



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1879

Introduced 2/9/2023, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

See Index

Amends the Public Utilities Act. Provides that if an alternative retail electric supplier warrants to an electric utility serving more than 500,000 retail customers that the alternative retail electric supplier's customer has provided consent to access interval data, then, until either the customer contacts the alternative retail electric supplier to opt out or the customer is no longer served by the alternative retail electric supplier, an electric utility serving more than 500,000 retail customers shall electronically transmit interval meter usage data for each residential retail customer that meets certain requirements. Provides that an electric utility shall submit tariffs to the Illinois Commerce Commission for approval within 120 days after the effective date of the amendatory Act to meet the requirements and provide such services no later than June 1, 2024. Provides that an alternative retail electric supplier shall not sell interval data and allows an alternative retail supplier to license or disclose interval data under specified conditions. Provides that no costs incurred by an electric utility to provide data or services shall be paid by ratepayers. Makes other changes. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that before an alternative retail electric supplier may warrant that it has a residential customer or small commercial retail customer's express agreement to access interval data, it must make specified disclosures and obtain consent to access the interval data. Provides that an alternative retail electric supplier may refuse to enroll or disenroll a residential customer or small commercial retail customer in a product or service if the residential customer or small commercial retail customer does not provide or revokes consent. Provides that an alternative retail electric supplier shall not warrant that it has a non-residential customer's (other than a small commercial retail customer's) consent to access interval meter usage data unless the contract between the alternative retail electric supplier and the customer explicitly provides the alternative retail electric supplier with permission to access the customer's interval meter usage data. Effective immediately.

LRB103 25115 AMQ 51452 b

1 AN ACT concerning utilities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing
5 Section 16-122 as follows:

6 (220 ILCS 5/16-122)

7 Sec. 16-122. Customer information.

8 (a) Upon the request of a retail customer, or a person who
9 presents verifiable authorization and is acting as the
10 customer's agent, and payment of a reasonable fee, electric
11 utilities shall provide to the customer or its authorized
12 agent the customer's billing and usage data.

13 (b) Upon request from any alternative retail electric
14 supplier and payment of a reasonable fee, an electric utility
15 serving retail customers in its service area shall make
16 available generic information concerning the usage, load shape
17 curve or other general characteristics of customers by rate
18 classification. Provided however, no customer specific
19 billing, usage or load shape data shall be provided under this
20 subsection unless authorization to provide such information is
21 provided by the customer pursuant to subsection (a) of this
22 Section.

23 Notwithstanding the requirements of this Section, if an

1 alternative retail electric supplier warrants to an electric
2 utility serving more than 500,000 retail customers that the
3 alternative retail electric supplier's customer has provided
4 consent as described in subsection (e) of Section 2EE of the
5 Consumer Fraud and Deceptive Business Practices Act, then
6 until either the customer contacts the alternative retail
7 electric supplier to opt out or the customer is no longer
8 served by the alternative retail electric supplier:

9 (1) An electric utility serving more than 500,000
10 retail customers shall electronically transmit interval
11 meter usage data at the end of each monthly billing period
12 for each residential retail customer for which the
13 alternative retail electric supplier is providing electric
14 power and energy supply service, for which the alternative
15 retail electric supplier has requested such information,
16 and for which the electric utility meters the residential
17 customer using automated metering infrastructure
18 equipment. Such data transmission shall occur no later
19 than one business day after the electric utility serving
20 more than 500,000 retail customers validates the interval
21 meter usage data with the monthly billing period for such
22 residential retail customer through an electronic data
23 interchange or secure interface for which the alternative
24 retail electric supplier has requested such information
25 and upon payment of a reasonable and amortized fee, if
26 necessary, to recover the utility's prudently and

1 reasonably incurred costs, approved by the Commission
2 after notice and hearing, to provide this service. The
3 interval meter usage data shall be provided at a minimum
4 on an hourly basis or on a 30-minute or 15-minute basis if
5 available. In addition, not later than the following day,
6 the electric utility shall provide unverified interval
7 data through an electronic data interchange or secure
8 interface for which the alternative retail electric
9 supplier has requested such information and upon payment
10 of a reasonable and amortized fee, if necessary, to
11 recover the utility's prudently and reasonably incurred
12 costs, approved by the Commission after notice and
13 hearing, to provide this service. The unverified interval
14 meter usage data shall be provided at a minimum on an
15 hourly basis, or on a 30-minute or 15-minute basis if
16 available. The same processes shall apply for
17 nonresidential retail customers.

18 (2) An electric utility serving more than 500,000
19 retail customers shall submit tariffs to the Commission
20 for approval within 120 days of the effective date of this
21 amendatory Act of the 103rd General Assembly, if
22 necessary, to meet the minimum requirements of paragraph
23 (1) and provide such services no later than June 1, 2024.

24 (3) Nothing in this amendatory Act of the 103rd
25 General Assembly prohibits such utility from time to time
26 proposing new tariffs pursuant to Article IX to the extent

1 such tariffs are consistent with the requirements of this
2 amendatory Act of the 103rd General Assembly. Nothing in
3 this amendatory Act of the 103rd General Assembly shall
4 require such electric utility to alter its tariffs or
5 practices to the extent that they: (i) provide interval
6 data with shorter intervals; (ii) provide interval data
7 more frequently than monthly; or (iii) provide other
8 enhancements beyond the minimum standards required by
9 paragraph (1).

10 (4) An alternative retail electric supplier shall use
11 such interval meter usage data for the development,
12 marketing, and provision of current and future products
13 and services to enable such customers to more easily and
14 effectively manage their energy consumption, including,
15 but not limited to, time-of-use pricing, demand response,
16 energy efficiency or management, beneficial
17 electrification, on-site or community generation, or any
18 other electricity-related products or services or as
19 otherwise authorized by the Commission.

20 (5) An alternative retail electric supplier shall not
21 sell interval data obtained under this Section. An
22 alternative retail electric supplier shall not provide,
23 share, or otherwise disclose a consumer's interval meter
24 data obtained under this Section, except an alternative
25 retail electric supplier may license or disclose a
26 customer's interval meter data obtained under this Section

1 if the following conditions are met: (i) the license or
2 disclosure is made to an alternative retail electric
3 supplier's affiliate or a third party with which the
4 alternative retail electric supplier has a contract; (ii)
5 the disclosure of a customer's interval meter data is made
6 only to perform the following functions on behalf of the
7 alternative retail electric supplier: billing and
8 invoicing, administration of the product or service
9 provided to the customer, or pricing products and services
10 for the customer; (iii) the alternative retail electric
11 supplier maintains responsibility for ensuring that its
12 affiliates or contracted third parties do not disclose,
13 license, sell to any other party, or otherwise misuse
14 customer interval data, including marketing to or
15 solicitation of a specific customer, obtained under this
16 Section; and (iv) the alternative retail electric supplier
17 maintains responsibility for ensuring that its affiliates
18 and contracted third parties purge such data upon
19 termination of their contract, ownership, affiliation, or
20 license or other agreement, or to the extent that the
21 customer interval data is no longer necessary for the
22 affiliate or contracted third party to perform the
23 function for which the customer interval data was
24 provided. An alternative retail electric supplier may not
25 provide a customer's interval meter data obtained under
26 this Section to a sales agent, broker, or consultant for

1 the purpose of marketing to that specific customer.

2 (6) Nothing in this Section prohibits an electric
3 utility serving more than 500,000 retail customers from
4 providing interval metering data to an alternative retail
5 electric supplier as otherwise authorized by law or order
6 of the Commission.

7 (7) No costs incurred by an electric utility to
8 provide data or services, including any and all data or
9 services provided or proposed under paragraphs (1) through
10 (3), or otherwise authorized by this Section or by this
11 amendatory Act of the 103rd General Assembly, shall be
12 paid by ratepayers. An electric utility may file a tariff
13 governing the provision of such information. Such fee
14 shall be approved by the Commission after notice and
15 hearing to recover the utility's prudently and reasonably
16 incurred and amortized costs to provide such service. The
17 tariff shall include an annual fee, paid by all
18 alternative retail electric suppliers, and the fee shall
19 be based upon a reasonable estimate of ongoing costs
20 expected to be incurred to provide the interval metering
21 data to alternative retail electric suppliers.

22 (c) Upon request from a unit of local government and
23 payment of a reasonable fee, an electric utility shall make
24 available information concerning the usage, load shape curves,
25 and other characteristics of customers by customer
26 classification and location within the boundaries of the unit

1 of local government, however, no customer specific billing,
2 usage, or load shape data shall be provided under this
3 subsection unless authorization to provide that information is
4 provided by the customer.

5 (d) All such customer information shall be made available
6 in a timely fashion in an electronic format, if available.

7 (Source: P.A. 92-585, eff. 6-26-02.)

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

10 (815 ILCS 505/2EE)

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

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

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

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

1 applicable at the time the offer is made to the consumer;

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

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

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

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

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

1 (v) the alternative retail electric supplier has
2 confirmed the request for a change in accordance with one
3 of the following procedures:

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

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

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

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

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

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

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

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

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

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

1 the service contracted for by the consumer;
2 and

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

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

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

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

1 separate from the supplier or the supplier's marketing
2 agent.

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

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

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

1 procedures to block or otherwise freeze an account
2 against further changes.

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

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

1 minimum, the following information:

2 (1) the identity of the customer;

3 (2) confirmation that the person on the call
4 is authorized to make the supplier change;

5 (3) confirmation that the person on the call
6 wants to make the supplier change;

7 (4) the names of the suppliers affected by the
8 change;

9 (5) the service address of the supply to be
10 switched; and

11 (6) the price of the service to be supplied
12 and the material terms and conditions of the
13 service being offered, including whether any early
14 termination fees apply.

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

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

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

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

23 (c) An alternative retail electric supplier shall not
24 submit or execute a change in a consumer's selection of a
25 provider of electric service unless the alternative retail
26 electric supplier complies with the following requirements of

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

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

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

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

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

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

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

1 least 2 minutes, shall be retained for a minimum of 6
2 months. The alternative retail electric supplier shall
3 send the Uniform Disclosure Statement and contract to the
4 customer within 3 business days after the electric
5 utility's confirmation to the alternative retail electric
6 supplier of an accepted enrollment.

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

20 (6) Online Solicitation.

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

1 electric utility service territory, or type of service
2 sought.

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

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

1 retail electric supplier where the customer can
2 express a decision to rescind the contract.

3 (7) (A) Beginning January 1, 2020, an alternative
4 retail electric supplier shall not sell or offer to sell
5 any products or services to a consumer pursuant to a
6 contract in which the contract automatically renews,
7 unless an alternative retail electric supplier provides to
8 the consumer at the outset of the offer, in addition to
9 other disclosures required by law, a separate written
10 statement titled "Automatic Contract Renewal" that clearly
11 and conspicuously discloses in bold lettering in at least
12 12-point font the terms and conditions of the automatic
13 contract renewal provision, including: (i) the estimated
14 bill cycle on which the initial contract term expires and
15 a statement that it could be later based on when the
16 utility accepts the initial enrollment; (ii) the estimated
17 bill cycle on which the new contract term begins and a
18 statement that it will immediately follow the last billing
19 cycle of the current term; (iii) the procedure to
20 terminate the contract before the new contract term
21 applies; and (iv) the cancellation procedure. If the
22 alternative retail electric supplier sells or offers to
23 sell the products or services to a consumer during an
24 in-person solicitation or telemarketing solicitation, the
25 disclosures described in this subparagraph (A) shall also
26 be made to the consumer verbally during the solicitation.

1 Nothing in this subparagraph (A) shall be construed to
2 apply to contracts entered into before January 1, 2020.

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

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

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

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

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

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

26 (vi) the cancellation process if the

1 consumer's contract automatically renews before
2 the consumer rejects the new contract terms;

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

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

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

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

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

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

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

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

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

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

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

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

24 (3) Require the violating alternative retail electric
25 supplier to pay a fine of up to \$10,000 into the Public
26 Utility Fund for each 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 a cease and desist order,
4 revoke the violating alternative retail electric
5 supplier's certificate of service authority.

6 (e) For purposes of this Section:

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

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

12 (e) (1) Before an alternative retail electric supplier may
13 warrant that it has a residential customer or small commercial
14 retail customer's express consent agreement to access interval
15 data pursuant to subsection (b) of Section 16-122 of the
16 Public Utilities Act, the alternative retail electric supplier
17 shall: (i) disclose to the consumer at the outset of the offer
18 that the alternative retail electric supplier will access the
19 consumer's interval data from the consumer's utility with the
20 consumer's express agreement, and the consumer's option to
21 refuse to provide express agreement to access the consumer's
22 interval data; and (ii) obtain the consumer's express
23 agreement for the alternative retail electric supplier to
24 access the consumer's interval data from the consumer's
25 utility in a separate letter of agency, a distinct response to
26 a third-party verification, or during a recorded enrollment

1 initiated by the consumer with the consumer's consent. The
2 disclosure by the alternative retail electric supplier to the
3 consumer in this Section shall be conducted in, translated
4 into, and provided in a language in which the consumer subject
5 to the disclosure is able to understand and communicate.

6 (2) Before an alternative retail electric supplier may
7 warrant to an electric utility that it has an express
8 agreement from a residential customer or small commercial
9 retail customer who was enrolled with the alternative retail
10 electric supplier prior to the effective date of this
11 amendatory Act of the 103rd General Assembly to access the
12 consumer's interval data pursuant to subsection (b) of Section
13 16-122 of the Public Utilities Act, an alternative retail
14 electric supplier shall: (i) disclose to the consumer that the
15 alternative retail electric supplier will access the
16 consumer's interval data from the consumer's utility with the
17 consumer's express agreement, which is a material change to
18 the consumer's existing contract terms, and the consumer's
19 option to refuse to provide express agreement to access the
20 consumer's interval data; and (ii) obtain the consumer's
21 express agreement for the alternative retail electric supplier
22 to change the consumer's material contract terms to access the
23 consumer's interval data from the consumer's utility in a
24 separate letter of agency, a distinct response to a
25 third-party verification, or during a recorded enrollment
26 initiated by the consumer with the consumer's consent. The

1 disclosure by the alternative retail electric supplier to the
2 consumer in this Section shall be conducted in, translated
3 into, and provided in a language in which the consumer subject
4 to the disclosure is able to understand and communicate.

5 (3) An alternative retail electric supplier may refuse to
6 enroll or may disenroll a residential customer or small
7 commercial retail customer in a product or service pursuant to
8 paragraph (4) of subsection (b) of Section 16-122 of the
9 Public Utilities Act if the residential customer or small
10 commercial retail customer does not provide or revokes consent
11 under this subsection.

12 (4) An alternative retail electric supplier shall not
13 warrant that it has a non-residential customer's, other than a
14 small commercial retail customer, consent to access interval
15 data pursuant to subsection (b) of Section 16-122 of the
16 Public Utilities Act unless the contract between the
17 alternative retail electric supplier and the customer
18 explicitly provides the alternative retail electric supplier
19 with permission to access the customer's interval meter usage
20 data.

21 (Source: P.A. 101-590, eff. 1-1-20; 102-958, eff. 1-1-23;
22 revised 12-13-22.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.

1

INDEX

2

Statutes amended in order of appearance

3

220 ILCS 5/16-122

4

815 ILCS 505/2EE