**Section 453.40 Additional Requirements for an Electronic Letter of Agency (LOA)**

a) In addition to the requirements set forth in Section 2EE of the Illinois Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE], by virtue of being in electronic form, an electronic LOA shall provide the following additional information:

1) The means by which any future correspondence between the customer and RES will be sent;

2) Whether the customer has the option to receive correspondence by United States Mail or electronic means; and

3) A disclosure stating that the customer may opt to receive a written copy of the contract.

b) In addition to the requirements set forth in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act, the RES shall comply with the following procedures when utilizing electronic LOAs:

1) Ensure that the customer provides all information necessary to complete the electronic LOA through a securely encrypted input procedure that meets or exceeds current industry practices;

2) Ensure that the customer indicates by a separate affirmative act that he or she has the authority to execute the electronic LOA;

3) Ensure that the customer understands and assents to the LOA;

4) Include a version number in the body of the electronic LOA in order to permit verification of the LOA to which the customer assents;

5) Prompt the customer to print or electronically save a copy of the electronic LOA;

6) Immediately send a message to the e-mail account provided by the customer to the RES acknowledging receipt of the electronic LOA;

7) Retain the electronic LOA for a period of at least five years after execution or the length of time that the customer takes service with the RES, whichever is longer; and

8) Upon request, provide to the Commission, Commission Staff, or the customer a written and/or electronic copy of the LOA, including information to support adherence to Section 453.20(b).

c) In the event of any conflict between this Section and the requirements for RESs and LOAs provided in electric utility tariffs on file with the Commission July 1, 2003, this Section shall control.

(Source: Amended at 41 Ill. Reg. 14013, effective November 1, 2017)