**Section 412.150 Direct Mail**

a) If an ARES sales agent contacts customers for enrollment for electric power and energy service by direct mail, the direct mail material shall include all the disclosures required in Section 412.110(a), (b), and (n) for the service being solicited.

b) Statements in direct mail material shall not claim that the ARES sales agent represents, is endorsed by, or is acting on behalf of, a utility or a utility program, a consumer group or 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 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. Statements in direct mail material shall not utilize false, misleading, materially inaccurate or otherwise deceptive language.

c) If a direct mail solicitation includes a written Letter of Agency ("LOA"), the direct mail solicitation shall include the items listed in Section 412.110(a) and (c) through (n) and also the UDS described in 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 LOA is being used to authorize a customer's enrollment, the written LOA shall comply with Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505] and shall contain a statement that the customer has read and understood each of the disclosures required by Section 412.110(a), (c), and (e) through (m). The LOA to be signed and returned to the ARES shall be separate from the documents containing the Section 412.110 disclosures and from the UDS, such that they can remain with the customer.

d) 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.

e) A copy of the contract must be sent to the customer within three business days after the electric utility's confirmation to the ARES of an accepted enrollment.

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