

4901:1-10-02

Purpose and scope.

(A) The rules in this chapter:

- (1) Apply to investor-owned ~~EDUs~~ electric utilities, as defined in this chapter, and transmission owners, ~~as defined in this chapter~~;
- (2) Are intended to promote safe and reliable service to consumers and the public, and to provide minimum standards for uniform and reasonable practices.

(B) The commission may, in addition to the rules in this chapter, require ~~EDUs~~ electric utilities and/or transmission owners to furnish other or additional service, equipment, and facilities upon ~~any of the following~~:

- (1) The commission's own motion;
- (2) Formal or informal commission resolution of a complaint;
- (3) The application of any ~~EDU~~ electric utility.

(C) The commission may waive any requirement of Chapter 4901:1-10 of the Administrative Code for good cause shown ~~or upon its own motion~~.

(D) The rules in this chapter shall not relieve the ~~EDUs~~ electric utilities and/or transmission owners from:

- (1) Providing adequate service and facilities as prescribed by the commission;
- (2) Complying with the laws of this state.

(E) Except as set forth below, the rules of this chapter supersede any inconsistent provisions, terms, and conditions of the ~~EDUs~~ electric utility's tariffs. An ~~EDU~~ electric utility may adopt or maintain tariffs providing superior standards of service, reliability or safety, or greater protection for customers or consumers. Further, an ~~EDU~~ electric utility may adopt or maintain tariffs which are not inconsistent with the rules of this chapter.

(F) When an ~~EDU~~ electric utility and/or transmission owner in a complaint proceeding under section 4905.26 of the Revised Code demonstrates compliance with the relevant service or performance standard of this chapter, excluding rule 4901:1-10-27 of the Administrative Code, a rebuttable presumption is created that the electric utility is providing adequate service regarding that standard. Such

presumption applies solely to the specific standard addressed by the commission for the time period at issue in the complaint proceeding. No such presumption is created merely by compliance with any reporting requirement of this chapter. In addition, to the extent the service and performance standards in this chapter are based on system-wide data, no such rebuttable presumption is applicable to complaints regarding the adequacy of service provided either to individual customers or consumers or to any segment of the system of an electric utility and/or transmission owner.

(G) No tariff of an electric utility shall incorporate exculpatory clauses that purport to limit or eliminate liability on the part of the electric utility to its customers or others as a result of its own negligence when providing a regulated service. No electric utility tariff shall incorporate provisions which purport to establish liability on the part of the electric utility's customers for acts or failures to act involving an electric utility's facilities, which are beyond the control of the customer. Any contrary provisions in an electric utility's tariff now on file with the commission shall be eliminated.

Effective:

R.C. 119.032 review dates: 11/26/2008

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 4905.22, 4905.04, 4928.06, 4928.11
Rule Amplifies: 4933.121, 4905.06, 4905.22, 4928.11
Prior Effective Dates: 7/1/99, 9/18/00, 1/1/04