

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :  
Commission's Review of its:  
Rules for Competitive :  
Retail Natural Gas Service:  
Contained in Chapters : Case No. 12-925-GA-ORD  
4901:1-17 through :  
4901:1-34 of the Ohio :  
Administrative Code. :

In the Matter of the :  
Commission's Review of its:  
Rules for Competitive :  
Retail Electric Service :  
Contained in Chapters : Case No. 12-1924-EL-ORD  
4901:1-21 and 4901:1-24 of:  
the Ohio Administrative :  
Code. :

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PROCEEDINGS

before Ms. Katie Stenman and Ms. Mandy Willey,  
Attorney Examiners; and Mr. Christopher Rhodes and  
Ms. Deborah Gnann, Staff, at the Public Utilities  
Commission of Ohio, 180 East Broad Street, Room 11-B,  
Columbus, Ohio, called at 10 a.m. on Monday,  
August 6, 2012.

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Monday Morning Session,

August 6, 2012.

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EXAMINER STENMAN: All right. Let's get started. We are here for the workshop in the Matter of the Commission's Review of its Rules for Competitive Retail Natural Gas Service Contained in Chapters 4901:1-27 through 4901:1-34 of the Ohio Administrative Code, Case No. 12-925-GA-ORD; and in the Matter of the Commission's Review of its Rules for Competitive Retail Electric Service Contained in Chapters 4901:1-21 and 4901-1-24 of the Ohio Administrative Code, Case No. 12-1924-EL-ORD.

My name is Katie Stenman, and with me is Mandy Willey, Christopher Rhodes, and Deborah Gnann, and we will be moderating and providing technical support for the workshop today.

Before we get started I would just like to give a brief overview of why we are here and what we are hoping to accomplish. The workshop is being held in response to the issuance of the Commonsense Initiative as well as updates to Section 121.82 of the Revised Code which required the Commission to evaluate its rules against a business impact analysis and provide such analysis to the Commonsense

1 Initiative. In incorporating the CSI requirements  
2 into our rule review process, the Commission has  
3 determined that a workshop is appropriate.

4 The purpose of this workshop is to get  
5 your feedback on the CRNGS and CRES rules. Other  
6 Staff will outline some of its proposals. I want to  
7 emphasize that this is also your opportunity to give  
8 feedback on the current state of the rules.

9 Any recommendations on how the rules  
10 could be bettered are appreciated, and I want to  
11 emphasize that anything you hear today either from  
12 Staff, myself, or Ms. Willey is only a  
13 recommendation. It is not the final issuance of  
14 rules for comment by the Commission. The Commission  
15 will issue a proposed set of rules as it always has  
16 shortly after this workshop. We will utilize the  
17 same comment and reply comment process that we've  
18 always used.

19 I'm sure you've noticed there's a court  
20 reporter present today, and she will be transcribing  
21 your comments. However, nothing said today in this  
22 workshop will be considered binding on the parties.  
23 Your first set of recommendations will come in your  
24 comments.

25 If you have a comment or a concern

1 regarding one of the rules we've discussed, you can  
2 either come up to the podium or there is a roaming  
3 microphone and TJ is back there with the roaming  
4 microphone so just raise your hand and he will pass  
5 it around to you.

6 At the conclusion of Staff's brief  
7 proposals we will also open up the floor for any  
8 general recommendations that you may have regarding  
9 the state of rules.

10 We do have a large audience today, and we  
11 would like to give everyone an opportunity to speak  
12 so please try to limit your comments to a reasonable  
13 length.

14 And before we get started does anyone  
15 have any procedural questions?

16 All right. To start the discussion we'll  
17 be highlighting a few of the issues we are looking  
18 into in reviewing the rules. In particular we are  
19 looking to harmonize the CRNGS and the CRES rules.  
20 As more marketers enter the market place providing  
21 both gas and electric service, it's more likely that  
22 they will be needing a common set of rules that are  
23 easy to understand. That's just something that we're  
24 looking to do as we review the rules.

25 Also from a procedural perspective we are

1 planning to update the rule with a rule requiring  
2 that all motions be filed by an attorney and  
3 incorporate pro hac vice rules and requirements that  
4 went into effect January 1 of 2011 with the Ohio  
5 Supreme Court.

6           However, in an effort to ease the burden  
7 on out-of-state companies who do not have in-state  
8 counsel we're recommending that a new rule be added  
9 governing the protective orders. Specifically the  
10 rule would allow Exhibit C3, 4, and 5 to be  
11 automatically protected if filed under seal for a  
12 period of six years from the date of the certificate  
13 for which they are provided. A marketer seeking to  
14 extend protection beyond six years would need to have  
15 an out-of-state attorney file a motion for an  
16 extension.

17           However, the rule would provide an  
18 automatic approval process for any motion for  
19 protective order beyond the C3, 4, and 5 exhibits to  
20 be automatically approved on the 31st day after  
21 filing. Any action of the Commission or an Attorney  
22 Examiner would be able -- Attorney Examiner would be  
23 able to suspend the automatic approval process.  
24 However, without any suspension it would go  
25 automatically.

Any comments, thoughts, or recommendations regarding the automatic protective process the Staff is proposing?

All right. At this point I would turn the presentation over to Ms. Willey and some of our Commission Staff.

EXAMINER WILLEY: Thank you. At this point we are going to cover topics within the CRNGS and the CRES rules that Staff is considering looking at. We will proceed by topic, not in any particular order, and the way this will work is we'll have Staff give a very general summary of thoughts that they have on the topic. And after that, we will take feedback from the audience.

The first topic that we will begin with is marketing and solicitation.

MR. RHODES: Thank you. My name is Chris Rhodes. I'm the senior counsel for the Service Monitoring and Enforcement Department. As Ms. Stenman had said earlier, one of the things we are trying to do is trying to make the CRNGS and the CRES rules more consistent not just in procedural but also in substantive ways so that we do away with many of the barriers of getting into the market as well as making it easier for individuals who are already in

1 both markets.

2           So what we plan to do is go through, take  
3 a look at many of the rules, as many of you are  
4 familiar with already, there are several parallels  
5 already in place, so what we would like to do is try  
6 and solidify those parallels and make sure we have  
7 consistent application of the rules so that you don't  
8 wind up having to train staff for two different rules  
9 or come up with two different kinds of forms or two  
10 different processes for them.

11           Does anybody have any comments on how we  
12 can better achieve that?

13           Howard.

14           MR. PETRICOFF: Yes, thank you.

15           EXAMINER STENMAN: Hold on. Let's get a  
16 microphone.

17           MR. PETRICOFF: Howard Petricoff from the  
18 Retail Energy Supply Association, representing them.  
19 The -- first of all, I want to commend the Staff for  
20 putting this on because it really will make life  
21 easier. And the differences I think largely have to  
22 do with when the particular rules were -- were  
23 instituted.

24           But when you are going to match them up,  
25 it would be nice if you started with the more liberal

1 of the two. For example, in gas you have to reply in  
2 three days; in electric you have to reply to the  
3 Commission Staff in five days.

4 So if you are going to harmonize them,  
5 take the more liberal date.

6 MR. RHODES: Thank you, Howard.

7 MS. RINGENBACH: From Direct Energy's  
8 perspective we also agree with the five days. I  
9 mean, we -- I think Staff knows I have sent e-mails  
10 saying there is confusion. When we get complaint  
11 responses, sometimes it says five days for a gas  
12 complaint so I think that would help across the  
13 board.

14 The other thing that we would like to see  
15 is in terms of renewals like contract renewals and  
16 not just contract renewals but the marketing  
17 solicitation and contract disclosure there are  
18 similarities but there's also a lot of differences so  
19 for companies that offer both, just our internal  
20 processes it would be nice to have a single process  
21 for all of those things.

22 MR. RHODES: Okay. Thank you.

23 MS. GNANN: Do you have suggestions with  
24 regards to, as Howard indicated, he was looking at  
25 the more liberal between the CRES and the CRNGS rule.



1 With contract administration and renewals did you  
2 have anything in particular you were thinking about?

3 MS. RINGENBACH: Yes, actually, and we'll  
4 put this in our comments. The gas contract renewal  
5 rules are pretty convoluted when you try to read them  
6 through, if it's less than six months but your  
7 termination fee is this or more than six months and  
8 there is one notice versus two notices, so we are  
9 actually going to put forward some direct -- file  
10 some comments that will help to simplify those rules  
11 and make them consistent with between electric and  
12 gas.

13 There's other things that we've seen in  
14 there that don't sort of keep up with the market, the  
15 requirement that you have to put a per kilowatt-hour  
16 or per Ccf charge. What if you don't have an  
17 offering that's based on that? So those are some of  
18 the things that we're going to put forward to try to  
19 make the rules consistent with each other and with  
20 the way -- where the market is going.

21 MR. RHODES: Are there any more comments?

22 MR. JONES: Yes, Dan Jones with Duke  
23 Energy Ohio. I'm in our Supplier Support Center at  
24 Duke Energy Ohio, and we've just seen unprecedented  
25 activities in both gas and electric choice over the

1 last three years. And I'm also a member -- our  
2 company is a member of NSBE. I'm a cochair on a  
3 couple of committees there, and they have developed  
4 some marketing practices, rules that hopefully you  
5 are familiar with.

6 But just a couple of things that have  
7 come up in those marketing practices of NSBE that I  
8 don't see in the Ohio rules. In particular is  
9 door-to-door marketing, you know, about agents of  
10 companies, you know, having background checks before  
11 they are ever, you know, going out and soliciting and  
12 also times of day that door-to-door marketing can be  
13 done. I think the rules indicate that, you know,  
14 no -- no direct -- no door-to-door marketing after  
15 dark, for instance. But we've got, you know, several  
16 complaints at our call center about door-to-door  
17 marketers and, you know, it would be helpful to have  
18 some rules around that because there is really  
19 nothing we can refer to with regard to either gas or  
20 electric choice and door-to-door marketing.

21 Also the NSBE rules have things about,  
22 you know, direct mail, outbound call centers, and how  
23 they operate. I think, you know, you have got  
24 internet in our rules right now as you do internet  
25 enrollment.

Another thing that's in those NSBE rules is to notify the distribution company when you got these mass marketing techniques going on because when mailers go out to like 300,000 customers, we need to staff up our call centers because we just -- you know, the call volume just goes way up when these mailers go out and so forth. If we could just at least be notified of door-to-door marketing activities, of, you know, outbound call center activities, of, you know, 300,000 mailers going out for direct mail and so forth, that would be very helpful for our operations and also just to reduce customer confusion.

It's just not from a Duke Energy Ohio standpoint. I think it would benefit customers as well. So if there could be some requirements around notification of the utilities, we would really appreciate that and maybe take a look at the NSBE marketing rules to incorporate some of their concepts.

MS. GNANN: Dan, with regards to -- and the rules state -- we separate in both CRNGS and CRES the difference between marketing and solicitation and enrollment. Some of what you've just referenced are actually under the enrollment rules. If you look

1 under the competitive retail natural gas rules, you  
2 will see a lot of the issues you just raised  
3 including the door-to-door solicitation piece. That  
4 presently, enrollment, does not exist on the CRES  
5 rules.

6 Now, that is something that we might look  
7 at just because we are seeing more door-to-door  
8 solicitation in that industry now as compared to the  
9 last time the rules went out. Any comments on that?

10 MR. JONES: Just one other thing, another  
11 type of marketing -- well, it's in the United States,  
12 it may not be in Ohio yet, is network marketing,  
13 basically the Amway technique of having a down line  
14 to sell electricity or gas. I'm assuming that in the  
15 State of Ohio currently that that would be illegal  
16 because you are not a certified entity, you know, to  
17 hold a meeting and have a down line of, you know,  
18 representatives that are out there selling  
19 electricity.

20 MS. RINGENBACH: A couple of comments on  
21 that. One of the things we saw is the current  
22 rule --

23 EXAMINER STENMAN: Could you restate your  
24 name so we are consistent in the transcript.

25 MS. RINGENBACH: Teresa Ringenbach with

1 Direct Energy.

2 EXAMINER STENMAN: Thank you.

3 MS. RINGENBACH: So one of the things we  
4 have seen in the rules they refer to direct  
5 solicitation and then within that there is a  
6 reference to door to door. We think that there  
7 should be a separate definition for door-to-door  
8 solicitations.

9 The other thing is there should be a  
10 separate section. It's embedded currently within  
11 direct solicitation. There should be a separate  
12 section for door-to-door solicitations just beyond  
13 direct solicitation.

14 We agree with the comments on the NSBE.  
15 There should be things in there that talk about  
16 requiring criminal background checks done by  
17 independent third parties. There should be times of  
18 day related to door to door.

19 The other thing that's in the rules today  
20 is for door-to-door solicitation a signature is all  
21 that's required and then there is a certain  
22 percentage of a follow-up third-party verification.  
23 We think there should have to be a third-party  
24 verification on every sale done door to door. And  
25 when I say door to door, we refer to door to door the

1 same way that you sort of do within the rules which  
2 is residential, at their residence.

3 MR. RHODES: Okay.

4 MS. RINGENBACH: And we also think the  
5 agent should no longer be present when the  
6 third-party verification is signed. And we consider  
7 a third-party verification a recording of the  
8 customer responding to each of those questions that  
9 currently they just have to respond to at the door.

10 MR. RHODES: Okay.

11 MS. RINGENBACH: As far as network  
12 marketing, our company does do network marketing. It  
13 is legal in the State of Ohio, we've done a lot of  
14 research on this, so to the extent that the  
15 Commission or Staff wants to talk about how that's  
16 done or why we -- why it's legal, we can certainly  
17 walk you through any rules that we feel should be in  
18 place surrounding that.

19 The requirement that we tell the EDU what  
20 we're -- when we're marketing who we are marketing to  
21 is a huge concern for our company because we do  
22 consider the utility to be a competitor in many  
23 respects. Some states have required that we actually  
24 provide that information to the Commission Staff so  
25 that they can staff up. We prefer that it be an

1 option to the utility or if it gets beyond that and  
2 it's a requirement, that we not be required to tell  
3 them in advance but only the day of.

4 MR. RHODES: Any other comments?  
5 Barth.

6 MR. ROYER: Barth Royer on behalf of  
7 Dominion Retail. We definitely endorse the idea of  
8 making the rules as uniform as possible. That's one  
9 of our No. 1 items on our list. And we agree with  
10 Howard that the least restrictive of the rules should  
11 be adopted in cases where there are currently  
12 conflicts. And this is the kind of thing, I think,  
13 you know, maybe a workshop process of people  
14 particularly interested in this subject might --  
15 might facilitate, you know, getting together, going  
16 through these, and seeing where we are on the various  
17 ones. I don't think there would be substantive  
18 issues involved, but it might just be a useful way to  
19 approach it.

20 With -- we agree with the comments on  
21 door-to-door marketing, that we believe -- and I  
22 would agree with Teresa, those should be a  
23 separate -- a separate rule specific to door to door,  
24 not a subset of another section.

25 One issue that has not been mentioned is

1 the environmental disclosure requirements on the  
2 electric side. As a part of a broader proposition,  
3 we would like to see as many of the processes that  
4 are contemplated by the rules go -- go paperless to  
5 the extent possible.

6 And in that context we would -- we would  
7 believe that if by providing the environmental  
8 disclosure information, making it available on the  
9 website, and providing the opportunity for customers  
10 to -- to receive -- receive direct mailings or  
11 responses to phone calls or things of that nature, we  
12 could satisfy that requirement.

13 This is something that as a practical  
14 matter we get almost no inquiries about ever, and the  
15 requirement to do these mailings quarterly is  
16 burdensome and expensive, and we think this might be  
17 a better approach to that.

18 MR. RHODES: Any more comments with  
19 regard to marketing and solicitation?

20 MS. DiNICOLE: This is Lori DiNicole from  
21 FirstEnergy Solutions. First, we want to echo just a  
22 couple of things that we have heard here. We do  
23 believe that door to door should be a separate  
24 section, and it should apply to residential customers  
25 at their residences.



1           We also agree with the comment about  
2 environmental disclosures that, you know, it seems  
3 kind of environmental unfriendly to be sending these  
4 out.

5           Also there -- nobody, I believe, has  
6 discussed the CRES rule about sending the signature  
7 back to the customer in the direct mail scenario so  
8 we think that's just kind of a really burdensome  
9 process to have -- when we send out these tear-offs,  
10 to get it back, scan it, and then send it back with a  
11 disclosure statement, and we would also like some  
12 clarity if we send out the disclosure statement with  
13 the initial marketing materials, there's no  
14 requirement to fulfill beyond that.

15           MR. RHODES: Yes, sir.

16           MR. MURPHY: Jeff Murphy with Dominion  
17 East Ohio. Door-to-door solicitation has been an  
18 issue for us. Generally the complaint levels are low  
19 but nonetheless would suggest a couple of aspects  
20 that could be considered. One is prohibit certain  
21 activities such as where a representative would imply  
22 that they are in some way affiliated with the  
23 retail -- pardon me, with the incumbent utility or  
24 endorsed by the incumbent utility. Those are some of  
25 the more common elements of the complaints that we

1 deal with so we would suggest that those particular  
2 aspects be tightened up.

3 We also note that with respect to some of  
4 the provisions as the natural gas companies have gone  
5 down the path of standard service offers, that one of  
6 the concepts is a competitive monthly variable rate  
7 as opposed to a posted monthly variable rate and in  
8 the existing rules there is an indication that the  
9 suppliers have to provide a clear and understandable  
10 explanation of the factors that would cause prices to  
11 vary. And one of the questions we just generally  
12 have is whether or not those particular provisions  
13 would apply to competitive MVR prices.

14 MR. RHODES: Thank you. Any more  
15 comments?

16 MR. PETRICOFF: Howard Petricoff again  
17 for RESA. One other item in terms of looking at the  
18 solicitation, right now, we don't have a really good  
19 operating definition on the electric side for small  
20 commercial. We do on the gas side; it's 500 Mcf and  
21 that's a good number. It's four or five times a  
22 residential. But on the electric there isn't one.  
23 We just use the default method of saying if it's not  
24 mercantile, it's small commercial. And 700,000  
25 kilowatt-hours is very large and some of the

1 protections that are there are truly for small  
2 commercials and at 5 to 7 hundred thousand  
3 kilowatt-hours those are fairly large companies so  
4 that should be -- that should be reviewed.

5 In terms of just following up on the  
6 environmental disclosure, the statute does not  
7 require the detail that we have now in the rule about  
8 a pie chart and the way it's sent out, and I'll note  
9 that Illinois just revised theirs. These are even  
10 stricter. You have to have colors. They designated  
11 colors, but they have now gone to an internet posting  
12 for it and that might be a good suggestion.

13 MR. RHODES: Thank you, Howard.

14 MS. RINGENBACH: So Teresa Ringenbach  
15 with Direct Energy. Two comments, one, Illinois  
16 passed a law, but it hasn't been signed by the  
17 governor yet, so I just want to be careful in case  
18 somebody comes out and says this hasn't been signed  
19 yet. That allows you to put their environmental  
20 disclosures on the internet, and basically you just  
21 have to tell the customers where you can find it.

22 And one of the reasons behind that is  
23 getting accurate e-mail addresses from customers  
24 isn't that easy so while I remember five years ago we  
25 did insert e-mail addresses as part of this not for

1 the annual but for the quarterly environment  
2 disclosures, it's just not -- it's still not an  
3 effective way of sending this out. You still wind up  
4 sending a lot of mailings. It's easier just to tell  
5 the customer where to find it on the website.

6 And the other comment is to Jeff Murphy's  
7 comment on the MVR. I know we have the exit the  
8 merchant function rules that are separately out  
9 there. I think it would be easiest just to clarify  
10 that certified retail natural gas suppliers still  
11 have to comply with all the consumer protection rules  
12 regardless of whether you are an MVR assigned  
13 customers or just receiving those customers through a  
14 direct sollicita -- I don't want to say direct  
15 solicitation but through normal channels where they  
16 contract with you.

17 MR. RHODES: Thank you, Teresa. Are  
18 there any more comments with regard to marketing and  
19 solicitation rules?

20 Okay. Thank you.

21 EXAMINER WILLEY: At this point we will  
22 move on to our next topic and some of these topics in  
23 our next topic we have outlined did come up in the  
24 previous topic of marketing and solicitation, but  
25 we're just going to go over those again in case there

1 is additional feedback and Staff does have some  
2 additional comments on those and that topic is  
3 customer enrollment and third-party verification.

4 MS. GNANN: Well, that was pretty well  
5 explored but I just want a feedback on Teresa's  
6 earlier comment. There was a lot of response on the  
7 door-to-door solicitation and so she had proposed  
8 expanding the third-party verification area and just  
9 wanted to see whether there was any additional  
10 feedback from anyone else on that -- on that  
11 suggestion. It presently -- I don't know if you are  
12 familiar with it. It presently requires us -- it  
13 requires the companies, the gas companies -- actually  
14 the CRNGS suppliers to have available 50 percent.  
15 It's a very -- I think it's a very confusing  
16 third-party verification rule so this would be  
17 something I think more comparable. What you're  
18 suggesting is what is done in other industries. This  
19 one is pretty old.

20 Jeff.

21 MR. MURPHY: Jeff Murphy with Dominion  
22 East Ohio. We would second the motion as it were to  
23 expand it to 100 percent verification.

24 MS. GNANN: Any comments on the rules as  
25 they exist on the telephone solicitation? Any

1 thoughts on that or the internet? Not solicitation,  
2 enrollment.

3 EXAMINER WILEY: Is there any additional  
4 feedback on customer enrollment or third-party  
5 verification even if it's something Staff didn't  
6 discuss? If you have any recommendations or  
7 comments, we could take these at this time.

8 Go ahead.

9 MR. MURPHY: One of the provisions in the  
10 enrollment section deals with the customer's ability  
11 to request an actual meter reading between transfer  
12 of service. We would recommend that those be made  
13 more consistently with the minimum gas service  
14 standards, the provisions for that that a customer  
15 may request an actual meter reading if they have had  
16 estimated bills for two or more cycles or that the  
17 service has not been read previously within the prior  
18 70 days. So we would recommend that rather than  
19 requesting a reading upon transition of service that  
20 those rules again be more consistent with the minimum  
21 service standards for the natural gas companies.

22 EXAMINER WILLEY: Thank you. Are there  
23 any additional comments on customer enrollment, third  
24 party-verification at all?

25 MS. DiNICOLE: Lori DiNicole from FES.

1 With respect to the CRES rules there is a requirement  
 2 that you send the electronic enrollment within three  
 3 calendar days. We would request that we move that to  
 4 five business days. Just with the increased  
 5 competition it's pretty burdensome to try to get  
 6 those out in a timely manner and I believe that  
 7 making that change would also help eliminate the  
 8 telephone enrollment requirement that we stage  
 9 enrollments three to five calendar days. It would be  
 10 a lot easier to treat all enrollments in a similar  
 11 manner and so anything that we can do to get rid of  
 12 that extra telephone staging enrollment would help.

13 EXAMINER WILLEY: Thank you.

14 Any additional comments?

15 MS. GNANN: Can I just?

16 Back on that, Lori, I'm sorry, I missed  
 17 that last point on telephone enrollment. Just could  
 18 you go over it.

19 MS. DiNICOLE: Yeah. For the CRES rules,  
 20 I'm trying to find the exact reference, but there's a  
 21 requirement that you can't send -- that you send  
 22 telephone electronic enrollments no sooner than three  
 23 calendar and no later than five calendar days after  
 24 sending the customer the written contract. And so by  
 25 holding, you know, certain enrollments but not

1 holding, for example, the tear-offs, you know, it  
2 overly complicates the process. And it would be nice  
3 if we could just batch them all in the same manner.

4 MS. JEUNELLOT: Michele Jeunelot with AEP  
5 Ohio. I just have one comment and that is in regards  
6 to under telephone enrollment there is a note that  
7 says the transaction must be with a customer of  
8 record. We would like to see that added as well to  
9 mailings, direct solicitation, and internet  
10 enrollments. That should be with the customer of  
11 record.

12 MS. RINGENBACH: In that situation --

13 EXAMINER WILLEY: I'm sorry. Could you  
14 just identify yourself for the record.

15 MS. RINGENBACH: Teresa Ringenbach,  
16 Direct Energy. When it comes to customer of record  
17 versus authorized customer, it can get a bit wonky if  
18 the utility isn't telling us who the customer of  
19 record is. We don't actually know that when we are  
20 signing up the customer. We rely on the customers to  
21 tell us so especially for internet enrollments or  
22 direct mailings we might mail to Joe Smith but Mary  
23 Smith who is authorized to make decisions is not  
24 necessarily the customer of record, so if we go down  
25 that path, then I think it should include



1 requirements that the utilities give us that  
2 information.

3 EXAMINER WILLEY: Thank you. Are there  
4 any additional comments on this topic?

5 All right. I don't see any. Does Staff  
6 have any additional feedback on this topic?

7 MR. RHODES: No.

8 EXAMINER WILEY: All right. It looks  
9 like we don't have any so we will move on to our next  
10 topic which is customers' due dates and bill  
11 issuance.

12 MR. RHODES: Again, with regard to  
13 customer -- the due dates and the bill issuance, we  
14 are again taking a look at the rules with regards to  
15 CRNGS and CRES in trying to come up with a uniform  
16 process. I know that much of this is automated.  
17 Many of these processes are software based so it  
18 would probably be a lot helpful -- a lot more helpful  
19 for the companies if there was one software program  
20 or one set of parameters for which to issue all  
21 bills, especially as you get into a new market or get  
22 out of a market, I guess, is also a possibility.

23 Do we have any comments at this point  
24 with regards to customer billing and the issuance of  
25 bills? I know that we have probably covered a little

1 bit of this already this morning.

2 Okay. Yes, Jeff.

3 MR. MURPHY: One of the chal --

4 EXAMINER WILLEY: I'm sorry.

5 MR. MURPHY: Jeff Murphy with Dominion  
6 East Ohio. One of the challenges that companies --  
7 incumbent utilities face is the administration of  
8 multiple rates obviously for individual suppliers and  
9 while that's certainly a part of the marketplace we  
10 would recommend that in the rules there be a  
11 provision that would permit the incumbent utility to  
12 impose reasonable limits on the maximum number of  
13 rates per supplier or -- and/or the minimum number of  
14 customers billed under a particular supplier rate in  
15 order to make the administrative aspects of the  
16 program more efficient and feasible.

17 EXAMINER WILLEY: Thank you. Are there  
18 any additional comments? All right. I don't see  
19 any. Does Staff have any additional feedback on this  
20 topic?

21 MS. GNANN: The other part of these rules  
22 have to do with the payment allocations.

23 This keeps going out.

24 Okay. That is something that I think we  
25 were contemplating to do in another workshop on the

1 partial pay issues and just payment priority issues  
2 because they are also in these rules so I don't know  
3 if there was any discussion on that but there will be  
4 another workshop on August 31 specifically on that  
5 topic for the -- on the electric side.

6 EXAMINER WILLEY: Before I move on one  
7 more opportunity, any other discussion on this topic?

8 Mr. Petricoff.

9 MR. PETRICOFF: Just concur --

10 EXAMINER STENMAN: Please use the  
11 microphone.

12 MR. PETRICOFF: I just want to concur  
13 with the last item. There is the Rule 21-14 that has  
14 a sort of reciprocal side of the payment allocation  
15 and I suspect that there will be great attention paid  
16 to review of that in light of the recent decision in  
17 the FirstEnergy case so I think you are right, a  
18 placeholder is probably the right thing to do here  
19 until that gets worked out.

20 MR. RHODES: Howard, actually they have  
21 set the hearing on the workshop on that. It is going  
22 to be August 31. It is an order that is issued in  
23 accordance with Case 12-2050 so we've -- you know,  
24 mark your calendar for that one.

25 MR. PETRICOFF: We'll be here.

1 EXAMINER WILLEY: Thank you. Any  
2 additional feedback on this topic?

3 Yes.

4 MR. JONES: Yes. Dan Jones with Duke  
5 Energy Ohio. I want to say what Jeff Murphy had  
6 mentioned there with regard to number of rates in our  
7 billing system, we definitely support that. You  
8 know, I think there is a reasonable -- you know, as  
9 far as amounts of rates that a supplier can commit  
10 because we are starting to see, you know, to the  
11 hundredth of a cent, you know, 5.12 cents, 5.13  
12 cents, 5.14 cents, how much of these should a utility  
13 be able to install in its billing system so I think  
14 we want a reasonable number.

15 I can't tell you as I sit here today what  
16 that number is, but we would appreciate some  
17 consideration around that as far as especially these  
18 ready rates that we have to load into our system.  
19 And when the meters are read, you know, the bills get  
20 generated so if some thought could be put around  
21 them, we would really appreciate it. Thank you.

22 EXAMINER WILLEY: Thank you. Any other  
23 comments?

24 MS. RINGENBACH: This is Teresa  
25 Ringenbach, Direct Energy. I appreciate that the

1 utilities don't want to build a million rate codes  
 2 into their system, but the other piece of this you  
 3 have customers who are in contracts that renew or  
 4 continue, and they continue at the same rates.  
 5 Meanwhile you are out there competing in the market  
 6 and creating new products for customers, so as you  
 7 consider this, also consider the fact that you could  
 8 be limiting the number of products put out into the  
 9 market so we don't want to do anything that's going  
 10 to limit competition in an attempt to accommodate the  
 11 utilities' billing systems.

12 MS. GNANN: Teresa, just a follow-up,  
 13 when Jeff proposed it, he was looking at kind of a  
 14 balance between number of products offered, number of  
 15 customers per product. Any response on that?

16 MS. RINGENBACH: I would not limit it to  
 17 number of products offered. If it comes down to  
 18 there has to be at least X number of customers on a  
 19 certain rate code, right, I think that's something  
 20 that we could consider. But a consideration of ways  
 21 to inhibit the market is not something that we would  
 22 be supportive.

23 EXAMINER WILLEY: Thank you. Any other  
 24 comments?

25 Yes.

1 MR. JONES: Yes, Dan Jones, Duke Energy  
2 Ohio. You know, one of the other methods that is out  
3 there is bill ready billing for suppliers. Duke  
4 Energy Ohio plans to have that operational by no  
5 later than September 30, 2013, so it's a little ways  
6 off but that would help us out, you know, more  
7 suppliers using the bill ready billing technique when  
8 we get there.

9 EXAMINER WILLEY: Thank you. Any other  
10 comments or feedback from Staff?

11 All right. Seeing none we will move on  
12 to the next topic which is certification renewal,  
13 applications, and contract administration.

14 MS. GNANN: I think in this area, again,  
15 same general comment, looking at possibly to parallel  
16 them. Earlier on there was a fair amount of  
17 discussion on the renewal aspect of these rules on  
18 the contract administration. I don't think actually  
19 on the earlier -- on the certificates, the  
20 applications, the renewals that we're looking at  
21 making any changes in those. They are pretty well  
22 what they are. But on the contract administration  
23 and contract renewals, that's a fairly good-sized  
24 section.

25 Any additional comments that we got --

1     than we have already gotten from earlier this morning  
2     with regards to that -- those two rules?

3             MR. PETRICOFF:   Howard Petricoff again  
4     for RESA.   In following up part of the rules on the  
5     contract items is document retentions, and we have  
6     rules on document retentions.   And I want to echo a  
7     theme that was earlier espoused by Barth Royer on  
8     going paperless.   That certainly fits in with the CSI  
9     mandate from the General Assembly.   Electronic  
10    records are much better, and to go to the electronic  
11    records some changes will have to be made there.   For  
12    example, we have to probably have a rule that will  
13    allow for scanned signatures and maintaining the  
14    records that way.   And that's one idea that I think  
15    we would like to see with the contract  
16    administration.

17            EXAMINER WILEY:   Thank you.

18            Mr. Royer.

19            MR. ROYER:   Thanks.   Barth Royer,  
20    Dominion Retail.   In the same section, it's not  
21    directly to the certification piece, but those rules  
22    also incorporate or encompass the requirement to  
23    notify the Commission of material changes, and if you  
24    eyeball those, they are different.   What's material  
25    for one is not material for different -- entirely

1 consistent with what's material for the CRNGS rules  
2 versus the CRES rules, something that would be picked  
3 up, I guess, in trying to make the rules uniform but  
4 that's a particular area of a problem because --  
5 because both sets of rules talk about not limited to  
6 so the idea is maybe you have to -- currently you  
7 have to supply with both.

8 EXAMINER WILLEY: Thank you.

9 Any additional feedback?

10 MS. DiNICOLE: Lori DiNicole, FirstEnergy  
11 Solutions. With respect to the section in the CRES  
12 rules that talks about the contract renewals where  
13 there is one set of rules for no termination fees,  
14 one set for termination fees 25 and under, one for 25  
15 and over, we generally think that the piece in which  
16 affirmative consent is required doesn't really add  
17 any value because at that point it's not an auto  
18 renewal clause.

19 In addition, having the fee limit set at  
20 25 doesn't really take into account inflation or  
21 where the markets are really at, and so we would be  
22 in favor of not having any limit on the fees and with  
23 just sending the customers one notice as opposed to  
24 two in any situation. It gets kind of confusing for  
25 the customers to keep getting multiple notices, and



1 so anything we can do to limit that customer  
2 confusion and that extra process would be good.

3 MR. MURPHY: Jeff Murphy with Dominion  
4 East Ohio. A couple of aspects regarding the  
5 certification process. One has to do with the  
6 notification to the Commission of a material change  
7 in business. We would recommend that the Commission  
8 consider having suppliers provide that notice to the  
9 Commission and the incumbent utility at least 30 days  
10 prior to the material change, not within 30 days  
11 after it occurs.

12 We would also recommend that suppliers be  
13 required to notify customers of any change in name  
14 and provide that notice to the utility in advance as  
15 well.

16 In addition, the contract administration  
17 and renewal provisions discuss contract assignment,  
18 and in our view notices of contract assignment should  
19 be provided not only to the Commission but to the  
20 incumbent utilities and likewise should be provided  
21 at least 30 days in advance of the assignment  
22 becoming effective and that any written notices to be  
23 sent to customers regarding contract assignment  
24 should likewise be sent to the incumbent utility in  
25 advance so we can be prepared to respond to customer

1 inquiries.

2           Lastly, with regard to the certification  
3 provisions with respect to suspension, recision, and  
4 conditional recision, we would ask that the  
5 Commission also notify the incumbent utility of any  
6 such actions that it may take along those lines in  
7 addition to the supplier so that the company can make  
8 the changes in the billing system should it be  
9 required to do so.

10           EXAMINER WILLEY: Thank you.

11           Any other comments? Mr. Royer.

12           MR. ROYER: Thank you. Barth Royer again  
13 on behalf of Dominion Retail. And just in response  
14 to Jeff's comments I understand where he is going  
15 with that, and I haven't thought this through  
16 entirely, but it strikes me that providing advanced  
17 notice of some of those items that are listed, at  
18 least currently, could be -- put the discloser at a  
19 competitive disadvantage and there could be  
20 situations where the -- where the change would be  
21 something that would require subject to some  
22 additional governmental approval so it wouldn't be  
23 certain that it would actually occur until after the  
24 fact. So, I mean, it's certainly something we can  
25 talk about, but I just have some preliminary concerns

1 along those lines.

2 EXAMINER WILLEY: Thank you.

3 Mr. Petricoff.

4 MR. PETRICOFF: I was going to agree with  
5 Barth's last comment and then provide just a few  
6 examples. For example, if there is going to be a  
7 merger, you may not be able to disclose that 30 days  
8 in advance. In fact, that might even violate some  
9 securities law if you did. Something that would be a  
10 change in like the CEO of a company, that may not be  
11 known 30 days in advance. So there are some  
12 instances.

13 On the other hand, you know, if --  
14 getting the -- I understand why the utility would  
15 want information in advance and be able to tell  
16 their -- their call centers so this is something we  
17 might be able to find a happy medium, but it probably  
18 can't do this as a blanket 30 days in advance.

19 EXAMINER WILEY: Thank you.

20 MR. MURPHY: Jeff Murphy, Dominion East  
21 Ohio again. Again, my provision with regard to the  
22 30 days in advance, 30 days in advance of it becoming  
23 effective, not becoming announced, if you will, so in  
24 our experience with many, many suppliers that  
25 timeframe has not been a problem, and frankly

1 suppliers have been very cooperative up to this  
2 point. So, again, the 30-day clock in my mind would  
3 begin or reference the date that it becomes  
4 effective, not the date that it might be known by a  
5 supplier so that may address some of the suppliers'  
6 concerns as well.

7 EXAMINER WILEY: Thank you. Any  
8 additional comments? Any feedback from Staff?

9 MS. GNANN: I just wanted to follow up on  
10 something that, Lori, you raised earlier with regards  
11 to contract renewals again and you indicated on the  
12 notice issue you thought that there may be a need to  
13 expedite the number of notices and they are different  
14 in CRES and CRNGS as was stated earlier.

15 You also stated that you thought that the  
16 early termination liability limit was not in step  
17 with where the market was going, and I was wondering  
18 if people could give us a little more information  
19 with regards to that comment.

20 MR. ROYER: Well, in most instances with  
21 a --

22 EXAMINER WILLEY: I'm sorry.

23 MR. ROYER: Barth Royer, Dominion Retail.  
24 In most instances Dominion Retail doesn't charge an  
25 early termination fee so it wouldn't be an issue with

1 respect to certain offers.

2 EXAMINER WILEY: Any additional responses  
3 to Staff's comments?

4 MS. DiNICOLE: I don't know if I meant to  
5 say where the market is going, just we haven't done  
6 any specific study as to, you know, what the most  
7 common early termination fee is but just with  
8 limiting it, you know, across the board \$25 flat, it  
9 just doesn't necessarily -- it's not very flexible of  
10 a rule.

11 EXAMINER WILLEY: I'm sorry. Could you  
12 just identify yourself for purposes of the record. I  
13 know you already gave your comments.

14 MS. DiNICOLE: Lori DiNicole, FES.

15 EXAMINER WILLEY: Thank you.

16 Are there any additional comments or  
17 feedback on Staff's comments?

18 Yes.

19 MR. MURPHY: Jeff Murphy with Dominion  
20 East Ohio. One last aspect to consider with regard  
21 to overall certification is whether the Commission  
22 should consider limiting certificates to one  
23 participant or affiliate per company. We've had  
24 experiences where an individual corporate umbrella,  
25 if you will, is seeking multiple certificates.

1           And, frankly, the issue that it creates  
2 more than anything else is customer confusion so,  
3 again, we understand the need for the market to  
4 function, for suppliers to have different  
5 representations perhaps in the market, but  
6 nonetheless I will say that having an individual  
7 company with multiple corporate certificates can  
8 create a significant amount of customer confusion.

9           EXAMINER WILLEY: Thank you.

10          Ms. Ringenbach.

11          MS. RINGENBACH: Just on that I'm not  
12 sure where --

13          EXAMINER WILLEY: Wait until you have the  
14 microphone.

15          MS. RINGENBACH: Sorry. Just on that  
16 point I would like to point out that there's --  
17 companies do things for a very specific reason.  
18 Direct Energy actually has two entities currently  
19 licensed in Ohio. One is Direct Energy Business  
20 which focuses solely on business customers,  
21 nonresidential customers, and then Direct Energy  
22 Services which is focused solely on residential  
23 customers. And they are two wholly completely  
24 separate companies.

25          So when we get into forcing affiliates to

1 all share one license, that sort of thing, I just  
2 want to be careful because we do treat them as  
3 completely separate entities. For instance, on the  
4 gas side they have separate pools, that sort of  
5 thing, so it's not as easy as a solution when it  
6 comes to the way that specific companies are  
7 structured. It's just simply saying you all have the  
8 same license; that also means you have to share  
9 everything that you do underneath the utility  
10 umbrella too.

11 EXAMINER WILLEY: Thank you.

12 Any responses, additional comments?

13 All right. Seeing none we will move on  
14 from that topic.

15 At this point we'll take any other  
16 comments, recommendations, or concerns that anyone  
17 would like to share today. And you are not limited  
18 by the topic -- the topics that we have already  
19 covered. If you want to bring up something, you  
20 know, related to those, you may do that now, but you  
21 are not limited by those topic areas, so at this time  
22 we'll take any feedback.

23 MR. MURPHY: Again, Jeff Murphy with  
24 Dominion East Ohio. One of the areas that existing  
25 rules address is that of complaints. One of the

1 challenges that we face just broadly is the  
2 coordination of complaint resolution occasionally  
3 with Commission Staff.

4 So one of the things would suggest that  
5 perhaps maybe another offline discussion or what have  
6 you since the issue of complaints can be fairly  
7 complicated but would suggest not only that we do  
8 seek to harmonize the gas and electric rules but that  
9 we also look into some of the aspects of complaints  
10 handling, in particular that coordination between  
11 complaints received by the incumbent utility and  
12 complaints received by Staff.

13 MS. GNANN: Just to follow up, if I may,  
14 Jeff, could you say a little more what you mean by  
15 the coordination? In other words, if we are  
16 receiving complaints in a particular area, sharing  
17 that or vice versa or?

18 MR. MURPHY: One of the samples, for  
19 example, where a customer has called the Commission  
20 Staff to complain about a particular issue and maybe  
21 that is an issue that has received multiple types of  
22 complaints being issued. It would be helpful perhaps  
23 for Commission Staff to inform the company of the  
24 resolution of those complaints because oftentimes  
25 customers will call us initially. We, of course,



1 attempt to resolve the complaint at that point but  
2 then in some instances, of course, being unable to  
3 resolve the complaint, then we would forward the  
4 customers on to the Commission Staff.

5 If we understood how the Commission staff  
6 had resolved a particular type of issue, it may lead  
7 us to be better able to respond to that kind of issue  
8 on the front end and thereby reduce workload to the  
9 Commission Staff. That's an example of the  
10 coordination that I'm referring to.

11 MS. JEUNELLOT: Michele Jeunelot, AEP  
12 Ohio. Actually we had the same comment about  
13 customer complaints and being able to close them out  
14 for coordination and adding on to the rules that  
15 possibly say that we would get feedback as well for  
16 complaints because sometimes we keep them open until  
17 that customer complaint is resolved.

18 I have a couple other items to go  
19 through. One is this is pretty much all from  
20 customer feedback. Several places in the CRES rules  
21 the term "generation service" is used and customers  
22 call and they are concerned. You know, there is  
23 always things with fine print and whatnot and  
24 customers aren't sure if when they are quoted, let's  
25 say for generation service, if that includes

1 transmission or not. And if that's something  
2 comparable to price to compare, to have something in  
3 the rules that is comparable would be helpful for  
4 customers to understand that.

5 Another item, this could be under  
6 customer information, the 121.10 rules, we feel there  
7 should be some additional customer privacy  
8 information. There was a docket opened earlier which  
9 was presented on -- in January under the 11-27-GE-UNC  
10 and 11-5474-AU-UNC, customer privacy information,  
11 customer data interval information would be useful.  
12 As well as AEP Ohio has had times where customers  
13 will call in asking for specific account information,  
14 and at the time there are marketers, brokers, CRES  
15 providers on the phone, and we ask that customer for  
16 various Social Security-type information. We would  
17 like to see a rule put in place where if a CRES  
18 provider, marketer, or broker is on the phone as a  
19 three-way call and has engaged us, that they identify  
20 themselves so that way the customer is protected. We  
21 will ensure that the customer is willing to share any  
22 personal, confidential information with that third  
23 party on the phone as well.

24 And, lastly, under opt-out disclosure,  
25 Section 4901:1-21-17(A), we've had a lot of customer

1 feedback that says their initial government  
2 aggregation letter, they don't identify it any  
3 differently than junk mail, and we would like to see  
4 something put in the rule that says the outside of  
5 the notice is clearly marked important information  
6 regarding your electric service. That way they will  
7 take time to open up that envelope and be aware that  
8 this is important information they should read and  
9 review and some have some great information in there  
10 for them. That's all I have.

11 MS. GNANN: Michele, may I ask a  
12 question, a follow-up? And that is when you were  
13 talking about the CRES provider being on a phone with  
14 a third -- with a three-way.

15 MS. JEUNELOT: Yes.

16 MS. GNANN: Again, could you give me some  
17 of the context for that?

18 MS. JEUNELOT: Well, a CRES provider will  
19 contact the customer saying we would really love for  
20 you to switch to us and, lastly, ask for the SDI  
21 information, you know, customer's maybe on a cell  
22 phone, they are out and about, they won't have it  
23 and, here again, they will be transferred. They will  
24 say give us one second. They will transfer the  
25 customer to us, and a customer will answer the phone

1 and say, you know, this is AEP Ohio and they will  
2 say, okay, and we'll say, well, you know, what can we  
3 help you with, and I was told to get my account  
4 information. And, again, we ask the customer some  
5 privacy information, what's your Social Security  
6 number, to prove they are a customer who can be of  
7 record or can make decisions on this account.

8 We share that information, and also they  
9 tell us -- you know, the third party speaks up, and  
10 it's just of concern to us that that customer's  
11 personal identification information is provided on  
12 that phone call, we want to make sure they are  
13 comfortable sharing that information with a third  
14 party.

15 MS. RINGENBACH: Teresa Ringenbach with  
16 Direct Energy. Actually on that last note, there  
17 were comments we were going to put forward which is  
18 there are many different marketing channels beyond  
19 door to door. There is retail channels. There's all  
20 sorts of other channels where the customers do not  
21 have their bill with them. The rules do allow us to  
22 have the customer give us authorization to request  
23 their account number.

24 A lot of suppliers just -- this is just  
25 typical selling, right, if the customer has to go

1 home and get their bill, you probably lost that  
2 customer, right? So these types of calls do occur.

3 What we would like to see is some --  
4 something that a customer would know out in the field  
5 that uniquely identifies them to the utility without  
6 having to give the Social Security number beyond the  
7 call so something that the utilities could think  
8 through, whether that's -- I don't know if you guys  
9 ask for a birthday when people call in, something  
10 that they would know that we can provide to you that  
11 we wouldn't have to actually give you the account  
12 number but we could send all that information with  
13 that unique identifier from the customer and then you  
14 could send us back the account number, do the  
15 enrollment that way. I think that would help get  
16 around your issues without preventing new channels  
17 from opening up in the market.

18 And from our company's perspective we  
19 were also okay putting limitations, whereas, if it  
20 was done through a door-to-door solicitation at their  
21 residence, you could not use that approach so there  
22 are things -- we are looking for ways to open up the  
23 market to channels other than what is currently the  
24 most effective one which is door to door, right? So  
25 anything we can do to allow us to grab those

1 customers instantly without actually having to be at  
2 their home where they have that bill is something we  
3 are open to.

4 I had two other things that Direct would  
5 like to see. The first one is a lot of states have  
6 gone to posting complaint statistics online,  
7 Illinois, New York, Texas does it. It's not a  
8 straight one-to-one comparison with the supplier.  
9 It's more of like a ratio that's out there. I know  
10 in the past when we have asked for this, there have  
11 been concerns about confidential information being  
12 put out, that sort of thing. I would like Staff to  
13 look at what's being done in Illinois and Texas and  
14 see if there is a way to do that in Ohio.

15 The other thing is on marketing and  
16 reporting statistics so the sales stats that are put  
17 out with the Quarterly Market Monitor, that sort of  
18 thing, we want to see if -- Dominion has done this  
19 with some of their meetings. There is an actual pie  
20 chart that they put out with market share. It  
21 doesn't identify any single supplier, but it does  
22 tend to show if one supplier is holding the majority  
23 of the market.

24 We would like to see in addition to the  
25 normal market monitoring data that's put out with

1 sales statistics a pie chart showing whether or not,  
2 you know -- a pie chart showing without identifying  
3 an individual supplier the percent of market share  
4 held by individual suppliers.

5 EXAMINER WILLEY: Thank you. Are there  
6 any additional comments?

7 MR. MURPHY: Jeff Murphy, Dominion. Just  
8 a couple of items that Staff may have already noted  
9 may be worth changing, specifically within 4901:1-28  
10 talking about aggregation. The definition of  
11 eligible customer indicates that the customer would  
12 be ineligible if on the date that the ordinance or  
13 resolution were approved they were already receiving  
14 service by another supplier. Of course, the  
15 incumbent utility would have no way of knowing  
16 necessarily those particular dates so with regard to  
17 eligible customers, we would suggest instead rather  
18 than looking at the date that the ordinance or  
19 resolution passes, rather the date of the enrollment  
20 would be the point that the company would look at if  
21 the customer were served with an alternative supplier  
22 at that time, they would then be ineligible.

23 In addition, another item that we have  
24 not seen much activity on is 4901:1-33 which is the  
25 not-for-profit customer declaration of mercantile

1 status. A hot bed of activity elsewhere but not at  
2 Dominion so we would suggest that rule may no longer  
3 be necessary.

4 And, lastly, there is a provision on --  
5 with respect to customer information in 4901:1-27-09  
6 that talks about the natural gas companies being  
7 required to inform customers of their right to opt  
8 off customer lists four times a year. We would  
9 recommend perhaps that that be reduced to two times a  
10 year. Thank you.

11 MS. GNANN: Jeff, can I ask a follow-up  
12 question? The point that you made with regards to a  
13 customer signing up when an ordinance is passed,  
14 these CRNGS rules have been around for quite a while,  
15 and you've had a fair amount of activity of -- in the  
16 Dominion service territory so can your -- this is  
17 something that you have seen and it's been an ongoing  
18 problem for you?

19 MR. MURPHY: Actually at this particular  
20 point we actually look at the customer status at the  
21 date of enrollment. We do not comply with that  
22 particular provision because in most cases we don't  
23 know what the date of the ordinance is. Any  
24 additional NOPEC aggregation we had and every  
25 aggregation since then in working with the



1 aggregators, they seem very comfortable with the  
2 notion that as that enrollment file comes in from the  
3 aggregation, that we would look at the customer  
4 status, at the point the enrollment file came in  
5 because that creates significantly less confusion and  
6 was administratively more feasible for all of the  
7 parties.

8 By the way that is the only rule, of  
9 course, with which we might be noncompliant.

10 MS. DiNICOLE: Lori DiNicole, FirstEnergy  
11 Solutions. I think I touched on this with some of my  
12 comments on enrollment and fulfillment go, but I just  
13 wanted to make sure I mentioned that we did also  
14 generally feel that across the board through these  
15 rules anywhere we could push calendar days to  
16 business days would be helpful, especially like with  
17 competition increases, and, you know, we are trying  
18 to get everything accomplished.

19 And I think we would also like to echo a  
20 comment I believe Howard made earlier to the extent  
21 gas rules and the electric rules to line up, to go  
22 with the more forgiving of the rules. That would be  
23 helpful.

24 EXAMINER WILEY: Are there any additional  
25 feedback, comments on anything we've talked about

1 today?

2 MR. JONES: Dan Jones, Duke Energy Ohio.  
3 Just, I guess, to support what Jeff was saying over  
4 there with regard to, you know, when the enrollment  
5 comes in, that's the point in time where your system  
6 would know whether the customer has switched to an  
7 alternative supplier.

8 The other timing issue around  
9 governmental aggregation is we are required to  
10 provide the customer list to the authorized entity,  
11 whether it's the supplier-serving aggregation or to  
12 the governmental aggregator themselves. So at that  
13 point in time when that list is received and  
14 obviously things change after that list is provided  
15 but that's the list that the aggregator is using to  
16 do their mailings for the opt out and so forth so  
17 that's the information that the suppliers have to  
18 know whether or not customers are switched at that  
19 point in time. And supposedly, I guess, if they are  
20 switched already, they wouldn't be sending the  
21 opt-out notice to those customers.

22 So I just wanted to make sure we take  
23 that into consideration as well because that's what  
24 the aggregator is using is that governmental  
25 aggregation customer list to do the opt-out mailing.

1 EXAMINER WILLEY: Thank you.

2 Any other comments?

3 MR. JONES: Sorry, Dan Jones, Duke Energy  
 4 Ohio again. I just -- one of the other things that  
 5 was mentioned were the three-way phone calls, and I  
 6 guess to me it's a way to fish for the customers'  
 7 account numbers is the way I look at it. And they  
 8 are -- there are alternative ways to get the  
 9 customer's account number. I don't know if all the  
 10 utilities are doing this currently or not, but if you  
 11 have a copy of the preenrollment list for either gas  
 12 or electric, there are meter numbers that are on that  
 13 preenrollment list, and we've set up a method whereby  
 14 suppliers can submit the meter numbers that they want  
 15 account numbers for.

16 So if they are at a kiosk at a mall and  
 17 the customer doesn't have their bill with them, they  
 18 don't know their account number, just by knowing the  
 19 customer service address off the preenrollment list  
 20 and the name matches up and so forth, they can sign  
 21 the customer up at that kiosk.

22 And if they just send us in the certain  
 23 specific information off of the preenrollment list,  
 24 customer name, meter number, et cetera, we will  
 25 return the account number based on a previously

1 arranged agreement that we have, that, you know, the  
2 supplier has, you know, gotten the customer's  
3 authorization to submit this request.

4 EXAMINER WILLEY: Any other comments?

5 Does Staff have any additional feedback?

6 MS. GNANN: I just have to ask  
7 prearrangement with the customer or with the  
8 supplier?

9 MR. JONES: It's with the supplier. The  
10 way -- the way we look at that would be, you know,  
11 for anything that comes in either gas or electric, if  
12 it's an EDI transaction for enrollment, if it's an  
13 enrollment file for gas, the assumption is the  
14 supplier has the authorization to do that so it's no  
15 different than an enrollment or drop coming in. They  
16 are the authorized entity to make that request.

17 EXAMINER WILEY: Thank you.

18 Any final feedback from anyone in the  
19 audience or from Staff?

20 All right. Seeing none I would like to  
21 take this opportunity to thank you all for coming  
22 today and participating, and we would close today's  
23 workshop.

24 And I would also like to remind you that  
25 a Commission entry issuing the rules for comment will

be forth coming in the near future. Thank you.

(Thereupon, the workshop was adjourned at  
11:04 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is  
a true and correct transcript of the proceedings  
taken by me in this matter on Monday, August 6, 2012,  
and carefully compared with my original stenographic  
notes.

\_\_\_\_\_  
Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-5566)

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Summary: Transcript In the matter of the Commission's review of its rules for competitive retail natural gas services in Chapters 4901:1-17 through 4907:1-34. electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.