

## 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?** No
  - A. **What is the rule's five year review date?** 9/30/2026
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. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is not a new proposal.
8. **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 revisions to this rule were made to comply with R.C. 121.951. The revisions to this rule did the following: removes unnecessarily burdensome requirements and removes the word "shall" when it was not needed.

9. **Does the rule incorporate material by reference? Yes**
10. **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).

11. **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**

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

This will increase revenues.

N/A

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.

**13. 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 certified 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.

**14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

**15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

**16. 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**

**17. Was this rule filed with the Common Sense Initiative Office? Yes**

**18. 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

**A. How many new regulatory restrictions do you propose adding to this rule? 1**

4901:1-10-21(F): 4901:1-10-21(F): Added regulatory restriction requiring electric utilities to provide the customer with the Commission's contact information.

**B. How many existing regulatory restrictions do you propose removing from this rule? 6**

4901:1-10-21(C)(1): Removed regulatory restriction requiring electric utilities to provide a status report regarding customer complaints to the customer when investigating a complaint made directly to the electric utility.

4901:1-10-21(C)(2): Removed regulatory restriction requiring electric utilities to provide a status report regarding customer complaints to the customer when investigating a complaint referred to the utility by the Commission or Staff.

4901:1-10-21(F): Removed regulatory restriction requiring electric utilities to provide the customer with the Commission's current address.

4901:1-10-21(F): Removed regulatory restriction requiring electric utilities to provide the customer with the Commission's toll-free and TTY numbers of the Commission's call center.

4901:1-10-21(F): 4901:1-10-21(F): Removed regulatory restriction requiring electric utilities to provide the customer with the Commission's website.

4901:1-10-21(H)(4): Removed regulatory restriction requiring the Commission to notify the electric utility of a determination that a customer's service was switched without the customer's authorization.

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

**D. Please justify the adoption of the new regulatory restriction(s).**

4901:1-10-21(F): 4901:1-10-21(F): Added regulatory restriction requiring electric utilities to provide the customer with the Commission's contact information.