



## Ohio Administrative Code

### Rule 4901:1-28-03 Formation and operation of an opt-out governmental aggregation and minimum requirements for operations and governance plans.

Effective: December 1, 2014

---

(A) Prior to applying for certification at the commission, a governmental aggregator that will form an opt-out aggregation shall complete all of the requirements specified in divisions (A) to (D) of section 4929.26 of the Revised Code, including adopting an ordinance or resolution authorizing an opt-out aggregation, conducting a general or special election in accordance with division (B) of section 4929.26 of the Revised Code for authorization from electors to form the aggregation, and approving a plan for operation and governance of the aggregation as specified by division (C) of section 4929.26 of the Revised Code.

(B) The operation and governance plan adopted shall detail the services that will be provided under the aggregation and specify all customer rights and obligations under the aggregation. The plan shall be sufficiently detailed to allow customers to readily understand the services that the governmental aggregator is to provide and to compare those services against similar services provided by competitive suppliers. The governmental aggregator shall write the plan in clear and plain language so that an average residential customer can easily understand it. The plan shall, at a minimum, contain all of the following:

(1) A detailed description of services the governmental aggregator is to provide under the aggregation, including noting whether the service is to be provided directly by the governmental aggregator or by a party contracted by the governmental aggregator.

(2) A description of the processes that the governmental aggregator will use to determine the rates that will be charged.

(3) A detailed description of the governmental aggregator's plan for providing the required opt-out disclosure notices to eligible governmental aggregation customers. The plan shall describe the steps that the governmental aggregator will take to ensure that all eligible governmental aggregation customers residing within the governmental aggregator's governmental boundaries are notified. The plan shall also identify the time frames associated with the notice.



- (4) A detailed description of the process for developing the pool of customer accounts that may be included in the aggregation, including the steps that will be taken to identify and eliminate customers that are not eligible to participate in the aggregation and eligible governmental aggregation customers who opt out of the aggregation.
- (5) The governmental aggregator's plan for billing customers, including an identification of billing intervals and the identity of the entity that will transmit the bill to the customer.
- (6) A listing of any credit or deposit procedures and the policies that the governmental aggregator will employ in the event that a customer fails to pay its bill.
- (7) A detailed description of the governmental aggregator's customer service procedures and dispute resolution processes, including notice of the customer's right to contact the commission and the commission's toll-free and Ohio relay service telephone numbers for its call center. These procedures and processes shall comport with the requirements specified in rule 4901:1-29-08 of the Administrative Code.
- (8) A detailed description of the policies associated with a customer moving into the aggregation or within the aggregation where the incumbent natural gas company considers the customer that is moving to be a new customer. If the policies provide that these customers will be automatically included in the aggregation, the governmental aggregator shall provide the customers an opportunity to opt out of the aggregation in accordance with the procedures set forth in rule 4901:1-28-04 of the Administrative Code.
- (9) A detailed description of the policies associated with a customer moving within the aggregation where the customer is not assigned a new account number by the incumbent natural gas company. A customer in these circumstances may maintain the rate that the customer was charged at its previous location or, if the rate at the new location is higher than at the customer's previous location, the customer shall have the opportunity to opt out of the aggregation without penalty, pursuant to the procedures set forth in rule 4901:1-28-04 of the Administrative Code.
- (10) A description of the governmental aggregator's policies regarding the ability of a customer who



had previously opted out of the aggregation to join the aggregation, including identification of any associated conditions.

(C) A governmental aggregator shall keep its operation and governance plan available for public inspection and shall, upon request, provide a copy of the plan to any existing or potential customer of the aggregation.

(D) A governmental aggregator shall not alter its operation and governance plan in any way that would materially affect the customers of the aggregation without first providing notice to all affected customers and providing these customers the opportunity to opt out of the aggregation according to the procedures established for the initial opt-out disclosure notice set forth in rule 4901:1-28-04 of the Administrative Code. The notice shall set forth the changes to the plan, inform the customer of its right to opt out of the aggregation without penalty, and identify the method and time frame for the customer to opt out.

(E) No governmental aggregator shall send an opt-out disclosure notice to potential customers of an aggregation prior to the governmental aggregator being certified by the commission.