



Ohio Administrative Code

Rule 4901:1-29-05 Marketing, solicitation, and customer information.

Effective: December 1, 2014

(A) Each retail natural gas supplier and governmental aggregator that offers competitive retail natural gas service to customers shall provide, in marketing materials that include or accompany a service contract, sufficient information for customers to make informed cost comparisons.

(1) For fixed-rate offers, such information shall, at minimum, include:

(a) The cost per Ccf or Mcf, whichever is consistent with the incumbent natural gas company's billing format, for natural gas supply, if the product is based on a per-unit price or, for flat-monthly rate offers, a specific listing of the rate to be charged per month for the duration of the contract.

(b) The amount of any other recurring or nonrecurring retail natural gas supplier or governmental aggregator charges.

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

(2) For variable-rate offers, such information shall, at minimum, include:

(a) A clear and understandable explanation of the factors that will cause the price to vary (including any related indices) and how often the price can change.

(b) The amount of any other recurring or retail natural gas supplier or governmental aggregator charges.

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



(B) Competitive retail natural gas suppliers serving a natural gas company's MVR tariff customers shall provide to the customer the information required in paragraph (A) of this rule upon enrollment.

(C) A retail natural gas supplier's or governmental aggregator's promotional and advertising material shall be provided to the commission or its staff within three business days of a request by the commission or its staff.

(D) No retail natural gas supplier or governmental aggregator may engage in marketing, solicitation, sales acts, or practices which are unfair, misleading, deceptive, or unconscionable in the marketing, solicitation, or sale of a competitive retail natural gas service. Such unfair, misleading, deceptive, or unconscionable acts or practices include, but are not limited to, the following:

(1) Soliciting customers for a competitive retail natural gas service after suspension, rescission, or conditional rescission of certification by the commission or after denial of certification renewal by the commission.

(2) Failing to comply with paragraph (A) of this rule when soliciting a sale of competitive retail natural gas service and failing to disclose all terms, conditions, and limitations, including but not limited to contract length, prices, fees and termination fees, or penalties, and any discretionary charges.

(3) Failing to provide in or with its advertisements and promotional materials that make an offer for sale, a toll-free/local telephone number (and address for printed materials) which the potential customer may call or write to request detailed information regarding the price, terms, conditions, limitations, and restrictions.

(4) Soliciting via telephone calls initiated by the retail natural gas supplier or governmental aggregator (or its agent) without first obtaining the list of Ohio customers who have requested to be placed on the federal trade commission's "do not call" registry and obtaining monthly updates of the federal trade commission's "do not call" registry for the appropriate area code.

(5) Engaging in any solicitation that leads the customer to believe that the retail natural gas supplier



or governmental aggregator or its agent is soliciting on behalf of or is an agent of any entity other than the competitive retail natural gas supplier or governmental aggregator.

(6) Engaging in telephone solicitation of residential customers either before nine a.m. or after nine p.m.

(7) Knowingly taking advantage of a customer's inability to reasonably protect their interests because of physical or mental infirmities, ignorance, illiteracy, or inability to understand the language of an agreement.

(8) Advertising or marketing offers that:

(a) Claim that a specific price advantage, savings, or guarantee exists if it does not.

(b) Claim to provide a competitive retail natural gas service when such an offer is not a bona fide offer to sell such services.

(c) Offer a fixed price per Ccf or Mcf, whichever is consistent with the incumbent natural gas company's billing format, for competitive retail natural gas service without disclosing all recurring and nonrecurring charges.

(d) Offer a variable price per Ccf or Mcf, whichever is consistent with the incumbent natural gas company's billing format, for competitive retail natural gas service without disclosing all recurring and nonrecurring charges.

(e) Fail to disclose all material limitations, exclusions, and offer expiration dates.

(f) Fail to fully disclose, in an appropriate and conspicuous type-size, an affiliate relationship or branding agreement on advertising or marketing offers that use an Ohio utility's name and logo.

(E) Retail natural gas suppliers or governmental aggregators when engaging in direct solicitation shall:



- (1) Perform a criminal background check on all employees and agents of retail natural gas suppliers or governmental aggregators engaged in door-to-door solicitation. The criminal background check shall be done by an independent contractor and the retail natural gas supplier or governmental aggregator shall confirm that the independent contractor has performed the comprehensive criminal background check on its employees or agents in accordance with this rule.

- (2) Comply with all applicable ordinances and laws of the customer's jurisdiction, when engaged in direct solicitation door-to-door. Where the applicable ordinances and laws do not limit the hours of direct solicitation door-to-door, not solicit customers before the hour of nine a.m. or after the hour of seven p.m.

- (3) Leave the premises of a customer when requested to do so by the customer or the owner or occupants of the premises, when engaging in direct solicitation door-to-door.

- (4) Ensure when in direct solicitation of customers that the retail natural gas supplier's or governmental aggregator's sales agent displays a valid retail natural gas supplier or governmental aggregator photo identification, preapproved by the staff. The retail natural gas supplier or governmental aggregator shall display to a customer at the first opportunity their photo identification. If a customer is enrolled by a retail natural gas supplier or governmental aggregator, the retail natural gas supplier or governmental aggregator shall offer to leave a form of identification with the customer.