

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

APPLICATION FOR REHEARING OF INTERSTATE GAS SUPPLY, INC.

On December 18, 2013, the Public Utilities Commission of Ohio ("Commission") set forth a Finding and Order ("Dec. 18 Order") in the above captioned proceeding amending the rules that pertain to competitive retail electric service ("CRES") in Ohio. Pursuant to Ohio Administrative Code ("OAC") 4901-1-35, Interstate Gas Supply, Inc. ("IGS") hereby submits this Application for Rehearing on the following issue:

- OAC 4901:1-21-06(D)(1)(b)(iii) is unlawful and unreasonable in that it fails to allow the customer to choose whether or not they wish to have the sales agent remain with the customer during the third party verification process, or return after the third party verification process.

For the reasons more fully set forth in the attached Memorandum in Support, IGS requested rehearing on the above issue. Also, in furtherance of the Commission's policy of limiting duplicative arguments that are already made by other parties in this proceeding, IGS notes its endorsement of certain positions taken in the RESA Application for Rehearing. As such, IGS requests rehearing on the changes to the following rules, for the reasons set forth in the RESA Memorandum in Support:

- Rule 21-01(JJ)
- Rule 21-05(C)(7)
- Rule 21-05(E)

- Rule 21-06(D)(1)(i)
- Rule 21-06(D)(1)(h)(ii)
- Rule 21-06(D)(2)(b)(i)
- Rule 21-11(F)(3)(c)(iii)
- Rule 24-05(B)(1)(e)
- Rule 24-08
- Rule 21-11(H)
- Rule 21-12(B)(7)

Failure of IGS to request rehearing on the other amendments to the CRES rules set forth in Dec. 18 Order neither indicates IGS' support or opposition to such rule changes.

MEMORANDUM IN SUPPORT

A. Customers Should be Able to Choose Whether They Wish to Allow Sales Agents to Remain With The Customer During the Third Party Verification Process.

Revised OAC 4901:1-21-06(D)(1)(b)(iii) provides that a third party verification ("TPV") performed during door-to-door sales must confirm that the CRES sales agent has left the customer's property, and the rule would also prohibit the CRES agent from returning to the customer's premises after the TPV is performed. The proposed rule as drafted would not let customers choose to have the agent remain on the property during the TPV or after, and thus, as revised, OAC 4901:1-21-06(D)(1)(b)(iii) is unreasonable.

IGS is respectful of the Commission's concern that customers must give full consent to enrollment with a CRES provider without coercion from a CRES provider sales agent.

As such, IGS is supportive of sales agents being required to leave the customer's premises during the TPV if the customer wishes the sales agent to do so. In fact, IGS supports that there be a presumption that the sales agent leave the premises during the TPV; however, if the customer gives affirmative consent, which is memorialized in a TPV, then the customer should have the option to have the sales agent remain with the customer during the TPV process.

Many customers may see value in having a sales agent remain on the premises during a TPV. A customer may have questions about the product or the enrollment process and the sales agent may be able to answer these questions. Further, giving customers the option to have the sales agent remain with the customer during the TPV is consistent with the electric consumer protection rules in Pennsylvania.¹ For these reasons, OAC 4901:1-21-06(D)(1)(b)(iii) should be revised to state:

"[t]he independent third-party verifier must confirm with the customer ~~that~~ **whether** the representative of the retail electric supplier or governmental aggregator has left the property of the customer. The representative of the retail electric supplier or governmental aggregator is ~~not permitted to return before, remain during, or return~~ after the third-party verification process **if the customer agrees to allow the representative to remain at the customer's property or the customer requests the representative to return, which the third-party verifier must confirm.**"

Finally, if the Commission declines to adopt IGS' proposed modification to OAC 4901:1-21-06(D)(1)(b)(iii), at a minimum the Commission should allow sales agents to return to the customer's premises after the TPV. As drafted, 4901:1-21-06(D)(1)(b)(iii) would conceivably prohibit the sales agent from returning to the customer's premises, *ever*. This is inconsistent with the common sense initiative, in that it would defy common sense to never allow a sales agent to return after a TPV, even if the customer wishes

¹ PA Code Section 11.7 (b)(2).

the agent to return.

The CRES rule requires the sales agent to leave the customer's premises if the customer asks the agent to do so. This is reasonable and IGS supports this rule. However, prohibiting a sales agent from remaining on the customer's premises even with the customer's consent is unreasonable, overly restrictive, and thus should be rejected by the Commission.

B. Conclusion

IGS respectfully requests that the Commission grant its application for rehearing on the issues stated herein and also request that the Commission adopt the recommendations made by IGS in its Memorandum in support.

Respectfully submitted

/s/ Matthew White

Matthew S. White (0082859)
Counsel of Record
Interstate Gas Supply, Inc.
6100 Emerald Parkway
Dublin OH 43026
(614) 659-5055
mwhite@igsenergy.com
vparisi@igsenergy.com

CERTIFICATE OF SERVICE

I certify that a copy of this Application for Rehearing was served via electronic mail this 17th day of January 2014 on the parties listed below.

/s/ Matthew White

Matthew White

Elizabeth.watts@duke-energy.com;
Amy.spiller@duke-energy.com;
jeanne.kingery@duke-energy.com;
scasto@firstenergycorp.com;
haydenm@firstenergycorp.com;
mswhite@igsenergy.com;
vparisi@igsenergy.com;
stnourse@aep.com;
mjsatterwhite@aep.com;
gkrassen@bricker.com;
tsiwo@bricker.com;
mwarnock@bricker.com;
kern@occ.state.oh.us;
burkj@firstenergycorp.com;
cdunn@firstenergycorp.com;
BarthRoyer@aol.com;
Gary.A.Jeffries@dom.com;
judi.sobecki@dplinc.com;
drinebolt@ohiopartners.org;
cmooney@ohiopartners.org;
barbalex@ctel.net;
joseph.clark@directenergy.com;
jennifer.lause@directenergy.com;
stephanie.chmiel@thompsonhine.com;
eglenrg@aol.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/17/2014 4:59:40 PM

in

Case No(s). 12-1924-EL-ORD

Summary: App for Rehearing electronically filed by Mr. Matthew White on behalf of IGS Energy