



Ohio Administrative Code

Rule 4901:1-19-05 Filing requirements and procedures for applications to exit the merchant function.

Effective: June 15, 2023

(A) During the processing of the application, the commission may dismiss any application which does not substantially comply with the filing requirements of this rule.

(B) 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.

(C) Form of an application.

(1) An exit-the-merchant-function 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 exemption 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) Exit-the-merchant-function applications are designated by the commission's docketing division using the acronym EMF.



(D) Exhibits to an exit-the-merchant-function application.

(1) The applicant shall demonstrate that the retail natural gas suppliers providing default commodity sales service to the natural gas company's choice-eligible customers have done so reliably for at least two consecutive heating seasons through a competitive procurement process.

(2) The applicant shall provide details of the proposed assignment and transfer of choice-eligible customers to retail natural gas suppliers for default commodity sales service.

(3) The applicant shall provide an accounting of the costs to implement the exit-the-merchant-function plan.

(4) The applicant shall provide a plan for customer education regarding the exit-the-merchant-function plan, which shall include efforts to encourage customers to choose retail natural gas suppliers before the company fully exits the merchant function.

(5) The applicant shall demonstrate that the application satisfies section 4929.04 of the Revised Code, and is just and reasonable.

(E) The applicant may request recovery of its reasonable costs of exiting the merchant function.

(F) The commission shall order such procedures as it deems necessary, consistent with these rules, in its consideration of an application to exit the merchant function.

(G) Review of the application.

(1) It is the applicant's burden to show that the application satisfies paragraph (D)(5) of this rule.

(2) Any party opposing an exit-the-merchant-function plan may present evidence to the commission that the application to exit the merchant function does not meet the criteria in paragraph (D)(5) of this rule.



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(3) If the commission finds that the applicant has failed to meet the criteria in paragraph (D)(5) of this rule, no exit from the merchant function shall be granted.