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FORAKER GAS COMPANY, INC.
NEW LEXINGTON, OHIO

P.U.C.O. NO. 1

RULES AND REGULATIONS GOVERNING THE
DISTRIBUTION AND SALE OF GAS

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Pub. Util. Comm. (PUCO)

RULES AND REGULATIONS GOVERNING THE DISTRIBUTION AND SALE OF GAS

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RULES AND REGULATIONS GOVERNING THE DISTRIBUTION AND SALE OF GAS**SECTION I -- SERVICE**

1. **Application for Service.** All applications for service shall be made through the local office of the Company or its authorized agents on a form provided by the Company.
2. **Turning on Gas.** The customer, after making proper application for service, shall notify the Company when the customer desires service to be established. In no case shall the customer, customer's agent, or customer's employee turn on the gas at the meter shut-off valve. Gas shall be turned on, upon the date requested, by an authorized agent of the Company. If the Company is unable to establish service on the date requested, it shall so notify the customer as much in advance of the requested date as possible (but not less than two days before the requested date), and a new date for the establishment of service shall be fixed by mutual agreement.
3. **Service Not Transferable.** No person may commence the use of gas except in accordance with Parts 1 and 2 above. In the event of violation of this provision, in addition to other rights of the Company, such person shall be liable for all gas consumed in the premises from the date such person occupied the premise. Any successor in interest to a customer, including, without limitation, heirs, executors, administrators, assignees, trustees, guardians, receivers, and conservators, shall be deemed to be a person who must make application for service, provided that successors in interest whose rights arise from death or incompetence of the customer shall have thirty (30) days in which to make application.
4. **Continuity of Service.** The Company will furnish necessary and adequate service and facilities in compliance with Section 4905.22 of the Ohio Revised Code. The Company will make reasonable provision to supply gas in sufficient quantity and at adequate and uniform pressure, but does not guarantee constant supply or adequate uniform pressure. The Company shall not be liable in damages for failure to supply gas or for interruptions in service, and shall be relieved of its obligation to serve and may discontinue or modify service, if such failure or interruptions are due to acts of God or the public enemy, military action, wars, insurrections, riots, civil disturbances, vandalism, strikes, fires, floods, washouts, explosions, acts or orders of any civil, judicial or military authority, and without limitation by the foregoing, accidents, contingencies or other causes beyond the control of the Company.

Except in provable emergencies, the Company will not discontinue service to any customer, nor cause any deviation from adequate, uniform pressure to the point of delivery to any customer, without giving such customer at least forty-eight (48) hours notice of its intention to do so. Such notice shall be actual, preferably delivered orally, either personally or telephonically.

In provable emergencies, however caused, when time does not permit giving such notice in advance of a discontinuance of service or a change in pressure caused by circumstances beyond the control of the Company, prompt notice shall be given to all customers affected that service is off and of the time at which service or pressure is expected be restored.

In the event there has been an interruption of service to any premises, however caused, the Company shall, before restoring such service, ascertain and assure itself that all precautions have been taken to prevent the discharge or gas into and around such premises. Without limitation, this shall be accomplished by inspections of such premises by competent Company personnel who shall turn off all appliance valves and block all thermostatic controls, or when access to the premises cannot be obtained, shall turn off service at the meter shut-off valve.

Without incurring any liability therefor, the Company may also suspend service for such periods as may be reasonably necessary to make repairs to or changes in its plant, transmission or distribution systems, or other property; provided that the Company shall keep a record of any interruption of service affecting its entire system or a major segment

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thereof, including a statement of time, duration and cause of interruption. The Company will also notify each customer affected by the interruption in advance of the contemplated work and the approximate duration of the interruption.

5. **Service Not to be Disturbed.** No customer shall attach or use any appliance which may result in the injection of air, water, or other foreign matter into the Company's lines and, without prior approval from the Company, no customer shall attach or use any appliance which will increase or decrease the pressure in the Company's lines intermittently to such extent as to interfere with continuous service to other customers.
6. **No Customer Shall Sell to Another.** The customer shall not supply or sell gas for use in any location other than that specified in the application for service.
7. **Access to Premises.** The Company and its authorized employees shall be granted access at all reasonable times to the premises in which gas supplied by the company is used or to be used. Any Company employee seeking entrance into or upon the premises of a customer shall have or wear, and show, adequate symbols of identification not easily counterfeited. Any employee seeking entrance to a premises shall advise the owner or occupant of the purpose for which entrance is sought. Notwithstanding any other provision of this paragraph, no customer shall be obligated to afford entrance or access to the customer's premises except during the hours between 9:00 AM to 5:00 PM, Monday through Saturday except in cases of provable emergency.
8. **Customer's Responsibility.** Customer assumes all responsibility for property owned by the customer on customer's side of the point of delivery, generally the outlet side of the meter shut-off valve, for the service supplied or taken, as well as for the installation and appliances used in connection therewith, and will save Company harmless from and against all claims for injury or damage to persons or property occasioned by or in any way resulting from such service or the use thereof on customer's side of the point of delivery.
9. **Right-of-Way.** Customer, without reimbursement, will make or procure conveyance to the Company of right-of-way satisfactory to the Company across the property owned or controlled by customer for the Company's distribution mains, extensions thereof, or appurtenances necessary or incidental to the supplying of service to customer.
10. **Charges and Payment for Temporary Service.** In addition to regular payments for gas used, the customer shall pay the cost for all material, labor, and all other necessary expense incurred by the Company in supplying gas service to the customer at his request for any temporary purpose or use.
11. **Customer Indebted to Company.** Service will not be supplied to any premises, if at the time of application for service the applicant is indebted to Company for service previously supplied at the same or other premises, until payment of such indebtedness or other arrangement satisfactory to the Company have been made; provided, however, that unpaid balances may only be transferred to like accounts (*i.e.*, residential to residential or commercial to commercial). The Company shall follow the reconnection procedures established by Chapter 4901:1-18, Ohio Administrative Code, and any subsequent amendments thereto, which rule is incorporated herein by reference.
12. **Customer Shall Satisfactorily Secure Account.** The Company may require a customer to satisfactorily secure an account in accordance with the provisions of Section 4933.17, Ohio Revised Code, and Chapter 4901:1-17, Ohio Administrative Code, and any subsequent amendments thereto, which provisions are incorporated by reference herein. Copies of the statute and rule shall be made available for inspection upon the request for inquiry of any customer or applicant for service.

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13. **Right to Discontinue Service.** The Company shall have the right to discontinue service for refusing access, failure to furnish or maintain the required security deposit, nonpayment of bills for gas when bills are due, or the violation of any of these Rules and Regulations. The Company shall have the right to discontinue service and the right to disconnect and remove from the premises of any customer the meter and any other property belonging to the Company when a customer vacates the premises, for non-use of gas, for nonpayment of bills for gas when bills are due (see Rule 4901:1-18-05, Ohio Administrative Code), for fraudulent representation or practice, for theft of service, or whenever deemed necessary by the Company for safety reasons. With respect to residential customers, the Company shall follow the termination procedures set forth in Chapter 4901:1-18, Ohio Administrative Code, and any subsequent amendments thereto. Copies of this rule shall be made available for inspection upon the request or inquiry of any customer or applicant for service.
14. **Change of Address of Customer.** When customer changes his address, the customer will give notice thereof to the Company prior to the date of change. Customer is responsible for all service supplied to the vacated premises until such notice has been received and Company has had a reasonable time, but not less than two (2) regular business days, to discontinue service.
15. **Disconnection of Service at Request of Landlord.** If a customer requests disconnection of service to premises occupied by residential tenants, the Company shall notify the tenants that service will be disconnected at least ten (10) business days prior to the scheduled date for disconnection by actual notice or by posting a written notification at a conspicuous place at the premises. The customer shall continue to be liable for all gas consumed at the premises in question during the notice period.
16. **Change in Tenancy or Ownership.** When the Company learns of a change in tenancy or ownership, whether by notice given by the customer or otherwise, the Company shall make a final meter reading and render a final bill. A former Customer is responsible for all service supplied to the premises until such notice has been received and the Company has had at least two (2) regular business days to make a final meter reading.

Transfer of uninterrupted service to a new tenant or owner will be permitted, upon request of either the former customer or new occupant, providing the new tenant or owner properly applies for service and meets all the Company's requirements of an applicant for service.

Commencement of service to a new tenant or owner shall not be delayed because of the nonpayment of the final bill of the former tenant or owner so long as the new tenant or owner has properly applied for service and meets all the Company's requirements of an applicant for service.

17. **Information Relative to Service.** Information relative to the service that will be supplied at a given location may be obtained from the Company. The Company will not be responsible for mistakes of any kind resulting from information given orally or over the telephone. A full and complete copy of the Company's rules and regulations governing the distribution and sale of gas is available for public inspection at the Company's business offices during normal business hours. The Company shall comply with the disclosure requirements established by the Public Utilities Commission of Ohio and set forth in Rule 4901:1-1-03, Ohio Administrative Code, as amended from time to time.

SECTION II -- METERING AND BILLING

18. **Quantity of Gas Delivered by Meter.** Gas will be measured by a meter installed by the Company, which shall be and remain the property of the Company. Subject to certain exceptions enumerated below, consumption shall be

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determined on the basis of the meter registration and bills shall indicate the consumption so registered. However, any mistake in reading the registration or calculating the consumption shall not affect the liability for gas consumed as determined by a corrected reading of the registration or calculation of consumption, subject to the requirements of Section II, Part 19 of these rules and regulations.

When the meter is not read, the Company may estimate the quantity of gas consumed and render a bill for such quantity; provided, however, that final bills shall be based on actual readings except when the meter cannot be read for reasons beyond the control of the Company.

All meters shall be tested at such intervals and using such methods as may be prescribed by the Public Utilities Commission of Ohio. A meter registering between three percent (3%) fast and three percent (3%) slow shall be deemed for all purposes to be registering correctly. A meter registering incorrectly shall be replaced by the Company at its expense.

The Company shall test the meter upon the request of a customer, and, if the customer so requests, the test shall be performed in the customer's presence. Such test shall be performed in accordance with method prescribed by the Public Utilities Commission of Ohio. If the meter is found to be correct, as defined above, the customer shall pay the Company the amount of forty-five dollars (\$45.00) to defray the costs associated with the meter test.

During any period that incorrect registration has been established, the meter readings and bills based thereon shall be adjusted by the Company on the basis of all available information concerning the use of gas by the customer. If overpayment is shown to have occurred, the Company will reimburse the customer in the amount of such overpayment. If underpayment is shown to have occurred, the Company will adjust the customer's bill, subject to the limitations on back billing referred to in Part 19 below. The Company shall continue to supply gas to the customer and the customer shall continue to pay the amounts billed pending the adjustment.

19. **Back Billing.** The Company's policy on back billing shall comply with the orders of the Public Utilities Commission of Ohio and Section 4933.28, Ohio Revised Code, as amended from time to time.
20. **Billing Periods.** Bills ordinarily are rendered regularly at monthly intervals, but may be rendered more or less frequently at Company's option. Non-receipt of bills by customer does not release or diminish the obligation of customer with respect to payment thereof.

Meters are ordinarily read at monthly intervals but may be read more or less frequently at Company's option.

21. **Payment of Bills.** Bills shall be paid by the customer at the office of the Company during its regular office hours or to any one of the Company's authorized collecting agents during the regular office hours of such agent. Any remittance received by mail at any office of the Company bearing U.S. Postal Office cancellation date corresponding with or previous to the due date will be accepted by the Company as having been received by the due date.
22. **Removal of Service – Payment Due.** When, after complying with all applicable requirements of Sections 4933.12 and/or 4933.122, Ohio Revised Code, and Chapter 4901:1-18, Ohio Administrative Code, and any applicable decisions or orders of the Public Utilities Commission of Ohio, the Company exercises its right to discontinue service and/or to disconnect and remove its meter and any other property from the premises of a customer pursuant to Section I, Part 13 of these rules and regulations, the Company may demand immediate payment for all gas delivered to the premises in question for which the customer has not paid. Such amount will be due and payable upon such demand unless the customer satisfies the applicable requirements of Rule 4901:1-18-01, Ohio Administrative Code, and/or Rule 4901:1-18-06, Ohio Administrative Code, and any applicable decisions or orders of the Public Utilities

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Commission of Ohio governing restoration and/or reconnection of service or upon correction or elimination of the conditions that warranted disconnection of service.

23. **Bill Format and Billing Procedure.** The Company's policy on bill format and billing procedure shall comply with Rule 4901:1-18-10, Ohio Administrative Code, orders of the Public Utilities Commission, and all applicable Ohio statutes, as amended from time to time.

SECTION III -- PHYSICAL PROPERTY

24. **Service Lines.** The general term "service line" is commonly used to designate the complete line and connection between the Company main and the customer's premises. It consists of two distinct parts, (a) the service line connection, and (b) the customer service line.

(a) **Service Line Connection.** The service line connection consists of the connection at the main and all piping and appurtenances (including the regulator, the positive shut-off drip, and the meter) through and including the meter shut-off valve on the outlet side of the meter. This connection shall be made and installed by the Company and remains the property of the Company.

(b) **Customer Service Line.** The customer service line consists of the pipe from the meter shut-off valve on the outlet side of the meter to the customer's premises. The Company shall have the right to prescribe the size, location, and termination points of the customer service line, but the customer shall own the customer service line and shall be solely responsible for its installation and maintenance. Upon request of the customer, the company may install the customer service line, but shall not charge the customer less than its actual cost for installing the customer service line except where another regulated natural gas company competing for the customer has offered to provide or pay for customer service lines, directly or indirectly, or where necessary to induce the customer to utilize natural gas rather than an alternate source of energy.

25. **Pressure Regulators.** The Company will furnish each customer with such regulator or regulators as may be required to reduce pressure from distribution or transmission facilities. The regulator or regulators shall be installed by the Company or in the manner required by the Company and shall remain the property of the Company.
26. **Positive Shut-Off Drip.** The Company will furnish each customer with a positive shut-off drip of such size and type as the Company determines will adequately protect the customer from the introduction of fluids to the customer service line. The positive shut-off drip will be installed by the Company or its representative and shall remain the property of the Company.
27. **Meter Furnished.** The Company will furnish each customer with a meter of such size and type as the Company may determine will adequately serve the customer's requirements. Such meter shall be and remain the property of the Company. The Company shall have the right to replace such meter when the Company deems it necessary.
28. **Meter Location.** The Company shall determine the location of the meter. In the absence of special circumstances, the Company will locate the meter as close to the connection to the main as practicable. Should circumstances require that a meter be moved, the company will relocate the meter setting, but may require the customer, at the customer's own expense, to relocate any portion of the customer service line necessary to accomplish the relocation of the meter setting.
29. **Only Company Can Connect Meter.** The owner or customer shall not permit anyone who is not an authorized agent of the Company to connect or disconnect the Company's meters, regulators, or gauges, or in any way alter or

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interfere with the Company's meters, regulators or gauges.

30. **House Piping.** The customer shall own all house piping and shall be solely responsible for its installation, maintenance, and repair.
31. **Appliances.** The customer shall own all gas-burning appliances and shall be solely responsible for their installation, maintenance, and repair.
32. **Standards for Customer's Property.** The customer's service line, house lines, fittings, valve connections and appliance venting shall be installed with materials and workmanship which meet the reasonable requirements of the Company and shall be subject to inspection or test by the Company. The Company shall have no obligation to establish service until after such inspection and test demonstrates compliance with such requirements of the Company with respect to the facilities in place at the time of the test.
- The first inspection or test at any premises, including both service lines and house lines, shall be without charge. In the case of leak, error, patent defect or other unsatisfactory condition resulting in the disapproval of the line by the Company, the necessary correction shall be made at the customer's expense and then the lines will be inspected and tested again by the Company. The customer shall reimburse the Company for the reasonable cost of each additional inspection and test required due to such correction.
33. **Discontinuance of Supply on Notice of Defect in Customer's Property.** If the customer's service line, other gas lines, fittings, valves, connections, gas appliances or equipment on a customer's premises are defective or in such condition as to constitute a hazard, the Company, upon learning of such defect or condition, may discontinue the supply of gas to such appliances or equipment or to such service line or such other gas lines until such defect or condition has been rectified by the customer in compliance with the reasonable requirements of the Company.
34. **No Responsibility for Material or Workmanship.** The Company is not responsible for maintenance of, or any imperfect material or defective or faulty workmanship in, the customer's service line, house lines, fittings, valve connections, equipment or appliances and is not responsible for any loss or damage arising from inadequate or improper maintenance or from imperfect material or defective or faulty workmanship.
35. **Inspection of Altered Piping.** It shall be the duty of the customer to notify the Company promptly of any additions, changes, alterations, remodeling or reconstruction affecting gas piping on the customer's premises.
36. **Main Extensions and Service Connections.** The Company will permit any prospective customer requesting service to connect to its existing lines pursuant to the terms and conditions described in these rules and regulations and will extend its existing lines to provide service to a prospective customer where such extension is deemed to be economically justified based on a cost-benefit analysis. Where the Company permits a prospective customer to connect to its existing lines, the Company shall perform the connection and shall install all necessary piping and appurtenances (including the pressure regulator(s), positive shut-off drip, and meter) as provided in Parts 24(a), 25, 26, and 27 of these rules and regulations. The installation fee provided in Part 44(a) of these rules and regulations shall be applicable to such service connections.

SECTION IV -- GENERAL

37. **Applicability.** These rules and regulations govern service to all residential and commercial customers, including those served pursuant to contracts which predate the effective date of these rules and regulations and any amendments thereto.

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38. **Emergency Orders.** These rules and regulations are subject to and include as part thereof all orders, rules and regulations applicable to the Company from time to time issued or established by The Public Utilities Commission of Ohio under its emergency powers.
39. **Amendment of Rules and Regulations.** The Company reserves the right to amend the foregoing rules and regulations and to make such further and other rules and regulations as experience may suggest and as the Company may deem necessary or convenient in the conduct of its business. Such amended or new rules and regulations will be effective only after submission to and approval by the Public Utilities Commission of Ohio.
40. **Applicability of Standards for Gas Piping and Appliance Venting.** All customers are subject to standards for gas piping and appliance venting on the customer's premises, including customers residing in mobile homes or similar installations.
41. **Gas Pipe Line Safety.** The Company is subject to the rules and regulations governing gas pipeline safety set forth in Chapter 4901:1-16, Ohio Administrative Code. A copy of these rules and regulations shall be kept in the Company's office and shall be open to inspection by any interested customer.
42. **Shortage of Natural Gas Supply.** These rules and regulations shall not apply during periods of shortage of natural gas if, and to the extent, that the Company cannot comply with these rules and regulations due to the shortage in supply. During periods of shortage of supply to the Company, restrictions on new service or curtailment of new service shall be governed by such rules or procedures, whether of general or specific applicability, as may be approved by the Public Utilities Commission of Ohio.
43. **Exculpatory Provisions.** Approval of these rules and regulations by the Public Utilities Commission of Ohio does not constitute a determination by the Public Utilities Commission of Ohio of the legal validity of any language contained herein which purports to limit the liability of the Company should be upheld in a court of law.

SECTION V -- RATES

44. **Rates for Natural Gas Service.** The Company's rates for natural gas service will be established by special contract with each individual customer pursuant to Section 4905.31, Ohio Revised Code, the terms of which shall be subject to review and approval by the Public Utilities Commission of Ohio as provided in that section.
45. **Miscellaneous Charges.** In addition to the contract rate for natural gas volumes, the following miscellaneous charges shall apply:
- (a) **Installation Fee.** The installation fee for each new service connection shall be six hundred fifty dollars (\$650.00), which fee shall be disclosed on the Company's service application form.
- (b) **Reconnection Charge.** If service to a given location is reconnected after disconnection, a charge of twenty-five dollars (\$25.00) shall be assessed.
- (c) **Dishonored Check Charge.** Whenever a customer pays a bill by check and the check is returned to the Company by the customer's financial institution for lack of sufficient funds in the customer's account, the customer shall be charged fifteen dollars (\$15.00) for processing the dishonored check.

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(d) **Late Payment Charge.** If a bill payment is not received at the Company's offices on or before the fifteenth day after the mailing of the bill, a one-time additional amount of five percent (5%) of the amount of the bill will become due and payable as a part of the customer's total obligation. This provision is not applicable to (1) unpaid account balances prior to the effective date of this provision, or (2) unpaid account balances of customer enrolled in payment plans pursuant to Rule 4901:1-18-04, Ohio Administrative Code.

SECTION VI – TRANSPORTATION SERVICE

46. **Applicability.** Transportation service under this section is available to industrial and large commercial customers of the Company which qualify for transportation service under the Public Utilities Commission of Ohio's Gas Transportation Program Guidelines and which, pursuant thereto, purchase gas from a supply source other than the Company and request the Company to transport such gas through its facilities for redelivery to the customer. All transportation customers must enter into a transportation service agreement with the company. All transportation customers must have purchased or otherwise arranged for a supply of natural gas of a quality acceptable to the Company, must have arranged for the injection of such volumes into the Company's facilities at a point of delivery acceptable to the Company (the "Delivery Point"), and must have arranged for the redelivery of such volumes to the customer at a point or redelivery acceptable to the Company (the "Redelivery Point"). This tariff offering does not preclude the Company from entering into special transportation service arrangements pursuant to Section 4905.31 of the Ohio Revised Code when, in the Company's judgment, specific circumstances warrant a different arrangement.
47. **Description of Service.** Transportation service consists of the redelivery to the customer of customer-owned or customer-supplied natural gas volumes injected by or on behalf of the customer into the Company's facilities. The transportation service provided by the Company pursuant to this section is firm transportation service and, as such, the Company shall allocate and reserve capacity within its facilities for the redelivery of the customer's supply of natural gas for consumption by the customer; provided, however, that the Company may decline to provide such service when, in the Company's judgment, rendering such service would be detrimental to the operation of the Company's facilities or in the event of a *force majeure* condition. Transportation service does not reflect any sale of gas from the Company to the Customer. The Company has no obligation to consider the transportation customer's natural gas requirements in arranging for natural gas supplies and, by electing service under this section, the customer releases the Company from any obligation to do so. The Company is not responsible for any interruptions in the customer's source or sources of supply. Transportation service is provided on a non-discriminatory, first-come, first-served basis, subject to the capacity of the Company's facilities.
48. **Rates and Charges.** The rates and charges for transportation service are as follows:
- (a) **Customer Charge.** The fixed customer charge shall be \$50.00 per customer per month in any month in which gas volumes are transported for the customer pursuant to this section.
- (b) **Volumetric Rate.** The maximum rate for transportation service shall not exceed \$3.50 per 1,000 cubic feet (Mcf) of gas transported. The Company may, in its sole discretion, flex the volumetric rate downward from the maximum rate to recognize the existence of competitive alternatives available to the Customer and the adverse impact of the loss of the Customer's load on the company and its other customers; provided, however, that in no event will the base rate be flexed below a level which covers variable costs and makes some contribution to fixed costs.

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TARIFF DIVISION
Public Utilities Commission of Ohio

RULES AND REGULATIONS GOVERNING THE DISTRIBUTION AND SALE OF GAS

(c) **Ohio Gross Receipts Tax Recovery Rate.** The base rates established pursuant to Part 48.A and Part 48.B of this section are subject to an adjustment to recover the Ohio Gross Receipts Tax obligation of the Company associated with the revenues realized therefrom. Stated in terms of a percentage, the current adjustment factor is 4.890%. This factor may be changed to reflect any changes in the Company's Ohio Gross Receipts Tax obligation.

(d) **Late Payment Charge.** If bill payment is not received at the Company offices on or before the due date on the bill, an additional amount equal to one and one-half percent (1.5%) of the unpaid bill will become due and payable as a part of the Customer's total bill obligation.

(e) **Reimbursement.** In addition to all other rates and charges specified herein, the customer shall reimburse the Company, on a revenue neutral basis, for all costs incurred by the Company as a result of variations between the amount of customer's gas delivered to the Company at the Delivery Point and the amount of gas consumed by the customer, including, but not limited to, penalties or other charges imposed by upstream transportation providers.

49. **Title to Gas.** Any customer taking transportation service pursuant to this section warrants that it has free and clear title to the gas delivered to the Company and covenants and agrees to indemnify and hold the Company harmless from all suits, actions, debts, accounts, damages, costs, losses, and expenses arising from or attributable to adverse claims to such gas by any and all other persons or parties.

50. **Unaccounted-for Gas.** Unless otherwise agreed, the customer shall have the right to retain all the gas delivered to the Company pursuant to this section, less the average system unaccounted-for gas percentage. As used herein, "unaccounted-for gas percentage" means the percentage of the total amount of gas delivered to the system on an annual basis which is not delivered to the Company's customers. This percentage is recalculated annually.

51. **Imbalances.** Unless otherwise agreed, the customer's monthly gas utilization at the Redelivery Point shall equal the monthly amount of gas the customer provides to the Company at the Delivery Point, subject to adjustment for the allowance for unaccounted-for gas, plus or minus five percent (5%). For each Mcf of positive or negative imbalance in excess of five percent (5%) each month (the "Excess Imbalance"), the following fees shall apply.

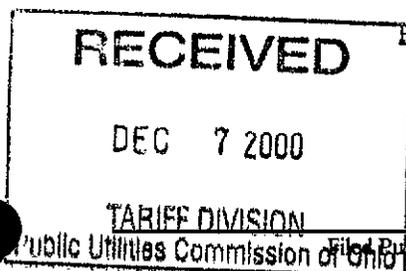
(a) **Negative Excess Imbalance.** If a negative Excess Imbalance exists, the customer shall pay, in addition to all other applicable rates and charges, an amount equal to the total negative Excess Imbalance multiplied by the following charges:

<u>Percentage Imbalance Level</u>	<u>Charge</u>
0-5	(None)
>5-10	1.10 x Index
>10-20	1.30 x Index
>20	1.50 x Index

This additional charge does not obligate the Company to secure a supply of gas or to provide back-up or supplemental gas service, but merely represents a mechanism for eliminating the imbalance condition to the extent the Company has gas available to do so without imposing additional costs on system supply customers.

(b) **Positive Excess Imbalance.** If a positive Excess Imbalance is not eliminated in the month following the month in which it is created, the customer authorizes the Company to eliminate the imbalance by purchasing the Excess Imbalance in accordance with the following schedule.

<u>Percentage Imbalance Level</u>	<u>Charge</u>
0-5	(No Purchase)
>5-10	0.9 x Index
>10-20	0.7 x Index
>20	0.5 x Index



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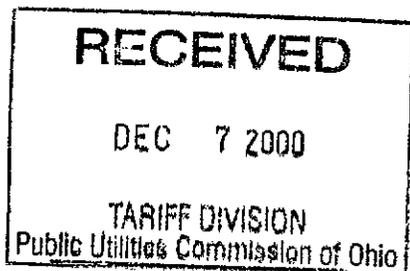
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Daniel G. Foraker, President

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RULES AND REGULATIONS GOVERNING THE DISTRIBUTION AND SALE OF GAS

(c) **Index Values.** As used in Part 51(a), "Index" means the monthly price applicable to the supply source(s) from which the Company purchases the natural gas used to eliminate the negative Excess Imbalance. As used in Part 51(b), "Index" means the monthly price applicable to the supply source(s) of the natural gas which would have been purchased by the Company but for its purchase of the Excess Imbalance to eliminate the positive Excess Imbalance.



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