



Ohio Administrative Code

Rule 4901:1-21-08 Customer access, slamming complaints, and complaint handling procedures.

Effective: December 1, 2014

(A) Customer access

(1) Each competitive retail electric service (CRES) provider shall ensure customers reasonable access to its service representatives to make inquiries and complaints, discuss charges on customer bills, terminate competitive service, and transact any other pertinent business.

(2) Telephone access shall be toll-free or local, and afford customers prompt answer times during normal business hours.

(3) Each CRES provider shall provide a twenty-four hour automated telephone message instructing callers to report any service interruptions or electrical emergencies to their electric utility.

(B) Customer complaints

(1) Each CRES provider shall investigate customer complaints (including customer complaints referred by the electric utility) and provide a status report within three business days following receipt of the complaint to:

(a) The customer, when the complaint is made directly to the CRES provider.

(b) The customer and staff, when a complaint is referred to the CRES provider by the staff.

(2) If an investigation is not completed within ten business days, the CRES provider shall provide status reports, either orally or in writing, to the customer, or if applicable, to the customer and staff. Such status reports shall be provided at three business-day intervals until the investigation is complete, unless agreed to otherwise.

(3) The CRES provider shall inform the customer, or the customer and staff, of the results of the



investigation, orally or in writing, no later than three business days after completion of the investigation. The customer or staff may request the report in writing.

(4) If a residential or small commercial customer disputes the CRES provider's report, the CRES provider shall inform the customer that the staff is available to help resolve informal complaints. The CRES provider shall provide the consumer with the current address, the toll-free number of the commission's call center, the telephone number through which hearing and speech impaired customers may contact the commission, and the commission's website.

(5) Each CRES provider shall retain records of customer complaints, investigations, and complaint resolutions for one year after the occurrence of such complaints, and shall provide such records to the staff within three business days of request.

(6) Each CRES provider shall make good faith efforts to resolve disputes, and cooperate with the resolution of any joint issues with the electric utility.

(C) Slamming complaints.

(1) A slamming complaint is a customer's allegation that the customer's supplier of electric service has been switched without the customer's authorization.

(2) If a customer contacts the CRES provider alleging that the customer's supplier has been switched without the customer's authorization, the CRES provider shall take the following actions:

(a) Provide the customer with the enrollment information contained in its records.

(b) Refer the customer to the commission and provide the customer with the commission's current address, the toll-free number of the commission's call center, the telephone number through which hearing and speech impaired customers may contact the commission, and the commission's website.

(c) Cooperate with staff in any subsequent investigations of the slamming complaint, including assisting staff in determining the amount of any restitution owed to the customer pursuant to paragraph (C)(5) of this rule if the customer was switched without authorization from the customer's



supplier of electric service.

(3) If a customer initiates a slamming complaint with staff within thirty calendar days after being issued a bill from the alleged slammer, the customer shall not be required to pay the current charges assessed by the alleged slammer until the staff determines that the change in the customer's electric service provider was authorized.

(4) Except as provided in rules 4901:1-21-16 and 4901:1-21-17 of the Administrative Code, if the CRES provider cannot produce valid documents confirming that the customer authorized the switch, there shall be a rebuttable presumption that the customer was switched without authorization. Such documents shall include one of the following, in conformance with the requirements of rule 4901:1-21-06 of the Administrative Code:

(a) A signed contract, in the case of direct enrollment.

(b) An audio recording, in the case of telephonic enrollment.

(c) Electronic consent, in the case of internet enrollment.

(5) If staff determines that the customer was switched without authorization, the CRES provider responsible for initiating the switch shall by the end of the succeeding billing period following the customer's return to the correct supplier of electric service, take all three of the following actions:

(a) Credit or refund to the customer any fees previously charged for switching the customer to and from the correct supplier of electric service.

(b) Either of the two following actions:

(i) If reported to staff within the thirty calendar days after being issued a bill from the alleged slammer, absolve the customer of any liability for charges assessed by the slamming CRES provider to the customer and refund to the customer any charges collected from the customer.

(ii) If reported to staff more than thirty calendar days after being issued a bill from the alleged



slammer, credit the customer any fees the slamming CRES provider charged in excess of the amount the customer would have paid its previous supplier of electric service for the same usage.

(c) If the customer can not be returned to the original contract terms with its previous supplier of electric service, the slamming CRES provider shall credit or refund to the customer the value of the customer's contract with the customer's previous supplier of electric service for the remaining term of the contract immediately prior to the slam.

(6) In the event the customer was switched without authorization, the customer's previous CRES provider shall take all of the following actions:

(a) Re-enroll the customer without penalty under such customer's original contract price and terms, including substantially similar inducements to enter such contract. If the original CRES provider is unable to return the customer to the original contract price, the original CRES provider may enroll the customer in a new contract pursuant to the provisions of rule 4901:1-21-06 of the Administrative Code, or the customer may select a new CRES provider, or return to the electric utility's standard offer service.

(b) Issue the customer a credit on the first bill following the customer's re-enrollment, for any exit fees previously charged the customer as a result of the unauthorized switch, or directly reimburse the customer for such fees.

(c) Assist staff in determining the amount of any restitution owed the customer under this rule.

(7) If staff informs the CRES provider that a customer was switched without the customer's authorization, the CRES provider that improperly initiated the switch shall within thirty calendar days reimburse the prior CRES provider and the electric utility for any reasonable incremental costs incurred by them to correct the unauthorized switch.

(8) If staff determines that a customer's service was switched without the customer's authorization, staff shall notify the electric utility of such determination. After such notification, and if the electric utility is not at fault, the electric utility may then seek reimbursement from the CRES provider that improperly initiated the switch for any incremental costs incurred by the electric utility to correct the



unauthorized switch including any switching fees. The electric utility shall provide the CRES provider an itemized list of any such incremental costs.

(9) If correcting an unauthorized switch involves returning the customer to its previous CRES provider, the electric utility shall make the corrective switch at the next regularly scheduled meter reading date following receipt of the enrollment request from the previous CRES provider. Such corrective switch shall be made in accordance with the electric utility's normal practices and procedures for switching customers, except that the electric utility shall not charge or shall credit to the customer any switching fees and the electric utility is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-29 of the Administrative Code.

(10) If correcting an unauthorized switch involves returning the customer to the electric utility's standard offer service, the electric utility shall make the corrective switch at the next regularly scheduled meter reading date in accordance with the electric utility's normal practices and procedures for switching customers, except that the electric utility shall not charge or shall credit to the customer any switching fees and that the electric utility is not required to issue the customer the notice required by paragraph (F)(1) of rule 4901:1-10-29 of the Administrative Code.

(11) If, as part of correcting an unauthorized switch, a customer who was taking standard offer service from the electric utility at the time of the unauthorized switch is returned to standard offer service, the customer shall not be subject to any minimum stay or other commission-approved alternative for returning customers, unless the customer would have been subject to such a requirement had the unauthorized switch not occurred.

(12) If the electric utility switches a CRES provider's customer to the electric utility's standard offer service without authorization by the customer, without the authorization of the appropriate CRES provider or pursuant to a commission order, the electric utility shall take all of the following actions:

(a) Not charge, or shall credit the customer, any switching fees and shall return the customer to the previous CRES provider, making the corrective switch at the next regularly scheduled meter reading date following receipt of the enrollment request from the previous CRES provider.

(b) By the next billing cycle, take all three of the following actions:



- (i) Credit or refund to the customer any fees previously charged for switching the customer to the CRES provider.

- (ii) Either of the two following actions:
 - (a) If reported to staff within thirty calendar days after being issued a bill by the alleged slammer, absolve the customer of any liability for any charges assessed by the slamming electric utility to the customer and refund to the customer any charges collected from the customer.

 - (b) If reported to staff more than thirty calendar days after being issued a bill by the alleged slammer, credit the customer any fees the slamming electric utility charged in excess of the amount the customer would have paid its previous CRES provider for the same usage.

 - (iii) If the customer can not be returned to the original contract terms with its previous CRES provider, the slamming electric utility shall credit or refund to the customer, the value of the customer's contract with the customer's previous supplier of electric service for the remaining term of the contract immediately prior to the slam.

 - (c) Reimburse the CRES provider for any incremental costs incurred by the CRES provider to correct the unauthorized switch, within thirty calendar days of receiving an itemized invoice of the incurred incremental costs.