exceeding the landlord's current bill for those premises. The company is under no obligation to accept partial payment from individual tenants. The company may choose to accept only a single payment from a representative acting on behalf of all the tenants.
- (E) No company shall disconnect service to master-metered premises when all of the following actions take place:
  - (1) A tenant delivers to the company a copy of the written notice required by division (A) of section 5321.07 of the Revised Code, signed by fifty per cent or more of the tenants of the occupied dwelling units, which notice shall designate the imminent disconnection of utility service (as shown by the disconnection notices received) as a reason for the notice.
  - (2) A tenant informs the company in writing of the date of the last day on which rent may be paid before a penalty is assessed or the date on which default on the lease or rental agreement can be claimed.

- (3) The tenants timely invoke the remedies provided in divisions (B)(1) and (B)(2) of section 5321.07 of the Revised Code, including but not limited to:
  - (a) Depositing all rent that is due and thereafter becomes due to the landlord, with the clerk of the municipal or county court having jurisdiction, and
  - (b) Applying to the court for an order to use the rent deposited to remedy the condition or conditions specified in the tenant's notice to the landlord (including but not necessarily limited to payment to the company rendering the disconnection notice).
- (F) Each company that delivers notice pursuant to paragraph (A) of this rule shall provide to each tenant, upon request, the procedures to avoid disconnection or to have service reconnected as described in appendix B to this rule. The forms referenced in appendix B to this rule shall be made available by the company and also will be available on the commission's website at [www.puc.state.oh.us/PUCO/forms/index.cfm](http://www.puc.state.oh.us/PUCO/forms/index.cfm) or by contacting the commission's public interest center toll-free (in Ohio) at 1-800-686-7826 or TDD/TTY at 1-800-686-1570. The company shall also identify for the tenant any resources in the community where he/she can obtain assistance in pursuing his/her claim, including but not limited to:
  - (1) The telephone number(s) of the local legal services program (in cities over one hundred thousand served by that company),
  - (2) The toll-free number(s) for the Ohio state legal services association,
  - (3) The toll-free number(s) of the office of consumers' counsel,
  - (4) The telephone number(s) of the local bar association, and
  - (5) The telephone number(s) of the local tenant organization(s).
- (G) If a company disconnects service to consumers whose utility services are included in rental payments or who are residing in master-metered premises, the company, upon inquiry, shall inform the consumer that service will be reconnected upon payment of the amount due for the current month's bill plus any reconnection charge if the payment is made within fourteen days of disconnection. The company shall continue service at the premises as long as the tenant's representative continues to pay for each month's service (based upon actual or estimated consumption) by the due date of the bill for that service. The company shall also reconnect service for those consumers who, within fourteen days of the disconnection of service, invoke the provisions of section 5321.07 of the Revised Code, as specified in paragraph (E) of this rule. If the consumers choose to have their service reconnected by paying the current month's bill and payment is not made by the due date each month, the company shall post the notice in a conspicuous location on the premises and make a good faith effort by mail or otherwise to notify each household unit of a multi-unit dwelling or tenant receiving service in the master-metered premises of the impending service disconnection. The company is not required to reconnect service pursuant to this paragraph where the landlord resides on the premises.
- (H) The company shall only provide service to a master-metered premise if the customer is the landlord/owner of the premises. Company acceptance of new applications for service to master-metered premises requires the landlord/owner to provide to the company an accurate list specifying the individual mailing addresses of each unit served at the master-metered premises.
- (I) The company may charge the landlord/owner of the master-metered premises a reasonable fee, as set forth in the company's tariffs, designed to pay the company's incurred cost for providing the notice to tenants required by paragraph (A) of this rule.
- (J) The company has the burden of collecting any amounts in arrears.

- (K) If a customer, who is a property owner or the agent of a property owner, requests disconnection of service when residential tenants reside at the premises, the company shall perform both of the following actions:
- (1) Provide at least a ten-day notice prior to the disconnection of service by mail to the residential tenants or by posting the notice in conspicuous places on the premises.
  - (2) Inform such customer of the customer's liability for all utility service consumed during the ten-day notice period.
- (L) Notwithstanding any notice requirement of a company under paragraph (K) of this rule and paragraph (A)(3)(d) of rule 4901:1-18-05 of the Administrative Code, a company will not be found to have violated these rules if:
- (1) The company uses reasonable efforts to determine the status of the customer/consumer as either a property owner, the agent of a property owner, or a tenant; or
  - (2) The customer/consumer misrepresents the status of the customer/consumer as either a property owner, or the agent of a property owner, or tenant.

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Replaces: 4901:1-18-07

Effective: 9/1/04

R.C. 119.032 Review date: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: RC 4905.06, 4905.22, 4933.12, 4933.121, 4933.122

Prior Effective dates: 3/22/80, 10/6/82, 12/1/83, 4/21/86, 12/19/86

#### **4901:1-18-08 Waiver requests.**

The public utilities commission of Ohio may waive any rule or any part of a rule contained in this chapter of the Administrative Code for good cause upon its own motion or upon application by a company.

The application for a waiver shall include the specific rule(s) requested to be waived. If the request is to waive only a part or parts of a rule, then the application should identify the appropriate paragraphs, sections, or subsections to be waived. The waiver request shall provide sufficient explanation by rule, including advantages and possible disadvantages, to allow the commission to thoroughly evaluate the waiver request.

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Replaces: 4901:1-18-08

Effective: 9/1/04

R.C. 119.032 Review date: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: RC 4905.06, 4905.22, 4933.17, 4933.12, 4933.121, 4933.122

Prior Effective dates: 3/22/80, 12/1/83, 1/19/84, 12/3/94

#### **4901:1-18-10 Combination utility companies.**

- (A) The residential customers and consumers of a combination utility company that provides both natural gas and electric service shall have the same rights pursuant to Chapter 4901:1-18 of the Administrative Code as customers and consumers who are served by separate natural gas and electric companies. In the event of disconnection or pending disconnection of both gas and electric services, a residential

customer of a combination utility company has the right to choose to retain or have reconnected both utility services or one service, either gas or electric.

- (B) A combination utility company shall apply the payments from residential customers to their gas and electric accounts separately and shall apportion the payments based on the total balance for each service, including any arrearage plus the current month's charge(s). For purposes of applying these payments:
- (1) For customers billed only for services provided by the combination utility company, the company shall apply payments first to past due amounts, then to current regulated charges, and finally to any nonregulated charges.
  - (2) For customers billed by the combination utility company for any competitive services provided by either a competitive retail natural gas supplier and/or a competitive retail electric provider, the company shall apply payments as provided for in paragraph (J) of rule 4901:1-29-12 and paragraph (H) of rule 4901:1-10-33 of the Administrative Code.
- (C) Whenever a residential customer receiving both gas and electric service from a combination utility company has received a disconnection of service notice, the company shall give the customer each of the following options:
- (1) An extended payment plan for both gas and electric as provided for in rule 4901:1-18-04 of the Administrative Code.
  - (2) An extended payment plan to retain either gas or electric service as chosen by the customer. Such extended payment plan shall include an extended payment plan as provided in rule 4901:1-18-04 of the Administrative Code.
- (D) If a residential customer of a combination utility company who has entered into one extended payment plan for both gas and electric service receives a disconnection of service notice and notifies the company of an inability to pay the full amount due under such plan, the company shall offer the customer, if eligible pursuant to paragraph (A) of rule 4901:1-18-04 of the Administrative Code, another payment plan to maintain both services. The company shall give the customer the opportunity to retain only one service by paying the defaulted payment plan portion attributable to that service and by continuing payment on the portion of the extended payment plan attributable to that service subject to paragraph (B) of rule 4901:1-18-05 of the Administrative Code.
- (E) If both the gas and electric service of a residential customer of a combination utility have been discontinued for nonpayment, the company shall reconnect both services, or either service, as designated by the customer, pursuant to rule 4901:1-18-06 of the Administrative Code.
- (F) The combination utility company shall in its disconnection of service notice, as provided for in Chapter 4901:1-18 of the Administrative Code, advise combination residential customers of their rights to select the service(s) for retention or reconnection as provided for in paragraphs (C), (D), and (E) of this rule. The notice shall state with specificity the conditions under which customers may exercise their rights and shall state the telephone number and business address of a company representative to be contacted to inquire about those rights.
- (G) For a customer who has received a disconnection of service notice and who contacts the combination utility company, the company shall inform the customer of the total past due amount for each service, and with respect to the extended payment plans available under this rule, the monthly payment due on the past due amount for each service.

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Replaces: 4901:1-18-10, 4901:1-18-13

Effective: 9/1/04

R.C. 119.032 Review date: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: RC 4905.06, 4905.22, 4933.17, 4933.122

Prior Effective dates: 7/1/99, 7/27/80, 6/6/81, 6/13/81, 7/7/85

**4901:1-18-11    Insufficient reasons for refusing or disconnecting service.**

The company shall not refuse service to or disconnect service to any applicant/customer for any of the following reasons:

- (A) Failure to pay for service furnished to a former customer unless the former customer and the new applicant for service continue to be members of the same household.
- (B) Failure to pay a nonresidential account.
- (C) Failure to pay any amount which is in bona fide dispute. Where the customer has registered a complaint with the commission's public interest center or filed a formal complaint with the commission which reasonably asserts a bona fide dispute, the company shall not disconnect service if the customer pays either the undisputed portion of the bill, if known or can reasonably be determined, or the amount billed for the same billing period in the previous year.
- (D) Failure to pay any nonregulated service charges.

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Replaces: 4901:1-18-12

Effective: 9/1/04

R.C. 119.032 Review date: 11/30/08

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04

Rule amplifies: R.C. 4905.06, 4905.22, 4933.17, 4933.12, 4933.121, 4933.122

Prior Effective date: 10/6/82

**4901:1-18-12    Restrictive language prohibition.**

Except as provided in rules 4901:5-37 and 4901:5-25-06 of the Administrative Code or other commission-approved curtailment provisions, no natural gas company or electric distribution utility shall deny service to a prospective customer or discontinue service to a present customer because the company would be or is providing only auxiliary, stand-by or emergency service as an alternative energy source.

Upon application to and approval by the commission, a natural gas company or electric distribution utility may file a separate applicable tariff containing rates which reflect the costs incurred by that company to provide such services.

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Replaces: 4901:1-18-13

Effective: 9/1/04

Promulgated under: R.C. 111.15

Statutory authority: R.C. 4905.04, 4905.28

Rule amplifies: R.C. 4905.06, 4905.22, 4905.30, 4905.31, 4933.122

R.C. 119.032 Review dates: 11/30/08

Prior Effective dates: 7/7/85