

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Inspire  
Energy Holdings, LLC for Waivers of Certain  
Provisions of Ohio Administrative Code  
Chapters 4901:1-21 and 4901:1-29, to Permit  
Third-Party Verification by Digital  
Confirmation

Case No. 22-29-GE-WVR

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**STAFF COMMENTS FILED ON BEHALF OF  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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**I. BACKGROUND**

On January 11, 2022, Inspire Energy Holdings, LLC (“Inspire” or “Applicant”) submitted an application to the Public Utilities Commission of Ohio (“Commission”) for waivers of certain rules governing the third-party verification (“TPV”) process for new customers enrolled through sales channels requiring a TPV (the “Application”). Specifically, the Applicant has requested waivers of certain provisions of Ohio Administrative Code (“Ohio Adm.Code”) 4901:1-21 and 4901:1-29, to permit TPV by Digital Confirmation.

**II. STAFF REVIEW**

Staff of the Public Utilities Commission of Ohio (“Staff”) reviewed the Application and held a follow-up discussion with Applicant about the proposed enrollment process. In the Application, Inspire requests to modify the third-party

verification process for Ohio Adm.Code Rules 4901:1-21:06(D)(1)(h) (the “Electric TPV Rule”), 4901:1-21-06(D)(2)(a), 4901:1-29-06(D)(6)(b)(6) (the “Gas TPV Rule”), and 4901:1-29-06(E)(1) in order to use a digital TPV. The Applicant seeks a waiver of certain rules governing the TPV process to allow the customer to complete the verification process through a digital confirmation without diminishing consumer protections. The process would be conducted as outlined in the Application and after the marketing agent has left the property (Application at paragraph 5). Inspire provides all third-party marketing agents a tablet to use during various sales channels including door-to-door marketing. The sales process and enrollment would occur on the Inspire device, while the TPV process would occur on the customer’s personal device. According to the Applicant, it is using the same proposed process developed by one of Inspire’s third-party vendors in other states which require a TPV process. In Ohio, customers will have the option of conducting the SMS TPV on their personal device or selecting a telephonic TPV as required under the Electric TPV Rule and the Gas TPV Rule.

A customer that elects the digital TPV will be prompted with an SMS text and directed to an authentication link outlined in the Application (Application at paragraph 9c). After the customer’s identity is verified and the location record is confirmed and stored, the disclosures for the gas and/or electric TPV will appear as required by rule. The digital TPV process will require the customer to confirm all verification questions individually and complete an e-sign form. Upon completion of the TPV by the customer, a confirmation is provided via SMS and a signed copy of the contract with the terms and

conditions is sent to the email address provided. The Applicant will maintain the digital TPV records as required by the Ohio Adm.Code 4901:1-21-06(D)(2)(b)(ii) and Ohio Adm.Code 4901:1-29-06(D)(6)(b)(iv).

### **III. STAFF RECOMMENDATIONS**

After reviewing the Application, Staff believes that the Applicant is requesting a waiver of the TPV requirements for the door-to-door enrollment process and not for telephonic enrollments. Staff supports a waiver to remove terms “audio recording,” “verbal,” and “telephonically” in the before mentioned rules, when a digital TPV is sent to a customer’s personal device during the door-to-door or in-store enrollment process.

Staff strongly believes that verifying the enrollment with the consumer in clear, plain language, using a template uniformly followed by all competitive retail electric service providers and competitive retail natural gas service providers, provides valuable safeguards that protect the consumers’ interests. The intent of the current TPV rule is to make sure that, to the greatest extent possible, consumers understand what they are agreeing to and the terms of that agreement, especially when the enrollment happens immediately following the marketing of the offer by a sales agent.

Staff recognizes that verifying enrollment with gas or electric suppliers provides valuable safeguards while protecting consumers’ interests. Additionally, Staff believes any rule revisions should be conducted during the rulemaking process. While the rule review process outlined in Case Nos. 17-1843-EL-ORD and 17-1847-GA-ORD is far more beneficial to the Commission and the industry to use to set universal standards, the

process does take time. Therefore, Staff recommends that, if approved, this waiver should only be effective during the pendency of the rule review for Ohio Adm.Code 4901:1-21-06 and 4901:1-29-06.

In conclusion, Staff recommends that the Commission grant the waiver requested in this Application, with the conditions that the waiver(s) be clearly limited to only the requirement for telephonic verbal TPV verification during door-to-door enrollment and when a digital TPV is completed on a customer-owned device, and that the waiver expires when the Commission issues its final rules in Case No. 17-1843-EL-ORD and 17-1847-GA-ORD.

Respectfully submitted,

**David Yost**  
Ohio Attorney General

**John Jones**  
Section Chief

*/s/ Sarah Feldkamp*

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**Sarah Feldkamp**

**Steven Beeler**

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**On Behalf of the Staff of  
The Public Utilities Commission of Ohio**

## PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Comments**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via electronic mail upon the following parties of record this 31<sup>st</sup> day of May, 2022.

*/s/ Sarah Feldkamp*

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**Sarah Feldkamp**  
Assistant Attorney General

### **Parties of Record:**

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Summary: Comments Staff Comments electronically filed by Mrs. Tonnetta Y. Scott  
on behalf of PUCO