



## Ohio Administrative Code

### Rule 4901:1-19-03 Filing requirements for exemption applications filed pursuant to section 4929.04 of the Revised Code.

Effective: June 15, 2023

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(A) Notice of intent.

The applicant shall notify the commission staff by letter addressed to the directors of the rates and analysis department and the service monitoring and enforcement department of its intent to file an application at least thirty calendar days prior to the expected date of filing.

(B) Form of an application.

(1) An exemption application must be supported by direct testimony.

(2) All direct testimony and exhibits supporting the application shall be filed with the application, unless the application is being filed in conjunction with an application for an increase in rates under section 4909.18 of the Revised Code, in which case the direct testimony and exhibits may be filed within fourteen days of the filing of the application.

(3) The applicant shall provide a copy of its application and supporting testimony to the office of the consumers' counsel and each party of record in its previous alternative rate plan or rate case proceeding. Such copies may be provided either in hard copy or by electronic service.

(4) The applicant shall provide or cause to be provided a copy of the application to any person upon request. Such copies may be provided either in hard copy or by electronic service, if electronic service is feasible and the requestor consents to electronic service.

(5) Exemption applications are designated by the commission's docketing division using the acronym EXM.

(C) Exhibits to an exemption application.



- (1) The applicant shall provide a detailed description of each commodity sales service(s) and/or ancillary service(s) for which the applicant is requesting an exemption.
- (2) If the applicant is proposing to implement an auction or other competitive procurement process for provision of default commodity sales service, the applicant shall provide a detailed description of whether the proposed auction or competitive procurement process is consistent with previous commission orders considering exemption applications as well as best industry practices.
- (3) The applicant shall include a detailed discussion as to how the approval of the proposed exemption(s) will promote the policy of the state under section 4929.02 of the Revised Code.
- (4) The applicant shall provide a discussion showing that the requested exemption(s) does not involve undue discrimination for similarly situated customers. The applicant shall provide a description of the internal process for addressing customer complaints and inquiries. The applicant shall also include the name of a contact person to work with the commission staff. This person shall have the authority to resolve customer complaints and inquiries received by commission staff.
- (5) The applicant shall include a detailed discussion of why the applicant believes it is currently subject to effective competition in the provision of each commodity sales service or ancillary service for which it is requesting an exemption and/or a detailed discussion of why the applicant believes the customers in the relevant market currently have reasonably available alternatives to each commodity sales service or ancillary service for which it is requesting an exemption. Detailed discussions shall include all supporting documentation which shall include empirical data.
- (6) The applicant shall submit a proposed separation plan to ensure to the maximum extent practicable that operations, resources, and employees involved in providing or marketing exempt commodity sales services or ancillary services are operated and accounted for separate from nonexempt operations. The applicant shall provide a detailed discussion of its proposed separation plan.
- (7) The applicant shall submit a proposed code of conduct which governs both the applicant's adherence to the state policy specified in section 4929.02 of the Revised Code, and its sharing of information and resources between those employees involved in the provision or marketing of



exempt commodity sales services or ancillary services, and those employees involved in the provision or marketing of nonexempt commodity sales services or ancillary services.

(8) The applicant shall provide one scored copy each of all proposed tariff schedules where applicable (schedule E-1) which have all proposed changes underscored and current tariff schedules to which changes are proposed (schedule E-2).

(9) The applicant shall provide the rationale underlying the proposed changes to the tariff (schedule E-3), referencing the appropriate current or proposed rate schedules to which the rationale is applicable and using the proper schedule and page number. Changes common to multiple rate forms need only be discussed once.

(10) The applicant shall provide a list and description of all dockets in which there are special arrangements with customers that involve natural gas commodity service, which customers may be affected by the application.