

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4901:1-10-21
Rule Type: Amendment
Rule Title/Tagline: Customer complaints and complaint-handling procedures.
Agency Name: Public Utilities Commission of Ohio
Division: Utilities
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 7/22/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** R.C. 4905.22, 4905.04, 4928.06, 4928.11
5. **What statute(s) does the rule implement or amplify?** R.C. 4905.06, 4905.22, 4928.11, 4933.122, 4933.18, 4933.19

6. **What are the reasons for proposing the rule?**

This rule is not a new proposal.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

Ohio Adm.Code 4901:1-10-21 sets forth the procedures/response timelines the electric utility must follow relating to customer complaints. This rule also sets forth the procedures an electric utility should follow regarding a slamming complaint, which is a customer's allegation that the customer's electric service supplier has

been switched without the customer's authorization. The only Commission revision to the rule shortens the timeline in which an electric utility must provide updates to a customer regarding the status of an outstanding complaint investigation.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

A portion of the rule incorporates material from the Ohio Administrative Code, which is exempted pursuant to R.C. 121.75(A)(1)(d).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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Potential for an increase in expenses and possible increase in revenues. This section requires an electric utility to report instances of unauthorized electric supplier switches to Commission Staff. If needed, the Commission can initiate a proceeding against the entity accused of switching, such as if a competitive retail electric service provider commits the switch. The Commission must allocate resources to conduct such an investigation/participate in an administrative proceeding. It is possible, if deemed appropriate, that the Commission could order a penalty payment be made, which could partially go to the Commission. It is difficult to identify a specific dollar amount for such an investigation.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Cost of compliance for electric utilities includes developing procedures and systems that follow the complaint-handling requirements in this rule. These costs would include the time/expense of personnel investigating each of the filed complaints

in the prescribed timeline, as well as the time/expense of coordinating with a customer's competitive retail electric service (CRES) provider if that provider was accused of slamming. Also, if the electric utility switched a customer's supplier without authorization then it must reimburse the CRES provider for an incremental cost incurred by the CRES provider to correct the unauthorized switch. The reverse is true if the CRES provider made an unauthorized electric supplier switch.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office?** Yes
17. **Does this rule have an adverse impact on business?** Yes
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** Yes

This rule assumes that the entity qualifies as an investor-owned electric utility or transmission owner. To operate within this field, there are several regulatory hurdles to clear to do so.

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms?** Yes

Yes, if needed, the Commission can initiate a proceeding against the entity accused of unauthorized electric supplier switching, such as if a CRES provider commits the switch. If the Commission has decided that unauthorized switching has occurred, it is possible, if deemed appropriate, that the Commission could order a penalty payment be made.

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** Yes

Yes. Cost of compliance for electric utilities includes developing procedures and systems that follow the complaint-handling requirements in this rule. These costs would include the time/expense of personnel investigating each of the filed complaints in the prescribed timeline, as well as the time/expense of coordinating with a customer's CRES provider if that provider was accused of slamming. Also, if the electric utility switched a customer's supplier without authorization then it must reimburse the CRES provider for an incremental cost incurred by the CRES provider to correct the unauthorized switch. The reverse is true if the CRES provider made an unauthorized electric supplier switch.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

Yes. See the above three answers, which outline what direct increase in expenses this rule will cause for regulated entities.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No**

- A. How many new regulatory restrictions do you propose adding?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?**

Not Applicable