

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES

PART 412
OBLIGATIONS OF RETAIL ELECTRIC SUPPLIERS

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412.APPENDIX A Uniform Disclosure Statement

AUTHORITY: Implementing Section 16-118 of the Public Utilities Act [220 ILCS 5/16-118] and authorized by Sections 10-101 and 8-501 of the Public Utilities Act [220 ILCS 5/10-101 and 8-501].

SOURCE: Adopted at 36 Ill. Reg. 17886, effective January 1, 2013.

SUBPART A: GENERAL

Section 412.10 Definitions

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" means an entity *that offers for sale or lease, or delivers or furnishes ~~electric power or energy~~electricity to retail customers.* (See 220 ILCS 5/16-102.)

"Commission" means the Illinois Commerce Commission.

"Complaint" means an objection made to a RES, by a customer or other entity, as to its charges, facilities, or service, the disposal of which complaint requires investigation or analysis.

"Customer" means:

a retail customer who is a single entity using ~~electric power or energy~~electricity at a single premise and that either is receiving or is eligible to receive tariffed services from an electric utility or is served by a municipal system or electric cooperative; or

an entity that, on December 16, 1997, was receiving electric service from a public utility and was engaged in the practice of resale and

redistribution of such electricity within a building prior to January 2, 1957, or was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on December 16, 1997. [220 ILCS 5/16-102]

"Early termination fee" means a fee or penalty for terminating a contract for electric service before the end of the contract term.

"Electric utility" means a public utility, as defined in Section 3-105 of the Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area. [220 ILCS 5/16-102]

"Enrollment" means contracting with a RES to provide the supply portion of electric service.

"Fixed rate" means the charge for electric service that remains the same for the term of the contract.

"Inbound enrollment call" means a telephone call to a RES agent initiated by a consumer that results in an enrollment or change of provision of his or her electric service.

"In-person solicitation" means any sale initiated or conducted where the RES agent is physically present with the customer.

"Letter of Agency" or "LOA" means the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and referenced in Section 16-115A of the Public Utilities Act.

"Pending enrollment" means a valid direct access service request that has been accepted by an electric utility, for which the meter read switch has not yet occurred.

"Renewable energy credit" or "REC" means the same thing as defined in Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855/1-1 et seq.].

"Renewable energy resources" means resources as defined in Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855/1-1 et seq.].

"Rescind" means the cancellation of a contract with an RES and/or pending customer enrollment to an RES, without the incurrence of an early termination fee.

"Residential customer" means a person receiving gas, electric, water, or sanitary sewer utility service for household purposes furnished to a dwelling of one or two units that is billed under a residential rate.

"Retail electric supplier" or "RES" includes both alternative retail electric suppliers and electric utilities serving or seeking to serve retail customers outside their service areas or providing competitive non-tariffed service (see Section 16-116 of the Act).

"RES agent" means any employee, agent, independent contractor, consultant or other person who is engaged by the RES to solicit customers to purchase, enroll in, or contract for ~~power and energy service~~ electric service on behalf of an RES.

"Send" or "Sent", when used in this Part to describe the action to be taken by a Retail Electric Supplier of sending a document to a residential customer or small commercial retail customer may include, if agreed to by the receiving customer, transmission of the document to the customer via electronic delivery (e.g., fax or e-mail).

"Small commercial retail customer" means a nonresidential customer of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area. An RES may remove the customer from designation as a "small commercial retail customer" if the customer consumes more than 15,000 kilowatt-hours of electricity in any calendar year after becoming a customer of the RES. In determining whether a customer is a small commercial retail customer, usage by the same commercial customer shall be aggregated to include usage at the same premises even if measured by more than one meter and to include usage at multiple premises. Nothing in this Part creates an affirmative obligation on an electric utility to monitor or inform customers or RES as to a customer's status as a small ~~retail~~ commercial retail customer as defined by this definition. Nothing in this Part relieves an electric utility from any obligation to provide information upon request to a customer, an RES, the Commission, or others necessary to determine whether a customer meets the classification of small commercial retail customer.

"Third party verification" or "TPV" means the process described in Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE(b)] and required to be used to verify that the customer wants to make a change in electric supplier. The TPV shall not be described as having any other purpose.

"Transferred call" shall include any enrollment call in which the customer did not directly dial a RES agent, including calls which originate as live or automated calls to the customer who then might select an option that results in the call being forwarded to a RES agent. "Transferred call" does not include enrollment calls in which the customer directly dials a RES call center and selects to be forwarded to a RES agent from a call center menu or live operator. Transferred calls shall be treated as Telemarketing within the meaning of Section 412.130 of this Part for purposes of enrollment compliance.

"Variable rate" means the charge for electric service changes at any time during the term of the contract.

"Written" or "Writing" means a hard copy. Where this Part requires information to be "written" or in "writing", an electronic copy satisfies that requirement, so long as both RES and customer have agreed to electronic communication.

Section 412.15 Compliance

The Commission shall require implementation of each requirement on [the first day of the month following 6 months from the date of the Commission's final order], unless the Commission grants an extension of time for cause.

Section 412.20 Waiver

- a) The Commission, on application or petition of a RES or non-RES electric utility, may grant a temporary or permanent waiver from this Part, or any applicable subsections contained in this Part, in individual cases in which the Commission finds:
 - 1) the provision from which the waiver is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the waiver; and
 - 3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.
- b) The burden of proof in establishing a right to a waiver shall be on the party seeking the waiver.

Section 412.30 Construction of this Part

In the event of any conflict between this Part and the requirements provided in electric utility tariffs on file with the Commission as of January 1, 2013, this Part shall control. Electric utility tariffs approved after January 1, 2013 shall comply with this Part.

SUBPART B: MARKETING PRACTICES

Section 412.100 Application of Subpart B

- a) The provisions of this Subpart shall only apply to RESs serving or seeking to serve residential or small ~~retail~~ commercial retail customers, and only to the extent that the RES provide services to residential or small ~~retail~~ commercial retail customers.
- b) The following exceptions to Subpart B apply: Sections 412.1750(a), (b), and (c) and 412.180 shall apply to RESs serving or seeking to serve any retail customer, other than RESs certified under Subpart E of, or under the applicable of Subpart B or C of, 83 Ill. Adm. Code 451, to serve only their own load, and/or the load of a corporate affiliate and/or the load of an entity located on the site of a manufacturing or refining facility of the RES or its affiliate, when fully integrated into the existing electrical distribution system of the refining or manufacturing facility.

Section 412.105 Use of Utility Logo and Name

- a) A RES shall not utilize the logo of a public utility in any manner.
- b) A RES shall not utilize the name of a public utility in any manner that is deceptive or misleading including, but not limited to, implying or otherwise leading a customer to believe that a RES is soliciting on behalf of or is an agent of a utility when no such relationship exists.
- c) A RES shall not utilize the name, or any other identifying insignia, graphics, or wording that has been used at any time to represent a public utility company or its services, to identify, label, or define any of its electric service offers.

Section 412.110 Minimum Contract Terms and Conditions

The sales contract ~~must~~ shall contain the disclosures specified in subsections (a) through (n) of this Section in 12 point type size or larger, and in the order presented in this Section. The disclosures specified in subsections (a) through (n) shall appear at the beginning of the sales contract; no other contract terms shall precede these disclosures~~disclose the following information to the customer, regardless of the form of marketing used.~~ Any additional~~The sales~~

contract language shall ~~must use 10 point font type size or larger., larger. and, if it is a separate document, it must not exceed two pages in length.~~ The sales contract shall include the following disclosures:

- a) The legal name of the RES and the name under which the RES will market its products, if different;
- b) The RES's business address;
- ~~c) The RES' toll-free telephone number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints;~~
- ~~cd) The charges for the service for the term of the contract and, if any charges are variable during the term of the contract, an explanation of how the variable charges are determined;~~
- d) For any product where the price includes a fixed monthly charge, which does not change with the customer's usage and does not include all supply and delivery service charges, the RES shall provide an estimated total bill for electric service using sample monthly usage levels of 500, 1,000 and 1,500 kilowatt-hours;
- e) For any product offered at a fixed monthly charge, which does not change with the customer's usage and does not include all supply and delivery service charges, the RES must provide a statement to the customer stating that the fixed monthly charge is not the total monthly amount for electric service and stating which charges are not included in the fixed monthly charge;
- fe) The term of the contract, including any possible applicable automatic renewal clause disclosed in a manner consistent with Part 412;
- gf) Whether anThe presence or absence of early termination fees or penalty will be imposed for termination of the contract by the customer prior to the expiration of its term and the, applicable amount. If the early termination fee or penalty is not a set amount, the RES shall disclose the manner in which that fee will be calculated or the formula pursuant to which they are calculated;
- hg) Any requirement to pay a deposit for power and energy service, the estimated amount of the deposit or basis on which it is calculated, when the deposit will be returned, and if the deposit will accrue interest. If the RES intends at any point during the term of the contract to seek a deposit or prepayment from the customer, the RES shall identify whether and under what circumstances a deposit or prepayment will be required, along with a disclosure of the manner in which the

deposit or prepayment will be calculated, and the circumstances in which the deposit or prepayment will be refunded;

- ih) Any fees assessed by the RES to a customer for switching to the RES;
- ji) ~~The name of the power and energy service for which the customer is being solicited~~If a RES represents that a customer will realize savings under any conditions or circumstances, the RES shall provide a written statement, in plain language, describing the conditions or circumstances that must occur in order for the savings to be realized. The statement shall disclose the entity or entities and price(s) to which the RES is comparing its own offer for purposes of assessing or calculating savings;
- j) ~~A statement that the customer may rescind the contract, by contacting the RES, before the RES submits the enrollment request to the electric utility;~~
- k) A statement that the customer may rescind the contract and the pending enrollment, within 10 calendar days after the electric utility processes the enrollment request, by contacting the RES. Residential customers may rescind the contract and the pending enrollment by contacting either the RES or the electric utility. ~~The statement shall provide both toll-free phone numbers;~~
- l) A statement that the RES is an independent seller of ~~power and energy service~~electric service certified by the Illinois Commerce Commission and that the ~~agent~~RES is not representing, endorsed by, or acting on behalf of ~~the~~ electric utility or a utility program, a consumer group or consumer group program, or a governmental body ~~ies or a program of a governmental body~~ (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements). ~~or consumer groups;~~
- m) A statement that the electric utility remains responsible for the delivery of ~~power and energy~~electricity to the customer's premises and will continue to respond to any service calls and emergencies and that the customer will receive written notification from the electric utility confirming a switch of the customer's electricity supplier ~~switching to an RES will not impact the customer's electric service reliability; and~~
- n) The toll-free telephone numbers for the RES, the electric utility, and the Commission's Consumer Services Division.~~A statement that the customer will receive written notification from the electric utility confirming a switch of the customer's power and energy supplier;~~

- ~~o) If savings are guaranteed under certain circumstances, the RES must provide a written statement, in plain language, describing the conditions that must be present in order for the savings to occur. In the case of telemarketing and inbound enrollment calls, the statement shall be provided in accordance with Sections 412.130(e) and 412.140(e); and~~
- ~~p) A price per kilowatt hour (kWh) for the power and energy service. If a product is being offered at a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide a statement to the customer that the fixed monthly charge is for supply charges only and that it does not include delivery service charges and applicable taxes; therefore, the fixed monthly charge is not the total monthly amount for electric service. For any product that includes a fixed monthly charge that does not change with the customer's usage and the fixed monthly charge does not include delivery service charges, the RES must provide an estimated price per kWh for the power and energy service using sample monthly usage levels of 500, 1000 and 1,500 kWh.~~

Section 412.115 Uniform Disclosure Statement

- a) All RES product offers for residential and small commercial customers require a one-page Uniform Disclosure Statement ("UDS") using the form appended to this Part as Appendix A.
- 1) All text in the UDS shall be printed in a 12-point type or larger.
 - 2) The UDS may include a logo of the RES.
 - 3) The UDS shall not contain any items other than those found in Appendix A or described in this section.
- b) The disclosures in the UDS shall conform with Appendix A and include the following in the order shown below:
- 1) Name: The legal name of the RES and the name under which the RES will market its products, if different;
 - 2) Address: The RES's business address and internet address;
 - 3) Phone: The RES's toll-free telephone number and hours of availability;
 - 4) Price (in cents/kWh) and the number of months this price stays in effect: The price in cents per kilowatt hour and the number of months the price

stays in effect. If the price is a fixed monthly charge that does not change with the customer's usage, the fixed monthly charge shall be shown in dollar amounts instead. If the price is a custom price, the UDS shall include the word "custom" and the RES shall replace "custom" with the price offered to a particular customer once the RES has determined the custom price for the customer. If the price is tied to a publicly available index or benchmark, the UDS shall state the index or benchmark and include the phrase "refer to contract." If the price is a price that varies more than once a month, the UDS shall include the phrase "time of use; refer to contract";

- 5) Other monthly charges: If the price includes a fixed monthly charge that does not change with the customer's usage, such charge shall be disclosed in dollar amounts;
- 6) Total price with other monthly charges: If the price includes a fixed monthly charge that does not change with the customer's usage, and the fixed monthly charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per kilowatt hour at sample usage levels of 500, 1,000 and 1,500 kilowatt hours;
- 7) Length of the contract: the length of the contract in months;
- 8) Subsequent prices after the initial price: If the price after the initial price does not change for the remainder of the term of the contract, the UDS shall state such price in cents per kilowatt hours and the number of months such price will stay in effect. If the price after the initial price is a price that includes a fixed monthly charge that does not change with the customer's usage, and the charge does not include all supply and delivery service charges, the UDS shall display the total price in cents per kilowatt hour at sample usage levels of 500, 1,000, and 1,500 kilowatt hours. If the price after the initial price is a rate that changes at any time, the UDS shall include the following: "Variable. The variable rate may go up or down and the rate may be higher or lower than the electric utility's rate during any given period." If the price after the initial price is a variable rate, yet one or both of the statements in the preceding sentence do not apply, the UDS shall include the following: "Variable. Refer to contract";
- 9) Early termination fee: The UDS shall disclose the amount of the early termination fee or penalty, if any. If the early termination fee or penalty is not a set amount, the UDS shall disclose the manner in which the fee or penalty will be calculated;

- 10) Contract renewal: The UDS shall disclose whether the contract renews automatically;
- 11) Rescission: The UDS shall include the following: "You have a right to rescind (stop) your enrollment within 10 calendar days after your utility has received your order to switch suppliers. You may call us at [insert toll-free number] or your utility at [insert toll free number] to rescind.";
- 12) Cancellation: The UDS shall include the following: "You also have the right to terminate the contract without any termination fee or penalty if you contact us at [insert toll-free number] within 10 business days after the date or your first bill with charges from [RES name].";
- 13) The UDS shall include the following: "This is a sales solicitation and the seller is [insert RES name], an independent retail electric supplier. If you enter into a contract with the seller, you will be changing your retail electric supplier. The seller is not endorsed by, representing, or acting on behalf of a utility or a utility program, a governmental body or a governmental program, or a consumer group or a consumer group program.";
- 14) The UDS shall include the following: "If you have any questions or concerns about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 1-800-524-0795. For information about the electric supply price of your utility and offers from other retail electric suppliers, please visit PlugInIllinois.org.";
- 15) The UDS shall state the date the customer was solicited; and
- 16) The UDS shall include an agent ID.
- 17) For a variable rate product, the UDS shall state that the current rate per kWh price and a one-year price history, or history for the life of the product, if it has been offered less than one year, is available on the RES's website and at a toll-free number. A RES shall not rename a product in order to avoid disclosure of price history.

Section 412.120 ~~Door-to-Door~~In-person Solicitation

- a) ~~An~~ RES agent shall state that he or she represents an independent seller of ~~power and energy service~~ electric service certified by the Illinois Commerce Commission and ~~—An RES agent shall not state or otherwise imply that he or she is not~~ employed by, representing, endorsed by or acting on behalf of ~~the electric~~ a utility

or electric a utility program, a consumer group or consumer group program, or a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements), or a consumer group.

- b) If any sales solicitation, agreement, contract, or verification is translated into another language and provided to a customer, all of the documents must be provided to the customer in that other language. When it would be apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English or when the customer or another person informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer's language, use an interpreter, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed.
- c) RES agents who engage in ~~door-to-door~~ in-person solicitation for the purpose of selling ~~power and energy service~~ electric service offered by the RES shall display identification on an outer garment. This identification shall be visible at all times and prominently display the following:
- 1) The RES agent's full name in reasonable size font;
 - 2) An agent ID number;
 - 3) A photograph of the RES agent; and
 - 4) The trade name and logo of the RES the agent is representing. If the agent is selling ~~power and energy service~~ electric service from multiple RESs to the customer, the identification shall display the trade name and logo of the agent, broker, or consultant entity as that entity is defined in Section 16-115C of the Act.
- d) The RES agent shall leave the premises at the customer's, owner's, or occupant's request. In the absence of local ordinances or regulations, RESs, and their agents, shall not conduct in-person solicitation at residential dwellings before nine a.m., and after seven p.m. or sunset, whichever is earlier.
- e) The RES agent shall ~~ensure that~~, during the sales presentation to the customer, verbally disclose items (a) and (c) through (n) of Section 412.110 (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)) are verbally disclosed to the customer unless the sales presentation is terminated by the

customer before the disclosures are completed. An RES agent may disclose the items in any order as long as provided that all applicable items are explained to the customer during the sales presentation.

- f) The RES agent shall require the customer to initial the RES agent's copy of the uniform disclosure statement. A copy of the uniform disclosure statement described in Section 412.115 and Appendix A of this Part is to be left with the customer at the conclusion of the visit unless a customer refuses to accept a copy. Nothing in this subsection (f) prevents a RES agent from providing the UDS electronically instead of in paper form to the customer upon request. The minimum list of items to be included in the uniform disclosure statement is contained in Section 412.110. The RES agent shall also offer, at the time of the initiation of the solicitation, a business card or other material that lists the agent's name, identification number, title, and the RES's name and contact information, including telephone number.
- g) In-person solicitations that lead to an enrollment require a Letter of Agency and a third-party verification. The If a customer's enrollment is authorized by third party verification during door-to-door solicitation, the third-party verification shall require the customer to verbally acknowledge obtain the customer's acknowledgement that he or she understands the disclosures required by subsections (c) and (e) through (n) of Section 412.110. applicable items in items (d) through (p) of the uniform disclosure statement. Each disclosure must be made individually to obtain clear acknowledgement of each disclosure. The RES agent must be in a location where he or she cannot hear the customer while the TPV is conducted. The RES shall not approach the customer after the TPV for a period of 24 hours unless contacted by the customer.
- h) When it is apparent that a customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English or when the customer or another person informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer's language, use an interpreter, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act must be completed. The RES agent shall not conduct any in-person solicitations at any building or premises where any sign, notice, or declaration of any description whatsoever is posted which prohibits sales, marketing, or solicitations.
- i) Upon a customer's request, the RES shall refrain from any further marketing to that customer. The RES agent shall obtain consent to enter multi-unit buildings. Consent obtained to enter a multi-unit building from one prospective customer or

occupant of the building shall not constitute consent to market to any other prospective customers in the building without separate consent.

- j) Upon a customer's request, the RES shall refrain from any further marketing to that customer until the customer requests to receive further marketing. The RES shall notify its agents of a customer's request.
- k) RESs shall perform criminal background checks on all employees and agents engaged in in-person solicitation. The criminal background check shall be performed by an independent contractor that is a licensed private detective or a similarly qualified entity and the RES shall confirm that the independent contractor has performed a criminal background check on its employees or agents in accordance with this rule.

Section 412.130 Telemarketing

- a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], ~~an~~ RES agent who contacts customers by telephone for the purpose of selling ~~power and energy service~~ electric service shall provide the agent's name and, ~~on request,~~ the identification number if the RES has assigned one to the agent. The RES agent shall state that he or she represents an independent seller of ~~power and energy service~~ electric service, certified by the Illinois Commerce Commission. ~~An~~ RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by or acting on behalf of ~~the~~ an electric utility or a utility program, a consumer group or a consumer group program, or a governmental body or a program of a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements), ~~or a consumer group.~~
- b) When it ~~would be~~ is apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand a telephone solicitation in English, ~~and~~ or the customer or another person informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call.
- c) ~~An~~ RES agent shall ~~ensure that~~, during the sales presentation to the customer, ~~items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)) are verbally~~ make all disclosures required by (i) subsections (a) and (c) through (m) of Section 412.110 and (ii) any information included in the Uniform Disclosure Statement required by Section 412.115 that is not included in subsections (a) and (c) through (n) of Section 412.110 ~~disclosed~~ disclosed to the customer, unless the sales presentation is terminated by the customer before the disclosures

are completed. A RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation.

- d) ~~If an RES agent engages in telemarketing and third party verification is used to authorize a customer's enrollment, the third party verification must require the customer to verbally acknowledge that he or she understands items (d) through (p) of the uniform disclosure statement in Section 412.110.~~ Any telemarketing solicitations that lead to a telephone enrollment must be recorded and retained for a minimum of two years, or for the entire period a customer takes service with the RES, whichever is longer. All telemarketing calls that do not lead to a telephone enrollment, but last at least two minutes, shall be recorded and retained for a minimum of six months. The recordings shall be provided to Commission Staff or a customer who has completed a telephone enrollment upon request.
- e) ~~For telemarketing that leads to a completed telephone enrollment, a third party verification must be used to authorize a customer's enrollment. The third party verification must require the customer to verbally acknowledge that he or she understands the disclosures required by (i) subsections (c) through (m) of Section 412.110. Each item must be disclosed to the customer individually to obtain clear acknowledgment of each disclosure. A RES agent initiating a 3-way conference call or a call through an automated verification system shall drop off the call and shall not participate in or listen to the call, but shall not cause the call to be terminated, once the 3-way connection has been established.~~
- f) The uniform disclosure statement and contract ~~must~~ shall be sent to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.
- g) Upon a customer's request, the RES shall refrain from any further marketing to that customer. The RES shall notify its agents of a customer's request.

Section 412.140 Inbound Enrollment Calls

If a customer initiates a call to an RES agent in order to enroll for service, the agent must:

- a) ~~Follow~~ The RES agent shall fully comply with the requirements in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act; A RES agent shall state that he or she represents an independent seller of electric service certified by the Illinois Commerce Commission. A RES agent shall not state or otherwise imply that he or she is employed by, representing, endorsed by or acting on behalf of a utility or a utility program, a consumer group or consumer group program, or a governmental body (unless the RES has entered into a contractual arrangement

with the governmental body and has been authorized by the governmental body to make the statements);

- b) The RES agent shall ~~V~~verbally disclose to the customer items (d) through (p) of the uniform disclosure statement (Section 412.110(d) through (p)) make the disclosures required by subsections (a) and (c) through (n) of Section 412.110 to the customer. A RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation; and
- c) All inbound enrollment calls that lead to an enrollment shall be recorded, and the recordings shall be retained for a minimum of two years or the length of the customer's service with the RES, whichever is longer. An inbound enrollment call that does not lead to an enrollment but lasts at least two minutes shall be retained for a minimum of six months. The recordings shall be provided to Commission Staff or a customer who has completed a telephone enrollment upon request;
- d) A third party verification must be used to authorize a customer's enrollment. The third party verification must require the customer to verbally acknowledge that he or she understands the disclosures required by (i) subsections (a) and (c) through (m) of Section 412.110 and (ii) any information included in the Uniform Disclosure Statement required by Section 412.115 that is not included in subsections (a) and (c) through (n) of Section 412.110. Each item must be disclosed to the customer individually, requiring acknowledgment of each disclosure. A RES agent initiating a 3-way conference call or a call through an automated verification system shall drop off the call and not participate in or listen to the call, but shall not cause the call to be terminated, once the 3-way connection has been established; and
- ee) The RES shall ~~S~~send the uniform disclosure statement and contract to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

Section 412.150 Direct Mail

- a) If a RES agents contact~~ing~~ customers for enrollment for ~~power and energy~~electric service by direct mail, the direct mail material shall include all the ~~items~~disclosures required in of the uniform disclosure statement (Section 412.110) for the service being solicited. Statements in ~~D~~direct mail material shall not make any statements of representation of claim to represent, be endorsement endorsed by, or be acting on behalf of the a electric utility or a utility program, a consumer group or program, or a governmental body or program (unless the RES has entered into a contractual arrangement with the governmental body and has

been authorized by the governmental body to make the statements) ~~or a consumer group.~~

- b) If a direct mail solicitation includes a written Letter of Agency, the direct mail solicitation shall include items (a) and (c) through (i) of Section 412.110 and also the UDS according to Section 412.115. The UDS shall be provided on a separate page from the other marketing materials included in the direct mail solicitation. If a written Letter of Agency is being used to authorize a customer's enrollment, ~~the~~ the written Letter of Agency shall comply with Section 2EE of the Consumer Fraud and Deceptive Business Practices Act and shall contain a statement that the customer has read and understood each of the disclosures required by subsections (a), (c) and (e) through (m) of the items contained in the uniform disclosure statement in Section 412.110. The documents containing the Section 412.110 disclosures ~~items of~~ and the uniform disclosure statement must remain with the customer.
- c) If the direct mail solicitation allows a customer to enroll by telephone, and the customer elects to do so, Section 412.140 shall apply. If the direct mail solicitation allows a customer to enroll online, and the customer elects to do so, Section 412.160 shall apply.
- de) A copy of the contract must be sent to the customer within three business days after the electric utility's confirmation to the RES of an accepted enrollment.

Section 412.160 Online Marketing

- a) Each RES offering ~~power and energy~~ electric service to customers online shall clearly and conspicuously make all display the items of the uniform disclosures required by ~~statement~~ (Section 412.110) for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, electric utility service territory, and/or type of service sought. The RES's ~~marketing internet and electronic~~ material shall not make any statements that it is ~~a~~ of representative ~~on~~ of, endorsed ~~ment~~ by, or acting on behalf of ~~the~~ electric utility or a utility program, a consumer group or a program run by a consumer group, a governmental body or a program run by a governmental body (unless the RES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements) ~~or a consumer group.~~
- b) ~~The document containing the items of the uniform disclosure statement must be printable in a PDF format not to exceed two pages in length and shall be available electronically to the customer.~~

- c) The RES shall obtain, in accordance with 83 Ill. Adm. Code 453 and Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act, an authorization to change RES that confirms and includes appropriate verification data by encrypted customer input on the RES website.
- d) The enrollment website of the RES shall, at a minimum, include:
 - 1) All disclosures required by items within the uniform disclosure statement (Section 412.110);
 - 2) A statement that electronic acceptance of the terms is an agreement to initiate service and begin enrollment;
 - 3) A statement that the customer should review the contract and/or contact the current supplier to learn if any early termination fees are applicable; and
 - 4) An e-mail address and toll-free phone number of the RES where the customer can express a decision to rescind the contract.

Section 412.170 Rate Notice to Customers

- a) At least 30 days prior to the start of a calendar month, each RES shall make available on its website, or through the customer's account log in, the variable rate(s) for its residential customers applicable for the billing cycle starting during that calendar month. If the billing cycle does not match the calendar month, the dates that the rates will be in effect must disclose the one month period to which the rates will apply. In addition, each RES shall provide such rate information to its variable rate customers who request it through the RES's toll-free number. The customer's contract shall contain the website address and toll-free phone number for the customer to obtain variable rate information in accordance with this section.
- b) If the RES uses the utility's single bill pursuant to Section 16-118(d) of the Act to bill its residential variable rate customers, the RES shall use the allotted space on the bill to disclose the customer's variable rate that is in effect at the time the bill is received by the customer and the percentage change, if any, of the variable rate from one monthly billing period to the next. Where there is insufficient available allotted space on the bill for the RES to make such disclosures each month, the RES shall ensure that no residential variable rate customer receives consecutive monthly bills which fail to disclose upcoming variable rates in the bill's message section. If the RES bills its residential variable rate customers directly, the RES shall ensure that those customers' bills always contain the variable rate

information described in this section. If the electric utility's implementation of Section 16-118(d) prevents a RES from complying with this section, the RES shall be required to include a bill message that contains the toll-free phone number and/or website address where the variable rate information can be obtained by the customer. The requirements of this subsection to provide notifications in customer bills do not apply if the RES sends the notifications required by this subsection via a written communication sent at the same time as the customer's monthly bill.

- c) If a residential variable rate customer's rate increases by more than 20% from one monthly billing period to the next, the RES shall send a separate written notice to the customer, informing the customer of the upcoming rate change.
- d) The RES shall provide sufficient information on their website to identify the inputs to the formula used to calculate the variable rate, including the timing and location of the index or benchmark price, if any, and any other information necessary to calculate the rate.
- e) If a contract includes a provision that results in a change to the residential customer's rate, the RES shall send a separate written notice of the upcoming change at least 30 days but no more than 60 days prior to the switch. The separate written notice shall include:
 - 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Upcoming Rate Change";
 - 2) The bill cycle in which the price changes can begin; and
 - 3) A statement in bold lettering, in at least 12 point type, that the rate can change for the remainder of the contract. If the customer is eligible for one or more fixed rate offers from the RES, the RES shall include information about such offer(s), including information explaining how to enroll in such offer(s). The notice shall advise the customer as to whether the customer is subject to an early termination fee after the switch, and, if so, the amount of the fee. If the customer is not subject to an early termination fee after the switch to a price that can change, the notice shall advise the customer of such.
- f) A RES that currently enrolls residential customers on a variable rate for three consecutive months in any electric utility's service must, for a variable price product, disclose on the RES's website and through a toll-free number the one year price history, or history for the life of the product, if it has been offered less

than one year. A RES shall not rename a product in order to avoid disclosure of price history.

Section 412.1750 Conduct, Training, and Compliance of RES Agents

- a) ~~A~~ RES agent shall be knowledgeable of the requirements applicable to the marketing and sale of power and energy service to the customer class that he or she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of power and energy service may be found in other rules, the Act, and the Consumer Fraud and Deceptive Business Practices Act.
- b) All RES agents should be familiar with ~~power and energy~~ electricity services that they sell, including the rates, payment and billing options, the customers' right to cancel, and applicable termination fees, if any. In addition, the RES agents shall have the ability to provide the customer with a toll-free number for billing questions, disputes and complaints, as well as the Commission's toll-free phone number for complaints.
- c) RES agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services.
- d) No RES agent shall make a record of a customer's account number unless the customer has agreed to enroll with the RES or otherwise provided his or her consent to the release of that information in accordance with Commission orders and rules.
- e) All RES agents shall complete a uniform training program. RESs shall document the training of its agents and provide a certification to the Commission showing that an agent completed the training program prior to an agent being eligible to market or sell electricity in Illinois. RESs shall maintain records of certificates for three years from the date the training was completed. Upon request by the Commission or Commission Staff, a RES shall provide training materials and training records within seven business days.
- f) When a RES contracts with an independent contractor or vendor to perform marketing or sales activities on the RES's behalf, the RES shall confirm that the contractor or vendor has provided training in accordance with this Section.
- g) All RESs shall monitor marketing and sales activities to ensure that RES agents are providing accurate and complete information and complying with all laws and regulations.

Section 412.180 Records Retention and Availability

- a) A RES must retain, for a minimum of two years or for the entire period the customer takes service with the RES~~length of the contract~~, whichever is longer, verifiable proof of authorization to change suppliers for each customer. Upon request by the Commission or Commission Staff, the RES shall provide authorization records within seven business days.
- b) ~~Throughout the duration of the contract~~For the period the customer takes service with the RES, and for two years thereafter, the RES shall retain the customer's contract. Upon the customer's request, the RES shall provide the customer a copy of the contract via e-mail, U.S. mail, or facsimile within seven business days. The RES shall not charge a fee for the copies if a customer requests fewer than three copies in a 12-month period.

Section 412.190 Renewable Energy Product Descriptions

- a) ~~Only~~No RES shall state or imply in any marketing or promotional material that any power and energy electric service marketed or sold by the RES is "green," "renewable," or "environmentally friendly" or any description which conveys the impression that such electric service has a reduced impact on the environment, that includes unless the RES purchases and retires the appropriate number of RECs power and energy entirely separate and apart from in addition to, and over and above, the power, renewable energy credits or alternative compliance payments purchased or made to satisfy the renewable portfolio standard requirements applicable to RESs under Section 16-115D of the Act can be marketed as "green", "renewable energy" or "environmentally friendly". Nothing in this subsection prevents a RES from stating that it complies with the Illinois Renewable Portfolio Standard, if in fact it does so, but such statements must also disclose that all RESs must comply with the Renewable Portfolio Standard because it is required by law. A RES shall not identify its product as "green," "renewable," or any other term or descriptor of like or similar meaning if it is only compliant with the RPS.
- b) A RES marketing "green," "renewable," or "environmentally friendly" electricity offers, or other offers of any description which convey the impression that such electric service has a reduced impact on the environment, in compliance with subsection (a) of this Section, shall comply with the following:
 - 1) disclose on all materials used in the marketing of these offers and on its website, of the total electricity that will be used to supply the customer:

- A) the total percentage of electricity represented by subsections (b)(1)(B) and (b)(1)(C);
 - B) The percentage required to satisfy the RPS (accompanied by the RPS disclaimer language in subsection (a));
 - C) The percentage of electricity paired with renewable energy resources through RECs in addition to, and over and above, the RPS;
 - D) the renewable energy resource type mix (i.e. corresponding percentage of each resource, such as X% wind, X% solar, etc.), used in supplying electricity to customers pursuant to each offer;
- 2) disclose on all materials used in the marketing of these offers and on its website the percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois that will be used in supplying the electricity to customers pursuant to each offer;
- 3) if a RES cannot comply with subsection (b)(1) and (b)(2) of this Section because a RES has not committed to particular renewable energy resources or has not committed to a particular location, or locations, of renewable energy resources at the time it markets such offers, the RES shall disclose this fact in marketing materials and on its website. If the electricity product has been offered for 12 months or more, the RES shall disclose the renewable energy resource mix (and corresponding percentages of each resource) and percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois for the electricity product for the previous year. If the electricity product has been offered for fewer than 12 months, the RES must disclose the renewable energy resource mix (and corresponding percentages of each resource) and percentage of electricity paired with renewable energy resources through RECs generated in the State of Illinois that it intends to purchase for the electricity product;
- 4) the disclosures required in subsections (b)(1) through (b)(3) of this Section shall also apply to offers posted by a RES on the Commission's PlugInIllinois.org website;
- 5) within 14 months of enrolling a customer on a "green," "renewable," or "environmentally friendly" or offers of any description which convey the impression that such electric service has a reduced impact on the

environment, and annually thereafter, the RES shall provide the customer with a disclosure of the actual electricity used to supply the customer:

- A) the total percentage of electricity represented by subsection (b)(5)(B) and (b)(5)(C) ;
- B) The percentage required to satisfy the RPS (accompanied by the RPS disclaimer language in subsection (a));
- C) The percentage of electricity paired with renewable energy resources through RECs in addition to, and over and above, the RPS;
- D) the renewable energy resource type mix (i.e. corresponding percentage of each resource, such as X% wind, X% solar, etc.) location(s) (at a minimum by state) of the renewable energy resources that were procured to serve the customer.

The RES shall provide Commission Staff with the disclosure referenced in this Subsection for each offer. In addition, the RES shall provide verification of the information provided pursuant to this Section to Commission Staff upon request;

- 6) upon request of Commission Staff, the RES shall provide verification that the renewable energy credits claimed have been retired; and
- 7) the annual disclosure requirement of subsection (b)(5) of this Section 412.190 shall apply to “green,” “renewable,” or “environmentally friendly” claims from RESs serving customers in municipal aggregation programs.
- c) For any power or energy service marketed or sold by an RES that is described as “green,” “renewable,” or “environmentally friendly” or any term or descriptor of like or similar meaning, the RES shall retire the appropriate number of RECs. A REC used to support a “green,” “renewable,” etc. marketing claim must be generated either in the same year in which it is retired or during the two years immediately preceding the year in which it is retired.

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION
AND AUTOMATIC CONTRACT RENEWAL

Section 412.200 Application of Subpart C

The provisions of this Subpart shall only apply to a RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES provide services to residential or small commercial retail customers. In addition, Section 412.210 shall apply to non-RES electric utilities.

Section 412.210 Rescission of Sales Contract

- a) The customer has the ability to rescind the contract with the RES before the RES submits the enrollment request to the electric utility. Within one business day after processing a valid electronic enrollment request from the RES, the electric utility shall notify the customer in writing of the scheduled enrollment and provide the name of the RES that will be providing ~~power and energy~~ electric service. The written enrollment notice from the electric utility shall state the last day to make a request rescinding the enrollment and provide contact information for the RES. The written enrollment notice from the electric utility shall also provide information regarding the customer's rights under this Section if the enrollment has been made in error or without the customer's consent, including contact information for the utility and the Commission.
- b) A residential customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts either the electric utility or the RES within 10 calendar days after the electric utility processes the enrollment request or upon request by the customer, if the RES is unable to provide verifiable proof of the authorization of enrollment.
- c) A small commercial retail customer wishing to rescind the pending enrollment with the RES will not incur any early termination fees if the customer contacts the RES within 10 calendar days after the electric utility processes the enrollment request.
- d) If the 10th calendar day falls on a non-business day, the rescission period will be extended through the next business day.
- e) In the event the residential customer provides notice of rescission to the electric utility, the electric utility shall notify the RES.

Section 412.220 Deposits

Any other provision of this Part 412 notwithstanding, a RES shall not require a customer deposit if the RES is selling the receivables for ~~power and energy~~ electricity for that customer to the electric utility pursuant to Section 16-118(c) of the Act.

Section 412.230 Early Termination of Sales Contract

Any contract between an RES and a customer who contains an early termination fee shall disclose the amount of the early termination fee or the formula used to calculate the termination fee and comply with Section 16-119 of the Act. *Any early termination fee or penalty shall not exceed \$50 for residential customers and \$150 for small commercial retail customers. The caps on early termination fees and penalties apply only to early termination fees and penalties for early termination of electric service.* Any contract containing an early termination fee shall provide the customer the opportunity to contact the RES to terminate the contract without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the RES. A customer relying on this provision to avoid an early termination fee shall be precluded from relying upon this provision for 12 months following the date the customer terminated his or her sales contract. The contract shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the contract. This requirement does not relieve the customer of obligations to pay for services rendered under the contract until service is terminated.

Section 412.240 Contract Renewal

- a) Non-Automatic Renewal. The RES shall clearly and conspicuously disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, the RES shall send a notice of contract expiration separate from the bill at least 30 but no more than 60 days prior to the date of contract expiration. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract expiration shall include:
 - 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";
 - 2) The anticipated bill cycle in which the existing contract will expire;
 - 3) A full description of the renewal offer, including the date service would begin under the new offer, if a renewal offer was provided. If the new contract's terms differ from the existing contract, the RES shall include a side-by-side comparison of the existing terms and the new terms; and
 - 4) A statement, in at least 12 point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another RES can take up to 45 days, and that failure to renew the

existing contract or switch to another RES may result in the customer being reverted to the electric utility default service. The statement shall provide the length of the electric utility tariff minimum stay period, if applicable.

- b) Automatic Renewal. In addition to complying with the Illinois Automatic Renewal Act [815 ILCS 601], the RES shall clearly and conspicuously disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, and when the contract automatically renews for a specified term of more than one month, the RES shall send a notice of contract renewal separately from the bill at least 30 days but no more than 60 days prior to the end of the initial contract term. Nothing in this Section shall preclude an RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract renewal shall include:
- 1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Renewal Notice";
 - 2) The bill cycle in which service under the new term will begin;
 - 3) A statement in bold lettering, in at least 12 point font, that the contract will automatically renew unless the customer cancels it, including the information needed to cancel;
 - 4) If the new contract term includes a termination fee, a statement that the customer has until the end of the existing contract term to reject the new contract to avoid termination fees under the new contract; ~~If the new contract term includes a termination fee, a statement that the customer has from the date of the contract renewal notice through the end of the existing contract term to notify the RES of his or her rejection of the new contract term to avoid incurring a termination fee under the new contract term;~~ and
 - 5) A clear and conspicuous disclosure of the contract terms, including a full description of any renewal offers available to the customer. If the new contract's terms differ from the existing contract, the RES shall include a side-by-side comparison of the existing terms and the new terms.

In addition to the written notice required per Section 412.170(e), unless the customer has no phone number on record with the RES, the RES shall call the

customer at least 30 days but no more than 60 days prior to the end of the initial contract term. The call may be live or automated and it shall provide the information required in Subsections (b)(2)-(5) herein in addition to the impending end of the initial contract term. A second call shall be required within 14 days of the first call if the first call does not reach a person or an answering machine. The RES agent shall provide the customer with the toll free number that the customer may use to contact the RES to discuss the automatic renewal. The RES shall make a record of the date and time of the call(s), and its success or failure in reaching the customer. The RES shall retain the record for two years. Calls made pursuant to this Subsection shall also comply with the requirements of Section 412.130.

Section 412.250 Assignment

If an RES is surrendering or otherwise cancelling its certificate of service authority or is no longer seeking to serve certain customers, the RES shall not assign the contract to a different RES unless:

- a) The new supplier is an RES;
- b) The new RES is in compliance with all applicable requirements of the Commission and the electric utility to provide electric service;
- c) The rates, terms, and conditions of the contract being assigned do not change during the remainder of the time period covered by the contract; provided, however, the assigned contract may be modified during the term of the contract if the new RES and the retail customer mutually agree to the changes or revisions of the contract after assignment of the contract and so long as the customer is provided the disclosures described in section 412.110;
- d) The customer is given 15 calendar days prior written notice of the assignment by the current RES; and
- e) Within 30 days after the assignment, the new RES provides the customer with a toll-free phone number for billing questions, disputes, and complaints.

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section 412.300 Application of Subpart D

The provisions of this Subpart shall only apply to a RES serving or seeking to serve residential or small commercial retail customers and only to the extent the RES provide services to

residential or small commercial retail customers. In addition, Section 412.320(c)(1)(B) and (c)(1)(E) shall apply to non-RES electric utilities.

Section 412.310 Required RES Information

- a) Prior to the RES initiating marketing to residential and small commercial retail customers, and annually thereafter, the RES shall provide the following to the Commission's Consumer Services Division (CSD):
 - 1) A copy of its bill formats (if it bills customers directly rather than using electric utility consolidated billing) (combined billing for RES services and electric utility services);
 - 2) Standard customer contract;
 - 3) Customer complaint and resolution procedures; and
 - 4) The name, telephone number, and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.
- b) The RES must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.
- c) If the RES has declared force majeure within the past 10 years on any contracts to deliver ~~power and energy~~electric services, the RES shall provide notice to the Commission Staff prior to marketing to residential and small commercial retail customers.

Section 412.320 Dispute Resolution

- a) A residential or small commercial retail customer has the right to make a formal or informal complaint to the Commission, and an RES contract cannot impair this right.
- b) A customer or ~~applicant~~prospective customer for ~~power and energy~~electric service may submit a complaint by U.S. mail, facsimile transmission, e-mail, or telephone to an RES. The RES shall promptly investigate and advise the complainant of the results within 14 calendar days. If the RES responds to the customer's or prospective customer's complaint verbally, the RES shall inform the customer or prospective customer of the ability to request and obtain the RES' response in writing. When the RES responds, a customer or prospective customer ~~who is dissatisfied with the RES' response~~ shall be informed of the right

to file a complaint with the Commission and the Office of the Illinois Attorney General.

c) Complaints to the Commission

1) Informal Complaints (see 83 Ill. Adm. Code 200.160)

- A) ~~If a complainant is dissatisfied with the results of an RES' complaint investigation,~~ The RES shall inform the complainant of his/her ability to file an informal complaint with the Commission's Consumer Services Division (CSD) and provide contact information for the CSD. Informal complaints may be filed with the CSD by phone, via the internet, by fax, or by mail. Information required to process a customer's informal complaint includes:
- i) The customer's name, mailing and service addresses, and telephone number;
 - ii) The name of the RES;
 - iii) The customer's electric utility and RES account numbers;
 - iv) An explanation of the facts relevant to the complaint;
 - v) The complainant's requested resolution; and
 - vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.
- B) The Commission's CSD may resolve an informal complaint via phone by completing a three-way call involving the customer, the CSD staff, and the RES. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the RES. In the case of the electric utility purchasing the RES' receivables or electric utility consolidated billing, the RES shall notify the electric utility of any informal complaint received and the electric utility shall follow the procedures outlined in its billing service agreement with the RES to withhold collection activity on disputed RES charges on the customer's bill.

- C) The RES shall investigate all informal complaints and advise the CSD in writing of the results of the investigation within 14 days after the informal complaint is forwarded to the RES.
 - D) The CSD shall review the complaint information and the RES' response and notify the complainant of the results of the Commission's investigation.
 - E) While an informal complaint process is pending:
 - i) The RES (or the electric utility in the case of the electric utility having purchased the RES' receivables) shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has ~~taken final action~~ enclosed the informal complaint; and
 - ii) A customer shall be obligated to pay any undisputed portion of the bill and the RES (or the electric utility in the case of the electric utility purchasing the RES' receivables or the utility presenting the RES' charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.
 - F) The RES shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name and address of the complainant and the date and nature and adjustment or disposition of the informal complaint.
- 2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the Commission pursuant to Section 10-101 of the Act and 83 Ill. Adm. Code 200.170.
- 3) Disclosure of RES' Level of Customer Complaints. The Commission shall, on at least a quarterly basis, prepare summaries of all formal and informal complaints received by it and publish those summaries on its website. The summaries shall be in an easy-to-read and user friendly format.

Section 412.330 Failure to Comply

Unless otherwise noted, a violation of this Part shall be subject to the fines and penalties set forth in the Act.

Section 412.340 Severability

If any provision of this Part is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

UNIFORM DISCLOSURE STATEMENT

Name:
Address:

Phone:

Rates and Product Information			
Price (in cents/kWh) and number of months this price stays in effect:			
Other monthly charges:			
Total Price (in cents/kWh) with other monthly charges	500 kWh	1,000 kWh	1,500 kWh
Length of the contract:			
Price after the initial price:			
Early Termination Fees and Contract Renewal			
Early Termination Fee:			
Contract Renewal:			
Right to Rescind and Cancel			
Rescission	You have a right to rescind (stop) your enrollment within 10 days after your utility has received your order to switch suppliers. You may call us at (toll free number) or your utility at (toll free number) to accomplish this.		
Cancellation	You also have the right to terminate the contract without any termination fee or penalty if you contact us at (toll free number) within 10 business days after the date of your first bill with charges from [RES Name]		

This is a sales solicitation and the seller is [RES Name], an independent retail electric supplier. If you enter into a contract with the seller, you will be changing your retail electric supplier. The seller is not endorsed by, representing, or acting on behalf of, a utility or utility program, a governmental body or a governmental program, or a consumer group or a consumer group program.

If you have any concerns or questions about this sales solicitation, you may contact the Illinois Commerce Commission's Consumer Services Division at 800-524-0795. For information about the electric supply price of your electric utility and offers from other retail electric suppliers, please visit PlugInIllinois.org.

Date: _____

Agent ID: _____