



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

Effective: July 25, 2021

(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 non-mercantile 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) If a mercantile customer, or a group of mercantile customers, of an electric utility is not eligible for an arrangement under rule 4901:1-38-03 or 4901:1-38-04 of the Administrative Code, the customer may file an application for commission approval of a unique arrangement with the electric utility.

(1) Each customer requesting to take service pursuant to a unique arrangement with the electric utility has the burden of proof that, at a minimum:

(a) The customer and/or electric utility is not eligible for an economic development arrangement under rule 4901:1-38-03 of the Administrative Code.



(b) The customer and/or electric utility is not eligible for an energy efficiency arrangement under rule 4901:1-38-04 of the Administrative Code.

(c) The arrangement is in the public interest.

Further, the customer will submit to the electric utility and the commission verifiable information detailing how the criteria are met, and provide an affidavit from a company official as to the veracity of the information provided.

(2) A mercantile customer filing an application for commission approval of a unique arrangement has 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.

(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 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



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application filed under this rule within twenty days of the date of the filing of the application.