

CARPENTER LIPPS LLP

TELEPHONE: (614) 365-4100

180 NORTH LaSALLE
SUITE 2105
CHICAGO, ILLINOIS 60601
TELEPHONE: (312) 777-4300

1025 CONNECTICUT AVENUE N.W.
SUITE 1000
WASHINGTON, DC 20036-5417
TELEPHONE: (202) 365-2808

ATTORNEYS AT LAW

280 PLAZA, SUITE 1300

280 NORTH HIGH STREET

COLUMBUS, OHIO 43215

WWW.CARPENTERLIPPS.COM

WRITER'S DIRECT NUMBER:

(614) 365-4124

bojko@carpenterlipps.com

June 5, 2023

VIA ELECTRONIC MAIL

Tanowa M. Troupe, Secretary
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

Re: *In the Matter of the Application of Santanna Natural Gas Corporation d/b/a Santanna Energy Services for Waivers of Certain Rules in Ohio Adm.Code 4901:1-21-06 and 4901:1-29-06 to Authorize Electronic Enrollment and Third-Party Verification by Digital Confirmation, Case No. 23-171-GE-WVR.*

Dear Ms. Troupe:

On March 1, 2023 and as amended on April 12, 2023, Santanna Natural Gas Corporation d/b/a Santanna Energy Services (Santanna) filed a pro-consumer application to narrowly waive certain provisions governing the enrollment and third-party verification (TPV) processes for new customers enrolled through *door-to-door* sales (hereinafter, Amended Application).

Through the discovery process and pleadings, it has become apparent that further clarification of Santanna's request is warranted. Accordingly, Santanna hereby files a Second Amended Application to further clarify that Santanna is only seeking a waiver of certain provisions contained within two rules governing door-to-door sales for electric and natural gas services, Ohio Adm.Code 4901:1-21-06(D)(1) and 4901:1-29-06(D), and *only* to the extent that these rules require wet signatures, audio recordings, or verbal TPVs following a door-to-door sale. To be clear, the waiver request does not apply to telephonic enrollments or any other type of enrollment other than door-to-door.

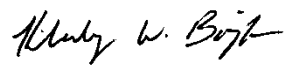
The door-to-door TPV rules specifically cross-reference the requirements set forth in the telephonic TPV rules for door-to-door enrollments. Santanna is seeking waiver of those provisions to the extent necessary for door-to-door enrollments. Santanna is *not* seeking to waive any rules regarding telephonic sales or the TPVs conducted after a telephonic sale. Santanna's TPV waiver request would only apply to verbal TPV requirements following a door-to-door sale.

Ms. Troupe
June 5, 2023
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It is Santanna's intent to offer optionality to customers through door-to-door solicitations, not to take away customer protections or the rights of Staff and/or utilities to obtain required data and/or records. Rather, Santanna seeks only the ability to conduct and obtain customer enrollment, confirmation, and verification information digitally/electronically if the customer so chooses. To this end, Santanna hereby files a Second Amended Application to further clarify its waiver request.

Please do not hesitate to contact me should you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly W. Bojko". The signature is written in a cursive, flowing style.

Kimberly W. Bojko
Counsel for Santanna Natural Gas Corporation

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Santanna)
Natural Gas Corporation d/b/a Santanna Energy)
Services for Waivers of Certain Rules in Ohio) Case No. 23-0171-GE-WVR
Adm.Code 4901:1-21-06 and 4901:1-29-06 to)
Authorize Electronic Enrollment and Third-Party)
Verification by Digital Confirmation.)

**SECOND AMENDED APPLICATION FOR WAIVER OF CERTAIN ENROLLMENT
AND VERIFICATION REQUIREMENTS
BY
SANTANNA NATURAL GAS CORPORATION**

By this Second Amended Application, Santanna Natural Gas Corporation d/b/a Santanna Energy Services (Santanna) hereby offers further clarification as to its narrow request for waiver of certain provisions contained within two rules governing the enrollment and third-party verification (TPV) processes for new customers enrolled through *door-to-door sales* for electric and natural gas services. More specifically, Santanna hereby requests waiver of certain provisions contained within Ohio Adm.Code 4901:1-21-06(D)(1) and 4901:1-29-06(D) in order to utilize new technology and offer customers the *additional option* to digitally/electronically complete and verify their enrollment at the customer's convenience. Santanna's waiver request is only sought to the extent that the two door-to-door rules require wet signatures, audio recordings, or verbal TPVs when completing and confirming a door-to-door sale. To clarify, Santanna is *not* seeking to waive any rules regarding telephonic sales or the TPVs conducted after a telephonic sale.

The requested waiver will enable Santanna to offer customers the *option* of completing the enrollment, verification, and confirmation processes through digital/electronic means as an additional tool in today's digital era. Digital/electronic enrollment and TPV enable better, faster,

more accurate enrollment and enrollment verification, and a greatly enhanced customer experience, without diminishing any consumer protections afforded by the Public Utilities Commission of Ohio's (Commission) rules. Importantly, Santanna's waiver request is the same as or substantially similar to waivers requested by other competitive retail suppliers that have been approved by the Commission.¹

Pursuant to Ohio Adm.Code 4901:1-21-02(C) and 4901:1-29-02(C) and in support of its pro-consumer Second Amended Application, Santanna hereby states as follows:

1. Santanna offers and provides competitive retail electric services (CRES) and competitive retail natural gas services (CRNGS) to customers in five states, including Ohio.

2. Santanna markets and sells its products and services through various sales channels, including internet, telephone, and door-to-door solicitation. Ohio Adm.Code 4901:1-21-06(D)(1) and 4901:1-29-06(D) require Santanna to adhere to certain standards and follow certain procedures for customer enrollment and verification, depending on the sales channel used, customer classification, and method of enrollment.

3. Ohio law prohibits a supplier from switching a customer's electric or natural gas provider without the customer's affirmative consent. Ohio Adm.Code 4901:1-21-06(D)(1) and 4901:1-29-06(D) contain various provisions intended to prevent such unauthorized switching of residential and small commercial electric and natural gas customers, respectively.

4. The Commission's rules include provisions applying specifically to door-to-door

¹ *In the Matter of the Application of AEP Energy, Inc. for a Partial Waiver of Ohio Adm.Code 4901:1-29-06 and 4901:1-21-06*, Case Nos. 18-371-EL-WVR et al., Entry at ¶ 1 (July 17, 2019); *In the Matter of the Application of Direct Energy Business, LLC and Direct Energy Services, LLC for Waivers of Certain Provisions of Chapters 4901:1-21 and 4901:1-29, O.A.C., to Permit Third-Party Verification by Digital Confirmation*, Case No. 18-382-GE-WVR, Entry ¶ 1 (September 26, 2019); *In the Matter of the Joint Application of Constellation NewEnergy, Inc. and Constellation NewEnergy – Gas Division LLC for Waivers of Enrollment Requirements in Rules 4901:1-21-06(C) and 4901:1-29-06(B)*, Ohio Administrative Code, Case No. 18-604-GE-WVR, Entry ¶ 1 (September 29, 2019).

solicitations for both electric and natural gas services. Under both sets of rules, when enrollment occurs by door-to-door solicitation, “the customer’s signature on a contract shall constitute consent.”²

5. During door-to-door solicitations and prior to obtaining an enrolling customer’s signature, the supplier must provide the customer with a reasonable opportunity to read all enrollment documents, and must answer any and all questions posed by the customer about such documents.³

6. Additionally, after obtaining the enrolling customer’s signature on the contract, the supplier must provide the customer with a legible copy of the signed contract.⁴

7. In order to ensure the validity of a door-to-door enrollment, suppliers that utilize this sales channel must obtain customer consent and employ a TPV process after a sale has been completed, but before the electric distribution utility or natural gas local distribution company processes the enrollment.⁵

8. The TPV requirements for both electric and natural gas customers are substantially similar. Under both sets of rules, the TPV process must be structured as follows:

- The sales agent must leave the property before the verification process begins;
- The customer must be given adequate time to respond to the verifier’s questions, and the verifier may not lead the customer in his or her responses; and

² Ohio Adm.Code 4901:1-21-06(D)(1)(a) and 4901:1-29-06(D)(1).

³ Ohio Adm.Code 4901:1-21-06(D)(1)(c) and 4901:1-29-06(D)(3).

⁴ Ohio Adm.Code 4901:1-21-06(D)(1)(d) and 4901:1-29-06(D)(4).

⁵ See Ohio Adm.Code 4901:1-21-06(D)(1)(h) and 4901:1-29-06(D)(6)(b).

- The supplier must retain an audio recording of the verification call for one year after the contract terminates and provide a copy to Commission Staff on request.⁶

9. Both Ohio Adm.Code 4901:1-21-06 and 4901:1-29-06 require the third-party verifier to make certain disclosures to the customer, including, among others, the verifier's identity, the purpose of the TPV call, and notice that the TPV call is being recorded. The TPV must then confirm with the customer the principal terms and conditions of the service to be provided, including the price, length of the contract, applicable termination fees, and any material limitations or conditions of the contract. The verifier must also provide the customer with a number to call to cancel the enrollment.⁷

10. Neither Ohio Adm.Code 4901:1-21-06(D)(1) nor 4901:1-29-06(D) expressly *require* wet signatures on enrollment contracts. However, both rules contain numerous references to "signatures" and "signed" contracts, and these terms could be interpreted to mean a wet signature, as in ink on paper.⁸

11. Additionally, neither Ohio Adm.Code 4901:1-21-06(D)(1) nor 4901:1-29-06(D) expressly *require* that the TPV process be conducted by telephone or by a live agent. However, both rules mandate a list of "verbal" disclosures and verifications that must be communicated during the TPV "call" with the customer, as well as the creation and retention of an "audio recording" of the verification process.⁹

12. By this Second Amended Application, Santanna requests a narrow waiver of certain

⁶ See Ohio Adm.Code 4901:1-21-06(D)(1)(h) and 4901:1-29-06(D)(6)(b). The CRNGS rules additionally specify that incumbent natural gas utilities may also request TPV records.

⁷ See Ohio Adm.Code 4901:1-21-06(D)(2)(a) and 4901:1-29-06(E)(1), which are incorporated by reference into Ohio Adm.Code 4901:1-21-06(D)(1)(h) and 4901:1-29-06(D)(2)(b), respectively.

⁸ See Ohio Adm.Code 4901:1-21-06(D)(1) and 4901:1-29-06(D).

⁹ Ohio Adm.Code 4901:1-21-06(D)(1)(h) and 4901:1-29-06(D)(6)(b).

provisions contained in two rules, Ohio Adm.Code 4901:1-21-06(D)(1) and 4901:1-29-06(D), governing the enrollment and TPV processes for new customers enrolled through door-to-door sales in order to offer customers the *additional option* to digitally/electronically complete and verify their enrollment at the customer's convenience.

13. More specifically, Santanna is only seeking waiver of various provisions of the rules set forth in Ohio Adm.Code **4901:1-21-06(D)(1)**(a), (c), (d), (h)(i) through (iv), and (i) and (i)(ii), and **4901:1-29-06(D)**(1), (3), (4), (6)(a) and (b)(i) through (iv), and (c) and (c)(ii), and *only* to the extent that these rules require wet signatures, audio recordings, or verbal TPVs following a door-to-door sale.

14. Additionally, to the extent that the door-to-door TPV rules specifically require that door-to-door TPVs be conducted in accordance with the requirements set forth in the telephonic TPV rules, Santanna is seeking waiver of Ohio Adm.Code 4901:1-21-06(D)(2)(a)(i) through (viii) and (x) through (xi), and 4901:1-29-06(E)(1) only to the extent that these rules are referenced for the purpose of door-to-door TPV. Santanna is *not* seeking to waive any rules regarding TPVs conducted after a *telephonic* sale. The Commission's door-to-door rules cross-reference the telephonic rules to incorporate the telephonic verification requirements into the door-to-door verification requirements. This is the only reason this petition references the telephonic rules. It is merely a reference to the telephonic rules where the verification requirements applicable to both solicitation methods are enumerated. This is not a request to amend the practices related to telephonic enrollment or verification.

15. Santanna's TPV waiver request would only apply to verbal TPV requirements following a door-to-door sale. Santanna has included certain provisions contained in Ohio Adm.Code 4901:1-21-06(D)(2)(a) and 4901:1-29-06(E)(1) in its request solely because Ohio

Adm.Code 4901:1-21-06(D)(1)(h) requires that TPVs following door-to-door sales for electric service “be conducted in accordance with paragraph (D)(2)(a) of rule 4901:1-21-06 of the Administrative Code.” Moreover, Ohio Adm.Code 4901:1-29-06(D)(6)(b) requires that TPVs following door-to-door sales for natural gas service “be conducted in accordance with paragraph (E)(1) of rule 4901:1-29-06 of the Administrative Code.” Thus, any waiver of the telephonic TPV rules is only a result of internal rule references regarding door-to-door TPVs. Santanna is not seeking to apply a waiver to telephonic sales.

16. To explain further, Santanna’s proposed digital/electronic door-to-door enrollment process will function similarly to and will achieve the same goal as door-to-door enrollment utilizing paper contracts. The sole difference is that the customer will enroll through an electronic device and provide a digital/electronic signature on a digital/electronic version of the contract. This enrollment method closely mirrors the accepted process for internet enrollment, but with the added benefit of the enrolling customer having a sales agent physically present during the enrollment process to answer any questions he might have about Santanna’s services and the enrollment process.

17. During the door-to-door enrollment process for both CRES and/or CRNGS sales, the customer will be given the *option* to complete the TPV confirmation process *either* by verbal or digital/electronic means following a completed sale, with digital/electronic confirmation being the default method. Since the customer selects the TPV method during enrollment, the sales agent is present to answer any and all questions the customer might have about the different TPV methods.

18. Santanna’s proposed digital/electronic enrollment process combines all of the customer protections provided by historic door-to-door solicitation and enrollment, but with the

ease and convenience provided by internet enrollment. Digital/electronic enrollment will also allow Santanna to promptly provide the customer with a copy of his or her signed contract via email, if the customer so chooses.

19. Following a successful door-to-door enrollment wherein the customer has digitally/electronically signed the digital/electronic contract, the sales agent will leave the property so that the customer can begin the TPV process. Whether that process is through digital/electronic means or through a verbal TPV call depends on which method the customer selected during enrollment.

20. Regardless of which method the customer selects, the TPV process will begin after the agent has left the property. Santanna's proposed digital/electronic TPV process will function similarly to and will achieve the same goal as a verbal TPV through a live or pre-recorded TPV agent. The sole difference is that the verifier's interaction with the customer will occur through text or email-driven prompts on the customer's own device after the agent has left the property, rather than through a live or pre-recorded TPV agent via telephone after the agent has left the property.

21. If approved, Santanna's digital/electronic TPV process following door-to-door enrollments will proceed as follows:

- a. At the conclusion of a door-to-door sale that resulted in a digitally/electronically signed contract, the sales agent will leave the property.
- b. As a safeguard against unauthorized switches, GPS tracking and geolocation features are built into the digital/electronic TPV platform to track and confirm that the sales agent has left the property prior to the account holder being able to complete the digital/electronic TPV process so that the TPV process will be

completed without the sales agent present.

- c. Once the sales agent has left the property, the account holder will receive a text or email sent to the account holder's device at the contact information that was provided during the enrollment process. This text or email will include a link to the digital/electronic TPV process.
- d. When the account holder clicks the link in the text message or email, he will be taken to a page requesting that he share his current location so that it can be compared to the location of the sales agent by Santanna's Quality Assurance Team.
- e. The digital/electronic TPV process will then require confirmation from the account holder that the sales agent has left the property and is no longer in the vicinity of the account holder.
- f. The account holder will then be taken to a second identity authentication page, which will include several questions to confirm the identity of the person completing the TPV.
- g. Once the account holder's identity and location have been verified, he will be presented with the list of questions, disclosures, and consents required under Ohio Adm.Code 4901:1-21-06 and 4901:1-29-06. The account holder must select "Yes" or "No" in response to each verification question. Should the account holder select "No" in response to a question requiring a "Yes," the TPV will fail and the enrollment will not be completed and no switch will occur.
- h. At the end of the verification process, the account holder will be provided with a final confirmation of his decision to switch, and will electronically sign the verification form.

- i. A welcome package email will then be sent automatically to the account holder, which contains all of the information and disclosures required under Ohio Adm.Code 4901:1-21-06 and 4901:1-29-06.
22. Importantly, the enrollment and verification software provides recorded time-stamps (hour, minute, and second) of the agent's location, as well as when the invitation link to complete the digital/electronic TPV confirmation is sent to the customer via email or text, when a post-delivery reminder text or email is sent to the customer, when the customer opens the link, when the customer begins the TPV electronic process, when the customer answers each individual TPV question, when the customer has completed the digital/electronic TPV process, and when the TPV is deemed complete and the sale verified.
 - a. The GPS tracking and geolocation information and time-stamps will be reviewed and confirmed by Santanna's Quality Assurance Team. Santanna's Quality Assurance Team regularly reviews Santanna's enrollment and TPV documents for discrepancies following a sale, regardless of the sales method.
 - b. Additionally, the Quality Assurance Team will implement automated distance alerts and perform a review and confirmation of the sales agent's location in relation to the customer during the TPV process to ensure that the agent has left the property during the TPV process.
23. Santanna's proposed digital/electronic enrollment and verification processes would not require a customer to use the digital/electronic TPV, but would instead provide each customer with the *option* to utilize digital/electronic TPV, verbal TPV, or even a live TPV agent if there is a problem or issue with the digital/electronic or pre-recorded verbal TPV processes.
24. Santanna's proposed digital/electronic TPV platform places control of the

verification process in the hands of the customer, significantly enhancing the customer experience, as well as greatly reducing the possibility of fraudulent activity.

25. With digital/electronic TPV, Santanna is able to identify the location of the sales agent and confirm that the sales agent has left the customer's property at the time that the TPV occurs. The digital/electronic TPV prevents the account holder from proceeding with the TPV process until the customer has confirmed that the sales agent has left the property. This would be an additional consumer protection.

26. Digital/electronic TPV, as opposed to verbal TPV, allows the customer to complete the verification process at his own pace, which maximizes the opportunity for comprehension. The customer is able to read and, if necessary, re-read the verification questions, rather than hearing them only once.

27. Digital/electronic TPV also makes it easier for customers who feel they were put on the spot or pressured by a sales agent to decline or rescind an enrollment. Rather than saying "No" to the sales agent or verbal TPV agent, the account holder may decline the enrollment during the digital/electronic TPV process, or elect not to start or complete the TPV at all.

28. Santanna's proposed digital/electronic enrollment and TPV processes are currently set up to utilize a sophisticated electronic device vendor partner that will process enrollments, collect customers' electronic signatures, and store TPV information.

29. Accordingly, Santanna requests waiver of the following highlighted provisions of the electric and natural gas door-to-door TPV rules to the extent that the highlighted terms "signature" or "signed" could be interpreted to mean a "wet signature." Because Santanna's proposed digital/electronic door-to-door enrollment and TPV processes will involve customers enrolling electronically, the customer's signature on the contract will not be ink on paper, but

rather electronic. As noted above, the rules do not require that the signature be wet, but Santanna requests the ability to obtain digital/electronic signatures and, therefore, requests waiver of the below rule provisions to the extent necessary and for regulatory certainty.

30. Additionally, Santanna requests waiver of the below provisions to the extent that the highlighted terms and phrases can be interpreted to require an “audio recording” or a “verbal” TPV following a door-to-door sale. Santanna’s proposed digital/electronic door-to-door enrollment and TPV processes will involve customers receiving a text message or email after the sales agent leaves the premise that will include a link to the digital/electronic TPV process. Unlike verbal TPV where a live or recorded agent verbally asks the customer questions, the digital/electronic TPV interactive process will guide the customer through written prompts on the customer’s own device. As such, the TPV agent will not need to “contact” the TPV provider after the sale is complete, and the third-party verifier will not verbally confirm that the sales agent has left, or verbally administer the TPV interview. The customer will not verbally respond to the TPV questions, and there will not be an “audio recording” created as a result of the digital/electronic TPV. But there *will* be electronic documentation and time-stamps of each step of the TPV process. Therefore, Santanna requests waiver of the below rule provisions to the extent that they require audio recordings or verbal TPVs.

Rule 4901:1-21-06(D)(1):

(a) Where enrollment occurs by mail, facsimile, or direct solicitation, the customer’s **signature** on a contract shall constitute consent.

* * *

(c) Before obtaining a **signature** from the applicant, CRES providers shall provide each customer a reasonable opportunity to read all enrollment documents and shall answer any and all questions posed by any applicant about information contained in the documents.

(d) Immediately upon obtaining the customer’s **signature**, CRES providers shall

provide the applicant a legible copy of the **signed** contract. This provision does not apply to direct mail enrollments where the CRES provider has already provided the customer with a separate, complete copy of the terms and conditions for the customer's records. The copy of the terms and conditions must be identical to the **signed** copy returned by the customer and include a matching version number.

* * *

(h) CRES providers conducting contract sales to residential customers through door-to-door solicitation shall provide for independent third-party verification (TPV) to ensure the validity of the enrollment prior to submission to the electric utility. **The TPV shall be conducted in accordance with paragraph (D)(2)(a) of rule 4901:1-21-06 of the Administrative Code, excluding paragraph (D)(2)(a)(vi) of rule 4901:1-21-06 of the Administrative Code and the process shall include the following:**

- (i) The sales agent **shall contact** the party responsible for the TPV at the conclusion of the sales transaction and provide the necessary contract tracking information to initiate the TPV process.
- (ii) The **independent third-party verifier must confirm with the customer** that the sales agent has left the property of the customer. The sales agent is not to return before, during, or after the TPV process.
- (iii) The **independent third-party verifier shall structure the TPV interview** to give the customer adequate time to **respond to questions** and shall not lead the customer in their **response**.
- (iv) The CRES provider must retain the **audio recording** of the customer's enrollment for one year after the contract with the customer is terminated.

(i) Terms and conditions print specifications

The terms and conditions must be provided to the residential customer at the time of sale. Paper copies of terms and conditions must be printed in dark ink on white or pastel paper and be ten-point type or greater. Electronic copies of the **signed** contract may be provided in the following conditions:

* * *

- (ii) The TPV conducted in accordance with paragraph (D)(1)(h) of this rule shall include a **verbal** statement and the customer's acknowledgment that the customer consents to receive a copy of the terms and conditions via electronic mail.

Rule 4901:1-29-06(D):

- (1) Where enrollment occurs by mail, facsimile, or direct solicitation, the customer's **signature** on a contract shall constitute consent.

* * *

(3) Before obtaining a **signature** from the applicant, a retail natural gas supplier or governmental aggregator shall provide each customer a reasonable opportunity to read all enrollment documents and shall answer any and all questions posed by any applicant about information contained in the documents.

(4) Immediately upon obtaining the customer's **signature**, a retail natural gas supplier and governmental aggregator shall provide the applicant a legible copy of the **signed** contract, unless the retail natural gas supplier or governmental aggregator has already provided the customer with a separate, complete copy of the terms and conditions for the customer's records and the retail natural gas supplier or governmental aggregator has complied with paragraph (C) of rule 4901:1-29-10 of the Administrative Code.

* * *

(6) Direct enrollment of a residential or small commercial customer door-to-door by a retail natural gas supplier or governmental aggregator must comply with the following minimum requirements:

(a) Acknowledgment forms

A retail natural gas supplier or governmental aggregator enrolling customers through door-to-door solicitation shall have the customer **execute** an acknowledgement form as part of and at the time of the door-to-door enrollment process. The acknowledgement form shall include, at a minimum, the following statements or questions:

* * *

(ii) Did the representative explain that by **signing** the enrollment form you were entering into an agreement/contract for [retail natural gas supplier or governmental aggregator] to supply your natural gas?

(iii) Did the representative explain the price for natural gas under the contract you **signed** is _____ dollars per [Ccf or Mcf, whichever is consistent with the incumbent natural gas company's billing format] plus sales tax?

* * *

(b) Third-party verification

A retail natural gas supplier or governmental aggregator enrolling customers through door-to-door solicitation shall provide for an independent third-party verification to ensure the validity of enrollment prior to submission to the incumbent natural gas company and shall not initiate enrollment with the incumbent natural gas company without a valid independent third-party verification. **The independent third-party verification shall be conducted in accordance with**

paragraph (E)(1) of rule 4901:1-29-06 of the Administrative Code and the process shall include the following:

(i) The representative of the retail natural gas supplier or governmental aggregator **shall contact** the independent third-party verifier at the conclusion of customer enrollment to initiate the independent third-party verification process.

(ii) The **independent third-party verifier must confirm with the customer** that the representative of the retail natural gas supplier or governmental aggregator has left the property of the customer. The representative of the retail natural gas supplier or governmental aggregator is not to return before, during, or after the independent third-party verification process.

(iii) The **independent third-party verifier shall structure the independent third-party verification interview** to give the customer adequate time to **respond** to questions and shall not prompt answers from the customer in their **response**.

(iv) The retail natural gas supplier or governmental aggregator must retain the **audio recording** of the customer's enrollment for one year after the contract with the customer is terminated.

(c) Terms and conditions print specifications.

The terms and conditions must be provided to the residential customer at the time of sale. Paper copies of the terms and conditions must be printed in dark ink on white or pastel paper and be ten-point type or greater. Electronic copies of the **signed** contract may be provided in the following conditions:

* * *

(ii) The third-party verification conducted in accordance with paragraph (D)(6)(b) of this rule shall include a **verbal** statement and the customer's acknowledgment that the customer consents to receive a copy of the terms and conditions via electronic mail.

31. To the extent that the above electric and natural gas door-to-door TPV rules reference and require that TPVs following door-to-door sales for electric service be conducted in accordance with the telephonic TPV rules (see blue-highlighted provisions above), Santanna requests waiver of the following highlighted provisions *only* to the extent that those requirements apply to door-to-door sales. As noted above, Santanna is *not* seeking a waiver of TPVs conducted after a telephonic sale. The following provisions are included in this waiver request *only* because

Ohio Adm.Code 4901:1-21-06(D)(1)(h) requires that door-to-door TPVs “be conducted in accordance with paragraph (D)(2)(a) of rule 4901:1-21-06 of the Administrative Code,” and Ohio Adm.Code 4901:1-29-06(D)(6)(b) requires that door-to-door TPVs “be conducted in accordance with paragraph (E)(1) of rule 4901:1-29-06 of the Administrative Code.” Therefore, Santanna requests waiver of the below rule provisions only to the extent necessary and only to the extent that those requirements apply to door-to-door sales.

Rule 4901:1-21-06(D)(2)(a):

To enroll a residential or small commercial customer telephonically, a CRES provider shall make a date and time stamped **audio recording** verifying before the completion of the telephone call, at a minimum, all of the following:

(i) The CRES provider’s or independent third-party verifier’s identity and the exact purpose of the **call**.

(ii) A **verbal** statement and the customer’s acknowledgement that the **call** is being recorded.

(iii) A **verbal** statement and the customer’s acknowledgement that the CRES provider is not the customer’s current electric utility company and that the customer may choose to remain with the electric utility company or enroll with another CRES provider.

(iv) A **verbal** question and the customer’s acknowledgement that the customer wishes to enroll with the provider.

(v) A **verbal** question and the customer’s acknowledgement that the customer is the customer of record at the customer’s electric utility or is authorized to switch providers by the customer of record.

(vi) In accordance with rule 4901:1-21-12 of the Administrative Code, a **verbal** statement and the customer’s acceptance of each of the principal terms and conditions for the service that will be provided, including, but not limited to, all of the following:

* * *

(vii) A **verbal** statement and the customer’s acknowledgement that the provider will, within one business day, send the customer a written contract that details the terms and conditions that were summarized in the telephone call.

(viii) A **verbal** statement and the customer's acknowledgement that the customer has seven calendar days from the postmark date of the electric utility's confirmation notice to cancel the contract without penalty and a reminder that the electric utility will give the customer a cancellation number to confirm any cancellation of the contract during the cancellation period.

(x) If applicable, a **verbal** request for and the customer's provision of the customer's electric utility account number.

(xi) A **verbal** request for and the customer's provision of the customer's mailing address.

Rule 4901:1-29-06(E):

(1) To enroll a customer telephonically, a retail natural gas supplier or governmental aggregator, shall make a date- and time-stamped **audio recording** of the sales portion of the call, if the customer is enrolled, and before the completion of the enrollment process, a date- and time- stamped **audio recording** by an independent third-party verifier that verifies, at a minimum, the following:

(a) The retail natural gas supplier, governmental aggregator, or the independent third-party verifier identity and the exact purpose of the **call**.

(b) A **verbal** statement and the customer's acknowledgement that the call is being recorded.

(c) A **verbal** statement and customer's acknowledgement that the retail natural gas supplier or governmental aggregator is not the customer's natural gas company and that the customer may choose to remain with the natural gas company's applicable tariff or default service.

(d) A **verbal** question and the customer's acknowledgement that the customer has given consent to enroll with the retail natural gas supplier or governmental aggregator.

(e) A **verbal** question and the customer's acknowledgement that the customer is the customer of record or is authorized to switch the retail natural gas supplier or governmental aggregator for the customer of record.

(f) In accordance with rule 4901:1-29-11 of the Administrative Code, a **verbal** statement and the customer's acceptance of each of the principal terms and conditions for the service that will be provided, including, but not limited to:

(g) A **verbal** statement and the customer's acknowledgement that the retail natural gas supplier or governmental aggregator will, within one business day, send the customer a written contract that details the terms and conditions that were summarized in the telephone call.

(h) Customers are advised both **verbally** and in the contract of all of the following:

* * *

(j) A **verbal** request for and the customer's provision of the customer's natural gas company's account number.

(k) A **verbal** request for and the customer's provision of the customer's mailing address.

32. Santanna hereby states and confirms that it will maintain digital/electronic enrollment records under the same rules and standards applicable to paper enrollment.

33. Santanna hereby states and confirms that it will maintain digital/electronic TPV records and time-stamps under the same rules and standards applicable to verbal TPVs.

34. Santanna also hereby states and affirms that it will continue abiding by all other Commission rules and requirements, including the requirements set forth in Ohio Adm.Code 4901:1-21-06(D)(1)(h)(v) and 4901:1-29-06(D)(6)(b)(v) to provide TPVs to Staff and/or utilities upon request.

35. In accordance with Ohio Adm.Code 4901:1-21-02(C), Santanna will serve a copy of this Second Amended Application on the Ohio Consumers' Counsel and all electric distribution utilities operating in Ohio. Santanna will also serve a courtesy copy to each of the four major natural gas local distribution companies operating in Ohio.

36. The waiver requested herein is just, reasonable, and in the public interest. Accordingly, Santanna requests approval of this Second Amended Application without a public hearing.

WHEREFORE, Santanna respectfully requests that the Commission authorize it to perform digital/electronic enrollment and third-party verification for door-to-door electric and natural gas solicitation by granting Santanna waiver of various provisions of the rules set forth in Ohio

Adm.Code **4901:1-21-06(D)(1)**(a), (c), (d), (h)(i) through (iv), and (i) and (i)(ii), and **4901:1-29-06(D)**(1), (3), (4), (6)(a) and (b)(i) through (iv), and (c) and (c)(ii) as set forth above, *only* to the extent that these rules require wet signatures, audio recordings, or verbal TPVs following a door-to-door sale. Additionally, to the extent that the door-to-door TPV rules specifically require that door-to-door TPVs be conducted in accordance with the requirements set forth in the telephonic TPV rules, Santanna respectfully requests waiver of Ohio Adm.Code 4901:1-21-06(D)(2)(a)(i) through (viii) and (x) through (xi), and 4901:1-29-06(E)(1).

Respectfully submitted,

/s/ Kimberly W. Bojko

Kimberly W. Bojko (0069402) (Counsel of Record)

Emma Y. Easley (0102144)

Carpenter Lipps LLP

280 North High Street, Suite 1300

Columbus, Ohio 43215

Telephone: (614) 365-4100

bojko@carpenterlipps.com

easley@carpenterlipps.com

(willing to accept service by email)

Counsel for Santanna Natural Gas Corporation

CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned hereby certifies that a copy of the foregoing document also is being served via electronic mail on June 5, 2023 upon the parties listed below.

/s/ Kimberly W. Bojko

Kimberly W. Bojko

Counsel for Santanna Natural Gas Corporation

SERVICE LIST

Angela D. O'Brien
Counsel of Record
Connor Semple
Assistant Consumers' Counsel
65 East State Street, Suite 700
Columbus, OH 43215
angela.obrien@occ.ohio.gov
connor.semple@occ.ohio.gov

Gareth Whaley
Additional Counsel for OCC
Two Miranova Place, Suite 700
Columbus, OH 43215
gwhaley@isaacwiles.com

Joseph M. Clark
John R. Ryan
Columbia Gas of Ohio, Inc.
290 W. Nationwide Blvd.
Columbus, OH 43216
josephclark@nisource.com
johnryan@nisource.com

Ashley Wnek
Rhiannon Howard
Office of the Ohio Attorney General

Patrick W. Skilliter
Legal Aid Society of Columbus
1108 City Park Ave., Suite 100
Columbus, OH 43206
pskilliter@columbuslegalaid.org

Stephanie Moes
Legal Aid Society of Southwest Ohio
215 East Ninth Street, Suite 500
Cincinnati, OH 45202
smoes@lascinti.org

Steven T. Nourse
AEP Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, OH 43215
stnourse@aep.com

Christopher C. Hollon
The Dayton Power & Light Company
1065 Woodman Drive
Dayton, OH 45432
christopher.hollon@aes.com

Rocco O. D'Ascenzo
Duke Energy Ohio, Inc.

30 East Broad Street, 26th Floor
Columbus, OH 43215
ashley.wnek@ohioAGO.gov
rhiannon.howard@ohioAGO.gov

Matthew Sandor
Attorney Examiner
Public Utilities Commission of Ohio
180 E Broad St.
Columbus, OH 43215
matthew.sandor@puco.ohio.gov

Peggy P. Lee
Southeastern Ohio Legal Services
964 East State St.
Athens, OH 45701
plee@seols.org

Susan Jagers
Ohio Poverty Law Center
1108 City Park Ave. Suite 200
Columbus, Ohio 43206
sjagers@ohiopoveritylaw.org

139 E. Fourth Street, 1303-Main
Cincinnati, OH 45201
rocco.dascenzo@duke-energy.com

Brian Knipe
FirstEnergy Corp.
76 South Main Street
Akron, OH 44308
bknipe@firstenergycorp.com

Andrew J. Campbell
The East Ohio Gas Company d/b/a Dominion
Energy Ohio
1201 East 55th Street
Cleveland, OH 44103
Andrew.J.Campbell@dominionenergy.com

Christopher T. Kennedy
Vectren Energy Delivery of Ohio, Inc. d/b/a
Centerpoint Energy Ohio
211 NW Riverside Drive
Evansville, IN 47708
kennedy@whitt-sturtevant.com

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Summary: Amended Application Santanna Second Amended Application for TPV Waiver (23-0171-GE-WVR) electronically filed by Mrs. Kimberly W. Bojko on behalf of Santanna Natural Gas Corporation.