

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission)
Consideration of Waivers) Case No. 05-1191-AU-UNC
of the Administrative Code.)

ENTRY

The Commission finds:

- (1) On September 29, 2005, certain statutory changes become effective as ordered by Amended House Bill 66. Among the statutory changes required are duties associated with the handling of residential consumer complaints by the Office of the Ohio Consumers' Counsel (OCC) and the Public Utilities Commission of Ohio (Commission). Specifically, creation of Section 4911.021, Revised Code, requires the OCC to forward all consumer complaints to the Commission. In turn, the creation of Section 4905.261, Revised Code, requires the Commission to provide OCC all information concerning residential consumer complaints received in the operation of the call center. The Office of Budget and Management described the measure as the consolidation of utility customer call centers, stating in its highlights of the biennial appropriations, "(T)he call centers currently operated by the Public Utilities Commission and the Office of the Ohio Consumers' Counsel will be consolidated into one center that will be operated by the Public Utilities Commission. The consolidation is expected to result in savings to utility consumers".
- (2) A number of the Commission's administrative rules include the requirement that consumers be made aware that, if they are unable to resolve issues or complaints with the utility, they have the option to contact the Commission, or for resolving residential consumer complaints they can also contact the OCC. In light of the statutory changes, the Commission is concerned that the requirement in the rules for utilities to include the OCC complaint contact information may confuse and mislead consumers seeking to resolve complaints informally with their utility. Furthermore, absent a waiver of the affected rules, utilities will be providing consumers with inaccurate information in direct violation of sections of newly enacted

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Sections 4905.261 and 4911.021, Revised Code. The Ohio Administrative Code rules that contain language relating to consumer complaints and resolution of consumer issues include:

- (a) 4901:1-5-06(B)(8)(i) Consumer Information (Telephone)-
Requirement that the directory provided by local service providers include a description of the provider's complaint-handling procedures accompanied by a description of Commission and OCC contact information.
- (b) 4901:1-5-06 Consumer Information Appendix A (Telephone)-
Appendix A is a copy of the telephone customer bill of rights that must be provided to customers. Under the section titled "Informal Complaints" is contact information for both the Commission and the OCC.
- (c) 4901:1-5-06 Consumer Information Appendix B (Telephone)-
Appendix B is an abbreviated version of Appendix A, the telephone customer bill of rights. It includes the Commission's and OCC's contact information for concerns that can not be resolved by contacting the company.
- (d) 4901:1-5-15(A)(13) Subscriber Bills (Telephone)-
There is a requirement that all telephone local service providers shall include a specific statement on bills including both the Commission's and the OCC's contact information if questions are not resolved with the utility.
- (e) 4901:1-5-17(L)(8) Denial or disconnection of local and toll service-
There is a requirement that all telephone disconnection notices shall include a specific statement on bills including both the Commission's and the OCC's contact information if questions are not resolved with the utility.

- (f) 4901:1-10-22(B)(5) Electric distribution utility (EDU) customer billing and payments (Electric)-
There is a requirement that all bills issued by EDU's shall include a specific statement on bills including both the Commission's and the OCC's contact information if questions are not resolved with the utility.
- (g) 4901:1-10-33(C)(15) Consolidated billing requirements (Electric/CRES)-
There is a requirement that all consolidated EDU and competitive retail electric service (CRES) bills shall include a specific statement including both the Commission's and the OCC's contact information if questions are not resolved with the utility.
- (h) 4901:1-15-23(N) Customer bill format (Waterworks/Sewage Disposal)-
There is a requirement that all waterworks and sewage disposal providers that serve fifteen thousand or more customers shall include a specific statement on bills including both the Commission's and the OCC's contact information if questions are not resolved with the utility.
- (i) 4901:1-18-09(B)(5) Residential natural gas bills-
There is a requirement that all natural gas company providers shall include a specific statement on bills that includes both the Commission's and the OCC's contact information if questions are not resolved with the utility.
- (j) 4901:1-21-12(B)(9) Contract disclosure (CRES)-
There is a requirement that all CRES provider contracts with residential and small commercial customers shall include procedures for handling complaints and disputes including a specific statement including both the Commission's and the OCC's contact information if questions are not resolved after talking with the retail natural gas supplier or opt-in governmental aggregator.

- (k) 4901:1-21-14(C)(13) Customer billing and payments (CRES)-
There is a requirement that all bills issued by or for CRES providers shall include a specific statement on bills that includes both the Commission's and the OCC's contact information if questions are not resolved with the CRES provider.
- (l) 4901:1-21-18(C)(15) Consolidated billing requirements (CRES)-
There is a requirement that all CRES/EDU consolidated bills issued shall include a specific statement on bills that includes both the Commission's and the OCC's contact information if questions are not resolved with the electric supplier and/or electric utility.
- (m) 4901:1-29-11(B)(10) Contract disclosure (Natural Gas)-
There is a requirement that all retail natural gas supplier and opt-in governmental aggregator contracts with customers shall include procedures for handling complaints and disputes including a specific statement including both the Commission's and the OCC's contact information if questions are not resolved after talking with the retail natural gas supplier or opt-in governmental aggregator.
- (n) 4901:1-29-12(B)(12) Customer billing and payments (Natural gas)-
There is a requirement that all customer bills issued by retail natural gas suppliers and governmental aggregators shall include a specific statement including both the Commission's and the OCC's contact information if questions are not resolved after talking with the retail natural gas supplier or governmental aggregator.

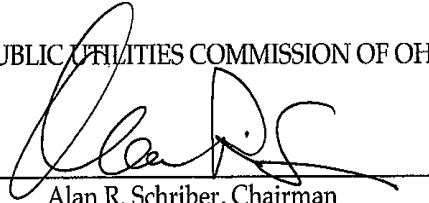
- (3) In an effort to avoid customer confusion and ensure compliance with the newly enacted statutes, the Commission is initiating and granting this set of waivers concerning the requirement to include the complaint contact language for OCC, for resolution of issues and complaints as outlined in the rules set forth in paragraph 2. The Commission will also be extending the hours of its call center to 5:30 p.m., starting Monday, October 24, 2005. The change in hours is intended to better serve consumers and to accommodate any calls received by the OCC that would need to be transferred to the Commission. The date also provides consumers with greater access to the Commission during the winter heating season. Companies changing documentation related to these waivers should also reflect the change in the Commission hours where applicable. The current stock of any bills or materials required under the above listed rules can still be used to avoid any cost to the utility. Likewise, recognition of these waivers should not result in any further cost to consumers.
- (4) The Commission will update the body of the rules and revisit the purpose and need of any further information as the rules are updated in accordance with the required renewal schedules.

It is, therefore,

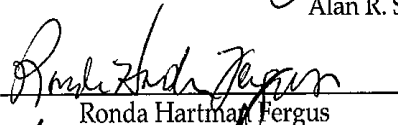
ORDERED, That in accordance with Finding (3), the waivers of the relevant portions of the rules as set forth in Finding (2) above are hereby granted. It is, further,

ORDERED, That a copy of this entry be docketed, for notice purposes, in each of the following dockets: 00-1265-TP-ORD, 01-1371-GA-ORD, 01-2775-WS-ORD, 02-564-EL-ORD, 02-565-EL-ORD, 03-888-AU-ORD, and served upon all gas, electric, telecommunications, water, and sewer utilities; CRES providers and retail natural gas suppliers registered with the Commission; and the Office of the Ohio Consumers' Counsel.

THE PUBLIC UTILITIES COMMISSION OF OHIO

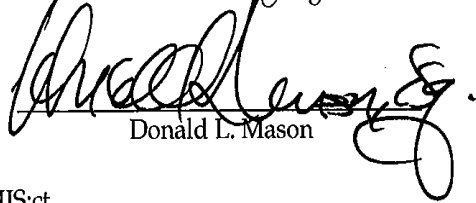


Alan R. Schriber, Chairman



Ronda Hartman Fergus

Judith A. Jones



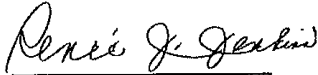
Donald L. Mason

Clarence D. Rogers, Jr.

MJS:ct

Entered in the Journal

SEP 28 2005



Renee J. Jenkins
Secretary