**Section 412.320 Dispute Resolution**

a) *The Commission* has *jurisdiction* over *any complaint alleging an ARES has violated or is in nonconformance with its obligations under Section 16-115* (Certification) and/or *Section 16-115A* (Obligation as an ARES), has violated or is in nonconformance with customer contracts, applicable tariffs, and applicable sections of the Act. [220 ILCS 5/16-115B]

b) Complaints may be filed by a consumer or by the Commission on its own motion when it appears that an ARES has provided service not in compliance with Section 2EE of the Consumer Fraud and Deceptive Practices Act [815 ILCS 505].

c) A prospective customer has the right to make a formal or informal complaint to the Commission. An ARES contract cannot impair this right.

d) A customer, including a prospective customer for electric power and energy service may submit a complaint by U.S. mail, facsimile transmission, email or telephone to an ARES. The ARES shall initiate an investigation and advise the complainant of the status or any results of the investigation within 14 calendar days. If the ARES responds to the customer's or prospective customer's complaint verbally, the ARES shall inform the customer or prospective customer of the ability to request and obtain the ARES's response in writing. When the ARES responds, a customer or prospective customer shall be informed of the right to file a complaint with the Commission and the Office of the Illinois Attorney General.

e) Complaints to the Commission

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

A) The ARES shall inform the complainant of the complainant's 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 ARES;

iii) The customer's electric utility and ARES 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 ARES. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the ARES. In the case of the electric utility purchasing the ARES's receivables or electric utility consolidated billing, the ARES 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 ARES to withhold collection activity on disputed ARES charges on the customer's bill.

C) The ARES 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 ARES.

D) The CSD shall review the complaint information and the ARES'S response and notify the complainant of the results of the Commission's investigation.

E) While an informal complaint process is pending:

i) The ARES (or the electric utility in the case of the electric utility having purchased the ARES's receivables) shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has closed the informal complaint; and

ii) A customer shall be obligated to pay any undisputed portion of the bill and the ARES (or the electric utility in the case of the electric utility purchasing the ARES's receivables or the utility presenting the ARES' charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.

F) The ARES 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 ARES Level of Customer Complaints. The Commission will, 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 will be in an easy-to-read and user friendly format.

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