

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission’s Review of its Rules )  
for Competitive Retail Natural Gas Service Contained ) Case No. 12-925-GA-ORD  
in Chapters 4901:1-27 through and 4901:1-34 of the )  
Ohio Administrative Code. )

**BORDER ENERGY GAS SERVICES, INC.'S COMMENTS ON  
PROPOSED RULES RELATING TO THIRD-PARTY VERIFICATION**

Border Energy Gas Services, Inc. (“Border”) respectfully submits its comments regarding the proposed amendments to Chapter 4901:1-29 of the Ohio Administrative Code pursuant to the schedule set forth in the Commission’s November 7, 2012 Entry in this case (“Entry”).

Although the proposed amendments are generally appropriate, Border suggests a few changes to alleviate the new burden on natural gas suppliers engaging in door-to-door marketing and enrollment. Border addresses these issues below.

**4901:1-29-06 Customer enrollment and consent.**

Proposed Rule 4901:1-29-06(C)(6)(b) provides new requirements for third-party verification in the case of door-to-door marketing and enrollment. Border understands and agrees with the Commission that a verification process is appropriate for door-to-door solicitation. However, Border would suggest that natural gas suppliers be permitted to either use a third-party verifier *or* allow the sales person to record the customer verification using video technology. Allowing the customer's decision to switch natural gas suppliers to be recorded provides the same level of assurance that the customer understands and intends to natural gas suppliers as does requiring third-party verification. However, it would be less burdensome on the natural gas supplier.

To the extent the Commission requires third-party verification in all instances, Border nonetheless takes issue with the requirement that its sales person leave the premises during the

third-party verification process, and be disallowed to return. Proposed OAC 4901:1-29-06(C)(6)(b)(ii) states that “[t]he independent third-party verifier must confirm with the customer that the representative of the retail natural gas supplier or governmental aggregator has left the property of the customer. The representative of the retail natural gas supplier or governmental aggregator is not to return before, during, or after the independent third-party verification process.” This provision is overly burdensome and makes witching via door-to-door extremely difficult. Indeed, as currently drafted, it does not allow the natural gas supplier’s sales person to ever return, even once the third-party verification is complete.

The requirement that the sales person leave the property prior to completion of the TPV process places significant restrictions on the natural gas supplier’s ability to solicit new customers through door-to-door marketing and enrollment that are unnecessary in light of other requirements. Indeed, the approach that the Commission had previously taken with respect to third-party verification in door-to-door solicitation did not require the sales person to leave during the verification process. *See* 4901:1-29-06(D)(6). Further, Rule 4901:1-29-06(D)(6)(e) already requires the sales person to leave at the request of the property owner. And, Proposed Rule 4901:1-29-06(C)(5)(b) will give the customer seven business days to rescind if he/she changes his/her mind. Third-party verification and a seven-day grace period for cancellation are sufficient safeguards to ensure that customers knowingly change their natural gas service provider, but also give suppliers flexibility to sign up new customers through door-to-door marketing and enrollment.

To address this concern, Border suggests that the Commission exclude subsection 4901:1-29-06(C)(6)(b)(ii) from the final rule.

\* \* \*

Border appreciates the opportunity to comment on the proposed amendments to the Commission's Rules for Competitive Natural Gas Service Contained in Chapter 4901:1-29 of the Ohio Administrative Code, and respectfully urges the Commission to adopt Border's suggested revisions thereto.

Dated: January 7, 2013

**BORDER ENERGY GAS SERVICES, INC.**

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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**1/7/2013 4:40:16 PM**

**in**

**Case No(s). 12-0925-GA-ORD**

Summary: Comments electronically filed by Ms. Stephanie M Chmiel on behalf of Border Energy Gas Services, Inc.