



Ohio Administrative Code Rule 4901:1-37-05 Application.

Effective: July 25, 2021

(A) Consistent with section 4928.17 of the Revised Code, an electric utility that provides in this state, either directly or through an affiliate, a noncompetitive retail electric service and a competitive retail electric service (or a noncompetitive retail electric service and a product or service other than retail electric service) shall file with the commission an application for approval of a proposed corporate separation plan. The application shall include a narrative describing how the plan ensures competitive equality, prevents unfair competitive advantage, prohibits the abuse of market power, and effectuates the policy of the state of Ohio embodied in section 4928.02 of the Revised Code.

(B) The proposed corporate separation plan shall be a stand alone document that, at a minimum, includes the following:

- (1) Provisions that maintain structural safeguards.
- (2) Provisions that maintain separate accounting.
- (3) A list of all current affiliates identifying each affiliate's product(s) and/or service(s) that it provides.
- (4) A list identifying and describing the financial arrangements between the electric utility and all affiliates.
- (5) A code of conduct policy that complies with this chapter and that employees of the electric utility and affiliates must follow.
- (6) A description of any joint advertising and/or joint marketing activities between the electric utility and an affiliate that the electric utility intends to utilize, including when and where the name and logo of the electric utility will be utilized, and explain how such activities will comply with this



chapter.

(7) Provisions related to maintaining a cost allocation manual (CAM).

(8) A description and timeline of all planned education and training, throughout the holding company structure, to ensure that electric utility and affiliate employees know and can implement the policies and procedures of this rule. The information shall be maintained on the electric utilities' public web site.

(9) A copy of a policy statement to be signed by electric utility and affiliate employees who have access to any nonpublic electric utility information, which indicates that they are aware of, have read, and will follow all policies and procedures regarding limitation on the use of nonpublic electric utility information. The statement will include a provision stating that failure to observe these limitations will result in appropriate disciplinary action.

(10) A description of the internal compliance monitoring procedures and the methods for corrective action for compliance with this chapter.

(11) A designation of the electric utility's compliance officer who will be the contact for the commission and staff on corporate separation matters. The compliance officer shall certify that the approved corporation separation plan is up to date and in compliance with the commission's rules and orders. The electric utility shall notify the commission and the director of the rates and analysis department (or their designee) of changes in the compliance officer.

(12) A detailed description outlining how the electric utility and its affiliates will comply with this chapter. The format shall identify the provision and then provide the description.

(13) A detailed listing of the electric utility's electric services and the electric utility's transmission and distribution affiliates' electric services.

(14) A complaint procedure to address issues concerning compliance with this chapter, which, at a minimum, shall include the following:



- (a) All complaints, whether written or verbal, shall be referred to the compliance officer designated by the electric utility to handle corporate separation matters or the compliance officer's designee.
 - (b) The complaint shall be acknowledged within five working days of its receipt.
 - (c) A written statement of the complaint shall be prepared and include the name of the complainant, a detailed factual report of the complaint, all relevant dates, the entities involved, the employees involved, and the specific claim.
 - (d) The results of the preliminary investigation shall be provided to the complainant in writing within thirty days after the complaint was received, including a description of any course of action that was taken.
 - (e) The written statements of the complaints and resulting investigations required by paragraphs (B)(14)(c) and (B)(14)(d) of this rule shall be kept in the CAM, in accordance with rule 4901:1-37-08 of the Administrative Code for a period of not less than three years.
 - (f) This complaint procedure shall not in any way limit the rights of any person to file a formal complaint with the commission.
- (C) Each electric utility shall file its approved corporate separation plan in its tariff docket.