**Section 470.240 RES Customers**

a) The Aggregation Supplier shall verify that residential and small commercial retail customers receiving, or pending to receive, non-aggregation RES service have been sent the disclosures identified in this subsection (a), as evidenced by a written verification from the Governmental Aggregator, or by the Aggregation Supplier having sent the disclosures. The disclosures to customers receiving or pending to receive non-aggregation RES service shall contain the following information:

1) Notification that an Aggregation Program is currently on-going in their municipality, township or unincorporated area;

2) A disclosure that adequately describes, in plain language, the prices, terms and conditions of the products and services being offered to the customer;

3) If the Aggregation Program contains a fee for the early termination from the program by the customer, the amount of that fee;

4) A description of the affirmative action necessary for the customer to join the Aggregation Program;

5) In addition, the body of the notice shall contain, in type size no smaller than the largest type size used in the body of the notice, the following statement:

"This notice is informational only. Your electric utility has informed us that you are currently served or have chosen to be served by a competitive retail electric supplier. If you want to continue to receive service from your chosen supplier, you do not need to take any additional action. Consult your contract or contact your chosen supplier for further details if you have questions about your contract, including whether you have a cancellation fee for early termination."

b) In the event the Aggregation Supplier sends the disclosures identified in subsection (a), the Aggregation Supplier shall send the required disclosure notice only one time during the term of the contract between the Governmental Aggregator and the Aggregation Supplier. The Aggregation Supplier shall send no additional disclosure notices to residential and small commercial retail customers receiving, or pending to receive, non-aggregation RES service during the remainder of the term of the contract between the Governmental Aggregator and the Aggregation Supplier.

c) Within 45 calendar days after the Aggregation Supplier sends the disclosure notice required by subsection (a), the Aggregation Supplier shall destroy all customer-specific information provided to it by the Governmental Aggregator or the utility regarding those customers.

d) The customer-specific information of customers receiving or pending to receive non-aggregation RES service that is provided to the Aggregation Supplier for purposes of providing the notices required by subsection (a) shall not be utilized by the Aggregation Supplier for marketing purposes.

e) If the Aggregation Supplier receives the account numbers of customers receiving, or pending to receive, non-aggregation RES service in the Aggregate Area as part of a list of account numbers created by the electric utility and supplied to the Aggregation Supplier by the Governmental Aggregator, the Aggregation Supplier shall not utilize those customer account numbers for any purpose and shall immediately destroy the customer account numbers or return them to the Governmental Aggregator.

f) Disclosures sent to customers receiving, or pending to receive, non-aggregation RES service shall not contain a comparison of the proposed aggregation rate to the customer's current RES rate, but may include the information contained in Section 470.210(b)(4).

g) If an Aggregation Supplier receives a request from a RES customer to join the Aggregation Program, the Aggregation Supplier shall inform the RES customer that he/she may be subject to fees for early termination pursuant to his/her current RES contract.

h) In the case of an Opt-out Aggregation Program, the Aggregation Supplier shall not switch RES customers to the Aggregation Program unless the RES customer elects to opt in. The Aggregation Supplier shall verify a RES customer's request to join the Aggregation Program in the same manner as an electric service provider confirms a change in a customer's selection of a provider of electric service under Section 2EE(a) through (c) of the Consumer Fraud and Deceptive Business Practices Act.