



Ohio Administrative Code Rule 4901:1-38-05 Unique arrangements.

Effective: April 2, 2009

(A) Notwithstanding rules 4901:1-38-03 and 4901:1-38-04 of the Administrative Code, an electric utility may file an application pursuant to section 4905.31 of the Revised Code for commission approval of a unique arrangement with one or more of its customers, consumers, or employees.

(1) An electric utility filing an application for commission approval of a unique arrangement with one or more of its customers, consumers, or employees bears the burden of proof that the proposed arrangement is reasonable and does not violate the provisions of sections 4905.33 and 4905.35 of the Revised Code, and shall submit to the commission verifiable information detailing the rationale for the arrangement.

(2) Upon the filing of an application for a unique arrangement, the commission may fix a time and place for a hearing if the application appears to be unjust or unreasonable.

(3) The unique arrangement shall be subject to change, alteration, or modification by the commission.

(B) A mercantile customer, or a group of mercantile customers, of an electric utility may apply to the commission for a unique arrangement with the electric utility.

(1) Each customer applying for a unique arrangement bears the burden of proof that the proposed arrangement is reasonable and does not violate the provisions of sections 4905.33 and 4905.35 of the Revised Code, and shall submit to the commission and the electric utility verifiable information detailing the rationale for the arrangement.

(2) The customer shall provide an affidavit from a company official as to the veracity of the information provided.

(3) Upon the filing of an application for a unique arrangement, the commission may fix a time and



place for a hearing if the application appears to be unjust or unreasonable.

(4) The unique arrangement shall be subject to change, alteration, or modification by the commission.

(C) Each applicant applying for approval of a unique arrangement between an electric utility and one or more of its customers, consumers, or employees shall describe how such arrangement furthers the policy of the state of Ohio embodied in section 4928.02 of the Revised Code.

(D) Unique arrangements shall reflect terms and conditions for circumstances for which the electric utility's tariffs have not already provided.

(E) Customer information provided to the electric utility to obtain a unique arrangement shall be treated by the electric utility as confidential. The electric utility shall request confidential treatment of customer-specific information that is filed with the commission, with the exception of customer names and addresses.

(F) Affected parties may file a motion to intervene and file comments and objections to any application filed under this rule within twenty days of the date of the filing of the application.