



## Ohio Administrative Code

### Rule 4901:1-28-04 Opt-out disclosure requirements.

Effective: December 1, 2014

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(A) Prior to including a customer's natural gas account or accounts in an aggregation, a governmental aggregator shall provide each eligible governmental aggregation customer written notice that the customer's account(s) will be automatically included in the aggregation unless the customer affirmatively opts out of the aggregation. The notice shall, at a minimum, include:

(1) The language on the front cover of the envelope or postcard providing the notice shall state "important natural gas aggregation information."

(2) A summary of the actions that the governmental entity took to authorize the aggregation.

(3) A description of the services that the governmental aggregator will provide under the aggregation.

(4) Disclosure of the price that the governmental aggregator will charge customers for competitive retail natural gas service, including:

(a) Dollars and/or cents per hundred cubic feet of gas ("Ccf") or thousand cubic feet of gas ("Mcf"), depending on the unit that is used by the natural gas company that serves the customer, if the product is based on a per-unit price. For flat-monthly rate offers, a specific listing of the rate to be charged per month for the duration of the contract.

(b) If a variable rate is offered, an understandable description of the factors that will cause the price to vary (including any associated indices) and disclosure of how frequently the rate will change.

(c) A statement that the retail natural gas supplier's or governmental aggregator's rate is exclusive of all applicable state and local taxes.

(5) If different rates will be charged to different rate classes within the aggregation, the



governmental aggregator shall disclose the applicable rate(s) to customers within the various rate classes.

(6) An itemized list and explanation of all fees and charges that are not incorporated into the rates charged for natural gas that the governmental aggregator will charge the customer for participating in the aggregation, including any applicable switching fees or early termination penalties. These switching fees and/or early termination penalties shall not apply to a customer that moves out of the governmental aggregator's territory.

(7) Disclosure of the dates covered by the governmental aggregation program, including an estimated service commencement date and notice that the customer may opt out of the aggregation at least every two years without penalty.

(8) Disclosure of any credit and/or deposit policies and requirements.

(9) Disclosure of any limitations or conditions on customer acceptance into the aggregation.

(10) A description of the process and associated time period for customers to opt out of the aggregation. The process shall include provisions for customers to return a post card or similar notice to the governmental aggregator or its agent. The process may include, in addition, other opt-out methods, such as telephonic or internet notice, provided that these methods provide for verification of a customer's election to opt out of the aggregation.

(11) The time period for a customer to choose to opt out of the aggregation shall extend at least twenty-one days from the date of the post mark on the written notice. A customer's return post card or notice that is post marked before the opt-out deadline has elapsed shall be deemed to have opted out.

(12) A local or toll-free telephone number that customers can call with questions regarding the formation or operation of the aggregation, including associated calling hours.

(B) At least every two years from the establishment of its governmental aggregation program, a governmental aggregator shall provide notice to all customers served by the aggregation of their



right to opt out of the aggregation without penalty. This notice shall follow the procedures established for the initial opt-out notice set forth in this rule and shall prominently disclose to customers all changes to the terms and conditions associated with the aggregation.

(C) No governmental aggregator or retail natural gas supplier serving a governmental aggregation shall impose any terms, conditions, fees, or charges on any customer served by a governmental aggregation unless the particular term, condition, fee, or charge was clearly disclosed to the customer at the time the customer chose not to opt out of the aggregation.

(D) To assist its preparation and dissemination of required opt-out notices, a governmental aggregator that is certified by the commission may request that the incumbent natural gas company provide it with customer information consistent with paragraph (A) of rule 4901:1-28-05 of the Administrative Code. The governmental aggregator shall not, without the customer's express written consent or electronic authorization or unless pursuant to a court or commission order:

(1) Disclose or use for any purpose other than formation and operation of its aggregation a customer's account number or social security number or any customer information regarding customers.

(2) Release any customer account number, social security number, or any information related to a customer without first obtaining the customer's signature on a release form. Forms requiring a customer to circle or to check off preprinted types of information to be released may not be used. The release form shall:

(a) Be on a separate piece of paper.

(b) Be clearly identified on its face as a release of personal information and contain text that shall be in at least sixteen-point type.

(c) Contain the following statements prominently, just prior to the signature, in type larger and darker than the type in the surrounding sentences: "I realize that, under the rules and regulations of the public utilities commission of Ohio, I may refuse to allow (name of aggregator) to release the information set forth above. By my signature, I freely give (name of aggregator) permission to



release the information designated above."

(d) Specify on the form the information sought to be released.

(E) Each governmental aggregator shall use its best efforts to ensure that only eligible governmental aggregation customer accounts within its governmental boundaries and customers who have not opted out are included in its aggregation. If ineligible accounts, accounts from outside of the governmental aggregator's governmental boundaries, or accounts for customers who opted out of the aggregation are switched to the governmental aggregation:

(1) The governmental aggregator shall promptly contact the natural gas company to have the customer switched back to the customer's former supplier.

(2) The governmental aggregator or the natural gas company, whichever is at fault for an improper switch, shall reimburse the customer for any switching fees that were paid by the customer as a result of the improper switch.

(3) The governmental aggregator or the natural gas company, whichever is at fault for an improper switch, shall reimburse the customer for the difference between the customer's former rate and the governmental aggregator's rate multiplied by the customer's usage during the time that the customer was served by the governmental aggregator, if the customer's former rate was less than the rate charged by the governmental aggregator and the higher rate was paid by the customer.

(F) The governmental aggregator shall docket with the commission's docketing division an advance notice of the governmental aggregation opt-out program with the final opt-out or any supplemental opt-out customer notification no more than thirty days, but no less than ten days, prior to sending the opt-out notification to customers. The advanced notice to the commission shall identify the affected community and natural gas company involved, include the beginning and ending dates of the twenty-one day opt-out period, and provide the identification of the selected competitive retail natural gas service supplier.