



Sen. Cristina Castro

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10200HB4973sam001

LRB102 21371 AMQ 38034 a

1 AMENDMENT TO HOUSE BILL 4973

2 AMENDMENT NO. _____. Amend House Bill 4973 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by
5 changing Sections 16-115, 16-115B, 16-115C, 19-110, and 19-120
6 as follows:

7 (220 ILCS 5/16-115)

8 Sec. 16-115. Certification of alternative retail electric
9 suppliers.

10 (a) Any alternative retail electric supplier must obtain a
11 certificate of service authority from the Commission in
12 accordance with this Section before serving any retail
13 customer or other user located in this State. An alternative
14 retail electric supplier may request, and the Commission may
15 grant, a certificate of service authority for the entire State
16 or for a specified geographic area of the State. A certificate

1 granted pursuant to this Section is not property, and the
2 grant of a certificate to an entity does not create a property
3 interest in the certificate. This Section does not diminish
4 the existing rights of a certificate holder to notice and
5 hearing as proscribed by the Illinois Administrative Procedure
6 Act and in rules adopted by the Commission.

7 (b) An alternative retail electric supplier seeking a
8 certificate of service authority shall file with the
9 Commission a verified application containing information
10 showing that the applicant meets the requirements of this
11 Section. The alternative retail electric supplier shall
12 publish notice of its application in the official State
13 newspaper within 10 days following the date of its filing. No
14 later than 45 days after a complete ~~the~~ application is
15 properly filed with the Commission, and such notice is
16 published, the Commission shall issue its order granting or
17 denying the application.

18 (c) An application for a certificate of service authority
19 shall identify the area or areas in which the applicant
20 intends to offer service and the types of services it intends
21 to offer. Applicants that seek to serve residential or small
22 commercial retail customers within a geographic area that is
23 smaller than an electric utility's service area shall submit
24 evidence demonstrating that the designation of this smaller
25 area does not violate Section 16-115A. An applicant that seeks
26 to serve residential or small commercial retail customers may

1 state in its application for certification any limitations
2 that will be imposed on the number of customers or maximum load
3 to be served.

4 (d) The Commission shall grant the application for a
5 certificate of service authority if it makes the findings set
6 forth in this subsection based on the verified application and
7 such other information as the applicant may submit:

8 (1) That the applicant possesses sufficient technical,
9 financial, and managerial resources and abilities to
10 provide the service for which it seeks a certificate of
11 service authority. In determining the level of technical,
12 financial, and managerial resources and abilities which
13 the applicant must demonstrate, the Commission shall
14 consider (i) the characteristics, including the size and
15 financial sophistication, of the customers that the
16 applicant seeks to serve, and (ii) whether the applicant
17 seeks to provide electric power and energy using property,
18 plant, and equipment which it owns, controls, or operates;

19 (2) That the applicant will comply with all applicable
20 federal, State, regional, and industry rules, policies,
21 practices, and procedures for the use, operation, and
22 maintenance of the safety, integrity, and reliability, of
23 the interconnected electric transmission system;

24 (3) That the applicant will only provide service to
25 retail customers in an electric utility's service area
26 that are eligible to take delivery services under this

1 Act;

2 (4) That the applicant will comply with such
3 informational or reporting requirements as the Commission
4 may by rule establish and provide the information required
5 by Section 16-112. Any data related to contracts for the
6 purchase and sale of electric power and energy shall be
7 made available for review by the Staff of the Commission
8 on a confidential and proprietary basis and only to the
9 extent and for the purposes which the Commission
10 determines are reasonably necessary in order to carry out
11 the purposes of this Act;

12 (5) That the applicant will procure renewable energy
13 resources in accordance with Section 16-115D of this Act,
14 and will source electricity from clean coal facilities, as
15 defined in Section 1-10 of the Illinois Power Agency Act,
16 in amounts at least equal to the percentages set forth in
17 subsections (c) and (d) of Section 1-75 of the Illinois
18 Power Agency Act. For purposes of this Section:

19 (i) (blank);

20 (ii) (blank);

21 (iii) the required sourcing of electricity
22 generated by clean coal facilities, other than the
23 initial clean coal facility, shall be limited to the
24 amount of electricity that can be procured or sourced
25 at a price at or below the benchmarks approved by the
26 Commission each year in accordance with item (1) of

1 subsection (c) and items (1) and (5) of subsection (d)
2 of Section 1-75 of the Illinois Power Agency Act;

3 (iv) all alternative retail electric suppliers
4 shall execute a sourcing agreement to source
5 electricity from the initial clean coal facility, on
6 the terms set forth in paragraphs (3) and (4) of
7 subsection (d) of Section 1-75 of the Illinois Power
8 Agency Act, except that in lieu of the requirements in
9 subparagraphs (A) (v), (B) (i), (C) (v), and (C) (vi) of
10 paragraph (3) of that subsection (d), the applicant
11 shall execute one or more of the following:

12 (1) if the sourcing agreement is a power
13 purchase agreement, a contract with the initial
14 clean coal facility to purchase in each hour an
15 amount of electricity equal to all clean coal
16 energy made available from the initial clean coal
17 facility during such hour, which the utilities are
18 not required to procure under the terms of
19 subsection (d) of Section 1-75 of the Illinois
20 Power Agency Act, multiplied by a fraction, the
21 numerator of which is the alternative retail
22 electric supplier's retail market sales of
23 electricity (expressed in kilowatthours sold) in
24 the State during the prior calendar month and the
25 denominator of which is the total sales of
26 electricity (expressed in kilowatthours sold) in

1 the State by alternative retail electric suppliers
2 during such prior month that are subject to the
3 requirements of this paragraph (5) of subsection
4 (d) of this Section and subsection (d) of Section
5 1-75 of the Illinois Power Agency Act plus the
6 total sales of electricity (expressed in
7 kilowatthours sold) by utilities outside of their
8 service areas during such prior month, pursuant to
9 subsection (c) of Section 16-116 of this Act; or

10 (2) if the sourcing agreement is a contract
11 for differences, a contract with the initial clean
12 coal facility in each hour with respect to an
13 amount of electricity equal to all clean coal
14 energy made available from the initial clean coal
15 facility during such hour, which the utilities are
16 not required to procure under the terms of
17 subsection (d) of Section 1-75 of the Illinois
18 Power Agency Act, multiplied by a fraction, the
19 numerator of which is the alternative retail
20 electric supplier's retail market sales of
21 electricity (expressed in kilowatthours sold) in
22 the State during the prior calendar month and the
23 denominator of which is the total sales of
24 electricity (expressed in kilowatthours sold) in
25 the State by alternative retail electric suppliers
26 during such prior month that are subject to the

1 requirements of this paragraph (5) of subsection
2 (d) of this Section and subsection (d) of Section
3 1-75 of the Illinois Power Agency Act plus the
4 total sales of electricity (expressed in
5 kilowatthours sold) by utilities outside of their
6 service areas during such prior month, pursuant to
7 subsection (c) of Section 16-116 of this Act;

8 (v) if, in any year after the first year of
9 commercial operation, the owner of the clean coal
10 facility fails to demonstrate to the Commission that
11 the initial clean coal facility captured and
12 sequestered at least 50% of the total carbon emissions
13 that the facility would otherwise emit or that
14 sequestration of emissions from prior years has
15 failed, resulting in the release of carbon into the
16 atmosphere, the owner of the facility must offset
17 excess emissions. Any such carbon offsets must be
18 permanent, additional, verifiable, real, located
19 within the State of Illinois, and legally and
20 practicably enforceable. The costs of any such offsets
21 that are not recoverable shall not exceed \$15,000,000
22 ~~\$15 million~~ in any given year. No costs of any such
23 purchases of carbon offsets may be recovered from an
24 alternative retail electric supplier or its customers.
25 All carbon offsets purchased for this purpose and any
26 carbon emission credits associated with sequestration

1 of carbon from the facility must be permanently
2 retired. The initial clean coal facility shall not
3 forfeit its designation as a clean coal facility if
4 the facility fails to fully comply with the applicable
5 carbon sequestration requirements in any given year,
6 provided the requisite offsets are purchased. However,
7 the Attorney General, on behalf of the People of the
8 State of Illinois, may specifically enforce the
9 facility's sequestration requirement and the other
10 terms of this contract provision. Compliance with the
11 sequestration requirements and offset purchase
12 requirements that apply to the initial clean coal
13 facility shall be reviewed annually by an independent
14 expert retained by the owner of the initial clean coal
15 facility, with the advance written approval of the
16 Attorney General;

17 (vi) The Commission shall, after notice and
18 hearing, revoke the certification of any alternative
19 retail electric supplier that fails to execute a
20 sourcing agreement with the initial clean coal
21 facility as required by item (5) of subsection (d) of
22 this Section. The sourcing agreements with this
23 initial clean coal facility shall be subject to both
24 approval of the initial clean coal facility by the
25 General Assembly and satisfaction of the requirements
26 of item (4) of subsection (d) of Section 1-75 of the

1 Illinois Power Agency Act, and shall be executed
2 within 90 days after any such approval by the General
3 Assembly. The Commission shall not accept an
4 application for certification from an alternative
5 retail electric supplier that has lost certification
6 under this subsection (d), or any corporate affiliate
7 thereof, for at least one year from the date of
8 revocation;

9 (6) With respect to an applicant that seeks to serve
10 residential or small commercial retail customers, that the
11 area to be served by the applicant and any limitations it
12 proposes on the number of customers or maximum amount of
13 load to be served meet the provisions of Section 16-115A,
14 provided, that the Commission can extend the time for
15 considering such a certificate request by up to 90 days,
16 and can schedule hearings on such a request;

17 (7) That the applicant meets the requirements of
18 subsection (a) of Section 16-128;

19 (8) That the applicant discloses whether the applicant
20 is the subject of any lawsuit filed in a court of law or
21 formal complaint filed with a regulatory agency alleging
22 fraud, deception, or unfair marketing practices or other
23 similar allegations and, if the applicant is the subject
24 of such lawsuit or formal complaint, the applicant shall
25 identify the name, case number, and jurisdiction of each
26 lawsuit or complaint, and that the applicant is capable of

1 fulfilling its obligations as an alternative retail
2 electric supplier in Illinois notwithstanding any lawsuit
3 or complaint. For the purpose of this item (8), "formal
4 complaint" includes only those complaints that seek a
5 binding determination from a State or federal regulatory
6 body;

7 (9) That the applicant shall at all times remain in
8 compliance ~~continue to comply~~ with requirements for
9 certification stated in this Section and as the Commission
10 may establish by rule;

11 (10) That the applicant shall execute and maintain a
12 license or permit bond issued by a qualifying surety or
13 insurance company authorized to transact business in the
14 State of Illinois in favor of the People of the State of
15 Illinois. The amount of the bond shall equal \$30,000 if
16 the applicant seeks to serve only nonresidential retail
17 customers with maximum electrical demands of one megawatt
18 or more, \$150,000 if the applicant seeks to serve only
19 nonresidential ~~non-residential~~ retail customers with
20 annual electrical consumption greater than 15,000
21 kilowatt-hours kWh, or \$500,000 if the applicant seeks to
22 serve all eligible customers. Applicants shall be required
23 to submit an additional \$500,000 bond if the applicant
24 intends to market to residential customers using in-person
25 solicitations. The bonds ~~bond~~ shall be conditioned upon
26 the full and faithful performance of all duties and

1 obligations of the applicant as an alternative retail
2 electric supplier, ~~and~~ shall be valid for a period of not
3 less than one year, and may be drawn upon in whole or in
4 part to satisfy any penalties imposed, and finally
5 adjudicated, by the Commission pursuant to Section 16-115B
6 for a violation of the applicant's duties or obligations,
7 except that the total amount of claims and penalties
8 against the bond shall not exceed the penal sum of the bond
9 and shall not include any consequential or punitive
10 damage. The cost of the bond shall be paid by the
11 applicant. The applicant shall file a copy of this bond,
12 with a notarized verification page from the issuer, as
13 part of its application for certification under 83 Ill.
14 Adm. Code 451; and

15 (11) That the applicant will comply with all other
16 applicable laws and regulations.

17 (d-3) The Commission may deny with prejudice an
18 application in which the applicant fails to provide the
19 Commission with information sufficient for the Commission to
20 grant the application.

21 (d-5) (Blank).

22 (e) A retail customer that owns a cogeneration or
23 self-generation facility and that seeks certification only to
24 provide electric power and energy from such facility to retail
25 customers at separate locations which customers are both (i)
26 owned by, or a subsidiary or other corporate affiliate of,

1 such applicant and (ii) eligible for delivery services, shall
2 be granted a certificate of service authority upon filing an
3 application and notifying the Commission that it has entered
4 into an agreement with the relevant electric utilities
5 pursuant to Section 16-118. Provided, however, that if the
6 retail customer owning such cogeneration or self-generation
7 facility would not be charged a transition charge due to the
8 exemption provided under subsection (f) of Section 16-108
9 prior to the certification, and the retail customers at
10 separate locations are taking delivery services in conjunction
11 with purchasing power and energy from the facility, the retail
12 customer on whose premises the facility is located shall not
13 thereafter be required to pay transition charges on the power
14 and energy that such retail customer takes from the facility.

15 (f) The Commission shall have the authority to promulgate
16 rules and regulations to carry out the provisions of this
17 Section. On or before May 1, 1999, the Commission shall adopt a
18 rule or rules applicable to the certification of those
19 alternative retail electric suppliers that seek to serve only
20 nonresidential retail customers with maximum electrical
21 demands of one megawatt or more which shall provide for (i)
22 expedited and streamlined procedures for certification of such
23 alternative retail electric suppliers and (ii) specific
24 criteria which, if met by any such alternative retail electric
25 supplier, shall constitute the demonstration of technical,
26 financial and managerial resources and abilities to provide

1 service required by paragraph (1) of subsection (d) ~~(1)~~ of
2 this Section, such as a requirement to post a bond or letter of
3 credit, from a responsible surety or financial institution, of
4 sufficient size for the nature and scope of the services to be
5 provided; demonstration of adequate insurance for the scope
6 and nature of the services to be provided; and experience in
7 providing similar services in other jurisdictions.

8 (g) An alternative retail electric supplier may seek
9 confidential treatment for the following information by filing
10 an affidavit with the Commission so long as the affidavit
11 meets the requirements in this subsection (g):

12 (1) the total annual kilowatt-hours delivered and sold
13 by an alternative retail electric supplier to retail
14 customers within each utility service territory and the
15 total annual kilowatt-hours delivered and sold by an
16 alternative retail electric supplier to retail customers
17 in all utility service territories in the preceding
18 calendar year as required by 83 Ill. Adm. Code 451.770;

19 (2) the total peak demand supplied by an alternative
20 retail electric supplier during the previous year in each
21 utility service territory as required by 83 Ill. Adm. Code
22 465.40;

23 (3) a good faith estimate of the amount an alternative
24 retail electric supplier expects to be obliged to pay the
25 utility under single billing tariffs during the next 12
26 months and the amount of any bond or letter of credit used

1 to demonstrate an alternative retail electric supplier's
2 credit worthiness to provide single billing services
3 pursuant to 83 Ill. Adm. Code 451.510(a) and (b).

4 The affidavit must be filed contemporaneously with the
5 information for which confidential treatment is sought and
6 must clearly state that the affiant seeks confidential
7 treatment pursuant to this subsection (g) and the information
8 for which confidential treatment is sought must be clearly
9 identified on the confidential version of the document filed
10 with the Commission. The affidavit must be accompanied by a
11 "confidential" and a "public" version of the document or
12 documents containing the information for which confidential
13 treatment is sought.

14 If the alternative retail electric supplier has met the
15 affidavit requirements of this subsection (g), then the
16 Commission shall afford confidential treatment to the
17 information identified in the affidavit for a period of 2
18 years after the date the affidavit is received by the
19 Commission.

20 Nothing in this subsection (g) prevents an alternative
21 retail electric supplier from filing a petition with the
22 Commission seeking confidential treatment for information
23 beyond that identified in this subsection (g) or for
24 information contained in other reports or documents filed with
25 the Commission other than annual rate reports.

26 Nothing in this subsection (g) prevents the Commission, on

1 its own motion, or any party from filing a formal petition with
2 the Commission seeking to reconsider the conferring of
3 confidential status on an item of information afforded
4 confidential treatment pursuant to this subsection (g).

5 The Commission, on its own motion, may at any time
6 initiate a docketed proceeding to investigate the continued
7 applicability of this subsection (g) to the information
8 contained in items (i), (ii), and (iii) of this subsection
9 (g). If, at the end of such investigation, the Commission
10 determines that a particular item of information should no
11 longer be eligible for the affidavit-based process outlined in
12 this subsection (g), the Commission may enter an order to
13 remove that item from the list of items eligible for the
14 process set forth in this subsection (g). Notwithstanding any
15 such order, in the event the Commission makes such a
16 determination, nothing in this subsection (g) prevents an
17 alternative retail electric supplier desiring confidential
18 treatment for such information from filing a formal petition
19 with the Commission seeking confidential treatment for such
20 information.

21 (Source: P.A. 101-590, eff. 1-1-20.)

22 (220 ILCS 5/16-115B)

23 Sec. 16-115B. Commission oversight of services provided by
24 alternative retail electric suppliers.

25 (a) The Commission shall have jurisdiction in accordance

1 with the provisions of Article X of this Act to entertain and
2 dispose of any complaint made by the Commission, on its own
3 motion, or by any person or corporation, chamber of commerce,
4 board of trade, or any industrial, commercial, mercantile,
5 agricultural or manufacturing society, or any body politic or
6 municipal corporation against any alternative retail electric
7 supplier alleging (i) that the alternative retail electric
8 supplier has violated or is in nonconformance with any
9 applicable provisions of Section 16-115 through Section
10 16-115A; (ii) that the alternative retail electric supplier
11 violated rules adopted by the Commission to govern the sales,
12 marketing, or operations of retail electric suppliers; (iii)
13 that an alternative retail electric supplier serving any
14 residential and small commercial customers ~~retail customers~~
15 ~~having maximum demands of less than one megawatt has~~ failed to
16 provide service in accordance with the terms of its contract
17 or contracts with such customer or customers; (iii) that the
18 alternative retail electric supplier has violated or is in
19 nonconformance ~~non-conformance~~ with the delivery services
20 tariff of, or any of its agreements relating to delivery
21 services with, the electric utility, municipal system, or
22 electric cooperative providing delivery services; or (iv) that
23 the alternative retail electric supplier has violated or
24 failed to comply with the requirements of Sections 8-201
25 through 8-207, 8-301, 8-505, or 8-507 of this Act as made
26 applicable to alternative retail electric suppliers.

1 (b) The Commission shall have authority, after such
2 administrative notice as is required by the Illinois
3 Administrative Procedure Act and after an administrative
4 hearing held on complaint or on the Commission's own motion:

5 (1) To order an alternative retail electric supplier
6 to cease and desist, or correct, any violation of or
7 nonconformance ~~non-conformance~~ with the provisions of
8 Section 16-115 or 16-115A or any violation or
9 nonconformance over which the Commission has jurisdiction
10 under subsection (a) of Section 16-115B;

11 (2) To impose financial penalties for violations of or
12 nonconformances ~~non-conformances~~ with the provisions of
13 Section 16-115 or 16-115A, not to exceed ~~(i)~~ \$10,000 per
14 occurrence, and for any violations or nonconformances that
15 continue after the Commission issues a cease and desist
16 order, up to an additional ~~or (ii)~~ \$30,000 for each day the
17 violations or nonconformances continue ~~per day for those~~
18 ~~violations or non-conformances which continue after the~~
19 ~~Commission issues a cease and desist order; and~~

20 (3) To alter, modify, revoke, or suspend the
21 certificate of service authority of an alternative retail
22 electric supplier for substantial or repeated violations
23 of or nonconformances ~~non-conformances~~ with the provisions
24 of Section 16-115 or 16-115A.

25 (c) In addition to other powers and authority granted to
26 it under this Act, the Commission may require an alternative

1 retail electric supplier to enter into a compliance plan. If
2 the Commission comes into possession of information causing it
3 to conclude that an alternative retail electric supplier is
4 violating this Act or the Commission's rules, the Commission
5 may, after notice and hearing, enter an order directing the
6 alternative retail electric supplier to implement practices,
7 procedures, oversight, or other measures or refrain from
8 practices, conduct, or activities that the Commission finds is
9 necessary or reasonable to ensure the alternative retail
10 electric supplier's compliance with this Act and the
11 Commission's rules. Failure by an alternative retail electric
12 supplier to implement or comply with a Commission-ordered
13 compliance plan is a violation of this Section. The
14 Commission, in its discretion, may order a compliance plan
15 under such circumstances as it considers warranted and is not
16 required to order a compliance plan prior to taking other
17 enforcement action against an alternative retail electric
18 supplier. Nothing in this subsection (c) shall be interpreted
19 to limit the authority or right of the Attorney General.

20 (Source: P.A. 101-590, eff. 1-1-20.)

21 (220 ILCS 5/16-115C)

22 Sec. 16-115C. Licensure of agents, brokers, and
23 consultants engaged in the procurement or sale of retail
24 electricity supply for third parties.

25 (a) The purpose of this Section is to adopt licensing and

1 code of conduct rules in a competitive retail electricity
2 market to protect Illinois consumers from unfair or deceptive
3 acts or practices and to provide persons acting as agents,
4 brokers, and consultants engaged in the procurement or sale of
5 retail electricity supply for third parties with notice of the
6 illegality of those acts or practices.

7 (a-5) All third-party sales representatives engaged in the
8 marketing of retail electricity supply must, prior to the
9 customer signing a contract, disclose that they are not
10 employed by the electric utility operating in the applicable
11 service territory.

12 (b) For purposes of this Section, "agents, brokers, and
13 consultants engaged in the procurement or sale of retail
14 electricity supply for third parties" means any person or
15 entity that attempts to procure on behalf of or sell retail
16 electric service to an electric customer in the State.
17 "Agents, brokers, and consultants engaged in the procurement
18 or sale of retail electricity supply for third parties" does
19 not include the Illinois Power Agency or any of its employees,
20 any entity licensed as an alternative retail electric supplier
21 pursuant to 83 Ill. Adm. Code 451 offering retail electric
22 service on its own behalf, any person acting exclusively on
23 behalf of a single alternative retail electric supplier on
24 condition that exclusivity is disclosed to any third party
25 contracted in such agent capacity, any person acting
26 exclusively on behalf of a retail electric supplier on

1 condition that exclusivity is disclosed to any third party
2 contracted in such agent capacity, any person or entity
3 representing a municipal power agency, as defined in Section
4 11-119.1-3 of the Illinois Municipal Code, or any person or
5 entity that is attempting to procure on behalf of or sell
6 retail electric service to a third party that has aggregate
7 billing demand of all of its affiliated electric service
8 accounts in Illinois of greater than 1,500 kilowatts ~~kw~~.

9 (c) No person or entity shall act as an agent, broker, or
10 consultant engaged in the procurement or sale of retail
11 electricity supply for third parties unless that person or
12 entity is licensed by the Commission under this Section or is
13 offering services on their own behalf under 83 Ill. Adm. Code
14 451. A license granted pursuant to this Section is not
15 property, and the grant of a license to an entity does not
16 create a property interest in the license.

17 (d) The Commission shall create requirements for licensure
18 as an agent, broker, or consultant engaged in the procurement
19 or sale of retail electricity supply for third parties, which
20 shall include all of the following criteria:

21 (1) Technical competence.

22 (2) Managerial competence.

23 (3) Financial responsibility, including the posting of
24 an appropriate performance bond.

25 (4) Annual reporting requirements.

26 (e) Any person or entity required to be licensed under

1 this Section must:

2 (1) disclose in plain language in writing to all
3 persons it solicits (i) before July 1, 2011, the total
4 anticipated remuneration to be paid to it by any third
5 party over the period of the proposed underlying customer
6 contract and (ii) on or after July 1, 2011, the total price
7 per kilowatt-hour, and the total anticipated cost,
8 inclusive of all fees or commissions received by the
9 licensee, to be paid by the customer over the period of the
10 proposed underlying customer contract;

11 (2) disclose, if applicable, to all customers, prior
12 to the customer signing a contract, the fact that they
13 will be receiving compensation from the supplier;

14 (3) not hold itself out as independent or unaffiliated
15 with any supplier, or both, or use words reasonably
16 calculated to give that impression, unless the person
17 offering service under this Section has no contractual
18 relationship with any retail electricity supplier or its
19 affiliates regarding retail electric service in Illinois;

20 (4) not utilize false, misleading, materially
21 inaccurate, defamatory, or otherwise deceptive language or
22 materials in the soliciting or providing of its services;

23 (5) maintain copies of all marketing materials
24 disseminated to third parties for a period of not less
25 than 3 years;

26 (6) not present electricity pricing information in a

1 manner that favors one supplier over another, unless a
2 valid pricing comparison is made utilizing all relevant
3 costs and terms; and

4 (7) comply with the requirements of Sections 2EE, 2FF,
5 2GG, and 2HH of the Consumer Fraud and Deceptive Business
6 Practices Act.

7 (f) Any person or entity licensed under this Section shall
8 file with the Commission all of the following information no
9 later than March of each year:

10 (1) A verified report detailing any and all
11 contractual relationships that it has with certified
12 electricity suppliers in the State regarding retail
13 electric service in Illinois.

14 (2) A verified report detailing the distribution of
15 its customers with the various certified electricity
16 suppliers in Illinois during the prior calendar year. A
17 report under this Section shall not be required to contain
18 customer-identifying information.

19 A public redacted version of the verified report may
20 be submitted to the Commission along with a proprietary
21 version. The public redacted version may redact from the
22 verified report the name or names of every certified
23 electricity supplier contained in the report to protect
24 against disclosure of competitively sensitive market share
25 information. The information shall be afforded proprietary
26 treatment for 2 years after the date of the filing of the

1 verified report.

2 (3) A verified statement of any changes to the
3 original licensure qualifications and notice of continuing
4 compliance with all requirements.

5 (g) The Commission shall have jurisdiction over
6 ~~disciplinary proceedings and complaints,~~ including on the
7 Commission's own motion, for violations of this Section. The
8 findings of a violation of this Section by the Commission
9 shall result in discipline on a progressive ~~a progressive~~
10 ~~disciplinary~~ scale. For a first violation, the Commission may,
11 in its discretion, suspend the license of the person or entity
12 ~~so disciplined~~ for a period of no less than one month. For a
13 second violation within a 5-year period, the Commission shall
14 suspend the license of for the person or entity ~~so disciplined~~
15 for a period of not less than 6 months. For a third or
16 subsequent violation within a 5-year period, the Commission
17 shall suspend the license of the disciplined person for a
18 period of not less than 2 years. Notwithstanding the minimum
19 progressive suspensions, the Commission shall have authority,
20 in its discretion, to impose whatever reasonable disciplinary
21 measures it deems appropriate for any violation, including,
22 but not limited to, terminating the license of the person or
23 entity.

24 (h) This Section shall not apply to a retail customer that
25 operates or manages either directly or indirectly any
26 facilities, equipment, or property used or contemplated to be

1 used to distribute electric power or energy if that retail
2 customer is a political subdivision or public institution of
3 higher education of this State, or any corporation, company,
4 limited liability company, association, joint-stock company or
5 association, firm, partnership, or individual, or their
6 lessees, trusts, or receivers appointed by any court
7 whatsoever that are owned or controlled by the political
8 subdivision, public institution of higher education, or
9 operated by any of its lessees or operating agents.

10 (Source: P.A. 95-679, eff. 10-11-07; 96-1385, eff. 7-29-10.)

11 (220 ILCS 5/19-110)

12 Sec. 19-110. Certification of alternative gas suppliers.

13 (a) The provisions of this Section shall apply only to
14 alternative gas suppliers serving or seeking to serve
15 residential or small commercial customers and only to the
16 extent such alternative gas suppliers provide services to
17 residential or small commercial customers.

18 (b) An alternative gas supplier must obtain a certificate
19 of service authority from the Commission in accordance with
20 this Section before serving any customer or other user located
21 in this State. An alternative gas supplier may request, and
22 the Commission may grant, a certificate of service authority
23 for the entire State or for a specified geographic area of the
24 State. A certificate granted pursuant to this Section is not
25 property, and the grant of a certificate to an entity does not

1 create a property interest in the certificate. This Section
2 does not diminish the existing rights of a certificate holder
3 to notice and hearing as proscribed by the Illinois
4 Administrative Procedure Act and in rules adopted by the
5 Commission. A person, corporation, or other entity acting as
6 an alternative gas supplier on the effective date of this
7 amendatory Act of the 92nd General Assembly shall have 180
8 days from the effective date of this amendatory Act of the 92nd
9 General Assembly to comply with the requirements of this
10 Section in order to continue to operate as an alternative gas
11 supplier.

12 (c) An alternative gas supplier seeking a certificate of
13 service authority shall file with the Commission a verified
14 application containing information showing that the applicant
15 meets the requirements of this Section. The alternative gas
16 supplier shall publish notice of its application in the
17 official State newspaper within 10 days following the date of
18 its filing. No later than 45 days after a complete ~~the~~
19 application is properly filed with the Commission, and such
20 notice is published, the Commission shall issue its order
21 granting or denying the application.

22 (d) An application for a certificate of service authority
23 shall identify the area or areas in which the applicant
24 intends to offer service and the types of services it intends
25 to offer. Applicants that seek to serve residential or small
26 commercial customers within a geographic area that is smaller

1 than a gas utility's service area shall submit evidence
2 demonstrating that the designation of this smaller area does
3 not violate Section 19-115. An applicant may state in its
4 application for certification any limitations that will be
5 imposed on the number of customers or maximum load to be
6 served. The applicant shall submit as part of its application
7 a statement indicating:

8 (1) Whether the applicant has been denied a natural
9 gas supplier license in any state in the United States.

10 (2) Whether the applicant has had a natural gas
11 supplier license suspended or revoked by any state in the
12 United States.

13 (3) Where, if any, other natural gas supplier license
14 applications are pending in the United States.

15 (4) Whether the applicant is the subject of any
16 lawsuits filed in a court of law or formal complaints
17 filed with a regulatory agency alleging fraud, deception,
18 or unfair marketing practices, or other similar
19 allegations, identifying the name, case number, and
20 jurisdiction of each such lawsuit or complaint.

21 For the purposes of this subsection (d), formal complaints
22 include only those complaints that seek a binding
23 determination from a state or federal regulatory body.

24 (e) The Commission shall grant the application for a
25 certificate of service authority if it makes the findings set
26 forth in this subsection based on the verified application and

1 such other information as the applicant may submit.

2 (1) That the applicant possesses sufficient technical,
3 financial, and managerial resources and abilities to
4 provide the service for which it seeks a certificate of
5 service authority. In determining the level of technical,
6 financial, and managerial resources and abilities which
7 the applicant must demonstrate, the Commission shall
8 consider:

9 (A) the characteristics, including the size and
10 financial sophistication of the customers that the
11 applicant seeks to serve;

12 (B) whether the applicant seeks to provide gas
13 using property, plant, and equipment that it owns,
14 controls, or operates; and

15 (C) the applicant's commitment of resources to the
16 management of sales and marketing staff, through
17 affirmative managerial policies, independent audits,
18 technology, hands-on field monitoring and training,
19 and, in the case of applicants who will have sales
20 personnel or sales agents within the State of
21 Illinois, the applicant's managerial presence within
22 the State.

23 (2) That the applicant will comply with all applicable
24 federal, State, regional, and industry rules, policies,
25 practices, and procedures for the use, operation, and
26 maintenance of the safety, integrity, and reliability of

1 the gas transmission system.

2 (3) That the applicant will comply with such
3 informational or reporting requirements as the Commission
4 may by rule establish.

5 (4) That the area to be served by the applicant and any
6 limitations it proposes on the number of customers or
7 maximum amount of load to be served meet the provisions of
8 Section 19-115, provided, that if the applicant seeks to
9 serve an area smaller than the service area of a gas
10 utility or proposes other limitations on the number of
11 customers or maximum amount of load to be served, the
12 Commission can extend the time for considering such a
13 certificate request by up to 90 days, and can schedule
14 hearings on such a request.

15 (5) That the applicant shall continue to comply with
16 requirements for certification stated in this Section.

17 (6) That the applicant shall execute and maintain a
18 license or permit bond issued by a qualifying surety or
19 insurance company authorized to transact business in the
20 State of Illinois in favor of the People of the State of
21 Illinois. The amount of the bond shall equal \$150,000 if
22 the applicant seeks to serve only nonresidential retail
23 customers or \$500,000 if the applicant seeks to serve all
24 eligible customers. Applicants shall be required to submit
25 an additional \$500,000 bond if the applicant intends to
26 market to residential customers using in-person

1 solicitations. The bonds ~~bond~~ shall be conditioned upon
2 the full and faithful performance of all duties and
3 obligations of the applicant as an alternative retail gas
4 supplier, ~~and~~ shall be valid for a period of not less than
5 one year, and may be drawn up to satisfy any penalties
6 imposed and finally adjudicated, by the Commission
7 pursuant to Section 19-120 for a violation of the
8 applicant's duties or obligations, except that the total
9 amount of claims and penalties against the bond shall not
10 exceed the penal sum of the bond and shall not include any
11 consequential or punitive damage. The cost of the bond
12 shall be paid by the applicant. The applicant shall file a
13 copy of this bond, with a notarized verification page from
14 the issuer, as part of its application for certification
15 under 83 Ill. Adm. Code 551.

16 (7) That the applicant will comply with all other
17 applicable laws and rules.

18 (e-5) The Commission may deny with prejudice an
19 application in which the applicant fails to provide the
20 Commission with information sufficient for the Commission to
21 grant the application.

22 (f) The Commission can extend the time for considering
23 such a certificate request by up to 90 days, and can schedule
24 hearings on such a request if:

25 (1) a party to the application proceeding has formally
26 requested that the Commission hold hearings in a pleading

1 that alleges that one or more of the allegations or
2 certifications in the application is false or misleading;
3 or

4 (2) other facts or circumstances exist that will
5 necessitate additional time or evidence in order to
6 determine whether a certificate should be issued.

7 (g) The Commission shall have the authority to promulgate
8 rules to carry out the provisions of this Section. Within 30
9 days after the effective date of this amendatory Act of the
10 92nd General Assembly, the Commission shall adopt an emergency
11 rule or rules applicable to the certification of those gas
12 suppliers that seek to serve residential customers. Within 180
13 days of the effective date of this amendatory Act of the 92nd
14 General Assembly, the Commission shall adopt rules that
15 specify criteria which, if met by any such alternative gas
16 supplier, shall constitute the demonstration of technical,
17 financial, and managerial resources and abilities to provide
18 service required by paragraph ~~item~~ (1) of subsection (e) of
19 this Section, such as a requirement to post a bond or letter of
20 credit, from a responsible surety or financial institution, of
21 sufficient size for the nature and scope of the services to be
22 provided, demonstration of adequate insurance for the scope
23 and nature of the services to be provided, and experience in
24 providing similar services in other jurisdictions.

25 (h) The Commission may deny with prejudice any application
26 that repeatedly fails to include the attachments,

1 documentation, and affidavits required by the application form
2 or that ~~repeatedly~~ fails to provide any other information
3 required by this Section.

4 (i) An alternative gas supplier may seek confidential
5 treatment for the reporting to the Commission of its total
6 annual dekatherms delivered and sold by it to residential and
7 small commercial customers by utility service territory during
8 the preceding year via the filing of an affidavit with the
9 Commission so long as the affidavit meets the requirements of
10 this subsection (i). The affidavit must be filed
11 contemporaneously with the information for which confidential
12 treatment is sought and must clearly state that the affiant
13 seeks confidential treatment pursuant to this subsection (i)
14 and the information for which confidential treatment is sought
15 must be clearly identified on the confidential version of the
16 document filed with the Commission. The affidavit must be
17 accompanied by both a "confidential" and a "public" version of
18 the document or documents containing the information for which
19 confidential treatment is sought.

20 If the alternative gas supplier has met the affidavit
21 requirements of this subsection (i), then the Commission shall
22 afford confidential treatment to the information identified in
23 the affidavit for a period of 2 years after the date the
24 affidavit is received by the Commission.

25 Nothing in this subsection (i) prevents an alternative gas
26 supplier from filing a petition with the Commission seeking

1 confidential treatment for information beyond that identified
2 in this subsection (i) or for information contained in other
3 reports or documents filed with the Commission other than
4 annual rate reports.

5 Nothing in this subsection (i) prevents the Commission, on
6 its own motion, or any party from filing a formal petition with
7 the Commission seeking to reconsider the conferring of
8 confidential status pursuant to this subsection (i).

9 The Commission, on its own motion, may at any time
10 initiate a docketed proceeding to investigate the continued
11 applicability of this affidavit-based process for seeking
12 confidential treatment. If, at the end of such investigation,
13 the Commission determines that this affidavit-based process
14 for seeking confidential treatment for the information is no
15 longer necessary, the Commission may enter an order to that
16 effect. Notwithstanding any such order, in the event the
17 Commission makes such a determination, nothing in this
18 subsection (i) prevents an alternative gas supplier desiring
19 confidential treatment for such information from filing a
20 formal petition with the Commission seeking confidential
21 treatment for such information.

22 (Source: P.A. 101-590, eff. 1-1-20.)

23 (220 ILCS 5/19-120)

24 Sec. 19-120. Commission oversight of services provided by
25 gas suppliers.

1 (a) The provisions of this Section shall apply only to
2 alternative gas suppliers serving or seeking to serve
3 residential or small commercial customers and only to the
4 extent such alternative gas suppliers provide services to
5 residential or small commercial customers.

6 (b) The Commission shall have jurisdiction in accordance
7 with the provisions of Article X of this Act either to
8 investigate on its own motion in order to determine whether or
9 to entertain and dispose of any complaint by any person or
10 corporation, chamber of commerce, board of trade, or any
11 industrial, commercial, mercantile, agricultural or
12 manufacturing society, or any body politic or municipal
13 corporation against any alternative gas supplier alleging
14 that:

15 (1) the alternative gas supplier has violated or is in
16 nonconformance with any applicable provisions of Section
17 19-110, 19-111, 19-112, or Section 19-115;

18 (1.5) that the alternative retail gas supplier
19 violated any rule adopted by the Commission to govern the
20 sales, marketing, or operations of retail gas suppliers;

21 (2) an alternative gas supplier has failed to provide
22 service in accordance with the terms of its contract or
23 contracts with a customer or customers;

24 (3) the alternative gas supplier has violated or is in
25 nonconformance with the transportation services tariff of,
26 or any of its agreements relating to transportation

1 services with, the gas utility or municipal system
2 providing transportation services; or

3 (4) the alternative gas supplier has violated or
4 failed to comply with the requirements of Sections 8-201
5 through 8-207, 8-301, 8-505, or 8-507 of this Act as made
6 applicable to alternative gas suppliers.

7 (c) The Commission shall have authority after such
8 administrative notice as is required by the Illinois
9 Administrative Procedure Act and after an administrative
10 hearing held on complaint or on the Commission's own motion to
11 order any or all of the following remedies, penalties, or
12 forms of relief:

13 (1) order an alternative gas supplier to cease and
14 desist, or correct, any violation of or nonconformance
15 with the provisions of Section 19-110, 19-111, 19-112, or
16 19-115, or any violation or nonconformance over which the
17 Commission has jurisdiction under subsection (a) of
18 Section 19-120;

19 (2) impose financial penalties for violations of or
20 nonconformances with the provisions of Section 19-110,
21 19-111, 19-112, or 19-115, not to exceed ~~(i)~~ \$10,000 per
22 occurrence, and for any violations or nonconformances that
23 continue after the Commission issues a cease and desist
24 order, up to an additional ~~or (ii)~~ \$30,000 for each day the
25 violations or nonconformances continue per day for those
26 ~~violations or nonconformances which continue after the~~

1 ~~Commission issues a cease and desist order;~~ and

2 (3) alter, modify, revoke, or suspend the certificate
3 of service authority of an alternative gas supplier for
4 substantial or repeated violations of or nonconformances
5 with the provisions of Section 19-110, 19-111, 19-112, or
6 19-115.

7 (d) Nothing in this Act shall be construed to limit,
8 restrict, or mitigate in any way the power and authority of the
9 State's Attorneys or the Attorney General under the Consumer
10 Fraud and Deceptive Business Practices Act.

11 (e) In addition to other powers and authority granted to
12 it under this Act, the Commission may require an alternative
13 gas supplier to enter into a compliance plan. If the
14 Commission comes into possession of information causing it to
15 conclude that an alternative gas supplier is violating this
16 Act or the Commission's rules, the Commission may, after
17 notice and hearing, enter an order directing the alternative
18 gas supplier to implement practices, procedures, oversight, or
19 other measures or refrain from practices, conduct, or
20 activities as the Commission finds is necessary or reasonable
21 to ensure the alternative gas supplier's compliance with this
22 Act and the Commission's rules. Failure by an alternative gas
23 supplier to implement or comply with a Commission-ordered
24 compliance plan is a violation of this Section. The
25 Commission, in its discretion, may order a compliance plan
26 under such circumstances as it considers warranted and is not

1 required to order a compliance plan prior to taking other
2 enforcement action against an alternative retail gas supplier.
3 Nothing in this subsection (e) shall be interpreted to limit
4 the authority or right of the Attorney General.

5 (Source: P.A. 101-590, eff. 1-1-20.)

6 Section 10. The Consumer Fraud and Deceptive Business
7 Practices Act is amended by changing Sections 2EE and 2DDD as
8 follows:

9 (815 ILCS 505/2EE)

10 Sec. 2EE. Alternative retail electric supplier selection.

11 (a) An alternative retail electric supplier shall not
12 submit or execute a change in a consumer's selection of a
13 provider of electric service unless and until:

14 (i) the alternative retail electric supplier first
15 discloses all material terms and conditions of the offer
16 to the consumer;

17 (ii) if the consumer is a small commercial retail
18 customer as that term is defined in subsection (c) of this
19 Section or a residential consumer, the alternative retail
20 electric supplier discloses the utility electric supply
21 price to compare, which shall be the sum of the electric
22 supply charge and the transmission services charge, and
23 shall not include the purchased electricity adjustment,
24 applicable at the time the offer is made to the consumer;

1 (iii) if the consumer is a small commercial retail
2 customer as that term is defined in subsection (c) of this
3 Section or a residential consumer, the alternative retail
4 electric provider discloses the following statement:

5 "(Name of the alternative retail electric
6 supplier) is not the same entity as your electric
7 delivery company. You are not required to enroll with
8 (name of alternative retail electric supplier). As of
9 (effective date), the electric supply price to compare
10 is currently (price in cents per kilowatt hour). The
11 electric utility electric supply price will expire on
12 (expiration date). The utility electric supply price
13 to compare does not include the purchased electricity
14 adjustment factor. For more information go to the
15 Illinois Commerce Commission's free website at
16 www.pluginillinois.org".

17 If applicable, the statement shall include the
18 following statement:

19 "The purchased electricity adjustment factor may
20 range between +.5 cents and -.5 cents per kilowatt
21 hour.";

22 (iv) the alternative retail electric supplier has
23 obtained the consumer's express agreement to accept the
24 offer after the disclosure of all material terms and
25 conditions of the offer; and

26 (v) the alternative retail electric supplier has

1 confirmed the request for a change in accordance with one
2 of the following procedures:

3 (A) The new alternative retail electric supplier
4 has obtained the consumer's written or electronically
5 signed authorization in a form that meets the
6 following requirements:

7 (1) An alternative retail electric supplier
8 shall obtain any necessary written or
9 electronically signed authorization from a
10 consumer for a change in electric service by using
11 a letter of agency as specified in this Section.
12 Any letter of agency that does not conform with
13 this Section is invalid.

14 (2) The letter of agency shall be a separate
15 document (an easily separable document containing
16 only the authorization language described in
17 subparagraph (5)) whose sole purpose is to
18 authorize an electric service provider change. The
19 letter of agency must be signed and dated by the
20 consumer requesting the electric service provider
21 change.

22 (3) The letter of agency shall not be combined
23 with inducements of any kind on the same document.

24 (4) Notwithstanding subparagraphs (1) and (2),
25 the letter of agency may be combined with checks
26 that contain only the required letter of agency

1 language prescribed in subparagraph (5) and the
2 necessary information to make the check a
3 negotiable instrument. The letter of agency check
4 shall not contain any promotional language or
5 material. The letter of agency check shall contain
6 in easily readable, bold-face type on the face of
7 the check, a notice that the consumer is
8 authorizing an electric service provider change by
9 signing the check. The letter of agency language
10 also shall be placed near the signature line on
11 the back of the check.

12 (5) At a minimum, the letter of agency must be
13 printed with a print of sufficient size to be
14 clearly legible, and must contain clear and
15 unambiguous language that confirms:

16 (i) The consumer's billing name and
17 address;

18 (ii) The decision to change the electric
19 service provider from the current provider to
20 the prospective provider;

21 (iii) The terms, conditions, and nature of
22 the service to be provided to the consumer
23 must be clearly and conspicuously disclosed,
24 in writing, and an alternative retail electric
25 supplier must directly establish the rates for
26 the service contracted for by the consumer;

1 and

2 (iv) That the consumer understand that any
3 alternative retail electric supplier selection
4 the consumer chooses may involve a charge to
5 the consumer for changing the consumer's
6 electric service provider.

7 (6) Letters of agency shall not suggest or
8 require that a consumer take some action in order
9 to retain the consumer's current electric service
10 provider.

11 (7) If any portion of a letter of agency is
12 translated into another language, then all
13 portions of the letter of agency must be
14 translated into that language.

15 (B) An appropriately qualified independent third
16 party has obtained, in accordance with the procedures
17 set forth in this subsection (b), the consumer's oral
18 authorization to change electric suppliers that
19 confirms and includes appropriate verification data.
20 The independent third party (i) must not be owned,
21 managed, controlled, or directed by the supplier or
22 the supplier's marketing agent; (ii) must not have any
23 financial incentive to confirm supplier change
24 requests for the supplier or the supplier's marketing
25 agent; and (iii) must operate in a location physically
26 separate from the supplier or the supplier's marketing

1 agent.

2 Automated third-party verification systems and
3 3-way conference calls may be used for verification
4 purposes so long as the other requirements of this
5 subsection (b) are satisfied.

6 A supplier or supplier's sales representative
7 initiating a 3-way conference call or a call through
8 an automated verification system must drop off the
9 call once the 3-way connection has been established.

10 All third-party verification methods shall elicit,
11 at a minimum, the following information: (i) the
12 identity of the consumer; (ii) confirmation that the
13 person on the call is the account holder, has been
14 specifically and explicitly authorized by the account
15 holder, or possesses lawful authority to make the
16 supplier change; (iii) confirmation that the person on
17 the call wants to make the supplier change; (iv) the
18 names of the suppliers affected by the change; (v) the
19 service address of the supply to be switched; and (vi)
20 the price of the service to be supplied and the
21 material terms and conditions of the service being
22 offered, including whether any early termination fees
23 apply. Third-party verifiers may not market the
24 supplier's services by providing additional
25 information, including information regarding
26 procedures to block or otherwise freeze an account

1 against further changes.

2 All third-party verifications shall be conducted
3 in the same language that was used in the underlying
4 sales transaction and shall be recorded in their
5 entirety. Submitting suppliers shall maintain and
6 preserve audio records of verification of subscriber
7 authorization for a minimum period of 2 years after
8 obtaining the verification. Automated systems must
9 provide consumers with an option to speak with a live
10 person at any time during the call. Each disclosure
11 made during the third-party verification must be made
12 individually to obtain clear acknowledgment of each
13 disclosure. The alternative retail electric supplier
14 must be in a location where he or she cannot hear the
15 customer while the third-party verification is
16 conducted. The alternative retail electric supplier
17 shall not contact the customer after the third-party
18 verification for a period of 24 hours unless the
19 customer initiates the contact.

20 (C) When a consumer initiates the call to the
21 prospective alternative retail electric supplier, in
22 order to enroll the consumer as a customer, the
23 prospective alternative retail electric supplier must,
24 with the consent of the customer, make a date-stamped,
25 time-stamped audio recording that elicits, at a
26 minimum, the following information:

- 1 (1) the identity of the customer;
- 2 (2) confirmation that the person on the call
- 3 is authorized to make the supplier change;
- 4 (3) confirmation that the person on the call
- 5 wants to make the supplier change;
- 6 (4) the names of the suppliers affected by the
- 7 change;
- 8 (5) the service address of the supply to be
- 9 switched; and
- 10 (6) the price of the service to be supplied
- 11 and the material terms and conditions of the
- 12 service being offered, including whether any early
- 13 termination fees apply.

14 Submitting suppliers shall maintain and preserve
15 the audio records containing the information set forth
16 above for a minimum period of 2 years.

17 (b) (1) An alternative retail electric supplier shall not
18 utilize the name of a public utility in any manner that is
19 deceptive or misleading, including, but not limited to,
20 implying or otherwise leading a consumer to believe that an
21 alternative retail electric supplier is soliciting on behalf
22 of or is an agent of a utility. An alternative retail electric
23 supplier shall not utilize the name, or any other identifying
24 insignia, graphics, or wording that has been used at any time
25 to represent a public utility company or its services, to
26 identify, label, or define any of its electric power and

1 energy service offers. An alternative retail electric supplier
2 may state the name of a public electric utility in order to
3 accurately describe the electric utility service territories
4 in which the supplier is currently offering an electric power
5 and energy service. An alternative retail electric supplier
6 that is the affiliate of an Illinois public utility and that
7 was doing business in Illinois providing alternative retail
8 electric service on January 1, 2016 may continue to use that
9 public utility's name, logo, identifying insignia, graphics,
10 or wording in its business operations occurring outside the
11 service territory of the public utility with which it is
12 affiliated.

13 (2) An alternative retail electric supplier shall not
14 state or otherwise imply that the alternative retail electric
15 supplier is employed by, representing, endorsed by, or acting
16 on behalf of a utility or utility program, a consumer group or
17 consumer group program, or a governmental body, unless the
18 alternative retail electric supplier has entered into a
19 contractual arrangement with the governmental body and has
20 been authorized by the governmental body to make the
21 statements.

22 (c) An alternative retail electric supplier shall not
23 submit or execute a change in a consumer's selection of a
24 provider of electric service unless the alternative retail
25 electric supplier complies with the following requirements of
26 this subsection (c). It is a violation of this Section for an

1 alternative retail electric supplier to fail to comply with
2 this subsection (c). The requirements of this subsection (c)
3 shall only apply to residential and small commercial retail
4 customers. For purposes of this subsection (c) only, "small
5 commercial retail customer" has the meaning given to that term
6 in Section 16-102 of the Public Utilities Act.

7 (1) During a solicitation an alternative retail
8 electric supplier shall state that he or represents an
9 independent seller of electric power and energy service
10 certified by the Illinois Commerce Commission and that he
11 or she is not employed by, representing, endorsed by, or
12 acting on behalf of, a utility, or a utility program, a
13 consumer group or consumer group program, or a
14 governmental body, unless the alternative retail electric
15 supplier has entered into a contractual arrangement with
16 the governmental body and has been authorized with the
17 governmental body to make the statements.

18 (2) Alternative retail electric suppliers who engage
19 in in-person solicitation for the purpose of selling
20 electric power and energy service offered by the
21 alternative retail electric supplier shall display
22 identification on an outer garment. This identification
23 shall be visible at all times and prominently display the
24 following: (i) the alternative retail electric supplier
25 agent's full name in reasonable size font; (ii) an agent
26 identification number; (iii) a photograph of the

1 alternative retail electric supplier agent; and (iv) the
2 trade name and logo of the alternative retail electric
3 supplier the agent is representing. If the agent is
4 selling electric power and energy services from multiple
5 alternative retail electric suppliers to the consumer, the
6 identification shall display the trade name and logo of
7 the agent, broker, or consultant entity as that entity is
8 defined in Section 16-115C of the Public Utilities Act. An
9 alternative retail electric supplier shall leave the
10 premises at the consumer's, owner's, or occupant's
11 request. A copy of the Uniform Disclosure Statement
12 described in 83 Ill. Adm. Code 412.115 and 412.Appendix A
13 is to be left with the consumer, at the conclusion of the
14 visit unless the consumer refuses to accept a copy. An
15 alternative retail electric supplier may provide the
16 Uniform Disclosure Statement electronically instead of in
17 paper form to a consumer upon that customer's request. The
18 alternative retail electric supplier shall also offer to
19 the consumer, at the time of the initiation of the
20 solicitation, a business card or other material that lists
21 the agent's name, identification number and title, and the
22 alternative retail electric supplier's name and contact
23 information, including phone number. The alternative
24 retail electric supplier shall not conduct any in-person
25 solicitations of consumers at any building or premises
26 where any sign, notice, or declaration of any description

1 whatsoever is posted that prohibits sales, marketing, or
2 solicitations. The alternative retail electric supplier
3 shall obtain consent to enter multi-unit residential
4 dwellings. Consent obtained to enter a multi-unit dwelling
5 from one prospective customer or occupant of the dwelling
6 shall not constitute consent to market to any other
7 prospective consumers without separate consent.

8 (3) An alternative retail electric supplier who
9 contacts consumers by telephone for the purpose of selling
10 electric power and energy service shall provide the
11 agent's name and identification number. Any telemarketing
12 solicitations that lead to a telephone enrollment of a
13 consumer must be recorded and retained for a minimum of 2
14 years. All telemarketing calls of consumers that do not
15 lead to a telephone enrollment, but last at least 2
16 minutes, shall be recorded and retained for a minimum of 6
17 months.

18 (4) During an inbound enrollment call, an alternative
19 retail electric supplier shall state that he or she
20 represents an independent seller of electric power and
21 energy service certified by the Illinois Commerce
22 Commission. All inbound enrollment calls that lead to an
23 enrollment shall be recorded, and the recordings shall be
24 retained for a minimum of 2 years. An inbound enrollment
25 call that does not lead to an enrollment, but lasts at
26 least 2 minutes, shall be retained for a minimum of 6

1 months. The alternative retail electric supplier shall
2 send the Uniform Disclosure Statement and contract to the
3 customer within 3 business days after the electric
4 utility's confirmation to the alternative retail electric
5 supplier of an accepted enrollment.

6 (5) If a direct mail solicitation to a consumer
7 includes a written letter of agency, it shall include the
8 Uniform Disclosure Statement described in 83 Ill. Adm.
9 Code 412.115 and 412.Appendix A. The Uniform Disclosure
10 Statement shall be provided on a separate page from the
11 other marketing materials included in the direct mail
12 solicitation. If a written letter of agency is being used
13 to authorize a consumer's enrollment, the written letter
14 of agency shall comply with this Section. A copy of the
15 contract must be sent to consumer within 3 business days
16 after the electric utility's confirmation to the
17 alternative retail electric supplier of an accepted
18 enrollment.

19 (6) Online Solicitation.

20 (A) Each alternative retail electric supplier
21 offering electric power and energy service to
22 consumers online shall clearly and conspicuously make
23 all disclosures for any services offered through
24 online enrollment before requiring the consumer to
25 enter any personal information other than zip code,
26 electric utility service territory, or type of service

1 sought.

2 (B) Notwithstanding any requirements in this
3 Section to the contrary, an alternative retail
4 electric supplier may secure consent from the consumer
5 to obtain customer-specific billing and usage
6 information for the sole purpose of determining and
7 pricing a product through a letter of agency or method
8 approved through an Illinois Commerce Commission
9 docket before making all disclosure for services
10 offered through online enrollment. It is a violation
11 of this Act for an alternative retail electric
12 supplier to use a consumer's utility account number to
13 execute or change a consumer's enrollment unless the
14 consumer expressly consents to that enrollment as
15 required by law.

16 (C) The enrollment website of the alternative
17 retail electric supplier shall, at a minimum, include:
18 (i) disclosure of all material terms and conditions of
19 the offer; (ii) a statement that electronic acceptance
20 of the terms and conditions is an agreement to
21 initiate service and begin enrollment; (iii) a
22 statement that the consumer shall review the contract
23 or contact the current supplier to learn if any early
24 termination fees are applicable; and (iv) an email
25 address and toll-free phone number of the alternative
26 retail electric supplier where the customer can

1 express a decision to rescind the contract.

2 (7) (A) Beginning January 1, 2020, an alternative
3 retail electric supplier shall not sell or offer to sell
4 any products or services to a consumer pursuant to a
5 contract in which the contract automatically renews,
6 unless an alternative retail electric supplier provides to
7 the consumer at the outset of the offer, in addition to
8 other disclosures required by law, a separate written
9 statement titled "Automatic Contract Renewal" that clearly
10 and conspicuously discloses in bold lettering in at least
11 12-point font the terms and conditions of the automatic
12 contract renewal provision, including: (i) the estimated
13 bill cycle on which the initial contract term expires and
14 a statement that it could be later based on when the
15 utility accepts the initial enrollment; (ii) the estimated
16 bill cycle on which the new contract term begins and a
17 statement that it will immediately follow the last billing
18 cycle of the current term; (iii) the procedure to
19 terminate the contract before the new contract term
20 applies; and (iv) the cancellation procedure. If the
21 alternative retail electric supplier sells or offers to
22 sell the products or services to a consumer during an
23 in-person solicitation or telemarketing solicitation, the
24 disclosures described in this subparagraph (A) shall also
25 be made to the consumer verbally during the solicitation.
26 Nothing in this subparagraph (A) shall be construed to

1 apply to contracts entered into before January 1, 2020.

2 (B) At least 30 days before, but not more than 60
3 days prior, to the end of the initial contract term, in
4 any and all contracts that automatically renew after
5 the initial term, the alternative retail electric
6 supplier shall send, in addition to other disclosures
7 required by law, a separate written notice of the
8 contract renewal to the consumer that clearly and
9 conspicuously discloses the following:

10 (i) a statement printed or visible from the
11 outside of the envelope or in the subject line of
12 the email, if the customer has agreed to receive
13 official documents by email, that states "Contract
14 Renewal Notice";

15 (ii) a statement in bold lettering, in at
16 least 12-point font, that the contract will
17 automatically renew unless the customer cancels
18 it;

19 (iii) the billing cycle in which service under
20 the current term will expire;

21 (iv) the billing cycle in which service under
22 the new term will begin;

23 (v) the process and options available to the
24 consumer to reject the new contract terms;

25 (vi) the cancellation process if the
26 consumer's contract automatically renews before

1 the consumer rejects the new contract terms;

2 (vii) the terms and conditions of the new
3 contract term;

4 (viii) for a fixed rate contract, a
5 side-by-side comparison of the current price and
6 the new price; for a variable rate contract or
7 time-of-use product in which the first month's
8 renewal price can be determined, a side-by-side
9 comparison of the current price and the price for
10 the first month of the new variable or time-of-use
11 price; or for a variable or time-of-use contract
12 based on a publicly available index, a
13 side-by-side comparison of the current formula and
14 the new formula; and

15 (ix) the phone number and Internet ~~email~~
16 address to submit a consumer inquiry or complaint
17 to the Illinois Commerce Commission and the Office
18 of the Attorney General.

19 (C) An alternative retail electric supplier shall
20 not automatically renew a consumer's enrollment after
21 the current term of the contract expires when the
22 current term of the contract provides that the
23 consumer will be charged a fixed rate and the renewed
24 contract provides that the consumer will be charged a
25 variable rate, unless: (i) the alternative retail
26 electric supplier complies with subparagraphs (A) and

1 (B); and (ii) the customer expressly consents to the
2 contract renewal in writing or by electronic signature
3 at least 30 days, but no more than 60 days, before the
4 contract expires.

5 (D) This paragraph (7) does not apply to customers
6 enrolled in a municipal aggregation program pursuant
7 to Section 1-92 of the Illinois Power Agency Act.

8 (8) All in-person and telephone solicitations shall be
9 conducted in, translated into, and provided in a language
10 in which the consumer subject to the marketing or
11 solicitation is able to understand and communicate. An
12 alternative retail electric supplier shall terminate a
13 solicitation if the consumer subject to the marketing or
14 communication is unable to understand and communicate in
15 the language in which the marketing or solicitation is
16 being conducted. An alternative retail electric supplier
17 shall comply with Section 2N of this Act.

18 (9) Beginning January 1, 2020, consumers shall have
19 the right to terminate their contract with the alternative
20 retail electric supplier at any time without any
21 termination fees or penalties.

22 (10) An alternative retail electric supplier shall not
23 submit a change to a customer's electric service provider
24 in violation of Section 16-115E of the Public Utilities
25 Act.

26 (d) ~~(e)~~ Complaints may be filed with the Illinois Commerce

1 Commission under this Section by a consumer whose electric
2 service has been provided by an alternative retail electric
3 supplier in a manner not in compliance with this Section or by
4 the Illinois Commerce Commission on its own motion when it
5 appears to the Commission that an alternative retail electric
6 supplier has provided service in a manner not in compliance
7 with this Section. If, after notice and hearing, the
8 Commission finds that an alternative retail electric supplier
9 has violated this Section, the Commission may in its
10 discretion do any one or more of the following:

11 (1) Require the violating alternative retail electric
12 supplier to refund to the consumer charges collected in
13 excess of those that would have been charged by the
14 consumer's authorized electric service provider.

15 (2) Require the violating alternative retail electric
16 supplier to pay to the consumer's authorized electric
17 service provider the amount the authorized electric
18 service provider would have collected for the electric
19 service. The Commission is authorized to reduce this
20 payment by any amount already paid by the violating
21 alternative retail electric supplier to the consumer's
22 authorized provider for electric service.

23 (3) Require the violating alternative retail electric
24 supplier to pay a fine of up to \$10,000 ~~\$1,000~~ into the
25 Public Utility Fund for each ~~repeated and intentional~~
26 violation of this Section.

1 (4) Issue a cease and desist order.

2 (5) For a pattern of violation of this Section or for
3 violations that continue after ~~intentionally violating~~ a
4 cease and desist order, revoke the violating alternative
5 retail electric supplier's certificate of service
6 authority.

7 (e) ~~(d)~~ For purposes of this Section:

8 "Electric service provider" shall have the meaning given
9 that phrase in Section 6.5 of the Attorney General Act.

10 "Alternative retail electric supplier" has the meaning
11 given to that term in Section 16-102 of the Public Utilities
12 Act.

13 (Source: P.A. 101-590, eff. 1-1-20.)

14 (815 ILCS 505/2DDD)

15 Sec. 2DDD. Alternative gas suppliers.

16 (a) Definitions.

17 (1) "Alternative gas supplier" has the same meaning as
18 in Section 19-105 of the Public Utilities Act.

19 (2) "Gas utility" has the same meaning as in Section
20 19-105 of the Public Utilities Act.

21 (b) It is an unfair or deceptive act or practice within the
22 meaning of Section 2 of this Act for any person to violate any
23 provision of this Section.

24 (c) Solicitation.

25 (1) An alternative gas supplier shall not utilize the

1 name of a public utility in any manner that is deceptive or
2 misleading, including, but not limited to, implying or
3 otherwise leading a customer to believe that an
4 alternative gas supplier is soliciting on behalf of or is
5 an agent of a utility. An alternative gas supplier shall
6 not utilize the name, or any other identifying insignia,
7 graphics, or wording, that has been used at any time to
8 represent a public utility company or its services or to
9 identify, label, or define any of its natural gas supply
10 offers and shall not misrepresent the affiliation of any
11 alternative supplier with the gas utility, governmental
12 bodies, or consumer groups.

13 (2) If any sales solicitation, agreement, contract, or
14 verification is translated into another language and
15 provided to a customer, all of the documents must be
16 provided to the customer in that other language.

17 (2.3) An alternative gas supplier shall state that it
18 represents an independent seller of gas certified by the
19 Illinois Commerce Commission and that he or she is not
20 employed by, representing, endorsed by, or acting on
21 behalf of a utility, or a utility program.

22 (2.5) All in-person and telephone solicitations shall
23 be conducted in, translated into, and provided in a
24 language in which the consumer subject to the marketing or
25 solicitation is able to understand and communicate. An
26 alternative gas supplier shall terminate a solicitation if

1 the consumer subject to the marketing or communication is
2 unable to understand and communicate in the language in
3 which the marketing or solicitation is being conducted. An
4 alternative gas supplier shall comply with Section 2N of
5 this Act.

6 (3) An alternative gas supplier shall clearly and
7 conspicuously disclose the following information to all
8 customers:

9 (A) the prices, terms, and conditions of the
10 products and services being sold to the customer;

11 (B) where the solicitation occurs in person,
12 including through door-to-door solicitation, the
13 salesperson's name;

14 (C) the alternative gas supplier's contact
15 information, including the address, phone number, and
16 website;

17 (D) contact information for the Illinois Commerce
18 Commission, including the toll-free number for
19 consumer complaints and website;

20 (E) a statement of the customer's right to rescind
21 the offer within 10 business days of the date on the
22 utility's notice confirming the customer's decision to
23 switch suppliers, as well as phone numbers for the
24 supplier and utility that the consumer may use to
25 rescind the contract;

26 (F) the amount of the early termination fee, if

1 any; and

2 (G) the utility gas supply cost rates per therm
3 price available from the Illinois Commerce Commission
4 website applicable at the time the alternative gas
5 supplier is offering or selling the products or
6 services to the customer and shall disclose the
7 following statement:

8 "(Name of the alternative gas supplier) is not the
9 same entity as your gas delivery company. You are not
10 required to enroll with (name of alternative retail
11 gas supplier). Beginning on (effective date), the
12 utility gas supply cost rate per therm is (cost). The
13 utility gas supply cost will expire on (expiration
14 date). For more information go to the Illinois
15 Commerce Commission's free website at
16 www.icc.illinois.gov/ags/consumereducation.aspx."

17 (4) Except as provided in paragraph (5) of this
18 subsection (c), an alternative gas supplier shall send the
19 information described in paragraph (3) of this subsection
20 (c) to all customers within one business day of the
21 authorization of a switch.

22 (5) An alternative gas supplier engaging in
23 door-to-door solicitation of consumers shall provide the
24 information described in paragraph (3) of this subsection
25 (c) during all door-to-door solicitations that result in a
26 customer deciding to switch his or her supplier.

1 (d) Customer Authorization. An alternative gas supplier
2 shall not submit or execute a change in a customer's selection
3 of a natural gas provider unless and until: (i) the
4 alternative gas supplier first discloses all material terms
5 and conditions of the offer to the customer; (ii) the
6 alternative gas supplier has obtained the customer's express
7 agreement to accept the offer after the disclosure of all
8 material terms and conditions of the offer; and (iii) the
9 alternative gas supplier has confirmed the request for a
10 change in accordance with one of the following procedures:

11 (1) The alternative gas supplier has obtained the
12 customer's written or electronically signed authorization
13 in a form that meets the following requirements:

14 (A) An alternative gas supplier shall obtain any
15 necessary written or electronically signed
16 authorization from a customer for a change in natural
17 gas service by using a letter of agency as specified in
18 this Section. Any letter of agency that does not
19 conform with this Section is invalid.

20 (B) The letter of agency shall be a separate
21 document (or an easily separable document containing
22 only the authorization language described in item (E)
23 of this paragraph (1)) whose sole purpose is to
24 authorize a natural gas provider change. The letter of
25 agency must be signed and dated by the customer
26 requesting the natural gas provider change.

1 (C) The letter of agency shall not be combined
2 with inducements of any kind on the same document.

3 (D) Notwithstanding items (A) and (B) of this
4 paragraph (1), the letter of agency may be combined
5 with checks that contain only the required letter of
6 agency language prescribed in item (E) of this
7 paragraph (1) and the necessary information to make
8 the check a negotiable instrument. The letter of
9 agency check shall not contain any promotional
10 language or material. The letter of agency check shall
11 contain in easily readable, bold face type on the face
12 of the check, a notice that the consumer is
13 authorizing a natural gas provider change by signing
14 the check. The letter of agency language also shall be
15 placed near the signature line on the back of the
16 check.

17 (E) At a minimum, the letter of agency must be
18 printed with a print of sufficient size to be clearly
19 legible, and must contain clear and unambiguous
20 language that confirms:

21 (i) the customer's billing name and address;

22 (ii) the decision to change the natural gas
23 provider from the current provider to the
24 prospective alternative gas supplier;

25 (iii) the terms, conditions, and nature of the
26 service to be provided to the customer, including,

1 but not limited to, the rates for the service
2 contracted for by the customer; and

3 (iv) that the customer understands that any
4 natural gas provider selection the customer
5 chooses may involve a charge to the customer for
6 changing the customer's natural gas provider.

7 (F) Letters of agency shall not suggest or require
8 that a customer take some action in order to retain the
9 customer's current natural gas provider.

10 (G) If any portion of a letter of agency is
11 translated into another language, then all portions of
12 the letter of agency must be translated into that
13 language.

14 (2) An appropriately qualified independent third party
15 has obtained, in accordance with the procedures set forth
16 in this paragraph (2), the customer's oral authorization
17 to change natural gas providers that confirms and includes
18 appropriate verification data. The independent third party
19 must: (i) not be owned, managed, controlled, or directed
20 by the alternative gas supplier or the alternative gas
21 supplier's marketing agent; (ii) not have any financial
22 incentive to confirm provider change requests for the
23 alternative gas supplier or the alternative gas supplier's
24 marketing agent; and (iii) operate in a location
25 physically separate from the alternative gas supplier or
26 the alternative gas supplier's marketing agent. Automated

1 third-party verification systems and 3-way conference
2 calls may be used for verification purposes so long as the
3 other requirements of this paragraph (2) are satisfied. An
4 alternative gas supplier or alternative gas supplier's
5 sales representative initiating a 3-way conference call or
6 a call through an automated verification system must drop
7 off the call once the 3-way connection has been
8 established. All third-party verification methods shall
9 elicit, at a minimum, the following information:

10 (A) the identity of the customer;

11 (B) confirmation that the person on the call is
12 authorized to make the provider change;

13 (C) confirmation that the person on the call wants
14 to make the provider change;

15 (D) the names of the providers affected by the
16 change;

17 (E) the service address of the service to be
18 switched; and

19 (F) the price of the service to be provided and the
20 material terms and conditions of the service being
21 offered, including whether any early termination fees
22 apply.

23 Third-party verifiers may not market the alternative
24 gas supplier's services. All third-party verifications
25 shall be conducted in the same language that was used in
26 the underlying sales transaction and shall be recorded in

1 their entirety. Submitting alternative gas suppliers shall
2 maintain and preserve audio records of verification of
3 customer authorization for a minimum period of 2 years
4 after obtaining the verification. Automated systems must
5 provide customers with an option to speak with a live
6 person at any time during the call. Each disclosure made
7 during the third-party verification must be made
8 individually to obtain clear acknowledgment of each
9 disclosure. The alternative gas supplier must be in a
10 location where he or she cannot hear the customer while
11 the third-party verification is conducted. The alternative
12 gas supplier shall not contact the customer after the
13 third-party verification for a period of 24 hours unless
14 the customer initiates the contact.

15 (3) The alternative gas supplier has obtained the
16 customer's electronic authorization to change natural gas
17 service via telephone. Such authorization must elicit the
18 information in subparagraphs (A) through (F) of paragraph
19 (2) of this subsection (d). Alternative gas suppliers
20 electing to confirm sales electronically shall establish
21 one or more toll-free telephone numbers exclusively for
22 that purpose. Calls to the number or numbers shall connect
23 a customer to a voice response unit, or similar mechanism,
24 that makes a date-stamped, time-stamped recording of the
25 required information regarding the alternative gas
26 supplier change.

1 The alternative gas supplier shall not use such
2 electronic authorization systems to market its services.

3 (4) When a consumer initiates the call to the
4 prospective alternative gas supplier, in order to enroll
5 the consumer as a customer, the prospective alternative
6 gas supplier must, with the consent of the customer, make
7 a date-stamped, time-stamped audio recording that elicits,
8 at a minimum, the following information:

9 (A) the identity of the customer;

10 (B) confirmation that the person on the call is
11 authorized to make the provider change;

12 (C) confirmation that the person on the call wants
13 to make the provider change;

14 (D) the names of the providers affected by the
15 change;

16 (E) the service address of the service to be
17 switched; and

18 (F) the price of the service to be supplied and the
19 material terms and conditions of the service being
20 offered, including whether any early termination fees
21 apply.

22 Submitting alternative gas suppliers shall maintain
23 and preserve the audio records containing the information
24 set forth above for a minimum period of 2 years.

25 (5) In the event that a customer enrolls for service
26 from an alternative gas supplier via an Internet website,

1 the alternative gas supplier shall obtain an
2 electronically signed letter of agency in accordance with
3 paragraph (1) of this subsection (d) and any customer
4 information shall be protected in accordance with all
5 applicable statutes and rules. In addition, an alternative
6 gas supplier shall provide the following when marketing
7 via an Internet website:

8 (A) The Internet enrollment website shall, at a
9 minimum, include:

10 (i) a copy of the alternative gas supplier's
11 customer contract, which clearly and conspicuously
12 discloses all terms and conditions; and

13 (ii) a conspicuous prompt for the customer to
14 print or save a copy of the contract.

15 (B) Any electronic version of the contract shall
16 be identified by version number, in order to ensure
17 the ability to verify the particular contract to which
18 the customer assents.

19 (C) Throughout the duration of the alternative gas
20 supplier's contract with a customer, the alternative
21 gas supplier shall retain and, within 3 business days
22 of the customer's request, provide to the customer an
23 email ~~e-mail~~, paper, or facsimile of the terms and
24 conditions of the numbered contract version to which
25 the customer assents.

26 (D) The alternative gas supplier shall provide a

1 mechanism by which both the submission and receipt of
2 the electronic letter of agency are recorded by time
3 and date.

4 (E) After the customer completes the electronic
5 letter of agency, the alternative gas supplier shall
6 disclose conspicuously through its website that the
7 customer has been enrolled and the alternative gas
8 supplier shall provide the customer an enrollment
9 confirmation number.

10 (6) When a customer is solicited in person by the
11 alternative gas supplier's sales agent, the alternative
12 gas supplier may only obtain the customer's authorization
13 to change natural gas service through the method provided
14 for in paragraph (2) of this subsection (d).

15 Alternative gas suppliers must be in compliance with the
16 provisions of this subsection (d) within 90 days after April
17 10, 2009 (the effective date of Public Act 95-1051).

18 (e) Early Termination.

19 (1) Beginning January 1, 2020, consumers shall have
20 the right to terminate their contract with an alternative
21 gas supplier at any time without any termination fees or
22 penalties.

23 (2) In any agreement that contains an early
24 termination clause, an alternative gas supplier shall
25 provide the customer the opportunity to terminate the
26 agreement without any termination fee or penalty within 10

1 business days after the date of the first bill issued to
2 the customer for products or services provided by the
3 alternative gas supplier. The agreement shall disclose the
4 opportunity and provide a toll-free phone number that the
5 customer may call in order to terminate the agreement.

6 (f) The alternative gas supplier shall provide each
7 customer the opportunity to rescind its agreement without
8 penalty within 10 business days after the date on the gas
9 utility notice to the customer. The alternative gas supplier
10 shall disclose to the customer all of the following:

11 (1) that the gas utility shall send a notice
12 confirming the switch;

13 (2) that from the date the utility issues the notice
14 confirming the switch, the customer shall have 10 business
15 days before the switch will become effective;

16 (3) that the customer may contact the gas utility or
17 the alternative gas supplier to rescind the switch within
18 10 business days; and

19 (4) the contact information for the gas utility and
20 the alternative gas supplier.

21 The alternative gas supplier disclosure shall be included
22 in its sales solicitations, contracts, and all applicable
23 sales verification scripts.

24 (f-5)(1) Beginning January 1, 2020, an alternative gas
25 supplier shall not sell or offer to sell any products or
26 services to a consumer pursuant to a contract in which the

1 contract automatically renews, unless an alternative gas
2 supplier provides to the consumer at the outset of the offer,
3 in addition to other disclosures required by law, a separate
4 written statement titled "Automatic Contract Renewal" that
5 clearly and conspicuously discloses in bold lettering in at
6 least 12-point font the terms and conditions of the automatic
7 contract renewal provision, including: (i) the estimated bill
8 cycle on which the initial contract term expires and a
9 statement that it could be later based on when the utility
10 accepts the initial enrollment; (ii) the estimated bill cycle
11 on which the new contract term begins and a statement that it
12 will immediately follow the last billing cycle of the current
13 term; (iii) the procedure to terminate the contract before the
14 new contract term applies; and (iv) the cancellation
15 procedure. If the alternative gas supplier sells or offers to
16 sell the products or services to a consumer during an
17 in-person solicitation or telemarketing solicitation, the
18 disclosures described in this paragraph (1) shall also be made
19 to the consumer verbally during the solicitation. Nothing in
20 this paragraph (1) shall be construed to apply to contracts
21 entered into before January 1, 2020.

22 (2) At least 30 days before, but not more than 60 days
23 prior, to the end of the initial contract term, in any and all
24 contracts that automatically renew after the initial term, the
25 alternative gas supplier shall send, in addition to other
26 disclosures required by law, a separate written notice of the

1 contract renewal to the consumer that clearly and
2 conspicuously discloses the following:

3 (A) a statement printed or visible from the outside of
4 the envelope or in the subject line of the email, if the
5 customer has agreed to receive official documents by
6 email, that states "Contract Renewal Notice";

7 (B) a statement in bold lettering, in at least
8 12-point font, that the contract will automatically renew
9 unless the customer cancels it;

10 (C) the billing cycle in which service under the
11 current term will expire;

12 (D) the billing cycle in which service under the new
13 term will begin;

14 (E) the process and options available to the consumer
15 to reject the new contract terms;

16 (F) the cancellation process if the consumer's
17 contract automatically renews before the consumer rejects
18 the new contract terms;

19 (G) the terms and conditions of the new contract term;

20 (H) for a fixed rate or flat bill contract, a
21 side-by-side comparison of the current fixed rate or flat
22 bill to the new fixed rate or flat bill; for a variable
23 rate contract or time-of-use product in which the first
24 month's renewal price can be determined, a side-by-side
25 comparison of the current price and the price for the
26 first month of the new variable or time-of-use price; or

1 for a variable or time-of-use contract based on a publicly
2 available index, a side-by-side comparison of the current
3 formula and the new formula; and

4 (I) the phone number and Internet ~~email~~ address to
5 submit a consumer inquiry or complaint to the Illinois
6 Commerce Commission and the Office of the Attorney
7 General.

8 (3) An alternative gas supplier shall not automatically
9 renew a consumer's enrollment after the current term of the
10 contract expires when the current term of the contract
11 provides that the consumer will be charged a fixed rate and the
12 renewed contract provides that the consumer will be charged a
13 variable rate, unless: (i) the alternative gas supplier
14 complies with paragraphs (1) and (2); and (ii) the customer
15 expressly consents to the contract renewal in writing or by
16 electronic signature at least 30 days, but no more than 60
17 days, before the contract expires.

18 (4) An alternative gas supplier shall not submit a change
19 to a customer's gas service provider in violation of Section
20 19-116 of the Public Utilities Act.

21 (g) The provisions of this Section shall apply only to
22 alternative gas suppliers serving or seeking to serve
23 residential and small commercial customers and only to the
24 extent such alternative gas suppliers provide services to
25 residential and small commercial customers.

26 (h) Complaints may be filed with the Commission under this

1 Section by a consumer whose gas service has been provided by an
2 alternative retail gas supplier in a manner not in compliance
3 with this Section or by the Commission on its own motion when
4 it appears to the Commission that an alternative retail gas
5 supplier has provided service in a manner not in compliance
6 with this Section. If, after notice and hearing, the
7 Commission finds that an alternative retail gas supplier has
8 violated this Section, the Commission may in its discretion do
9 any one or more of the following:

10 (1) require the alternative retail gas supplier to
11 refund to the consumer charges collected in excess of
12 those that would have been charged by the consumer's
13 authorized gas service provider;

14 (2) require the alternative retail gas supplier to pay
15 to the consumer's authorized gas service provider the
16 amount the authorized gas service provider would have
17 collected for the gas service. The Commission is
18 authorized to reduce this payment by any amount already
19 paid by the alternative retail gas to the consumer's
20 authorized provider for gas service;

21 (3) require the alternative retail electric supplier
22 to pay a fine of up to \$10,000 per occurrence into the
23 Public Utility Fund for each violation of this Section;

24 (4) issue a cease and desist order; and

25 (5) for a pattern of violation of this Section or for
26 violations that continue after a cease and desist order,

1 revoke the alternative retail gas supplier's certificate
2 of service authority.

3 (Source: P.A. 101-590, eff. 1-1-20; 102-558, eff. 8-20-21.)".