BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

FINDING AND ORDER

The Commission finds:

(1) Sections 111.15 and 119.032, Revised Code, require the Commission to conduct a review, every five years, of its rules and to determine whether to continue its rules without change, amend its rules, or rescind its rules. The rules in Chapter 4901:1-13, Ohio Administrative Code (O.A.C.), in general, address the minimum gas service standards.

(2) Section 119.032(C), Revised Code, requires the Commission to determine all of the following:

(a) Whether the rules should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute(s) under which the rules were adopted.

(b) Whether the rules need amendment or rescission to give more flexibility at the local level.

(c) Whether the rules need amendment or rescission to eliminate unnecessary paperwork.

(d) Whether the rules duplicate, overlap with, or conflict with other rules.

(3) In making its review, an agency is required to consider the continued need for the rules, the nature of any complaints or comments received concerning the rules, and any factors that have changed in the subject matter area affected by the rules.

(4) 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, 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.

(5) By entry issued April 22, 2009, the Commission issued Staff-proposed revisions and suggestions for comment for Chapter 4901:1-13, O.A.C. Staff recommended certain changes to the rules in order to provide better consistency with similar rules applicable to other industries, as well as to clarify and correct other issues.

(6) Initial comments were filed in this docket on May 22, 2009, by: the East Ohio Gas Company d/b/a Dominion East Ohio and Vectren Energy Delivery of Ohio, Inc. (jointly referred to as DEO/VEDO); Ohio Home Builders Association, Inc. (OHBA); Columbia Gas of Ohio, Inc. (Columbia); and the office of the Ohio Consumers' Counsel and the Ohio State Legal Services Association (jointly referred to as OCC/OSLSA). Reply comments were filed on June 8, 2009, by: Duke Energy Ohio, Inc. (Duke); Ohio Gas Marketers Group (OGMG); DEO/VEDO; Columbia; OCC/OSLSA; and Ohio Gas Company (Ohio Gas).

(7) The Commission will address the more relevant comments below. The Commission notes that some minor, noncontroversial changes have been incorporated into the amended rules without Commission comment. Any recommended change that is not discussed below or incorporated into the amended rules should be considered denied.

General Comments

(8) OCC/OSLSA note that Section 4911.16, Revised Code, provides that OCC shall have access to all books, contracts, records, documents, and papers in the possession of the Commission.

Therefore, they believe that the rules should be clarified to make it clear that OCC should be included in the distribution of reports, complaints, or other information which is compiled in conjunction with these rules and provided to the Commission. (OCC/OSLSA at 2.)

Ohio Gas opposes OCC's request stating that it is overly broad, beyond the scope of Section 4911.16, Revised Code, and unreasonably shifts the cost burden to the companies. Ohio Gas points out that, while it routinely works with OCC to provide OCC information, the gas companies are under no obligation to provide OCC with copies of everything that is provided to the Commission. (Ohio Gas Reply at 4.)

The Commission acknowledges that, as an advocate for residential consumers, OCC is an important stakeholder in cases before the Commission. However, we believe that it is neither necessary nor appropriate for the rules containing minimum gas service standards to contain directives regarding the provision of information to OCC. As pointed out by OCC/OSLSA, Section 4911.16, Revised Code, addresses the proper manner in which OCC should obtain the requested information. Accordingly, the Commission concludes that the request by OCC/OSLSA should be denied.

(9) OCC/OSLSA recommend that the Commission require alternative bill formats in the form of large print and Braille formats for customers who have vision impairments. OCC/OSLSA offer that there should be an information campaign to alert customers to the availability of the large print format and that, prior to the Braille format becoming available, the a customer information program should be developed. (OCC/OSLSA at 39-41.)

In response, Duke states that it currently provides billing statements in alternative formats. However, Duke is concerned that the proposal by OCC/OSLSA would require that all customer notices be provided in alternative formats; if so, compliance with such a mandate would be costly. (Duke Reply at 11.) Similarly, DEO/VEDO object to this proposal by OCC/OSLSA pointing out that DEO and VEDO currently address the needs of their customers that need alternative bill formats (DEO/VEDO Reply at 24). In addition, Ohio Gas

requests that the Commission reject the recommendation by OCC/OSLSA stating that this issue has been previously addressed and rejected by the Commission in other cases (Ohio Gas Reply at 2).

The Commission notes that utility companies typically work with their customers to ensure that the customers' needs regarding billing information are addressed. For example, as pointed out by OCC/OSLSA, both Duke and DEO have made large print billing statements available to their customers with visual impairments (OCC/OSLSA at 39). Moreover, the Commission points out that technology and the internet may also provide solutions to OCC/OSLSAs' concern regarding the availability of billing information in alternative formats to assist customers' with vision impairments. Finally, the Commission notes that we have addressed this same request by OCC in several other rulemaking proceedings over the years and OCC/OSLSA have failed to raise any new issue that would change our conclusion that this request should be denied.

(10) OCC/OSLSA advocate that all companies be required to subscribe to an interpreter service and make it available to their customers who do not speak or read English (OCC/OSLSA at 41).

DEO/VEDO object to this proposal by OCC/OSLSA noting again that DEO and VEDO currently address the needs of their customers that need translation services (DEO/VEDO Reply at 24).

This issue has been addressed by the Commission in several other rulemaking proceedings over the years and OCC/OSLSA has failed to present any information that indicates that the companies are not currently addressing any issues that their customers who do not speak English may have. In fact, the Commission notes that, as pointed out by OCC/OSLSA, DEO, Columbia, Duke, and VEDO all subscribe to an interpreter service (OCC/OSLSA at 41). Therefore, we find that the request by OCC/OSLSA should be denied.

(11) OCC/OSLSA state that the Commission erred by not seeking comment on Chapter 4901:1-34, O.A.C., which contains

enforcement provisions for violations of the minimum gas service standards (OCC/OSLSA at 41-52).

DEO/VEDO, Ohio Gas, and Columbia note that Chapter 4901:1-34, O.A.C., is outside of the scope of this proceeding and, therefore, the Commission should reject these unsolicited comments (DEO/VEDO Reply at 24; Ohio Gas Reply at 2; Columbia Reply at 28-29).

As explained in finding (1) above, Sections 111.15 and 119.032, Revised Code, require the Commission to conduct a review, every five years, of its rules. The Commission last reviewed Chapter 4901:1-34, O.A.C., in *In the Matter of the Commission's Review of its Rules for Competitive Retail Natural Gas Service at Chapters 4901:1-27 Through 4901:1-34, Ohio Administrative Code*, Case No. 06-423-GA-ORD, Opinion and Order (September 13, 2006) (06-423). As we stated in our order in 06-423, in accordance with the five-year time frame set for by statute, the next review date for Chapter 4901:1-34, O.A.C., is November 30, 2012. Therefore, the Commission finds that this comment by OCC/OSLSA is without merit and should be denied.

Rule 4901:1-13-01 – Definitions

(12) General

(a) OCC/OSLSA believe that the Commission should add definitions to this rule for the standard measure for natural gas (one hundred cubic feet [Ccf] or one thousand cubic feet [Mcf]) (OCC/OSLSA at 4-5.)

While not opposed, DEO/VEDO see no reason to include the standard measurement definitions, stating that they are not necessary because they are understood terms in the industry (DEO/VEDO Reply at 5).

Upon consideration of the proposal of OCC/OSLSA, the Commission agrees that it is not necessary to add definitions for Ccf and Mcf to the rule, because these are standard volumetric measurements that do not need to be defined for

purposes of these rules. Therefore, the request by OCC/OSLSA should be denied.

(b) OCC/OSLSA also recommend that a definition for tampering be added to this rule. OCC/OSLSA point out that the definition of tampering is included in the new disconnection rules, Chapter 4901:1-18, O.A.C. (OCC/OSLSA at 4-5.)

Duke does not oppose the recommendation of OCC/OSLSA; however, Duke suggests that, if the rules refer to instances of tampering, a correct definition of that term would be appropriate (Duke Reply at 3). Furthermore, DEO/VEDO believe that it is not necessary to define tampering because to do so would only serve to increase litigation over whether a certain activity fits within the four corners of the definition in the rules. (DEO/VEDO Reply at 5.) Ohio Gas states that, while it does not disagree that a definition of tampering should be included in the rules, OCC's proposed definition is too narrow (Ohio Gas Reply at 5).

The Commission believes that the recommendation by OCC/OSLSA is well made and should be granted. Therefore, the Commission will include in this rule the same definition of tampering as set forth in the Commission's electric service standards contained in Chapter 4901:1-10, O.A.C.

(13) Paragraph (A) – This is a new paragraph proposed by Staff which defines a "bona fide dispute" as a complaint registered with the Commission's call center or a formal complaint filed with the Commission.

(a) Ohio Gas believes that the definition proposed by Staff is overly broad. Therefore, Ohio Gas recommends that the definition be modified to state that a bona fide dispute is a complaint "made in good faith without fraud or deceit" that

is registered with the Commission's call center or a formal complaint filed with the Commission. (Ohio Gas at 1-2.)

OCC/OSLSA oppose Ohio Gas' suggestion, submitting that, while it may be desirable to raise the standard for determining a bona fide dispute to one that is made in good faith without fraud or deceit, as a practical matter, such a standard is unenforceable because fraud is a subjective standard. Furthermore, OCC/OSLSA state that, in light of the burden of proof associated with fraud, neither the company nor Staff is in a position to unilaterally determine through a phone call that a customer has committed fraud. (OCC/OSLSA Reply at 2-3.)

The Commission believes that it stands to reason that a dispute that is bona fide is made without the intent to defraud or deceive. Therefore, it is unnecessary to edit Staff's proposal as requested by Ohio Gas. However, we find that some clarification could be helpful; thus, we have revised the language to state that a bona fide dispute "means a reasonable dispute." Accordingly, upon consideration of the comments, the Commission finds that Ohio Gas' request should be denied and the definition of bona fide dispute proposed by Staff, as revised in the attached rules, should be adopted.

(b) OCC/OSLSA state that, because it is the statutory representative for residential consumers and it routinely works with consumers that dispute their bills, residential customer contacts with OCC should be added to the definition of a bona fide dispute (OCC/OSLSA at 3).

DEO/VEDO oppose the revision proposed by OCC/OSLSA, stating that, in keeping with Ohio Gas' comments on this definition, the proposal by OCC/OSLSA would provide an additional option for customers seeking to game the system and

avoid paying a bill (DEO/VEDO Reply at 4). Ohio Gas also opposes the recommendation of OCC/OSLSA pointing out that there are many reasons why customers contact the Commission and OCC, including that their bill is too high; therefore, the definition should not be so broad that any complaint meets the definition (Ohio Gas Reply at 5).

As the regulatory body authorized by statute to oversee and supervise the regulated gas companies, it is appropriate and necessary that bona fide disputes should be defined as those brought to the Commission, either informally through the Commission's call center or formally through a docketed case. As a residential consumer advocate, OCC is a party to Commission proceedings and OCC has no statutory authority to regulate the utilities. Therefore, the Commission finds that the request of OCC/OSLSA to include contacts received by OCC to be inappropriate and the request should be denied.

(14) Paragraph (E) – This paragraph defines "consumer" as any person who receives service from a gas or natural gas company.

OCC/OSLSA comment that this definition is overly broad and may imply that, since the consumers received service from the company, there may be a financial responsibility to pay for the service. Therefore, they recommend that the definition be revised to clarify that a consumer is an end user of a company who may or may not have an agreement with the company, or the responsibility to pay the company. According to OCC/OSLSA this is a more narrow definition and will distinguish a consumer from a customer. (OCC/OSLSA at 3-4.)

Duke opposes the recommendation by OCC/OSLSA to expand the definition of consumer stating that their proposed definition creates confusion by referring to individuals who may or may not have a contract with a company, be subject to

tariff provisions, or have an obligation to pay for services (Duke Reply at 2). Similarly, DEO/VEDO and Ohio Gas state that the definition proposed by OCC/OSLSA lumps consumers and customers together by including end users who may or may not be financially responsible for service (DEO/VEDO Reply at 4; Ohio Gas Reply at 5).

The Commission believes that the definitions of both "consumer" and "customer" in the rules clearly delineate the difference between the two words as used in these rules. In addition, we note that these definitions are the same definitions that are used in Commission rules for other industries, i.e., telecommunication and electric. Therefore, upon consideration of the proposal by OCC/OSLSA, the Commission finds that their request should be denied.

(15) Paragraph (H) – This paragraph defines "customer premise" as the residence, building, or office of the customer.

Columbia requests that the meaning and intent of this definition be clarified, stating that Columbia traditionally defines customer premises as the place where the customer takes service. According to Columbia, its definition is consistent with the definition of "customer" contained in Paragraph (G) of this rule. (Columbia at 2.)

Duke recommends that the definition stay the same offering that Columbia's proposal to change the definition may not be consistent with the existing definition of "customer premise," because the customer may not occupy the premises to which service is provided (Duke Reply at 2).

Upon consideration of the comments, the Commission finds that the definition, as set forth in the rules, is correct and that Columbia's proposal should be denied.

(16) Paragraph (K) – This paragraph defines a governmental aggregator stating that it "shall have the same meaning as set forth in [S]ection 4929.01 of the Revised Code."

OCC/OSLSA state that this definition could be improved if it was revised to state that a governmental aggregator "means an agent, certified by the Commission, who arranges to buy or coordinate competitive retail natural gas service for the natural

gas loads of consumers under [S]ection 4929.01 of the Ohio Revised Code" (OCC/OSLSA at 4).

Conversely, Duke states that it is an accepted practice to provide a definition that references another section of the Ohio Revised Code; thus, Duke states that the change proposed by OCC/OSLSA is unnecessary (Duke Reply at 2). DEO/VEDO agree that the proposal by OCC/OSLSA should be rejected (DEO/VEDO Reply at 5).

The Commission agrees that the accepted practice is to simply cite the statutory authority and not to restate, in whole or in part, the language of the statute. Therefore, the Commission finds that the recommended change from OCC/OSLSA should be denied.

Rule 4901:1-13-02 – Purpose and scope

(17) Paragraph (G) – This paragraph lists other chapters of the O.A.C., which contain requirements to which the gas companies are subject. Staff proposed that only the chapter numbers be listed in the paragraph and that the descriptive titles be removed.

DEO/VEDO, and Duke recommend that the descriptive language be retained to assist those who use the rules (DEO/VEDO at 2; Duke Reply at 3).

The Commission finds that the companies' recommendation has merit and, therefore, the companies' request should be granted. Accordingly, the descriptive language should be retained.

(18) Paragraph (G)(4) – Currently, this provision provides that each gas or natural gas company is subject to the provision of competitive retail natural gas service (CRNGS), as applicable to gas or natural gas companies, in Chapter 4901:1-34, O.A.C. Staff proposed to add the phrase "to the extent applicable to gas or natural gas companies" to this paragraph.

Columbia maintains that H.B. 9 authorized the Commission to promulgate rules to carry out the enforcement of forfeitures and remedies against CRNGS providers and not natural gas companies. Columbia asserts that Chapter 4901:1-34, O.A.C.,

exceeds the statutory authority delegated to the Commission in H.B. 9, because it contains numerous references to enforcement procedures that are applicable to natural gas companies. Thus, Columbia requests that the Commission "strike all references to enforcement procedure that reference natural gas companies or, in the alternative, strike the reference to Chapter 4901:1-13, [O.A.C.], within Rule 4901:1-34-08, [O.A.C.]." (Columbia at 3.)

The Commission finds that the language proposed by Staff is appropriate and, in fact, addresses the concerns raised by Columbia in its comments. Accordingly, we find that Columbia's request should be denied and the language proposed by Staff should be adopted.

(19) Paragraph (I) – This is a new paragraph proposed by Staff which provides that citations in this chapter to the United States Code or the Code of Federal Regulations is intended to incorporate by reference the particular version of the federal laws and regulations pursuant to the date stated in this paragraph.

DEO/VEDO recommend that Staff's proposed language not be adopted stating that this chapter should not restrict the companies from observing the version of the federal regulations in effect at the time the Commission adopts the revised rules in this case. DEO/VEDO maintain that, if federal law changes after the effective date of these rules, the companies will be forced to decide which law to violate, the Commission's rules or the federal regulations. According to DEO/VEDO, preventing companies from complying with future changes in federal regulations establishes a regulatory structure that is unnecessary, ineffective, and contradictory. (DEO/VEDO at 2-5.)

Initially, the Commission would clarify that, contrary to the assertions by DEO/VEDO, the proposed language in no way prevents the companies from complying with future changes in the federal regulations. Rather, the Commission is required to reference, in the O.A.C. rules, the effective dates of any federal law or regulation that is referenced (Section 121.75, Revised Code). The Commission is committed to updating the effective date cited in the rules periodically, whenever necessary, to ensure that the effective date cited is kept current. The

Commission finds that this paragraph, as proposed by Staff, is appropriate and necessary; therefore, the companies' request should be denied and Staff's proposal should be adopted. Consistent with this finding, the effective date should be February 10, 2010.

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

(20) Paragraph (C) – This paragraph requires that a company shall maintain records for three years that are sufficient to demonstrate compliance with the rules in this chapter.

OCC/OSLSA recommend that the words "at least" be insert before the words "three years" arguing that the cost of electronic storage has dropped considerably since these rules were initially developed; therefore, the companies should be required to keep the records for at least three years or longer (OCC/OSLSA at 5-6).

Ohio Gas opposes OCC's recommendation stating that it is confusing and does not add anything to the rules (Ohio Gas Reply at 6).

The Commission agrees with Ohio Gas that the insertion of the words "at least" would be confusing and would add a level of ambiguity to the rules, resulting in the question of which rules require the retention of records for longer than three years. Therefore, the Commission finds that the request by OCC/OSLSA should be denied.

Rule 4901:1-13-04 – Metering

(21) Paragraph (C) – This paragraph provides the right for company employees or authorized agents to access metering equipment, including for the purpose of determining that the installation of the metering equipment is in compliance with "the company's requirements."

OCC/OSLSA recommend that the words "the company's requirements" be replaced with the words "Ohio law and/or Commission rules." According to OCC/OSLSA, this modification addresses their concern that the companies could implement policies that result in requirements for access to

premises that go beyond those set forth in Ohio law or Commission standards. (OCC/OSLSA at 6.)

DEO/VEDO believe that this proposal serves no purpose because it goes without saying that all of the companies' requirements must be consistent with Ohio law and the Commission's rules (DEO/VEDO Reply at 6). Ohio Gas opposes the recommendation of OCC/OSLSA stating that it ignores the fact that the companies are subject to federal gas pipeline safety requirements, as well as state requirements (Ohio Gas Reply at 6).

The Commission agrees that the requirements and policies of the companies referenced in this rule must be in compliance with state and federal law and the Commission's rules and regulations; however, this is also true for all policies established by the companies that are subject to the regulation of the Commission. Therefore, we find that it is unnecessary to include the language proposed by OCC/OSLSA and their request should be denied.

(22) Paragraph (D) – This paragraph sets forth the process to be followed when a customer requests a meter test.

(a) OCC/OSLSA recommend that this paragraph be revised to give customers the right to a meter test every three years, upon request, without being assessed a charge, regardless of whether the meter is within the tolerance levels set forth in Section 4933.09, Revised Code. These commenters submit that, if a company charges for meter testing, the charges must be explicitly approved by the Commission and set forth in the company's tariff. According to OCC/OSLSA, these revisions would be consistent with the Commission's metering process contained in the electric service and safety standards, Rule 4901:1-10-05(F)(4)(b), O.A.C. (OCC/OSLSA at 7-8.)

DEO/VEDO oppose this proposal stating that the Commission rejected this same proposal in its last review of the gas standards. Furthermore, they point out that Section 4933.09, Revised Code,

provides specific statutory procedures for meter testing and nothing in the statute gives customers the right to a free test (DEO/VEDO Reply at 6). Likewise, Columbia believes that the proposal by OCC/OSLSA could add greater expense to the customer's bill without any showing that there is a need for such cost. Columbia avers that the requirement is unnecessary because meters typically run accurately. (Columbia Reply at 4.)

As pointed out by the gas companies, unlike in the electric industry, there is specific statutory language set forth in Section 4933.09, Revised Code, which determines when the companies may charge a fee for meter testing. Therefore, since the statute defines when a meter test must be provided at no cost to the consumer, we find that it would not be appropriate for the rules to give customers the right to a meter test every three years upon request without allowing the companies to assess a charge if the meter is within the tolerance levels set forth in Section 4933.09, Revised Code, as proposed by OCC/OSLSA. However, the Commission agrees with OCC/OSLSA's statement that, if a company charges for meter testing, the charges must be approved by the Commission and set forth in the company's tariff; therefore, language to this effect should be added to Paragraph (D)(4). Accordingly, the request by OCC/OSLSA should be granted, in part, and denied, in part.

(b) OCC/OSLSA comment that the customers only know that they have the right to request a meter test if the company informs them. Therefore, OCC/OSLSA propose that the companies be required to notify customers of this right through periodic bill inserts and annual notices on their bills. (OCC/OSLSA at 7.)

Duke maintains that, since the suggestion by OCC/OSLSA is not predicated upon safety issues, their request does not justify the costs

associated with bill inserts and direct mail to electronic payment customers. Should the Commission require such additional notifications, Duke requests that it be allowed to provide the notifications electronically. (Duke Reply at 4.) Ohio Gas states that, while it is not necessarily opposed to the request by OCC/OSLSA, they fail to address the costs associated with adding language to the bills; therefore, Ohio Gas believes the request should be denied (Ohio Gas Reply at 6-7).

Initially, the Commission notes that the customers' right to a meter test is disclosed on the customers' rights and obligation information that is provided upon establishment of service, and it is also available on the companies' websites. Moreover, should a customer be concerned about the accuracy of a meter or a bill, the Commission believes that customer will contact the company and, at that time, the company is obligated to inform the customer of the right to have the meter tested and of the requirements associated with such testing. Given the potential cost to notify customers without any showing of the necessity for additional notification, the Commission finds that the recommendation by OCC/OSLSA should be denied.

(c) OCC/OSLSA point out that, when a customer has been overcharged for a long period of time, the rule does not require that the company pay interest on the overcharge. These commenters recommend that the companies be required to pay interest at a rate no less that the amount they charge for late fees, which is generally 1.5 percent. (OCC/OSLSA at 8.)

Duke opposes this proposal by OCC/OSLSA contending that to calculate and pay interest would be burdensome and require costly computer changes. Furthermore, Duke points out that it does not seek interest from customers

when an underbilling situation occurs. (Duke Reply at 4.) DEO/VEDO agree with Duke stating that the current rule is equitable to both the companies and the customers (DEO/VEDO Reply at 7). Columbia and Ohio Gas also oppose this proposal by OCC/OSLSA (Columbia Reply at 5; Ohio Gas Reply at 7).

The Commission does not believe that it would be appropriate to require in the rules that interest be paid in the event a customer is overcharged, especially in light of the fact that the companies do not charge interest in a situation where a customer is underbilled. Therefore, we conclude that the request by OCC/OSLSA should be denied.

(23) Paragraph (D)(2) – This paragraph provides that the customer or the customer's representative may be present when the meter test is performed.

OCC/OSLSA recommend that language be added requiring that the customer be informed, at the time the meter test is scheduled, that the customer has the right to be present.

The Commission finds that the recommendation by OCC/OSLSA is well made and should be granted.

(24) Paragraph (D)(5)(c) – This paragraph requires that, if a meter test reveals that the meter was not functioning correctly and the customer was overcharged, the company must either pay or credit the customer with the amount of the overcharge within 30 days.

OCC/OSLSA suggest that, if a meter test reveals that the meter was not functioning correctly and the customer was overcharged, the rule should specifically provide that the decision to receive a payment or credit for the overcharge should be at the discretion of the customer (OCC/OSLSA at 7, 15).

In response, DEO/VEDO point out that, under this paragraph, the customers already have this option (DEO/VEDO Reply at 7).

While the Commission agrees that this paragraph already states that the company shall "pay or credit an overpayment to the customer," the paragraph does not clearly state whether the option is at the discretion of the customer or the company. Since DEO/VEDO note that the customers have this option, the Commission sees no harm in clarifying the language as proposed by OCC/OSLSA. Therefore, the request by OCC/OSLSA should be granted.

(25) Paragraph (D)(5)(c)(i) – This paragraph requires that, if a meter was not functioning properly and the usage cannot be determined from a meter reading, the metered usage for the period of time prior to the time that the meter was not functioning properly will be used to determine the billing.

OCC/OSLSA believe that historical metered usage for a prior period is not necessarily reflective of what the usage would have been during the time the meter was not functioning properly. They recommend that several other factors, including weather, changes in household size, changes in the efficiencies of furnaces or other appliances, and other changes in the physical energy profile of the household, be included in the calculation to determine what the usage should have been. (OCC/OSLSA at 9.)

Duke opposes this recommendation by OCC/OSLSA stating that these factors are subjective and would be difficult to consistently manage and implement (Duke Reply at 4). Likewise, DEO/VEDO state that the proposal should be rejected and they note that OCC/OSLSA have pointed to no facts that demonstrate that historical metered usage is not a reasonable proxy for estimating usage during a period of metering inaccuracy (DEO/VEDO Reply at 7).

There is no showing that the factors proposed by OCC/OSLSA are quantifiable for purposes of determining the meter usage in a given household. However, historical meter usage can be ascertained and applied consistently. Therefore, the Commission finds that this recommendation by OCC/OSLSA should be denied.

(26) Paragraph (G)(1) – This paragraph provides that a company must obtain actual readings of its customers' meters at least

once every 12 months and, at a minimum, shall make reasonable attempts to obtain actual readings every other month.

OCC/OSLSA point out that several of the companies are installing automatic meter reading (AMR) equipment and, according to OCC/OSLSA, the public expectation is that, once this equipment is installed, meters will be read on a monthly basis. OCC/OSLSA recommend that the companies develop implementation plans which will establish when monthly meter reading requirement goals will be met. In keeping with its proposal, OCC/OSLSA suggest that language be added to this paragraph requiring companies to perform actual meter readings on a monthly basis once the AMR equipment is installed in an area, in accordance with the implementation plans approved by the Commission. (OCC/OSLSA at 10, 13.)

DEO/VEDO oppose this proposal stating that it is not necessary to address this process in the rules, pointing out that OCC/OSLSA have ignored the role of Staff in meter reading activities and have failed to address the circumstances where monthly reads are impossible because of equipment failure (DEO/VEDO Reply at 8). Columbia asks that this proposal by OCC/OSLSA be rejected offering that tariff proceedings are the appropriate forum for addressing specific AMR requirements, not a rulemaking proceeding (Columbia Reply at 6). Likewise, Ohio Gas opposes the recommendation of OCC/OSLSA stating that it is unnecessary and would be costly (Ohio Gas Reply at 3).

The Commission is very supportive of the companies' deployment of advanced metering infrastructure throughout their service areas and we believe that such equipment will benefit the customers; therefore, we strongly encourage the companies to utilize this equipment to the maximum extent possible. The Commission notes that the deployment of AMR equipment is being done on a company-by-company basis and we believe that it is appropriate for Staff to continue to work with those companies that have deployed or are planning to deploy AMR equipment in order to ascertain the geographic locations of the equipment. We do not believe that, at this time, companies should be required, through these rules, to submit AMR implementation plans to the Commission as suggested by

OCC/OSLSA. However, once it is operationally feasible to do so, we agree that those companies that have deployed AMR equipment should be required to read the meter on a monthly basis; therefore, language should be added to the rule reflecting this determination. Accordingly, we conclude that OCC/OSLSA's recommendation should be granted, in part, and denied, in part, as set forth herein.

(27) Paragraph (G)(1)(a) – This paragraph requires each company to submit a plan to the director of the Commission's Service Monitoring and Enforcement Department to read all meters at least once every 12 months.

(a) OCC/OSLSA recommend that this paragraph be revised to require that the plan be filed with the Commission, rather than informally provided to Staff (OCC/OSLSA at 11).

Duke offers that, because a publicly filed plan would necessitate the opening of a formal case, this recommendation by OCC/OSLSA would be unduly burdensome to both the company and the Commission with regard to time and resources (Duke Reply at 4). DEO/VEDO point out that these plans are already available to OCC upon request; therefore, there is no additional benefit to filing the plans in a formal public docket (DEO/VEDO Reply at 8). Likewise, Columbia opposes this recommendation by OCC/OSLSA noting that the Commission has the sole statutory authority to regulate utilities (Columbia Reply at 6). Ohio Gas also opposes this recommendation stating that the process in the current rules already protects customers and that OCC has not identified any problems associated with the current process (Ohio Gas Reply at 8).

As pointed out, the plans submitted by the companies are already available to OCC, upon request, and no reason has been espoused that would justify requiring that these plans be formally docketed at the Commission. Therefore,

we conclude that the request by OCC/OSLSA request should be denied.

(b) OCC/OSLSA propose language that would require that the plans include special provisions for the companies to make evening and weekend meter reads available to customers. (OCC/OSLSA at 14.)

Duke, Ohio Gas, and Columbia argue that requiring meter readings on evenings and weekends would be costly and require the company to pay employees overtime (Duke Reply at 4; Ohio Gas Reply at 3; Columbia Reply at 7-8). DEO/VEDO, likewise, state that their rates cannot accommodate the extraordinary and unnecessary level of service (DEO/VEDO Reply at 8).

The Commission believes that the individual companies should evaluate their own resources and determine whether it is feasible to provide this option to their customers; however, at this time, the Commission does not believe that a rule should require such. Therefore, the request by OCC/OSLSA should be denied.

(28) Paragraph (G)(1)(c) – This paragraph provides that adherence to a plan submitted by a company under this rule shall place the company in compliance with the requirement to read each meter at least once every 12 months. In addition, Staff recommends that the paragraph be revised to state that, if a complaint case is filed under Section 4905.26, Revised Code, alleging that a company has failed to read a meter, adherence to the company's plan will create a rebuttable presumption that the company's failure to read the meter once in the 12-month period was a matter beyond the company's control.

(a) Columbia points out that paragraph (G)(1) requires a company to obtain actual readings of its "customer meters" at least every 12 months. Columbia recommends that the word "customer" be inserted in paragraph (G)(1)(c) before the word

"meter" to ensure consistency and avoid ambiguity in this section. (Columbia at 3-4.)

The Commission finds that Columbia's request is reasonable and the paragraph should be revised accordingly.

(b) OCC/OSLSA recommend that this paragraph be deleted because it allows for a rebuttable presumption that the companies' compliance with their meter reading plan will demonstrate their compliance with the Commission's service standards. OCC/OSLSA point out that the companies' meter reading plans are not approved by the Commission; therefore, the rules should not imply that the plans equate to compliance. Rather, in a complaint case, the companies should be required to demonstrate compliance with the law and Commission rules, and not an arbitrary meter reading plan. (OCC/OSLSA at 11, 14.)

DEO/VEDO and Columbia disagree with the proposal by OCC/OSLSA to delete this paragraph (DEO/VEDO Reply at 9; Columbia Reply at 8-9).

Initially, the Commission notes that this rule requires that each company submit a meter reading plan to Staff for review and approval. Once Staff has reviewed the plan, Staff will notify the company if the plan is not approved and the company then has the right to file a request with the Commission seeking approval of the plan. With this process in place, the Commission finds that Staff's proposed language stating that there is a rebuttable presumption that a company's failure to read the meter in accordance with its plan was beyond the company's control, so long as the company was adhering to the approved plan, is appropriate. Contrary to OCC/OSLSA's argument, this presumption does not necessarily equate to compliance with the standard, as the complainant may provide evidence in the case

that rebuts this presumption. Accordingly, the request by OCC/OSLSA should be denied.

(29) Paragraph (G)(2) – This paragraph sets forth what a company may bill a customer, if the company fails to read the customer's meter for any reason for any 12-month period and the company either underestimates the customer's usage or overestimates the customer's usage. In accordance with this paragraph, if the company underestimates a residential or small commercial customer's usage, the company may only bill that customer for the difference between the estimated usage and the actual usage under the terms of Section 4933.28, Revised Code, at the rates in effect at the time the gas was used. If the company overestimates a residential or small commercial customer's usage, the company shall credit that customer for the overestimated usage at the rates in effect at the time the gas was used.

Columbia maintains that this paragraph is overly broad and in conflict with other rules regulating meter reading. Columbia states that Section 4933.28, Revised Code, only applies to residential customers and provides that, when the residential customer is undercharged as a result of meter reading, meter inaccuracy, or another continuing problem that is under the company's control, the company may bill the customer for the amount of the unmetered gas. However, Columbia notes that, while the paragraph in question references Section 4933.28, Revised Code, the Commission has made this paragraph applicable to small commercial customers, as well as residential customers. In addition, Columbia believes that the Commission has exceeded the reach of Section 4933.28, Revised Code, because this paragraph applies when the company fails to obtain meter readings for "any reason" and not just when it is a continuing problem under the company's control as provided for in the statute. According to Columbia, the language subjects a company to penalties for situations beyond its control, such as the situation where a customer prevents the company from obtaining an actual meter reading; therefore, this paragraph may have the effect of encouraging a company to terminate service to a customer who repeatedly denies the company the ability to obtain actual readings. Therefore, Columbia requests that this paragraph be revised to delete its applicability to small commercial customers and to change the

language "for any reason" to "for a continuing problem under its control." (Columbia at 4-6.) Duke states that the wording needs to be such that the customer does not benefit from denying the company access to read the meter (Duke Reply at 3).

OCC/OSLSA oppose Columbia's suggested language stating that the determination as to whether a problem is under the company's control is both arbitrary and subjective and would provide a company the opportunity to minimize the effectiveness of the rule (Columbia Reply at 4).

In reviewing Paragraphs (G)(2) and (G)(3) of this rule, as well as the comments referring to these paragraphs, the Commission finds it necessary to rework the paragraphs to clarify any confusion as to their intent. We believe that the best way to address this issue is to mirror the language we implemented in Rule 4901-1-10-23, O.A.C., which applies to the electric industry. Therefore, Columbia's request for clarification should be granted and these paragraphs should be revised accordingly.

(30) Paragraph (G)(3) – This paragraph provides that, when a company has undercharged a small commercial customer as a result of a meter or metering inaccuracy, or other continuing problem under the company's control, the maximum portion of the undercharge that may be billed to the customer in any billing month shall be determined by dividing the amount for the under charge by the number of months of the undercharged service.

(a) As with its argument detailed above, Columbia submits that this paragraph unreasonably broadens the scope of Section 4933.28, Revised Code, by applying it to small commercial customers (Columbia at 6-7).

The Commission finds that Columbia's concern has been resolved by revising this paragraph as stated previously in finding (29).

(b) OCC/OSLSA recommend that, in accordance with Section 4933.28, Revised Code, this paragraph be revised to address the situation

where a residential customer is undercharged. Furthermore, in keeping with Section 4933.28, Revised Code, OCC/OSLSA state that the amount to be billed should be divided by 12 months, rather than the "number of months of undercharged service," as set forth in the paragraph. (OCC/OSLSA at 12, 15.)

In response, DEO/VEDO state that Paragraph (G)(2) applies to both residential and small commercial customers and establishes rules for calculating backbills; however, this paragraph, Paragraph (G)(3), serves a different purpose because is addresses metering inaccuracies that only apply to small commercial customers. Thus, they believe that the proposal by OCC/OSLSA should be rejected. (DEO/VEDO Reply at 9.)

The Commission has clarified paragraphs (G)(2) and (G)(3) as stated previously in finding (29); thus, the issues raised by these commenters have been addressed.

(31) Paragraph (G)(4) – This paragraph allows a customer to request two actual meter readings, without charge, per calendar year. In addition, the paragraph provides that a customer may only request an actual meter reading, without charge, if the customer's usage has been estimated for more than two of the immediately preceding billing cycles consecutively.

OCC/OSLSA recommend that the limitations on when a customer may request an actual meter reading be removed from this paragraph, because customers should be able to request meter reads to confirm that a previous read was performed correctly (OCC/OSLSA at 12, 15.)

DEO/VEDO insist that this recommendation by OCC/OSLSA makes no sense and should be rejected, pointing out that companies are only required to read a meter once a year (DEO/VEDO Reply at 10). Columbia agrees that the proposal by OCC/OSLSA should be rejected, stating that the AMR systems will diminish the need for actual meter readings by company personnel (Columbia Reply at 9).

The Commission believes that the rule, as written, is reasonable and that OCC/OSLSA have provided no argument to the contrary. Therefore, the request by OCC/OSLSA should be denied.

(32) Paragraph (G)(5) – This paragraph requires a company to perform an actual meter read when service is initiated or terminated, unless the company has actually read the meter in the preceding 70 days.

OCC/OSLSA recommend that the 70-day limitation be reduced to seven days because the expectation that customers should assume responsibility for 70 days of inaccuracy in metered usage when they initiate service is unreasonable (OCC/OSLSA at 12, 15-16).

DEO/VEDO disagree with this proposal stating that there will be numerous occasions due to normal monthly meter reading cycles when the meter will not be read in the seven days prior to initiation or termination of service. However, they explain that a customer initiating service on January 1 will be responsible for service on or after January 1, regardless of when or how the prior customer's meter was read. (DEO/VEDO Reply at 10.) Columbia and Ohio Gas also believe that the proposal by OCC/OSLSA should be rejected (Columbia Reply at 10; Ohio Gas Reply at 9).

As pointed out by the companies, there are times that a company's normal meter reading cycle will not allow for the seven-day limitation proposed by OCC/OSLSA. The Commission continues to believe that the 70-day timeframe is appropriate, especially in light of the fact that the customer does have the option of requesting an actual meter reading as set forth in these rules. According, the request by OCC/OSLSA should be denied.

(33) Paragraph (G)(8) – This paragraph addresses the situation where a company requires access to the meter and the landlord, who controls access, denies access.

OCC/OSLSA recommend that this paragraph be modified to allow the company the opportunity to recover from a landlord, not the customer, the costs incurred for enforcing reasonable

meter access when the landlord denies access (OCC/OSLSA at 13, 16).

Duke and Columbia disagree with the proposal of OCC/OSLSA pointing out that the company has a contract with the customer, not the landlord; therefore, the company will rely on its contract with the customer to enforce its right to access its equipment. Columbia also notes that, in many instances, the company does not know the identity of the customer's landlord. (Duke Reply at 5; Columbia Reply at 11.) Similarly, DEO/VEDO point out that lease provisions may limit a landlord's ability to enter the tenant's premises; thus, there is no basis to require the landlord to assume these costs (DEO/VEDO Reply at 11). Ohio Gas also believes that the provision should be rejected because it is beyond the Commission's jurisdiction to enforce collections by gas companies from a person who is neither a customer nor a consumer with whom the company has a contract (Ohio Gas Reply at 9).

The Commission acknowledges that the companies' contracts are with the customer and, oftentimes, the customer is not the landlord; therefore, the recommendation by OCC/OSLSA does not provide a workable solution to the meter access situation posed by OCC/OSLSA. Accordingly, the request by OCC/OSLSA should be denied.

Rule 4901:1-13-05 – Minimum customer service levels

(34) Paragraph (A)(1)(a) – This paragraph provides that 90 percent of new service requests requiring no installation of gas pipelines will be completed within five business days.

OCC/OSLSA argue that the service levels established in this paragraph are below minimum service. OCC/OSLSA recommend that the requirement be modified to state that 90 percent of new service requests requiring no installation of gas pipelines will be completed within two days during the winter months and five days during the nonwinter months. (OCC/OSLSA at 16-17.)

Duke and DEO/VEDO believe that the Commission should reject this proposal stating that OCC/OSLSA have ignored

external factors, such as weather, community restrictions imposed during holidays, and emergency work. Duke alleges that the proposed reduction in time is impractical and that the current five-day period reasonably balances the needs of the customer with the work commitments of the company. (Duke Reply at 5; DEO/VEDO Reply at 12.) Columbia, likewise, requests that the proposal by OCC/OSLSA be rejected, noting that, if implemented, the proposal would provide a way for customers to circumvent the Commission's newly adopted termination and reconnection of service by encouraging seasonal reconnection by delinquent customers in *In the Matter of the Commission's Review of Chapters 4901:1-17 et al., of the Ohio Administrative Code*, Case No. 08-723-AU-ORD, Finding and Order (December 17, 2008) (08-723) (Columbia Reply at 12). Ohio Gas agrees that the proposal by OCC/OSLSA should be rejected (Ohio Gas Reply at 10).

The Commission notes that this standard has been in place for many years and OCC/OSLSA have provided no reasoning as to why this current standard is now "below minimum service" as they allege. Furthermore, to reduce the amount of time for these types of installations may result in increased costs and OCC/OSLSA have not provided information that would show that the benefits of their proposal would outweigh any potential costs that may be borne by the ratepayers. Therefore, the recommendation by OCC/OSLSA should be denied. However, the Commission encourages the companies to take every reasonable action to connect new service as quickly as possible during the winter months.

(35) Paragraph (A)(2)(b) – This paragraph provides that the timeframe requirements for the completion of service initiation and upgrades do not apply to main line extensions; rather the company is to contact the customer within 30 days with an estimate of the cost of the main extension and an estimated completion date.

OHBA points out that the costs and timing associated with installing the equipment and initiating utility services is critical to a timely and cost-effective building process. OHBA explains that, while provisions in the companies' tariffs provide for 100 feet of line extension at no cost to the applicants, there are often conflicts that result in unpredictable and high upfront costs to

builders and developers. Given the current state of the economy, OHBA recommends that this paragraph be modified to establish reasonable parameters around the timing for the installation of main extensions, as well as the total upfront costs; thereby improving the processes that directly affect the affordability of new homes. In part, OHBA requests that 90 percent of new main line requests comply with one of the following: requests will be completed within 30 days; or, if a customer requests an installation date more than 30 days out, the request will be completed by the requested installation date. (OHBA at 2-4.)

Columbia notes that this paragraph specifically states that it does not apply to main extensions and that it only provides for adequate and reasonable parameters for customers placing requests for new service that require installation of main line extensions. Furthermore, Columbia argues that an itemized cost estimate is competitively sensitive and proprietary information that constitutes a trade secret and that providing such information could provide Columbia's competitors with an unfair competitive advantage. (Columbia Reply at 2-3.) Likewise, Duke and DEO/VEDO ask that the language proposed by OHBA be rejected. Duke contends that OHBA ignores external factors, such as the permitting process, construction bidding process, and emergency work. Furthermore, Duke states that the additional requirements would be overly burdensome. DEO/VEDO also note that their tariffs already adequately address main line extensions. (Duke Reply at 5; DEO/VEDO Reply at 12.)

Initially, the Commission notes that the parameters for main extensions are included in the companies' tariffs and, for some of the larger companies, have been addressed in those companies' most recent rate cases. Therefore, the Commission finds that, at this time, it is not necessary to address main extensions in these rules as proposed by OHBA. Therefore, OHBA's request should be denied. That being said, however, the Commission believes that it would be appropriate for Staff to initiate dialog with interested stakeholders to discuss main extension issues, including processes to ensure that main extensions occur in a timely manner.

(36) Paragraph (A)(3) – This paragraph provides that, prior to initial operation or reestablishment of gas service, the gas piping downstream of the meter shall be tested with a service line installed for a gas appliance to determine that no leaks exist.

OHBA requests that the language "with a service line installed for a gas appliance" be deleted from this paragraph. According to OHBA, this language often requires a company to make up to three trips to complete a visual inspection, make a tap, and set the meter; plus, the company and the city inspector often duplicate efforts. OHBA believes that this requirement has led to delays in construction and an increase in costs to builders and customers. (OHBA at 4-5.) Likewise, Columbia requests that the requirement for a service line drop for a gas appliance be eliminated stating that it will simplify scheduling, thus improving service to customers. Columbia recommends that the word "existing" replace this language; thus, requiring the company to test all existing house lines prior to establishing service. (Columbia at 7-8.)

Having considered the comments of both OHBA and Columbia, the Commission finds that the requests to eliminate the language requiring the test to be conducted "with a service line drop installed for a gas appliance" has merit. The essential activity is the testing of the gas service prior to the initial operation or reestablishment of gas service. Therefore, with regard to this request by OHBA and Columbia, the Commission finds that it is reasonable and should be granted. As for Columbia's recommendation that the word "existing" be inserted into the paragraph in lieu of the current language, the Commission does not believe that such language sufficiently addresses the goal of this requirement; therefore, this request should be denied. Accordingly, this paragraph should be revised as set forth in the attachment to this order.

(37) Paragraph (A)(3)(a) – This paragraph requires that a pressure test be measured with a manometer or a pressure measuring device.

Columbia points out that a manometer is a pressure testing device; thus, it recommends deletion of the term "manometer" because it is duplicative (Columbia at 8).

The Commission acknowledges that a manometer is a pressure testing devise; however, there are also other types of devices that may be used for such testing. In light of the fact that a manometer is one of the most accurate pressure testing devices available, the Commission finds that this paragraph should be revised to more clearly state the intent of the paragraph. Therefore, Columbia's request should be denied and the paragraph should be revised as set forth in the attachment to this order.

(38) Paragraphs (A)(3)(b) and (A)(3)(c) – These paragraphs set forth the requirements for testing new house lines at new installations and for reestablishing gas service, respectively.

Columbia notes that the requirements listed in this paragraph are generally taken from the National Fuel Gas Code (NFGC). Thus, Columbia suggests that the detailed list be deleted and the paragraph reference the National Fire Protection Association (NFPA) rules, offering that this change would be beneficial because the NFPC is a nationally recognized standard and it would create a single reference point for all house line-related issues. (Columbia at 8-9.) DEO/VEDO support this proposal (DEO/VEDO Reply at 12).

The Commission finds that the requirements set forth in these paragraphs clearly and succinctly set forth the process that companies must use for testing new house lines or for reestablishing service. We do not believe referencing the NFPA documents would provide additional information that is not already set forth in the paragraphs. Therefore, Columbia's request should be denied.

(39) Paragraph (A)(3)(d) – This paragraph establishes the requirements for testing bare steel service lines operating at less that one pound per square inch gauge (PSIG) at three PSIG for ten minutes.

Columbia recommends that the Commission use the guidance material in Title 49, C.F.R. 192, which requires testing at ten PSIG for five minutes (Columbia at 10).

The Commission finds that Columbia's request is reasonable and should be granted. Therefore, the paragraph should be revised accordingly.

(40) Paragraph (A)(4) – This paragraph requires a company to notify promptly the customer of a delay if the company cannot complete the requested service installation or service upgrade.

OCC/OSLSA recommend that the company be required to provided notification in person or via telephone (OCC/OSLSA at 17-18).

Columbia opposes the proposal by OCC/OSLSA stating that there is no evidence that there are notification problems under the current rules and that calling a customer would create an undue burden and expense if the customer does not answer (Columbia Reply at 13). Ohio Gas also opposes this recommendation stating that this language would only cause confusion (Ohio Gas Reply at 10).

The Commission agrees that there is no evidence that there are problems with the current process and that OCC/OSLSA provide no support for their proposal. Therefore, the request by OCC/OSLSA should be denied.

(41) Paragraph (B)(3) – This paragraph contains requirements for interactive answering systems, including the requirement that the system should include the option of being transferred to a live attendant by pressing zero.

DEO/VEDO recommend that this paragraph be broadened to permit button options other than zero which will accomplish the same thing and allow for automated systems with voice-recognition capabilities (DEO/VEDO at 5).

The Commission finds that this recommendation has merit and should be granted. Therefore, the paragraph should be amended to take these options into account.

(42) Paragraph (C)(2) – This paragraph requires that, on an average monthly basis, a company shall complete 95 percent of the scheduled appointments with its customers.

DEO/VEDO recommend that language be added to this paragraph so that a company will not be penalized for failing to meet the appointments due to circumstances beyond its control, e.g., an emergency situation or the customer cancels the appointment (DEO/VEDO at 6).

OCC/OSLSA disagree with this proposal stating that it is unreasonable because the practical effect is that, if missed appointments are excluded, the level of service being provided to customers will be skewed and distorted (OCC/OSLSA at 5).

Initially, the Commission notes that, under the current rules, any appointment cancelled by a customer would not be included in the performance measurement. With regard to appointments missed by a company, the Commission believes that the company should document the reasons why the appointments are missed and include that information in its failure reports. Such information will then be taken into consideration by the Commission in reviewing the reports. Therefore, the Commission finds that the request by DEO/VEDO should be denied.

(43) Paragraph (C)(3) – This is a new paragraph proposed by Staff which provides that, if a company offers a call-ahead process to confirm its arrival at an appointment and the customer has requested telephonic notification of the company's arrival, and the customer does not respond to the call, the appointment shall be considered cancelled by the customer.

(a) DEO/VEDO submit that, as proposed by Staff, this new language would impose an additional administrative burden on a company, with no corresponding benefit to the customer. According to DEO/VEDO, DEO's call-ahead process uses an automated outbound call that does not require a response from the customer and, while VEDO's process uses live call-aheads, VEDO often makes repeated calls if there is no response on the first call. Therefore, DEO/VEDO recommend that the language be revised to allow more flexibility on how a company handles call-aheads and cancelled appointments. (DEO/VEDO at 6-7.) Similarly, while Columbia supports the intent behind the proposed language, it recommends, and Duke agrees, that the language be revised to encompass all types of communications, including emails, text messaging, or telephone calls (Columbia at 10; Duke Reply at 3). Furthermore, Columbia notes

that it calls the customer at least twice prior to the scheduled appointment in an attempt to reach the customer (Columbia Reply at 14).

OCC/OSLSA point out that adding the word "electronic" to this paragraph does not mean that the notification will be provided to the consumer real time. According to OCC/OSLSA, if a customer failed to respond to an email or text message, the company could cancel the appointment, claiming that the customer was not home, without confirmation that the message was received. OCC/OSLSA recommend that the Commission consider adopting DEO's outbound call procedure, which allows outbound calls to alert the customer, does not require an answer, and never cancels a appointment because there is no answer. (OCC/OSLSA Reply at 5-6.)

The Commission agrees that the paragraph should be revised to reflect that additional types of communications may be utilized to provide notification. In addition, we find that, at the time the company offers the call-ahead process, the company must inform the customer that, if the customer does not respond to the notification, the appointment may be cancelled. The company must try to contact a customer twice and only then, if the customer does not respond to the company's notifications, may the company consider the appointment to have been cancelled by the customer. Therefore, to the extent set forth herein the requests pertaining to this paragraph should be granted and the paragraph should be revised accordingly.

(b) OCC/OSLSA recommend that this new paragraph be deleted stating that a customer may be waiting for the call-ahead notification and be temporarily occupied and unable to accept the call; thus, just because the call was missed, this should not result in a customer having to wait for an extended period of time for a rescheduled

appointment. In the alternative, they suggest that the company be required to dial two numbers for accessing the customer, or dial one number twice, and offer a method by which the customer may call the company back so that the appointment would not be cancelled. (OCC/OSLSA at 18-20.)

DEO/VEDO are supportive of the proposal to delete the paragraph (DEO/VEDO Reply at 13).

Duke and Columbia disagree with the alternative proposal set forth by OCC/OSLSA offering that it would be overly burdensome, costly, and unnecessary. Duke believes that the new paragraph proposed by Staff assigns reasonable obligations to both the company and the customer. Columbia states that it would not be able to give customers a callback number because this would require that the company give out the cellular telephone numbers of its field technicians, which is not only against company policy, but it would not be a reliable method, since the technicians can not always carry their phones for safety reasons. (Duke Reply at 5-6; Columbia Reply at 13-14.)

The Commission finds that this new paragraph is appropriate and should be adopted. With regard to the proposal by OCC/OSLSA that a company be required to dial two numbers to access the customer, the Commission finds that this proposal is unnecessary, especially in light of our determination previously that the company should inform the customer at the time the call-ahead offer is made and then try to contact a customer twice before considering the appointment cancelled if the customer does not respond. Therefore, the recommendation by OCC/OSLSA should be denied.

(c) OCC/OSLSA propose that residential customers be credited a service charge for the month in

which the company failed to meet the scheduled appointment. (OCC/OSLSA at 18-20.)

In opposition, Columbia points out that OCC/OSLSA have failed to provide any evidence of widespread failure of the utilities to meet the minimum gas service standards that would warrant the crediting of a service charge. Columbia believes that this proposal by OCC/OSLSA could lead to some customers taking advantage of the system in order to gain a credit on the bill. Columbia offers that it would support the implementation of the credit, if the companies were likewise allowed to collect a monthly service fee for customer-missed scheduled appointments. (Columbia Reply at 14-15.) Duke also disagrees with the proposal by OCC/OSLSA for a credit to the customer for failure to meet an appointment stating that such a penalty would conflict with the Commission's requirement that the company attempt to notify the customer of its inability to keep the appointment. (Duke Reply at 5-6.) Furthermore, Ohio Gas disagrees with this proposal submitting that it is unreasonable because it does not take into consideration emergency situations that may divert a company from meeting scheduled appointments and because there are already adequate remedies available to residential customers (Ohio Gas Reply at 11).

Upon consideration of the request by OCC/OSLSA, the Commission finds that no support was provided to justify the proposal and, therefore, it lacks merit and should be denied.

(44) Paragraph (D) – This is a new paragraph proposed by Staff which requires that, if a company repairs a customer service line, 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 shutoff; furthermore, on an average monthly basis, the company shall complete 95 percent of theses repairs by the end of the next day.

(a) OCC/OSLSA recommend that this paragraph be revised to require that 95 percent of the repairs be made on the day the gas is shutoff, rather than by the end of the next day. They argue that this change is necessary not just for the inconvenience to the customers when the gas is shut off, but because of the risk of significant property damage during the cold winter months as a result of frozen pipes. (OCC/OSLSA at 20.)

Duke opposes this recommendation stating that the proposal for a shorter time is unsubstantiated and seeks to impose stricter requirements on the companies (Duke Reply at 7). Ohio Gas also requests that the paragraph be modified to provide the companies more time for scheduling efficiencies to complete repairs (Ohio Gas at 2-3; Ohio Gas Reply at 11). DEO/VEDO and Columbia, likewise, oppose this recommendation. Columbia believes that the language proposed by OCC/OSLSA would prohibit companies from using the Ohio Utilities Protections Service (OUPS) under Section 3781.28, Revised Code, whereby a utility is to notify OUPS of its intent to make a repair of its own underground system, including emergency repairs. According to Columbia, for nonemergency repairs, notice from other companies regarding their lines can take between 48 hours and 10 days; thus, OCC's proposed one-day repair requirement would jeopardize the safety of workers by not permitting them to be notified of other companies' lines on the customer's property. (DEO/VEDO Reply at 13; Columbia Reply at 16.)

The Commission finds that the proposal by OCC/OSLSA would allow little time for a company to plan and complete the required repairs. Therefore, we find that the proposal is not reasonable and should be denied.

(b) Ohio Gas points out that it owns the portion of the lines from the curb to the meter; thus, there

are no "customer service lines" in its service area. Ohio Gas also points out that, other local distribution companies (LDCs) in Ohio are in the process of taking over ownership of the "customer service lines" in their service areas. Therefore, Ohio Gas asks that the Commission clarify which portion of the service line is being referenced in this paragraph. (Ohio Gas at 2-3.) Duke agrees that further definition of "customer service lines" is needed (Duke Reply at 7).

In response to Ohio Gas' request for clarification, the Commission finds that, if a company is responsible for repairing and/or replacing a portion or the entire service line from the main to the meter, this paragraph applies to that LDC. With this clarification in place, the Commission finds that the paragraph should be adopted.

(c) DEO/VEDO believe that Staff's proposal should be rejected stating that, since DEO and VEDO have only recently begun to assume ownership of gas service lines, it is premature to impose a performance standard for this new activity; however, they would be willing to work with Staff and provide the necessary data concerning service line repairs and completion times. DEO/VEDO submit that a problem should be identified before any solution is proposed. DEO/VEDO also point out that, as proposed by Staff, a company would be required to complete repairs the next day as opposed to the next "business" day, which would require service crews be available seven-days a week. In addition, DEO/VEDO note that large repair jobs can rarely be completed by the next day because they require more planning, materials, and labor. (DEO/VEDO, at 7-8.) DEO/VEDO also state, and Duke agrees, that, in situations where the company does not have access to the premises or where the customer does not want the repair completed right away, next-day repairs may not be possible. Finally, DEO/VEDO argue, and

Duke agrees, that the proposed rule fails to specify whether the repair will be deemed complete upon repair and replacement of the service line, or whether the repair is not complete until the indoor appliances have been relit. That being said, DEO/VEDO submit that a problem should be identified before a solution is proposed; thus, they offer to work with Staff to provide necessary data concerning service line repairs and completion times. (DEO/VEDO at 8-9; Duke Reply at 7.) Similarly, Columbia requests that the Commission disclose the analysis it used in determining the 95 percent standard for completing repairs in this proposed rule, stating that, depending on the factors used, compliance with this standard may or may not be feasible or reasonable (Columbia Reply at 17-18).

OCC/OSLSA oppose the proposal by DEO/VEDO that the next "business" day be added to this paragraph contending that the companies are compensated through distribution rates to handle situations that arise during nonbusiness hours. According to OCC/OSLSA, requiring customers to wait two to three days for the next business day to complete a repair is unjust and unreasonable and subjects the customer to significant hardship and expense. As for the question posed by the companies regarding when the repair is deemed completed, OCC/OSLSA offer that it should be when the gas company has fulfilled all of its responsibilities. (OCC/OSLSA Reply at 8.)

The Commission finds that Staff's proposal that the repair be completed by the end of the next day will ensure prompt service restoration and is, therefore, appropriate. However, we acknowledge the issues raised by DEO/VEDO and Duke regarding the size of the repair and the ability to access the premise. Therefore, we will grant the requests by DEO/VEDO and Duke, to the extent set forth in the attached revised rules,

and the paragraph will provide that the next day requirement shall apply to residential and small commercial customers, unless the company is unable to perform the repair or replacement due to lack of access.

(45) Paragraph (E)(1) and (2) – This paragraph requires a company to provide notice to the director of the Commission's Service Monitoring and Enforcement Department for any month in which the company does not meet the minimum service requirements provided for in the rules.

OCC/OSLSA request that the required notice be publicly filed in a docket, rather than just provided to Staff, so that all parties are aware of the issues (OCC/OSLSA at 20-21).

DEO/VEDO believe that the recommendation of OCC/OSLSA would create unnecessary paperwork. Moreover, they note that OCC already receives copies of the notices provided to Staff. (DEO/VEDO Reply at 14.) Likewise, Columbia states that OCC does have access to this information and, therefore, OCC's request should be rejected (Columbia Reply at 18-19).

The Commission notes that companies submit the missed minimum service levels to Staff once each year and that many of the issues that were raised by these missed levels have already been addressed by the time the information is submitted. In addition, OCC does periodically request copies of the information. Therefore, the Commission finds that there is no added public benefit to having the information filed. Accordingly, the request by OCC/OSLSA should be denied.

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

(46) Paragraph (A) – This paragraph requires that a company provide a written summary of the customer rights and obligations to a new customer when service is initiated and to existing customers upon request. Companies are required to submit an initial version of the document to Staff prior to the first mailing.

OCC/OSLSA believe that, since customers may not remember having received the document or may not be able to locate the document, the companies should be required to annually,

through bill inserts or on the bills, state that the document can be received upon request. In addition, they recommend that the document be available on the companies' websites and that OCC be provided an advanced copy of the document to ensure that the information is being clearly and consistently communicated to consumers. (OCC/OSLSA at 21-23.)

Duke opposes this suggestion stating that the cost of such notification is significant and difficult to justify when the message is not one predicated on safety (Duke Reply at 8). Ohio Gas likewise agrees that OCC/OSLSA fail to address the costs associated with adding language to the bills. Furthermore, Ohio Gas notes that, while it does not have an objection to placing the summary on its website, the companies do not have an obligation to modify the rights and obligations summary upon OCC's request. (Ohio Gas Reply at 11-12.) DEO/VEDO agree that the requirement proposed by OCC/OSLSA is unnecessary and state that they would provide the summary information to OCC or anyone else upon request (DEO/VEDO Reply at 14).

The Commission finds that the request by OCC/OSLSA that the companies provide the written summary of the customer rights and obligations annually to customers does not take into consideration the costs that would be incurred by the companies and ultimately passed on to all ratepayers and, therefore, the request is not reasonable and should be denied. However, the Commission concludes that the request that the summary of customer rights and obligations be posted on the companies' websites is well made and should be granted. With regard to the proposal that an advanced copy of the summary be provided to OCC, the Commission notes that OCC can request a copy of the summary from Staff or the companies; however, the Commission believes it is neither appropriate nor necessary to require that OCC receive an advanced copy for its review and comment.

(47) Paragraph (B) – This paragraph sets forth what information, at a minimum, must be provided in the summary of the customers' rights and obligations.

OCC/OSLSA state that the content of the summary required by this paragraph lacks detail; therefore, they recommend that

information about the different components of the bill, i.e., unbundling charges, rates, and payment responsibilities, be included in the summary. In addition, OCC/OSLSA submit that information regarding the choice options available to the consumer should be included in the summary. (OCC/OSLSA at 22-23.)

DEO/VEDO state that the recommendation of OCC/OSLSA is unnecessary pointing out that this information is already available on their websites (DEO/VEDO Reply at 15). Ohio Gas argues that it does not believe it is reasonable to require the companies to market for CRNGS providers (Ohio Gas Reply at 12).

The Commission concludes that, contrary to the allegations made by OCC/OSLSA, the information set forth in this paragraph that must be included in the summary of the customer rights and responsibilities is substantial and provides sufficient detail. We also believe that it is not appropriate to provide specific billing information in the summary; however, the summary does appropriately inform the customer regarding who the company is and how to obtain that type of information. With regard to the proposal that information on choice options be included in the summary, the Commission points out that paragraph (B)(8) already requires that the summary include information pertaining to the gas choice programs available to customers. Therefore, the Commission finds that the request by OCC/OSLSA is without merit and should be denied.

Rule 4901:1-13-07 – Employee identification

(48) This rule requires that any employee or agent of a company seeking access to a customer's premise provide photo identification and the reason for the visit, upon request.

OCC/OSLSA recommend that this rule be revised to require that company employees wear photo identification and advise the consumer as to why they need access to the premise without being asked, because personal security is a major issue (OCC/OSLSA at 23).

Columbia opposes this recommendation by OCC/OSLSA stating that OCC/OSLSA do not cite any problems with the current system of customers prompting utility employee identification by request. In addition, Columbia notes that the field vehicles used by its employees conspicuously display the Columbia logo. (Columbia Reply at 19.) Ohio Gas believes that the rules already strike a balance between customer safety and the costs to the companies; thus, it believes that the request by OCC/OSLSA should be denied. Ohio Gas points out that, if the rule is revised, as requested, the companies' employees would be required to notify customers every time they need to cross the yard or read the meter. (Ohio Gas Reply at 12-13.)

The Commission agrees with the companies and we believe that the rule, as written, strikes the proper balance by requiring that photo identification and that an explanation of the visit be provided upon request, without requiring the companies to seek out the consumer to provide such information. Therefore, we find that the recommendation by OCC/OSLSA should be denied.

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

(49) Paragraph (D)(2) – The current paragraph provides that the company is not required to provide prior notice of disconnection when either a safety hazard or an emergency threatens health or safety, or when a consumer tampers with the company's property. Staff proposes to delete the provision that states that a company may disconnect service without prior notice when a consumer tampers with the company's property.

Ohio Gas offers that tampering with the company's property invariably creates a safety hazard. Therefore, Ohio Gas requests, and Duke agrees, that the Commission should clarify that the deletion of the language, as proposed by Staff, was not intended to prevent the companies from disconnecting service without notice when tampering occurs. (Ohio Gas at 3; Duke Reply at 8.)

Initially, the Commission notes that the rules relating to the disconnection of all services for tampering are covered in Rule

4901:1-13-09(b), O.A.C. The purpose of the change to paragraph (D)(2) is to allow the companies to disconnect small commercial accounts without notice in the event that a condition exists that creates a safety hazard or an emergency that may threaten health or safety, as set forth in this paragraph. With this clarification, the Commission finds that Staff's proposed revisions to this paragraph should be adopted.

Rule 4901:1-13-09 – Fraudulent practice, tampering, and theft of gas

(50) Paragraph (A) – This paragraph requires a company to maintain an antitheft and antitampering plan.

OCC/OSLSA point out that this paragraph does not specify the content of the required plan. OCC/OSLSA recommend that the plan require that disputes regarding fraud and tampering first be resolved, before a customer's service is terminated. Furthermore, they recommend that, because the allegations of theft and tampering of service can have significant impact on consumers and result in denial of access to service, the Commission should outline the due process that will be afforded to customers. In addition, they request that copies of the plans be provided to Staff, OCC, and OSLSA for comment. (OCC/OSLSA at 24.)

Duke argues that the proposed requirement of prior notification and dispute resolution prior to disconnection is inappropriate where the meters have been compromised. Duke believes that requiring Duke to provide its policies to OCC and OSLSA for comment would pose an unnecessary administrative burden on the company (Duke Reply at 8). Likewise, DEO/VEDO, Ohio Gas, and Columbia believe that the recommendation of OCC/OSLSA is unnecessary. Specifically, Columbia argues that, contrary to the assertions by OCC/OSLSA, every theft or tampering of gas lines creates an unsafe condition for the customer. Moreover, Columbia points out that the appropriate forum in which OCC/OSLSA should have addressed this issue was 08-723, and not through a backdoor approach in this case. Furthermore, Ohio Gas believes that requiring the companies' employees to accuse someone of theft is dangerous. Finally, Columbia and Ohio Gas oppose the request by OCC/ OSLSA for copies of the plan, pointing out that OCC does not have the statutory authority to

manage the companies and, if OCC desires to provide comments on the plans, it can request those plans from the Commission. (DEO/VEDO Reply at 15; Ohio Gas Reply at 13; Columbia Reply at 19-21.)

Initially, the Commission notes that we find that the paragraph, as written, is appropriate. We believe that further detail in the paragraph, as to the content of the plans, as requested by OCC/OSLSA is not warranted and, therefore, their request should be denied on this issue. To require, as OCC/OSLSA suggest, that a company provide in its antitheft and antitampering plan that disputes regarding fraud and tampering be resolved first before a customer's service is terminated, could jeopardize the public health and safety. Finally, the Commission notes that the companies are required by statute to provide the plans to the Commission and its Staff, upon request, and that the Commission is authorized by statute to review the companies' plans. Other interested entities may also request copies of the plans, however, they have no statutory authority to review and comment on the plans. Therefore, the Commission finds that the request by OCC/OSLSA that they be provided the right to comment on the plans is not reasonable and should be denied.

(51) Paragraph (B)(1) – As proposed by Staff, this paragraph sets forth the circumstances under which a company may disconnect service without prior notice to the customer.

OCC/OSLSA note that Staff proposes to delete the words "for safety reasons" from this paragraph; thereby, according to OCC/OSLSA, expanding the opportunity for disconnection of service without prior notice. They recommend that Staff's proposal be rejected and that the words "for safety reasons" be retained in this paragraph. (OCC/OSLSA at 24-25.)

DEO/VEDO disagree with the interpretation by OCC/OSLSA of Staff's deletion of the words "for safety reasons." DEO/VEDO submit that the rule allows disconnection, without prior notice, when there has been tampering with the equipment or unauthorized reconnection of service. According to DEO/VEDO, these situations inherently implicate safety; thus, Staff's proposal to delete the words "for safety reasons" should be adopted. (DEO/VEDO Reply at 15-16.) Similarly,

Duke supports the revision proposed by Staff and opposes the proposal by OCC/OSLSA, stating that the companies must be allowed to disconnect service where the meter has been compromised (Duke Reply at 9).

Consistent with our previous finding, the Commission believes that the companies should not have to provide prior notice of disconnection if the public health or safety could be compromised. The inclusion of the words "for safety reasons, was not meant to be a condition precedent to disconnection without notice; rather, the act of tampering or theft of gas should be considered "unsafe" per se. Therefore, the words "for safety reasons" should be deleted in this paragraph.

(52) Paragraph (C)(2)(b) – This paragraph requires that the notice of disconnection of service for fraudulent practices include a company's telephone number so that the customer may discuss the matter with a company representative.

OCC/OSLSA recommend that this paragraph be revised to provide that the company representative the customer would be referred to be in the company's department in charge of investigating the alleged fraudulent practice. According to the OCC/OSLSA, because of the sensitive nature of the allegations made against the customer, the customer should have the right to talk with the department investigating the allegations and not the general call number for the company. (OCC/OSLSA at 25.)

Columbia states that OCC/OSLSA have failed to identify a problem or concern with the current system (Columbia Reply at 21). Duke believes that the proposal by OCC/OSLSA is inappropriate and would be costly and administratively burdensome. DEO/VEDO, Columbia, and Duke point out that their call centers are well equipped to receive and respond to all inquiries and that they already refer customer inquires to the appropriate department when necessary. (Duke Reply at 9; Columbia Reply at 21; DEO/VEDO Reply at 16.) In addition, Ohio Gas notes that it does not have a separate department to handle these calls (Ohio Gas Reply at 14).

The Commission finds that OCC/OSLSA have not provided information that would lead us to believe that there is a

problem with the process currently in place pursuant to the requirements in this paragraph. Therefore, we find that the paragraph, as written, is appropriate and that the request by OCC/OSLSA should be denied.

Rule 4901:1-13-10 – Complaints and complaint-handling procedures

(53) Paragraphs (D) and (E) – These paragraphs set forth the deadlines for response that a company must adhere to when responding to the Commission regarding an informal complaint.

OCC/OSLSA recommend that the paragraphs be revised to require that a company must also respond to OCC in the allotted timeframe (OCC/OSLSA at 25-26).

DEO/VEDO point out that Section 4911.19, Revised Code, already sets forth the procedure and schedule for responding to OCC complaints; therefore, they argue that it would be improper to amend the rules in a manner that would be inconsistent with the established statutory procedure (DEO/VEDO Reply at 16-17). In addition, Columbia points out that OCC/OSLSA fail to cite any statutory authority which permits them to participate in the complaint process when OCC is not representing a consumer. Moreover, Columbia believes that centralizing the complaint referrals with the Commission's Staff is consistent with the Commission's authority to handle and address consumer complaints. (Columbia Reply at 21-22.)

The Commission notes that the purpose of this rule is to delineate the process that must be followed regarding complaints that come before the Commission. It would be clearly inappropriate for the Commission to implement rules regarding the handling of constituent calls that OCC receives as the attorney representing residential consumers. Therefore, we find that the request by OCC/OSLSA should be denied.

(54) Paragraph (F) – This paragraph provides that, if a consumer disputes a company's report, the company shall inform the consumer that the Commission's Staff is available to mediate complaints and provide the customer with the Commission's contact information.

OCC/OSLSA recommend that the company also be required to provide the consumer with OCC's contact information (OCC/OSLSA at 26).

As with our previous finding, the Commission finds that these rules address the process to be followed for Commission proceedings and not the process to be followed by the attorney representing the residential consumers. Therefore, we concluded that the recommendation by OCC/OSLSA is not appropriate and should be denied.

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

(55) Paragraph (B) (general) – This paragraph sets forth the information that a company must include on its bill.

(a) OCC/OSLSA recommend that a provision be added to this paragraph requiring a company to include on the bill the fixed monthly customer charge as a separate component of the bill. They state that having the monthly customer charge separately itemized on the bill will provide consumers with the approximate cost of having gas service without consideration of the usage-related charges. (OCC/OSLSA at 29-30.)

In response, DEO/VEDO submit that such a provision is not necessary, stating that they would be surprised if any company in this state does not already state this on the bill (DEO/VEDO Reply at 19). Columbia states that OCC/OSLSA have not provided any evidence that there is a defect in the current bill nor is there any suggestion that there have been complaints from consumers. Columbia points out that implementation of additional line items on the bill would be costly and such costs would be borne by the customers. (Columbia Reply at 24.)

As pointed out by DEO/VEDO, most companies currently provide the fixed monthly customer charge as a separate component of its bill; therefore, the Commission does not believe it

should be a problem for the paragraph to specifically reference the need to include this information on the bill, if the charge is applicable to the customer. Furthermore, due to the changes in the rate structure of some of the companies, the Commission believes that this information may help customers understand their bills. Accordingly, we conclude that the request by OCC/OSLSA should be granted and a new paragraph (B)(8)(e) should be added to this rule.

(b) OCC/OSLSA recommend that a provision be added to this paragraph requiring a company to include on the bill choice comparison information. They believe that, without this information, customers are not readily able to discern the savings or losses that have resulted from their being choice customers. (OCC/OSLSA at 30-31.)

DEO/VEDO and Columbia oppose this suggestion. DEO/VEDO state that past performance does not guarantee future results. In addition, DEO/VEDO and Columbia emphasize that preparing this comparison each month will require costly billing system revisions and such costs would outweigh any benefit to the customer. Columbia also notes that OCC/OSLSA fail to address the fact that there are already options available to consumers that allow them to compare and understand the difference between the companies and marketers rates, i.e., the Commission's "Apples-to-Apples" comparison chart on its website, Columbia's customer service representatives, and OCC's "Comparing Your Energy Choices" page. (DEO/VEDO Reply at 19-20; Columbia Reply at 24-25.)

The Commission agrees that there are options already available for customers to refer to in order to detect that there are competitive choice opportunities. We find that it would not be appropriate to require the companies to provide

this information on the bill, especially in light of the costs that they would potentially incur and that would potentially be passed on to their customers. Accordingly, the recommendation by OCC/OSLSA should be denied.

(56) Paragraph (B) – The current paragraph requires companies to issue bills at "regular intervals." However, Staff proposes that the bills be issued at "monthly intervals."

(a) DEO/VEDO state that they do not bill on the same day each month and that certain billing periods might be slightly shorter or longer than thirty days because of weekends and holidays. DEO/VEDO submit that Staff's proposal is unnecessary and should be rejected. (DEO/VEDO at 9-10.) Ohio Gas and Duke agree that Staff's proposal should be rejected (Ohio Gas at 3-4; Duke Reply at 10).

The Commission understands that companies may not precisely bill on the same date every month and that certain billing periods may be longer or shorter. However, we find that Staff's proposed language clarifies the intent of this requirement in that the bills should be issued as close to once a month a possible, realizing that the billing cycle could be a few days more or less than 30 or 31. The Commission concludes that the phrase "monthly intervals" more accurately reflects our desired outcome than does the phrase "regular intervals," which could infer bimonthly or even biweekly intervals. Therefore, we find that Staff's proposal should be adopted and the request by the companies should be denied.

(b) OCC/OSLSA offer that, because the problem for companies generally occurs in the months of November and December, the companies should adjust their meter reading route schedule to mitigate the length of time between readings. Therefore, they suggest that the bills should be rendered on a monthly basis for service during

the proceeding 28 to 31 days. According to the OCC/OSLSA, this recommendation will help customers budget their gas costs on a monthly basis, while also avoiding high bills that result from long billing cycles. (OCC/OSLSA at 26-27; OCC/OSLSA Reply at 9.)

DEO/VEDO state that this recommendation does not resolve the concern that the companies' billing intervals are sometimes longer or shorter than 30 days because of weekends or holidays (DEO/VEDO Reply at 17). Duke believes that this recommendation by OCC/OSLSA may be more restrictive than it needs to be; thus, Duke states that a period of 28 to 34 days may be more reasonable for the companies and the customers (Duke Reply at 10). Ohio Gas also opposes this recommendation (OCC/OSLSA Reply at 14).

The Commission believes that the phrase "monthly intervals," as intended in this paragraph, accounts for the concerns raised by OCC/OSLSA and the companies and, therefore, as stated previously, Staff's proposal should be adopted and the recommendation of OCC/OSLSA should be denied.

(57) Paragraph (B)(11) – This paragraph requires that a company set forth in each customer bill the "total charge attributable to the *gross receipts tax*, expressed in dollars and cents, and the gross receipts tax rate (emphasis added)."

Columbia opines that the intent of this paragraph is to provide customers with a comparison between the gas companies and the competitive retail natural gas services on their systems. Columbia suggests that, if its interpretation is accurate, in order to correctly achieve this comparison, the first reference to "gross receipts tax" in this paragraph should be changed to "gas cost recovery." (Columbia at 11.)

OCC/OSLSA oppose Columbia's suggestion, stating that there is merit in having both the gross receipts tax rate and the total charges attributed to the gross receipts tax listed on the bill.

OCC/OSLSA believe that translating the gross receipts tax rate to a total charge on the bill can be difficult for some customers. (OCC/OSLSA Reply at 10.)

The Commission believes that the paragraph, as proposed by Staff, accurately reflects the information that must be provided on the bill. Therefore, we find that Columbia's request should be denied.

(58) Paragraph (B)(22)(e) – With regard to information that must be included on the companies' bills, Staff proposes that the companies be required to include on their bills "[a]ny other information required to implement the [percentage of income payment program] PIPP program under Chapter 18 of the Administrative Code."

(a) Ohio Gas recommends that this language be rejected stating that it is overly broad and unclear (Ohio Gas at 4). Similarly, Duke suggests that the notification requirements applicable to PIPP should be reviewed with consideration to the existing space limitations (Duke Reply at 10.)

The Commission finds that Staff's proposal to include a provision that requires the companies to include on the bill information in accordance with Chapter 18, O.A.C., is both proper and necessary. Therefore, we find that Ohio Gas' recommendation should be denied.

(b) OCC/OSLSA believe that this paragraph should be revised to require that a company provide specific information on the bill that PIPP customers will need to properly manage their accounts, i.e., annual reverification date, number of payments made by the due date in the last 12 months, any missed PIPP payments since the last reverification, arrearage credits, usage data, and tips for conservation (OCC/OSLSA at 27-28).

Duke asserts that OCC/OSLSA are inappropriately trying to use these rules to force the companies to provide detailed information on PIPP. Duke argues that this additional

information would require extensive modification to bill formats above that which is already required under Chapter 4901:1-18, O.A.C. (Duke Reply at 10.) Likewise, DEO/VEDO and Columbia note that OCC/OSLSA made this argument in 08-723. According to DEO/VEDO and Columbia, the assertion of this issue in this case equates to a collateral attack on the Commission's April 1, 2009, entry on rehearing in 08-723, in which the Commission concluded that the issue of whether additional summary information should be provided to PIPP customers should be decided during the course of implementation of the new PIPP rules. (DEO/VEDO Reply at 18.) Ohio Gas agrees that the proposal of OCC/OSLSA would be costly, that the information is not appropriate for the bill format, and that PIPP customers can already obtain this information upon request (Ohio Gas Reply at 15).

While the Commission finds it important to state in this rule that information required under Chapter 18, O.A.C., should be included on the bill, we do not believe that this rule should further expound upon what that information entails. Rather, Chapter 18, O.A.C., should be referred to for the appropriate information. Therefore, the Commission finds that the request by OCC/OSLSA should be denied.

(59) Paragraph (B)(25) – This paragraph requires that, if a company has a choice program, the company shall include on a customer's bill the historical consumption data during each of the preceding 12 months, with a total and average consumption for such 12-month period.

OCC/OSLSA believe that consumption data can be useful to the consumer; therefore, consumption data should be provided regardless of whether the company has a choice program. In addition, OCC/OSLSA suggest that language be added requiring that the consumption data clearly indicate whether the usage was determined by an actual meter read, an

estimated meter read, by a customer-provided meter read, or whether any adjustments to the consumption data is included (OCC/OSLSA at 28-29).

DEO/VEDO take no position on whether consumption data should be provided by both companies that have choice programs and those that do not. However, DEO/VEDO point out that the additional detail suggested by OCC/OSLSA would require significant programming by the companies, when, in fact, this information is already included in the bills customers receive each month for consumption during the month being billed. (DEO/VEDO Reply at 18-19.) Columbia states that, while it currently provides consumption data on its bill, the provision of such information on the bill should be an optional service provided by the utilities. Columbia also notes that its current informational technology system does not permit it to show adjustments to the consumption date as recommended by OCC/OSLSA; therefore, if this recommendation is adopted, Columbia would incur significant expenses to update its system. (Columbia Reply at 23-24.)

While the Commission recognizes that consumption data may be useful for customers, even if their company does not have a choice program, we do not believe that the benefits from more detailed information would warrant the costs that could be incurred by those companies and ultimately paid for by the ratepayers. That being said, we would encourage companies to look at customer feedback mechanisms as a means to support conservation measures. However, the Commission concludes that the current rule is appropriate and that the request by OCC/OSLSA should be denied.

(60) Paragraph (B)(26) – This paragraph requires that, if a company has a choice program, the company shall prominently display the "apples-to-apples" notice on the bill.

OCC/OSLSA request that this requirement be expanded to state that "[r]esidential consumers shall be directed to the OCC website for *Comparing Your Energy Choices* analysis" (OCC/OSLSA at 29).

DEO/VEDO point out that there is a limited number of characters that can be included in an information field and that

adjustments to bill presentment can be costly. In addition, DEO/VEDO state that, given the similarity in functionality and informational output, they do not see where the need for the additional reference is readily apparent (DEO/VEDO Reply at 19.) Ohio Gas believes that it is inappropriate for the companies to be required to advertise OCC's programs (Ohio Gas Reply at 16).

The Commission agrees that the current paragraph is appropriate and should not be revised. Therefore, the request by OCC/OSLSA should be denied.

(61) Paragraph (C) – This paragraph provides that all bills shall be due no earlier than 14 days from the date of the postmark on the bill.

OCC/OSLSA point out that some companies compute their late payment charge beginning on the 15th day from the postmark date; however, other companies, i.e., DEO and Columbia, do not assess late payment charges if the customer's bill is paid, in full, by the time the next bill generates. OCC/OSLSA recommend that the Commission establish in the rules a consistent way for the companies to calculate their late payment charges. In light of the recent economic circumstances, OCC/OSLSA recommend that the methodology employed by DEO and Columbia be adopted in the rules. (OCC/OSLSA at 31-32.)

DEO/VEDO contend that the proposal by OCC/OSLSA effectively eliminates the concept of a due date. Moreover, they state that allowing customers additional time to pay their bills without penalty increases a company's revenue lag and working capital requirement, thus resulting in higher rates. DEO/VEDO offer that whether such language should be included in the tariff should be a matter of consideration by the individual utilities and not within this rulemaking. (DEO/VEDO Reply at 20.) Ohio Gas also states that the proposal by OCC/OSLSA would raise the minimum standard to the most lenient options available and it would be costly to implement (Ohio Gas Reply at 16).

The Commission finds that the paragraph is consistent with the late payment language for other industries regulated by the

Commission. We believe that the 14-day timeframe is appropriate and that companies may provide for a longer time period. Therefore, the recommendation by OCC/OSLSA should be denied.

(62) Paragraph (E)(1) – This paragraph pertains to companies' provision of payment options to customers. Staff proposes that language be added to this paragraph stating that, if a company accepts payments via authorized agents, the company shall provide signage to the agent with the company's logo, or other indicator, that affirms the payment location as an authorized agent of the company.

(a) DEO/VEDO request, and Duke agrees, that the Commission should clarify what type of signage, i.e., a sticker, would constitute compliance with this requirement. In addition, DEO/VEDO ask that the Commission find that any costs associated with compliance with this provision will not be disallowed, for ratemaking purposes, as promotional or institutional advertising expenses. (DEO/VEDO at 10-11; Duke Reply at 10.)

For clarification purposes, the Commission finds that any signage that contains the company's licensed logo and is large enough for the customer to read satisfies the requirements of this rule. With this clarification in place, the Commission finds that Staff's proposal should be adopted.

(b) OCC/OSLSA recommend that information regarding the payment options be available telephonically and via the company's website (OCC/OSLSA at 33). OCC/OSLSA state that, consistent with the rules for the electric companies, the Commission should require gas companies to aggressively promote the use of authorized agents, as opposed to unauthorized bill payment centers (OCC/OSLSA Reply at 10-11).

Duke believes that the language proposed by OCC/OSLSA is unclear and may lead to confusion. Depending on what they are advocating, the result may pose significant costs and administrative burden on the companies, according to Duke. Furthermore, Duke points out that it has company representatives available during business hours and its website can be accessed seven days a week, 24-hours a day to obtain similar information. (Duke Reply at 11.)

The Commission finds that the current rule provides that the companies should provide the information regarding payment options upon request from a customer. Given that the majority of customers have access to the internet and the companies' websites, the Commission agrees that it would be appropriate to require the companies to provide the information on available payment centers on their websites. Therefore, the Commission finds that the request by OCC/OSLSA that the information required by this paragraph be provided on the companies' websites should be granted and in all other respects their request should be denied.

(63) Paragraph (E)(2) – The existing rule provides that a company may charge no more that two times the cost of a first class postage stamp. As proposed by Staff, this paragraph would permit a company to charge no more than two dollars for the processing of payments at authorized agent locations. In addition, the current rule states that customers may be charged for processing payments via check over the telephone, by credit card, or electronic transfer, and such charges will be evaluated by the Commission.

(a) While DEO/VEDO agree that the two dollar amount is reasonable, they request that it be clarified that the two dollar limitation is on the gas distribution companies and not to the fees charged by third parties, e.g., internet payment service providers. According to DEO/VEDO, they have no ability to dictate to third parties

what fees they may charge for their services. (DEO/VEDO at 11.)

OCC/OSLSA submit that internet payment service providers are acting as authorized agents of the companies and that their fee for such payments should be limited to no more than the fee charged by authorized agents. OCC/OSLSA argue that the companies should exert more influence in reducing the magnitude of the charges for internet service providers. (OCC/OSLSA Reply at 12.)

The Commission clarifies that this paragraph requires that, when a customer is paying by cash, check, or money order to the company or its authorized agent, the processing feeing may be no more than two dollars. However, if a customer is paying by check over the telephone, by credit card, or by electronic money transfers, the fees charged by a third party processing one of those types of payments is not limited by this paragraph. The Commission has no jurisdiction over the charges levied on this type of product offered by internet service providers or other third parties and, therefore, the request by OCC/OSLSA should be denied.

(b) According to OCC/OSLSA, the two dollar fee proposed by Staff represents a rate increase for the four largest companies in Ohio. OCC/OSLSA submit that this rate increase has not been justified and it has not been determined if there would be an over-recovery of costs or what the impact to customers would be. OCC/OSLSA believe that the current $0.88 charge is excessive and that the proposed two dollars is even worse for consumers. Therefore, OCC/OSLSA recommend that the fee for making payments at authorized agents be eliminated. (OCC/OSLSA at 34 and Reply at 11.)

Conversely, DEO/VEDO point out that there are costs associated with accepting payments at authorized payment centers and that such costs should be borne by the customers who impose these costs (DEO/VEDO Reply at 21). In addition, Columbia states that, contrary to the belief of OCC/OSLSA, even at two dollars, Columbia is not recovering its cost of providing an authorized agent to collect gas utility service payments; therefore, Columbia requests that OCC's recommendation that the fees be eliminated be rejected (Columbia Reply at 26).

The Commission finds that the two dollar fee is consistent with other industries regulated by the Commission and it is, therefore, appropriate to implement this fee for the gas and natural gas companies. Therefore, the request by OCC/OSLSA should be denied.

(c) OCC/OSLSA recommend that the Commission not just evaluate charges that may be assessed for payments over the telephone, by credit card, or electronic transfer, but that such charges must be approved by the Commission and included in the companies' tariffs. OCC/OSLSA submit that the Commission should review such charges to ensure they are appropriate and that there is some consistency in how the charges are assessed. (OCC/OSLSA at 34.)

As referred to previously, the Commission does not have jurisdiction over these charges, as they are provided by nonregulated entities such as internet service providers. Therefore, we have no authority to regulate those charges and it would not be appropriate to include those unregulated charges in a company's tariff. However, the Commission notes that, if the Commission finds that an agent authorized to collect on behalf of a utility is charging more than the permitted two dollars, the Commission will take appropriate action to ensure that the maximum permitted two

dollars is adhered to. Therefore, the Commission concludes that the request by OCC/OSLSA should be denied.

(64) Paragraph (E)(3) – This paragraph provides that, when a customer pays the bill at a company's business office or to an authorized agent, the payment shall be immediately credited to the customer's account. Furthermore, the paragraph allows that, when a customer pays the bill through the mail, over the phone, by credit card, or electronically, the payment shall be credited immediately, when feasible, and, in any event, within two business days.

OCC/OSLSA maintain that this paragraph should be revised to require that, regardless of how the payment is made, the payment should always be credited immediately to the customer's account. According to OCC/OSLSA this would eliminate excessive delays that can be detrimental to the customer's ability to pay the bill on time, and obtain PIPP arrearage credits, as well as assist them in avoiding deposits, late payment charges, or disconnection. (OCC/OSLSA at 35.)

DEO/VEDO advocate that this suggestion by OCC/OSLSA be rejected pointing out that it is not always feasible to credit payments the same day that they are received and that crediting payments the next business day for in-person payments and within two days for all other payments is reasonable (DEO/VEDO Reply at 21). Columbia agrees that the changes proposed by OCC/OSLSA are unnecessary stating that its authorized agents currently post payments every hour and no later than by the end of the first business day. Furthermore, Columbia argues that it would incur significant costs to upgrade its system to immediately post payments and it would have to renegotiate the agreements with its authorized agents. (Columbia Reply at 27.) Ohio Gas agrees that the OCC/OSLSA recommendation should be denied (Ohio Gas Reply at 17).

The Commission finds that the last sentence of this paragraph is confusing and should be deleted in order to eliminate any confusion as to when the payments should be credited. In addition, we note that this revision makes this paragraph consistent with the comparable electric service standards

requirement contained in Rule 4901:1-10-22(E), O.A.C. Therefore, the Commission finds that the request by OCC/OSLSA should be granted to the extent set forth herein.

(65) Paragraphs (F)(5) and (6) – These paragraphs provide that any fees to accept electronic payments shall be clearly posted and any payment received electronically should be credited immediately, when feasible, and, in any event, within two business days.

OCC/OSLCA reiterate their recommendations summarized above with regard to Paragraphs (E)(2) and (3) stating that Paragraphs (F)(5) and (6) should be revised. Specifically, OCC/OSLSA recommend that the paragraphs state that a company should not be allowed to assess fees for accepting payments electronically and that any payments made electronically should be posted immediately to the customer's account. (OCC/OSLSA at 36-37.)

DEO/VEDO insist that these fees should not be banned offering that, if there are costs incurred by the utility in offering electronic payments, such as costs charged to the company by third-party vendors who perform this service, then the customers who utilize the service should bear the associated costs (DEO/VEDO Reply at 21-22). Ohio Gas notes that it does not have the ability to accept electronic payments without using a third-party vendor; thus, if it is prohibited from charging customers the fees associated with this option, then Ohio Gas will not be able to offer this option (Ohio Gas Reply at 17).

The Commission adequately addressed this issue previously stating that we have no authority to regulate the charges of third-party vendors in this situation and by eliminating the second sentence in paragraph (E)(3). Therefore, the Commission finds that the request by OCC/OSLSA concerning paragraph (F)(5) should be denied and concerning paragraph (F)(6), should be granted insofar as paragraph (E)(3) has been revised.

Rule 4901:1-13-12 – Consumer safeguards and information

(66) Paragraph (B) – This paragraph provides that Staff may review and/or request modification of informational, promotional, and educational materials.

OCC/OSLSA request that this paragraph be expanded to require that, to the extent such materials are being generated for use by residential customers, OCC shall also be provided copies prior to distribution (OCC/OSLSA at 37).

DEO/VEDO and Columbia submit that the proposal by OCC/OSLSA be rejected stating that the Commission and not OCC regulates the utilities. DEO/VEDO point out that OCC routinely participates in collaborative processes which include the development of customer education and outreach campaigns; thus, there is no need to adopt the proposal by OCC/OSLSA, which would expand OCC's regulatory oversight beyond that provided by statute. Ohio Gas agrees that the request by OCC/OSLSA exceeds anything contemplated by Chapter 4911, Revised Code, and should be denied. (DEO/VEDO Reply at 22; Columbia Reply at 27-28; Ohio Gas Reply at 17.)

The Commission has been vested with the authority to oversee and supervise the regulated companies and it would not be appropriate to require by rule that entities that advocate before the Commission have like authority. As pointed out by the companies, OCC participates in several collaborative processes with the companies in which stakeholders from various constituencies are appropriately included. Therefore, the Commission finds that the paragraph is appropriate, as written, and that the request by OCC/OSLSA should be denied.

(67) Paragraph (D)(1)(b) – This paragraph prohibits a company from disclosing a customer's account information without appropriate consent or authorization, except in certain circumstances, including for the purposes of the customer's participation in the home energy assistance program, the emergency assistance program, and the PIPP programs.

Columbia requests that language be added to this paragraph that would allow companies to provide account numbers to

agencies serving low income customers through Commission-approved energy conservation programs. According to Columbia, this change would enable those agencies to identify high-use PIPP customers and target them with energy efficiency services. (Columbia at 12.)

Duke is concerned about Columbia's request because the proposed revision "carries with it confidentiality concerns" (Duke Reply at 12). Similarly, OCC/OSLSA offer that, while they are supportive of efforts to help low-income customers, the protection of customer privacy is a major concern that necessitates more control of the account number; therefore, less intrusive methods should be employed to accomplish this goal without violating the customer's privacy rights (OCC/OSLSA Reply at 13).

While the Commission is supportive of exploring methods to assist agencies in identifying PIPP customers so that they will be able to take advantage of the energy efficiency services, we understand that there are legitimate concerns regarding the customers' rights to privacy. Therefore, we find that Columbia's request should be denied. However, we would note that, to the extent permitted by the rule, companies may provide names and addresses to approved energy conservation programs.

(68) Paragraph (D)(2)(b) – This paragraph allows a company to disclose a customer's social security number without the customer's written consent or a court order for the purpose of collections and/or credit reporting by a company or a CRNGS supplier, or a government aggregator.

OCC/OSLSA recommend that the phrase "if the supplier or aggregator is responsible for collections" be added to this paragraph, so that the disclosure is limited to those situations (OCC/OSLSA at 37-38).

DEO/VEDO note that the change recommended by OCC/OSLSA is unnecessary because the rule already limits disclosure to competitive suppliers and aggregators for collection and credit reporting activities only (DEO/VEDO Reply at 22).

The Commission agrees with the companies that it is unnecessary to add the language proposed by OCC/OSLSA because the paragraph already limits the use of the customer's social security number to instances involving collections and/or credit reporting. Therefore, the request by OCC/OSLSA should be denied.

(69) Paragraph (D)(4) – Staff proposes that language be added to this provision which states that nothing in this rule prohibits the Commission or Staff from accessing customer-specific information held by a company.

Ohio Gas asks that this proposal be rejected because it is unnecessary (Ohio Gas at 4). Columbia supports the comments of Ohio Gas, stating that, if the Commission needs the information, it can simply request the information from the company (Columbia Reply at 3).

The Commission notes that the companies are correct that the Commission and its Staff have the authority to request this information without the inclusion of this paragraph in the rules. However, in order to alleviate any hesitancy by a company from providing the requisite information to Staff, the Commission finds that this paragraph should be adopted, as proposed by Staff. Therefore, the companies' requests are denied.

(70) Paragraph (E) – This paragraph provides that, upon customer request, a company shall provide to a customer 12 months of the customer's usage history and 24 months of the customer's payment history.

OCC/OSLSA recommend that the length of time that may be requested by the customer for both usage and payment history be expanded to 36 months, in order to allow the customer to compare the household energy profile over a longer period of time. OCC/OSLSA believe that customers should be allowed to request at least 36 months of usage information from a company consistent with Rule 4901:1-13-03(C), O.A.C. (OCC/OSLSA at 38-39.)

DEO/VEDO point out that Rule 4901:1-13-03(C), O.A.C., is a general rule that provides a default 36-month retention period, unless otherwise specified in the rules. According to

DEO/VEDO, Paragraph (E) provides a shorter retention for customer-specific billing and usage information for good reason, because it is expensive to maintain such information. Furthermore, DEO/VEDO note that their computers are programmed to comply with the 12-month and 24-month period mandated by the rule and reprogramming would be costly. (DEO/VEDO Reply at 22-23.)

The Commission believes that the requirement that a company provide 12 months of the customer's usage history and 24 months of the customer's payment history meets the needs of the majority of the customers. To require the 36-month period requested by OCC/OSLSA may be unduly burdensome and costly, as pointed out by DEO/VEDO. Therefore, the Commission finds that the request by OCC/OSLSA should be denied.

(71) In making the determinations required by Section 119.032(C), Revised Code, the Commission 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. With these factors in mind and, upon consideration of the proposal from Staff and the initial and reply comments, the Commission concludes that existing Rules 4901:1-13-07 and 4901:1-13-13 need not be amended; and existing Rules 4901:1-13-01 through 06, and 4901:1-13-08 through 12 should be amended.

It is therefore,

ORDERED, That attached amended Rules 4901:1-13-01 through 06, and 4901:1-13-08 through 12 be adopted and be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission in accordance with divisions (D) and (E) of Section 111.15, Revised Code. It is, further,

ORDERED, That existing Rules 4901:1-13-07 and 4901:1-13-13 be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission in accordance with divisions (D) and (E) of Section 111.15, Revised Code. It is, further,

ORDERED, That the final rules be effective on the earliest date permitted by law. Unless otherwise ordered by the Commission, the review date for Chapter 4901:1-13, O.A.C., shall be September 30, 2014. It is, further,

ORDERED, That a copy of this finding and order be served upon all commenters, all regulated gas and natural gas companies, and all other interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman

Paul A. Centolella

Valerie A. Lemmie

Steven D. Lesser

Cheryl L. Roberto

CMTP/vrm

Entered in the Journal

JUL 29 2010

Reneé J. Jenkins
Secretary

*** DRAFT – NOT FOR FILING ***

4901:1-13-01 **Definitions.**

As used in this chapter:

(A) "Bona fide dispute" means a reasonable dispute registered with the commission's call center or a formal complaint filed with the commission's docketing division.

~~(A)~~(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.

~~(B) "Ccf" means one hundred cubic feet.~~

~~(C) "C.F.R." means the code of federal regulations.~~

~~(D)~~(C) "Commission" means the public utilities commission of Ohio.

~~(E)~~(D) "Company" means a gas or natural gas company as defined in section 4905.03 of the Revised Code.

~~(F)~~(E) "Consumer" means any person who receives service from a gas or natural gas company.

~~(G)~~(F) ~~"CRNGS" means competitive~~ "Competitive retail natural gas service" has the meaning set forth ~~as defined~~ in section 4929.01 of the Revised Code.

~~(H)~~(G) "Customer" means any person who has an agreement, by contract and/or tariff, with a gas or natural gas company to receive service or any person who requests or makes application for service from a gas or natural gas company.

~~(I)~~(H) "Customer premises" means the residence(s), building(s), or office(s) of a customer.

~~(J)~~(I) "Fraudulent practice" means an intentional misrepresentation or concealment of a material fact that the gas or natural gas company relies on to its detriment. Fraudulent practice does not include tampering or unauthorized reconnection of gas service.

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

~~(L)~~(K) "Governmental aggregator ~~aggregation~~" 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.~~

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

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

~~(O)~~(M) "Natural gas company" means a company that meets the definition of a natural gas company ~~has the meaning~~ 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.

~~(P)~~(N) "Nonresidential gas service" means a gas or natural gas service provided to any location where the use is primarily of a business, professional, institutional, or occupational nature.

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

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

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

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

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

~~(U)~~(S) "Slamming" means the transfer of or requesting the transfer of a customer's competitive natural gas service to another provider without obtaining the customer's consent.

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

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

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

(W) "Tampering" means to interfere with, damage, or bypass a utility meter, gas line, or gas facilities with the intent to impede the correct registration of a meter or the proper functions of a gas line or gas facilities so far as to reduce the amount of utility service that is registered on or reported by the meter. Tampering includes the unauthorized reconnection of a utility meter, gas line, or gas facility that has been disconnected by the utility.

~~(Y)~~(X) "~~TDD/~~TTY" means ~~telecommunication device for the deaf/~~text telephone yoke as defined in 47 C.F.R. 64.601, effective as of the date set forth in paragraph (I) of rule 4901:1-13-02 of the Administrative Code ~~as of May 1, 2006~~.

*** DRAFT – NOT FOR FILING ***

4901:1-13-02 **Purpose and scope.**

(A) The rules in this chapter:

(1) Apply to investor-owned gas or natural gas companies, as defined in this chapter.

(2) Are intended to promote reliable service to consumers and the public, and to provide minimum standards for uniform and reasonable practices.

(3) Unless otherwise specified, apply to both residential and nonresidential gas or natural gas service.

(B) The commission may, in addition to the rules in this chapter, require gas or natural gas companies to furnish other or additional service, equipment, and facilities upon any of the following:

(1) The resolution of a commission-ordered investigation ~~commission's own motion~~.

(2) Formal or informal commission resolution of a complaint.

(3) The application of any gas or natural gas company.

(C) The commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, ~~Chapter 4901:1-13 of the Administrative Code~~ 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 either of the following~~both~~:

(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 February 10, 2010.

*** DRAFT – NOT FOR FILING ***

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.

*** DRAFT – NOT FOR FILING ***

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 has the right to ~~may~~ be present when the meter test is performed at the customer's request. The customer shall be informed by the company of the customer's right to be present at the meter test during the time that such meter test is being scheduled.

(3) A written explanation of the test results shall be provided to the customer within ten business days of the completed test.

(4) Each company shall notify the customer of applicable charges prior to the test. Such charges must be set forth in the company's tariff.

(5) If the accuracy of the meter is found to be outside the tolerances specified in this rule, the gas or natural gas company shall do all of the following:

(a) Not charge a fee or recover any testing expenses from the customer.

(b) Provide a properly functioning meter without charge to the customer.

(c) Within thirty days, pay or credit, at the customer's discretion, any overpayment to the customer, in accordance with one of the following billing adjustments:

(i) When the company or customer has reasonably established the approximate period of meter inaccuracy, the overcharge shall be computed on the basis of a customer's metered usage prior and/or subsequent to such period consistent with the rates in effect during that period.

(ii) When the company and customer cannot reasonably establish the approximate period of meter inaccuracy, the overcharge period shall be determined to be the most recent twelve months, or the period since the date of the most recent meter test performed, whichever is less. The rates applicable shall be those in effect during the period of inaccuracy in order to determine the appropriate credit or refund.

Paragraph (D)(5) of this rule shall not apply in the event there has been either tampering with or unauthorized reconnection of the meter, metering equipment, or other property of the gas or natural gas company ~~company's property~~ during the involved period of time, where such activity ~~and which~~ causes meter or metering inaccuracies or no measurement of service.

(E) Each gas or natural gas company shall identify each customer meter, ~~that which~~ 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. Once operationally feasible, actual meter reads shall be performed by the company on a monthly basis when automatic meter reading equipment is installed in a specific geographic area of the company.

(a) Each gas or natural gas company shall submit a plan to the director of the commission's service monitoring and enforcement department to read all customer meters at least once every twelve months. Plans should include the steps, notices, and measures the company intends to take in order to read each customer's meter at least once every twelve months. Each gas or natural gas company shall update or resubmit 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 customer meter at least once every twelve months. In the event that a ~~Adherence to the plan will also create a rebuttable presumption in any~~ complaint proceeding is brought under section 4905.26 of the Revised Code, alleging that a gas or natural gas company failed ~~failure~~ to read the customer meter at least once in the twelve-month period, adherence to the company's accepted plan will also create a rebuttable presumption that the company's failure to read the customer meter at least once in the twelve-month period was a matter beyond its ~~the~~ 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.~~

(2) Billing adjustments for residential customers shall comply with section 4933.28 of the Revised Code.

(3) When a gas or natural gas company has undercharged any small commercial customer as the result of a meter or metering inaccuracy, billing problem, or other continuing problem under the gas or natural gas company's control, unless the customer and the company agree otherwise, the maximum portion of the undercharge that may be billed to the small commercial customer in any billing month, based upon the appropriate rates, shall be determined by dividing the amount of the undercharge by the number of months of undercharged service. ~~The undercharge 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 gas or natural gas company's property during the involved period of time and which causes meter or metering inaccuracies or no measurement of service.~~

(4) This rule shall not apply in the event there has been either the tampering with or the unauthorized reconnection of the meter, metering equipment, or other property of the gas or natural gas company during the involved period of time, where such activity causes meter or metering inaccuracies or no measurement of service.

~~(4)~~(5) Upon the customer's request, and in addition to the requirements of paragraph (G)(1) of this rule, the gas or natural gas company shall provide two actual meter readings, without charge, per calendar year. The customer may only request an actual meter reading ~~read~~, without charge, if the customer's usage has been estimated for more than two of the immediately preceding billing cycles consecutively or if the customer has reasonable grounds to believe that the meter is malfunctioning. Nothing in the preceding sentence is intended to limit a customer's ability to obtain a meter reading ~~read~~ 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)~~(6) Each gas or natural gas company is required to do an actual meter reading at the initiation and/or the termination of service if the meter has not been read within the immediately preceding seventy days and access to the meter is provided.

~~(6)~~(7) If a gas or natural gas company has read the meter within the immediately preceding seventy days, it shall inform the customer, when the customer contacts the company to initiate or terminate service, of the customer's right to have an actual meter read at no charge to the customer. The gas or natural gas company may ~~could~~ use the summary information provided at service initiation pursuant to ~~per~~ 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)~~(8) When a meter reading ~~read~~ is scheduled through a menu-driven, automated, interactive answering system that allows the customer to interact electronically ~~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)~~(9) Where there is a landlord/tenant relationship and neither the gas or natural gas company nor the customer has access to the meter, the gas or natural gas company shall render notice by mail to both the landlord, when the address is available, and the tenant, summarizing its inability to obtain access to the meter for any of the provisions of this rule.

*** DRAFT – NOT FOR FILING ***

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 averages ~~average~~ (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 reestablishment of ~~reestablishing~~ 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 of equal sensitivity and accuracy designed and calibrated to read, record, or indicate a pressure loss due to leakage during the pressure test period.

(b) For new house lines at new installations, a pressure test shall be conducted at no less than one and one-half times the proposed maximum working pressure, but not less than three pounds per square inch gauge (PSIG). Consideration shall be given to accommodate the manufacturer's inlet pressure specifications for connected appliances. Appliances may need to be isolated during the pressure test to prevent damage. All appliance drops shall be tested at a minimum of operating pressure. The test duration shall be no less than one-half hour for each five hundred cubic feet of pipe volume or fraction thereof. When testing a system having a volume less than ten feet or a system in a single-family dwelling, the test duration shall be a minimum of ten minutes. The duration of the test shall not be required to exceed twenty-four hours.

(c) For existing house lines when reestablishing gas service, a pressure test shall be conducted at operating pressure for a duration of no less than three minutes. When gas service has been off for less than thirty days (such as, during an outage), a dial test at operating pressure may be used in place of a pressure test. The duration of the dial test shall be no less than: five minutes for meters which have minimum registering dials showing one-fourth or one-half cubic foot; seven minutes for meters that ~~which~~ have a minimum registering dial showing one cubic foot; ten minutes for meters that ~~which~~ have a minimum registering dial showing two cubic feet; twenty minutes for meters that ~~which~~ have a minimum registering dial showing five cubic feet; and thirty minutes for meters that ~~which~~ have a minimum registering dial showing ten cubic feet.

(d) Prior to the reestablishment of service when gas has been disconnected or discontinued in a service line, the service line shall be tested in accordance with 49 C.F.R. 192, effective as of the date set forth in paragraph (I) of rule 4901:1-13-02 of the Administrative Code ~~as of May 1, 2006~~. Bare steel services operating at a pressure less than one PSIG shall be tested at a minimum of ten ~~three~~ PSIG for a duration of no less than five ~~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 or by following another prompt in the first or second tier of caller options. At any

time during the call, the caller shall be transferred to a live attendant if the caller fails to interact with the system for a period of fifteen seconds following any prompt or if the customer pushes zero or equivalent prompt indicated in the first or second tier. Calls handled exclusively by an automated system shall be included in the answer time measurement.

(4) Callers shall not be delayed from reaching the queue by any promotional or merchandising material not selected by the caller.

(C) Scheduled appointments with customers. ~~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. 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. 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.~~

(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 or electronic notification of the company's imminent arrival, at the time the company offers the call-ahead process, the company must inform the customer that, if the customer does not respond to the notification, the appointment may be cancelled. The company must attempt to notify the customer at least twice before the company may consider the appointment to have been cancelled by the customer if the customer does not respond to the notification.

(4) When the gas or natural gas company will not be able to meet a scheduled appointment with a customer, the company shall reasonably attempt to notify the customer in advance of the failure to meet the appointment and arrange a new appointment date and time.

(D) If the gas or natural gas company repairs customer service lines, the company shall complete the repair of service-line leaks that require service shutoff by the end of the next day after the service has been shut off for residential and small commercial customers, unless the company is unable to perform the repair or replacement due to lack of access. On an average monthly basis (based on a calendar year), each gas or

natural gas company shall complete ninety-five per cent of these repairs by the end of the next day service has been shut off.

~~(D)~~(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, in any ~~based on a~~ 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) 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.

*** DRAFT – NOT FOR FILING ***

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

~~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.~~

~~At a minimum, the summary information shall let customers know of the existence and how to get further information orally and in writing, relating o the following topics.~~

~~(A) Complaint procedures available at the gas or natural gas company and the commission.~~

(A) Each gas or natural gas company shall post on its web site and 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 include he following items and shall instruct customers how to get further information orally or in writing ~~let customers know of the existence and how to get further information orally and in writing, relating o the following topics.~~

(1) Complaint procedures available at the gas or natural gas company and the commission.

(2) Customer rights and responsibilities including installation of service, payment of bills, disconnection and reconnection of service, meter testing, security deposits, ~~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.

(3) Requirements applicable to ~~of~~ company personnel on customer premises.

(4) Availability of rate information and alternatives upon request.

(5) A statement that customers may review a copy of the minimum gas service standards on the commission's website or obtain a copy from the commission upon request.

(6) Privacy rights.

(7) Actual meter readings.

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

~~(B) 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.~~

~~(C) Requirements of company personnel on customer premises.~~

~~(D) Availability of rate information and alternatives upon request.~~

~~(E) 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.~~

~~(F) Privacy rights.~~

~~(G) Actual meter readings.~~

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

~~(I)~~(C) 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.

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."

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.

*** DRAFT – NOT FOR FILING ***

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) The options ~~Options~~ available to establish credit.

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

(iv) That the ~~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, showing ~~which shows~~ 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 ~~for~~ only in the following circumstances ~~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 a ~~the~~ small commercial customer, a landlord of ~~the~~ a small commercial customer, or a tenant leasing a ~~the~~ landlord or small commercial customer's premises prevents ~~repeatedly refuses~~ access to gas or natural gas company facilities or equipment on the property.

(7) ~~For nonpayment of~~ When 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 a ~~the~~ small commercial customer vacates the premises.

(9) When ~~For~~ 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 those premises ~~that premise~~.

(12) When a small commercial customer does not meet the gas or natural gas company's creditworthiness standards.

(13) For other good cause shown.

(D) Notice requirements when disconnecting small commercial service.

(1) Except as otherwise provided by contract approved by the commission pursuant to section 4905.31 of the Revised Code, each gas or natural gas company shall give the small commercial customer written notice, not less than five business days after the postmark date, before service is disconnected, when any of the following conditions exist:

(a) Violation of or noncompliance with the contract or gas or natural gas company's tariff(s) that ~~which~~ applies to small commercial customer service.

(b) The small commercial customer prevents ~~refuses~~ 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 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. ~~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 accounts ~~account~~.

(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 ~~TDD/~~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 receives ~~already received~~ 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) If ~~When~~ 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 customer's next monthly billing.

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

*** DRAFT – NOT FOR FILING ***

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) An explanation that service ~~Service~~ was disconnected because either the meter, metering equipment and/or gas or natural gas company property was tampered with, or a person not authorized by the gas or natural gas company reconnected the customer's service.

(b) The gas or natural gas company's telephone number and notice that the customer may contest the disconnection by requesting an opportunity to discuss the matter with a company representative.

(c) An explanation that, if ~~If~~ the customer does not contest the disconnection, the ~~no~~ gas or natural gas company is not required to restore service until the customer has provided satisfactory assurances that such tampering or unauthorized reconnection has ceased and has paid or made satisfactory arrangements to pay the company an amount that ~~which~~ 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.

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."

(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) A description of the ~~The~~ alleged fraudulent practice.

(b) The gas or natural gas company telephone number and notice that the customer may contest the company's findings by requesting an opportunity to discuss the matter with a company representative.

(c) An explanation that ~~The~~ gas or natural gas company may disconnect service in ~~if~~ either of the following circumstances:

(i) The customer does not contact the gas or natural gas company to contest the findings of fraudulent practice within three business days after receiving this notice.

(ii) The customer does not provide a satisfactory explanation to the company.

(d) An explanation that, if ~~If~~ service is disconnected, the gas or natural gas company is not required to reconnect service until the customer pays or

makes satisfactory arrangements to pay the company the bill for service that ~~which~~ 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.

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."

(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.

*** DRAFT – NOT FOR FILING ***

4901:1-13-10 **Complaints and complaint-handling procedures.**

(A) As used in this rule, customer/consumer complaint means a customer/consumer contact when such contact necessitates follow-up by or with the gas or natural gas company to resolve a point of contention.

(B) Each gas or natural gas company shall make good faith efforts to settle unresolved disputes, which may include meeting with the customer/consumer at a reasonable time and place.

(C) Except as ordered by the commission or directed by the commission staff in disconnection or emergency cases, each gas or natural gas company shall investigate customer/consumer complaints and, unless otherwise agreed to, provide a status report within three business days of the date of receipt of the complaint to the customer/consumer, when investigating a complaint made directly to the gas or natural gas company, and to the customer/consumer and commission staff, when investigating a complaint referred to the gas or natural gas company by the commission or commission staff.

(D) If an investigation is not completed within ten business days, the ~~each~~ 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.

*** DRAFT – NOT FOR FILING ***

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 monthly ~~regular~~ 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.

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."

(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).

(e) Fixed monthly customer charge.

(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, reflecting either of the following: ~~ccf.~~

(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.

~~(11)~~(12) The identification of estimated bills.

~~(12)~~(13) The due date for payment.

~~(13)~~(14) The total charges for the current billing period.

~~(14)~~(15) Any late payment charge or gross and net charges, if applicable.

~~(15)~~(16) Any unpaid amounts due from previous bills, customer credits, and total amounts due and payable.

~~(16)~~(17) The current balance of the account, if the residential customer is billed according to a budget plan.

~~(17)~~(18) The current gas and electric charges separately, if the customer is billed for gas and electric service on the same bill.

~~(18)~~(19) If applicable, each charge for a service that is either nontariffed or ~~,~~ nonregulated and, with regard to services that are, the name and toll-free telephone number of each provider of service ~~service(s)~~.

~~(19)~~(20) Any nonrecurring charge(s).

~~(20)~~(21) Any payment(s) or credit(s) applied to the account during the current billing period.

~~(21)~~(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 retail natural gas ~~CRNGS~~ 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, and shall post the updated list on its website. 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 dollars ~~times the cost of a first class postage stamp~~ 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; by check over the telephone; by credit card; 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.

*** DRAFT – NOT FOR FILING ***

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 not ~~only~~ disclose a customer's account number without the customer's written consent or electronic authorization, or a court or commission directive ordering disclosure, except for the following purposes:~~for gas or natural gas company credit evaluation, collections and/or credit reporting or pursuant to court order or subpoena.~~

(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 not ~~only~~ disclose a customer's social security number without the customer's written consent or without a court order, except for the following purposes (the gas or natural gas company must use the consent form described in this rule):~~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.~~

(a) Completing a customer credit evaluation.

(b) Collections and/or credit reporting activities by a gas or natural gas company, a competitive retail natural gas supplier, or a governmental aggregator.

(c) Participation in the home energy assistance program, the emergency home energy assistance program, and the percentage of income payment plan programs.

(3) ~~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.

*** DRAFT – NOT FOR FILING ***

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

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

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