**Section 412.130 Telemarketing**

a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], an ARES sales agent who contacts customers by telephone for the purpose of selling electric power and energy service shall provide the agent's name and identification number. The ARES sales agent shall state that the agency represents an independent seller of electric power and energy service, certified by the Illinois Commerce Commission. An ARES sales agent shall not state or otherwise imply that the agent is employed by, representing, endorsed by, or acting on behalf of, a utility or a utility program, a consumer group or a consumer group program, unless the ARES is, through the consumer group, offering services at prices, terms and conditions that are available solely to members of that organization, or a governmental body or a program of a governmental body, unless the ARES has entered into a contractual arrangement with the governmental body and has been authorized by the governmental body to make the statements.

b) When it would be apparent to a reasonable person that a customer's language skills in the language of the solicitation are insufficient to allow the customer to understand a telephone solicitation in that language, 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. When an interpreter is used, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505] must be completed.

c) An ARES sales agent shall, during the sales presentation to the customer disclose the items listed in Section 412.110(a) and (c) through (o) and any information included in the UDS required by Section 412.115 that is not included in Section 412.110(a) and (c) through (n). An ARES sales agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation. An ARES may secure consent to obtain customer-specific usage information for the purposes of pricing a product through a verifiable customer consent or another Commission-approved process.

d) Any telemarketing solicitations that lead to a telephone enrollment must be recorded and retained for a minimum of two years. 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 upon request to Commission Staff or a customer who has completed a telephone enrollment.

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 the customer understands the disclosures required by Section 412.110(a) and (c) through (n). Each item must be disclosed to the customer individually to obtain clear acknowledgment of each disclosure. An ARES sales 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. The ARES shall not contact the customer after the TPV for a period of 24 hours unless contacted by the customer.

f) The UDS and contract shall be sent, in writing, to the customer within three business days after the electric utility's confirmation to the ARES of an accepted enrollment.

g) Upon a customer's request, the ARES shall refrain from any further marketing to that customer. The ARES shall notify its agents of a customer's request.

(Source: Amended at 46 Ill. Reg. 19509, effective November 23, 2022)