

**RULES FOR COMPETITIVE RETAIL ELECTRIC SERVICE (CRES)**

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**4901:1-21-01 PURPOSE AND SCOPE.**

**(A) THE RULES IN THIS CHAPTER:**

**(1) APPLY TO PERSONS OFFERING OR PROVIDING ANY RETAIL ELECTRIC SERVICE WHICH HAS BEEN DECLARED COMPETITIVE PURSUANT TO SECTION 4928.03 OF THE REVISED CODE INCLUDING RETAIL ELECTRIC GENERATION, AGGREGATION, POWER MARKETING, AND POWER BROKERAGE.**

**(2) ARE INTENDED TO:**

**(a) PROVIDE MINIMUM STANDARDS FOR SERVICE QUALITY, SAFETY, AND RELIABILITY;**

**(b) PROVIDE CONSUMERS WITH SUFFICIENT INFORMATION TO MAKE INFORMED DECISIONS ABOUT COMPETITIVE RETAIL ELECTRIC SERVICE; AND**

**(c) PROTECT CONSUMERS AGAINST DECEPTIVE, UNFAIR, AND UNCONSCIONABLE ACTS AND PRACTICES IN THE MARKETING, SOLICITATION, AND SALE OF COMPETITIVE RETAIL ELECTRIC SERVICE AND IN THE ADMINISTRATION OF ANY CONTRACT FOR THAT SERVICE.**

**(B) AFTER NOTICE AND, IF NECESSARY, AN OPPORTUNITY FOR HEARING, THE COMMISSION MAY REQUIRE COMPETITIVE RETAIL ELECTRIC SERVICE (CRES) PROVIDERS TO TAKE ANY APPROPRIATE ACTION NECESSARY TO COMPLY WITH THESE RULES AND THE STATE'S POLICY AS STATED IN SECTION 4928.02 OF THE REVISED CODE UPON:**

**(1) THE COMMISSION'S OWN MOTION;**

**(2) FORMAL OR INFORMAL COMPLAINTS BROUGHT TO THE COMMISSION; OR**

**(3) THE APPLICATION OF ANY COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER.**

- (C) THE COMMISSION MAY WAIVE ANY REQUIREMENT OF CHAPTER 4901:1-21 OF THE ADMINISTRATIVE CODE FOR GOOD CAUSE SHOWN OR UPON ITS OWN MOTION. ANY CRES PROVIDER REQUESTING A WAIVER OF ANY REQUIREMENT IN CHAPTER 4901:1-21 OF THE ADMINISTRATIVE CODE SHALL SERVE NOTICE OF THE REQUEST UPON THE OHIO CONSUMERS' COUNSEL AND ALL ELECTRIC DISTRIBUTION UTILITIES OPERATING IN OHIO.
- (D) THE RULES IN THIS CHAPTER SHALL NOT RELIEVE CRES PROVIDERS FROM COMPLYING WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS.
- (E) THE RULES OF THIS CHAPTER SUPERSEDE ANY INCONSISTENT PROVISIONS, TERMS, AND CONDITIONS OF THE COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER'S CONTRACTS OR OTHER DOCUMENTS DESCRIBING SERVICE OFFERINGS FOR CUSTOMERS OR POTENTIAL CUSTOMERS IN OHIO.

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Effective:

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

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Date

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4901:1-21-02 GENERAL PROVISIONS.

- (A) CRES PROVIDERS SHALL NOT ENGAGE IN UNFAIR, MISLEADING, DECEPTIVE, OR UNCONSCIONABLE ACTS OR PRACTICES RELATED TO, WITHOUT LIMITATION, THE FOLLOWING ACTIVITIES:
- (1) MARKETING, SOLICITATION, OR SALE OF A COMPETITIVE RETAIL ELECTRIC SERVICE;
  - (2) ADMINISTRATION OF CONTRACTS FOR SUCH SERVICE;  
OR
  - (3) PROVISION OF SUCH SERVICE, INCLUDING INTERACTIONS WITH CONSUMERS.
- (B) CRES PROVIDERS SHALL NOT CAUSE OR ARRANGE FOR THE DISCONNECTION OF DISTRIBUTION SERVICE, OR EMPLOY THE THREAT OF SUCH ACTIONS, AS A CONSEQUENCE OF CONTRACT TERMINATION, CUSTOMER NONPAYMENT, OR FOR ANY OTHER REASON.
- (C) CRES PROVIDERS SHALL NOT CHANGE OR AUTHORIZE THE CHANGING OF A CUSTOMER'S SUPPLIER OF RETAIL ELECTRIC SERVICE WITHOUT THE CUSTOMER'S PRIOR CONSENT, AS PROVIDED FOR UNDER RULE 4901:1-21-06 OF THE ADMINISTRATIVE CODE. FOR THE PURPOSE OF PROCURING CRES SERVICES, THIS REQUIREMENT DOES NOT APPLY TO AUTOMATIC GOVERNMENTAL AGGREGATION PURSUANT TO DIVISION (A) OF SECTION 4928.10 OF THE REVISED CODE, OR FOR UNIVERSAL SERVICE CUSTOMERS (FORMERLY THE PERCENTAGE OF INCOME PAYMENT PROGRAM) FOR WHOM THE OHIO DEPARTMENT OF DEVELOPMENT PROCURES ELECTRIC SERVICES PURSUANT TO SECTION 4928.54 OF THE REVISED CODE.
- (D) FOR THE PURPOSES OF MARKET MONITORING AND PROVIDING THE PUBLIC COMPARATIVE INFORMATION FROM CRES PROVIDERS' STANDARD-CONTRACT OFFERS, CRES PROVIDERS SHALL FURNISH TO COMMISSION STAFF AT REGULAR INTERVALS, TO BE ANNOUNCED BY STAFF, THE FOLLOWING INFORMATION TRANSMITTED BY E-MAIL OR TELEFAX WITHIN FOUR CALENDAR DAYS OF STAFF'S REQUEST:

- (1) FOR FIXED-RATE CONTRACTS, THE PRICE PER KWH FOR GENERATION SERVICE;
- (2) FOR VARIABLE-RATE CONTRACTS, AN EXPLANATION OF THE FACTORS THAT WILL CAUSE THE PRICE TO VARY, AND THE FREQUENCY OF SUCH VARIATION;
- (3) FOR ALL STANDARD CONTRACTS, A LISTING OF ANY RECURRING AND NONRECURRING CHARGES NOT PROVIDED UNDER PARAGRAPHS (D)(1) AND (D)(2) OF THIS RULE, AND A STATEMENT OF THE LENGTH OF CONTRACT TERM; AND
- (4) OTHER INFORMATION AS THE STAFF MAY DEEM NECESSARY.

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4901:1-21-03 DEFINITIONS.

- (A) AS USED WITHIN CHAPTER 4901:1-21 OF THE REVISED CODE, THESE TERMS DENOTE THE FOLLOWING:
- (1) “AGGREGATION” MEANS COMBINING THE ELECTRIC LOAD OF MULTIPLE RETAIL CUSTOMERS VIA AN AGREEMENT WITH THE CUSTOMERS OR FORMATION OF A GOVERNMENTAL AGGREGATION PURSUANT TO SECTION 4928.20 OF THE REVISED CODE FOR THE PURPOSE OF PURCHASING RETAIL ELECTRIC GENERATION SERVICE ON AN AGGREGATED BASIS.
  - (2) “AGGREGATOR” MEANS A PERSON, CERTIFIED BY THE COMMISSION, WHO CONTRACTS WITH CUSTOMERS TO COMBINE THE CUSTOMERS’ ELECTRIC LOAD FOR THE PURPOSES OF PURCHASING RETAIL ELECTRIC GENERATION SERVICE ON AN AGGREGATED BASIS.
  - (3) "BILLING AND COLLECTION AGENT" HAS THE MEANING SET FORTH IN DIVISION (A)(2) OF SECTION 4928.01 OF THE REVISED CODE.
  - (4) “BIOMASS POWER” MEANS A RENEWABLE GENERATION RESOURCE THAT IS PRIMARILY DERIVED FROM THE COMBUSTION OF ORGANIC MATTER. BIOMASS FUELS MAY BE SOLID, LIQUID, OR GAS AND ARE DERIVED FROM FEEDSTOCKS. EXAMPLES OF SUCH FEEDSTOCKS INCLUDE, BUT ARE NOT LIMITED TO: AGRICULTURAL CROPS AND RESIDUES, INDUSTRIAL WOOD AND LOGGING RESIDUES, FARM ANIMAL WASTES, THE ORGANIC PORTION OF MUNICIPAL SOLID WASTE, AND METHANE GAS FROM LANDFILLS.
  - (5) “COMMISSION” MEANS THE PUBLIC UTILITIES COMMISSION OF OHIO.
  - (6) “COMPETITIVE RETAIL ELECTRIC SERVICE” (CRES) HAS THE MEANING SET FORTH IN DIVISION (A)(4) OF SECTION 4928.01 OF THE REVISED CODE, AND INCLUDES THE SERVICES PROVIDED BY RETAIL ELECTRIC GENERATION PROVIDERS, POWER MARKETERS, POWER BROKERS, AGGREGATORS, AND GOVERNMENTAL AGGREGATORS.

- (7) "COMPLAINT" MEANS ANY CONSUMER CONTACT IN WHICH THE CUSTOMER EXPRESSES DISSATISFACTION.
- (8) "CONSUMER" MEANS A PERSON WHO USES A COMPETITIVE RETAIL ELECTRIC SERVICE.
- (9) "CONTRACT" MEANS AN AGREEMENT BETWEEN A CUSTOMER AND COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER THAT SPECIFIES THE TERMS AND CONDITIONS FOR PROVISION OF A COMPETITIVE RETAIL ELECTRIC SERVICE OR SERVICES.
- (10) "CRES PROVIDER" MEANS A PERSON OR ENTITY, UNDER CERTIFICATION BY THE COMMISSION, WHO SUPPLIES OR OFFERS TO SUPPLY A COMPETITIVE RETAIL ELECTRIC SERVICE. THIS TERM DOES NOT APPLY TO AN ELECTRIC DISTRIBUTION UTILITY IN ITS PROVISION OF STANDARD OFFER GENERATION SERVICE.
- (11) "CUSTOMER" MEANS A PERSON WHO CONTRACTS WITH OR IS SOLICITED BY A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER FOR THE PROVISION OF A COMPETITIVE RETAIL ELECTRIC SERVICE.
- (12) "DEPOSIT" MEANS A SUM OF MONEY A CRES PROVIDER COLLECTS FROM A CUSTOMER AS A PRECONDITION FOR INITIATING SERVICE.
- (13) "DIRECT SOLICITATION" MEANS FACE-TO-FACE SOLICITATION OF A CUSTOMER INITIATED BY A CRES PROVIDER AT THE HOME OF A CUSTOMER OR AT A PLACE OTHER THAN THE NORMAL PLACE OF BUSINESS OF THE PROVIDER, AND INCLUDES DOOR-TO-DOOR SOLICITATIONS.
- (14) "DISTRIBUTION SERVICE" MEANS THE PHYSICAL DELIVERY OF ELECTRICITY TO CONSUMERS THROUGH FACILITIES PROVIDED BY AN ELECTRIC DISTRIBUTION UTILITY.

- (15) "ELECTRIC COOPERATIVE" HAS THE MEANING SET FORTH IN DIVISION (A)(5) OF SECTION 4928.01 OF THE REVISED CODE.
- (16) "ELECTRIC DISTRIBUTION UTILITY" (EDU) HAS THE MEANING SET FORTH IN DIVISION (A)(6) OF SECTION 4928.01 OF THE REVISED CODE.
- (17) "ELECTRIC GENERATION SERVICE" MEANS RETAIL ELECTRIC GENERATION SERVICE.
- (18) "ELECTRIC UTILITY" HAS THE MEANING SET FORTH IN DIVISION (A)(11) OF SECTION 4928.01 OF THE REVISED CODE.
- (19) "ENVIRONMENTAL DISCLOSURE DATA" MEANS BOTH GENERATION RESOURCE MIX AND ENVIRONMENTAL CHARACTERISTICS.
- (20) "GOVERNMENTAL AGGREGATOR" HAS THE MEANING SET FORTH IN DIVISION (A)(13) OF SECTION 4928.01 OF THE REVISED CODE.
- (21) "MARKET DEVELOPMENT PERIOD" HAS THE MEANING SET FORTH IN DIVISION (A)(17) OF SECTION 4928.01) OF THE REVISED CODE.
- (22) "MICROTURBINE" MEANS A COMBUSTION TURBINE WITH A PEAK GENERATING CAPACITY OF ONE HUNDRED KW OR LESS.
- (23) "NET METERING" HAS THE MEANING SET FORTH IN DIVISION (A)(31) OF SECTION 4928.01 OF THE REVISED CODE.
- (24) "OCC" MEANS THE OHIO CONSUMERS' COUNSEL.
- (25) "OTHER SOURCES" MEANS KNOWN ELECTRIC ENERGY GENERATION RESOURCES THAT CANNOT REASONABLY BE INCLUDED WITHIN ANY OF THE SPECIFIC FUEL CATEGORIES.
- (26) "PERSON" HAS THE SAME MEANING AS IN SECTION 1.59 OF THE REVISED CODE.

- (27) "POWER BROKER" MEANS A PERSON CERTIFIED BY THE COMMISSION, WHO PROVIDES POWER BROKERAGE.
- (28) "POWER BROKERAGE" MEANS ASSUMING THE CONTRACTUAL AND LEGAL RESPONSIBILITY FOR THE SALE AND/OR ARRANGEMENT FOR THE SUPPLY OF RETAIL ELECTRIC GENERATION SERVICE TO A RETAIL CUSTOMER IN THIS STATE WITHOUT TAKING TITLE TO THE ELECTRIC POWER SUPPLIED.
- (29) "POWER MARKETER" MEANS A PERSON, CERTIFIED BY THE COMMISSION, WHO PROVIDES POWER MARKETING SERVICES.
- (30) "POWER MARKETING" MEANS ASSUMING THE CONTRACTUAL AND LEGAL RESPONSIBILITY FOR THE SALE AND PROVISION OF RETAIL ELECTRIC GENERATION SERVICE TO A RETAIL CUSTOMER IN THIS STATE AND HAVING TITLE TO ELECTRIC POWER AT SOME POINT DURING THE TRANSACTION.
- (31) "RESIDENTIAL CUSTOMER" MEANS A CUSTOMER WHO CONTRACTS FOR A COMPETITIVE RETAIL ELECTRIC SERVICE FOR RESIDENTIAL PURPOSES.
- (32) "RETAIL ELECTRIC SERVICE" HAS THE MEANING SET FORTH IN DIVISION (A)(27) OF SECTION 4928.01 OF THE REVISED CODE.
- (33) "RETAIL ELECTRIC GENERATION SERVICE" MEANS THE PROVISION OF ELECTRIC POWER TO A RETAIL CUSTOMER IN THIS STATE THROUGH FACILITIES PROVIDED BY AN ELECTRIC DISTRIBUTION UTILITY AND/OR A TRANSMISSION ENTITY IN THIS STATE. THE TERM ENCOMPASSES THE SERVICES PERFORMED BY RETAIL ELECTRIC GENERATION PROVIDERS, POWER MARKETERS, AND POWER BROKERS, BUT DOES NOT ENCOMPASS THE SERVICE PROVIDED BY AN EDU PURSUANT TO SECTION 4928.14 OR DIVISION (D) OF SECTION 4928.35 OF THE REVISED CODE.

- (34) "SMALL COMMERCIAL CUSTOMER" A COMMERCIAL CUSTOMER THAT IS NOT A MERCANTILE COMMERCIAL CUSTOMER.
- (35) "SOLICITATION" MEANS ANY COMMUNICATION INTENDED TO ELICIT A CUSTOMER'S AGREEMENT TO PURCHASE OR CONTRACT FOR A COMPETITIVE RETAIL ELECTRIC SERVICE.
- (36) "STAFF" MEANS THE COMMISSION STAFF.
- (37) "TOLL-FREE" MEANS TELEPHONE ACCESS PROVIDED TO A CUSTOMER WITHOUT TOLL CHARGES TO THE CUSTOMER.
- (38) "UNKNOWN PURCHASED RESOURCES" MEANS ELECTRIC ENERGY GENERATION RESOURCES NEITHER OWNED OR OPERATED BY A COMPETITIVE RETAIL GENERATION SUPPLIER WHERE THE ELECTRIC ENERGY GENERATION SOURCE(S) OR PROCESS CANNOT BE IDENTIFIED AFTER MAKING ALL REASONABLE EFFORTS TO IDENTIFY THE SOURCE OR PROCESS USED TO PRODUCE THE POWER.

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4901:1-21-04 RECORDS AND RETENTION.

- (A) EACH CRES PROVIDER SHALL ESTABLISH AND MAINTAIN RECORDS AND DATA SUFFICIENT TO:
  - (1) VERIFY ITS COMPLIANCE WITH THE REQUIREMENTS OF ANY APPLICABLE COMMISSION RULES; AND
  - (2) SUPPORT ANY INVESTIGATION OF CUSTOMER COMPLAINTS.
- (B) UNLESS OTHERWISE PRESCRIBED IN THIS CHAPTER, ALL RECORDS REQUIRED BY THIS CHAPTER SHALL BE RETAINED FOR NO LESS THAN TWO YEARS.
- (C) UNLESS OTHERWISE PRESCRIBED BY THE COMMISSION OR ITS AUTHORIZED REPRESENTATIVES, ALL RECORDS REQUIRED BY THIS CHAPTER SHALL BE PROVIDED TO THE COMMISSION STAFF WITHIN FIVE CALENDAR DAYS OF ITS REQUEST.

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4901:1-21-05 MARKETING AND SOLICITATION.

- (A) EACH CRES PROVIDER THAT OFFERS RETAIL ELECTRIC GENERATION SERVICE TO RESIDENTIAL OR SMALL COMMERCIAL CUSTOMERS SHALL PROVIDE, IN MARKETING MATERIALS THAT INCLUDE OR ACCOMPANY A SERVICE CONTRACT, SUFFICIENT INFORMATION FOR CUSTOMERS TO MAKE INTELLIGENT COST COMPARISONS AGAINST OFFERS THEY RECEIVE FROM OTHER PROVIDERS.
- (1) FOR FIXED-RATE OFFERS, SUCH INFORMATION SHALL, AT MINIMUM, INCLUDE:
- (a) THE COST PER KWH FOR GENERATION SERVICE;
  - (b) THE AMOUNT OF ANY OTHER RECURRING OR NONRECURRING CRES PROVIDER CHARGES; AND
  - (c) A STATEMENT THAT THE CUSTOMER WILL INCUR ADDITIONAL CHARGES FOR THE EDU'S SERVICES, AND THE MONTHLY AMOUNT OF SUCH CHARGES AN AVERAGE RESIDENTIAL CUSTOMER WOULD INCUR USING SEVEN HUNDRED FIFTY KWH OF ELECTRICITY.
- (2) FOR VARIABLE-RATE OFFERS, SUCH INFORMATION SHALL, AT MINIMUM, INCLUDE:
- (a) A CLEAR AND UNDERSTANDABLE EXPLANATION OF THE FACTORS THAT WILL CAUSE THE PRICE TO VARY (INCLUDING ANY RELATED INDICES) AND HOW OFTEN THE PRICE CAN CHANGE;
  - (b) THE AMOUNT OF ANY OTHER RECURRING OR NONRECURRING CRES PROVIDER CHARGES; AND
  - (c) A STATEMENT THAT THE CUSTOMER WILL INCUR ADDITIONAL CHARGES FOR THE EDU'S SERVICES, AND THE MONTHLY AMOUNT OF SUCH CHARGES AN AVERAGE RESIDENTIAL

CUSTOMER WOULD INCUR USING SEVEN HUNDRED FIFTY KWH OF ELECTRICITY.

- (B) A CRES PROVIDER'S PROMOTIONAL AND ADVERTISING MATERIAL THAT IS TARGETED FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS SHALL BE PROVIDED TO THE COMMISSION OR ITS STAFF WITHIN FIVE CALENDAR DAYS OF A REQUEST BY THE COMMISSION OR ITS STAFF.
- (C) NO CRES PROVIDER MAY ENGAGE IN MARKETING, SOLICITATION, OR SALES ACTS, OR PRACTICES WHICH ARE UNFAIR, MISLEADING, DECEPTIVE, OR UNCONSCIONABLE IN THE MARKETING, SOLICITATION, OR SALE OF A CRES SERVICE. SUCH UNFAIR, MISLEADING, DECEPTIVE, OR UNCONSCIONABLE ACTS OR PRACTICES INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:
- (1) SOLICITING CUSTOMERS TO ENROLL FOR A COMPETITIVE RETAIL ELECTRIC SERVICE:
    - (a) AFTER SUSPENSION, RESCISSION, OR CONDITIONAL RESCISSION OF A CERTIFICATION BY THE COMMISSION; OR
    - (b) AFTER DENIAL OF CERTIFICATION RENEWAL BY THE COMMISSION.
  - (2) FAILING TO COMPLY WITH PARAGRAPHS (A) OR (B) OF THIS RULE;
  - (3) FAILING TO PROVIDE IN OR WITH ITS ADVERTISEMENTS AND PROMOTIONAL MATERIALS THAT MAKE AN OFFER FOR SALE, A TOLL-FREE/LOCAL TELEPHONE NUMBER (AND ADDRESS FOR PRINTED MATERIALS) WHICH THE POTENTIAL CUSTOMER MAY CALL OR WRITE TO REQUEST DETAILED INFORMATION REGARDING THE PRICE, TERMS, CONDITIONS, LIMITATIONS, RESTRICTIONS AND, IF APPLICABLE, ENVIRONMENTAL CHARACTERISTICS OF THE SERVICE OFFERED;
  - (4) SOLICITING VIA TELEPHONE CALLS INITIATED BY THE CRES PROVIDER (OR ITS AGENT) WITHOUT FIRST:

- (a) OBTAINING THE LIST OF CONSUMERS WHO HAVE REQUESTED TO BE PLACED ON A "DO NOT CALL" LIST; AND
  - (b) OBTAINING MONTHLY UPDATES OF THE "DO NOT CALL" LIST;
- (5) ENGAGING IN TELEPHONE SOLICITATION OF CUSTOMERS WHO HAVE BEEN PLACED ON THE "DO NOT CALL" LIST;
- (6) ENGAGING IN TELEPHONE SOLICITATION TO RESIDENTIAL CUSTOMERS EITHER BEFORE NINE A.M. OR AFTER NINE P.M.;
- (7) ENGAGING IN DIRECT SOLICITATION TO RESIDENTIAL CUSTOMERS WHERE THE CRES PROVIDER'S SALES AGENT FAILS TO WEAR AND DISPLAY A VALID CRES PROVIDER PHOTO IDENTIFICATION;
- (8) ADVERTISING OR MARKETING OFFERS THAT:
  - (a) CLAIM THAT A SPECIFIC PRICE ADVANTAGE, SAVINGS, OR GUARANTEE EXISTS IF IT DOES NOT;
  - (b) CLAIM TO PROVIDE A COMPETITIVE RETAIL ELECTRIC SERVICE WHEN SUCH AN OFFER IS NOT A BONA FIDE OFFER TO SELL SUCH SERVICES;
  - (c) OFFER A FIXED PRICE FOR COMPETITIVE RETAIL ELECTRIC SERVICE WITHOUT DISCLOSING THE COST PER KILOWATT HOUR AND ALL RECURRING AND NONRECURRING CHARGES;
  - (d) OFFER A VARIABLE PRICE FOR COMPETITIVE RETAIL ELECTRIC SERVICE WITHOUT DISCLOSING ALL RECURRING AND NONRECURRING CHARGES; AND
  - (e) FAIL TO DISCLOSE ALL MATERIAL LIMITATIONS, EXCLUSIONS, AND OFFER EXPIRATION DATES.

- (9) **MARKETING, ADVERTISING, OR CLAIMING THAT THE ENVIRONMENTAL CHARACTERISTICS OF ANY GENERATION SERVICE ENERGY SOURCE(S) PROVIDES AN ENVIRONMENTAL ADVANTAGE THAT DOES NOT EXIST.**

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4901:1-21-06 CUSTOMER ENROLLMENT.

- (A) THE CRES PROVIDER SHALL COORDINATE CUSTOMER ENROLLMENT WITH THE ELECTRIC DISTRIBUTION UTILITY IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE APPLICABLE ELECTRIC DISTRIBUTION UTILITY'S TARIFF.
- (B) CRES PROVIDERS ARE PROHIBITED FROM ENROLLING POTENTIAL CUSTOMERS WITHOUT THEIR CONSENT AND PROOF OF THAT CONSENT AS DELINEATED IN PARAGRAPH (C) OF THIS RULE. THIS REQUIREMENT DOES NOT APPLY TO AUTOMATIC GOVERNMENTAL AGGREGATION PURSUANT TO DIVISION (A) OF SECTION 4928.20 OF THE REVISED CODE.
- (C) RESIDENTIAL AND SMALL COMMERCIAL ENROLLMENT
  - (1) MAILINGS, FACSIMILES, AND DIRECT SOLICITATION
    - (a) WHERE ENROLLMENT OCCURS BY MAIL, FACSIMILE, OR DIRECT SOLICITATION, THE CUSTOMER'S SIGNATURE ON A CONTRACT SHALL CONSTITUTE CONSENT.
    - (b) CONSISTENT WITH RULE 4901:1-21-05 OF THE ADMINISTRATIVE CODE, PRIOR TO ENTERING INTO A CONTRACT FOR SERVICE, CRES PROVIDERS SHALL PROVIDE EACH CUSTOMER WITH ENROLLMENT DOCUMENTS THAT CONTAIN, AT A MINIMUM, UNDERSTANDABLE PRICING, THE TERMS AND CONDITIONS OF SERVICE, THE DOLLAR AMOUNT OF ALL RECURRING AND NONRECURRING CHARGES (INCLUDING ANY FEES FOR EARLY TERMINATION OF THE CONTRACT), THE APPLICABLE GENERATION RESOURCE MIX AND ENVIRONMENTAL CHARACTERISTICS, AND THE DURATION OF THE CONTRACT.
    - (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.
- (e) WHERE ENROLLMENT OCCURS BY DIRECT SOLICITATION, CUSTOMERS SHALL BE ADVISED BOTH VERBALLY AND IN THE CONTRACT THAT:  
(1) THE EDU WILL BE SENDING A CONFIRMATION NOTICE OF THE TRANSFER OF SERVICE; (2) THEY ARE ALLOWED A SEVEN DAY PERIOD TO RESCIND THE CONTRACT; AND (3) THE CUSTOMER SHOULD CONTACT THE EDU TO RESCIND THE CONTRACT.
- (f) THE CRES PROVIDER SHALL NOT INITIATE ENROLLMENT WITH THE EDU PRIOR TO THE COMPLETION OF THE ENROLLMENT TRANSACTION WITH THE CUSTOMER.
- (g) THE CRES PROVIDER SHALL SEND AN ELECTRONIC ENROLLMENT REQUEST TO THE EDU WITHIN THREE CALENDAR DAYS FOLLOWING COMPLETION OF THE ENROLLMENT TRANSACTION WITH THE CUSTOMER, UNLESS A LATER START DATE IS AGREED TO IN THE CONTRACT.

(2) TELEPHONIC ENROLLMENT

- (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 THE FOLLOWING:
  - (i) THE CRES PROVIDER'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 QUESTION AND THE CUSTOMER'S ACKNOWLEDGEMENT THAT THE CUSTOMER WISHES TO ENROLL WITH THE PROVIDER;
- (iv) A VERBAL QUESTION AND THE CUSTOMER'S ACKNOWLEDGEMENT THAT THE CUSTOMER IS THE CUSTOMER OF RECORD AT THE CUSTOMER'S LOCAL DISTRIBUTION UTILITY OR IS AUTHORIZED TO SWITCH PROVIDERS BY THE CUSTOMER OF RECORD;
- (v) 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:
  - (a) THE SERVICE(S) THAT WILL BE PROVIDED;
  - (b) THE PRICE;
  - (c) THE LENGTH OF THE CONTRACT TERM;
  - (d) AN APPROXIMATE SERVICE COMMENCEMENT DATE;
  - (e) THE CONTRACT TERMINATION DATE, AND ANY FEES FOR CUSTOMER CANCELLATION PRIOR TO SUCH DATE;
  - (f) ANY MATERIAL LIMITATIONS, CONDITIONS, OR EXCLUSIONS;

- (g) ANY FEES OR COSTS TO THE CUSTOMER;
  - (h) IF APPLICABLE, WHETHER THE PROVIDER WILL PERFORM A CREDIT CHECK AND REQUIRE A DEPOSIT, INCLUDING THE AMOUNT; AND
  - (i) WHO WILL BILL FOR THE PROVIDER'S SERVICE(S).
- (vi) A VERBAL STATEMENT AND THE CUSTOMER'S ACKNOWLEDGEMENT THAT THE PROVIDER WILL, WITHIN ONE CALENDAR DAY, SEND THE CUSTOMER A WRITTEN CONTRACT THAT DETAILS THE TERMS AND CONDITIONS THAT WERE SUMMARIZED IN THE TELEPHONE CALL.
- (vii) A VERBAL STATEMENT AND THE CUSTOMER'S ACKNOWLEDGEMENT THAT THE CUSTOMER HAS SEVEN CALENDAR DAYS FROM THE POSTMARK DATE OF THE EDU'S CONFIRMATION NOTICE TO CANCEL THE CONTRACT WITHOUT PENALTY AND A REMINDER THAT THE EDU WILL GIVE THE CUSTOMER A CANCELLATION NUMBER TO CONFIRM ANY CANCELLATION OF THE CONTRACT DURING THE CANCELLATION PERIOD;
- (viii) A TOLL-FREE OR LOCAL TELEPHONE NUMBER THE CUSTOMER CAN CALL TO CANCEL THE CONTRACT;
- (ix) IF APPLICABLE, A VERBAL REQUEST FOR AND THE CUSTOMER'S PROVISION OF THE CUSTOMER'S ELECTRIC DISTRIBUTION UTILITY ACCOUNT NUMBER; AND
- (x) A VERBAL REQUEST FOR AND THE CUSTOMER'S PROVISION OF THE CUSTOMER'S MAILING ADDRESS.

- (b) FOLLOWING TELEPHONIC ENROLLMENT, THE CRES PROVIDER SHALL:
- (i) WITHIN ONE CALENDAR DAY, SEND THE CUSTOMER A WRITTEN CONTRACT THAT DETAILS THE TERMS AND CONDITIONS SUMMARIZED IN THE TELEPHONE CALL AND THE GENERATION RESOURCE MIX AND ENVIRONMENTAL CHARACTERISTICS INFORMATION PURSUANT TO RULE 4901:1-21-09 OF THE ADMINISTRATIVE CODE. SUCH CONTRACT SHALL IN NO WAY ALTER THE TERMS AND CONDITIONS TO WHICH THE CUSTOMER AGREED IN THE TELEPHONE CALL;
  - (ii) RETAIN THE AUDIO RECORDING OF THE CUSTOMER'S ENROLLMENT FOR ONE YEAR AFTER THE CONTRACT WITH THE CUSTOMER IS TERMINATED; AND
  - (iii) PROVIDE A COPY OF THE AUDIO RECORDING TO THE COMMISSION OR ITS STAFF WITHIN FIVE CALENDAR DAYS OF A REQUEST.
- (c) THE CRES PROVIDER SHALL SEND AN ELECTRONIC ENROLLMENT REQUEST TO THE EDU NO SOONER THAN THREE CALENDAR DAYS AND NO LATER THAN FIVE CALENDAR DAYS AFTER SENDING THE CUSTOMER THE WRITTEN CONTRACT, UNLESS A LATER START DATE IS AGREED TO IN THE CONTRACT; AND
- (d) THE CRES PROVIDER SHALL NOT INITIATE ENROLLMENT WITH THE EDU PRIOR TO THE COMPLETION OF THE ENROLLMENT TRANSACTION WITH THE CUSTOMER.
- (3) INTERNET ENROLLMENT
- (a) WHERE ENROLLMENT OCCURS BY INTERNET, PRIOR CONSENT SHALL BE OBTAINED BY

ENCRYPTED CUSTOMER INPUT ON A PROVIDER'S INTERNET WEB SITE.

- (b) THE INTERNET ENROLLMENT WEB SITE SHALL, AT A MINIMUM, INCLUDE:
- (i) A COPY OF THE CRES PROVIDER'S CUSTOMER CONTRACT WITH ALL TERMS AND CONDITIONS AS REQUIRED BY RULE 4901:1-21-12 OF THE ADMINISTRATIVE CODE;
  - (ii) A CONSPICUOUS STATEMENT, WITHIN THE BODY OF THE ELECTRONIC VERSION OF THE CONTRACT, THAT RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS MAY CANCEL THEIR ENROLLMENT WITHIN SEVEN CALENDAR DAYS FOLLOWING A CONFIRMATION NOTICE FROM THE EDU;
  - (iii) A STATEMENT THAT THE EDU WILL BE SENDING A CONFIRMATION NOTICE OF THE TRANSFER OF SERVICE AND THAT THE CUSTOMER SHOULD CONTACT THE EDU TO RESCIND THE CONTRACT AND A REMINDER THAT THE EDU WILL GIVE THE CUSTOMER A CANCELLATION NUMBER TO CONFIRM ANY CANCELLATION OF THE CONTRACT DURING THE CANCELLATION PERIOD; AND
  - (iv) A PROMPT FOR THE CUSTOMER TO PRINT OR SAVE A COPY OF THE CONTRACT.
- (c) THE CRES PROVIDER SHALL NOT INITIATE ENROLLMENT WITH THE EDU PRIOR TO THE COMPLETION OF THE ENROLLMENT TRANSACTION WITH THE CUSTOMER.
- (d) THE CRES PROVIDER SHALL SEND AN ELECTRONIC ENROLLMENT REQUEST TO THE EDU WITHIN THREE CALENDAR DAYS FOLLOWING COMPLETION OF THE

ENROLLMENT TRANSACTION WITH THE CUSTOMER, UNLESS A LATER START DATE IS AGREED TO IN THE CONTRACT.

- (e) ANY ELECTRONIC VERSION OF THE CONTRACT SHALL BE IDENTIFIED BY VERSION NUMBER, IN ORDER TO ENSURE THE ABILITY TO VERIFY THE PARTICULAR CONTRACT TO WHICH THE CUSTOMER ASSENTS.
- (f) THROUGHOUT THE DURATION OF THE CONTRACT, THE CRES PROVIDER SHALL RETAIN AND, WITHIN THREE CALENDAR DAYS OF THE CUSTOMER'S REQUEST, PROVIDE TO THE CUSTOMER AN E-MAIL, PAPER, OR TELEFAX COPY OF THE TERMS AND CONDITIONS OF THE NUMBERED CONTRACT VERSION TO WHICH THE CUSTOMER ASSENTS.

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Effective:

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

\_\_\_\_\_  
Date

Promulgated under R. C. Sec. 111.15  
Authorized by R.C. Sec. 4928.06, 4928.10  
Rule amplifies R.C. Sec. 4928.02, 4928.10  
119.032 Review date: 9/30/02  
Prior effective dates:

4901:1-21-07 CREDIT AND DEPOSITS.

- (A) EACH CRES PROVIDER MUST ESTABLISH REASONABLE AND NONDISCRIMINATORY CREDITWORTHINESS STANDARDS AND MAY REQUIRE A DEPOSIT OR OTHER REASONABLE DEMONSTRATION OF CREDITWORTHINESS FROM A CUSTOMER AS A CONDITION OF PROVIDING SERVICE. IN THE APPLICATION OF SUCH STANDARDS, DEPOSITS, OR CREDITWORTHINESS PROCEDURES, THE CRES PROVIDER SHALL:
- (1) DISCLOSE IN SERVICE CONTRACTS WITH CUSTOMERS ITS POLICIES REGARDING CREDITWORTHINESS AND DEPOSITS, INCLUDING THE AMOUNT OF ANY DEPOSIT, THE ALLOCATION OF THE DEPOSIT, AND THE RETURN OF ANY DEPOSIT BALANCE;
  - (2) ACCEPT A REASONABLE AND NONDISCRIMINATORY CASH DEPOSIT AS SUFFICIENT EVIDENCE OF THE CUSTOMER'S CREDITWORTHINESS TO INITIATE SERVICE;
  - (3) DISCLOSE WHETHER INTEREST WILL BE PAID ON DEPOSITS, AND THE APPLICABLE RATE OF INTEREST;
  - (4) PROVIDE THE CUSTOMER A RECEIPT FOR ANY DEPOSIT WITHIN FOURTEEN DAYS OF THE DATE THAT THE DEPOSIT IS COLLECTED;
  - (5) RETURN THE DEPOSIT WITHIN TEN DAYS IF THE CUSTOMER CANCELS THE CONTRACT DURING THE RESCISSION PERIOD;
  - (6) APPLY THE DEPOSIT TO THE FINAL BILL AND PROMPTLY REFUND ANY EXCESS TO THE CUSTOMER WHEN SERVICE IS TERMINATED; AND
  - (7) NOT REQUIRE AN APPLICANT TO PAY THE BALANCE DUE ANOTHER CRES PROVIDER AS A CONDITION OF ESTABLISHING CREDIT OR PROVIDING COMPETITIVE RETAIL ELECTRIC SERVICE.

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Effective:

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

\_\_\_\_\_  
Date

Promulgated under R. C. Sec. 111.15  
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Rule amplifies R.C. Sec. 4928.10  
119.032 Review date: 9/30/02  
Prior effective dates:

4901:1-21-08 CUSTOMER ACCESS AND COMPLAINT HANDLING.

(A) CUSTOMER ACCESS

- (1) EACH CRES PROVIDER SHALL ENSURE CUSTOMERS REASONABLE ACCESS TO ITS SERVICE REPRESENTATIVES TO MAKE INQUIRIES AND COMPLAINTS, DISCUSS CHARGES ON CUSTOMER BILLS, TERMINATE COMPETITIVE SERVICE, AND TRANSACT ANY OTHER PERTINENT BUSINESS.
- (2) TELEPHONE ACCESS SHALL BE TOLL-FREE AND AFFORD CUSTOMERS PROMPT ANSWER TIMES DURING NORMAL BUSINESS HOURS.
- (3) EACH CRES PROVIDER SHALL PROVIDE A TWENTY-FOUR HOUR AUTOMATED TELEPHONE MESSAGE INSTRUCTING CALLERS TO REPORT ANY SERVICE INTERRUPTIONS OR ELECTRICAL EMERGENCIES TO THEIR EDU.

(B) CUSTOMER COMPLAINTS

- (1) EACH CRES PROVIDER SHALL INVESTIGATE CUSTOMER COMPLAINTS (INCLUDING CUSTOMER COMPLAINTS REFERRED BY THE EDU) AND PROVIDE A STATUS REPORT WITHIN FIVE CALENDAR DAYS FOLLOWING RECEIPT OF THE COMPLAINT TO:
  - (a) THE CONSUMER, WHEN THE COMPLAINT IS MADE DIRECTLY TO THE CRES PROVIDER; OR
  - (b) THE CONSUMER AND COMMISSION STAFF, WHEN A COMPLAINT IS REFERRED TO THE CRES PROVIDER BY THE COMMISSION STAFF.
- (2) IF AN INVESTIGATION IS NOT COMPLETED WITHIN FOURTEEN CALENDAR DAYS, THE CRES PROVIDER SHALL PROVIDE STATUS REPORTS TO THE CONSUMER, OR IF APPLICABLE, TO THE CONSUMER AND COMMISSION STAFF. SUCH STATUS REPORTS SHALL BE PROVIDED AT FIVE-DAY INTERVALS UNTIL THE INVESTIGATION IS COMPLETE, UNLESS THE ACTION THAT MUST BE TAKEN WILL REQUIRE MORE THAN

FIVE CALENDAR DAYS AND THE CUSTOMER HAS BEEN SO NOTIFIED.

- (3) THE CRES PROVIDER SHALL INFORM THE CONSUMER, OR THE CONSUMER AND COMMISSION STAFF, OF THE RESULTS OF THE INVESTIGATION, ORALLY OR IN WRITING, NO LATER THAN FIVE CALENDAR DAYS AFTER COMPLETION OF THE INVESTIGATION. THE CONSUMER OR COMMISSION STAFF MAY REQUEST THE REPORT IN WRITING.
- (4) IF A RESIDENTIAL OR SMALL COMMERCIAL CONSUMER DISPUTES THE CRES PROVIDER'S REPORT, THE CRES PROVIDER SHALL INFORM THE CONSUMER THAT THE COMMISSION STAFF IS AVAILABLE TO HELP RESOLVE INFORMAL COMPLAINTS. THE CRES PROVIDER SHALL PROVIDE THE CONSUMER WITH THE CURRENT ADDRESS, LOCAL/TOLL-FREE TELEPHONE NUMBERS, AND TDD/TTY TELEPHONE NUMBERS OF THE COMMISSION'S CONSUMER SERVICES DEPARTMENT.
- (5) EACH CRES PROVIDER SHALL RETAIN RECORDS OF CUSTOMER COMPLAINTS, INVESTIGATIONS, AND COMPLAINT RESOLUTIONS FOR ONE YEAR AFTER THE OCCURRENCE OF SUCH COMPLAINTS, AND SHALL PROVIDE SUCH RECORDS TO THE COMMISSION STAFF WITHIN FIVE CALENDAR DAYS OF REQUEST.
- (6) EACH CRES PROVIDER SHALL MAKE GOOD FAITH EFFORTS TO RESOLVE DISPUTES.

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Effective:

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

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Date

Promulgated under R. C. Sec. 111.15  
Authorized by R.C. Sec. 4928.06, 4928.10  
Rule amplifies R.C. Sec. 4928.10  
119.032 Review date: 9/30/02  
Prior effective dates:

4901:1-21-09 ENVIRONMENTAL DISCLOSURE.

- (A) THIS RULE ESTABLISHES A PROCESS BY WHICH CUSTOMERS ARE ASSURED OF RECEIVING INFORMATION, IN A TIMELY AND CONSISTENT MANNER, CONCERNING THE APPROXIMATE RETAIL ELECTRIC GENERATION RESOURCE MIX AND ENVIRONMENTAL CHARACTERISTICS ASSOCIATED WITH ELECTRICAL POWER OFFERED IN OHIO'S COMPETITIVE MARKETPLACE.
- (B) THIS RULE APPLIES TO ALL CRES PROVIDERS OF RETAIL ELECTRIC GENERATION SERVICE. CRES PROVIDERS OFFERING OR PROVIDING MORE THAN ONE CONTRACT FOR POWER SUPPLIES SHALL DISCLOSE THE APPROPRIATE GENERATION RESOURCE MIX AND ENVIRONMENTAL CHARACTERISTICS FOR EACH SUCH CONTRACT.
- (C) DETERMINATION OF ENVIRONMENTAL DISCLOSURE DATA
- (1) CONTENTS OF ENVIRONMENTAL DISCLOSURE DATA

(a) APPROXIMATE GENERATION RESOURCE MIX

CRES PROVIDERS SHALL SPECIFICALLY IDENTIFY EACH OF THE FOLLOWING GENERATION SOURCES USED IN THEIR GENERATION OF POWER: BIOMASS POWER, COAL-FIRED POWER, HYDRO POWER, NATURAL GAS-FIRED POWER, NUCLEAR POWER, OIL-FIRED POWER, OTHER SOURCES, SOLAR POWER, WIND POWER, AND UNKNOWN PURCHASED RESOURCES.

CRES PROVIDERS SHALL EXERCISE ALL REASONABLE EFFORTS TO IDENTIFY THE POWER SOURCE OR RESOURCES USED TO GENERATE THE POWER IN QUESTION, AND SHALL MAINTAIN DOCUMENTATION SUFFICIENT TO DEMONSTRATE THE STEPS TAKEN TO MAKE SUCH IDENTIFICATION.

(b) ENVIRONMENTAL CHARACTERISTICS

CRES PROVIDERS SHALL REPORT THE ENVIRONMENTAL CHARACTERISTICS

TYPICALLY ASSOCIATED WITH THE GENERATION OF POWER BEING OFFERED UNDER EACH SUPPLY CONTRACT.

CRES PROVIDERS SHALL ALSO REPORT THE AIR EMISSIONS OF NITROGEN OXIDES, SULFUR DIOXIDE, AND CARBON DIOXIDE ASSOCIATED WITH THE GENERATION OF POWER BEING OFFERED UNDER THE SUPPLY CONTRACT.

IN ADDITION, CRES PROVIDERS SHALL REPORT THE GENERATION OF HIGH- AND LOW-LEVEL RADIOACTIVE WASTE ASSOCIATED WITH THE POWER BEING OFFERED UNDER THE SUPPLY CONTRACT.

(2) METHODOLOGY FOR DETERMINING ENVIRONMENTAL DISCLOSURE DATA

(a) AT THE TIME OF CERTIFICATION, CRES PROVIDERS SHALL SUBMIT FOR COMMISSION REVIEW THEIR PROPOSED METHODOLOGY FOR DETERMINING THEIR ENVIRONMENTAL DISCLOSURE DATA.

(b) THE ACTUAL ENVIRONMENTAL DISCLOSURE DATA, TO BE PROVIDED QUARTERLY, SHALL BE VERIFIABLE. CRES PROVIDERS SHALL MAINTAIN DOCUMENTATION SUFFICIENT TO DEMONSTRATE THE ACCURACY OF THE ACTUAL ENVIRONMENTAL DISCLOSURE DATA.

(3) TIMING FOR DISCLOSING ENVIRONMENTAL DATA

(a) CERTIFIED CRES PROVIDERS SHALL ANNUALLY PROJECT THEIR ENVIRONMENTAL DISCLOSURE DATA FOR THE CURRENT CALENDAR YEAR.

(b) CERTIFIED CRES PROVIDERS SHALL MAKE QUARTERLY COMPARISONS OF ACTUAL TO PROJECTED ENVIRONMENTAL DISCLOSURE DATA.

- (c) EACH CERTIFIED CRES PROVIDER SHALL PUBLISH THE REQUIRED ENVIRONMENTAL DISCLOSURE DATA EACH YEAR ACCORDING TO THE FOLLOWING SCHEDULE:

JANUARY -- DISCLOSE PROJECTED DATA FOR CURRENT CALENDAR YEAR.

MARCH -- DISCLOSE ACTUAL DATA FOR THE PRIOR CALENDAR YEAR, COMPARED TO PROJECTED DATA FOR PRIOR CALENDAR YEAR.

JUNE -- DISCLOSE ACTUAL DATA FOR THE PERIOD JANUARY THROUGH MARCH OF CURRENT YEAR, COMPARED TO PROJECTED DATA FOR CURRENT CALENDAR YEAR.

SEPTEMBER -- DISCLOSE ACTUAL DATA FOR THE PERIOD JANUARY THROUGH JUNE OF CURRENT YEAR, COMPARED TO PROJECTED DATA FOR CURRENT CALENDAR YEAR.

DECEMBER -- DISCLOSE ACTUAL DATA FOR THE PERIOD JANUARY THROUGH SEPTEMBER OF CURRENT YEAR, COMPARED TO PROJECTED DATA FOR CURRENT CALENDAR YEAR.

(D) ENVIRONMENTAL DISCLOSURE TO CUSTOMERS

(1) CONTENT

EACH CUSTOMER SHALL RECEIVE ENVIRONMENTAL DISCLOSURE DATA, AS DETAILED IN PARAGRAPH (C)(1) OF THIS RULE.

(2) FORMAT

THE ENVIRONMENTAL DISCLOSURE DATA SHALL BE PROVIDED IN A STANDARDIZED FORMAT TO FACILITATE COMPARISONS BY CUSTOMERS. THIS DATA SHALL BE DISCLOSED IN NOT LESS THAN TEN-POINT TYPE. THE PRESENTATION OF THIS DATA SHALL COMPLY WITH EACH OF THE FOLLOWING REQUIREMENTS:

- (a) A PIE CHART SHALL BE PROVIDED WHICH ILLUSTRATES ON A PERCENTAGE BASIS THE VARIOUS GENERATION RESOURCES, AS DETAILED IN PARAGRAPH (C)(1)(A) OF THIS RULE, USED IN THE GENERATION OF THE POWER OFFERED UNDER THE CONTRACT. THE PERCENTAGES SHALL BE ROUNDED TO THE NEAREST WHOLE NUMBER. THE PIE CHART SHALL NOT INCLUDE COLORS, BUT SHALL INCLUDE THE USE OF SHADING AND LABELS TO MORE CLEARLY COMMUNICATE THE INFORMATION. THE FOLLOWING SHADES, WHEN APPLICABLE, SHALL BE UTILIZED TO DEVELOP THE PIE CHART:

BIOMASS POWER - WHITE 

COAL-FIRED POWER - FIVE PER CENT SHADING 

HYDRO POWER - TEN PER CENT SHADING 

NATURAL GAS-FIRED POWER - TWENTY PER CENT SHADING 

NUCLEAR POWER - TWENTY-FIVE PER CENT SHADING 

OIL-FIRED POWER - THIRTY PER CENT SHADING 

OTHER SOURCES - FORTY PER CENT SHADING 

SOLAR POWER - FIFTY PER CENT SHADING 

UNKNOWN PURCHASED RESOURCES - SIXTY PER CENT SHADING 

WIND POWER - SEVENTY PER CENT SHADING 

TO THE EXTENT THESE PATTERNS CANNOT BE DUPLICATED EXACTLY, PROVIDERS SHALL EXERCISE REASONABLE EFFORTS TO SIMULATE THE REQUIRED SHADING TO THE EXTENT POSSIBLE.

- (b) A TABLE SHALL BE PROVIDED WHICH ILLUSTRATES THE TYPICAL ENVIRONMENTAL CHARACTERISTICS ASSOCIATED WITH THE GENERATION RESOURCE CATEGORIES DETAILED IN PARAGRAPH (C)(1)(A) OF THIS RULE.

THE GENERAL CATEGORIES AND ASSUMPTIONS TO BE DEPICTED IN THE TABLE ARE AS FOLLOWS:

BIOMASS POWER - RESULTS IN AIR EMISSIONS AND SOLID WASTE.

COAL-FIRED POWER - RESULTS IN AIR EMISSIONS AND SOLID WASTE.

HYDRO POWER - RESULTS IN WILDLIFE IMPACTS.

NATURAL GAS-FIRED POWER - RESULTS IN AIR EMISSIONS AND SOLID WASTE.

NUCLEAR POWER - RESULTS IN RADIOACTIVE WASTE.

OIL-FIRED POWER - RESULTS IN AIR EMISSIONS AND SOLID WASTE.

OTHER SOURCES - RESULTS IN UNKNOWN IMPACTS.

SOLAR POWER - RESULTS IN NO SIGNIFICANT IMPACTS.

UNKNOWN PURCHASED RESOURCES - RESULTS IN UNKNOWN IMPACTS.

WIND POWER - RESULTS IN WILDLIFE IMPACTS.

- (c) THE PRODUCT-SPECIFIC AIR EMISSIONS SHALL BE PRESENTED IN A BAR CHART, ALONG WITH A REGIONAL AVERAGE EMISSION REFERENCE. THE PRODUCT-SPECIFIC EMISSION RATES SHALL APPEAR AS A PERCENTAGE OF THE AVERAGE REGIONAL EMISSION RATE FOR EACH OF THE THREE TYPES OF AIR EMISSIONS. PERCENTAGES SHALL BE CALCULATED FROM COMPARISON OF PRODUCT-SPECIFIC AND AVERAGE REGIONAL EMISSION RATES ON A BASIS OF POUNDS EMITTED PER MEGAWATT HOUR (LB/MWH).
- (d) THE FIGURES REFLECTING THE GENERATION OF RADIOACTIVE WASTES SHALL BE PRESENTED IN A TABLE. HIGH-LEVEL RADIOACTIVE WASTE

SHALL BE REPORTED IN POUNDS PER ONE THOUSAND KWH, WHILE LOW-LEVEL RADIOACTIVE WASTE IS TO BE REPORTED IN CUBIC FEET PER ONE THOUSAND KWH. ANY RADIOACTIVE WASTE GREATER THAN ZERO BUT LESS THAN ".0001" SHALL BE DEPICTED AS <0.0001.

FOR USE IN THE IMPLEMENTATION OF THIS RULE, THE FOLLOWING DEFINITIONS SHALL APPLY:

HIGH-LEVEL RADIOACTIVE WASTE - MEANS NUCLEAR FUEL THAT HAS BEEN REMOVED FROM A NUCLEAR REACTOR.

LOW-LEVEL RADIOACTIVE WASTE - MEANS RADIOACTIVE WASTE NOT CLASSIFIED AS HIGH-LEVEL RADIOACTIVE WASTE, TRANSURANIC WASTE, SPENT NUCLEAR FUEL, OR BY-PRODUCT MATERIAL AS DEFINED IN SECTION 11(E)(2) OF THE "ATOMIC ENERGY ACT OF 1954."

- (e) THE ANNUAL PROJECTION OF APPROXIMATE GENERATION RESOURCE MIX AND ENVIRONMENTAL CHARACTERISTICS SHALL APPEAR AS DEPICTED IN APPENDIX A TO THIS RULE. THE REGIONAL AVERAGE DATA, IF AVAILABLE, WILL BE UPDATED BY THE COMMISSION BY DECEMBER FIRST OF EACH YEAR OR AS CONDITIONS WARRANT. THE QUARTERLY COMPARISONS OF ACTUAL ENVIRONMENTAL DISCLOSURE DATA TO PROJECTED ENVIRONMENTAL DISCLOSURE DATA, COMPRISED OF DATA SPECIFIC TO THE POWER OFFERED UNDER THE CONTRACT, SHALL APPEAR AS DEPICTED IN APPENDIX B TO THIS RULE.
- (f) EACH CRES PROVIDER SHALL MAINTAIN RECORDS DETAILING THE MAGNITUDE OF EACH ENVIRONMENTAL CHARACTERISTIC ASSOCIATED WITH THE POWER OFFERED UNDER THE CONTRACT. SUCH DETAILS SHALL BE PROVIDED TO CUSTOMERS AND COMMISSION

STAFF UPON REQUEST AND MAY BE INCLUDED ON A CRES PROVIDER'S WEBSITE.

- (g) A CRES PROVIDER MAY INCLUDE OTHER INFORMATION THAT IT FEELS IS RELEVANT TO THE REQUIRED ENVIRONMENTAL DISCLOSURE DATA, PROVIDED THIS ADDITIONAL INFORMATION IS DISTINCTLY SEPARATED FROM THE REQUIRED INFORMATION. CRES PROVIDERS SHALL MAINTAIN SUFFICIENT DOCUMENTATION TO PERMIT VERIFICATION OF THE ACCURACY OF ANY ADDITIONAL INFORMATION THAT IS DISCLOSED.

(3) TIMING

(a) ANNUAL PROJECTION

THE CRES PROVIDER SHALL INCLUDE WITH EACH CUSTOMER CONTRACT, ITS MOST RECENT PROJECTION OF ENVIRONMENTAL DISCLOSURE DATA, CONSISTENT WITH THE SCHEDULE PRESENTED IN PARAGRAPH (C)(3) OF THIS RULE AND THE FORMAT DEPICTED BY APPENDIX A TO THIS RULE.

IF A CUSTOMER IS UNDER CONTRACT AT THE TIME THE PROJECTED ENVIRONMENTAL DISCLOSURE DATA IS REVISED, THE REVISED ENVIRONMENTAL DISCLOSURE DATA SHALL BE PROVIDED TO THE CUSTOMER VIA BILL INSERT OR SEPARATE MAILING.

(b) QUARTERLY COMPARISONS OF ACTUAL TO PROJECTED DATA

THE COMPARISON OF ACTUAL TO PROJECTED ENVIRONMENTAL DISCLOSURE DATA SHALL BE PROVIDED TO CUSTOMERS ON A QUARTERLY BASIS, CONSISTENT WITH BOTH THE SCHEDULE PRESENTED IN PARAGRAPH (C)(3) OF THIS RULE AND THE FORMAT DEPICTED BY APPENDIX B TO THIS RULE.

THESE ITEMS WILL BE DISCLOSED TO CUSTOMERS VIA BILL INSERTS OR BY SEPARATE MAILING. THE QUARTERLY ENVIRONMENTAL DISCLOSURE CAN BE ACCOMPLISHED ELECTRONICALLY IF A CUSTOMER AGREES TO SUCH AN APPROACH.

(E) ENVIRONMENTAL DISCLOSURE TO THE COMMISSION

EACH CRES PROVIDER SHALL SUBMIT ITS ANNUAL PROJECTION AND QUARTERLY COMPARISONS OF ENVIRONMENTAL DISCLOSURE DATA TO THE DEPUTY DIRECTOR OF THE UTILITIES DEPARTMENT OR THEIR DESIGNEE CONSISTENT WITH THE SCHEDULE PRESENTED IN PARAGRAPH (C)(3)(C) OF THIS RULE, ON ELECTRONIC MEDIA (E.G. DISKETTES) AS PRESCRIBED BY THE COMMISSION. THE INFORMATION PROVIDED TO THE COMMISSION STAFF SHALL BE IDENTICAL IN CONTENT AND FORMAT TO THAT PROVIDED TO CUSTOMERS.

<b>Environmental Disclosure Information</b>																					
<b>Company Name</b>																					
<b>Projected Data for the XXXX Calendar Year</b>																					
<p><b>Generation Resource Mix -</b></p> <p>A comparison between the sources of generation used to produce this product and the historic regional average supply mix.</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p><b>Supplier's Product</b></p> </div> <div style="text-align: center;"> <p><b>Regional</b></p> </div> </div>																				
<p><b>Environmental Characteristics -</b></p> <p>A description of the characteristics associated with each possible generation resource.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Biomass Power</td><td>Air Emissions and Solid Waste</td></tr> <tr><td>Coal Power</td><td>Air Emissions and Solid Waste</td></tr> <tr><td>Hydro Power</td><td>Wildlife Impacts</td></tr> <tr><td>Natural Gas Power</td><td>Air Emissions and Solid Waste</td></tr> <tr><td>Nuclear Power</td><td>Radioactive Waste</td></tr> <tr><td>Oil Power</td><td>Air Emissions and Solid Waste</td></tr> <tr><td>Other Sources</td><td>Unknown Impacts</td></tr> <tr><td>Solar Power</td><td>No Significant Impacts</td></tr> <tr><td>Unknown Purchased Resources</td><td>Unknown Impacts</td></tr> <tr><td>Wind Power</td><td>Wildlife Impacts</td></tr> </table>	Biomass Power	Air Emissions and Solid Waste	Coal Power	Air Emissions and Solid Waste	Hydro Power	Wildlife Impacts	Natural Gas Power	Air Emissions and Solid Waste	Nuclear Power	Radioactive Waste	Oil Power	Air Emissions and Solid Waste	Other Sources	Unknown Impacts	Solar Power	No Significant Impacts	Unknown Purchased Resources	Unknown Impacts	Wind Power	Wildlife Impacts
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With in-depth analysis, the environmental characteristics of any form of electric generation will reveal benefits as well as costs. For further information, contact (Company name) at (company web address) or by phone at (company phone #).

<b>Environmental Disclosure - Quarterly Comparisons</b>																					
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<b>Actual Data for the Period MM/DD/XX to MM/DD/XX.</b>																					
<p><b>Generation Resource Mix -</b></p> <p>A comparison between the sources of generation projected to be used to generate this product and the actual resources used during this period.</p>	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p><b>Projected</b></p> </div> <div style="text-align: center;"> <p><b>Actual</b></p> </div> </div>																				
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<p><b>Air Emissions -</b></p> <p>Product-specific projected and actual air emissions for this period compared to the regional average air emissions.</p>																					
<p><b>Radioactive Waste -</b></p> <p>Product-specific projected and actual radioactive waste for this period.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Type:</th> <th style="text-align: center;">Projected Quantity</th> <th style="text-align: center;">Actual Quantity</th> </tr> </thead> <tbody> <tr> <td>High-Level Radioactive Waste</td> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> <tr> <td>Low-Level Radioactive Waste</td> <td style="text-align: center;"> </td> <td style="text-align: center;"> </td> </tr> </tbody> </table> <p style="font-size: small; margin-top: 5px;">Lbs./1,000 kWh                      Ft<sup>3</sup>/1,000 kWh</p>	Type:	Projected Quantity	Actual Quantity	High-Level Radioactive Waste			Low-Level Radioactive Waste													
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High-Level Radioactive Waste																					
Low-Level Radioactive Waste																					
<p>Note: The generation of this product used x% of Unknown Purchased Resources. The air emissions and radioactive waste associated with these unknown resources are not included in these charts.</p>																					

With in-depth analysis, the environmental characteristics of any form of electric generation will reveal benefits as well as costs. For further information, contact (Company Name) at (company web address) or by phone at (company phone #).

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Effective:

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

\_\_\_\_\_  
Date

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Authorized by R.C. Sec. 4928.06, 4928.10  
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119.032 Review date: 9/30/02  
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4901:1-21-10 CUSTOMER INFORMATION.

- (A) UPON CUSTOMER REQUEST, A CRES PROVIDER SHALL TIMELY PROVIDE THE CUSTOMER'S PAYMENT HISTORY (UP TO TWENTY-FOUR MONTHS) TO THE CUSTOMER WITHOUT CHARGE.
- (B) NO CRES PROVIDER SHALL DISCLOSE A CUSTOMER'S ACCOUNT NUMBER OR SOCIAL SECURITY NUMBER WITHOUT THE CUSTOMER'S AFFIRMATIVE WRITTEN CONSENT.

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Effective: July 1, 1999

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

\_\_\_\_\_  
Date

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4901:1-21-11 CONTRACT ADMINISTRATION.

- (A) CRES PROVIDERS, EXCEPT AUTOMATIC GOVERNMENTAL AGGREGATION PURSUANT TO DIVISION (A) OF SECTION 4928.20 OF THE REVISED CODE, SHALL ARRANGE FOR THE PROVISION OF COMPETITIVE RETAIL ELECTRIC SERVICE BY CONTRACTING WITH THEIR CUSTOMERS. IN THEIR ADMINISTRATION OF SUCH CONTRACTS, CRES PROVIDERS ARE PROHIBITED FROM ENGAGING IN UNFAIR, DECEPTIVE, MISLEADING, AND UNCONSCIONABLE ACTS AND PRACTICES.
- (B) CRES PROVIDERS SHALL ARRANGE FOR THE PROVISION OF COMPETITIVE RETAIL ELECTRIC SERVICE TO RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS IN COMPLIANCE WITH RULE 4901:1-21-06 OF THE ADMINISTRATIVE CODE.
- (C) DURING THE MARKET DEVELOPMENT PERIOD OR UNTIL DECEMBER 31, 2005, WHICHEVER COMES LAST, A CRES PROVIDER SHALL ESTABLISH RESIDENTIAL AND SMALL COMMERCIAL CONTRACT TERMS OF NOT MORE THAN TWENTY-FOUR CONSECUTIVE MONTHS.
- (D) CRES PROVIDERS SHALL MAINTAIN COPIES OF INDIVIDUAL CUSTOMER CONTRACTS FOR NO LESS THAN ONE YEAR AFTER SUCH CONTRACT TERMINATES.
- (E) IN ITS ADMINISTRATION OF RESIDENTIAL AND SMALL COMMERCIAL CONTRACTS, A CRES PROVIDER SHALL ALSO:
  - (1) NOT ASSIGN OR TRANSFER A CUSTOMER CONTRACT TO ANOTHER CRES PROVIDER WITHOUT PRIOR CUSTOMER NOTIFICATION;
  - (2) WHEN ASSIGNED OR TRANSFERRED A CONTRACT PREVIOUSLY ADMINISTERED BY ANOTHER CRES PROVIDER, COMPLY WITH ALL TERMS AND CONDITIONS IN EFFECT FOR THE CONTRACT BEFORE THE ASSIGNMENT OCCURRED;
  - (3) COMPLY IN A TIMELY MANNER WITH ALL VALID NOTICES TO CANCEL OR TERMINATE THE CONTRACT AS PROVIDED FOR BY THE CONTRACT AND BY THESE RULES; AND

- (4) ASSIGN A NUMBER TO EACH VERSION OF ITS STANDARD CONTRACT FORM (INCLUDING CHANGES IN CONTRACT PRICE), RETAIN SUCH FORMS FOR NO LESS THAN TWO YEARS, AND PROVIDE COPIES TO COMMISSION STAFF WITHIN THREE DAYS OF REQUEST.
- (F) RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS SHALL HAVE THE RIGHT TO RESCIND THEIR CONTRACTS, WITHIN SEVEN CALENDAR DAYS FOLLOWING THE POSTMARK DATE ON THE EDU'S CONFIRMATION NOTICE:
- (1) BY CALLING THE EDU AT THE DESIGNATED TOLL-FREE OR LOCAL TELEPHONE NUMBER;
  - (2) BY WRITTEN NOTICE TO THE EDU, WHICH IS EFFECTIVE AS OF THE DATE OF THE POSTMARK.
- (G) BETWEEN FORTY-FIVE AND SIXTY DAYS BEFORE THE CONTRACT EXPIRES, THE CRES PROVIDER SHALL FURNISH WRITTEN NOTICE OF SUCH EXPIRATION TO RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS WHOSE CONTRACTS AUTOMATICALLY RENEW OR EXTEND.
- (1) SUCH NOTICE SHALL BE MADE BY SEPARATE MAILING (ENVELOPE OR POSTCARD), THE FRONT COVER OF WHICH SHALL STATE: "IMPORTANT NOTICE REGARDING YOUR ELECTRIC SERVICE CONTRACT."
  - (2) THE RENEWAL/EXTENSION NOTICE SHALL, AT A MINIMUM, STATE THE RENEWAL PERIOD AND HOW THE CUSTOMER MAY OPT NOT TO RENEW OR EXTEND THE CONTRACT.
  - (3) THE RENEWAL PERIOD FOR CONTRACTS WITH AUTOMATIC-RENEWAL PROVISIONS SHALL NOT EXCEED THE INITIAL CONTRACT PERIOD.
  - (4) IF THE AUTOMATIC RENEWAL ENTAILS ANY MATERIAL CHANGES TO THE CONTRACT (EXCEPT FOR PRICE REDUCTIONS), THE CRES PROVIDER SHALL NOTIFY THE CUSTOMER OF SUCH CHANGES, DESCRIBE OR HIGHLIGHT EACH CHANGE, AND OBTAIN THE CUSTOMER'S CONSENT TO SUCH CHANGES PURSUANT

TO ANY OF THE ENROLLMENT PROCEDURES ESTABLISHED IN RULE 4901:1-21-06 OF THE ADMINISTRATIVE CODE.

- (H) THE CRES PROVIDER SHALL FURNISH WRITTEN NOTICE TO RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS OF PENDING CONTRACT EXPIRATION BETWEEN FORTY-FIVE AND SIXTY DAYS BEFORE THE CONTRACT EXPIRES. SUCH NOTICE SHALL BE MADE BY SEPARATE MAILING (ENVELOPE OR POSTCARD), OR BY CONSPICUOUSLY PLACED BILL MESSAGE OR BILL INSERT. THE FRONT COVER OF SUCH MAILING SHALL CONTAIN THE FOLLOWING STATEMENT: "IMPORTANT NOTICE REGARDING YOUR ELECTRIC SERVICE CONTRACT'S EXPIRATION."

THE NOTICE SHALL INCLUDE A STATEMENT THAT THE CUSTOMER WILL AUTOMATICALLY DEFAULT TO THE EDU'S STANDARD OFFER SERVICE IF THE CUSTOMER DOES NOT RE-ENROLL WITH THE CURRENT CRES PROVIDER OR ENROLL WITH ANOTHER CRES PROVIDER.

- (I) NO CRES PROVIDER CONTRACT SHALL LIMIT A RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER'S RIGHT TO MAKE FORMAL OR INFORMAL COMPLAINTS TO THE COMMISSION. A CRES PROVIDER SHALL NOT REQUIRE A RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER AS PART OF THE TERMS OF SERVICE TO ENGAGE IN ALTERNATIVE DISPUTE RESOLUTION.

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Effective:

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

\_\_\_\_\_  
Date

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119.032 Review date: 9/30/02  
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4901:1-21-12 CONTRACT DISCLOSURE.

- (A) ALL CRES PROVIDER CUSTOMER CONTRACTS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:
- (1) A NOTIFICATION THAT THE EDU MAY CHARGE SWITCHING FEES TO THE CUSTOMER;
  - (2) A NOTIFICATION THAT THE CUSTOMER HAS THE RIGHT TO REQUEST FROM THE CRES PROVIDER UP TO TWENTY-FOUR MONTHS OF THE CUSTOMER'S PAYMENT HISTORY WITHOUT CHARGE.
- (B) IN ADDITION, ALL CRES PROVIDER CONTRACTS WITH RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION (TO BE STATED IN CLEAR AND UNDERSTANDABLE LANGUAGE):
- (1) THE CRES PROVIDER'S NAME, MAILING ADDRESS, INTERNET ADDRESS (IF APPLICABLE), AND A TOLL-FREE TELEPHONE NUMBER (WITH HOURS OF OPERATION AND TIME-ZONE REFERENCE) FOR CUSTOMER CONTACTS;
  - (2) THE SERVICES TO BE PROVIDED BY THE CRES PROVIDER AND THOSE TO BE PROVIDED BY THE EDU, INCLUDING WHICH ENTITY WILL BILL FOR THOSE SERVICES;
  - (3) THE NUMBER OF DAYS A CUSTOMER HAS TO CANCEL SUCH CONTRACT WITHOUT PENALTY AND THE METHODS FOR CUSTOMERS TO MAKE SUCH CANCELLATION BY CONTACTING THE EDU (ORALLY, ELECTRONICALLY, AND IN WRITING);
  - (4) THE RESPECTIVE POLICIES, PROCEDURES, AND ANY PENALTIES FOR CONTRACT TERMINATION BY THE CRES PROVIDER AND BY THE CUSTOMER AFTER THE CANCELLATION PERIOD;
  - (5) A NOTIFICATION THAT THE CRES PROVIDER MAY TERMINATE THE CONTRACT ON AT LEAST FOURTEEN

DAYS WRITTEN NOTICE SHOULD THE CUSTOMER FAIL TO PAY THE BILL OR FAIL TO MEET ANY AGREED-UPON PAYMENT ARRANGEMENTS;

- (6) THE CUSTOMER'S RIGHT TO TERMINATE THE CONTRACT WITHOUT PENALTY IN THE EVENT:
  - (a) THE CUSTOMER MOVES OUTSIDE THE CRES PROVIDER'S SERVICE AREA OR INTO AN AREA WHERE THE CRES PROVIDER CHARGES A DIFFERENT PRICE; OR
  - (b) THE CONTRACT ALLOWS THE CRES PROVIDER SUCH A RIGHT IN RESPONSE TO CHANGING MARKET REASONS.
  
- (7) AN ITEMIZED LIST AND EXPLANATION OF ALL PRICES AND FEES ASSOCIATED WITH THE SERVICE SUCH THAT:
  - (a) FOR FIXED-RATE OFFERS, SUCH INFORMATION SHALL, AT MINIMUM, INCLUDE: THE COST PER KWH FOR GENERATION SERVICE; THE AMOUNT OF ANY OTHER RECURRING OR NONRECURRING CRES PROVIDER CHARGES; AND A STATEMENT THAT THE CUSTOMER WILL INCUR ADDITIONAL CHARGES FOR THE EDU'S SERVICES, AND THE MONTHLY AMOUNT OF SUCH CHARGES AN AVERAGE RESIDENTIAL CUSTOMER WOULD INCUR USING SEVEN HUNDRED FIFTY KWH OF ELECTRICITY.
  - (b) FOR VARIABLE-RATE OFFERS, SUCH INFORMATION SHALL, AT MINIMUM, INCLUDE: A CLEAR AND UNDERSTANDABLE EXPLANATION OF THE FACTORS THAT WILL CAUSE THE PRICE TO VARY (INCLUDING ANY RELATED INDICES) AND HOW OFTEN THE PRICE CAN CHANGE; THE AMOUNT OF ANY OTHER RECURRING OR NONRECURRING CRES PROVIDER CHARGES; AND A STATEMENT THAT THE CUSTOMER WILL INCUR ADDITIONAL CHARGES FOR THE EDU'S SERVICES, AND THE MONTHLY AMOUNT OF SUCH CHARGES AN

AVERAGE RESIDENTIAL CUSTOMER WOULD INCUR USING SEVEN HUNDRED FIFTY KWH OF ELECTRICITY.

- (8) THE TERMS AND CONDITIONS OF SERVICE, INCLUDING ANY RESTRICTIONS AND LIMITATIONS ASSOCIATED WITH THE SERVICE OR PRODUCT OFFERED;
- (9) PROCEDURES FOR HANDLING COMPLAINTS AND DISPUTES, INCLUDING NOTICE OF THE CUSTOMER'S RIGHT TO CONTACT THE COMMISSION ALONG WITH THE COMMISSION'S TOLL-FREE TELEPHONE NUMBER;
- (10) BILLING INTERVALS AND ANY LATE PAYMENT FEES;
- (11) CONTRACT DURATION, INCLUDING THE ESTIMATED STARTING AND EXPIRATION DATES AND A COMMITMENT THAT SERVICE SHALL BEGIN WITH THE NEXT AVAILABLE METER READING AFTER PROCESSING OF THE REQUEST BY THE EDU AND THE CRES PROVIDER;
- (12) WHETHER THE CONTRACT CONTAINS AN AUTOMATIC RENEWAL PROVISION AND THE TERMS OF SUCH PROVISION;
- (13) ANY CREDIT, DEPOSIT, AND COLLECTION PROCEDURES, INCLUDING TERMS AND CONDITIONS ASSOCIATED WITH THE RETURN OF ANY DEPOSIT AT THE TIME OF CONTRACT TERMINATION;
- (14) FOR GENERATION SERVICE CONTRACTS, AN INCORPORATION BY REFERENCE OF INFORMATION (ACCOMPANYING THE CONTRACT) REGARDING THE APPROXIMATE GENERATION RESOURCE MIX AND ENVIRONMENTAL CHARACTERISTICS OF THE POWER SUPPLIES;
- (15) WHO WILL BILL FOR THE CRES PROVIDER'S SERVICE(S); AND
- (16) A NOTIFICATION THAT THE CUSTOMER'S SOCIAL SECURITY NUMBER AND/OR ACCOUNT NUMBER(S)

SHALL NOT BE RELEASED WITHOUT THE CUSTOMER'S  
AFFIRMATIVE WRITTEN CONSENT.

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Effective:

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

\_\_\_\_\_  
Date

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4901:1-21-13 NET-METERING CONTRACTS.

- (A) CONSISTENT WITH THE REQUIREMENTS OF RULES 4901:1-21-11 AND 4901:1-21-12 OF THE ADMINISTRATIVE CODE, CRES PROVIDERS THAT SUPPLY RETAIL ELECTRIC GENERATION SERVICE SHALL DEVELOP A STANDARD CONTRACT FOR NET METERING. SUCH CONTRACT SHALL BE MADE AVAILABLE UPON REQUEST ON A FIRST COME, FIRST SERVED BASIS, TO QUALIFYING CUSTOMER GENERATORS WHENEVER THE TOTAL RATED GENERATING CAPACITY USED BY CUSTOMER GENERATORS IS LESS THAN ONE PER CENT OF THE CRES PROVIDER'S AGGREGATE CUSTOMER PEAK DEMAND IN THE STATE.
- (1) A QUALIFYING CUSTOMER GENERATOR IS ONE WHOSE GENERATING FACILITIES ARE:
- (a) FUELED BY SOLAR, WIND, BIOMASS, LANDFILL GAS, OR HYDROPOWER, OR USE A MICROTURBINE (WITH CAPACITY OF NOT MORE THAN ONE HUNDRED KW) OR A FUEL CELL;
  - (b) LOCATED ON A CUSTOMER GENERATOR'S PREMISES;
  - (c) OPERATED IN PARALLEL WITH THE EDU'S TRANSMISSION AND DISTRIBUTION FACILITIES; AND
  - (d) INTENDED PRIMARILY TO OFFSET PART OR ALL OF THE CUSTOMER GENERATOR'S REQUIREMENTS FOR ELECTRICITY.
- (2) NET-METERING ARRANGEMENTS SHALL BE MADE AVAILABLE REGARDLESS OF THE DATE THE CUSTOMER'S GENERATING FACILITY WAS INSTALLED.
- (3) THE GENERATING FACILITY'S RATED CAPACITY SHALL BE COUNTED TOWARD THE ONE PER CENT LIMIT AS OF THE DATE THE CUSTOMER GENERATOR SIGNS A CRES PROVIDER'S NET-METERING CONTRACT. CONVERSELY, SUCH CAPACITY SHALL NO LONGER COUNT TOWARD THE ONE PER CENT LIMIT UPON CANCELLATION OF A NET-METERING CONTRACT.

- (B) THE RATE STRUCTURE OF A CRES PROVIDER'S NET-METERING CONTRACTS, INCLUDING RETAIL RATE COMPONENTS AND ANY MONTHLY CHARGES, SHALL BE IDENTICAL TO SUCH ASPECTS OF THE CONTRACTS FOR NONCUSTOMER GENERATORS.
- (C) NO CONTRACTS FOR NET METERING SHALL REQUIRE CUSTOMER GENERATORS TO:
- (1) COMPLY WITH ANY ADDITIONAL SAFETY OR PERFORMANCE STANDARDS BEYOND THOSE ESTABLISHED BY THE NATIONAL ELECTRICAL CODE, THE INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS, UNDERWRITERS LABORATORIES, AND RULES 4901:1-23-03 AND 4901:1-23-04 OF THE ADMINISTRATIVE CODE;
  - (2) PERFORM OR PAY FOR ADDITIONAL TESTS BEYOND THOSE REQUIRED BY PARAGRAPH (C)(1) OF THIS RULE; OR
  - (3) PURCHASE ADDITIONAL LIABILITY INSURANCE BEYOND THAT REQUIRED BY PARAGRAPH (C)(1) OF THIS RULE.
- (D) NET METERING SHALL BE ACCOMPLISHED USING A SINGLE METER CAPABLE OF REGISTERING THE FLOW OF ELECTRICITY IN EACH DIRECTION. A CUSTOMER'S EXISTING SINGLE-REGISTER METER THAT IS CAPABLE OF REGISTERING THE FLOW OF ENERGY IN BOTH DIRECTIONS SATISFIES THIS REQUIREMENT. ONLY IF ITS EXISTING ELECTRICAL METER IS NOT CAPABLE OF MEASURING THE FLOW OF ELECTRICITY IN TWO DIRECTIONS, THE CUSTOMER GENERATOR SHALL BE RESPONSIBLE FOR ALL EXPENSES INVOLVED IN PURCHASING AND INSTALLING A METER THAT IS CAPABLE OF MEASURING ELECTRICITY FLOW IN TWO DIRECTIONS.
- (E) THE EDU, AT ITS OWN EXPENSE AND WITH THE WRITTEN CONSENT OF THE CUSTOMER GENERATOR, MAY INSTALL ONE OR MORE ADDITIONAL METERS TO MONITOR THE FLOW OF ELECTRICITY IN EACH DIRECTION. NO EDU SHALL IMPOSE, WITHOUT COMMISSION APPROVAL, ANY ADDITIONAL INTERCONNECTION REQUIREMENT OR

ADDITIONAL CHARGES ON THOSE CUSTOMER GENERATORS REFUSING TO GIVE SUCH CONSENT.

- (F) THE MEASUREMENT OF NET ELECTRICITY SUPPLIED OR GENERATED SHALL BE CALCULATED IN THE FOLLOWING MANNER:
- (1) THE NET ELECTRICITY PRODUCED OR CONSUMED DURING THE BILLING PERIOD SHALL BE MEASURED IN ACCORDANCE WITH NORMAL METERING PRACTICES.
  - (2) IF THE CRES PROVIDER SUPPLIES MORE ELECTRICITY THAN THE CUSTOMER GENERATOR FEEDS BACK TO THE SYSTEM IN A GIVEN BILLING PERIOD, THE CUSTOMER GENERATOR SHALL BE BILLED FOR THE NET ELECTRICITY THAT THE CRES PROVIDER SUPPLIED, AS MEASURED IN ACCORDANCE WITH NORMAL METERING PRACTICES.
  - (3) IF THE CUSTOMER GENERATOR FEEDS MORE ELECTRICITY BACK TO THE SYSTEM THAN THE CRES PROVIDER SUPPLIES TO THE CUSTOMER GENERATOR, THE EXCESS SHALL BE ALLOWED TO ACCUMULATE AS A CREDIT UNTIL NETTED AGAINST THE CUSTOMER GENERATOR'S BILL.

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Effective: July 1, 1999

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

\_\_\_\_\_  
Date

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4901:1-21-14 CUSTOMER BILLING AND PAYMENTS.

- (A) A CRES PROVIDER MAY BILL CUSTOMERS DIRECTLY FOR COMPETITIVE RETAIL ELECTRIC SERVICES OR ARRANGE FOR THE EDU OR ITS AGENT TO BILL CUSTOMERS FOR SUCH SERVICES ACCORDING TO A TARIFF APPROVED BY THE COMMISSION.
- (B) RESIDENTIAL AND SMALL COMMERCIAL CUSTOMER BILLS ISSUED BY OR FOR CRES PROVIDERS SHALL BE ACCURATE AND UNDERSTANDABLE, BE RENDERED AT INTERVALS CONSISTENT WITH THOSE OF THE CUSTOMER'S EDU, AND CONTAIN SUFFICIENT INFORMATION FOR CUSTOMERS TO COMPUTE AND COMPARE THE TOTAL COST OF COMPETITIVE RETAIL ELECTRIC SERVICE(S). SUCH BILLS SHALL ALSO INCLUDE:
- (1) THE CUSTOMER'S NAME, BILLING ADDRESS, SERVICE ADDRESS, THE CUSTOMER'S EDU ACCOUNT NUMBER, AND IF APPLICABLE, THE CRES ACCOUNT NUMBER;
  - (2) THE DATES OF SERVICE COVERED BY THE BILL, AN ITEMIZATION OF EACH TYPE OF COMPETITIVE SERVICE COVERED BY THE BILL, ANY RELATED BILLING COMPONENTS, THE CHARGE FOR EACH TYPE OF SERVICE, AND ANY OTHER INFORMATION THE CUSTOMER WOULD NEED TO RECALCULATE THE BILL FOR ACCURACY;
  - (3) THE APPLICABLE BILLING DETERMINANTS, INCLUDING BEGINNING METER READING(S), ENDING METER READING(S), DEMAND METER READING(S), MULTIPLIER(S), CONSUMPTION(S), AND DEMANDS;
  - (4) FOR CUSTOMER GENERATORS WITH NET-METERING CONTRACTS, A STATEMENT OF THE NET-METERED GENERATION;
  - (5) THE UNIT PRICE PER KWH CHARGED FOR COMPETITIVE SERVICE, AS CALCULATED BY DIVIDING CURRENT-PERIOD COMPETITIVE SERVICE CHARGES BY THE CURRENT-PERIOD CONSUMPTION;

- (6) AN IDENTIFICATION OF THE PROVIDER OF EACH SERVICE APPEARING ON THE BILL;
- (7) A NOTICE IN BOLD-FACE TYPE CONTAINING CLEAR EXPLANATION FOR ANY CHANGE OF PROVIDERS, RATES, TERMS, OR CONDITIONS OF SERVICE (SUCH NOTICE SHALL APPEAR ON THE FIRST TWO CONSECUTIVE BILLS FOLLOWING THE OCCURRENCE OF ANY SUCH CHANGES, EXCLUDING THE FIRST BILLING AFTER THE STARTING DATE OF COMPETITIVE RETAIL ELECTRIC SERVICE;
- (8) THE AMOUNT BILLED FOR THE CURRENT PERIOD, ANY UNPAID AMOUNTS DUE FROM PREVIOUS PERIODS, ANY PAYMENTS OR CREDITS APPLIED TO THE CUSTOMER'S ACCOUNT DURING THE CURRENT PERIOD, ANY LATE PAYMENT CHARGES OR GROSS AND NET CHARGES, IF APPLICABLE, AND THE TOTAL AMOUNT DUE AND PAYABLE;
- (9) THE DUE DATE FOR PAYMENT TO KEEP THE ACCOUNT CURRENT. SUCH DUE DATE SHALL BE NO LESS THAN:
  - (a) FOURTEEN DAYS AFTER THE POSTMARK DATE ON THE BILL FOR RESIDENTIAL CUSTOMERS; AND
  - (b) TWENTY-ONE DAYS AFTER THE POSTMARK DATE ON THE BILL FOR NONRESIDENTIAL CUSTOMERS;
- (10) CURRENT BALANCE OF THE ACCOUNT, IF A RESIDENTIAL CUSTOMER IS BILLED ACCORDING TO A BUDGET PLAN;
- (11) OPTIONS AND INSTRUCTIONS ON HOW CUSTOMERS MAY MAKE THEIR PAYMENTS;
- (12) FOR EACH PROVIDER WHOSE CHARGES APPEAR ON THE BILL, A LISTING OF THE PROVIDER'S TOLL-FREE TELEPHONE NUMBER AND ADDRESS FOR CUSTOMER BILLING QUESTIONS OR COMPLAINTS;

- (13) A LISTING OF THE TOLL-FREE CONSUMER ASSISTANCE TELEPHONE NUMBERS AND AVAILABLE HOURS FOR APPLICABLE STATE AGENCIES, SUCH AS THE COMMISSION, THE OHIO CONSUMERS' COUNSEL, AND THE ATTORNEY GENERAL'S OFFICE;
  - (14) THE APPLICABLE EDU'S TWENTY-FOUR HOUR LOCAL/TOLL-FREE TELEPHONE NUMBER FOR REPORTING SERVICE EMERGENCIES;
  - (15) IDENTIFICATION OF ESTIMATED BILLS OR BILLS NOT BASED UPON ACTUAL END-OF-PERIOD METER READINGS FOR THE PERIOD; AND
  - (16) AN EXPLANATION OF ANY CODES AND ABBREVIATIONS USED.
- (C) IF APPLICABLE, EACH CRES PROVIDER SHALL, UPON REQUEST, PROVIDE CUSTOMERS WITH THE NAME AND STREET ADDRESS/LOCATION OF THE NEAREST PAYMENT CENTER AND/OR AUTHORIZED PAYMENT AGENT.
- (D) IF APPLICABLE, WHEN A CUSTOMER PAYS THE BILL AT A PAYMENT CENTER OR TO AN AUTHORIZED PAYMENT AGENT, SUCH PAYMENT SHALL BE CREDITED TO THE CUSTOMER'S ACCOUNT AS OF THE DAY IT IS RECEIVED BY SUCH PAYMENT CENTER OR AGENT.
- (E) EACH CRES PROVIDER SHALL ESTABLISH POLICIES AND PROCEDURES FOR HANDLING BILLING DISPUTES AND REQUESTS FOR PAYMENT ARRANGEMENTS.
- (F) IF AN EDU ELECTS FOR THE CRES PROVIDER TO ACT AS THE EDU'S BILLING AND COLLECTION AGENT, THE CRES PROVIDER SHALL CREDIT ANY CUSTOMER PARTIAL PAYMENTS IN THE FOLLOWING ORDER:
- (1) TO PRIOR DISTRIBUTION, STANDARD OFFER GENERATION, AND TRANSMISSION CHARGES;
  - (2) TO CURRENT DISTRIBUTION, STANDARD OFFER GENERATION, AND TRANSMISSION CHARGES;
  - (3) TO PRIOR CRES PROVIDER CHARGES;

- (4) TO CURRENT CRES PROVIDER CHARGES; AND
- (5) TO OTHER PRIOR AND CURRENT NONREGULATED CHARGES.

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Effective:

Certification \_\_\_\_\_  
Gary Vigorito, Secretary

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4901:1-21-15 NONCOMPLIANCE WITH RULES OR ORDERS.

- (A) ANY CRES PROVIDER THAT FAILS TO COMPLY WITH CHAPTER 4928. OF THE REVISED CODE, ANY RULE IN THIS CHAPTER, OR COMMISSION ORDER ADOPTED THEREUNDER MAY, AFTER OPPORTUNITY FOR HEARING, BE SUBJECT TO ANY AND ALL OF THE FOLLOWING AVAILABLE UNDER THE LAW, INCLUDING BUT NOT LIMITED TO:
- (1) FORFEITURE TO THE STATE OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH SUCH FAILURE. EACH DAY'S CONTINUANCE OF THE VIOLATION IS A SEPARATE OFFENSE;
  - (2) SUSPENSION, RESCISSION, CONDITIONAL RESCISSION, OR REVOCATION OF THE CRES PROVIDER'S CERTIFICATE OR DENIAL OF A REQUEST FOR RENEWAL OF A CERTIFICATE;
  - (3) RESCISSION OF A CUSTOMER CONTRACT;
  - (4) RESTITUTION OR DAMAGES TO THE CUSTOMER/CONSUMER.
- (B) ENFORCEMENT OF ANY RULE IN THIS CHAPTER OR COMMISSION ORDER ADOPTED THEREUNDER WILL BE CONDUCTED IN ACCORDANCE WITH CHAPTER 4901:1-23 OF THE ADMINISTRATIVE CODE.

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Certification \_\_\_\_\_  
Gary Vigorito, Secretary

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