



## Ohio Administrative Code

### Rule 4901:1-23-04 Settlement agreements and stipulations.

Effective: December 11, 2014

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(A) If staff and the electric utility or competitive retail electric service (CRES) provider reach agreement regarding the violation of a rule within this chapter or Chapter 4901:1-21 or 4901:1-10 of the Administrative Code, the violation of a commission order, a proposed corrective action or remedy, or the amount of a forfeiture or other payment, then the agreement must be reduced to writing in a settlement agreement. Such agreement shall be signed by an officer of the company or its attorney and the assistant attorney general who serves as legal counsel for staff. Except as otherwise provided in paragraph (B) of this rule, the settlement agreement shall not be effective until both of the following have occurred:

(1) The stipulation is filed with the commission for approval pursuant to a compliance or other proceeding.

(2) The stipulation is approved by and made the order of the commission.

(B) If the settlement agreement provides for the payment of a forfeiture or other payment by an electric utility or CRES provider of ten thousand dollars or less, the agreement shall be deemed accepted by the commission and fully enforceable upon the electric utility or CRES provider upon its execution.

(C) Unless contained in or otherwise provided in a stipulation, no statement or conduct during settlement negotiations is admissible in any commission proceeding regarding the noncompliance.

(D) Where an electric utility or competitive retail electric service provider has demonstrated to the staff's satisfaction, as confirmed in writing by the staff, that the violation(s) listed in the staff notice (or amended staff notice) of probable noncompliance or investigative report has been corrected and where the company submits full payment of the proposed forfeiture prior to the execution of a written settlement agreement or final commission order, the violation(s) listed in such staff notice of probable noncompliance or investigative report shall only be considered by the commission as part



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of the company's history of violations in determining the appropriate forfeiture or corrective action for any future violation. If a company pays a proposed forfeiture of more than one thousand dollars without executing a written settlement agreement, the payment shall be fully effective when approved by and made the order of the commission.