



Electric Utility Oversight Committee

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09500SB1366ham001

LRB095 10890 MJR 35946 a

1 AMENDMENT TO SENATE BILL 1366

2 AMENDMENT NO. _____. Amend Senate Bill 1366 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding
5 Section 16-115C as follows:

6 (220 ILCS 5/16-115C new)

7 Sec. 16-115C. Licensure of agents, brokers, and
8 consultants engaged in the procurement or sale of retail
9 electricity supply for third parties by the Commission.

10 (a) The purpose of this Section is to adopt licensing and
11 code of conduct rules in a competitive retail electricity
12 market to protect Illinois consumers from unfair or deceptive
13 acts or practices and to provide persons acting as agents,
14 brokers, and consultants engaged in the procurement or sale of
15 retail electricity supply for third parties with notice of the
16 illegality of those acts or practices.

1 (b) For purposes of this Section, "agents, brokers, and
2 consultants engaged in the procurement or sale of retail
3 electricity supply for third parties" means any person or
4 entity that attempts to procure on behalf of or sell retail
5 electric service to an electric customer in the State. "Agents,
6 brokers, and consultants engaged in the procurement or sale of
7 retail electricity supply for third parties" does not include
8 any entity licensed as an alternative retail electric supplier
9 pursuant to 83 Ill. Adm. Code 451 offering retail electric
10 service on its own behalf, any person acting exclusively on
11 behalf of a single alternative retail electric supplier on
12 condition that exclusivity is disclosed to any third party
13 contracted in such agent capacity, or any person or entity
14 representing a municipal power agency, as defined in Section
15 11-119.1-3 of the Illinois Municipal Code.

16 (c) No person or entity shall act as an agent, broker, or
17 consultant engaged in the procurement or sale of retail
18 electricity supply for third parties unless that person or
19 entity is licensed by the Commission under this Section or is
20 offering services on their own behalf under 83 Ill. Adm. Code
21 451.

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

26 (1) Technical competence.

1 (2) Managerial competence, including criminal
2 background checks and other indicia of honesty and
3 fair-dealing.

4 (3) Financial responsibility, including the posting of
5 an appropriate performance bond.

6 (4) Annual reporting requirements.

7 The license shall expire on April 30 of each year unless a
8 renewal order is issued by the Commission. The term of the
9 renewal shall be until the following April 30 or earlier as
10 determined by the Commission.

11 (e) Any person or entity required to be licensed under this
12 Section must:

13 (1) disclose to all persons it solicits the existence
14 of any contracts with retail electric suppliers or their
15 affiliates and the nature of those contract or contracts;

16 (2) provide to all persons it solicits a list of all
17 retail electric suppliers authorized to serve that person;
18 the list shall include all contact information per the
19 then-current list of suppliers on the Commission's
20 website;

21 (3) not hold itself out as independent or unaffiliated
22 with any supplier, or both, or use words reasonably
23 calculated to give that impression, unless the person
24 offering service under this Section has no contractual
25 relationship with any retail electricity supplier or its
26 affiliates;

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

4 (5) maintain copies of all marketing materials
5 disseminated to third parties for a period of not less than
6 3 years;

7 (6) not present electricity pricing information in a
8 manner that favors one supplier over another, unless a
9 valid pricing comparison is made utilizing all relevant
10 costs and terms; and

11 (7) comply with the requirements of Sections 2EE, 2FF,
12 2GG, and 2HH of the Consumer Fraud and Deceptive Business
13 Practices Act.

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

17 (1) A verified report detailing any and all contractual
18 relationships that it has with certified electricity
19 suppliers in the State.

20 (2) A verified report detailing the distribution of its
21 customers with the various certified electricity suppliers
22 during the prior calendar year.

23 (3) A copy of its audited financial statement.

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

1 (g) The Commission shall have exclusive jurisdiction over
2 all disciplinary proceedings and complaints for violations of
3 this Section. The findings of a violation of this Section by
4 the Commission shall result in a progressive disciplinary
5 scale. For a first violation, the Commission shall suspend the
6 license of the person so disciplined for a period of no less
7 than one month. For a second violation within a 5-year period,
8 the Commission shall suspend the license for the person so
9 disciplined for a period of not less than 6 months. For a third
10 or subsequent violation within a 5-year period, the Commission
11 shall suspend the license of the disciplined person for a
12 period of not less than 2 years.

13 (h) This Section shall not apply to a retail customer that
14 operates or manages either directly or indirectly any
15 facilities, equipment, or property used or contemplated to be
16 used to distribute electric power or energy if that retail
17 customer is a political subdivision or public institution of
18 higher education of this State, or any corporation, company,
19 limited liability company, association, joint-stock company or
20 association, firm, partnership, or individual, or their
21 lessees, trusts, or receivers appointed by any court whatsoever
22 that are owned or controlled by the political subdivision,
23 public institution of higher education, or operated by any of
24 its lessees or operating agents.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".