



Ohio Administrative Code

Rule 4901:1-29-06 Customer enrollment and consent.

Effective: December 1, 2014

(A) The retail natural gas supplier and governmental aggregator shall coordinate customer enrollment with the incumbent natural gas company in accordance with the procedures set forth in this chapter.

(B) A retail natural gas supplier and governmental aggregator is prohibited from enrolling potential customers without consent and proof of that consent as delineated in paragraphs (C), (D), and (E) of this rule. This requirement does not apply to opt-out governmental aggregation and for the percentage of income payment program.

(C) A retail natural gas supplier or governmental aggregator is prohibited from enrolling a potential customer that has failed to discharge, or enter into a plan to discharge, all existing arrearages owed to or being billed by the incumbent natural gas company including those customers enrolled in the percentage of income payment plan plus program (PIPP plus).

(D) Mailings, facsimiles, and direct enrollment

(1) Where enrollment occurs by mail, facsimile, or direct solicitation, the customer's signature on a contract shall constitute consent.

(2) Consistent with rule 4901:1-29-05 of the Administrative Code, prior to entering into a contract for service, a retail natural gas supplier or governmental aggregator shall provide each customer with enrollment documents that contain, at a minimum, clear and understandable pricing, terms and conditions of service, the dollar amount of all recurring and nonrecurring charges (including any fees for early termination of the contract), and the duration of the contract.

(3) Before obtaining a signature from the applicant, a retail natural gas supplier or governmental aggregator shall provide each customer a reasonable opportunity to read all enrollment documents and shall answer any and all questions posed by any applicant about information contained in the



documents.

(4) Immediately upon obtaining the customer's signature, a retail natural gas supplier and governmental aggregator shall provide the applicant a legible copy of the signed contract, unless the retail natural gas supplier or governmental aggregator has already provided the customer with a separate, complete copy of the terms and conditions for the customer's records and the retail natural gas supplier or governmental aggregator has complied with paragraph (C) of rule 4901:1-29-10 of the Administrative Code.

(5) Where enrollment occurs by direct solicitation, customers shall be advised both verbally and in the contract that:

(a) The incumbent natural gas company will be sending a confirmation notice of the transfer of service.

(b) The customer is allowed a seven-business-day period from the confirmation notice postmark date to rescind the enrollment.

(c) The customer must contact the incumbent natural gas company to rescind the enrollment.

(6) Direct enrollment of a residential or small commercial customer door-to-door by a retail natural gas supplier or governmental aggregator must comply with the following minimum requirements:

(a) Acknowledgment forms

A retail natural gas supplier or governmental aggregator enrolling customers through door-to-door solicitation shall have the customer execute an acknowledgement form as part of and at the time of the door-to-door enrollment process. The acknowledgment form shall include, at a minimum, the following statements or questions:

(i) Did the representative state he/she was representing a [retail natural gas supplier or governmental aggregator] and was not from the natural gas company?



(ii) Did the representative explain that by signing the enrollment form you were entering into an agreement/contract for [retail natural gas supplier or governmental aggregator] to supply your natural gas?

(iii) Did the representative explain the price for natural gas under the contract you signed is _____ dollars per [Ccf or Mcf, whichever is consistent with the incumbent natural gas company's billing format] plus sales tax?

(iv) Did the representative explain that the contract term is ____ year(s)?

(v) Did the representative explain your right to cancel?

(vi) Did the representative leave two completed right to cancel notices with you?

(vii) Did the representative disclose whether or not an early termination liability fee would apply if you cancel the contract before the expiration of the contract term? If such a fee does apply to your contract, did the representative disclose the amount of the fee?

(b) Third-party verification

A retail natural gas supplier or governmental aggregator enrolling customers through door-to-door solicitation shall provide for an independent third-party verification to ensure the validity of enrollment prior to submission to the incumbent natural gas company and shall not initiate enrollment with the incumbent natural gas company without a valid independent third-party verification. The independent third-party verification shall be conducted in accordance with paragraph (E)(1) of rule 4901:1-29-06 of the Administrative Code and the process shall include the following:

(i) The representative of the retail natural gas supplier or governmental aggregator shall contact the independent third-party verifier at the conclusion of customer enrollment to initiate the independent third-party verification process.

(ii) The independent third-party verifier must confirm with the customer that the representative of the



retail natural gas supplier or governmental aggregator has left the property of the customer. The representative of the retail natural gas supplier or governmental aggregator is not to return before, during, or after the independent third-party verification process.

(iii) The independent third-party verifier shall structure the independent third-party verification interview to give the customer adequate time to respond to questions and shall not prompt answers from the customer in their response.

(iv) The retail natural gas supplier or governmental aggregator must retain the audio recording of the customer's enrollment for one year after the contract with the customer is terminated.

(v) The retail natural gas supplier or governmental aggregator must provide a copy of the independent third-party verification to the incumbent natural gas company or the staff within three business days of any such request.

(c) Terms and conditions print specifications

The terms and conditions must be provided to the residential customer at the time of sale. Paper copies of the terms and conditions must be printed in dark ink on white or pastel paper and be ten-point type or greater. Electronic copies of the signed contract may be provided in the following conditions:

(i) The customer has agreed to receive an electronic copy of the contract and provides his/her electronic mail address.

(ii) The third-party verification conducted in accordance with paragraph (D)(6)(b) of this rule shall include a verbal statement and the customer's acknowledgment that the customer consents to receive a copy of the terms and conditions via electronic mail.

(iii) The customer is offered an unsigned paper copy which includes a version number that matches the signed electronic copy.

(iv) The terms and conditions are electronically mailed to the customer at the time of sale.



(v) The retail natural gas supplier shall provide a mechanism by which both the submission and receipt of the electronic terms and conditions are recorded by time and date.

(d) Retail natural gas suppliers or governmental aggregators shall remove a customer's name from the marketing/sales database upon the customer's request.

(7) The retail natural gas supplier and governmental aggregator shall send an electronic enrollment request to the incumbent natural gas company within three business days following receipt of the contract executed by the customer, unless a later enrollment transmittal date is agreed to in the contract by the customer or if the customer rescinds the enrollment.

(E) Telephonic enrollment

(1) To enroll a customer telephonically, a retail natural gas supplier or governmental aggregator, shall make a date- and time-stamped audio recording of the sales portion of the call, if the customer is enrolled, and before the completion of the enrollment process, a date- and time- stamped audio recording by an independent third-party verifier that verifies, at a minimum, the following:

(a) The retail natural gas supplier, governmental aggregator, or the independent third-party verifier identity and the exact purpose of the call.

(b) A verbal statement and the customer's acknowledgement that the call is being recorded.

(c) A verbal statement and customer's acknowledgement that the retail natural gas supplier or governmental aggregator is not the customer's natural gas company and that the customer may choose to remain with the natural gas companys applicable tariff or default service.

(d) A verbal question and the customer's acknowledgement that the customer has given consent to enroll with the retail natural gas supplier or governmental aggregator.

(e) A verbal question and the customer's acknowledgement that the customer is the customer of record or is authorized to switch the retail natural gas supplier or governmental aggregator for the



customer of record.

(f) In accordance with rule 4901:1-29-11 of the Administrative Code, a verbal statement and the customer's acceptance of each of the principal terms and conditions for the service that will be provided, including, but not limited to:

(i) The service(s) that will be provided.

(ii) The price per Ccf or Mcf, whichever is consistent with the incumbent natural gas company's billing format 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.

(iii) The length of the contract term.

(iv) An approximate service commencement date.

(v) The contract termination date, and any fees for customer cancellation prior to such date.

(vi) Any material limitations, conditions, or exclusions.

(vii) Any fees or costs to the customer.

(viii) If applicable, whether the retail natural gas supplier or governmental aggregator will perform a credit check and require a deposit, including the amount.

(ix) Who will bill for the retail natural gas supplier's and governmental aggregator's service(s).

(x) The enrollment confirmation number.

(g) A verbal statement and the customer's acknowledgement that the retail natural gas supplier or governmental aggregator will, within one business day, send the customer a written contract that details the terms and conditions that were summarized in the telephone call.



(h) Customers are advised both verbally and in the contract of all of the following:

(i) The incumbent natural gas company will be sending a confirmation notice of the transfer of service.

(ii) The customer is allowed a seven-business-day period from the confirmation notice postmark date to rescind the enrollment.

(iii) The customer should contact the incumbent natural gas company to rescind the enrollment.

(i) The incumbent natural gas company's toll-free or local telephone number that the customer can call to rescind the enrollment.

(j) A verbal request for and the customer's provision of the customer's natural gas company's account number.

(k) A verbal request for and the customer's provision of the customer's mailing address.

(2) Following telephonic enrollment, the retail natural gas supplier or governmental aggregator shall:

(a) Within one business day, send the customer a written contract that details the terms and conditions summarized in the telephone call pursuant to rule 4901:1-29-11 of the Administrative Code. Such contract shall in no way alter the terms and conditions to which the customer agreed in the telephone call.

(b) Retain the audio recording of the customer's enrollment for one year after the contract with the customer is terminated.

(c) Provide a copy of the audio recording to the commission or its staff within three business days of a request.

(3) The retail natural gas supplier or governmental aggregator shall not initiate enrollment with the incumbent natural gas company prior to the completion of the enrollment transaction with the



customer.

(4) The retail natural gas supplier or governmental aggregator shall send an electronic enrollment request to the incumbent natural gas company within three business days after sending the customer the written contract, unless a later enrollment transmittal date is agreed to in the contract by the customer or if the customer rescinds the enrollment.

(F) Internet enrollment

(1) Where enrollment occurs by internet, prior consent shall be obtained by encrypted customer input on a retail natural gas supplier's or governmental aggregator's internet website.

(2) The internet enrollment website shall, at a minimum, include:

(a) A copy of the retail natural gas supplier's or governmental aggregator's customer contract with all terms and conditions as required by rule 4901:1-29-11 of the Administrative Code.

(b) A statement advising customers both at the website and in the contract that:

(i) The incumbent natural gas company will be sending a confirmation notice of the transfer of service.

(ii) The customer is allowed a seven-business-day period from the confirmation notice postmark date to rescind the enrollment.

(iii) The customer should contact the incumbent natural gas company to rescind the enrollment.

(c) A prompt for the customer to print or save a copy of the contract.

(3) The retail natural gas supplier or governmental aggregator shall not initiate enrollment with the incumbent natural gas company prior to the completion of the enrollment transaction with the customer.



- (4) The retail natural gas supplier or governmental aggregator shall send an electronic enrollment request to the incumbent natural gas company within three business days following the completion of the enrollment transaction with the customer, unless a later enrollment transmittal date is specified and agreed to in the contract by the customer or if the customer rescinds the enrollment.
- (5) Any electronic version of the contract shall be identified by version number, in order to ensure the ability to verify the particular contract to which the customer agrees.
- (6) Throughout the duration of the contract, the retail natural gas supplier or governmental aggregator shall retain and, within three business days of the customer's request, provide to the customer an electronic mail message, paper, or facsimile copy of the terms and conditions of the numbered contract version to which the customer contracted.
- (7) The retail natural gas supplier or governmental aggregator shall require the customer to complete an electronic customer consent form in a format retrievable by the retail natural gas supplier or governmental aggregator that includes:
- (a) The customer's agreement to the terms and conditions.
 - (b) An electronic agreement version number.
 - (c) The name of the retail natural gas supplier or governmental aggregator.
 - (d) The date the customer electronically enrolled.
 - (e) The name of the account holder.
 - (f) The incumbent natural gas company account number.
 - (g) The account holder's U.S. mailing address.
- (8) The retail natural gas supplier or governmental aggregator shall provide a mechanism by which both the submission and receipt of the electronic customer consent form are recorded by time and



date.

(9) After the customer completes the electronic customer consent form, the internet enrollment process shall disclose conspicuously that the customer has been enrolled and the retail natural gas supplier or governmental aggregator shall provide the customer an enrollment confirmation number.

(G) In customer enrollment, if the incumbent natural gas company rejects a customer from enrollment, the retail natural gas supplier or governmental aggregator shall notify the customer within three business days from the incumbent natural gas company's notification of rejection that the customer will not be enrolled or enrollment will be delayed, along with the reason(s).

(H) The incumbent natural gas company shall, within two business days of confirming a retail natural gas supplier's or governmental aggregator's valid electronic enrollment request and prior to commencing enrollment, mail the customer a competitively neutral confirmation notice stating:

(1) The incumbent natural gas company has received a request to enroll the customer for competitive retail natural gas service with the named retail natural gas supplier or governmental aggregator.

(2) The date such service is expected to begin.

(3) The customer has seven business days from the postmark date on the notice to contact the incumbent natural gas company to rescind the enrollment request or notify the incumbent natural gas company that the change of the retail natural gas supplier or governmental aggregator was not requested by the customer.

(4) The incumbent natural gas company's toll-free or local telephone number.

(I) Within two business days after receiving a customer's request to rescind enrollment with the retail natural gas supplier or governmental aggregator, the incumbent natural gas company shall initiate such rescission and inform the retail natural gas supplier or governmental aggregator that such action has been taken.

(J) Customers may request an actual meter reading prior to the transfer of the service to the new



retail natural gas supplier or governmental aggregator in accordance with paragraph (G)(5) of rule 4901:1-13-04 of the Administrative Code.

(K) Customers returning to the incumbent natural gas company's commodity service:

(1) Any customer returning to the incumbent natural gas company's commodity service due to default, abandonment, slamming, or certification rescission of a retail natural gas supplier or governmental aggregator will not be liable for any costs associated with the switch.

(2) Any switching fee applicable to customers switching from one marketer to another marketer shall also apply to customers switching from a marketer to the incumbent natural gas company's commodity sales service.

(3) Customers participating in an opt-out governmental aggregation program will not be charged a switching fee upon returning to regulated sales service due to either termination of the aggregation or the aggregator switching suppliers.

(4) Any customer returned to the incumbent natural gas company's commodity service shall pay the applicable regulated sales service rate while taking such service.

(5) Within two business days after confirming the validated electronic data file for a retail natural gas supplier's or governmental aggregator's customer-drop request, the incumbent natural gas company shall mail the customer a notice stating:

(a) The incumbent natural gas company has received a request to drop the customer from competitive retail natural gas service with the named retail natural gas supplier or governmental aggregator.

(b) The retail natural gas supplier's or governmental aggregator's toll-free telephone number.

(L) In an instance where the customer and retail natural gas supplier or governmental aggregator agree to a material change to an existing contract, the retail natural gas supplier or governmental aggregator shall obtain proof of the customer's consent to the material change as delineated in



paragraphs (D), (E), and (F) of this rule and in accordance with the applicable enrollment process for that customer.