

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
REVIEW OF THE MINIMUM GAS SERVICE
STANDARDS IN CHAPTER 4901:1-13 OF
THE OHIO ADMINISTRATIVE CODE.

CASE NO. 19-1429-GA-ORD

FINDING AND ORDER

Entered in the Journal on February 24, 2021

I. SUMMARY

{¶ 1} The Commission adopts proposed amendments to the minimum gas service standards in Ohio Adm.Code Chapter 4901:1-13.

II. DISCUSSION

A. *Procedural Background*

{¶ 2} R.C. 111.15(B) and R.C. 106.03(A) require all state agencies to conduct a review, every five years, of their rules and to determine whether to continue their rules without change, amend their rules, or rescind their rules. At this time, the Commission is reviewing the minimum gas service standards (MGSS) in Ohio Adm.Code Chapter 4901:1-13.

{¶ 3} R.C. 106.03(A) requires that the Commission determine whether the rules:

- (a) Should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rules were adopted;
- (b) Need amendment or rescission to give more flexibility at the local level;
- (c) Need amendment or rescission to eliminate unnecessary paperwork;
- (d) Incorporate a text or other material by reference and, if so, whether the citation accompanying the incorporation by reference would reasonably enable the Joint Committee on Agency Rule Review or a reasonable person to whom

the rules apply to find and inspect the incorporated text or material readily and without charge and, if the rule has been exempted in whole or in part from R.C. 121.71 to 121.74 because the incorporated text or material has one or more characteristics described in R.C. 121.75(B), whether the incorporated text or material actually has any of those characteristics;

- (e) Duplicate, overlap with, or conflict with other rules;
- (f) Have an adverse impact on businesses, as determined under R.C. 107.52;
- (g) Contain words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive; and
- (h) Require liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure.

{¶ 4} Additionally, in accordance with R.C. 121.82, in the course of developing draft rules, the Commission must evaluate the rules against the business impact analysis (BIA). If there will be an adverse impact on businesses, as defined in R.C. 107.52, the agency is to incorporate features into the draft rules to eliminate or adequately reduce any adverse impact. Furthermore, the Commission is required, pursuant to R.C. 121.82, to provide the Common Sense Initiative office the draft rules and the BIA.

{¶ 5} R.C. 121.95(F) provides that a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. In accordance with R.C. 121.95, and prior to January 1, 2020, the Commission identified rules having one or more regulatory restrictions that require or prohibit an action, prepared a base inventory of these restrictions in the existing rules, and submitted this base inventory to the Joint Committee on Agency Rule Review, as well as posted this inventory on the Commission's website at <https://puco.ohio.gov/wps/portal/gov/puco/documents-and-rules/resources/restrictions>. With regard to the amendments discussed in this Finding and Order with respect to Ohio Adm.Code Chapter 4901:1-13, the Commission has both

considered and satisfied the requirements in R.C. 121.95(F).

{¶ 6} On August 13, 2019, the Commission held a workshop in this proceeding to enable interested stakeholders to propose revisions to the rules in Ohio Adm.Code Chapter 4901:1-13 for the Commission's consideration. Representatives of nine interested stakeholders attended the workshop, with comments offered by two stakeholders.

{¶ 7} Staff evaluated the rules contained in Ohio Adm.Code Chapter 4901:1-13 and considered the proposed revisions provided at the workshop. Also, beginning with Case No. 13-2225-GA-ORD, Staff has endeavored to consolidate all rules addressing the MGSS for natural gas companies in one chapter. *In re the Commission's Review of Chapter 4901:1-13 of the Ohio Administrative Code, Regarding Minimum Gas Service Standards*, Case No. 13-2225-GA-ORD (2013 MGSS Case), Finding and Order (July 30, 2014) at 5. In the present case, Staff has continued its effort to consolidate the rules, by proposing changes that would move into Ohio Adm.Code Chapter 4901:1-13 several existing provisions from the Commission's rules governing competitive retail natural gas service (CRNGS), as set forth in Ohio Adm.Code Chapters 4901:1-27 through 4901:1-34 (CRNGS Rules).

{¶ 8} On December 18, 2019, the Commission issued an Entry seeking comments on Staff's proposed amendments to Ohio Adm.Code Chapter 4901:1-13 and the BIA. Initial and reply comments were due by January 17, 2020, and January 31, 2020, respectively.

{¶ 9} Consistent with the December 18, 2019 Entry, initial comments were filed in this proceeding by Suburban Natural Gas Company (Suburban); Infinite Energy, Inc. (Infinite Energy); Columbia Gas of Ohio, Inc. (Columbia); Pivotal Home Solutions (Pivotal); Duke Energy Ohio, Inc. (Duke); Ohio Gas Company (Ohio Gas); Ohio Farm Bureau Federation (OFBF); Direct Energy Services, LLC and Direct Energy Business, LLC (collectively, Direct Energy); Northeast Ohio Public Energy Council (NOPEC); HomeServe USA Corp. and HomeServe USA Repair Management Corp. (collectively, HomeServe); Interstate Gas Supply, Inc. (IGS); jointly, The East Ohio Gas Company d/b/a Dominion Energy Ohio (Dominion) and Vectren Energy Delivery of Ohio, Inc. (VEDO); Ohio

Consumers' Counsel (OCC); Retail Energy Supply Association (RESA); and Service Contract Industry Council (SCIC). Comments were also received from one member of the general public.

{¶ 10} Reply comments were filed by Columbia, Pivotal, HomeServe, Duke, Direct Energy, IGS, OCC, Dominion/VEDO, and RESA.¹

B. Consideration of the Comments

1. OHIO ADM.CODE 4901:1-13-01 (DEFINITIONS)

{¶ 11} Staff proposes that Ohio Adm.Code 4901:1-13-01 be amended to add a definition for the term “contract portability,” which would be defined to mean “the ability of a gas or natural gas company to allow a retail natural gas supplier to maintain contracts with customers that move to another address within the gas or natural gas company’s service territory.”

{¶ 12} OFBF recommends that Staff’s proposed definition of “contract portability” be expanded to situations where customers require additional meters due to expansion or add additional service locations. OFBF states that its proposed definition would enable customers that expand their agricultural operations in locations that cannot be served by one meter to benefit from contract portability.

{¶ 13} OCC notes that it does not take issue with OFBF’s request, as customers should have the ability to choose a configuration that works best for them, provided that this expanded concept of contract portability is authorized by the Commission and set forth in the natural gas company’s tariffs.

{¶ 14} Dominion/VEDO argue that OFBF’s added language pertains to customer-specific service issues, such as account changes or changes in quality of service, that are not

¹ In its reply comments, aside from addressing certain issues, Duke states that it also adopts the reply comments submitted by Columbia.

necessarily related to contract portability and, therefore, is inappropriate for inclusion in any definition of “contract portability.”

{¶ 15} RESA opposes OFBF’s proposal because it would impact existing contracts. RESA emphasizes that adding new meters or new service locations is governed by the customer’s contract with its supplier and can also affect pricing that was initially based on a customer’s then-projected use. RESA notes that a viable alternative would be the execution of a new contract for the added meter or service location, with the Commission allowing an instant connect rather than requiring a minimum waiting period under the natural gas company’s default commodity service.

{¶ 16} Direct Energy responds that it does not oppose OFBF’s proposal to expand the definition as long as the supplier contract permits the portability.

{¶ 17} IGS states that OFBF appears to seek a limited form of instant connect, or the ability to start service with a supplier on the first day of new service without the typical one to two billing cycle delay. Although IGS supports this capability, IGS contends that it is not properly characterized as “contract portability” and, therefore, IGS believes that it should not be included in the definition.

{¶ 18} As discussed further below, Staff proposes new Ohio Adm.Code 4901:1-13-11(K) to address the types of charges that can be included on natural gas bills. OCC notes that, although a “commodity charge” would be allowed on the bill under Staff’s proposal, Staff does not propose to define the term in Ohio Adm.Code 4901:1-13-01. To avoid uncertainty, OCC proposes that the term be defined as “the portion of the natural gas bill that is based on the cost of the actual natural gas supplied to the customer by either the natural gas utility or competitive retail natural gas supplier.”

{¶ 19} Dominion/VEDO oppose OCC’s proposed definition as unnecessary. Dominion/VEDO also note that the definition offered by OCC is overly simplistic and ambiguous, as it equates the commodity charge solely with the cost of the natural gas,

despite the fact that commodity charges include other upstream costs.

{¶ 20} Direct Energy opposes OCC's proposed definition, because it would permit competitive suppliers to charge customers only for the cost of the actual natural gas commodity, while prohibiting personnel, infrastructure, administrative, and other types of costs that are necessary to make a product available in the market and to serve customers.

{¶ 21} As discussed further below, the Commission declines to adopt Staff's proposal to add contract portability to the list of topics addressed in the written summary of customer rights and obligations required under Ohio Adm.Code 4901:1-13-06(C). We also decline to adopt Staff's proposal to adopt new Ohio Adm.Code 4901:1-13-11(K), which would limit the types of charges that can be included on natural gas bills. Accordingly, we find it unnecessary to adopt definitions for the terms "contract portability" and "commodity charge" in Ohio Adm.Code 4901:1-13-01.

2. OHIO ADM.CODE 4901:1-13-04 (METERING)

{¶ 22} Among other minor changes to Ohio Adm.Code 4901:1-13-04, Staff recommends that "inspecting" be added to the list of activities in paragraph (C) that afford a natural gas company the right of access to metering equipment. Dominion/VEDO support Staff's proposal. The Commission finds that Staff's proposed changes to Ohio Adm.Code 4901:1-13-04 are reasonable and should be adopted.

{¶ 23} OCC recommends that Ohio Adm.Code 4901:1-13-04(D) be amended to permit natural gas customers to request a free meter test at least once every three years, consistent with a similar provision for electric customers in Ohio Adm.Code 4901:1-10-05(F)(4)(a). OCC notes that natural gas companies are currently permitted to charge customers for a meter test if the results indicate that the meter is within prescribed operating tolerances, with the larger natural gas companies currently charging a fee of \$40. OCC argues that all customers should have confidence that their meter is functioning correctly and that they are being billed accurately.

{¶ 24} Noting that meter testing costs have historically been set in rate cases, Columbia opposes OCC's proposal and asserts that OCC should raise the issue in the context of a rate case. Dominion/VEDO state that the Commission has rejected OCC's proposal in the three prior rulemaking cases. Dominion/VEDO assert that, as previously recognized by the Commission, the proposal is contrary to R.C. 4933.09 and fails to account for the fact that testing a gas meter requires considerable time and expense. Acknowledging that a natural gas company may elect to forego the collection of meter testing costs, Dominion/VEDO argue that the approved tariff for the respective natural gas companies is the appropriate place to address how each company assesses charges for meter testing.

{¶ 25} Consistent with the Commission's decisions in the three prior rulemaking cases, we decline to adopt OCC's recommendation that customers be permitted to request a free meter test every three years. As we have previously explained, OCC's proposal is not consistent with R.C. 4933.09, which allows for a free meter test only if the gas meter is proved incorrect, and fails to recognize that the process of testing a gas meter involves considerably more time and expense than is required to test an electric meter. *2013 MGSS Case*, Finding and Order (July 30, 2014) at 7; *In re the Commission's Review of Chapter 4901:1-13 of the Ohio Administrative Code*, Case No. 09-326-GA-ORD (2009 MGSS Case), Finding and Order (July 29, 2010) at 14; *In re the Amendment of Chapter 4901:1-13, Ohio Administrative Code, to Establish Minimum Gas Service Standards*, Case No. 05-602-GA-ORD, Opinion and Order (Jan. 18, 2006) at 7.

{¶ 26} OCC recommends that Ohio Adm.Code 4901:1-13-04(F)(1) be modified to require that meter test records be maintained for at least three years rather than the current two-year requirement. OCC argues that this modification would ensure consistency with Ohio Adm.Code 4901:1-13-03(C), which requires that natural gas companies maintain their records for at least three years.

{¶ 27} Dominion/VEDO respond that the Commission adopted, in the prior rulemaking case, the two-year requirement for meter test records, in order to ensure consistency with the appendix to Ohio Adm.Code 4901:1-9-06, which provides that records

of gas meter tests must be retained until a superseding test occurs, but not less than two years. Dominion/VEDO add that, despite OCC's claim, there is no conflict among the records retention provisions, because the three-year default period in Ohio Adm.Code 4901:13-03(C) applies "unless otherwise specified in this chapter."

{¶ 28} As Dominion/VEDO note, the Commission adopted, in the *2013 MGSS Case*, Staff's recommendation that Ohio Adm.Code 4901:1-13-04(F)(1) require that meter testing records be retained for two years or until the next meter test, whichever is longer. *2013 MGSS Case*, Finding and Order (July 30, 2014) at 9. The Commission specifically noted that Staff's proposal in that case was consistent with the records retention requirements set forth in the appendix to Ohio Adm.Code 4901:1-9-06, which provides that records of gas meter tests must be retained until a superseding test occurs, but not less than two years. Accordingly, we decline to adopt OCC's recommendation.

{¶ 29} OCC recommends that Ohio Adm.Code 4901:1-13-04(G)(2) be amended to specify that natural gas customers have at least 12 months to pay billing undercharges and to do so without interest. OCC claims that its recommendation will ensure that the rule is consistent with R.C. 4933.28.

{¶ 30} Dominion/VEDO argue that OCC's proposed changes are unnecessary. Dominion/VEDO assert that, because R.C. 4933.28 prohibits interest charges on billing adjustments for undercharges, there is no need to add the restriction to the rule. Dominion/VEDO further assert that, unless the natural gas company agrees to a longer period, R.C. 4933.28(A) requires a 12-month period for collection of an undercharge and, therefore, OCC's recommendation is inconsistent with the statute. Dominion/VEDO add that OCC's proposal was rejected by the Commission in the prior rulemaking.

{¶ 31} Consistent with our decision in the *2013 MGSS Case*, the Commission declines to adopt OCC's recommendation that Ohio Adm.Code 4901:1-13-04(G)(2) be modified to specify that customers have "at least" 12 months to pay billing undercharges. *2013 MGSS Case*, Finding and Order (July 30, 2014) at 10. R.C. 4933.28(A) provides that the time period

over which an undercharge may be collected shall be 12 consecutive months, although the natural gas company may agree upon a longer period pursuant to R.C. 4933.28(C). We also find it unnecessary to amend the rule to prohibit the collection of interest on an undercharge, as R.C. 4933.28(B) precludes the recovery of interest charges.

{¶ 32} OCC recommends that new language be added to Ohio Adm.Code 4901:1-13-04(G)(9) to prohibit a natural gas company, in instances where a tenant has requested that service be terminated on a certain date or a tenant is unable to provide the natural gas company with access to the meter for any reason, from billing the tenant for the estimated or actual usage occurring after the termination date requested by the tenant, with such estimated or actual usage to be billed to the landlord. OCC contends that this provision would ensure that tenants are not penalized for circumstances where they have no control over access to the meter.

{¶ 33} Urging the Commission to reject the proposal, Columbia argues that OCC has ignored the legal, practical, and policy implications and unintended consequences of its proposed rule change. As one example, Columbia notes that the proposed rule would require Columbia and other natural gas companies to enter into landlord reversionary agreements with all rental properties that they serve, in order to ensure that they are able to legally bill a landlord when a tenant disconnects service and does not provide access to the meter.

{¶ 34} Initially, Dominion/VEDO note that, in the *2009 MGSS Case*, the Commission rejected a similar OCC amendment that would have required natural gas companies to collect the costs for obtaining reasonable access to the meter from the landlord in all instances. Dominion/VEDO further note that, based on continued experience dealing with meter access issues in the landlord-tenant context, they have modified their position from the previous rulemaking. Dominion/VEDO explain that they have encountered numerous situations in which only the landlord can provide access, but the landlord refuses to cooperate or accept responsibility for service, with the added complication in some cases that it is not possible to disconnect service at the curb. To address this problem,

Dominion/VEDO support OCC's proposal with modifications intended to define when billing the landlord is permitted, rather than mandating such billing, in order to account for situations where it may not be fair or practicable to assign the charges to the landlord. Further, Dominion/VEDO propose changes to provide the landlord or owner of the premises notice and an opportunity to provide access before the charges are assigned.

{¶ 35} As Dominion/VEDO note, the Commission denied a similar proposal from OCC in the *2009 MGSS Case*. *2009 MGSS Case*, Finding and Order (July 29, 2010) at 25-26. As Columbia emphasizes in this proceeding, and as addressed by several of the commenters in the *2009 MGSS Case*, OCC's proposal is problematic because the natural gas company's contractual relationship is with the customer, which is often not the landlord. In the absence of an agreement with the landlord, the natural gas company has no legal basis upon which to assign or collect the charges. Dominion/VEDO's proposed modifications to OCC's proposal do not address this concern. As in the *2009 MGSS Case*, we find that the commenters have not offered a workable solution and, therefore, decline to adopt the proposed changes.

3. OHIO ADM.CODE 4901:1-13-05 (MINIMUM CUSTOMER SERVICE LEVELS)

{¶ 36} Columbia recommends that Ohio Adm.Code 4901:1-13-05(C)(4) be revised to provide that, if a natural gas company must miss a scheduled appointment due to an emergency or priority order that requires an immediate response, then the rescheduled appointment shall not be considered a missed appointment. Columbia explains that, at times, it is required to prioritize an odor of gas call over a scheduled appointment, which means that Columbia may fail to comply with the rule's 95 percent compliance threshold.

{¶ 37} Dominion/VEDO state that they support the intention behind Columbia's proposal. However, because some natural gas companies may not have the current ability to track missed appointments in this way, Dominion/VEDO propose that Columbia's proposed language be revised from a mandatory provision to one that provides discretion to the natural gas company to determine whether the appointment is deemed missed.

{¶ 38} The Commission finds that Columbia’s recommendation is unnecessary and should not be adopted. Ohio Adm.Code 4901:1-13-05(E) requires the natural gas companies to track and report to the Commission their customer service performance data. If a natural gas company fails to meet the minimum service level set forth in paragraphs (A) through (D) of the rule, the company is required to provide a notification to Staff that includes any factors that contributed to such failure. As we stated in the *2009 MGSS Case* in rejecting a similar proposal offered by Dominion/VEDO, the natural gas companies should document the underlying reasons for missed appointments and include that information in their reports to Staff, which will then be taken into consideration by the Commission. *2009 MGSS Case*, Finding and Order (July 29, 2010) at 31-32.

4. OHIO ADM.CODE 4901:1-13-06 (PROVISION OF CUSTOMER RIGHTS AND OBLIGATIONS)

{¶ 39} Staff proposes to add contract portability and the ability to block a competitive switch to the topics that must be addressed in the summary of customer rights and obligations, as set forth in Ohio Adm.Code 4901:1-13-06(C). Specifically, paragraph (C)(8) requires that the written summary information address gas choice programs available to customers, including information on slamming. Staff recommends that contract portability and the ability to block a competitive switch be listed in the rule after slamming.

{¶ 40} OCC supports Staff’s proposal. As other topics for the summary of customer rights and obligations, OCC recommends that “selecting the lowest cost supply for natural gas, known scams (including spoofing), and potentially adverse contract provisions such as automatic renewals and teaser rates” be added to the rule.

{¶ 41} Noting that Columbia preprints its customer rights and responsibilities summary, Columbia asserts that it would be unable to timely reprint the summary whenever there is a new scam to report. Columbia adds that the Commission’s website is a helpful resource for all Ohio consumers to be updated on current scams.

{¶ 42} Although Dominion/VEDO do not oppose the inclusion of contract

portability as a topic for the summary, they note that the availability of contract portability varies by supplier on Dominion's system, while contracts cannot be automatically ported on VEDO's system. Dominion/VEDO note that, as further discussed below, they have concerns with Staff's proposal to create a method to block a competitive switch. However, if the Commission elects to adopt Staff's proposal to create such a method, Dominion/VEDO do not oppose its inclusion as a topic in the summary information.

{¶ 43} In response to OCC's recommendation, Dominion/VEDO state that OCC would require the natural gas company to provide and continually update information on issues potentially outside the scope of its knowledge and beyond its neutral role in a customer's choice of a supplier. Noting that the Commission in prior rulemakings has sought to minimize the costs associated with the written summary, Dominion/VEDO also assert that OCC's proposal is burdensome and costly.

{¶ 44} RESA asserts that OCC's proposal to expand the information in the written summary is overly broad and should not be adopted. According to RESA, OCC's changes would require the natural gas companies to advise customers on selecting the lowest cost supply for natural gas and reviewing contract terms. RESA notes that other resources exist for information on pricing, including the Commission's Energy Choice Ohio website.

{¶ 45} Direct Energy opposes OCC's proposed additions. First, Direct Energy states that, as addressed elsewhere in its reply comments, the use of default service as the sole metric for comparison to a competitive supplier's product is misleading and improper. Direct Energy adds that the role of the natural gas company is not to offer guidance regarding the competitive market. Direct Energy notes that it would not object if the summary contained a reference to the Commission's Energy Choice Ohio website, as well as an explanation of common product types and the switching process and protections.

{¶ 46} IGS also asserts that OCC's proposed additions are unreasonable and inconsistent with the operation of the retail market in Ohio. In lieu of adopting OCC's recommendation, IGS encourages the Commission to continue its practice of enforcing

existing consumer protection rules and suspending or eliminating noncompliant market participants.

{¶ 47} As discussed in more detail below, the Commission declines to adopt Staff's proposal to adopt a switching block provision as new Ohio Adm.Code 4901:1-13-12(G). We, therefore, find that it is not necessary to include the ability to block a competitive switch in the list of topics that must be addressed in the summary of customer rights and obligations required under Ohio Adm.Code 4901:1-13-06(C). Additionally, at this time, we find it unnecessary to add contract portability as a topic that must be addressed in the summary, particularly given that not all contracts can be automatically ported, with availability varying based on system and supplier. The rule already requires the written summary to include gas choice program information and nothing precludes a natural gas company from including contract portability where appropriate. We also find it unnecessary to adopt OCC's proposed topics. With respect to gas pricing matters, paragraph (C)(4) already requires that the written summary note the availability of rate information and alternatives upon request, while paragraph (C)(8) requires information regarding gas choice programs available to customers. Additionally, given the ever-evolving nature of scams, we find that this topic is better addressed through other means than the written summary.

5. OHIO ADM.CODE 4901:1-13-10 (COMPLAINTS AND COMPLAINT-HANDLING PROCEDURES)

{¶ 48} Among other minor changes to Ohio Adm.Code 4901:1-13-10, Staff proposes that new paragraph (G) be adopted, which would require a natural gas company to provide a dedicated telephone number to Staff to use and provide to consumers when escalating consumer complaints. The new provision would not apply to small natural gas companies.

{¶ 49} Support for Staff's proposal was expressed by one member of the general public.

{¶ 50} Columbia recommends that Staff's proposal be clarified by specifying that a natural gas company's obligation to maintain a dedicated call line is applicable Monday

through Friday, excluding state or company holidays.

{¶ 51} Dominion/VEDO recommend that Staff's proposed rule be modified to specify that the dedicated call line must be staffed on regular business days and that the hours of operation (8:00 a.m. to 5:00 p.m.) pertain to Eastern Standard Time or Eastern Daylight Time. Dominion/VEDO also support Columbia's proposal.

{¶ 52} The Commission finds that Staff's proposed changes to Ohio Adm.Code 4901:1-13-10 are reasonable and should be adopted, as modified in the attached rule. The Commission has also revised new paragraph (G) to reflect the general intent of the changes offered by Columbia, Dominion, and VEDO. Although we find it unnecessary to specify a time zone in the rule, we clarify here that the dedicated call line should be staffed from 8:00 a.m. to 5:00 p.m., Eastern Standard Time or Eastern Daylight Time, as applicable.

6. OHIO ADM.CODE 4901:1-13-11 (GAS OR NATURAL GAS COMPANY CUSTOMER BILLING AND PAYMENTS)

{¶ 53} Staff proposes that new Ohio Adm.Code 4901:1-13-11(B)(13) be adopted, which would require natural gas companies to include a price-to-compare statement on customer bills, in order to enable customers to compare their natural gas company's standard choice offer (SCO) or gas cost recovery (GCR) rate with suppliers' offers. Specifically, Staff proposes that customer bills state that, "[i]n order for you to save money by selecting a competitive retail natural gas provider, your price to compare, which is the standard choice offer (SCO) rate or the gas cost recovery (GCR) rate, is (dollar amount per Mcf) for this billing month. The SCO rate or GCR rate is approved by the public utilities commission."

{¶ 54} OCC supports Staff's proposed price-to-compare statement and recommends some modifications to the proposed language in the rule. OCC asserts that its proposed price-to-compare statement should be adopted to protect consumers and ensure that they save money. According to OCC, the vast majority of the offers on the Commission's Energy Choice Ohio website exceed the SCO or GCR rate. In its reply comments, OCC emphasizes

that Staff's proposal is consistent with Ohio Adm.Code 4901:1-10-22(B), which requires a price-to-compare statement on electric bills, and with state policy in R.C. 4929.01(A)(1) to promote the availability to consumers of adequate, reliable, and reasonably priced natural gas services and goods. OCC adds that, contrary to the position taken by other commenters, the relevant comparison in the price-to-compare statement is the rate of the gas commodity itself and not other services that a supplier may offer.

{¶ 55} Dominion/VEDO oppose Staff's proposed price-to-compare statement for three reasons. First, according to Dominion/VEDO, it is not necessarily true and accurate that customers will save money based on a comparison with the SCO. Dominion/VEDO emphasize that the SCO is a variable rate that changes monthly, which makes a true comparison with suppliers' fixed rate or bundled product offers a problematic endeavor. Second, Dominion/VEDO assert that the price-to-compare statement implies that the Commission-approved rate is the most favorable, which is contrary to the state policy in R.C. 4929.02(A)(7) to encourage competitive markets. Dominion/VEDO add that the price-to-compare statement raises code-of-conduct concerns, as it may encourage customers to contact the natural gas company for commodity advice or to select the SCO over a supplier offer. Dominion/VEDO also note that the Commission has rejected similar price-to-compare proposals in the two prior rulemakings. Finally, Dominion/VEDO argue that the proposed price-to-compare statement would require significant programming and billing changes at significant cost. In their reply comments, Dominion/VEDO argue that OCC offered no support for its position that a price-to-compare statement will educate and benefit consumers.

{¶ 56} Duke states that the introductory phrase of Staff's proposed rule assumes that customers can save money by selecting a competitive supplier, despite the fact that there is no assurance that the supplier will charge less than the natural gas company. Duke requests that the phrase be eliminated. Further, Duke recommends that, if a price-to-compare bill message is required by the Commission, a reasonable amount of time for compliance should be permitted for the natural gas companies to implement the change.

{¶ 57} Suburban and Ohio Gas assert that, in order to avoid customer confusion, Staff's proposed price-to-compare bill statement requirement should be limited to natural gas companies that offer a choice program.

{¶ 58} RESA opposes Staff's proposed price-to-compare statement for several reasons. First, RESA argues that all customers would receive the notice each month, even though it may not be applicable to all customers. Next, RESA claims that the SCO and GCR rates are not proper comparison points, because they are based on different pricing structures. Third, RESA asserts that Staff's proposal omits key information that a customer would need to understand the SCO and GCR rates in making a proper comparison, while also appearing to favor the default rates by stating that they are approved by the Commission, which is contrary to the state policy in R.C. 4929.02. Finally, RESA claims that the price-to-compare statement would mislead customers by making it appear as if certain supply options are available when they are not. RESA also objects to OCC's proposed modifications to Staff's price-to-compare statement, as OCC's position is based on the mistaken belief that the sole way in which customers can assess the best deal is by comparing a supplier rate against the SCO or GCR rate listed on a particular bill. RESA adds that OCC also mistakenly believes that the Commission's focus should be to assist consumers in saving money, which is contrary to the state policy objectives in R.C. 4929.02. RESA urges the Commission to continue to rely on its Energy Choice Ohio website rather than adopt a rule that would result in an inaccurate product comparison and suggest that the SCO or GCR rate is the only way in which a consumer can save money in a competitive market.

{¶ 59} Noting that the Commission has repeatedly rejected the requirement of a price-to-compare message on natural gas bills, IGS believes that Staff's proposed rule is unreasonable and should not be adopted. IGS claims that a price-to-compare bill message is inconsistent with the state policy in R.C. 4929.02(A)(7) to promote transactions between willing buyers and willing sellers, as it would inappropriately elevate default service as the premier product in the market. IGS adds that a price-to-compare bill message would result

in customer confusion for several reasons, including that it would encourage customers to compare a current offer with an expired default service rate from the previous month, refer to a default service rate that is not available to all customers, and ignore the benefits of fixed rate contracts. Further, IGS asserts that Staff's proposal fails to comply with R.C. 121.95, because it would result in the adoption of a new regulatory restriction, without the removal of two or more other existing regulatory restrictions. In its reply comments, IGS notes that OCC is the only stakeholder that supports a price-to-compare statement. IGS also reiterates that, because the default service price changes every month, a price-to-compare statement would be outdated, misleading, inappropriate, and inconsistent with existing consumer protections.

{¶ 60} Direct Energy opposes Staff's proposal for several reasons. Among other arguments, Direct Energy believes that the inclusion of a price-to-compare statement on customer bills would treat default service as a preferred, Commission-approved product; provide an undue advantage to the natural gas company; mislead customers by referencing a prior month's default service price; hamper competition; and fail to account for the customer's unique preferences. In its reply comments, Direct Energy asserts that OCC's proposed changes to Staff's price-to-compare statement do not cure its misleading nature and should also be rejected.

{¶ 61} NOPEC argues that Staff's proposed language is misleading and would cause customer confusion. NOPEC emphasizes that, because the SCO rate is a variable monthly rate, inclusion of the prior month's SCO rate on customer bills would not provide an accurate rate comparison by which customers can determine whether they will save money in future months through a competitive supplier. NOPEC adds that Staff's proposed language implies that the SCO is a valid apples-to-apples comparison to suppliers' rates, without recognizing that suppliers offer a variety of products, including fixed-rate offers for a term of years. NOPEC also notes that the proposed language implies that customers will save money by selecting a competitive supplier, which may or may not be the case in the long term.

{¶ 62} Staff also proposes to modify the current “apples to apples notice” required to be included on customer bills under existing Ohio Adm.Code 4901:1-13-11(B)(27), such that the rule would require “notice of the [C]ommission’s energy choice website to view the gas or natural gas company’s standard choice offer (SCO) rate or gas cost recovery (GCR) rate and other CRNGS rate offers, if the company has a choice program.”

{¶ 63} Dominion/VEDO state that they do not object to Staff’s proposed revision, but seek clarification to confirm that Staff merely intends to make the rule more descriptive and not to substantively change what is required in the bill notice.

{¶ 64} Direct Energy asserts that Staff’s proposal is aligned with Ohio’s energy policy in R.C. 4929.02, appropriately encourages competition, and will fully inform customers.

{¶ 65} NOPEC requests that the Commission’s Energy Choice Ohio website be modified to include a listing of governmental aggregators’ websites and that the language in the proposed rule also be modified to reference this listing.

{¶ 66} Dominion/VEDO state that, while they do not object in principle to NOPEC’s request that information regarding governmental aggregators be displayed on the Commission’s Energy Choice Ohio website, it is important that such inclusion does not lead to customer confusion. Dominion/VEDO emphasize that, because aggregation programs are location specific and not available to all customers, any disclosure of aggregation rates on a general informational website should clearly address customer eligibility.

{¶ 67} RESA asserts that NOPEC’s proposal could result in customer confusion because customers may not be eligible or reside in an aggregation area. RESA believes that a better practice is to disseminate aggregation-related information directly to eligible customers within the aggregation’s territory. RESA adds that the Commission’s Energy Choice Ohio website already includes sufficient aggregation information and interactive maps showing the location of both electric and gas aggregations.

{¶ 68} IGS responds that NOPEC’s proposal would be better addressed outside of

this rulemaking proceeding. IGS notes that the Commission's Energy Choice Ohio website already includes a link to the government aggregator maps, which enable customers to enter their address to determine whether they are within an aggregation territory. IGS also asserts that, because the Energy Choice Ohio website is organized by natural gas company territory, and not all customers within the same natural gas company territory would be eligible for a governmental aggregation, the inclusion of aggregation information on the website could be confusing for customers. According to IGS, there are other fundamental differences between suppliers and governmental aggregators that would pose challenges with respect to incorporation of aggregation information on the website.

{¶ 69} Following careful consideration of the comments, the Commission finds that Staff's proposal to include a price-to-compare statement on customer bills, which is supported by OCC, should be adopted at this time, with certain modifications. Although we certainly acknowledge that customers may choose a supplier for various reasons, there is no doubt that many customers base their decision on whether they will experience savings on their monthly energy bills. As some of the commenters have noted, the Commission's Energy Choice Ohio website provides information intended to facilitate a comparison of rates that will enable customers to make informed decisions about their choice of supplier. However, as the COVID-19 pandemic has made clear, there are many Ohioans with insufficient or no internet access.² We, therefore, find it appropriate to provide customers with another tool to compare offers through the addition of a price-to-compare statement on their natural gas bills, which is a practice that has occurred for many years with respect to bills for electric service. In response to certain concerns raised in this proceeding, Staff's proposed price-to-compare statement has been revised to apply only to residential and small commercial customer bills issued by natural gas companies with choice programs, as well as to read as follows: "When shopping for a natural gas supplier, it may be useful to compare supplier offers with the standard choice offer (SCO) rate [or, if applicable, the gas

² See <https://innovateohio.gov/wps/portal/gov/innovate/priorities/resources/broadband/overview> (noting that, "[f]or more than 300,000 households, which is close to 1 million Ohioans, a major barrier they face is access to high-speed internet" and addressing InnovateOhio's broadband strategy).

cost recovery (GCR) rate] available to eligible customers, which varies monthly based on the market price of natural gas. Price represents one feature of any offer; there may be other features which you consider of value. More information about the SCO [or GCR, if applicable] and other suppliers' offers is available at energychoice.ohio.gov or by contacting the PUCO." Because this price-to-compare statement references the Commission's Energy Choice Ohio website, we have eliminated the separate "apples-to-apples" bill notice requirement in current paragraph (B)(27) of the rule. Finally, because the Energy Choice Ohio website already provides an extensive amount of aggregation information, including interactive maps, the Commission declines to adopt NOPEC's proposal at this time.

{¶ 70} Staff also proposes that new Ohio Adm.Code 4901:1-13-11(K) be adopted, which would provide that residential bills may only contain charges for the natural gas commodity and tariffed distribution service.

{¶ 71} OCC states that Staff's proposal is an important consumer protection that should be adopted by the Commission. In its reply comments, OCC adds that Staff's proposal will assist consumers in managing the complexity of their natural gas bills, while protecting billing integrity and accuracy. OCC asserts that there is no reason for non-commodity charges to appear on a natural gas bill that is subject to the Commission's exclusive jurisdiction and regulation and that providers of non-commodity goods and services should bill customers separately.

{¶ 72} Dominion/VEDO do not support the proposed rule. According to Dominion/VEDO, the inclusion of non-service-related charges on the bill should be subject to the natural gas company's reasonable discretion, as well as technical limits like bill spacing and programming requirements. Dominion/VEDO state that any abuses in this area should be handled directly by addressing either the actor or the practice and not by universally removing an option that customers may find beneficial. In their reply comments, Dominion/VEDO assert that OCC failed to offer any explanation or support for its claim that Staff's proposal is an important consumer protection. Dominion/VEDO also reiterate that the inclusion of non-commodity charges on residential bills should remain

subject to the reasonable discretion and technical capabilities of each natural gas company. In response to alternative proposals offered by RESA and Direct Energy, Dominion/VEDO state that, because not all natural gas companies have choice programs, and given that billing can vary by company, it is better to address third-party access issues in company-specific tariffs rather than in the rules. In response to an alternative put forth by IGS, Dominion/VEDO assert that it would not be prudent to require each natural gas company to include the same bill messaging concerning non-tariffed and non-regulated services. According to Dominion/VEDO, each natural gas company should be permitted to manage the limited available space on its bill, tailor the bill messaging to its customers, and propose bill format changes that are both cost-effective and appropriate for its service territory. In response to Infinite Energy, Dominion/VEDO assert that, given the generally scarce resources of interested stakeholders, and the utility-specific nature of billing issues, a workshop is not necessary and would not be productive at this time.

{¶ 73} Duke opposes Staff's proposal for two reasons. First, Duke states that, as a combination utility, the vast majority of its customers are issued bills with both electric and natural gas charges and, therefore, it is not feasible for Duke to limit its bills to only natural gas charges. Second, noting that customers prefer to receive fewer bills, Duke asserts that customers should have the ability to choose whether charges for items other than the natural gas commodity and tariffed distribution service appear on their bills.

{¶ 74} RESA argues that the Commission should maintain the status quo and continue to permit natural gas companies to include non-commodity charges on residential bills. RESA emphasizes that Staff has provided no explanation for its proposal and that, in the absence of a compelling reason for the change, the Commission should not abandon its current policy. RESA also states that it would not be opposed to a new provision that would ensure fair and equal access to non-commodity billing and proposes language on this issue. In its reply comments, RESA asserts that OCC, which is the only commenter that supports Staff's proposal, failed to offer any evidence that the inclusion of non-commodity charges has resulted in misuse of customer bills. RESA emphasizes that the comments in this

proceeding demonstrate the benefits of the status quo, while showing that many bills include non-commodity charges, that the billing of non-commodity charges is a convenience for customers, and that the natural gas companies have not identified or experienced issues resulting from non-commodity billing.

{¶ 75} IGS also opposes Staff's proposal. Noting that it has made significant investments to provide its customers with the ease and convenience of including their monthly home warranty charge on their gas utility bill, IGS argues that its customers benefit from the ease and convenience associated with the service and prefer a consolidated utility bill. IGS adds that there are currently multiple consumer protections with regard to these services within the Commission's rules and the Ohio Consumer Sales Practices Act. IGS asserts that Staff's proposal will not only harm customers, but also the small businesses that assist with claims and service calls and IGS itself, contrary R.C. 107.52, which requires that the Commission eliminate or adequately reduce the adverse business impact in its rules. According to IGS, the proposed rule revision would unnecessarily end a practice that has been in place for more than a decade and result in lapsed warranty protection and denied claims for customers, as well as increased expenses and stranded costs, fewer customers, and job loss for IGS. As an alternative to Staff's proposal, IGS recommends that the Commission consider requiring customer-friendly disclosures and other uniform bill format revisions to emphasize the distinction between optional non-commodity charges and charges for regulated gas service. Finally, IGS claims that Staff's proposal does not comply with R.C. 121.95, because it would result in the adoption of a new regulatory restriction, without the removal of two or more other existing regulatory restrictions. In its reply comments, IGS states that the comments in this proceeding demonstrate the benefits to customers provided by consolidated utility billing, while OCC, the only commenter that supports Staff's proposal, failed to present any evidence that a change in this longstanding practice is necessary or even allege the existence of abuse or harm to customers.

{¶ 76} Direct Energy argues that Staff's proposed language is unnecessary and should not be considered by the Commission. Alternatively, Direct Energy submits that the

language should be revised to permit competitive suppliers to include all of their charges on bills. Direct Energy adds that Staff's proposed language is vague as it does not explain what is considered a non-commodity charge. Direct Energy also suggests that the evaluation of what charges may be placed on a bill may be an issue that is better addressed in utility proceedings on a case-by-case basis. In its reply comments, Direct Energy states that it supports IGS' recommendation that the Commission impose additional consumer safeguards if it has concerns regarding non-commodity offerings. Direct Energy also proposes that a workshop be held to define non-commodity products and services and to promote the diversity of such offerings in Ohio.

{¶ 77} Infinite Energy states that, while current Ohio Adm.Code 4901:1-13-11(B)(20) permits the inclusion of non-commodity supplier charges on bills rendered through utility consolidated billing, the natural gas companies will only include commodity charges on bills, which results in the inconvenience of an additional invoice for the value-added products and services that customers have selected. Infinite Energy, therefore, proposes the formation of a workshop to discuss changes to the rule, in order to facilitate the inclusion of a competitive supplier's non-commodity charges on invoices generated through utility consolidated billing.

{¶ 78} Pivotal, which offers warranty services for behind-the-meter gas service lines, asserts that Staff's proposal is against the status quo in Ohio, not consistent with customers' interests, and contrary to the state policy in R.C. 4929.02. According to Pivotal, adoption of the proposed rule would eliminate existing flexibility for natural gas companies to provide customers with innovative products offered by both the utility and third parties like Pivotal and to include such products on a convenient, single bill. Pivotal adds that, as confirmed by a recent survey, its customers prefer the convenience of paying for warranty charges on the utility bill. Pivotal also emphasizes that the potential disruption and negative impact to customers of implementing the proposed rule is unnecessary and may cause confusion. Pivotal states that it takes no position regarding whether RESA's proposal should be adopted. Additionally, Pivotal takes no position as to whether additional protections

should be implemented beyond what is already in place, as IGS recommends, or whether the implementation of such protections would even provide any additional benefit to consumers.

{¶ 79} HomeServe, which offers various types of home repair service plans and has more than 167,000 customers that pay for their plans through charges on their gas utility bills, opposes proposed Ohio Adm.Code 4901:1-13-11(K). HomeServe argues that the proposed rule would cause disruption and confusion for its customers and that there is no reason to disturb the status quo. HomeServe further argues that it is consistent with the state policy in R.C. 4929.02 and in the best interest of its customers to retain their right to pay for their repair plans on their utility bills. In its reply comments, HomeServe points out that, with the exception of OCC's, all of the comments submitted in this proceeding assert that Staff's proposal would result in significant negative impacts for customers, including loss of warranty protection. HomeServe also notes that that most of the comments emphasize that the inclusion of charges for third-party services on the utility bill provides a convenient and safer option for customers. HomeServe adds that OCC did not explain its support for Staff's proposal or address the impact on consumers. HomeServe argues that third-party charges have been included on utility bills for over a decade; there is no justification for the change; the proposed rule is contrary to R.C. 121.95(F), which requires the Commission to reduce the number of regulations; and the BIA does not reflect, as required by R.C. 107.52, the proposed rule's impact on businesses other than natural gas companies. Further, HomeServe argues that RESA's proposed rule language is contrary to the best interest of consumers and should not be adopted, while the alternative proposed by IGS is not necessary, given existing protections under Ohio law.

{¶ 80} SCIC, which is a national trade association with members including manufacturers, service contract providers, administrators, and retailers offering service contracts on consumer goods and other products, states that the proposed rule would negatively impact its members and thousands of Ohio service contract customers. SCIC asserts that eliminating the longstanding ability of customers to pay for a home service

contract via their utility bills will result in customer confusion and loss of coverage, which could ultimately result in costly emergency repairs. SCIC concludes that the rules should continue to permit utility billing for home service contract program charges, which provides consumers an important and convenient protection against the cost and stress of dealing with emergency repairs.

{¶ 81} In our review of the electric safety and service standards in Ohio Adm.Code Chapter 4901:1-10, the Commission declined to adopt a similar recommendation offered by Staff to prohibit the inclusion of charges for non-commodity goods and services on electric bills. *In re the Commission's Review of its Rules for Electrical Safety and Service Standards Contained in Chapter 4901:1-10 of the Ohio Administrative Code*, Case No. 17-1842-EL-ORD, Finding and Order (Feb. 26, 2020) at ¶ 135, Entry on Rehearing (Jan. 27, 2021) at ¶ 54. Consistent with that decision, we find that proposed new Ohio Adm.Code 4901:1-13-11(K), which would impose an outright prohibition on the inclusion of charges for non-commodity goods and services on natural gas bills, should not be adopted at this time. Further, Staff's related proposal to modify current Ohio Adm.Code 4901:1-13-11(B)(20) is unnecessary and should not be adopted.

{¶ 82} For the protection of consumers, OCC proposes that the Commission adopt a new rule, as Ohio Adm.Code 4901:1-13-11(B)(14), that would require natural gas companies to conduct a shadow-billing analysis to compare the difference between what shopping customers paid for natural gas through their competitive suppliers and what they would have paid if they had been served through the SCO or GCR rate. OCC's proposed rule would also require a natural gas company to file an annual report with the Commission that describes the aggregated customer savings or losses. Additionally, OCC proposes that the Commission adopt a new shadow-billing statement as Ohio Adm.Code 4901:1-13-11(B)(15), which would list a shopping customer's gas supply costs and the SCO or GCR rate for the same level of usage. OCC states that the shadow-billing statement would assist customers in determining whether they are saving money with their supplier.

{¶ 83} Columbia responds that, while it does track the difference between the rates customers pay with a supplier and Columbia's SCO rate, this information is not summarily contained within the information technology system utilized by Columbia's call center that interacts with customers. Because OCC's proposed changes would require significant investment in an information technology system to capture the information, Columbia requests that the Commission reject OCC's proposal.

{¶ 84} Duke asserts that the Commission has rejected OCC's shadow-billing proposal in several prior cases and that it should again be rejected. Duke notes that OCC's proposal would require extensive modifications to Duke's billing system. Duke adds that the shadow-billing information is not a full or reliable means of determining the value of any particular competitive offer.

{¶ 85} Noting that the Commission previously rejected in a prior rulemaking a similar proposal offered by OCC, Dominion/VEDO assert that OCC fails to acknowledge that publicly available information already enables customers to understand the differences between suppliers' programs and rates, without placing the natural gas company in the inappropriate role of energy advisor. Dominion/VEDO add that OCC has not shown that the benefits of shadow billing would outweigh the costly billing system changes necessary to prepare the annual report and monthly statements.

{¶ 86} RESA also emphasizes that the Commission has repeatedly rejected similar proposals from OCC in the past. RESA opposes OCC's current recommendations for several reasons. First, RESA notes that a shadow-billing comparison is not necessary because the current rules already require a bill message that directs customers to the Commission's Energy Choice Ohio website, which includes current SCO and GCR pricing information. Further, according to RESA, shadow billing does not provide an apples-to-apples comparison, as it does not account for all of the terms and conditions that may influence a customer's decision to shop. Third, RESA notes that, because the SCO and GCR rates vary monthly and can fluctuate above or below a fixed rate offer, a shadow-billing comparison

could result in customer confusion. Finally, RESA contends that shadow billing will impose an unnecessary and unwanted administrative burden on the natural gas companies.

{¶ 87} Direct Energy opposes OCC's shadow-billing proposal, as it is based on an assumption that a customer switches solely based on savings compared to the SCO or GCR rate rather than choices based on diversity of products, technologies, and incentives. According to Direct Energy, OCC's proposed analysis would ignore the wide range of products and services tailored to meet the individual needs of consumers, fail to accurately capture cost savings, and fail to account for the fact that some customers shop to obtain price certainty through fixed price offers. Direct Energy contends that, as the state policy is to promote diversity of products and options for customers, any cost or savings analysis on an individual or aggregate basis must factor in the value-added products and services and other tangible benefits offered by suppliers. Direct Energy concludes that an alternative to OCC's proposal is to direct consumers to the Commission's Energy Choice Ohio website, which provides information to enable consumers to compare diverse products available in the market.

{¶ 88} IGS argues that shadow-billing data is misleading and provides no value to customers, because it has no bearing on current rates and fails to account for specific products such as long-term fixed price offers and carbon-neutral gas. IGS adds that OCC's proposal would result in costs for system changes that are not justified by any sort of benefit.

{¶ 89} Consistent with our decisions in prior cases, the Commission declines to adopt OCC's shadow-billing proposal. *2009 MGSS Case*, Finding and Order (July 29, 2010) at 48-49; *In re Duke Energy Ohio, Inc.*, Case No. 19-1593-GE-UNC, Finding and Order (Dec. 18, 2019) at ¶¶ 28, 35; *In re the Commission's Review of its Rules for Electrical Safety and Service Standards Contained in Chapter 4901:1-10 of the Ohio Administrative Code*, Case No. 17-1842-EL-ORD, Finding and Order (Feb. 26, 2020) at ¶ 162, Entry on Rehearing (Jan. 27, 2021) at ¶ 35. As OCC has acknowledged, its proposal would require significant billing system changes. Further, there are a number of existing resources, such as the Commission's

Energy Choice Ohio website, that provide a substantial amount of information for customers to compare pricing and available offers.

{¶ 90} OCC recommends that Ohio Adm.Code 4901:1-13-11(C) be amended to provide that the due date for residential natural gas bills issued outside the state be no less than 21 days, rather than the current 17 days, from the date on the bill, consistent with a similar provision for electric customers in Ohio Adm.Code 4901:1-10-22(B)(10). OCC asserts that this modification will prevent customer confusion and ensure consistency between the minimum standards for electric and natural gas service.

{¶ 91} Dominion/VEDO urge the Commission to retain the 17-day requirement, which was adopted by the Commission in the prior rulemaking. According to Dominion/VEDO, the costs of moving from a 17-day requirement to a 21-day requirement would be significant, while there has been no showing by OCC that the benefits would outweigh the costs. Dominion/VEDO add that they have not heard complaints from customers with respect to the 17-day timeframe. Dominion/VEDO believe that the 17-day requirement has proven feasible and provides an adequate amount of time for customers to pay their bills, and should, therefore, be retained.

{¶ 92} As we stated in the *2013 MGSS Case*, a 17-day period appropriately balances the interests of the natural gas companies that elect to use out-of-state printers as a means to minimize costs, and the vital need of residential customers to have adequate time to pay their bills. *2013 MGSS Case*, Second Entry on Rehearing (Nov. 12, 2014) at 7. Although we continue to encourage Dominion and VEDO to seek cost-effective billing options that afford customers more time to pay their bills, we find it unnecessary to modify Ohio Adm.Code 4901:1-13-11(C) at this time. We direct Staff to continue to monitor any customer reports of insufficient time for bill payment and to bring any concerns to the Commission's attention.

7. OHIO ADM.CODE 4901:1-13-12 (CONSUMER SAFEGUARDS AND INFORMATION)

{¶ 93} Ohio Adm.Code 4901:1-13-12(D)(1) currently prohibits a natural gas company from disclosing a customer's account number without the customer's written consent or

electronic authorization, or a court or Commission directive, except for certain specified purposes. In addition to customer account number, Staff proposes to specify that the rule applies to any customer information not provided on the eligible-customer list prescribed in Ohio Adm.Code 4901:1-13-14(C).

{¶ 94} RESA argues that Staff's proposal is overly broad and would apply to information that is not sensitive. Noting that Staff's proposed language could also unintentionally hamper the natural gas company, RESA asserts that the Commission should allow customer-specific information to be reasonably disclosed for operational, safety, and dispute-resolution purposes or when authorized by Commission decision or Ohio law.

{¶ 95} Columbia responds that there is no need for any additional rule changes or exceptions to Staff's proposed rule. Columbia, therefore, opposes RESA's recommended language.

{¶ 96} Dominion/VEDO state that, if Staff's proposal is adopted, RESA's recommended changes should also be adopted, as they reflect proper situations in which customer information should be disclosed.

{¶ 97} The Commission finds that Ohio Adm.Code 4901:1-13-12(D)(1) and (D)(2) prohibit, except as specifically permitted therein, the disclosure of a customer's account number or social security number, respectively. We find that Staff's proposed addition to paragraph (D)(1) is unnecessary and should not be adopted at this time. We find that Staff's other proposed amendments to paragraph (D), which are mainly intended to address electronic consent by the customer, are reasonable and should be adopted.

{¶ 98} Ohio Adm.Code 4901:1-13-12(E) currently provides that, upon customer request, a natural gas company must timely provide 12 months of a customer's usage history and 24 months of a customer's payment history to the customer. Staff proposes that the rule be modified to specify that this information must be provided without charge.

{¶ 99} OCC supports Staff's proposal and recommends that the rule be further modified to require that at least 36 months of a customer's usage and payment history be provided upon request. OCC asserts that this timeframe is consistent with the record-keeping requirements for natural gas companies in Ohio Adm.Code 4901:1-13-03 and would protect and better inform customers with respect to their usage and payment history.

{¶ 100} Dominion/VEDO note that the Commission has already rejected OCC's proposal in a prior rulemaking and rejected the argument that the 36-month record retention requirement provides a valid basis for amending the rule. Dominion/VEDO argue that OCC has failed to offer a compelling reason for the Commission to reverse its prior decision.

{¶ 101} The Commission finds that Staff's proposed clarification is reasonable and should be adopted. Consistent with our decision in the *2009 MGSS Case*, we decline to adopt OCC's proposed 36-month timeframe, as the current rule is sufficient to meet customer needs. *2009 MGSS Case*, Finding and Order (July 29, 2010) at 63-64.

{¶ 102} Staff proposes to move certain requirements pertaining to the provision of customer information by natural gas companies to CRNGS suppliers from Ohio Adm.Code 4901:1-29-09(C), in the CRNGS Rules, to new Ohio Adm.Code 4901:1-13-12(F). If Staff's proposal is adopted by the Commission, Ohio Adm.Code 4901:1-29-09(C) would then be removed through amendment or rescission, in order to eliminate any duplication of rules.

{¶ 103} In order to prevent confusion for their customers, Suburban and Ohio Gas argue that new Ohio Adm.Code 4901:1-13-12(F) should be limited to natural gas companies that offer a choice program.

{¶ 104} RESA states that it does not object to Staff's proposal to move Ohio Adm.Code 4901:1-29-09(C)(5), regarding notice to customers of their right to object to being included on the eligible-customer list, to Ohio Adm.Code Chapter 4901:1-13 as new Ohio

Adm.Code 4901:1-13-12(F)(3). RESA notes, however, that Staff does not propose to modify the rule language as it did with respect to a similar provision in Ohio Adm.Code 4901:1-10-24(F)(4) for electric customers in Case No. 17-1842-EL-ORD. RESA believes that the rules for electric and natural gas customers should be more consistent and proposes language that would accomplish this objective.

{¶ 105} Columbia responds that the language requested by RESA would require the ability for customers to contact Columbia by electronic means. Columbia notes that it does not have a company email address and is not staffed to review and respond to emails that are provided to its many customers. Because it would require a significant increase in personnel and expense, Columbia urges the Commission to reject RESA's proposal.

{¶ 106} Dominion/VEDO assert that the benefits of consistency in the written customer list notices for the electric and natural gas companies would not outweigh the costs. According to Dominion/VEDO, RESA's proposal raises programming cost and bill space concerns resulting from the additional content that they would be required to include in their written customer list notices and on their websites.

{¶ 107} Direct Energy notes that, although it does not oppose Staff's proposal to move Ohio Adm.Code 4901:1-29-09(C) to 4901:1-13-12, Direct Energy believes that Staff's plan to eventually rescind Ohio Adm.Code 4901:1-29-09(C) should not be used as a means to reduce rules applicable to competitive suppliers without eliminating any regulatory restrictions. Direct Energy recommends that the references to Ohio Adm.Code 4901:1-29-09 remain in Ohio Adm.Code Chapter 4901:1-13 and that the rules be addressed in the Commission's review of Ohio Adm.Code Chapter 4901:1-29.

{¶ 108} The Commission finds that Staff's proposal is reasonable and should be adopted, as part of Staff's ongoing plan to consolidate all minimum gas service standards in the same chapter. Contrary to Direct Energy's claim, current Ohio Adm.Code 4901:1-29-09(C) is applicable solely to natural gas companies and does not impose regulatory

restrictions on CRNGS suppliers. In response to the request of Suburban and Ohio Gas, new Ohio Adm.Code 4901:1-13-12(F) has been modified to clarify that its requirements only apply to natural gas companies with a choice program. Finally, we find it unnecessary to adopt RESA's proposal, particularly in light of the programming and other costs that it would require at this time.

{¶ 109} Staff proposes that new Ohio Adm.Code 4901:1-13-12(G) be adopted to permit a customer to request that the natural gas company place a retail natural gas supplier block on the customer's account, which would prevent the customer's commodity service provider from being switched without the customer's authorization through a code or personal identification number provided to the natural gas company.

{¶ 110} OCC asserts that Staff's proposal should be adopted to protect consumers against slamming. Noting that local telephone consumers have had similar protection since 2003, OCC states that a switching block ensures that unscrupulous suppliers are unable to switch customers' gas service without explicit authorization. In its reply comments, OCC emphasizes that Staff has offered a proactive proposal to prevent switching without explicit authorization from the customer, whereas other commenters prefer an ineffective reactive approach of punishing bad actors or relying upon harmed customers to initiate the Commission's complaint resolution process. OCC believes that current protections in the existing rules are not working and that instances of slamming will continue to occur until consumers are provided better tools like Staff's proposed blocking mechanism. OCC also notes that, although it is not opposed to the customer verification process proposed by Columbia as an alternative, OCC believes that Staff's proposal, which requires a personal identification number, is a more complete approach that offers better consumer protection against slamming.

{¶ 111} One member of the general public provided comments recommending that customers also be permitted to opt out of being contacted by competitive suppliers, whether by phone, mail, or door-to-door solicitation, and to rescind any contract entered into with a competitive supplier within a 60-day period.

{¶ 112} Dominion/VEDO oppose Staff's proposal, in the absence of a compelling showing that a supplier block is clearly needed. Dominion/VEDO state that the proposal would result in significant and unwarranted programming and business-process costs, while raising obstacles to shopping that are not consistent with the state's energy policy. In their reply comments, Dominion/VEDO assert that OCC has not identified any specific customer issue that would justify this new requirement. According to Dominion/VEDO, any issues with switching should be handled directly by addressing the actor or practice.

{¶ 113} Columbia recommends that, if a customer with a block on the account seeks to switch suppliers, the authorization for the switch be provided either through a customer-provided code or other means provided by the natural gas company rather than through a personal identification number that may be difficult for the customer to remember.

{¶ 114} Duke believes that Staff's proposal is problematic, as it would take considerable time to implement through substantial technology changes that may be costly. Duke adds that involuntary switching should be prevented through aggressive monitoring of the market and punishing the bad actors.

{¶ 115} RESA objects to Staff's proposal for several reasons. First, RESA contends that the Commission has already adopted rules in Ohio Adm.Code Chapter 4901:1-29 that protect customers against slamming, while there is no data indicating that the existing rules are inadequate. Further, RESA argues that the proposed rules could be burdensome and confusing for customers by leading them to believe that requesting a block on their account removes them from the eligible-customer list and prevents them from receiving supplier marketing. RESA emphasizes that the proposed rule could also be frustrating for customers, as they may forget or lose their code to remove the block. In response to OCC's claim that telecommunications customers have a similar type of protection, RESA notes that the preferred carrier freeze that OCC references is not a mandatory requirement for telecommunications providers, unlike the obligatory block that

Staff has proposed in this proceeding. Regarding Columbia's proposed alternative of customer verification questions, RESA asserts that it is unnecessary to add another level of verification, as the Commission already has mechanisms in place to protect customers.

{¶ 116} IGS argues that Staff's proposed rule is unnecessary and overly burdensome. IGS asserts that competitive suppliers already operate under a strict set of enrollment rules set forth in Ohio Adm.Code Chapter 4901:1-29 and that an additional enrollment step is, therefore, not needed to protect customers. IGS also claims that Staff's proposed customer block provision would result in confusion, as neither the customer nor the competitive supplier would know whether the completed enrollment process was valid. In its reply comments, IGS reiterates that Staff's proposal is unnecessary as the Commission's existing rules protect customers from slamming. IGS also opines that Columbia's alternative recommendation is likewise unnecessary, could require system changes, and may result in confusion for the customer and supplier.

{¶ 117} Direct Energy opposes Staff's proposal, as an unnecessary and unreasonable restriction on the competitive market that would favor default service. Direct Energy believes that there are sufficient procedures in place to block unauthorized enrollments. Direct Energy also contends that Staff's proposed block does not follow the intent of the General Assembly to reform Ohio's regulatory environment by reducing burdensome and unnecessary regulation. Direct Energy adds that, if the Commission nonetheless determines that customers should have an additional key to unlock an enrollment, the Commission should implement an enroll from the wallet option that would use information known only to the customer and shared with the natural gas company rather than the utility account number.

{¶ 118} Consistent with our decision in the most recent review of the electric safety and service standards in Ohio Adm.Code Chapter 4901:1-10, the Commission declines to adopt Staff's proposal to establish a switching block provision in the MGSS rules. *In re the Commission's Review of its Rules for Electrical Safety and Service Standards Contained in Chapter 4901:1-10 of the Ohio Administrative Code*, Case No. 17-1842-EL-ORD, Finding and

Order (Feb. 26, 2020) at ¶ 178, Entry on Rehearing (Jan. 27, 2021) at ¶ 46. As required by R.C. 4929.22, there are existing provisions in Ohio Adm.Code Chapters 4901:1-13 and 4901:1-29 that guard against unjust practices such as slamming, while striking a suitable balance between protecting vulnerable customer populations and allowing for fair competition. The current rules are intended to prevent unauthorized supplier switching throughout the solicitation and enrollment process, such as third-party verification following in-person sales and contract rescission periods. There are also proactive steps that consumers can take to minimize unwanted solicitation from suppliers. Accordingly, we find that the proposed rule is unnecessary.

{¶ 119} Staff proposes that new Ohio Adm.Code 4901:1-13-12(H) be adopted to provide for a multi-step notification process with respect to contract portability in the event of a customer move request.

{¶ 120} OCC argues that, in order to protect consumers from slamming, contract portability should be prohibited unless it is authorized pursuant to a Commission-approved tariff. OCC further argues that the continuation of service at the new address should not be permitted to occur unless the customer consents to the change and provides the account number to the supplier to authorize the change. Further, in order to ensure that harmful contracts are not transferred from one address to another, OCC contends that the natural gas company should be required to inform customers about the natural gas rate paid to their supplier for each of the previous 12 months as compared to the SCO or GCR rate. Consistent with its recommendations, OCC offers specific modifications to Staff's proposed rule language.

{¶ 121} Duke asserts that the implementation of Staff's proposal would require time and money, as it would involve substantial technological and process changes.

{¶ 122} Dominion/VEDO state that the first part of Staff's proposed rule, which would require the natural gas company to provide a moving customer with certain information regarding contract portability, would impose programming and process costs

on the company, in that the rule appears to require contract portability in all instances. Dominion/VEDO recommend that, if a notice of contract portability is required, it should advise customers to confirm portability questions with their supplier and, if portability is not an option, to explore supply options at the new premises. With respect to the second part of Staff's proposed rule, which would require the natural gas company to advise the customer of its choice program and the Commission's Energy Choice Ohio website, Dominion/VEDO assert that customers may infer from this unsolicited message that they should consider a change in their supplier, while inviting customers to view the natural gas company as an energy commodity advisor, which is beyond its proper role. Dominion/VEDO also raise concerns with the last part of the proposed rule, which would provide that the account number will be transferred to the supplier once notification is provided to the customer. Dominion/VEDO oppose this provision to the extent that it would condition the natural gas company's transfer of a supplier contract on prior satisfaction of the foregoing notice requirements. Dominion/VEDO state that whether a contract is portable depends on the contract between the customer and the supplier, as well as elections made by the supplier with the natural company. According to Dominion/VEDO, these legal obligations exist independently of any customer notice. Dominion/VEDO add that the provision would put the orderly transfer of the customer's gas supply at risk. Dominion/VEDO conclude that, if the Commission nonetheless adopts Staff's proposed rule, they will need time to make the necessary programming and business-process adjustments.

{¶ 123} Additionally, Dominion/VEDO state that OCC's proposed changes would also improperly position the natural gas company in the role of energy advisor by requiring the company to review past rate comparisons with the customer. Further, Dominion/VEDO assert that OCC's modifications would require the natural gas company to advise the customer in a way that may be contrary to the contract between the customer and the supplier or to interfere with that arrangement. Finally, Dominion/VEDO maintain that there is no need or feasible way to address contract portability, which varies by supplier, in the tariff.

{¶ 124} Direct Energy replies that OCC's proposal would create an opportunity for natural gas companies to insert themselves between a customer and supplier and, in essence, market the default service product to customers when a customer moves to a new address. Direct Energy also reiterates that comparing the historical SCO or GCR rate to a supplier's rate is not an apples-to-apples comparison and the use of that simplistic price comparison is misleading to customers. Direct Energy adds that, if there have been issues with slamming in the contract-portability context, the Commission should address those issues directly rather than by adding unnecessary requirements for shopping customers. Direct Energy concludes that OCC's proposal would frustrate shopping customers, require misleading comparisons, elevate default service, disrupt existing supplier contracts, and harm the competitive market.

{¶ 125} In its reply comments, IGS argues that the Commission should initially focus on requiring all of the natural gas companies to provide contract portability prior to implementing related rules. IGS also opposes OCC's proposed revisions, as there is no risk of slamming or a change in contract provisions in the context of contract portability. IGS adds that OCC's changes would require outdated price-to compare information, elevate the SCO or GCR rate, and place the natural gas company in an inappropriate advisory role.

{¶ 126} RESA asserts that Staff's proposed rule is problematic, because it exceeds the natural gas company's role, would require the company to provide advice to the customer regarding a service that the company does not provide, and may result in customers breaching their existing supply contracts. RESA recommends that Staff's proposed language be revised to provide that, if the customer asks the natural gas company for further information about the supplier's service, the company will either transfer the customer to the supplier or give the customer the supplier's contact number. Additionally, RESA suggests that the rule provide that the customer should be directed to the Commission's Energy Choice Ohio website, if the customer asks for further information about other supply options. With respect to OCC's proposed changes, RESA responds that OCC seeks to undermine the supplier-customer relationship by placing the natural gas

company in an inappropriate advisory position in which it could interfere with the contractual rights of the supplier and its customer.

{¶ 127} Columbia requests that, if the Commission adopts RESA's rule changes, all participating suppliers have a continuing obligation to provide up-to-date contact information for Columbia to provide to inquiring customers for further information about their particular supplier's services.

{¶ 128} Dominion/VEDO agree with RESA that, if the Commission chooses to adopt Staff's proposal, revisions must be made to ensure that the natural gas company is not advising customers regarding its choice program or the competitive market. Dominion/VEDO state that, although they do not object in principle to RESA's recommendation that an inquiring customer be transferred or referred to the supplier, the process should be governed by each natural gas company's policies, procedures, and tariff provisions and should not be restricted or mandated by a rule. Dominion/VEDO also note that they do not object to RESA's additional recommendation that customers be referred to generally available resources if they inquire regarding supply options.

{¶ 129} The Commission finds that new Ohio Adm.Code 4901:1-13-12(H) should not be adopted, as proposed by Staff or OCC, in light of the programming and other costs that would be required for the natural gas companies to implement the rule, and given that the availability of contract portability varies based on system and supplier. Further, we agree with Dominion/VEDO that, at this time, the contract portability process is more appropriately administered in accordance with each natural gas company's policies, procedures, and tariff provisions rather than a rule.

8. OHIO ADM.CODE 4901:1-13-14 (COORDINATION BETWEEN GAS OR NATURAL GAS COMPANIES AND RETAIL NATURAL GAS SUPPLIERS OR GOVERNMENTAL AGGREGATORS)

{¶ 130} Staff proposes that a new sentence be added to Ohio Adm.Code 4901:1-13-14(B) to provide that a current copy of a natural gas company's supplier agreement be filed with its tariff.

{¶ 131} Dominion/VEDO recommend that Staff's proposed sentence be clarified to specify that a current copy of the supplier agreement must be filed with the natural gas company's tariff or tariff docket. Columbia agrees that Staff's proposal requires clarification to specify that a current copy of the supplier agreement must be filed in the natural gas company's tariff docket. Acknowledging that their proposal is similar to Columbia's, Dominion/VEDO claim that their proposed change more expressly provides flexibility in how supplier agreements may be filed. For that reason, Dominion/VEDO request that their revision be adopted.

{¶ 132} RESA states that it interprets Staff's proposal as referring to the form agreement rather than to actual supplier agreements that have been executed. With that clarification, RESA supports Staff's proposal.

{¶ 133} In order to prevent confusion for its customers, Ohio Gas requests that the rule be limited to natural gas companies that offer an active choice program.

{¶ 134} The Commission finds that Staff's proposed addition to Ohio Adm.Code 4901:1-13-14(B) is reasonable and should be adopted. The Commission has also revised the rule to reflect the clarifying changes offered by Columbia, Dominion, and VEDO. In response to the request of Ohio Gas, we find that it is sufficiently clear that Ohio Adm.Code 4901:1-13-14 in its entirety is applicable only to natural gas companies with a choice program and, therefore, no changes are necessary.

{¶ 135} Staff proposes that Ohio Adm.Code 4901:1-13-14(C) be revised to provide that all information on the customer-eligible lists be identified in the tariff and approved by the Commission.

{¶ 136} Ohio Gas requests that the rule be limited to natural gas companies that offer an active choice program, in order to prevent confusion for its customers.

{¶ 137} RESA supports Staff's proposal, as it will provide greater transparency and facilitate easier access to important information for market participants.

{¶ 138} Infinite Energy recommends that Ohio Adm.Code 4901:1-13-14(C) be revised to require natural gas companies to provide eligible-customer lists by customer class at the request of a competitive supplier. Infinite Energy notes that the current rule requires competitive suppliers to purchase eligible-customer lists on an all-or-nothing basis, which imposes additional unnecessary costs on the market. Infinite Energy also asserts that a cap should be set on the price that the natural gas companies charge competitive suppliers for the provision of the eligible-customer lists. Specifically, Infinite Energy proposes that the rule should prohibit natural gas companies from charging more than \$150 per 500,000 customers for the provision of any eligible-customer list, as well as no more than a \$100 administrative fee for the segmentation of any eligible-customer list. According to Infinite Energy, its proposal will ensure cost efficiency and consistency in pricing across the natural gas companies.

{¶ 139} Columbia responds that, in lieu of a rule change, fees associated with the eligible-customer list should continue to be set by the Commission on a case-by-case basis, in order to ensure that any changes reflect the individual nature of each natural gas company's gas cost recovery. For example, Columbia notes that all of the money that it collects from suppliers for eligible-customer lists is credited to one of its riders.

{¶ 140} Dominion/VEDO assert that Infinite Energy's proposal is better addressed in a base rate case or similar proceeding affecting the terms and conditions of choice programs. With respect to the proposed cap on charges for eligible-customer lists, Dominion/VEDO argue that Infinite Energy ignores the tariffed charges that exist for natural gas companies other than Duke, as well as the fact that each company's charge reflects company-specific cost structures and pricing approaches.

{¶ 141} The Commission finds that Staff's proposal to amend Ohio Adm.Code 4901:1-13-14(C) is reasonable and should be adopted. With respect to Infinite Energy's request that the rule be amended to require eligible-customer lists based on customer class, we find that the proposal is better addressed on a company-by-company basis and should,

therefore, not be adopted as part of the rule. We reach the same conclusion with respect to the proposed price cap.

{¶ 142} Ohio Adm.Code 4901:1-13-14(D) provides that the natural gas company shall coordinate customer enrollment with the retail natural gas supplier and governmental aggregator in accordance with the procedures set forth in Ohio Adm.Code 4901:1-29-06, which Staff proposes to change to “as set forth in this chapter.”

{¶ 143} RESA recommends that, rather than refer to a specific chapter or rule, this provision be modified to require that the natural gas company coordinate customer enrollment with the retail natural gas supplier and governmental aggregator “in compliance with all applicable requirements.”

{¶ 144} Noting that enrollment issues may be governed by statute, agreement, or other regulations, Dominion/VEDO state that they support RESA’s proposed modification.

{¶ 145} The Commission finds that Ohio Adm.Code 4901:1-13-14(D) should be modified as proposed by RESA.

{¶ 146} Columbia recommends that Ohio Adm.Code 4901:1-13-14(F) and (I) be modified to include electronic notification as another method of providing customer notice of an enrollment or cancellation with a competitive supplier. Dominion/VEDO support Columbia’s proposed modifications to Ohio Adm.Code 4901:1-13-14(F) and (I).

{¶ 147} As recommended by Columbia, Dominion, and VEDO, the Commission has modified Ohio Adm.Code 4901:1-13-14(F) and (I), as well as paragraph (H)(6), to permit a natural gas company to provide electronic notice of an enrollment, drop, or cancellation request to the customer, consistent with the comparable language for electric service in Ohio Adm.Code 4901:1-10-29.

{¶ 148} As another part of its plan to consolidate all minimum gas service standards in one chapter, Staff proposes that existing Ohio Adm.Code 4901:1-27-13(F) in the CRNGS Rules, which addresses the steps to be taken by a gas or natural gas company in the event of a material default by a CRNGS supplier, be moved to existing Ohio Adm.Code 4901:1-13-14(J). If the proposal is adopted, the existing provisions in Ohio Adm.Code 4901:1-27-13(F) would then be removed through amendment or rescission, in order to eliminate any duplication of rules.

{¶ 149} Direct Energy argues that the current provisions in Ohio Adm.Code 4901:1-27-13(F) should not be moved to Ohio Adm.Code 4901:1-13-14(J). If the Commission nonetheless moves the material default provisions as proposed by Staff, Direct Energy recommends that due process protections be added to the rule. Specifically, Direct Energy proposes that competitive suppliers and governmental aggregators should be afforded an opportunity to respond to a filing made by a natural gas company seeking to terminate or suspend the supplier or governmental aggregator from participating in the choice program. Direct Energy further proposes that a Commission order be required to suspend or terminate participation in the choice program in lieu of the automatic suspension or termination process that is contemplated under the current rule. In support of its proposal, Direct Energy contends that the return of a supplier's customers to the natural gas company in the event of a default is antithetical to the development of a functional competitive market, as well as unnecessary to protect the natural gas company, given that there are existing tariff provisions that afford adequate protections. Direct Energy also contends that Staff's proposal to eventually rescind the existing provisions in Ohio Adm.Code 4901:1-27-13(F) should not be used as a means to adopt new regulatory restrictions applicable to competitive suppliers.

{¶ 150} RESA states that it is indifferent as to the relocation of the rule. RESA, however, is concerned that the rule provides for an automatic suspension or termination if the Commission or attorney examiner does not act within a certain time period. Noting that there is no equivalent automatic process with respect to competitive retail electric service

providers, RESA asserts that the inflexible process set forth in the rule for gas suppliers does not provide reasonable review periods or allow for an opportunity for the supplier to cure the alleged material default, an opportunity for the natural gas company and the supplier to meet and discuss in good faith the alleged material default or the proposed remedy, or an opportunity to respond to the natural gas company's filing at the Commission. RESA further asserts that the natural gas company has wide latitude to find a material default and trigger the automatic process. RESA, therefore, proposes new language to address its concerns.

{¶ 151} Columbia opposes RESA's and Direct Energy's proposed changes. Columbia notes that its tariff provides more specificity as to next steps if a supplier is in default and does not require Columbia to file a notice with the Commission. Columbia argues that, if RESA's and Direct Energy's proposals are adopted, Columbia would be required to increase its credit and collateral requirements, which are set based on its ability to act quickly in the event of a termination from the choice program.

{¶ 152} Dominion/VEDO also oppose RESA's and Direct Energy's proposals as unnecessary, given that cases involving the suspension or termination of a CRNGS certificate are relatively rare, as well as the fact that the Commission can provide adequate due process protections without the adoption of additional procedural steps in the rules. Dominion/VEDO also oppose the recommendation to eliminate automatic termination or suspension, given that a supplier that fails to meet its obligations can put the entire system at risk. According to Dominion/VEDO, the rules provide an important backstop and emphasize the critical role of suppliers in meeting their supply obligations and balancing the system. With respect to RESA's claim that the tariffs provide wide latitude for a natural gas company to claim that a material default has occurred, Dominion/VEDO note that RESA failed to identify a single instance of a natural gas company filing an action to suspend or terminate a supplier certificate based on immaterial issues.

{¶ 153} The Commission adopts Staff's proposal to move the provisions in Ohio Adm.Code 4901:1-27-13(F) to Ohio Adm.Code 4901:1-13-14(J), in order to consolidate

all minimum gas service standards in the same chapter. Further, we decline to adopt RESA's and Direct Energy's proposals as unnecessary. As Dominion/VEDO note, the Commission, in the event of an alleged material default, can provide for sufficient due process in lieu of imposing additional regulatory restrictions in the rule.

{¶ 154} NOPEC proposes that, for customers electing to rescind their enrollment with a competitive supplier, Ohio Adm.Code 4901:1-13-14(G) should include a requirement that rescission letters to customers must be in the form prescribed by the Commission. NOPEC also provides a sample rescission letter that it urges the Commission to adopt. According to NOPEC, its proposed rescission letter would make clear that the customer's supplier may have changed as a result of a governmental aggregation.

{¶ 155} OCC responds that the Commission should adopt NOPEC's proposal for a uniform rescission letter that makes clear to customers that their community has adopted governmental aggregation in compliance with R.C. 4929.26 and that customers have the right to rescind their enrollment if desired.

{¶ 156} Columbia responds that its rescission notices have not caused any issues. Columbia adds that NOPEC has not identified any specific instances where customers were confused and uninformed as to the rescission of their enrollment. Columbia requests that the Commission decline to adopt a rescission template that may not solve the alleged problem.

{¶ 157} Dominion/VEDO do not support adoption of NOPEC's form letter, as it is postured as a confirmation letter rather than a rescission letter as contemplated by the rule, which may result in confusion and frustration for customers. Dominion/VEDO also believe that the form letter could be interpreted as favoring the aggregator over other suppliers. Finally, Dominion/VEDO state that, as a general matter, it is not a prudent practice to have the rules dictate the form of customer correspondence in such detail; rather, Dominion/VEDO believe that the details should remain within the reasonable discretion of the natural gas company. Although Dominion/VEDO oppose NOPEC's proposal, they

note that they are willing to discuss potential improvements to enrollment letters with governmental aggregators if there are specific concerns.

{¶ 158} Direct Energy asserts that NOPEC proposes to establish a uniform rescission letter that favors municipal aggregation as opposed to fully informing customers of their right to rescind the enrollment. According to Direct Energy, NOPEC's proposed letter implies that a customer in a governmental aggregation program is not able to rescind the enrollment and that the customer may not leave the program for a period of two years. If the Commission adopts NOPEC's proposal, Direct Energy recommends that the letter solely focus on the customer's right to rescind and be revised to include key information, such as the deadline for the customer to rescind the enrollment before the customer receives service.

{¶ 159} The Commission declines to adopt NOPEC's proposal. We find that it is not necessary to impose a new regulatory restriction by requiring a form letter in the rule. Rather, we encourage NOPEC to work directly with the natural gas companies with respect to any proposed improvements to existing language or other recommended changes to customer communications.

{¶ 160} Ohio Adm.Code 4901:1-13-14(H)(1) provides that a customer returning to the natural gas company's commodity service for various specified reasons (specifically, default, abandonment, slamming, or certification rescission of a retail natural gas supplier or governmental aggregator) should not be liable for any costs associated with the switch. OCC recommends that non-payment of competitive supplier charges and enrollment in the percentage of income payment plan program be added to this list.

{¶ 161} Dominion/VEDO respond that, as they do not charge customer switching fees, OCC's proposal is not necessary as to them. Dominion/VEDO add that this rulemaking may not be an appropriate case in which to address this issue.

{¶ 162} IGS responds that OCC's proposal is inconsistent with Ohio Adm.Code 4901:1-29-06(K)(1) and (K)(2), as well as Ohio Adm.Code 4901:1-29-13(D)(1) and (D)(2). IGS also asserts that OCC's revisions to the rule could have unintended consequences, by creating a loophole for customers to avoid paying their supply charges by simply bouncing between suppliers and default service, while burdening other customers by increasing the charges collected through the uncollectible expense rider.

{¶ 163} The Commission finds that OCC's proposed additions to Ohio Adm.Code 4901:1-13-14(H)(1) are unnecessary regulatory restrictions that should not be adopted at this time.

9. GENERAL COMMENTS

{¶ 164} Direct Energy asserts that Staff's proposed amendments to Ohio Adm.Code Chapter 4901:1-13 do not comply with the General Assembly's mandate that regulatory restrictions must be reduced, in accordance with R.C. 121.95(F). According to Direct Energy, Staff's proposals should not be adopted unless additional regulatory restrictions are simultaneously eliminated.

{¶ 165} RESA argues that the Commission must review the new regulatory restrictions proposed by Staff to ensure compliance with R.C. 121.95(F). Like Direct Energy, RESA contends that the Commission should not proceed to adopt Staff's proposals without also removing regulatory restrictions as required by the statute.

{¶ 166} Columbia states that there are several changes proposed in this case that will, if adopted, take time to implement. Columbia, therefore, requests that the Commission provide natural gas companies at least 12 months to implement any adopted changes.

{¶ 167} As noted above, in the course of either adopting or rejecting proposals from Staff and the commenters in this proceeding, the Commission has carefully considered and complied with the requirements in R.C. 121.95(F). As reflected in the attached rules, we

have eliminated certain regulatory restrictions throughout Ohio Adm.Code Chapter 4901:1-13 to ensure compliance with the statute. Additionally, with respect to Columbia's request, we note that Columbia or any other natural gas company may seek a rule waiver, as necessary, to allow for sufficient time to implement any adopted rule amendments.

C. Conclusion

{¶ 168} The Commission has considered the matters set forth in R.C. 121.82 and the requirements in R.C. 121.95(F). With these factors in mind, and upon consideration of Staff's recommendations and the written comments, the Commission finds that Ohio Adm.Code 4901:1-13-02, -04, -08, -10, -11, -12, and -14 should be amended, as set forth in Attachment A. The Commission also finds that Ohio Adm.Code 4901:1-13-01, -03, -05, -06, -07, -09, and -13 should be adopted with no changes.

{¶ 169} The rules are posted on the Commission's Docketing Information System website at <http://dis.puc.state.oh.us>. To minimize the expense of this proceeding, the Commission will serve a paper copy of this Finding and Order only. All interested persons are directed to input case number 19-1429 into the Case Lookup box to view this Finding and Order, as well as the rules, or to contact the Commission's Docketing Division to request a paper copy.

III. ORDER

{¶ 170} It is, therefore,

{¶ 171} ORDERED, That amended Ohio Adm.Code 4901:1-13-02, -04, -08, -10, -11, -12, and -14 be adopted. It is, further,

{¶ 172} ORDERED, That Ohio Adm.Code 4901:1-13-01, -03, -05, -06, -07, -09, and -13 be adopted with no changes. It is, further,

{¶ 173} ORDERED, That the adopted rules be filed with the Joint Committee on Agency Rule Review, the Secretary of State, and the Legislative Service Commission, in accordance with divisions (D) and (E) of R.C. 111.15. It is, further,

{¶ 174} ORDERED, That the final rules be effective on the earliest date permitted by law. Unless otherwise ordered by the Commission, the five-year review date for Ohio Adm.Code Chapter 4901:1-13 shall be in compliance with R.C. 106.03. It is, further,

{¶ 175} ORDERED, That a copy of this Finding and Order, with the rules and the BIA, be served upon the Common Sense Initiative at CSIPublicComments@governor.ohio.gov. It is, further,

{¶ 176} ORDERED, That a copy of this Finding and Order be sent to the gas-pipeline list-serve. It is, further,

{¶ 177} ORDERED, That a copy of this Finding and Order be served upon all regulated gas and natural gas companies, all certified retail natural gas suppliers, the Ohio Consumers' Counsel, the Ohio Gas Association, the Ohio Petroleum Council, the Ohio Oil and Gas Association, and all other interested persons of record.

COMMISSIONERS:

Approving:

M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

SJP/kck

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4901:1-13-01 Definitions.

As used in this chapter:

- (A) "Bona fide dispute" means a reasonable dispute registered with the commission's call center or a formal complaint filed with the commission's docketing division.
- (B) "Business day" means, for purposes of initiation or installation of service, a day when a gas or natural gas company performs regularly scheduled installation and, for all other purposes, a day when the provider observes regularly scheduled customer service office hours.
- (C) "Commission" means the public utilities commission of Ohio.
- (D) "Company" means a gas or natural gas company as defined in section 4905.03 of the Revised Code.
- (E) "Consumer" means any person who receives service from a gas or natural gas company.
- (F) "Competitive retail natural gas service" or "CRNGS" has the meaning set forth in section 4929.01 of the Revised Code.
- (G) "Customer" means any person who has an agreement, by contract and/or tariff, with a gas or natural gas company to receive service or any person who requests or makes application for service from a gas or natural gas company.
- (H) "Customer premises" means the residence(s), building(s), or office(s) of a customer.
- (I) "Fraudulent practice" means an intentional misrepresentation or concealment of a material fact that the gas or natural gas company relies on to its detriment. Fraudulent practice does not include tampering or unauthorized reconnection of gas service.
- (J) "Gas company" means a company that meets the definition of a gas company set forth in section 4905.03 of the Revised Code and that also meets the definition of a public utility under section 4905.02 of the Revised Code.
- (K) "Governmental aggregator" shall have the meaning set forth in section 4929.01 of the Revised Code.
- (L) "Manometer" means an instrument for measuring the pressure of gas or natural gas.

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- (M) "Natural gas company" means a company that meets the definition of a natural gas company set forth in section 4905.03 of the Revised Code and that also meets the definition of a public utility under section 4905.02 of the Revised Code.
- (N) "Nonresidential gas service" means a gas or natural gas service provided to any location where the use is primarily of a business, professional, institutional, or occupational nature.
- (O) "Person" includes an individual, corporation, company, co-partnership, association, or joint venture.
- (P) "Postmark" means a mark, including a date, stamped or imprinted on a piece of mail which serves to record the date of its mailing, which in no event shall be earlier than the date on which the item is actually deposited in the mail. For electronic mail, postmark means the date the electronic mail was transmitted.
- (Q) "Pounds per square inch gauge" refers to a measurement when testing gas pressure.
- (R) "Residential gas service" means a gas or natural gas service provided to any location where the use is primarily of a domestic nature.
- (S) "Retail natural gas supplier" has the meaning set forth in section 4929.01 of the Revised Code.
- (T) "Slamming" means the transfer of or requesting the transfer of a customer's competitive natural gas service to another provider without obtaining the customer's consent.
- (U) "Small commercial customer" means a commercial customer which is not a mercantile customer under division (L) of section 4929.01 of the Revised Code.
- (V) "Small gas company" means a gas company serving seventy-five thousand or fewer customers.
- (W) "Small natural gas company" means a natural gas company serving seventy-five thousand or fewer customers.
- (X) "Tampering" means to interfere with, damage, or bypass a utility meter, gas line, or gas facilities with the intent to impede the correct registration of a meter or the proper functions of a gas line or gas facilities so far as to reduce the amount of utility service that is registered on or reported by the meter. Tampering includes the unauthorized reconnection of a utility meter, gas line, or gas facility that has been disconnected by the utility.

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4901:1-13-02 Purpose and scope.

- (A) The rules in this chapter:
- (1) Apply to investor-owned gas or natural gas companies, as defined in this chapter.
 - (2) Are intended to promote reliable service to consumers and the public, and to provide minimum standards for uniform and reasonable practices.
 - (3) Unless otherwise specified, apply to both residential and nonresidential gas or natural gas service.
- (B) The commission may, in addition to the rules in this chapter, require gas or natural gas companies to furnish other or additional service, equipment, and facilities upon any of the following:
- (1) The resolution of a commission-ordered investigation.
 - (2) Formal or informal commission resolution of a complaint.
 - (3) The application of any gas or natural gas company.
- (C) The commission may, upon an application or a motion filed by a party, waive any requirement of this chapter, other than a requirement mandated by statute, for good cause shown.
- (D) The rules in this chapter shall not relieve the gas or natural gas companies from either of the following:
- (1) Providing adequate service and facilities as prescribed by the commission.
 - (2) Complying with the laws of this state.
- (E) Except as set forth in this rule, the rules of this chapter supersede any inconsistent provisions, terms, and conditions of the gas or natural gas company's tariffs. A gas or natural gas company may adopt or maintain tariffs providing superior standards of service, reliability, or greater protection for customers or consumers. Further, a gas or natural gas company may adopt or maintain tariff provisions which involve other areas not addressed by the rules of this chapter.
- (F) When a gas or natural gas company in a complaint proceeding under section 4905.26 of the Revised Code demonstrates compliance with the relevant service or performance standard of this chapter, a rebuttable presumption is created that the gas or natural gas company is providing adequate service regarding that standard. Such presumption applies solely to the specific

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standard addressed by the commission for the time period at issue in the complaint proceeding. No such presumption is created merely by compliance with any reporting requirement of this chapter. In addition, to the extent the service and performance standards in this chapter are based on system-wide data, no such rebuttable presumption is applicable to complaints regarding the adequacy of service provided either to individual customers or consumers or to any segment of the system of a gas or natural gas company.

~~(G) Each gas or natural gas company is also subject to the requirements in:~~

- ~~(1) The pipeline safety code and requirements set forth in Chapter 4901:1-16 of the Administrative Code.~~
- ~~(2) Establishing credit for residential gas or natural gas services contained in Chapter 4901:1-17 of the Administrative Code.~~
- ~~(3) Disconnecting residential gas or natural gas service contained in Chapter 4901:1-18 of the Administrative Code.~~
- ~~(4) The provision of CRNGS, as applicable to gas or natural gas companies, in Chapters 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-32, and 4901:1-34 of the Administrative Code, to the extent applicable to gas or natural gas companies.~~

~~(H) Nothing in this chapter is intended to supersede, alter or amend the administrative requirements listed in paragraph (G) of this rule.~~

~~(I)~~(G) Each citation contained with this chapter that is made to a section of the United States code or a regulation in the code of federal regulations is intended, and shall serve, to incorporate by reference the particular version of the cited matter that was effective at the time of the effective date of this rule.

~~(J)~~(H) No tariff of a gas or natural gas company shall incorporate exculpatory clauses that purport to limit or eliminate liability on the part of the gas or natural gas company to its customers or others as a result of its own negligence when providing a regulated service. No gas or natural gas company tariff shall incorporate provisions which purport to establish liability on the part of the gas or natural gas company's customers for acts or failures to act involving a gas or natural gas company's facilities, which are beyond the control of the customer. Any contrary provisions in a gas or natural gas company's tariff now on file with the commission shall be eliminated.

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

- (A) Each gas and natural gas company shall maintain and have available for auditing and inspection any and all utility property and all associated equipment.
- (B) The regulations governing the retention and preservation of gas or natural gas company records are set forth in the appendix to rule 4901:1-9-06 of the Administrative Code.
- (C) Unless otherwise specified in this chapter, each gas or natural gas company shall maintain records for three years that are sufficient to demonstrate compliance with the rules of this chapter.
- (D) Access to records and business activities includes such records and activities as would allow the commission staff to effectively monitor Ohio-specific customer calls made to the gas or natural gas company. Access includes the ability of commission staff to adequately monitor gas or natural gas company customer call center interactions with Ohio customers either at a location in Ohio or in a manner agreed to by the commission staff. Gas and natural gas companies, other than small gas and small natural gas companies, shall provide access to monitor customer/consumer calls without the customer service representative's knowledge of the monitoring.
- (E) Each gas or natural gas company (for records retention related to competitive retail natural gas services) shall establish and maintain records and data sufficient to:
 - (1) Verify its compliance with the requirements of any applicable commission rules.
 - (2) Support any investigation of customer complaints.

4901:1-13-04 Metering.

- (A) Service provided by a gas or natural gas company shall be metered, except where it is impractical to meter the gas usage, such as in street lighting and temporary or special installations. The usage in such exceptions may be calculated or billed in accordance with an approved tariff on file with the commission.
- (B) A customer's usage shall be metered by commercially acceptable measuring devices. Meter accuracy shall also comply with the standards found in section 4933.09 of the Revised Code. No metering device shall be placed in service or knowingly allowed to remain in service if it violates these standards.

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- (C) Gas or natural gas company employees or authorized agents of a gas or natural gas company shall have the right of access to metering equipment for the purpose of reading, replacing, repairing, inspecting, or testing the meter, or determining that the installation of the metering equipment is in compliance with the company's requirements.
- (D) Meter test at customer's request. Metering accuracy shall be the responsibility of the gas or natural gas company.
- (1) Upon request by a customer, the company shall test its meter to verify its compliance with section 4933.09 of the Revised Code, within thirty business days after the date of the request.
 - (2) The customer or the customer's representative has the right to be present when the meter test is performed at the customer's request. The customer shall be informed by the company of the customer's right to be present at the meter test during the time that such meter test is being scheduled.
 - (3) A written explanation of the test results shall be provided to the customer within ten business days of the completed test.
 - (4) Each company shall notify the customer of applicable charges prior to the test. Such charges must be set forth in the company's tariff.
 - (5) If the accuracy of the meter is found to be outside the tolerances specified in this rule section 4933.09 of the Revised Code, the gas or natural gas company shall do all of the following:
 - (a) Not charge a fee or recover any testing expenses from the customer.
 - (b) Provide a properly functioning meter without charge to the customer.
 - (c) Within thirty days, pay or credit, at the customer's discretion, any overpayment to the customer, in accordance with one of the following billing adjustments:

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- (i) When the company or customer has reasonably established the approximate period of meter inaccuracy, the overcharge shall be computed on the basis of a customer's metered usage prior and/or subsequent to such period consistent with the rates in effect during that period.
- (ii) When the company and customer cannot reasonably establish the approximate period of meter inaccuracy, the overcharge period shall be determined to be the most recent twelve months, or the period since the date of the most recent meter test performed, whichever is less. The rates applicable shall be those in effect during the period of inaccuracy in order to determine the appropriate credit or refund.

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

- (E) Each gas or natural gas company shall identify each customer meter that it owns, operates, or maintains, by serial or assigned meter numbers and/or letters, placed in a conspicuous position on the meter.
- (F) In accordance with the records retention schedules set forth in the appendix to rule 4901:1-9-06 of the Administrative Code, each gas or natural gas company shall:
 - (1) Maintain all of the following meter test records for two years or until the next superseding test, whichever is longer:
 - (a) Date of customer's request for each test.
 - (b) Date and reason for each test.
 - (c) Test results.
 - (d) Meter reading(s) before and after each test.
 - (e) Accuracy "as found" and "as left."

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(2) Keep all of the following records for the life of the meter:

- (a) Identification and location of the meter.
- (b) Date of installation and removal from service.
- (c) Serial or assigned meter number.

(G) Meter reading.

(1) Each gas or natural gas company shall obtain actual readings of its customer meters at least once every twelve months. At a minimum, each company shall make reasonable attempts to obtain actual readings of its customer meters every other month, except where the customer and the company have agreed to other arrangements. Meter readings taken by electronic means (i.e., automated meter reading equipment) shall be considered actual readings. While remote meter index equipment readings may be used by a company, they do not qualify as actual meter readings. When billing customers based on estimated usage, the gas or natural gas company shall calculate the amount due using the applicable rate(s) in effect during each period of estimated usage. Once operationally feasible, actual meter reads shall be performed by the company on a monthly basis when automatic meter reading equipment is installed in a specific geographic area of the company.

- (a) Each gas or natural gas company shall submit a plan to the director of the commission's service monitoring and enforcement department to read all customer meters at least once every twelve months. Plans should include the steps, notices, and measures the company intends to take in order to read each customer's meter at least once every twelve months. Each gas or natural gas company shall submit any revisions of its plan to the director of the service monitoring and enforcement department or the director's designee for review.
- (b) If the director of the service monitoring and enforcement department or the director's designee rejects the plan or does not approve the company's plan within one hundred twenty days of submittal, the gas or natural gas company may file a request with the commission for a hearing seeking approval of its plan. In such event, the gas or natural gas company shall file a written report and provide documentation supporting its plan.
- (c) Adherence to the procedures of a gas or natural gas company's plan, accepted under the terms of this rule, shall place that gas or natural gas company in compliance with the requirement to read each customer meter at least once every twelve months. In the event

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that a complaint proceeding is brought under section 4905.26 of the Revised Code, alleging that a gas or natural gas company failed to read the customer meter at least once in the twelve-month period, adherence to the company's accepted plan will also create a rebuttable presumption that the company's failure to read the customer meter at least once in the twelve-month period was a matter beyond its control.

- (2) Billing adjustments for residential customers shall comply with section 4933.28 of the Revised Code. When a gas or natural gas company has undercharged any residential customer as the result of a meter or metering inaccuracy, billing problem, or other continuing problem under the gas or natural gas ~~compan's~~company's control, the company may only bill the customer for the amount of the unmetered gas rendered in the three hundred sixty-five days immediately prior to the date the company remedies the meter inaccuracy. Customers shall be notified by the gas or natural gas company of their right to have twelve months to pay, in equal installments, any undercharge for unmetered gas service.
- (3) When a gas or natural gas company has undercharged any small commercial customer as the result of a meter or metering inaccuracy, billing problem, or other continuing problem under the gas or natural gas company's control, unless the customer and the company agree otherwise, the maximum portion of the undercharge that may be billed to the small commercial customer in any billing month, based upon the appropriate rates, shall be determined by dividing the amount of the undercharge by the number of months of undercharged service. The company may only bill the customer for the amount of the unmetered gas rendered in the thirty-six month period immediately prior to the date the company remedies the meter inaccuracy. Each gas or natural gas company shall state the total amount to be collected in the first bill under this rule. This paragraph shall not affect the gas or natural gas company's recovery of regular monthly charges.
- (4) This rule shall not apply in the event there has been either the tampering with or the unauthorized reconnection of the meter, metering equipment, or other property of the gas or natural gas company during the involved period of time, where such activity causes meter or metering inaccuracies or no measurement of service.
- (5) Upon the customer's request, and in addition to the requirements of paragraph (G)(1) of this rule, the gas or natural gas company shall provide two actual meter readings, without charge, per calendar year. The customer may only request an actual meter reading, without charge, if the customer's usage has been estimated for more than two of the immediately preceding billing cycles consecutively or if the customer has reasonable grounds to believe that the

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meter is malfunctioning. Nothing in the preceding sentence is intended to limit a customer's ability to obtain a meter reading prior to transferring service to a new retail natural gas supplier or governmental aggregator as provided by paragraph (J) of rule 4901:1-29-06 of the Administrative Code.

- (6) Each gas or natural gas company is required to do an actual meter reading at the initiation and/or the termination of service if the meter has not been read within the immediately preceding seventy days and access to the meter is provided.
- (7) If a gas or natural gas company has read the meter within the immediately preceding seventy days, it shall inform the customer, when the customer contacts the company to initiate or terminate service, of the customer's right to have an actual meter read at no charge to the customer.
- (8) When a meter reading is scheduled through a menu-driven, automated, interactive answering system that allows the customer to interact electronically rather than through a live person, the gas or natural gas company shall provide confirmation (e.g., order confirmation number, written letter) to the customer by the following business day, verifying the nature of the interaction and any appointment made.
- (9) Where there is a landlord/tenant relationship and neither the gas or natural gas company nor the customer has access to the meter, the gas or natural gas company shall render notice by mail to both the landlord, when the address is available, and the tenant, summarizing its inability to obtain access to the meter for any of the provisions of this rule.

4901:1-13-05 Minimum customer service levels.

- (A) Service initiation and upgrades. Each gas or natural gas company shall complete the installation of new service as set forth in this paragraph. Percentages shall be calculated as monthly averages.
 - (1) Ninety per cent of residential and small commercial new service requests requiring no installation of gas pipelines shall comply with either one of the following requirements:
 - (a) Requests will be completed within three business days after the gas or natural gas company has been notified that the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.

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- (b) Requests will be completed by the requested installation date, when a customer requests an installation date more than three business days after the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.
- (2) Ninety per cent of residential and small commercial new service requests requiring installation of the service line, including the setting of the meter, shall comply with either one of the following requirements:
 - (a) Requests will be completed within twenty business days after the gas or natural gas company has been notified that the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.
 - (b) Requests will be completed by the requested installation date, when a customer requests an installation date more than twenty business days after the customer's service location is ready for service and all necessary tariff and regulatory requirements have been met.

Paragraph (A)(2) of this rule shall not apply to main line extension installations. For residential and small commercial customers placing requests for new service that require installation of main line extensions, the gas or natural gas company shall contact the customer within thirty days with an estimate of the cost of the main line extension and the amount, if any, of a deposit. In addition, the gas or natural gas company shall provide an estimated date to complete the main line extension.

- (3) Prior to initial operation or reestablishment of residential or nonresidential gas service (including after an outage), the gas piping downstream of the meter shall be tested to determine that no leaks exist. Testing may be accomplished by pressure testing or dial testing as set forth in paragraphs (A)(3)(a) to (A)(3)(d) of this rule.
 - (a) When pressure testing, the test pressure shall be measured with a manometer or with a pressure measuring device of equal sensitivity and accuracy designed and calibrated to read, record, or indicate a pressure loss due to leakage during the pressure test period.
 - (b) For new house lines at new installations, a pressure test shall be conducted at no less than one and one-half times the proposed maximum working pressure, but not less than three pounds per square inch gauge (PSIG). Consideration shall be given to accommodate the manufacturer's inlet pressure specifications for connected appliances. Appliances may need to be isolated during the pressure test to prevent damage. All appliance drops shall be tested at a minimum of operating pressure. The test duration shall be no less than one-half hour for each five hundred cubic feet of pipe volume or fraction thereof. When

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testing a system having a volume less than ten feet or a system in a single-family dwelling, the test duration shall be a minimum of ten minutes. The duration of the test shall not be required to exceed twenty-four hours.

- (c) For existing house lines when reestablishing gas service, a pressure test shall be conducted at operating pressure for a duration of no less than three minutes. When gas service has been off for less than thirty days (such as, during an outage), a dial test at operating pressure may be used in place of a pressure test. The duration of the dial test shall be no less than: five minutes for meters which have minimum registering dials showing one-fourth or one-half cubic foot; seven minutes for meters that have a minimum registering dial showing one cubic foot; ten minutes for meters that have a minimum registering dial showing two cubic feet; twenty minutes for meters that have a minimum registering dial showing five cubic feet; and thirty minutes for meters that have a minimum registering dial showing ten cubic feet.
 - (d) Prior to the reestablishment of service when gas has been disconnected or discontinued in a service line, the service line shall be tested in accordance with 49 C.F.R. 192, effective as of the date set forth in paragraph (I) of rule 4901:1-13-02 of the Administrative Code. Bare steel services operating at a pressure less than one PSIG shall be tested at a minimum of ten PSIG for a duration of no less than five minutes. Bare steel service lines that have been previously abandoned shall not be returned to service. For purposes of this rule, "abandoned" shall mean pipe that was not intended to be used again for supplying of gas or natural gas, including a deserted pipe that is closed off to future use.
- (4) If a residential or small commercial customer complies with all pertinent tariff requirements and the gas or natural gas company cannot complete the requested service installation or service upgrade as set forth in paragraph (A)(1) or (A)(2) of this rule, the gas or natural gas company shall promptly notify the customer of the delay, the reasons for the delay, the steps being taken to complete the work, and the probable completion date. If a rescheduled completion date cannot be met, the customer shall be promptly notified. If the rescheduled completion date is delayed more than three business days, notification shall be given to the customer, either in writing or in a manner agreed upon by the parties, stating the reasons for the delay, the steps being taken to complete the work, and the new rescheduled completion date. This notification process shall be repeated as necessary. Each subsequent missed completion date shall count as a missed service installation or upgrade for purposes of calculating performance under paragraph (A)(1) or (A)(2) of this rule.

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- (5) If the gas or natural gas company fails to complete the requested service installation or upgrade as set forth in paragraph (A)(1) or (A)(2) of this rule, as a result of a military action, war, insurrection, riot or strike or a failure by the residential or small commercial customer or the customer's agent to provide access to the premises when necessary, such failure shall be reported but not be included in the monthly percentage calculation for this rule. Each gas or natural gas company must justify and document in its records each instance where it applied any of the exceptions listed in this paragraph.
- (B) Telephone response. On an average monthly basis, each gas or natural gas company's average answer time for customer service calls made to its customer service telephone number shall not exceed ninety seconds. A gas or natural gas company shall set its queue to minimize the number of disconnected calls and busy signals. The requirements in this paragraph do not apply to small gas and natural gas companies.
- (1) As used in this paragraph, "answer" means the service representative or automated system is ready to render assistance and/or accept the information necessary to process the call. Acceptance of an automated call back feature by a caller, allowing a caller to pick a later time to be called by a live company representative, shall satisfy the definition of answer.
- (2) Answer time shall be measured from the first ring at the gas or natural gas company or, for companies using a menu-driven, automated, interactive answering system, at the point when the caller begins to wait in queue.
- (3) When a gas or natural gas company utilizes a menu-driven, automated, interactive answering system (referred to as the system), the initial recorded message presented by the system to the caller shall only identify the company and the general options available to the caller. The system should include the option of being transferred to a live attendant by selecting a zero on the phone or by following another prompt in the first or second tier of caller options. At any time during the call, the caller shall be transferred to a live attendant if the caller fails to interact with the system for a period of fifteen seconds following any prompt or if the customer pushes zero or equivalent prompt indicated in the first or second tier. Calls handled exclusively by an automated system shall be included in the answer time measurement.
- (4) Callers shall not be delayed from reaching the queue by any promotional or merchandising material not selected by the caller.
- (C) Scheduled appointments with customers.

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- (1) The gas or natural gas company shall provide all customers with an expected company arrival time window of four hours or less for all appointments requiring the customer to be present, except when reconnecting pursuant to rule 4901:1-18-07 of the Administrative Code.
- (2) On an average monthly basis, each gas or natural gas company shall complete ninety-five per cent of the scheduled appointments with its customers.
- (3) If the gas or natural gas company offers a call-ahead process to confirm its imminent arrival at an appointment and the customer has requested telephonic or electronic notification of the company's imminent arrival, the company must:
 - (a) At the time the company offers the call-ahead process, inform the customer that, if the customer does not respond to the notification, the appointment may be cancelled.
 - (b) Attempt to notify the customer at least twice before the company may consider the appointment to have been cancelled by the customer if the customer does not respond to the notification. The company's second notification to the customer shall not be placed sooner than ten minutes after the first attempt to notify the customer.
- (4) When the gas or natural gas company will not be able to meet a scheduled appointment with a customer, the company shall reasonably attempt to notify the customer in advance of the failure to meet the appointment and arrange either:
 - (a) A next business day appointment (following the date of the missed appointment) with no expected arrival time window; or
 - (b) A four-hour window appointment within two business days after the date of the missed appointment.
- (5) If the gas or natural gas company considers an appointment cancelled by the customer, or the customer cancels an appointment, the company shall offer the customer either:
 - (a) A next business day appointment with no expected arrival time window; or
 - (b) A four-hour window appointment within two business days after the customer contacts the company to reschedule.
- (D) If the gas or natural gas company repairs customer service lines, the company shall complete the repair of service-line leaks that require service shutoff by the end of the next day after the service has been shut off for residential and small commercial customers, unless the company is unable

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to perform the repair or replacement due to lack of access or unsafe working conditions. At the customer's request, the customer and the company may agree upon a mutually acceptable timeframe for the completion of repairs or replacement requiring either a discontinuance of service or a scheduled discontinuation. On an average monthly basis, each gas or natural gas company shall complete ninety-five per cent of these repairs by the end of the next day after the service has been shut off.

(E) Reporting requirements.

- (1) When a gas or natural gas company does not meet the minimum service level set forth in paragraph (A), (B), (C), or (D) of this rule, for any two consecutive months, the gas or natural gas company shall notify the director of the commission's service monitoring and enforcement department or the director's designee in writing within thirty days after such failure. The notification shall include any factors that contributed to such failure, as well as any remedial action taken or planned to be taken or rationale for not taking any remedial action. Any failure to report the lack of compliance with the minimum service levels set forth in paragraph (A), (B), (C), or (D) of this rule constitutes a violation of this rule.
- (2) The commission staff shall review and evaluate the failure reports required by this rule and make any necessary recommendations to the commission or the gas or natural gas company.
- (3) By March thirty-first of each year, each gas or natural gas company shall submit an annual report to the director of the commission's service monitoring and enforcement department, setting forth the company's actual monthly customer service performance data during the previous calendar year as compared with each of the minimum service levels set forth in paragraphs (A), (B), (C), and (D) of this rule.

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

- (A) Each gas or natural gas company shall maintain and make available a handbook of customer rights and obligations.
- (B) Each gas or natural gas company shall prominently post on its website and shall provide new customers, upon application for service, and existing customers upon request, a written summary of their rights and obligations 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 the current version of the summary information.
- (C) At a minimum, the summary information shall include the following items:
 - (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.
 - (9) Instructions on how to get further information orally or in writing.

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(D) The summary information shall also include the following statement:

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

The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.pickocc.org>."

4901:1-13-07 Employee identification.

Any gas or natural gas company employee or agent seeking access to the customer's or landlord's premises shall, upon request, identify himself/herself, provide company photo identification, and state the reason for the visit.

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

This rule addresses standards involving creditworthiness, deposits, bases for denial or disconnection, notice requirements and reconnection for small commercial customers.

(A) Creditworthiness for establishing small commercial gas service.

- (1) Each gas or natural gas company shall establish equitable and nondiscriminatory written procedures to determine creditworthiness of customers for small commercial gas service. These procedures shall be submitted in current form to the commission staff upon request.
- (2) Upon request, each gas or natural gas company shall provide small commercial gas service customers with their credit history with that company, a copy of this rule, the commission's website, and the ~~local and~~ toll-free ~~numbers~~number of the commission's consumer hotline. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service).

(B) Deposits for establishing and reestablishing small commercial gas service.

- (1) Review of deposit upon small commercial customer request.

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- (a) Each gas or natural gas company which requires a cash deposit shall communicate all of the following to the small commercial customer:
- (i) The reason(s) for its decision.
 - (ii) The options available to establish credit.
 - (iii) That the small commercial customer may contest the company's decision and show creditworthiness.
 - (iv) That the small commercial customer may raise concerns with the public utilities commission of Ohio, which has staff available to provide assistance with complaints.
 - (v) The commission's website and the ~~local and~~-toll-free ~~numbers~~number of the commission's call center. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service).
- (b) Upon request of the small commercial customer, the information in paragraph (B)(1)(a) of this rule shall be provided in writing.
- (2) Upon acceptance of a deposit under this rule, each gas or natural gas company shall furnish a receipt to the small commercial customer, showing all of the following: the name of the small commercial customer; the address of the premises currently served or to be served; the billing address for service; the amount of the deposit; a statement as to the interest rate to be paid; the length of time the deposit must be held to qualify for interest; and the conditions for refunding the deposit.
- (3) In retaining and returning deposits for small commercial gas service, the gas or natural gas company shall do all of the following:
- (a) Review, on a biennial basis, each small commercial account for which a deposit has been held for twenty-four months and promptly refund the deposit or credit the small commercial customer's account, plus any interest accrued, if during the preceding twenty-four months all of the following conditions are satisfied:
 - (i) The small commercial customer's service was not disconnected for nonpayment, a fraudulent practice, tampering, or unauthorized reconnection.
 - (ii) The small commercial customer had no more than three past due bills.

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- (iii) The small commercial customer is not then delinquent in payment of bills.
 - (b) Pay interest of not less than three per cent per annum on a deposit, provided the company has held the deposit for at least six consecutive months.
 - (c) When service is terminated or disconnected, promptly apply the deposit and interest accrued to the final bill for service and refund any amount in excess of the final bill to the small commercial customer. A transfer of service within the gas or natural gas company territory or service area shall not be deemed a disconnection under this paragraph.
- (C) Reasons to deny or disconnect small commercial service. Each gas or natural gas company may refuse or disconnect service to small commercial customers only in the following circumstances:
- (1) When the small commercial customer violates or fails to comply with a contract approved by the commission pursuant to section 4905.31 of the Revised Code, or the gas or natural gas company tariff(s).
 - (2) When gas or natural gas company service to a small commercial customer or consumer violates any law of this state or any political subdivision thereof, or any federal law or regulation.
 - (3) When a small commercial customer or consumer tampers with gas or natural gas company property or engages in a fraudulent practice to obtain service, as set forth in rule 4901:1-13-09 of the Administrative Code.
 - (4) When a small commercial customer uses gas or equipment which adversely affects gas or natural gas company service to other customers or consumers, e.g., interruptions of service.
 - (5) When a safety hazard or emergency may threaten the health and safety of any of the following: the premises, occupants of the premises, the surrounding area, the public, the gas or natural gas company's personnel, or the operation or integrity of the gas or natural gas company's facilities.
 - (6) When a small commercial customer, a landlord of a small commercial customer, or a tenant leasing a landlord or small commercial customer's premises prevents access to gas or natural gas company facilities or equipment on the property.

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- (7) When a small commercial gas or natural gas company customer has failed to pay bills and any tariffed charges, including deposits and amounts not in bona fide dispute. Where the small commercial customer has a bona fide dispute, the gas or natural gas company shall not disconnect service if the small commercial customer pays either the undisputed portion of the bill or the amount paid for the same billing period in the previous year.
 - (8) When a small commercial customer vacates the premises.
 - (9) When repairs are necessary, provided that the gas or natural gas company has reasonably attempted to notify the small commercial customer and, if the small commercial customer is not located at the service location, the consumer, prior to scheduled maintenance interruptions in excess of four hours.
 - (10) Upon the small commercial customer's request.
 - (11) When a former small commercial customer, whose account with that gas or natural gas company is still in arrears for service previously furnished at the premises, has again requested service for those premises.
 - (12) When a small commercial customer does not meet the gas or natural gas company's creditworthiness standards.
 - (13) For other good cause shown.
- (D) Notice requirements when disconnecting small commercial service.
- (1) Except as otherwise provided by contract approved by the commission pursuant to section 4905.31 of the Revised Code, each gas or natural gas company shall give the small commercial customer written notice, not less than five business days after the postmark date, before service is disconnected, when any of the following conditions exist:
 - (a) Violation of or noncompliance with the contract or gas or natural gas company's tariff(s) that applies to small commercial customer service.
 - (b) The small commercial customer prevents access to gas or natural gas company facilities or equipment on the property.
 - (c) For nonpayment of bills and any tariffed charges, including security deposits and amounts not in a bona fide dispute.

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- (2) Prior notice from the gas or natural gas company is not required when a safety hazard or emergency may threaten the health or safety of any of the following: the premises, occupants of the premises, the surrounding area, the public, the gas or natural gas company's personnel, or the operation or integrity of the gas or natural gas company's facilities.
- (3) The disconnection notice itself or the documents accompanying the disconnection notice shall clearly display all of the following, as applicable:
- (a) The delinquent or invoiced billing account number.
 - (b) The dollar amounts for any past due amounts, any reconnection charge, and any deposit owed.
 - (c) The earliest date when disconnection may occur.
 - (d) The address and toll-free telephone number of the gas or natural gas company office for customers to contact about their accounts.
 - (e) A statement that the commission staff is available to render assistance with unresolved complaints, and the commission's ~~websitecurrent address, the local~~ and toll-free ~~numbersnumber~~ of the commission's call center, ~~and the commission's website address~~. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service).
 - (f) A statement that the small commercial customer's failure to pay the amount required at the gas or natural gas company's office or to one of its authorized agents or by other acceptable available means by the date specified in the notice may result in a deposit and in a charge for reconnection.
 - (g) A statement that the nonpayment of charge(s) for ancillary service unrelated to regulated distribution service shall not result in the disconnection of regulated gas distribution service.
 - (h) A specific description of the reasons for disconnection of service.
- (E) Reconnection of small commercial service.
- (1) Unless a small commercial customer requests or agrees otherwise, a gas or natural gas company shall reconnect service after any of the following occurs:

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- (a) The gas or natural gas company receives the full amount in arrears, for which service was disconnected, and the gas or natural gas company receives any deposit authorized under this chapter and any tariffed charges.
 - (b) The gas or natural gas company agrees with the customer on a deferred payment plan and receives a payment (if required under the plan), and the gas or natural gas company receives any deposit authorized under this chapter and any tariffed charges.
 - (c) The customer establishes that the conditions that warranted disconnection of service have been eliminated.
- (2) Before small commercial gas service is reconnected, a gas or natural gas company may not require a small commercial customer to pay any of the following to have service reconnected:
- (a) Any amount owed but not yet past due.
 - (b) If the small commercial customer has multiple small commercial accounts, any amount owed or overdue on those other small commercial accounts.
- (3) Upon payment or proof of payment of the delinquent amount as stated on the disconnection notice and any applicable reconnection charge, the gas or natural gas company shall reconnect service that has been disconnected for nonpayment pursuant to the following provisions:
- (a) For customers disconnected from service for ten business days or less, the gas or natural gas company may assess a reconnection charge and shall reconnect to service by the close of the following regular company working day.
 - (b) For customers disconnected from service for more than ten business days, the gas or natural gas company may treat the customers as new customers and connect service consistent with the timeframe in rule 4901:1-13-05 of the Administrative Code. In addition, the gas or natural gas company may assess a customer a reconnection charge in accordance with approved tariffs.
 - (c) If service is disconnected for nonpayment for no more than ten business days and the customer wishes to guarantee the reconnection of service the same day on which payment is rendered, the customer must provide proof of payment to the company no later than twelve-thirty p.m. If the customer requests that reconnection occur after

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normal business hours, and such service is offered by the company, the company may require the customer to pay or agree to pay the company's approved tariff charges for after-hours reconnection. The company may collect this fee prior to reconnection or with the customer's next monthly billing.

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

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.

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- (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 tariffed reconnection and investigation charges.

- (d) A statement that:

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

The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 from eight a.m. to five p.m. weekdays, or visit <http://www.pickocc.org>."

- (3) If the customer contests the disconnection, the company shall timely mail or deliver its decision to the customer. If the company's decision is that service can be reconnected, the company may notify the customer by telephone to arrange for reconnection.

(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:

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- (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 the 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 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 of Ohio (PUCO), toll-free at 1-800-686-7826 from eight a.m. to five p.m. weekdays, or visit <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio Relay Service).

The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 from eight a.m. to five p.m. weekdays, or visit <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 rule. 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

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believes that posting the notice of actual disconnection may jeopardize employee safety, it shall promptly mail the notice, return receipt requested, to the customer and consumer (if the customer is not located at the service location).

- (D) Each gas or natural gas company shall maintain records which include the basis for its decision to disconnect service for tampering, unauthorized reconnection, or fraudulent practice.

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

- (A) As used in this rule, customer/consumer complaint means a customer/consumer contact when such contact necessitates follow-up by or with the gas or natural gas company to resolve a point of contention.
- (B) Each gas or natural gas company shall make good faith efforts to settle unresolved disputes, which may include meeting with the customer/consumer at a reasonable time and place.
- (C) Except as ordered by the commission or directed by the commission staff in disconnection or emergency cases, each gas or natural gas company shall investigate customer/consumer complaints and, unless otherwise agreed to, provide a status report within three business days of the date of receipt of the complaint to the customer/consumer, when investigating a complaint made directly to the gas or natural gas company, and to the customer/consumer and commission staff, when investigating a complaint referred to the gas or natural gas company by the commission or commission staff.
- (D) If an investigation is not completed within ten business days, the gas or natural gas company shall provide status reports to update the customer/consumer, or update the customer/consumer and commission staff when investigating a complaint referred to the gas or natural gas company by the commission or commission staff, either orally or in writing, at five-business-day intervals, unless otherwise agreed to, until the investigation is complete.
- (E) Each gas or natural gas company shall inform the customer/consumer, and commission staff when involved, of the results of the investigation, orally or in writing, no later than five business days after completion of the investigation. The customer/consumer or commission staff may request the final report to be in writing.
- (F) If the customer/consumer disputes the gas or natural gas company's report(s), each gas or natural gas company shall inform the customer/consumer that the commission staff is available to mediate complaints. The company shall provide the customer/consumer with the ~~commission's~~

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~~current address, commission's~~ website, and ~~local and~~ toll-free telephone ~~numbers~~number of the commission's call center. Hearing or speech impaired customers may contact the commission via 7-1-1 (Ohio relay service).

- (G) Each gas or natural gas company will also provide a dedicated telephone number staffed from eight a.m. to five p.m., Monday through Friday, except on state holidays, to commission staff to use and provide to consumers when escalating consumer complaints. The gas or natural gas company staff assigned to answer these calls will have the authority to address the escalated consumer complaint. The requirements in this paragraph do not apply to small gas and small natural gas companies.

(H) If a customer contacts the gas or natural gas company concerning competitive retail natural gas service issues, the gas or natural gas company shall:

- (1) Review the issue with the customer to determine whether it also involves the gas or natural gas company.
- (2) Cooperate with the resolution of any joint issues with the retail natural gas supplier or governmental aggregator.
- (3) Refer the customer to the appropriate retail natural gas supplier or governmental aggregator in those instances where the issue lacks gas or natural gas company involvement.

~~(H)~~(I) Slamming complaints.

- (1) If a customer contacts a gas or natural gas company alleging that the customer has been switched from regulated sales service to a retail natural gas supplier or governmental aggregator without authorization, the gas or natural gas company shall:
 - (a) Provide the customer any evidence relating to the customer's enrollment.
 - (b) Refer the customer to the commission's call center.
 - (c) Provide the customer with the ~~local/toll-free~~toll-free telephone ~~numbers~~number of the commission's call center.
 - (d) Cooperate with the commission staff in any subsequent investigations of the slamming complaint.

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- (2) In the event that a customer was switched from a gas or natural gas company's regulated sales service to a retail natural gas supplier or governmental aggregator without authorization, the gas or natural gas company shall switch the customer back to the gas or natural gas company's regulated sales service without penalty.

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

- (A) This rule applies to all gas or natural gas company bills, including those issued on behalf of any retail natural gas supplier or governmental aggregator. Gas or natural gas companies shall make dual billing and consolidated billing available to retail natural gas suppliers and governmental aggregators.
- (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, account number, and, if applicable, the retail natural gas supplier or governmental aggregator account number.
 - (2) The gas or natural gas company's name and its payment address.
 - (3) The gas or natural gas company's twenty-four hour, local or toll-free telephone number for reporting service emergencies.
 - (4) A statement that customers with bill questions or complaints should call or write the gas or natural gas company first. The bill shall list the gas or natural gas company's local or toll-free telephone number(s) and the address where a question or complaint may be sent.
 - (5) The following text:

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

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The Ohio consumers' counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.pickocc.org>."

- (6) The identification of the applicable rate schedule.
- (7) The dates of the service period covered by the bill.
- (8) The billing determinants, if applicable:
 - (a) Beginning meter reading(s).
 - (b) Ending meter reading(s).
 - (c) Multiplier(s).
 - (d) Consumption(s).
 - (e) Fixed monthly customer charge.
- (9) The 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) If applicable, the name of the retail natural gas supplier or governmental aggregator in close proximity to the retail natural gas supplier or governmental aggregator commodity charges, as well as a toll-free or local telephone number and address for customer billing questions or complaints regarding retail natural gas supplier or governmental aggregator charges.

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- (12) 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.
- (13) The following prominently displayed price to compare statement on residential and small commercial customer bills, if the company has a choice program:
- “When shopping for a natural gas supplier, it may be useful to compare supplier offers with the standard choice offer (SCO) rate [or, if applicable, the gas cost recovery (GCR) rate] available to eligible customers, which varies monthly based on the market price of natural gas. Price represents one feature of any offer; there may be other features which you consider of value. More information about the SCO [or GCR, if applicable] and other suppliers’ offers is available at energychoice.ohio.gov or by contacting the PUCO.”
- (14) The identification of estimated bills.
- ~~(14)~~(15) The due date for payment.
- ~~(15)~~(16) The total charges for the current billing period.
- ~~(16)~~(17) Any late payment charge or gross and net charges, if applicable.
- ~~(17)~~(18) Any unpaid amounts due from previous bills, customer credits, and total amounts due and payable.
- ~~(18)~~(19) The current balance of the account, if the residential customer is billed according to a budget plan.
- ~~(19)~~(20) The current gas and electric charges separately, if the customer is billed for gas and electric service on the same bill.
- ~~(20)~~(21) If applicable, each charge for a service that is either nontariffed or nonregulated and, with regard to services that are, the name and toll-free telephone number of each provider of service.
- ~~(21)~~(22) Any nonrecurring charge(s).
- ~~(22)~~(23) Any payment(s) or credit(s) applied to the account during the current billing period.

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~~(23)~~(24) If applicable, all the percentage of income payment plan plus (PIPP plus) billing information:

(a) Current PIPP plus payment.

(b) PIPP plus payments defaulted (i.e., past due).

(c) Total PIPP plus amount due.

(d) Total account arrearage.

(e) Any other information required to implement the PIPP plus program under Chapter 4901:1-18 of the Administrative Code.

~~(24)~~(25) An explanation of codes and abbreviations used.

~~(25)~~(26) 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.

~~(26)~~(27) 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.

~~(27)~~(28) ~~A prominently displayed "apples to apples" notice, if the company has a choice program.~~

~~(28)~~ 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.

~~(29)~~(29) 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 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. For residential bills being issued from outside the state of Ohio, the due date shall be no less than seventeen days from the date on the actual bill.

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(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 to customers.

(a) Payment options 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.

(b) 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.

(c) The list of available payment options shall 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.

(d) 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) 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.

(3) 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.

(4) 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

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to the customer's account as of 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.

- (5) 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.
 - (6) 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 telephone number.
 - (7) When applicable, a supplier agreement between a gas or natural gas company and a retail natural gas supplier must provide that if the gas or natural gas company collects customer payments on behalf of the retail natural gas supplier, then customer's liability to the retail natural gas supplier ceases to the extent of a payment made and applicable to the customer's retail natural gas supplier account.
- (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.

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- (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)(4) of this rule. The time needed to post the payment to the account shall be clearly stated.

(G) Handling partial payments.

- (1) Nonconsolidated bills. 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) Consolidated bills. Partial payments applied towards any past due amount on a bill or the balance due on a disconnection notice must be apportioned in the following order:
 - (a) First, credit past due gas or natural gas company service and delivery charges.
 - (b) Second, credit current gas or natural gas company service and delivery charges.
 - (c) Third, credit retail natural gas supplier or governmental aggregator charges.

If the customer pays the entire amount past due or more, any amount paid over the amount past due shall be applied first to gas or natural gas company service and delivery charges.

- (3) 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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(I) Transfer of customer billing information.

- (1) The nonbilling retail natural gas supplier 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 gas or natural gas company shall include in the consolidated bill all required bill content information furnished by the nonbilling retail natural gas supplier.
- (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.

(J) Except in cases where the gas or natural gas company is engaging in a purchase of receivables program, when a customer switches from a retail natural gas supplier, the gas or natural gas company 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 retail natural gas supplier and include any outstanding balance due the previous retail natural gas supplier.

4901:1-13-12 Consumer safeguards and information.

- (A) Each gas or natural gas company shall maintain a listing including the twenty-four hour emergency number in each local telephone service provider's directory operating in the gas or natural gas company's service territory.
- (B) The commission staff may review and/or request modification of informational, promotional, and educational materials.
- (C) Unfair and deceptive acts or practices.

No gas or natural gas company shall commit an unfair or deceptive act or practice in connection with the promotion or provision of service, including an omission of material information. An unfair or deceptive act/practice includes, but is not limited to, the following:

- (1) A gas or natural gas company representing to a customer that distribution service will or may be disconnected unless the customer pays any amount due for nonregulated, nontariffed service.

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- (2) A gas or natural gas company charging a customer for a service for which the customer did not make an initial affirmative order. An affirmative order means that a customer must positively elect to subscribe to a service before it is added to the account. Failure to refuse an offered or proposed service is not an affirmative order for the service.

(D) Customer-specific information.

- (1) ~~Except as otherwise provided in rule 4901:1-29-09 of the Administrative Code, a~~ gas or natural gas company shall not disclose a customer's account number without the customer's written consent or electronic authorization, or a court or commission directive ordering disclosure, except for the following purposes:

- (a) A gas or natural gas company's collections and/or credit reporting activities.
- (b) Participation in the home energy assistance program, the emergency home energy assistance program, and the percentage of income payment plan programs.
- (c) Cooperation with governmental aggregators.

The gas or natural gas company must use the consent form described in this rule, ~~unless authorization is obtained electronically. Electronic consent forms will use the same format as described in paragraph (D)(3) of this rule.~~

- (2) ~~Except as otherwise provided in rule 4901:1-29-09 of the Administrative Code, a~~ gas or natural gas company shall not disclose a customer's social security number without the customer's written consent or without a court order, except for the following purposes (the gas or natural gas company must use the consent form described in this rule):

- (a) Completing a customer credit evaluation.
- (b) Collections and/or credit reporting activities by a gas or natural gas company, a competitive retail natural gas supplier, or a governmental aggregator.
- (c) Participation in the home energy assistance program, the emergency home energy assistance program, and the percentage of income payment plan programs.

- (3) The consent form shall be on a separate piece of paper or separate electronic format and shall be clearly identified on its face as a release of personal information and all text appearing on the consent form shall be in at least ~~sixteen-point~~fourteen-point type. The following statement shall appear prominently on the consent form, just prior to the signature, in type

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darker and larger than the type in surrounding sentences: "I realize that under the rules and regulations of the public utilities commission of Ohio, I may refuse to allow (name of the gas or natural gas company) to release the information set forth above. By my signature, I freely give (name of the gas or natural gas company) permission to release the information designated above." The information that the gas or natural gas company seeks to release shall be specified on the form. Forms requiring a customer to circle or to check off preprinted types of information to be released may not be used.

- (4) Nothing in this rule prohibits the commission or its staff from accessing customer-specific information held by a gas or natural gas company.
- (E) Upon customer request, a gas or natural gas company shall timely provide twelve months of a customer's usage history and twenty-four months of a customer's payment history to the customer without charge.
- (F) A gas or natural gas company with a choice program will:
- (1) Provide generic customer and usage information, in a universal file format, to other retail natural gas suppliers on a comparable and nondiscriminatory basis.
- (2) Provide customer-specific information to retail natural gas suppliers and governmental aggregators on a comparable and nondiscriminatory basis as prescribed in paragraph (C) of rule 4901:1-13-14 of the Administrative Code, unless the customer objects to the disclosure of such information.
- (3) Prior to issuing any eligible-customer lists and at least four times per calendar year, provide all customers clear written notice, in billing statements or other communications, of their right to object to being included on such lists. Such notice shall include instructions for reporting such objection. This notice shall read as follows: "We are required to include your name, address, and usage information on a list of eligible customers that is made available to other retail natural gas suppliers or governmental aggregators. If you do not wish to be included on this list, please call _____ or write _____, or complete the appropriate form on _____ website."
- (4) Not release such information unless and until the customer affirmatively indicates that the information may be released, if a customer reports such objection as provided in paragraphs (F)(2) and (F)(3) of this rule.

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

- (A) Gas or natural gas companies subject to the jurisdiction of the public utilities commission of Ohio shall keep their books of accounts and records in accordance with the uniform system of accounts from time to time prescribed by the federal energy regulatory commission except to the extent that the provisions of said uniform system of accounts are inconsistent in any way with any outstanding orders of the public utilities commission of Ohio.
- (B) The public utilities commission of Ohio reserves to itself the right to require the creation and maintenance of such additional accounts as may hereafter be prescribed to cover the accounting procedures of gas or natural gas companies operating within the state of Ohio.

4901:1-13-14 Coordination between gas or natural gas companies and retail natural gas suppliers or governmental aggregators.

- (A) At a minimum, the gas or natural gas company tariff shall include provisions governing the relationship between the retail natural gas supplier and the governmental aggregator for competitive retail natural gas service. Such provisions shall address:
 - (1) Nomination and deliveries.
 - (2) Billing (between the gas or natural gas company and the retail natural gas supplier or governmental aggregator).
 - (3) Customer billing (options, collection, application of customer payments).
 - (4) Measurement of delivered volume.
 - (5) Shrinkage and retainable factors.
 - (6) Customer enrollment process information exchange.
 - (7) Dispute resolution process (between the gas or natural gas company and the retail natural gas supplier or governmental aggregator).
 - (8) Standard operating rules.
 - (9) Performance standards of the retail natural gas supplier or governmental aggregator.

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- (10) Creditworthiness and default security.
 - (11) Supplier agreement.
 - (12) A listing and description of all fees and charges assessed to retail natural gas suppliers or governmental aggregators.
 - (13) Service termination and disconnection (of end-user customer).
 - (14) Conditions and processes for returning customers to the gas or natural gas company's commodity service.
 - (15) Customer enrollment and switching.
 - (16) Supplier proof of certification.
- (B) A gas or natural gas company shall execute a supplier agreement with each retail natural gas supplier and governmental aggregator to operate under the terms of the gas or natural gas company's tariff. At a minimum, the supplier agreement shall include representations and warranties, indemnification, limitations on liability, default (breach), remedies, force majeure, commencement, and term. A current copy of the supplier agreement is to be filed with the gas or natural gas company's tariff or in its tariff docket.
- (C) Gas or natural gas companies shall make eligible-customer lists available to certified retail natural gas suppliers and governmental aggregators via electronic media. Such lists shall be updated quarterly and shall, at a minimum, contain customer name, service and mailing addresses, load profile reference category, meter read date or schedule, and historical consumption data for each of the most recent twelve months. All information provided on the eligible-customer lists will be identified in the company tariff and approved by the commission.
- (D) The gas or natural gas company shall coordinate customer enrollment with the retail natural gas supplier and governmental aggregator ~~in accordance with the procedures set forth in rule 4901:1-29-06 of the Administrative Code~~ in compliance with all applicable requirements.
- (E) The gas or natural gas company shall switch customer accounts to or from a governmental aggregation under the same processes and timeframes provided in published tariffs for switching other customer accounts, except in cases where a customer notifies the gas or natural gas company of the customer's intent to not join a governmental aggregation by returning a

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confirmation notice or otherwise giving notice as provided by that gas or natural gas company's tariffs.

(F) The gas or natural gas company shall, within two business days of confirming a retail natural gas supplier's or governmental aggregator's valid electronic enrollment request and prior to commencing enrollment, provide to the customer, by mail or email with an electronic notification of receipt, the customer a competitively neutral confirmation notice stating:

- (1) The gas or natural gas company has received a request to enroll the customer for competitive retail natural gas service with the named retail natural gas supplier or governmental aggregator.
- (2) The date such service is expected to begin.
- (3) The customer has seven business days from the postmark date on the notice to contact the gas or natural gas company to rescind the enrollment request or notify the gas or natural gas company that the change of the retail natural gas supplier or governmental aggregator was not requested by the customer.
- (4) The gas or natural gas company's toll-free or local telephone number.

(G) Within two business days after receiving a customer's request to rescind enrollment with the retail natural gas supplier or governmental aggregator, the gas or natural gas company shall initiate such rescission and inform the retail natural gas supplier or governmental aggregator that such action has been taken.

(H) Customers returning to the gas or natural gas company.

- (1) Any customer returning to the gas or natural gas company's commodity service due to default, abandonment, slamming, or certification rescission of a retail natural gas supplier or governmental aggregator will not be liable for any costs associated with the switch.
- (2) Any switching fee applicable to customers switching from one marketer to another marketer shall also apply to customers switching from a marketer to a gas or natural gas company's applicable tariff service.
- (3) Customers participating in an opt-out government aggregation program will not be charged a switching fee upon returning to a gas or natural gas company's applicable tariff service due to either termination of the aggregation or the aggregator switching suppliers.

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- (4) Any customer returned to a gas or natural gas company's applicable tariff service shall pay the applicable rate while taking such service.
- (5) Any customer returned to the gas or natural gas company's applicable tariff service pursuant to paragraph (E) of rule 4901:1-28-04 of the Administrative Code shall not be charged a switching fee.
- (6) Within two business days after confirming the validated electronic data file for a retail natural gas supplier's or governmental aggregator's customer drop request, the gas or natural gas company shall provide to the customer, by mail or email with an electronic notification of receipt, the customer a notice stating both of the following:
 - (a) The gas or natural gas company has received a request to drop the customer from competitive retail natural gas service or governmental aggregation with the named retail natural gas supplier or governmental aggregator.
 - (b) The retail natural gas supplier's or governmental aggregator's toll-free telephone number.
- (I) Within three business days of notifying a retail natural gas supplier of a customer cancellation, the gas or natural gas company shall provide to the customer, by mail or email with an electronic notification of receipt, a notice stating all of the following:
 - (1) The gas or natural gas company has received the cancellation request from the customer and has notified the customer's retail natural gas supplier of the cancellation.
 - (2) The date the gas or natural gas company received the cancellation.
 - (3) The gas or natural gas company's toll-free telephone number.
- (J) In the event of a material default, as defined by a gas or natural gas company's tariff or by an agreement between the gas or natural gas company and the retail natural gas supplier or governmental aggregator, ~~the gas or natural gas company shall follow the provisions of paragraph (F) of rule 4901:1-27-13 of the Administrative Code;~~
 - (1) The gas or natural gas company will serve a written notice of such default in reasonable detail and with a proposed remedy to the retail natural gas supplier or governmental aggregator and the commission.
 - (2) On or after the date the default notice has been served, the gas or natural gas company may file with the commission a written request for authorization to terminate or suspend the retail

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natural gas supplier or governmental aggregator from participation with the gas or natural gas company's supplier program.

(3) If the material default is due to reasons other than underdelivery or nondelivery, and if the commission, or an attorney examiner, does not issue an entry to suspend or reject the action proposed by the gas or natural gas company within ten business days after receipt of the request, the gas or natural gas company's request to terminate or suspend will be deemed authorized on the eleventh business day.

(4) If the default is due to underdelivery or nondelivery and, if the commission, or an attorney examiner, does not act within five business days after receipt of the request, the gas or natural gas company's request to terminate or suspend will be deemed authorized on the sixth business day.

(5) Notwithstanding paragraphs (J)(3) and (J)(4) of this rule, terminations or suspensions from a gas or natural gas company's supplier program are to be authorized by the commission.

(6) The gas or natural gas company will send notices pursuant to paragraph (J) of this rule by electronic mail, fax, overnight mail, or hand delivery to the commission and staff at the commission's offices. The gas or natural gas company will notify all commissioners, the chief of staff, the director of the service monitoring and enforcement department, the director of the rates and analysis department, the director of the legal department, and the chief of the attorney general's public utilities section. The gas or natural gas company will send the notice to the address, electronic mail, and fax number provided by the retail natural gas supplier or governmental aggregator in its aggregation agreement.

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Summary: Finding & Order adopting proposed amendments to the minimum gas service standards in Ohio Adm.Code Chapter 4901:1-13 electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio