

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Amendment of Certain)
Rules of the Ohio Administrative Code to) Case No. 11-4910-AU-ORD
Implement Section 4911.021, Revised Code.)

FINDING AND ORDER

The Commission finds:

- (1) On June 28, 2011, Governor John Kasich signed Amended Substitute House Bill 153 (Am. Sub. H.B. 153) which is the state's biennium budget bill. Included within Amended Substitute H.B. 153 was the adoption of a new provision, Section 4911.021, Revised Code. The new statute states that the Office of the Ohio Consumers' Counsel (OCC) "shall not operate a telephone call center for consumer complaints" and that "(a)ny calls received by the consumers' counsel concerning consumer complaints shall be forwarded to the public utilities commission call center."
- (2) On January 10, 2011, Governor Kasich issued Executive Order 2011-01K, entitled "Establishing the Common Sense Initiative," which sets forth several factors to be considered in the promulgation of rules and the review of existing rules. Among other things, the Commission must review its rules to determine the impact that a rule has on small businesses; attempt to balance properly the critical objectives of regulation and the cost of compliance by the regulated parties; and amend or rescind rules that are unnecessary, ineffective, contradictory, redundant, inefficient, or needlessly burdensome, or that have had negative unintended consequences, or unnecessarily impede business growth.
- (3) In making its review, an agency is also 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) The Commission opened this docket, Case No. 11-4910-AU-ORD, expressly for the purpose of seeking comments on the appropriate rule changes needed in light of the statutory requirements of new Section 4911.021, Revised Code.

- (5) By entry issued September 7, 2011, the Commission issued Staff-proposed revisions to Rules 4901:1-6-12, 4901:1-6-17, 4901:1-10-12, 4901:1-10-22, 4901:1-10-33, 4901:1-13-06, 4901:1-13-09, 4901:1-13-11, 4901:1-15-16, 4901:1-15-23, 4901:1-18-06, 4901:1-18-08, 4901:1-21-12, 4901:1-21-14, 4901:1-21-18, 4901:1-29-11, and 4901:1-29-12, Ohio Administrative Code (O.A.C.), for comment. Staff-proposed revisions include amendments to the identified rules to reflect the enactment of Section 4911.021, Revised Code, and to reflect the widespread adoption of the 7-1-1 dialing code in order to use the Telecommunications Relay Service.
- (6) Initial comments were filed in this docket by: Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy); OCC;¹ the Ohio Telecom Association (OTA); the AT&T Entities² (AT&T); and Columbia Gas of Ohio, Inc. (Columbia). Reply comments were filed by: The East Ohio Gas Company dba Dominion East Ohio and individually and collectively by OCC, the Ohio Poverty Law Center, Edgemont Neighborhood Coalition, the Citizens Coalition, and Ohio Partners for Affordable Energy (collectively, Consumer Parties).
- (7) The Commission will address the more relevant comments below. Any comment or recommended change that is not discussed below or incorporated into the amended rules should be considered denied.
- (8) OCC noted that Staff's proposed changes adequately address the change in the law regarding OCC's role and, therefore, no further modifications to the Staff-proposed revisions are necessary. AT&T observed that the proposed changes to the two telephone-related rules, Rules 4901:1-6-12 and 4901:1-6-17, O.A.C., are appropriate. OTA took no position on the Staff-proposed rule changes; however, OTA commented separately that the proposed rules should be clarified to allow some flexibility in the placement of the reference to the OCC on residential bills and disconnection notices. Further, OTA and

¹ OCC also filed a motion to intervene in this matter. As this is a rulemaking proceeding, there is no need to file a motion to intervene and, therefore, the motion for intervention will not be further considered.

² The AT&T Entities are The Ohio Bell Telephone Company dba AT&T Ohio, AT&T Communications of Ohio, Inc., TCG Ohio, SBC Long Distance dba AT&T Long Distance, SNET America, Inc. dba AT&T Long Distance East, AT&T Corp. dba AT&T Advanced Solutions, and BellSouth Long Distance, Inc. dba AT&T Long Distance Service.

AT&T recommend that the Commission should assure that sufficient time for implementing such billing system changes will be provided if a mandatory effective date is ordered. AT&T suggests at least a 90-day time frame is necessary in order to implement the necessary billing modifications to accommodate the rule revisions.

Columbia and FirstEnergy claim that continuing to include OCC contact information on customer bills and elsewhere will serve to undermine the purpose and intent of Section 4911.021, Revised Code, because it will lead to residential customer confusion. Therefore, Columbia and FirstEnergy urge the Commission to reject the Staff-proposed amendments and instead eliminate any reference to OCC in these notice provisions. On reply, DEO concurs with the comments expressed by Columbia and FirstEnergy.

Consumer Parties did not address the implementation issued raised by AT&T and by OTA; however, Consumer Parties did disagree with OTA's concern that placing the OCC's contact information too closely to the Commission's contact information has the potential to cause customer confusion. Citing to certain statutory mandates, in response to the comments of Columbia and FirstEnergy, Consumer Parties argue that OCC's contact information must be included on residential bills and notices.

- (9) Upon considering Staff's proposal and the initial and reply comments, the Commission concludes that Rules 4901:1-6-12, 4901:1-6-17, 4901:1-10-12, 4901:1-10-22, 4901:1-10-33, 4901:1-13-06, 4901:1-13-09, 4901:1-13-11, 4901:1-15-16, 4901:1-15-23, 4901:1-18-06, 4901:1-18-08, 4901:1-21-12, 4901:1-21-14, 4901:1-21-18, 4901:1-29-11, and 4901:1-29-12, O.A.C., should be amended consistent with the Staff proposal issued for comment on September 7, 2011. In making this determination, we note that Section 4911.021, Revised Code, specifies that OCC shall not operate a telephone call center for consumer complaints. The statute did not, however, otherwise prohibit OCC from serving as a resource for residential consumers. Further, as noted by Consumer Parties, there are still provisions throughout Title 49 of the Ohio Revised Code that if not directly mandating OCC contact information on residential customer bills and disconnection notices certainly acknowledges that a state

entity, such as OCC, should be available to provide residential customer assistance. Regarding the placement of OCC contact information, the Commission notes that OCC contact information has historically appeared directly after the Commission contact information. We envision that permitting utilities to choose where the OCC contact information is placed could lead to more, not less, customer confusion. Lastly, we note that no stakeholder commented on the need for sufficient time to make the necessary billing changes. Therefore, as both OTA and AT&T commented that the bill changes could be made in roughly 90 days, we find that time frame to be reasonable.

It is, therefore,

ORDERED, That the attached amended rules be adopted. It is, further,

ORDERED, That the attached amended rules be filed with the Joint Committee on Agency Rule Review, the Legislative Service Commission, and the Secretary of State 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 day permitted by law. It is, further,

ORDERED, That a copy of this finding and order and the attachment be served upon all regulated utilities; the Office of the Ohio Consumers' Counsel; Ohio Gas Association; Ohio Rural Electric Cooperatives, Inc.; Ohio Electric Utility Institute; Ohio Propane Gas Association; Ohio Oil and Gas Association; Ohio Telecom Association; Ohio Cable Telecommunications Association; Ohio Manufacturers' Association; Ohio Municipal League; Ohio Environmental Council; Ohio State Bar Association; and the Legal Aid Societies of Cleveland, Columbus, Cincinnati, Dayton, and Toledo.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Todd A. Snitchler, Chairman




Paul A. Centolella



Steven D. Lesser



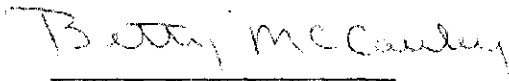
Andre T. Porter



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JRJ/vrm

Entered in the Journal

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Betty McCauley
Secretary

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4901:1-6-12 Service requirements for BLES.

- (A) A local exchange carrier (LEC) providing basic local exchange service (BLES) shall conduct its operations so as to ensure that the service is available, adequate, and reliable consistent with applicable industry standards.
- (B) The fact that a LEC providing BLES fails to comply with any provision(s) within this chapter, or with other applicable federal or state telecommunications law, does not by itself constitute inadequate service as a matter of law. Rather, the question as to whether BLES is legally inadequate requires a formal determination by the commission, preceded by a hearing pursuant to section 4927.21 of the Revised Code unless the hearing is waived by the complainant and the respondent.
- (C) A LEC shall provide BLES pursuant to the following standards:
 - (1) BLES shall be installed within five business days of the receipt by a telephone company of a completed application for new access line service, unless the customer requests or agrees to a later date.
 - (2) The requirement to install BLES in paragraph (C)(1) of this rule is not applicable where any of the following exist:
 - (a) A customer or applicant has not met pertinent tariff requirements.
 - (b) The need for special equipment or service.
 - (c) Military action, war, insurrection, riot, or strike.
 - (d) The customer misses an installation appointment.
 - (3) A LEC shall make reasonable efforts to repair a BLES outage within twenty-four hours, excluding Sundays and legal holidays, after the outage is reported to the telephone company.
 - (4) A BLES service outage or service-affecting problem shall be repaired within seventy-two hours after it is reported to the telephone company.
 - (5) If a BLES outage is reported to the telephone company and lasts more than seventy-two hours, the LEC shall credit every affected BLES customer, of which the LEC is aware, in the amount of one month's charges for BLES.
 - (6) The customer credit in paragraph (C)(5) of this rule is not applicable if the condition or failure to repair occurs as a result of any of the following:
 - (a) A customer's negligent or willful act.

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- (b) Malfunction of customer-owned telephone equipment or inside wire.
 - (c) Military action, war, insurrection, riot, or strike.
 - (d) Customer missing a repair appointment.
- (7) No LEC shall establish a due date for payment earlier than fourteen consecutive days after the date the bill is postmarked for a bill for BLES provided to customers. The postmark date may appear on the bill rather than on the envelope, as long as the postmark date is never earlier than the date the bill actually enters the mail.
- (8) A LEC may disconnect BLES for nonpayment of any amount past due on a billed account not earlier than fourteen days after the due date of the customer's bill, provided that the customer is given notice of the disconnection seven days before the disconnection.
- (9) Such notice of disconnection may be included on the customer's next bill, provided the bill is postmarked at least seven days prior to the date of disconnection of service reflected on the bill, and provided that the disconnection language is clearly highlighted such that it stands apart from the customer's regular bill language. The notice shall identify the total dollar amount that must be paid to maintain BLES, the earliest date disconnection may occur, and the following statement:

"If you have a complaint in regard to this disconnection notice that cannot be resolved after you have called (name of the utility), or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.puco.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service)."

For residential disconnection notices, the text shall also include:

~~"Residential customers may also contact the The Ohio Consumers' Counsel"~~consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00~~eight~~a.m. to 5:00~~five~~p.m. weekdays, or at www.pickocc.org~~http://www.pickocc.org."~~

- (10) A LEC may require a deposit, not to exceed two hundred thirty percent of a reasonable estimate of one month's service charges, for the installation of

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BLES for any person that it determines, in its discretion, is not creditworthy.

- (11) A LEC shall, unless prevented from doing so by circumstances beyond the telephone company's control or unless the customer requests otherwise, reconnect a customer whose basic local exchange service was disconnected for nonpayment of past due charges not later than one business day after the day the earlier of the following occurs:
- (a) The receipt by the LEC of the full amount of past due charges.
 - (b) The receipt by the LEC of the first payment under a mutually agreed upon payment arrangement.

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4901:1-6-17 Truth in billing requirements.

- (A) Every telephone company shall comply with the federal communications commission's truth in billing requirements in 47 C.F.R. 64.201 and shall, in conformance with those requirements, accurately identify on every bill all services rendered, the providers of those services, and all billed charges, fees, and taxes so that they are clear and not misleading.
- (B) Every customer's bill shall include a statement that customers with bill questions or complaints should contact the telephone company first, as well as the following text:

"If your complaint is not resolved after you have called (name of the utility), or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.puco.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service)."

For residential bills the text shall also include:

"~~Residential customers may also contact the~~ The Ohio Consumers' Counsel~~consumers' counsel~~ (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00~~eight~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.pickocc.org~~http://www.pickocc.org."

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4901:1-10-12 Provision of customer rights and obligations.

Each electric utility shall provide to new customers, upon application for service, and existing customers upon request, a written summary of their rights and obligations under this chapter. This written summary shall also be prominently posted on the electric utility's website. The summary shall be in clear and understandable language. Each electric utility shall submit the summary or amendments thereto to the chief of the reliability and service analysis division for review at least sixty calendar days prior to mailing the summary to its customers. For purposes of this rule "new customer" means a customer who opens a new account and has not received such a customer rights summary within the preceding year. The summary shall include, but not be limited to, the following:

(A) The electric utility and commission procedures for complaints, which shall include:

(1) How complaints are made to the electric utility, including a local or toll free number, an address and a website, if applicable.

(2) A statement that:

"If your complaint is not resolved after you have called (your electric utility), or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~ public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from 8:00eight a.m. to 5:00five p.m. weekdays, or at ~~www.PUCO.ohio.gov~~ http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service)."

~~"Residential customers may also contact the The Ohio Consumers' Counsel"~~ consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00eight a.m. to 5:00five p.m. weekdays, or at ~~www.pickocc.org~~ http://www.pickocc.org."

(B) Customer rights and responsibilities, which shall include:

(1) A list of customer rights and obligations relating to installation of service, payment of bills, disconnection and reconnection of service, and meter testing.

(2) Information detailing the customer's responsibility to notify the electric utility of material changes in the customer's equipment or usage within the

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time reasonably necessary to permit the electric utility to provide necessary facilities and acquire additional power supply, if needed. The summary shall provide examples of such changes in customer equipment and usage.

- (3) A description of the following customer rights:
 - (a) The circumstances under which the electric utility may demand and/or hold security deposits.
 - (b) The circumstances under which customers may obtain deferred payment plans and low-income assistance plans, and information concerning those plans.
- (4) The toll-free telephone number(s) for the "one-call" or "call-before-you-dig" protection service(s) to locate underground utility facilities.
- (5) An explanation of what each applicant must do to receive service from that electric utility.
- (6) Information explaining when a customer will be charged for the cost of modifying service, installing a meter, and/or providing facilities necessary to serve that customer.
- (C) A statement notifying customers that, when electric utility employee(s) or agent(s) seek access to the customer's and/or landlord's premises, the customer or landlord may request the employee/agent to show photo identification and to state the reason for the visit.
- (D) A statement concerning the availability of rate information, which shall include:
 - (1) A statement that the electric utility's rates and tariffs are available for review at the electric utility's office, on the electric utility's website, and on the commission's website.
 - (2) A statement that, upon inquiry by a customer regarding rates or energy efficiency, the electric utility will disclose to the customer the existence and availability of the electric utility's alternative rates or any energy efficiency programs.
- (E) A statement that customers may review a copy of the electric service and safety standards on the commission's website or obtain a copy from the commission upon request.
- (F) Information on privacy rights, which shall include:
 - (1) A statement that the electric utility is prohibited from disclosing a customer's account number without the customer's written consent or

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electronic authorization or without a court or commission order, except for the following purposes:

- (a) The electric utility's collections and/or credit reporting.
 - (b) Participation in the home energy assistance program, the emergency home energy assistance program, and programs funded by the universal service fund, such as the percentage of income payment plan programs.
 - (c) Governmental aggregation.
- (2) A statement that the electric utility is prohibited from disclosing a customer's social security number without the customer's written consent or without a court order, except for the following purposes:
- (a) The electric utility's consumer credit evaluation.
 - (b) The electric utility's or competitive retail electric service (CRES) provider's collections and/or credit reporting.
 - (c) Participation in the home energy assistance program, the emergency home energy assistance program, and programs funded by the universal service fund, such as the percentage of income payment plan programs.
- (3) A statement that customers have the right to request up to twenty-four months of their usage history, payment history, and detailed consumption data, if available, and time differentiated price data, if applicable, from the electric utility without charge.
- (4) A statement that customers have the right to prohibit the electric utility from including their names on mass customer lists made available to CRES providers.
- (5) A statement that staff is not prohibited from accessing records or business activities that would allow it to effectively monitor customer calls to the electric utility's call center.
- (G) A statement that customers have the right to obtain, from their electric utility, a list of available CRES providers, that are actively seeking residential customers in its service territory and their phone numbers.
- (H) A statement that customers returning to the electric utility's standard offer service due to default, abandonment, slamming, or certification rescission of a CRES provider will not be liable for any costs associated with the switch.
- (I) Information concerning notice of a change in the customer's supplier of electric service.

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- (1) A statement that, if a change in a residential or small commercial customer's electric services company is initiated, the electric utility is required to send the customer a notice confirming the change.
 - (2) A statement that the customer has a right to cancel any change in its supplier of electric service within seven calendar days after the notice has been sent by calling the electric utility at the telephone number on the notice.
- (J) Information explaining the procedures customers must follow if they believe their generation and/or transmission service has been switched without their consent. This explanation shall include, at a minimum, the following information:
- (1) If a customer participates in the percentage of income payment plan or in a governmental aggregation, the customer's supplier of generation and/or transmission services appearing on the customer's bill may be a company other than the electric utility.
 - (2) If the customer's electric bill reflects a supplier of electric service not chosen by the customer, the customer should call the commission to initiate a slamming investigation.
 - (3) If the staff determines that the customer's service was changed without proper authorization:
 - (a) The customer will be switched back to the customer's previous supplier of electric service without charge to the customer.
 - (b) The customer's account will be credited for any switching fees resulting from the customer being switched without proper authorization.
 - (c) The customer will be credited or reimbursed for any charges in excess of what the customer would have paid absent the unauthorized change in electric service provider.
- (K) Information concerning actual meter readings.
- (1) A statement that the electric utility is required to obtain an actual meter reading when the customer initiates or terminates electric service with the electric utility, if the meter has not been read within the preceding sixty days.
 - (2) A statement that, if the meter has not been read within the preceding thirty-three to fifty-nine days, the electric utility is required to inform the customer, when the customer contacts the electric utility to initiate or terminate service, of the option to have an actual meter read, at no charge.

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- (3) A statement that the customer may request two actual meter reads per calendar year, at no charge, if the customer's usage has been estimated for more than two of the consecutively preceding billing cycles or if the customer has reasonable grounds to believe that the meter is malfunctioning.

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4901:1-10-22 Electric utility customer billing and payments.

(A) This rule applies to electric utility bills that do not include any competitive retail electric service (CRES) provider charges. Requirements for consolidated billing appear in rule 4901:1-10-33 of the Administrative Code.

(B) Customer bills issued by or for the electric utility shall be accurate, shall be rendered at monthly intervals, and shall contain clear and understandable form and language. Each bill shall state at least the following information:

(1) The customer's name, billing address, service address, and account number.

(2) The electric utility's name and its payment address.

(3) The electric utility's twenty-four hour local and toll-free telephone numbers for reporting service emergencies.

(4) A statement that customers with billing questions or complaints should call or write the electric utility first. The bill shall list the electric utility's local and toll-free telephone numbers 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 your electric utility, or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~ public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from 8:00 eight a.m. to 5:00 five p.m. weekdays, or at ~~www.PUCO.ohio.gov~~ http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service)."

~~Residential customers may also contact the~~ The Ohio Consumers' Counsel ~~consumers' counsel (OCC) represents utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00 eight a.m. to 5:00 five p.m. weekdays, or at www.pickocc.org~~ http://www.pickocc.org."

(6) The rate schedule, if applicable.

(7) Dates of the service period covered by the bill.

(8) The billing determinants applicable:

(a) Beginning meter reading(s)

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- (b) Ending meter reading(s).
- (c) Demand meter reading(s).
- (d) Multiplier(s).
- (e) Consumption(s).
- (f) Demand(s).
- (9) An identification of estimated bills.
- (10) The due date for payment.
- (11) The current billing that reflects the net-metered usage for customer generators, if applicable.
- (12) Any late payment charge or gross and net charges, if applicable.
- (13) Any unpaid amounts due from previous bills, any customer credits, and the total amount due and payable.
- (14) The current balance of the account, if the residential customer is billed according to a budget plan.
- (15) The current gas and electric charges separately, if the customer is billed for gas and electric service on the same bill.
- (16) If applicable, each charge for nontariffed, nonregulated service, and the name and toll-free telephone number of each provider of each service.
- (17) Any nonrecurring charge.
- (18) Any payment(s) or credit(s) applied to the account during the current billing period.
- (19) Any applicable percentage of income payment program (PIPP) billing information:
 - (a) Current PIPP payment.
 - (b) PIPP payments defaulted (i.e., past due).
 - (c) Total PIPP amount due.
 - (d) Total account arrearage.
- (20) An explanation of codes and abbreviations used.

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- (21) At a minimum, definitions for the following terms, or like terms used by the company, if applicable: customer charge, delivery charge, estimated reading, generation charge, kilowatt hour, shopping incentive or shopping credit, late payment charge, and transition charge.
 - (22) If applicable, the name of the CRES provider and a statement that such provider is responsible for billing the supplier charges.
 - (23) A numerical representation of the customer's historical consumption during each of the preceding twelve months, with a total and average consumption for such twelve-month period.
 - (24) The price-to-compare notice on residential customer bills and a notice that such customers can obtain a written explanation of the price-to-compare from their electric utility.
 - (25) Other information required by Ohio law or commission rule or order.
- (C) Any new bill format proposed by an electric utility shall be filed with the commission for approval. If an application for sample bill approval is not acted upon within forty-five calendar days, said sample shall be deemed approved on the forty-sixth day after the filing.
- (D) Each electric utility shall, upon request, provide customers with an updated list of the name and street address/location of the nearest payment center and/or local authorized agent, and alternative methods available for payment of customer bills. If an electric utility accepts payments from customers via authorized agents, the electric utility 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 electric utility. Customers shall not be charged more than two dollars for processing their payments by cash, check, or money order at authorized agent locations.
- (E) When a customer pays a bill at the electric utility's business office or to an authorized agent of the company, that 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. No electric utility shall disconnect service to a customer who pays, to the electric utility or an authorized agent of the electric utility, the total amount due on the account (or an amount agreed upon between the electric utility and the customer to prevent disconnection), by the close of business on the disconnection date listed on the disconnection notice. Payment received by an authorized agent of the electric utility shall constitute receipt of payment by the electric utility.

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(F) Each electric utility shall establish a policy for its own personnel and for its authorized agents to handle billing disputes, requests for payment arrangements, and payments to prevent disconnection of service. If such matters cannot be handled by an agent authorized to accept payments, the electric utility shall provide customers with its local and toll-free numbers to use at a nearby telephone.

(G) Each electric utility shall credit any customer's partial payments in the following order:

- (1) Past due distribution, standard offer generation, and transmission charges.
- (2) Current distribution, standard offer generation, and transmission charges.
- (3) Other past due and current nonregulated charges.

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 electric utility wishing to issue billing statements online shall comply with the following requirements:

- (1) A customer shall not be required to use online billing.
- (2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online.
- (3) The online billing statement shall include all requirements listed in paragraph (B) of this rule.
- (4) The electric utility shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process.
- (5) Any fees to accept online payments shall be clearly disclosed in payment window(s).
- (6) Any payment made online shall be treated as a payment made at the electric utility's business office and shall be posted to the account in accordance with paragraph (E) of this rule. The time needed to post the payment to the account shall be clearly stated.
- (7) If a customer chooses to use online billing, the electric utility shall continue to make all payment methods available to the customer.

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4901:1-10-33 Consolidated billing requirements.

- (A) This rule applies to an electric utility that issues customers a consolidated electric bill that includes both electric utility and competitive retail electric service (CRES) provider charges for electric services. Nothing in this rule affects the obligations of the electric utility to provide disconnection notices.
- (B) A supplier agreement between an electric utility and a CRES provider must provide that if the electric utility collects customer payments on behalf of the CRES provider, the customer's liability to the CRES provider ceases to the extent of a payment made and applicable to the customer's CRES provider account.
- (C) Consolidated bills shall be accurate, shall be rendered at monthly intervals, and shall contain clear and understandable form and language. All consolidated customer bills issued by or on behalf of an electric utility and a CRES provider must include at least the following information:
 - (1) The customer's name, billing address, and service address.
 - (2) The electric utility's twenty-four hour, local and toll-free telephone numbers for reporting service emergencies.
 - (3) The dates of the service period covered by the bill.
 - (4) Current electric charges, separated from gas charges, if these charges appear on the same bill, but only to the extent that the biller provides both electric and gas services.
 - (5) Applicable billing determinants: beginning meter read, ending meter read, demand meter read, multipliers, consumption, and demand.
 - (6) Identification of estimated bills.
 - (7) Any non-recurring charge(s).
 - (8) Net-metered usage for customer generators, if applicable.
 - (9) Each charge for non-tariffed and/or non-regulated service or product, if applicable, and the name and toll-free number of each provider of such service(s).
 - (10) Amount due for previous billing period.
 - (11) Total payments, late payment charges or gross/net charges, and total credits applied during the billing period.
 - (12) Total consolidated amount due and payable, or, if applicable, the total

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consolidated budget bill amount.

(13) Due date for payment to keep the account current.

(14) Name and address of the electric utility to whom payments should be made.

(15) The following notice:

"If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~ public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free) from 8:00~~ eight a.m. to ~~5:00~~ five p.m. weekdays, or at ~~www.PUCO.ohio.gov~~ http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

~~Residential customers may also contact the The Ohio Consumers'~~ consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00 eight a.m. to ~~5:00~~ five p.m. weekdays, or at ~~www.pickocc.org~~ http://www.pickocc.org."

(16) An explanation of codes and abbreviations used.

(17) At a minimum, definitions for the following terms, or like terms used by the company, if applicable: customer charge, delivery charge, estimated reading, generation charge, kilowatt hour (kWh), shopping incentive or shopping credit, late payment charge, and transition charge.

(18) The price-to-compare for residential bills and a notice that such customers can obtain a written explanation of the price-to-compare from their electric utility.

(D) In addition to the information required pursuant to paragraph (C) of this rule, each consolidated bill issued must include, in that portion of the bill which details the charges from the electric utility, at least the following information:

(1) Electric utility account number.

(2) Applicable rate schedule.

(3) Numerical statement of the customer's historical consumption for each of the preceding twelve months, and both the total and average consumption for such twelve-month period.

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- (4) Specific tariffed charges to the extent applicable: customer charge, delivery charge, transition charge, shopping incentive or shopping credit, and other conceptually similar tariffed charges.
 - (5) If the customer is on a budget plan with the electric utility only, the monthly budget amount and current balance of electric utility account.
 - (6) Current ~~charges~~, charges.
 - (7) The electric utility's local and toll-free telephone numbers and address for questions and complaints.
- (E) In addition to the information required pursuant to paragraph (C) of this rule, each consolidated bill issued must include, in that portion of the bill which details the charges from the CRES provider, at least the following information:
- (1) Customer's CRES account number, if different from the electric utility account number.
 - (2) To the extent applicable, itemization for each charge including, for fixed-price offers, the unit price per kWh for competitive service and, for all other offers for electric generation service, an explanation of how the rate is derived, as well as any other information the customer would need to recalculate the bill for accuracy.
 - (3) If the customer is on a budget plan with the CRES provider only, the monthly budget amount and the current balance of the CRES account.
 - (4) Current charges.
 - (5) A highlighted notice of any change in rates, terms, or conditions appearing on the first two consecutive bills following the occurrence of any such changes and a clear explanation of each change.
- (F) Consolidated bill format. Any new consolidated bill format proposed by an electric utility shall be filed with the commission for approval. If an application for a consolidated bill format is not acted upon by the commission within forty-five calendar days after it is filed, the consolidated bill format shall be deemed approved on the forty-sixth day after filing.
- (G) Transfer of customer billing information.
- (1) The non-billing CRES provider shall furnish the applicable required bill content information to the billing party in a timely manner and in a mutually agreed upon electronic format for inclusion in the consolidated customer bill.

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- (2) The billing electric utility shall include in the consolidated bill all required bill content information furnished by the non-billing CRES provider.
- (3) An entity ordered by the commission to provide any bill content, message, insert, or notice remains responsible to provide such information to its customers, although the information may be provided through the consolidated bill.

(H) Partial payment priority.

(1) A customer's partial payment shall be credited in the following order:

- (a) Billed and past due CRES provider charges, or, if applicable, CRES provider payment arrangement or past due CRES provider budget billing.
- (b) Billed and past due electric utility distribution, standard offer generation, and transmission charges or, if applicable, electric utility payment arrangement or past due electric utility budget billing.
- (c) Billed and due current electric utility distribution and transmission charges or current electric utility budget billing.
- (d) Billed and due current CRES provider charges or current CRES provider budget billing.
- (e) Other past due and current non-regulated charges, excluding CRES charges.

(2) Exceptions to the partial payment priority.

- (a) 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.
- (b) If a customer pays an agreed-upon electric utility and/or CRES budget payment amount, then that payment shall be considered payment in full for the current bill.

(I) Upon the customer's switch from a CRES provider, the billing party shall identify for the customer and state on the bill the date after which the billing party will no longer remit payments to the previous CRES provider and include any outstanding balance due the previous CRES provider.

(J) Any electric utility wishing to issue consolidated billing statements online shall follow the listed guidelines:

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- (1) A customer shall not be required to use online billing.
- (2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online.
- (3) The online billing statement shall include all requirements listed in paragraphs (C), (D), and (E) of this rule.
- (4) The electric utility shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process.
- (5) Any fees to accept online payments shall be clearly disclosed in payment window(s).
- (6) Any payment made online shall be treated as a payment made at the electric utility's business office and shall be posted to the customer's account in accordance with paragraph (F) of rule 4901:1-10-22 of the Administrative Code. The time needed to post the payment to the customer's account shall be clearly stated.
- (7) If a customer chooses to use online billing, the customer shall not be restricted to making payments online in the future. All payment methods shall continue to be available to the customer.

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

- (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 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 ~~the~~the following items and shall instruct customers how to get further information orally or in writing.
- (1) Complaint procedures available at the gas or natural gas company and the commission.
 - (2) Customer rights and responsibilities including installation of service, payment of bills, disconnection and reconnection of service, meter testing, security deposits, usage history, deferred payment plans, low-income assistance, information relating to the area's "one-call" or "call-before-you-dig" protection services, and service line responsibilities.
 - (3) Requirements applicable to company personnel on customer premises.
 - (4) Availability of rate information and alternatives upon request.
 - (5) A statement that customers may review a copy of the minimum gas service standards on the commission's website or obtain a copy from the commission upon request.
 - (6) Privacy rights.
 - (7) Actual meter readings.
 - (8) Gas choice programs available to its customers, including information on slamming.
- (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

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~~Public Utilities Commission~~ public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570~~, from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.puco.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

~~Residential customers may also contact the~~ The Ohio Consumers' Counsel consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted ~~for assistance with complaints and utility issues~~ at 1-877-742-5622 (toll free) from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.pickocc.org~~http://www.pickocc.org."

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

- (A) Each gas or natural gas company shall establish and maintain an antitheft and antitampering plan.
- (B) Disconnection of service for tampering or unauthorized reconnection.
 - (1) A gas or natural gas company may disconnect service without prior notice to a customer when either of the following occurs:
 - (a) The gas service meter, metering equipment, or associated property was damaged, interfered with, displaced, bypassed, or otherwise tampered with by a customer, consumer, or other person.
 - (b) A person not authorized by the gas or natural gas company has reconnected service.
 - (2) Each gas or natural gas company that has disconnected service under this paragraph shall tag or seal the customer's meter and hand-deliver written notice to the customer or consumer at the service location. If neither the customer nor an adult consumer is present, the gas or natural gas company shall attach a prominent written notice to a conspicuous place on the premises. When a gas or natural gas company reasonably believes that tagging or sealing the meter, hand delivering notice, or posting notice may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer and consumer if the customer is not located at the service location. The notice shall include the following information:
 - (a) An explanation that service was disconnected because either the meter, metering equipment and/or gas or natural gas company property was tampered with, or a person not authorized by the gas or natural gas company reconnected the customer's service.
 - (b) The gas or natural gas company's telephone number and notice that the customer may contest the disconnection by requesting an opportunity to discuss the matter with a company representative.
 - (c) An explanation that, if the customer does not contest the disconnection, the gas or natural gas company is not required to restore service until the customer has provided satisfactory assurances that such tampering or unauthorized reconnection has ceased and has paid or made satisfactory arrangements to pay the company an amount that the company calculates for unmetered service, any defaulted amount, any damage to company equipment or meter, any security deposit (consistent with rules 4901:1-13-08 and 4901:1-17-05 of the Administrative Code), and any

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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~~ 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~~eight a.m. to ~~5:00~~five p.m. weekdays, or visit ~~www.puco.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1- (Ohio relay service).

~~Residential customers may also contact the The Ohio Consumers'~~ consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues toll-free at 1-877-742-5622 from 8:00eight a.m. to ~~5:00~~five p.m. weekdays, or visit ~~www.pickocc.org~~http://www.pickocc.org."

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

(C) Disconnection of service for fraudulent practice.

(1) A gas or natural gas company may disconnect service, after providing notice to the customer pursuant to this paragraph, when a customer uses any fraudulent practice to obtain or maintain service. Before it may disconnect service for a fraudulent practice, each gas or natural gas company shall deliver or send a written notice to the customer or consumer at the service location.

(2) The notice shall include the following information:

(a) A description of the alleged fraudulent practice.

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

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

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

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after receiving this notice.

- (ii) The customer does not provide a satisfactory explanation to the company.
- (d) An explanation that, if service is disconnected, the gas or natural gas company is not required to reconnect service until the customer pays or makes satisfactory arrangements to pay the company the bill for service that was fraudulently obtained or maintained, any security deposit (consistent with rules 4901:1-13-08 and 4901:1-17-05 of the Administrative Code), and any tariffed reconnection and investigation charges.
- (e) A statement that:

"If your complaint is not resolved after you have called (name of utility), or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~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~~eight a.m. to ~~5:00~~five p.m. weekdays, or visit ~~www.puco.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio Relay Service).

~~Residential customers may also contact the~~ The Ohio Consumers' Counsel~~consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues toll-free at 1-877-742-5622 from 8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or visit ~~www.pickocc.org~~http://www.pickocc.org."

- (3) A gas or natural gas company may terminate service for a fraudulent practice when the customer fails to contest the disconnection with the company within three business days after delivery of the written notice required by this paragraph. Should the customer contest the notice and fail to satisfy the claims of fraud, the company may terminate service two business days after the customer receives the gas or natural gas company's written adverse decision regarding the matter. Notice of actual disconnection shall be left for the customer or consumer at the service location in a conspicuous location. When a company reasonably believes that posting the notice of actual disconnection may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer and consumer (if the customer is not located at the service location).

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- (D) Each gas or natural gas company shall maintain records which include the basis for its decision.

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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 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 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~~public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.puco.ohio.gov~~ http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

~~Residential customers may also contact the The Ohio Consumers' Counsel~~consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted ~~for assistance with complaints and utility issues~~ at 1-877-742-5622 (toll free) from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.pickocc.org~~http://www.pickocc.org."
 - (6) A rate schedule, if applicable.
 - (7) The dates of the service period covered by the bill.
 - (8) The billing determinants, if applicable:

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- (a) Beginning meter reading(s).
 - (b) Ending meter reading(s).
 - (c) Multiplier(s).
 - (d) Consumption(s).
 - (e) Fixed monthly customer charge.
- (9) The rate for purchase of the gas or natural gas commodity, expressed in dollars and cents per Mcf or Ccf, reflecting either of the following:
- (a) The gas cost recovery rate.
 - (b) The rate for the commodity service, if the company has been granted an exemption under section 4929.04 of the Revised Code.
- (10) The total charge attributable to the rate for purchase of the gas or natural gas commodity, expressed in dollars and cents, reflecting either of the following:
- (a) The gas cost recovery rate.
 - (b) The rate for the commodity sales service, if the company has been granted an exemption under section 4929.04 of the Revised Code.
- (11) The total charge attributable to the gross receipts tax, expressed in dollars and cents, and the gross receipts tax rate. This requirement only applies to gas or natural gas companies that allow for competitive retail natural gas services on their system.
- (12) The identification of estimated bills.
- (13) The due date for payment.
- (14) The total charges for the current billing period.
- (15) Any late payment charge or gross and net charges, if applicable.
- (16) Any unpaid amounts due from previous bills, customer credits, and total amounts due and payable.
- (17) The current balance of the account, if the residential customer is billed according to a budget plan.
- (18) The current gas and electric charges separately, if the customer is billed for gas and electric service on the same bill.
- (19) If applicable, each charge for a service that is either nontariffed or

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nonregulated and, with regard to services that are, the name and toll-free telephone number of each provider of service.

- (20) Any nonrecurring charge(s).
 - (21) Any payment(s) or credit(s) applied to the account during the current billing period.
 - (22) If applicable, all the percentage of income payment plan (PIPP) billing information:
 - (a) Current PIPP payment.
 - (b) PIPP payments defaulted (i.e., past due).
 - (c) Total PIPP amount due.
 - (d) Total account arrearage.
 - (e) Any other information required to implement the PIPP program under Chapter 4901:1-18 of the Administrative Code.
 - (23) An explanation of codes and abbreviations used.
 - (24) If a customer's selected retail natural gas supplier or governmental aggregator bills separately for its supplier charges, the supplier's name and a statement that such supplier is responsible for billing the gas supplier charges and such supplier will separately bill the customer for that component of natural gas service.
 - (25) The customer's historical consumption during each of the preceding twelve months, with a total and average consumption for such twelve-month period, if the company has a choice program.
 - (26) A prominently displayed "apples-to-apples" notice, if the company has a choice program.
 - (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.
 - (28) Other information required by Ohio law or commission rule or order.
- (C) All bills shall be due no earlier than fourteen days from the date of the postmark on the bill. If the bill is sent electronically, the bill shall not be due earlier than fourteen days from the date of the electronic postmark on the bill. If the bill is mailed by means that does not place a postmark on the bill (i.e., such as permit

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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 for processing payments by cash, check, or money order at authorized agent locations. Customers may not be charged for processing their payments by check or money order through the mail. Customers may be charged for processing their payments by check over the telephone, by credit card, or electronic money transfers and such charges will be evaluated by the commission.
- (3) 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

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the date received at the business office or by the agent. When payment is received at the company's business office through other means, such as by mail or on line, the payment shall be posted immediately upon receipt to the customer's account, where feasible, and in any event, be credited to the customer's account on the date received.

- (4) 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.

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(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.

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4901:1-15-16 Notification of customer rights.

(A) Each waterworks company and/or sewage disposal system company shall provide, at the time service is initiated, to new customers and upon the request of an existing customer a summary of their rights and obligations under these rules. The notice shall include current information, be in plain language, and shall be delivered to customers separately by mail or in person. The notice shall include, but not be limited to, all of the following:

- (1) A description of the complaint procedures available at the waterworks company and/or sewage disposal system company and the commission. The notice shall clearly state the means by which a complaint can be made to the company, including a local or toll free telephone number. The notice shall further include the following statement:

If your complaint is not resolved after you have called (name of utility), or for general utility information, residential and business customers may contact the public utilities commission of Ohio PUCO for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from ~~8:00~~eight a.m. to ~~5:00~~ five p.m. weekdays, or at ~~www.puco.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

~~Residential customers may also contact the~~The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at ~~www.pickocc.org~~http://www.pickocc.org.

- (2) A listing of the rights and obligations of customers relating to the installation of service, payment of bills, disconnection of service, reconnection of service, and testing of meters and of the utility's business office and availability of customer representatives.
- (3) A description of the customer's rights regarding the holding and demanding of security deposits by the company; and any other methods used by the company to establish a residential customer's creditworthiness, as set forth in the company's tariff and in Chapter 4901:1-17 of the Administrative Code.
- (4) A statement that the customer has a right to see a proper company photo identification whenever company employee(s) or agent(s) seek access to the customer's premise(s).
- (5) A statement that the company's rates, rules, and regulations (tariff) are

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available for review upon request.

- (6) Customer notification of the availability of a medical certificate.
- (7) A statement that the commission has adopted a comprehensive set of minimum standards for waterworks companies and/or sewage disposal system companies, as set forth in this chapter which is available from the company or from the commission for review upon request.
- (B) A waterworks company and/or sewage disposal system company that initiates or changes its notification of customer rights under these rules, shall file the proposed notification with the commission for approval. If the commission does not act upon a waterworks company's and/or sewage disposal system company's proposed notification of customer rights within forty-five days, it shall become effective on the forty-sixth day after the initial filing is made with the commission. Approved notifications of customer rights shall be filed with the commission in the company's "TRF" docket.

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4901:1-15-23 Customer bill format.

(A) Each customer bill shall be accurate and rendered at regular intervals and contain the following information:

- (1) Customer name, billing address, service address, and account number.
- (2) Company name, telephone number(s), and mailing address.
- (3) Address or P.O. box where payment may be made.
- (4) Billing date.
- (5) Payment due date.
- (6) Amount due if paid on or before due date.
- (7) Amount due if paid after due date.
- (8) Miscellaneous charges and credits, if any.
- (9) If metered service is provided, previous and current meter readings and billed volume.
- (10) Dates of service covered by bill.
- (11) The applicable rate schedule or a statement to the effect that the applicable rate schedule will be furnished on request.
- (12) A distinct marking to identify an estimated bill.
- (13) The current local or toll free telephone number ~~and TTY number~~ of the commission's call center or the following statement for all waterworks companies and sewage disposal system companies that serve fifteen thousand or more customers, (companies that serve less than fifteen thousand customers, shall work with staff):

"If your complaint is not resolved after you have called (name of provider), or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.PUCO.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

~~Residential customers may also contact the The Ohio Consumers' Counsel~~consumers' counsel (OCC) represents residential utility customers in

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matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00eight a.m. to 5:00five p.m. weekdays, or at ~~www.pickocce.org~~http://www.pickocc.org."

- (B) A waterworks company and/or sewage disposal system company that initiates or changes its customer bill format under this chapter shall file the proposed sample bill format with the commission for approval. If the commission does not act upon a waterworks company's and/or sewage disposal system company's sample bill format within forty-five days, it shall become effective on the forty-sixth day after the initial filing is made with the commission. Approved bill formats shall be filed with the commission in the company's "TRF" docket.

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4901:1-18-06 Disconnection procedures for electric, gas, and natural gas utilities.

- (A) If a residential customer is delinquent, as defined in paragraph (A) of rule 4901:1-18-04 of the Administrative Code, in paying for regulated services, the utility company may, after at least fourteen days' notice, disconnect the customer's service during normal utility company business hours in compliance with all of the following conditions.
- (1) No disconnections for nonpayment shall be made after twelve-thirty p.m. on the day preceding a day on which all services necessary for the customer to arrange and the utility company to perform reconnection are not regularly performed.
 - (2) On the day of disconnection of service, the utility company shall provide the customer with personal notice. If the customer is not at home, the utility company shall provide personal notice to an adult consumer. If neither the customer nor an adult consumer is at home, the utility company shall attach written notice to the premises in a conspicuous location prior to disconnecting service.
 - (3) Third-party or guarantor notification.
 - (a) Each utility company shall permit a residential customer to designate a third party to receive notice of the pending disconnection of the customer's service and any other credit notices sent to the customer. If the customer has a guarantor, the guarantor shall receive notice of the pending disconnection of the guaranteed customer's service and any other credit notices sent to the guaranteed customer, pursuant to rule 4901:1-17-03 of the Administrative Code. The utility company shall notify the third party or the guarantor at least fourteen days prior to disconnecting the customer's service.
 - (b) The utility company shall inform the third party that his/her receipt of such notices does not constitute acceptance of any liability by the third party for payment for service provided to the customer unless the third party has also agreed, in writing, to be a guarantor for the customer.
 - (c) In compliance with division (E) of section 4933.12 and division (D) of section 4933.121 of the Revised Code, if the utility company plans to disconnect the residential utility service of a customer for the nonpayment of his/her bill, and that customer resides in an Ohio county in which the department of job and family services has provided the utility company with a written request for notification of residential service disconnection prior to the disconnection, then the utility company shall provide, during the period of the fifteenth of November

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to the fifteenth of April, the appropriate county department of job and family services with a listing, electronically if feasible, of those customers whose service will be disconnected for nonpayment. This information will include at a minimum, the customer's first name, middle initial, last name, service address, and county of residence, and shall be made available to the county department of job and family services simultaneous with the generation of any ten-day disconnection notices being distributed to customers. The county department of job and family services may use this information to assist customers in the payment of delinquent utility bills in an effort to avoid disconnection of service.

- (d) Upon the request of a property owner or the agent of a property owner, each utility company shall provide the property owner or the agent of a property owner with at least three days' advance notice when service to his/her property is to be disconnected either at the request of a residential customer who is a tenant or for nonpayment.
- (4) Utility company employees or agents of the utility company who disconnect service at the premises may or may not, at the discretion of the utility company, be authorized to make extended payment arrangements. Utility company employees or agents who disconnect service shall be authorized to complete one of the following:
 - (a) Accept payment in lieu of disconnection.
 - (b) Dispatch an employee to the premises to accept payment.
 - (c) Make available to the customer another means to avoid disconnection.
- (5) The disconnection notice may be mailed separately or included on the regular monthly bill. If the notice is included on the regular monthly bill, it shall be prominently identified as a disconnection notice. The following information shall be clearly displayed either on the disconnection notice or in documents accompanying the disconnection notice:
 - (a) The delinquent billing account number, the total amount required to prevent disconnection of the regulated services provided by the utility company and/or any security deposit owed at the time of the notice.
 - (b) The earliest date when disconnection may occur.
 - (c) The local or toll-free number and address of the utility company's office for customers to contact about their account.
 - (d) The following statement:

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"If you have a complaint in regard to this disconnection notice that can not be resolved after you have called (name of utility company), or for general utility company information, residential and business customers may contact the ~~Public Utilities Commission~~public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.puco.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

~~Residential customers may also contact the~~ The Ohio Consumers' Counsel ~~consumer counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.pickocc.org~~http://www.pickocc.org."

- (e) A statement that the customer's failure to pay the amount on the disconnection notice at the utility company's office or to one of its authorized agents before the date specified on the disconnection notice may require payment of a security deposit and a charge for reconnection. The statement shall also include the amount of the security deposit and the reconnection charge.
- (f) If applicable, a statement that the failure to pay charges for nontariffed products or services may result in the loss of those products and/or services.
- (g) An explanation of the payment plans and options available to a customer whose account is delinquent, as provided in this rule and rule 4901:1-18-05 of the Administrative Code, and percentage of income payment plan (PIPP), pursuant to rule 4901:1-18-12 of the Administrative Code, and, when applicable, rule 4901:1-18-09 of the Administrative Code.
- (h) If disconnection of service is to occur as a result of nonpayment, a statement that a medical certification program and forms are available from the utility company for customers or consumers where the disconnection of service would be especially dangerous to the health of those persons.
- (i) A statement that a listing of the utility company's authorized payment agents is available by calling the utility company's toll-free customer

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service number.

(B) During the period of November first through April fifteenth, if payment or payment arrangements are not made to prevent disconnection before the disconnection date stated on the fourteen-day disconnection notice, the utility company shall not disconnect service to residential customers for nonpayment unless the utility company completes each of the following:

- (1) Makes contact with the customer or other adult consumer at the premises ten days prior to disconnection of service by personal contact, telephone, or hand-delivered written notice. Utility companies may send this notice by regular, U.S. mail; however, such notice must allow three calendar days for mailing. This additional notice shall extend the date of disconnection, as stated on the fourteen-day notice required by paragraph (A) of this rule, by ten additional days.
- (2) Informs the customer or adult consumer that sources of federal, state, and local government aid for payment of utility bills and for home weatherization are available at the time the utility company delivers the notice required in paragraph (B)(1) of this rule, and provides sufficient information to allow the customer to further pursue available assistance.
- (3) Informs the customer of the right to enter into any of the payment plans set forth in paragraph (B) of rule 4901:1-18-05 of the Administrative Code, or to enroll in PIPP. If the customer does not respond to the notice described in paragraph (B)(1) of this rule, or refuses to accept a payment plan or fails to make the initial payment on a payment plan referenced in this paragraph, the utility company may disconnect service after the ten-day notice expires.

(C) Medical certification

- (1) In accordance with the certification requirements of this rule, the utility company shall not disconnect residential service for nonpayment for either of the following situations:
 - (a) If the disconnection of service would be especially dangerous to the health of any consumer who is a permanent resident of the premises.
 - (b) When the disconnection of service would make operation of necessary medical or life-supporting equipment impossible or impractical.
- (2) The medical condition or the need for medical or life-supporting equipment shall be certified to the utility company by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, certified nurse-midwife, or local board of health physician.

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- (3) The utility company shall act in accordance with the following medical certification requirements:
- (a) Upon request of any residential consumer, the utility company shall provide a medical certification form to the customer or to any of the health care professionals identified in paragraph (C)(2) of this rule. The utility company shall use the medical certification form provided in the appendix to this rule.
 - (b) The certification of the medical condition or the need for the medical or life-supporting equipment required by paragraph (C)(1) of this rule shall be in writing and shall include the name of the person to be certified; a statement that the person is a permanent resident of the premises in question; the name, business address, and telephone number of the certifying party; the nature of the medical condition; an explanation of the need for the medical or life-supporting equipment, if applicable; and a signed statement by the certifying party that disconnection of service will be especially dangerous to the health of a permanent resident of the premises.
 - (c) Initial certification by the certifying party may be by telephone if written certification is forwarded to the utility company within seven calendar days.
 - (d) Certification shall prohibit disconnection of service for thirty calendar days.
 - (e) If a medical certificate is used to avoid disconnection, the customer shall enter into an extended payment plan prior to the end of the medical certification period or be subject to disconnection. The initial payment on the plan shall not be due until the end of the certification period.
 - (f) If service has been disconnected for nonpayment within twenty-one calendar days prior to the certification of either a special danger to the health of a qualifying resident or the need for medical or life-supporting equipment, the utility company shall restore service to that residence once the certifying party provides the required certification to the utility company and the customer agrees to an extended payment plan.
 - (g) If certification is provided to the utility company prior to three-thirty p.m., the utility company shall restore the customer's service within the same day. If the certification is received after three-thirty p.m., the utility company shall reconnect service by the earliest time possible on the following business day. Also, if the certification is received after three-thirty p.m. on a day that precedes a day on which all services

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necessary for the customer to arrange and the utility company to perform reconnection are not regularly performed, the utility company shall make an effort to restore service by the end of that day.

- (h) A consumer may renew the certification two additional times (thirty days each) by providing additional certificates to the utility company. The total certification period may not exceed ninety days per household in any twelve-month period.
- (4) The electric utility company shall give notice of availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period and at the beginning of the summer cooling period. The natural gas utility company shall give notice of the availability of medical certification to its residential customers by means of bill inserts or special notices at the beginning of the winter heating period.
- (D) This provision is to address circumstances where an electric, gas, or natural gas utility company elects to leave the utility service on at a particular service location for the utility company's convenience after receiving a request for disconnection from the customer of record.
 - (1) If the new resident does not contact the utility company to establish service, the utility company may subsequently disconnect the utility service in accordance with the fraud provisions in paragraph (C) of rule 4901:1-10-20 of the Administrative Code (electric) and paragraph (C) of rule 4901:1-13-09 of the Administrative Code (gas and natural gas).
 - (2) Under the circumstance where the new resident becomes an applicant for service and is required to pay a deposit to establish financial responsibility, the utility company must advise the applicant of the date that the utility service may be disconnected for nonpayment of the deposit.
 - (3) Under either circumstance above where the new resident becomes a consumer of the electric, gas, or natural gas service that was left on by the utility company, the consumer will be financially responsible for the utility service consumed from the date of move-in.
- (E) Upon request of the customer, the utility company shall provide an opportunity for review of the initial decision to disconnect the service. The utility company shall review the circumstances surrounding the disconnection, escalate the review to an appropriate supervisor if requested, and inform the customer of the decision upon review as soon as possible. At the customer's request, the utility company shall respond in writing.

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- (F) The utility company when contacted by the commission's staff shall respond to an inquiry concerning a pending disconnection or actual disconnection within two business days. At the request of commission staff, the utility company shall respond in writing. Commission staff will notify the customer of the utility company's response.
- (G) The utility company shall include in its tariff its current standard practices and procedures for disconnection, including any applicable collection and reconnect charges. Any utility company proposing changes to its disconnection notice shall submit a copy to commission staff for review.

30-Day Medical Certification

(Name of Utility Company)

Instructions:

The following is to be completed by a licensed medical professional and only after you, or someone in your office, has examined the individual whose name appears as the patient on the form below. This form applies only in situations where, in your professional opinion, termination of (gas/electric) utility service would be especially dangerous to the health of that individual. If, in your professional opinion an especially dangerous situation does not exist, please do not sign this form.

If you have any questions regarding this form, please contact: (utility company name and phone number). You may fax the completed form to us at (fax number).

I certify that, to the best of my knowledge, the information provided below is true.

The following medical information must be certified by one of the following. Please indicate if you are a:

- | | |
|--|--|
| <input type="checkbox"/> licensed physician | <input type="checkbox"/> physician assistant |
| <input type="checkbox"/> clinical nurse specialist | <input type="checkbox"/> certified nurse practitioner |
| <input type="checkbox"/> certified nurse-midwife | <input type="checkbox"/> local board of health physician |

Please complete the following. Please print.

I certify that my patient has been examined by me and I have found the following to be true:

Name of patient: _____

The patient suffers from the following medical condition: _____

If applicable: My patient uses the following medical or life-supporting equipment: (Please provide an explanation of need for and a description of the medical or life-supporting equipment used by patient.) _____

Patient's permanent residence:(street address)_____

(city, state, zip code)_____

I certify that I advised my patient that disclosure of the requested information may be subject to redisclosure by the recipient and no longer be protected by the HIPAA rules and regulations.

In my professional opinion, I certify that termination of (gas/electric) utility service would be especially dangerous or life-threatening to the health of this patient.

Authorized Signature _____

Date _____

(Please Print)

Name of Licensed Medical Professional _____

Business Address _____

Business Telephone _____

Current State License or Certificate Number: _____

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4901:1-18-08 Landlord-tenant provisions.

This rule is to address circumstances where the utility company knows that the customer is the landlord for a multi-unit dwelling (i.e., tenants who receive master-metered services) or for a single-occupancy dwelling where the utilities are included in the rent. A utility company may disconnect the utility service of these consumers, for nonpayment by the landlord, only in accordance with the following:

- (A) The utility company shall give a notice of disconnection of service to the landlord/agent at least fourteen days before the disconnection would occur. If, at the end of the fourteen-day notice period, the customer has not paid or made payment arrangements for the bill to which the fourteen-day notice relates, the utility company shall then make a good faith effort by mail, or otherwise, to provide a separate ten-day notice of pending disconnection to the landlord/agent, to each unit of a multi-unit dwelling (i.e., each tenant who receives master-metered service), and to single-occupancy dwellings where the utilities are included in the rent. This ten-day notice shall be in addition to the fourteen-day notice given to the landlord/agent. This notice requirement shall be complied with throughout the year. In a multi-unit dwelling, written notice shall also be placed in a conspicuous place.
- (B) The utility company shall also provide all of the following information in its ten-day notice:
 - (1) A summary of the remedies tenants may choose to prevent disconnection or to have service reconnected.
 - (2) A statement to inform tenants that a list of procedures and forms to prevent disconnection or to have service reconnected are available from the utility company upon request. A model form of the tenants' ten-day notice is attached as appendix A to this rule.
- (C) The utility company shall inform any consumer inquiring about the notice, posted pursuant to paragraph (A) of this rule, of the amount due for the current month's bill and that the disconnection of service may be prevented if the consumer(s) makes a single payment to the utility company in the amount of the current month's bill.
- (D) The utility company shall credit to the appropriate account any payment made by tenants equal to or exceeding the landlord's current bill for those premises. The utility company is under no obligation to accept partial payment from individual tenants. The utility company may choose to accept only a single payment from a representative acting on behalf of all the tenants.

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- (E) No utility company shall disconnect service to master-metered premises, or to a single-occupancy dwelling where utilities are included in the rent, when all of the following actions take place:
- (1) A tenant delivers to the utility company a copy of the written notice required by division (A) of section 5321.07 of the Revised Code, signed by fifty per cent or more of the tenants of the occupied dwelling units in a multi-unit dwelling, or the tenant in a single-occupancy dwelling, which notice shall designate the imminent disconnection of utility service (as shown by the disconnection notices received) as a reason for the notice.
 - (2) A tenant informs the utility company in writing of the date of the last day on which rent may be paid before a penalty is assessed or the date on which default on the lease or rental agreement can be claimed.
 - (3) The tenants timely invoke the remedies provided in divisions (B)(1) and (B)(2) of section 5321.07 of the Revised Code, including but not limited to:
 - (a) Depositing all rent that is due and thereafter becomes due to the landlord, with the clerk of the municipal or county court having jurisdiction.
 - (b) Applying to the court for an order to use the rent deposited to remedy the condition or conditions specified in the tenant's notice to the landlord (including but not necessarily limited to payment to the utility company rendering the disconnection notice).
- (F) Each utility company that delivers notice pursuant to paragraph (A) of this rule shall provide to each tenant, upon request, the procedures to avoid disconnection or to have service reconnected as described in appendix B to this rule. The forms referenced in appendix B to this rule shall be made available by the utility company and also will be available on the commission's website at <http://www.puc.ohio.gov/PUCO/rules> or by contacting the commission's call center at 1-800-686-7826 (toll free) ~~or TTY at 1-800-686-1570 (toll free)~~ from eight a.m. to five p.m. weekdays. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service). The utility company shall also identify for the tenant any resources in the community where he/she can obtain assistance in pursuing his/her claim, including but not limited to:
- (1) The telephone number(s) of the local legal services program (in cities over one hundred thousand served by that utility company).
 - (2) The toll-free number(s) for the Ohio state legal services association.
 - (3) The toll-free number(s) of the office of consumers' counsel.

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- (4) The telephone number(s) of the local bar association.
- (5) The telephone number(s) of the local tenant organization(s).
- (G) If a utility company disconnects service to consumers whose utility services are included in rental payments or who are residing in master-metered premises, the utility company, upon inquiry, shall inform the consumer that service will be reconnected upon payment of the amount due for the current month's bill plus any reconnection charge if the payment is made within fourteen days of disconnection. The utility company shall continue service at the premises as long as the tenant's representative continues to pay for each month's service (based upon actual or estimated consumption) by the due date of the bill for that service. The utility company shall also reconnect service for those consumers who, within fourteen days of the disconnection of service, invoke the provisions of section 5321.07 of the Revised Code, as specified in paragraph (E) of this rule. If the consumers choose to have their service reconnected by paying the current month's bill and payment is not made by the due date each month, the utility company shall post the notice in a conspicuous location on the premises and make a good faith effort by mail or otherwise to notify each household unit of a multi-unit dwelling, or tenant receiving service in the master-metered premises, or tenant in a single-occupancy dwelling, of the impending service disconnection. The utility company is not required to reconnect service pursuant to this paragraph where the landlord resides on the premises.
- (H) The utility company shall provide service to a master-metered premise only if the customer is the landlord/owner of the premises. Company acceptance of new applications for service to master-metered premises requires the landlord/owner to provide to the company an accurate list specifying the individual mailing addresses of each unit served at the master-metered premises.
- (I) The utility company may charge the landlord/owner of the master-metered premises, or of a single-occupancy dwelling, a reasonable fee, as set forth in the utility company's tariffs, designed to pay the utility company's incurred cost for providing the notice to tenants required by paragraph (A) of this rule.
- (J) The utility company has the burden of collecting from the landlord/owner any billed amounts unpaid at the next billing cycle.
- (K) If a customer, who is a property owner, landlord, or the agent of a property owner, requests disconnection of service when residential tenants reside at the premises, the utility company shall perform both of the following actions:
 - (1) Provide at least a ten-day notice prior to the disconnection of service by mail to the residential tenants or by posting the notice in conspicuous places on

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the premises.

- (2) Inform such customer of the customer's liability for all utility service consumed during the ten-day notice period.
- (L) Notwithstanding any notice requirement for a utility company under paragraph (K) of this rule and paragraph (A)(3)(d) of rule 4901:1-18-06 of the Administrative Code, a utility company will not be found to have violated these rules if either the following occurs:
 - (1) The utility company uses reasonable efforts to determine the status of the customer/consumer as either a property owner, landlord, the agent of a property owner, or a tenant.
 - (2) The customer/consumer misrepresents the status of the customer/consumer as the property owner, the landlord, the agent of a property owner, or a tenant.

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

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

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

-OR-

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

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

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

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

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

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

NOTE

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

NOTICE OF LANDLORD'S BREACH OF OBLIGATION

TO:
(Landlord)
(Landlord's address)
(City) (Zip code)

COPY TO:
(Utility company)
(Utility company's address)
(City) (Zip code)

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

THE FOLLOWING CONDITIONS MUST BE CORRECTED:

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

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

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

<u>NAME</u>	<u>ADDRESS</u>	<u>APT #</u>	<u>DATE RENT DUE OR PAST-DUE</u>

4901:1-18-08

NAME	ADDRESS	APT #	DATE RENT DUE OR PAST-DUE
------	---------	-------	---------------------------------

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(Date mailed to or delivered to landlord)

(Date mailed or delivered to utility company)

IN THE _____ COURT _____
 _____ COUNTY, OHIO

FORM B

IN RE:

 (Your name)

 (Street address)

 (City) (Zip code)
 VS.

 (Landlord's name)

 (Address)

 (City) (Zip code)

APP. NO. _____

APPLICATION FOR ESCROW OF RENT

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

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

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

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

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

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

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

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

 Name of Clerk_____
 Court_____
 Name of County

Section: 5321.07 ORC
 5321.08 ORC

BY: _____
 Deputy Clerk

IN THE _____ COURT _____
 _____ COUNTY, OHIO

FORM C

IN RE:	_____)	CASE NO. _____
	(Your name))	
	_____)	
	(Street address))	JUDGE _____
	_____)	
	(City) (Zip code))	
	VS.)	
	_____)	<u>TENANT'S APPLICATION FOR ORDER</u>
	(Landlord's name) Defendant)	<u>TO COMPEL LANDLORD TO: PAY</u>
	_____)	<u>UTILITY BILL, RELEASE RENT TO PAY</u>
	(Address))	<u>UTILITY BILL, AND OTHER RELIEF</u>
	_____)	
	(City) (Zip code))	

This is an application to the court for:

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

STATEMENT OF CLAIM

I _____, the
 Tenant,

(Your first name, middle initial, last name)

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

(Amount)

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

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

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

4901:1-18-08

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

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

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

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

☐ The Clerk of Courts release to _____ from the rent money
(Name of utility company)
paid to the Clerk, the amount needed to pay the utility bill and keeping the utility bill current.

☐ The landlord to pay or arrange to pay the balance of the utility bill not covered by the rent release.

☐ The landlord to do all things necessary to continue to provide gas/electric service, including keeping the utility bill current.

☐ Any other relief sought by the tenant.

(Signature of tenant)

(Street address)

(City) (Zip code)

(Phone number of tenant)

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4901:1-21-12 Contract disclosure.

- (A) All competitive retail electric service (CRES) provider customer contracts shall include, but not be limited to, the following information:
 - (1) A notification that the electric utility may charge switching fees to the customer.
 - (2) A notification that the customer has the right to request from the CRES provider, twice within a twelve month period, up to twenty-four months of the customer's payment history without charge.
- (B) All CRES provider contracts with residential and small commercial customers shall include, but not be limited to, the following information (to be stated in clear and understandable language):
 - (1) The CRES provider's name, mailing address, internet address (if applicable), and a toll-free telephone number (with hours of operation and time-zone reference) for customer contacts.
 - (2) The services to be provided by the CRES provider and those to be provided by the electric utility, including which entity will bill for those services.
 - (3) The number of days a customer has to cancel such contract without penalty and the methods for customers to make such cancellation by contacting the electric utility (orally, electronically, and in writing).
 - (4) The respective policies, procedures, and any penalties for contract termination by the CRES provider and by the customer after the cancellation period.
 - (5) A notification that the CRES provider may terminate the contract on at least fourteen calendar days written notice should the customer fail to pay the bill or fail to meet any agreed-upon payment arrangements.
 - (6) The customer's right to terminate the contract without penalty in one of the following circumstances:
 - (a) If the customer moves outside the CRES provider's service area or into an area where the CRES provider charges a different price.
 - (b) If the contract allows the CRES provider to terminate the contract for any reason other than the customer's failure to pay or the occurrence of a force majeure event, including but not limited to, a change in any governing law or regulation that physically prevents or legally prohibits the CRES provider from performing under the terms of the contract.
 - (7) An itemized list and explanation of all prices and fees associated with the

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service such that:

- (a) For fixed-rate offers, such information shall, at minimum, include the cost per kilowatt hour for generation service; the amount of any other recurring or nonrecurring CRES provider charges, and a statement that the customer will incur additional service and delivery charges from the electric utility,
 - (b) For variable-rate offers, such information shall, at minimum, include: a clear and understandable explanation of the factors that will cause the price to vary, including any related indices, and how often the price can change; for discounted rates, an explanation of the discount and the basis on which any discount is calculated; the amount of any other recurring or nonrecurring CRES provider charges; and a statement that the customer will incur additional service and delivery charges from the electric utility.
- (8) The terms and conditions of service, including any restrictions, limitations, contingencies, or conditions precedent associated with the service or product offered,
- (9) Procedures for handling complaints and disputes, including the following statement:
- "If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from 8:00eight a.m. to 5:00five p.m. weekdays, or at <http://www.puco.ohio.gov>. ~~www.PUCO.ohio.gov~~.
- (10) ~~"Residential customers may also contact the The Ohio Consumers' Counsel"~~consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00eight a.m. to 5:00five p.m. weekdays, or at www.pickocc.org~~http://www.pickocc.org~~."
- (11) Billing intervals and any late payment fees.
- (12) Contract duration, including the estimated starting and expiration dates and a commitment that service shall begin with the next available meter reading after processing of the request by the electric utility and the CRES provider;
- (13) If the contract contains an automatic renewal provision and the terms of such

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provision do not require the customer's affirmative consent, a conspicuous, highlighted statement indicating that the CRES provider can renew this contract without the customer's affirmative consent even when there is a change in the rate or other terms and conditions.

- (14) Any credit, deposit, and collection procedures, including terms and conditions associated with the return of any deposit at the time of contract termination.
- (15) For generation service contracts, an incorporation by reference of information (accompanying the contract) regarding the approximate generation resource mix and environmental characteristics of the power supplies.
- (16) Who will bill for the CRES provider's service(s).
- (17) A notification that the CRES provider is prohibited from disclosing a customer's social security number and/or account number(s) without the customer's consent except for the CRES provider's own collections and credit reporting, participation in programs funded by the universal service fund pursuant to section 4928.52 of the Revised Code, or assigning a customer contract to another CRES provider;
- (18) A statement informing customers that if they switch back to (name of electric utility) they may or may not be served under the same rates, terms, and conditions that apply to other customers served by the electric utility.
- (19) A statement indicating to the customer whether the CRES provider offers budget billing for the generation portion of the bill.
- (20) A statement informing customers that the failure to pay electric utility charges may result in the customer being disconnected in accordance with the electric utility tariff.

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4901:1-21-14 Customer billing and payments.

- (A) This rule applies to competitive retail electric service (CRES) bills that do not include any electric utility charges. Requirements for consolidated billing appear in rule 4901:1-21-18 of the Administrative Code.
- (B) A CRES provider may bill customers directly for competitive retail electric services or arrange for the electric utility to bill customers for such services according to a tariff approved by the commission.
- (C) Residential and small commercial customer bills issued by or for CRES providers shall be accurate and understandable, be rendered at monthly intervals consistent with those of the customer's electric utility, and contain sufficient information for customers to compute and compare the total cost of competitive retail electric service(s). Such bills shall also include:
 - (1) The customer's name, billing address, service address, electric utility account number, and, if applicable, the CRES account number.
 - (2) The dates of service covered by the bill, an itemization of each type of competitive service covered by the bill, any related billing components, the charge for each type of service, and any other information the customer would need to recalculate the bill for accuracy.
 - (3) The applicable billing determinants, including beginning meter reading(s), ending meter reading(s), demand meter reading(s), multiplier(s), consumption(s), and demands.
 - (4) For customer generators with net-metering contracts, a statement of the net-metered generation.
 - (5) The unit price per kilowatt hour charged for competitive service, as calculated by dividing the current-period competitive service charges by the current-period consumption.
 - (6) An identification of the provider of each service appearing on the bill.
 - (7) A notice in boldface type containing clear explanation for any change of providers, rates, terms, or conditions of service. Such notice shall appear on the first two consecutive bills following the occurrence of any such changes, excluding the first billing after the starting date of competitive retail electric service.
 - (8) The amount billed for the current period, any unpaid amounts due from previous periods, any payments or credits applied to the customer's account during the current period, any late payment charges or gross and net

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charges, if applicable, any nonrecurring charges, and the total amount due and payable.

- (9) The due date for payment to keep the account current. Such due date shall be no less than:
 - (a) Fourteen calendar days after the postmark date on the bill for residential customers.
 - (b) Twenty-one calendar days after the postmark date on the bill for nonresidential customers.
- (10) The current balance of the account, if a residential customer is billed according to a budget plan.
- (11) Options and instructions on how customers may make their payments.
- (12) For each provider whose charges appear on the bill, a listing of the provider's toll-free telephone number and address for customer billing questions or complaints.
- (13) The following notice:

"If your complaint is not resolved after you have called (name of CRES provider), or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~ public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at <http://www.puco.ohio.gov>~~www.PUCO.ohio.gov~~. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

~~Residential customers may also contact the The Ohio Consumers' Counsel~~ consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00~~eight~~five p.m. weekdays, or at ~~www.pickocc.org~~<http://www.pickocc.org>."
- (14) The applicable electric utility's twenty-four hour local or toll-free numbers for reporting service emergencies.
- (15) An identification of estimated bills or bills not based upon actual end-of-period meter readings for the period.
- (16) An explanation of any codes and abbreviations used.

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- (D) If applicable, each CRES provider shall, upon request, provide customers with the name and street address/location of the nearest payment center and/or authorized payment agent.
- (E) If applicable, when a customer pays the bill at a payment center or to an authorized payment agent, such payment shall be credited to the customer's account as of the day it is received by such payment center or agent.
- (F) Each CRES provider shall establish policies and procedures for handling billing disputes and requests for payment arrangements.
- (G) Each CRES provider shall credit any customer partial payments in the following order:
 - (1) Billed and past due CRES provider charges.
 - (2) Billed and due current CRES provider charges.
 - (3) Other past due and current nonregulated charges.

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 CRES provider wishing to issue billing statements online shall comply with the following guidelines:
 - (1) A customer shall not be required to use online billing.
 - (2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online.
 - (3) The online billing statement shall include all requirements listed in paragraph (C) of this rule.
 - (4) The CRES provider shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process.
 - (5) Any fees to accept online payments shall be clearly disclosed in payment window(s).
 - (6) Any payment made online shall be treated as a payment made at the company's business office and shall be posted to the account in accordance with paragraph (E) of this rule. The time needed to post the payment to the account shall be clearly stated.

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- (7) If a customer chooses to use online billing, the customer shall not be restricted to making payments online in the future. All payment methods shall continue to be available to the customer.

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4901:1-21-18 Consolidated billing requirements.

- (A) This rule applies to a competitive retail electric service (CRES) provider that issues customers a consolidated electric bill that includes both electric utility and CRES provider charges for electric services. Nothing in this rule affects the obligations of the electric utility to provide disconnection notices.
- (B) A supplier agreement between an electric utility and a CRES provider must provide that if the CRES provider collects customer payments on behalf of the electric utility, the customer's liability to the electric utility ceases to the extent of the payment made and applicable to the customer's account.
- (C) Consolidated bills shall be accurate, rendered at monthly intervals, and shall contain clear and understandable form and language. All consolidated customer bills issued by or on behalf of an electric utility and a CRES provider must include at least the following information:
 - (1) The customer's name, billing address, and service address.
 - (2) The electric utility's twenty-four hour, local or toll-free number for reporting service emergencies.
 - (3) The dates of the service period covered by the bill.
 - (4) Current electric charges, separated from gas charges, if these charges appear on the same bill, but only to the extent that the biller provides both electric and gas services.
 - (5) Applicable billing determinants: beginning meter read, ending meter read, demand meter read, multipliers, consumption, and demand.
 - (6) Identification of estimated bills.
 - (7) Any nonrecurring charge(s).
 - (8) Net-metered usage for customer generators, if applicable.
 - (9) Each charge for nontariffed and/or nonregulated service or product, if applicable, and the name and toll-free number of each provider of such service(s).
 - (10) Amount due for previous billing period.
 - (11) Total payments, late payment charges or gross/net charges, and total credits applied during the billing period.
 - (12) Total consolidated amount due and payable, or, if applicable, the total

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consolidated budget bill amount.

(13) Due date for payment to keep the account current.

(14) Name and address of company to whom payments should be made.

(15) The following notice:

"If your complaint is not resolved after you have called your electric supplier and/or your electric utility, or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~ public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.PUCO.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

~~Residential customers may also contact the The Ohio Consumers' Counsel~~ consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00~~eight~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.pickocc.org~~http://www.pickocc.org."

(16) An explanation of codes and abbreviations used.

(17) At a minimum, definitions for the following terms, or like terms used by the company, if applicable: customer charge, delivery charge, estimated reading, generation charge, kilowatt hour (kWh), shopping incentive or shopping credit, late payment charge, and transition charge.

(18) The price-to-compare for residential bills and a notice that such customers can obtain a written explanation of the price-to-compare from their electric utility.

(D) In addition to the information required pursuant to paragraph (C) of this rule, each consolidated bill issued must include, in that portion of the bill which details the charges from the electric utility, at least the following information:

(1) Electric utility account number.

(2) Applicable rate schedule.

(3) A numerical statement of the customer's historical consumption for each of the preceding twelve months, and both the total and average consumption for such twelve-month period.

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- (4) Specific tariffed charges to the extent applicable: customer charge, delivery charge, transition charge, shopping incentive or shopping credit, and other conceptually similar tariffed charges.
 - (5) If the customer is on a budget plan with the electric utility only, the monthly budget amount and current balance of electric utility account.
 - (6) Current charges.
 - (7) The electric utility's local or toll-free number and address for questions and complaints.
- (E) In addition to the information required pursuant to paragraph (C) of this rule, each consolidated bill issued must include, in that portion of the bill which details the charges from the CRES provider, at least the following information:
- (1) Customer's CRES account number, if different from the electric utility account number.
 - (2) To the extent applicable, itemization for each charge including: for fixed-price offers, the unit price per kWh for competitive service; for all other offers for electric generation service, an explanation of how the rate is derived; and any other information the customer would need to recalculate the bill for accuracy.
 - (3) If the customer is on a budget plan with the CRES provider only, the monthly budget amount and the current balance of the CRES account.
 - (4) Current charges.
 - (5) A highlighted notice of any change in rates, terms, or conditions appearing on the first two consecutive bills following the occurrence of any such changes and a clear explanation of each change.
- (F) Consolidated bill format. Any new consolidated bill format proposed by a CRES provider shall be filed with the commission for approval. If an application for a consolidated bill format is not acted upon by the commission within forty-five days after it is filed, the consolidated bill format shall be deemed approved on the forty-sixth day after filing.
- (G) Transfer of customer billing information.
- (1) The non-billing electric utility shall furnish the applicable required bill content information to the billing party in a timely manner and in a mutually agreed upon electronic format for inclusion in the consolidated customer bill.
 - (2) The billing CRES provider shall include in the consolidated bill all required

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bill content information furnished by the nonbilling electric utility.

- (3) An entity ordered by the commission to provide any bill content, message, insert, or notice remains responsible to provide such information to its customers, although the information may be provided through the consolidated bill.

(H) Partial payment priority.

(1) A customer's partial payment shall be credited in the following order:

- (a) Billed and past due CRES provider charges or, if applicable, CRES provider payment arrangement or past due CRES provider budget billing.
- (b) Billed and past due electric utility distribution, standard offer generation, and transmission charges or, if applicable, electric utility payment arrangement or past due electric utility budget billing.
- (c) Billed and due current electric utility distribution and transmission charges or current electric utility budget billing.
- (d) Billed and due current CRES provider charges or current CRES provider budget billing.
- (e) Other past due and current nonregulated charges, excluding CRES charges.

(2) Exceptions to the partial payment priority.

- (a) 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.
 - (b) If a customer pays an agreed-upon electric utility and/or CRES budget payment amount, then that payment shall be considered payment in full for the current bill.
- (I) Upon the customer's switch from a CRES provider, the billing party shall identify for the customer and state on the bill as of what date the billing party will no longer remit payments to the previous CRES provider and any outstanding balance due to the previous CRES provider.
- (J) Any CRES provider wishing to issue consolidated billing statements online shall comply with the following guidelines:

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- (1) A customer shall not be required to use online billing.
- (2) No enrollment or usage fees shall be assessed to a customer who chooses to receive bills and/or customer information online.
- (3) The online billing statement shall include all requirements listed in paragraphs (C), (D), and (E) of this rule.
- (4) The CRES provider shall maintain a secure and encrypted site that is to be accessed only by the customer of record after completing a secure registration process.
- (5) Any fees to accept online payments shall be clearly disclosed in payment window(s).
- (6) Any payment made online shall be treated as a payment made at the company's business office and shall be posted to the account in accordance with paragraph (E) of rule 4901:1-21-14 of the Administrative Code. The time needed to post the payment shall be clearly stated.
- (7) If a customer chooses to use online billing, the customer shall not be restricted to making payments online in the future. All payment methods shall continue to be available to the customer.

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4901:1-29-11 Contract disclosure.

- (A) All retail natural gas supplier and opt-in governmental aggregator customer contracts shall include, but not be limited to, the following information:
- (1) A notification that switching fees may apply to a customer under the incumbent natural gas company's tariff.
 - (2) A notification that the customer has the right to request from the retail natural gas supplier and opt-in governmental aggregator up to twenty-four months of the customer's payment history for services rendered by the retail natural gas supplier or governmental aggregator without charge.
- (B) In addition, all retail natural gas supplier and opt-in governmental aggregator contracts with customers shall include, but not be limited to, the following information (to be stated in clear and understandable language):
- (1) The retail natural gas supplier's and opt-in governmental aggregator's name, mailing address, internet address (if applicable), and a toll-free telephone number (with hours of operation and time zone reference) for customer contacts.
 - (2) The services to be provided by the retail natural gas supplier or opt-in governmental aggregator and those to be provided by the incumbent natural gas company, including which entity will bill for those services.
 - (3) The seven business-day period during which a customer has to rescind such contract without penalty and the methods for customers to make such rescission by contacting the incumbent natural gas company (orally or in writing).
 - (4) The respective policies, procedures, and any penalties for contract termination by the retail natural gas supplier and opt-in governmental aggregator and by the customer after the rescission period, including any change in such policies, procedures, and penalties that will become effective upon renewal of the contract.
 - (5) A notification as to the consequences of nonpayment:
 - (a) In the case where a retail natural gas supplier and/or opt-in governmental aggregator bills for its own services, a notification that, should the customer fail to pay the bill or fail to meet any agreed-upon payment arrangement, the customer's contract may be terminated by the retail natural gas supplier and/or opt-in governmental aggregator on fourteen days' notice and that early termination penalties may apply.

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- (b) In the case where the natural gas company bills for the commodity service of a retail natural gas supplier and/or opt-in governmental aggregator, a notification that, should the customer fail to pay the bill or fail to meet any agreed-upon payment arrangement, the customer's service may be terminated in accordance with the incumbent natural gas company's tariffs and the customer's contract with its retail natural gas supplier and/or opt-in governmental aggregator may be automatically terminated, leading to early termination penalties.
- (6) A statement that the contract automatically terminates if any of the following occurs:
 - (a) The requested service location is not served by the incumbent natural gas company.
 - (b) The customer moves outside the incumbent natural gas company service area or to an area not served by the retail natural gas supplier or opt-in governmental aggregator.
 - (c) The retail natural gas supplier or opt-in governmental aggregator returns the customer to the customer's incumbent natural gas company's sales service, provided that the retail natural gas supplier or opt-in governmental aggregator is permitted to terminate the contract under the terms and conditions of the contract.
- (7) Notification regarding contract termination by the customer:
 - (a) A statement that the customer has a right to terminate the contract without penalty in the event the customer relocates outside the service territory of the incumbent natural gas company or within the service territory of an incumbent natural gas company that does not permit portability of the contract.
 - (b) If the contract allows the retail natural gas supplier or opt-in governmental aggregator the right to terminate the contract for any reason other than those reasons set forth in paragraph (F)(2) of rule 4901:1-29-10 of the Administrative Code, then a statement that the customer has a right to terminate the contract without penalty at any time.
- (8) An itemized list and explanation of all prices in clear and understandable language and fees associated with the service such that:
 - (a) For fixed-rate offers, such information shall, at minimum, include: the cost per Ccf or Mcf, whichever is consistent with the incumbent natural gas

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company's billing format, for competitive retail natural gas service; the amount of any other recurring or nonrecurring retail natural gas supplier or opt-in governmental aggregator charges; and a statement that the customer will incur additional charges for the incumbent natural gas company's services.

- (b) For variable-rate offers, such information shall, at minimum, include the amount of any other recurring or nonrecurring retail natural gas supplier or opt-in governmental aggregator charges; a statement that the customer will incur additional charges for the incumbent natural gas company's services; and either of the following options:
 - (i) A clear and understandable formula, based on publicly available indices or data, that the retail natural gas supplier or opt-in governmental aggregator will use to determine the rate that will be charged.
 - (ii) A clear and understandable explanation of the factors that will cause the price per Ccf or Mcf, whichever is consistent with the incumbent natural gas company's billing format, to vary (including any related indices) and how often the price can change. In the event that the retail natural gas supplier or opt-in governmental aggregator chooses to follow this option, then no early termination fee may be charged.
- (9) The terms and conditions of service, including any restrictions and limitations associated with the service or product offered.
- (10) Procedures for handling complaints and disputes, including the following:

"If your complaint is not resolved after you have called (name of retail natural gas supplier or opt-in governmental aggregator), or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from ~~8:00~~eight a.m. to ~~5:00~~five p.m. weekdays, or at ~~www.puco.ohio.gov~~http://www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service)."
- (11) A statement that:

~~"Residential customers may also contact the~~The Ohio Consumers'~~counsel~~counsel (OCC) represents residential utility customers in~~matters before the PUCO. The OCC can be contacted for assistance with~~

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~~complaints and utility issues~~ at 1-877-742-5622 (toll free) from 8:00eight a.m. to 5:00five p.m. weekdays, or at ~~www.pickocc.org~~http://www.pickocc.org."

- (12) Billing intervals and any late payment fees.
- (13) Contract duration, including the estimated starting and expiration month and year.
- (14) Whether the contract contains an automatic renewal provision and the terms of such provision.
- (15) Any credit, deposit, and collection procedures, including terms and conditions associated with the return of any deposit at the time of contract termination.
- (16) Who will bill for the retail natural gas supplier's and opt-in governmental aggregator's service(s).
- (17) A notification that the customer's social security number and/or account number(s) will not be released without the customer's affirmative written consent except where such release is required by court order or by commission order or rule.
- (18) If applicable, a notification that, if the customer voluntarily returns to the incumbent natural gas company after choosing a retail natural gas supplier or opt-in governmental aggregator, the customer may be charged a price other than the incumbent natural gas company's regulated sales service rate.

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4901:1-29-12 Customer billing and payments.

- (A) A retail natural gas supplier, governmental aggregator, or an agent may bill customers directly for competitive retail natural gas services pursuant to this rule. A retail natural gas supplier or governmental aggregator may bill for consolidated services if it can demonstrate, pursuant to the standards contained in the incumbent natural gas company tariffs, to the incumbent natural gas company and the commission it has the capability to bill customers for such services.
- (B) Customer bills issued by or for retail natural gas suppliers and governmental aggregators shall be accurate and understandable, be rendered at intervals consistent with those of the customer's natural gas company, and contain sufficient information for customers to compute and compare the total cost of competitive retail natural gas service(s). Such bills shall also include:
 - (1) The customer's name, billing address, service address, the customer's natural gas company account number, and if applicable, the retail natural gas supplier or governmental aggregator account number.
 - (2) The dates of service covered by the bill, an itemization of each type of competitive retail natural gas service covered by the bill, any related billing components, the charge for each type of natural gas service, and an itemization of all other fees and charges.
 - (3) The customer's historical consumption during each of the preceding twelve months or each of the preceding months that the customer has been a customer of the retail natural gas supplier or governmental aggregator, whichever is less; with a total consumption and an overall average monthly consumption for such period.
 - (4) The applicable billing determinants, including beginning meter reading(s), ending meter reading(s), multiplier(s), and any other consumption(s) adjustments.
 - (5) The unit price charged per Ccf or Mcf, whichever is consistent with the incumbent natural gas company's billing format, for competitive retail natural gas service, as calculated by dividing current-period competitive retail natural gas service charges by the current-period consumption.
 - (6) An identification of the retail natural gas supplier or governmental aggregator of each retail natural gas service appearing on the bill.
 - (7) The amount billed for the current period, any unpaid amounts due from previous periods, any payments or credits applied to the customer's account

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during the current period, any late payment charges or gross and net charges, if applicable, and the total amount due and payable.

- (8) The due date for payment to keep the account current. Such due date shall be consistent with that provided by the incumbent natural gas company for its charges.
 - (9) Current balance of the account, if a residential customer is billed according to a budget plan.
 - (10) Options and instructions on how customers may make their payments.
 - (11) A toll-free or local telephone number and address for customer billing questions or complaints must appear for any retail natural gas supplier or governmental aggregator whose charges appear on the bill.
 - (12) The following statement: "If your complaint is not resolved after you have called (name the retail natural gas company or governmental aggregator), or for general utility information, residential and business customers may contact the ~~Public Utilities Commission~~public utilities commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) ~~or for TTY at 1-800-686-1570 (toll free)~~ from 8:00eight a.m. to 5:00five p.m. weekdays, or at www.puco.ohio.gov~~http://www.puco.ohio.gov~~. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

Residential customers may also contact the ~~The~~ Ohio Consumers' Counsel consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted~~for assistance with complaints and utility issues~~ at 1-877-742-5622 (toll free) from 8:00eight a.m. to 5:00five p.m. weekdays, or at www.pickocc.org."
 - (13) The incumbent natural gas company's twenty-four hour local/toll-free telephone number for reporting service emergencies.
 - (14) Identification of estimated bills or bills not based upon actual end-of-period meter readings for the period.
 - (15) An explanation of any codes and abbreviations used.
- (C) If applicable, each retail natural gas supplier and governmental aggregator shall, upon request, provide customers with the name and street address/location of the nearest payment center and/or authorized payment agent and disclose any fee associated with using such payment center and/or agent.
- (D) When a customer pays the bill at a payment center or to an authorized payment

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agent, such payment shall be credited to the customer's account as of the day it is received by such payment center or agent.

- (E) Each retail natural gas supplier and governmental aggregator shall establish policies and procedures for handling billing disputes and requests for payment arrangements.
- (F) Partial payments applied towards any past due amount on a bill or the balance due on a disconnection notice must be apportioned to past due natural gas company service and delivery charges, then to any current natural gas company service and delivery charges, before being applied to any retail natural gas supplier or governmental aggregator charges unless the customer pays the entire amount past due or more. In that case, any amount paid over the amount past due shall be applied first to natural gas company service and delivery charges.
- (G) Natural gas companies shall make dual billing and consolidated billing available to retail natural gas suppliers and governmental aggregators.
 - (1) If the retail natural gas supplier or governmental aggregator elects for its charges to be included on the incumbent natural gas company's consolidated bill:
 - (a) The retail natural gas supplier or governmental aggregator shall furnish the incumbent natural gas company sufficient bill contents as required by paragraph (B) of this rule.
 - (b) The incumbent natural gas company shall produce a consolidated bill including all such required contents provided by the retail natural gas supplier or governmental aggregator if it is not already on the customer's bill from the incumbent natural gas company. However, the consolidated bill may provide the following amounts on a consolidated basis only: budget amounts, past due balances, and payments applied.
 - (c) The consolidated bill shall state the name of the applicable retail natural gas supplier or governmental aggregator in close proximity to the retail natural gas supplier or governmental aggregator commodity charges.
 - (d) The incumbent natural gas company shall offer budget billing of retail natural gas supplier and governmental aggregator charges as a customer-elected option.
 - (2) If the retail natural gas supplier or governmental aggregator elects a dual billing arrangement, the incumbent natural gas company's bill shall include the name of the applicable retail natural gas supplier or governmental

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aggregator and a statement that such retail natural gas supplier or governmental aggregator is responsible for billing the retail natural gas supplier or governmental aggregator charges.

- (H) Customer bills issued by or for a natural gas company shall state the customer's historical consumption during each of the preceding twelve months, with a total and average consumption for such twelve-month period.
- (I) Natural gas companies shall prominently display the "apples to apples" notice on customer bills for customers. The staff shall review such notice.
- (J) Natural gas companies shall not disconnect a customer's natural gas service in the event the customer has registered a complaint with the commission's call center or filed a formal complaint with the commission which reasonably asserts a bona fide dispute. In that case, the company shall not disconnect service if the customer pays either the undisputed portion of the bill, if known or can reasonably be determined, or the amount billed for the same billing period in the previous year.
- (K) For the purposes of this rule, full payment of a budget amount due shall not be construed as a partial payment.
- (L) In the event the retail natural gas supplier and/or opt-in governmental aggregator bills for its own services, the retail natural gas supplier and/or governmental aggregator may terminate the contract for customer nonpayment only upon fourteen days' notice.
- (M) Any competitive retail natural gas service supplier that bills for both regulated and unregulated service shall comply with paragraphs (E) and (F) of rule 4901:1-13-11 of the Administrative Code.