



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3701

Introduced 2/22/2021, by Rep. Kelly M. Burke

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/16-122  
815 ILCS 505/2EE

Amends the Public Utilities Act. Removes provisions requiring payment of reasonable fees for a customer, alternative retail electric supplier, or unit of local government to access specified information from an electric utility. Requires that each electric utility serving at least 100,000 customers that procures power to file a tariff with the Commission that modifies its current tariff to require all retail customer advanced metering infrastructure meter usage data used for electric power and energy supply service. Provides that the tariff shall provide for the utility to reconcile load serving entity wholesale settlement statements with any necessary regional transmission organization or independent system operator using actual customer meter data and also provide that such customer's validated interval meter usage data be provided the next calendar day for all retail customers enrolled with an alternative retail electric supplier according to the electric utility's records that have contractually authorized release of such data. Provides that an alternative retail electric supplier and its affiliates and contracted third parties shall use such interval meter usage data for the development, marketing, and provision of providing current and future products or services related to retail electric supply service. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that an alternative retail electric supplier shall not warrant or otherwise represent to an electric utility that the alternative retail electric supplier is authorized to access the interval data of a current or prospective residential or small commercial retail customer unless the alternative retail electric supplier has obtained authorization. Effective immediately.

LRB102 14742 SPS 20095 b

1 AN ACT concerning regulation.

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

4 Section 1. Findings.

5 (a) The General Assembly finds that retail electricity  
6 supply products and services that vary by the time of day when  
7 electricity is consumed benefits all energy customers by  
8 providing greater opportunities for decreasing peak demand,  
9 reducing the strain on utility distribution assets, promoting  
10 energy efficiency, providing timely energy information alerts  
11 (one day lag), and supporting clean energy resources thereby  
12 thus promoting the health, safety, and welfare of all citizens  
13 of the State of Illinois.

14 (b) The General Assembly finds that significant barriers  
15 to adoption of retail electricity time-variant supply products  
16 and services, such as time of use pricing, time relevant  
17 informational alerts, and demand response products, by  
18 alternative retail electric suppliers serving residential and  
19 small commercial customers exist under present law and that  
20 the Illinois Commerce Commission has held that access to  
21 customer interval meter usage data to accurately price  
22 products and provide services based upon customer specific and  
23 unique electricity usage patterns is most appropriately  
24 resolved by the General Assembly.

1           (c) The General Assembly finds that such advance metering  
2 infrastructure interval meter usage data can be utilized by  
3 alternative retail electric suppliers to develop product and  
4 service offerings to consumers that will provide consumers  
5 bill and usage alerts and a broader selection of specifically  
6 tailored renewable energy, energy efficiency, and vehicle  
7 electrification products that will further enhance the State's  
8 goals of moving toward a green economy.

9           (d) The General Assembly further finds that to enhance  
10 customer benefits of advanced metering infrastructure meter  
11 usage data and to facilitate alternative retail electric  
12 suppliers' ability to offer such products enabled by advanced  
13 metering infrastructure meters for the provision of  
14 competitive retail electric supply services certain  
15 modifications to existing utility tariffs relating to access  
16 to customer usage data are necessary in order for customers to  
17 have more frequent access to their monthly billing and daily  
18 real-time usage information to fully use the investments  
19 therein and to enable customers to more easily and effectively  
20 manage their energy consumption.

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

23           (220 ILCS 5/16-122)

24           Sec. 16-122. Customer information.

1           (a) Upon the request of a retail customer, or a person who  
2 presents verifiable authorization and is acting as the  
3 customer's agent, ~~and payment of a reasonable fee,~~ electric  
4 utilities shall provide to the customer or its authorized  
5 agent the customer's billing and usage data.

6           (b) Upon request from any alternative retail electric  
7 supplier ~~and payment of a reasonable fee,~~ an electric utility  
8 serving retail customers in its service area shall make  
9 available generic information concerning the usage, load shape  
10 curve or other general characteristics of customers by rate  
11 classification. Provided however, no customer specific  
12 billing, usage or load shape data shall be provided under this  
13 subsection unless authorization to provide such information is  
14 provided by the customer pursuant to subsection (a) of this  
15 Section or as otherwise authorized by this subsection (b).

16           Not later than 90 days after the effective date of this  
17 amendatory Act of the 102nd General Assembly, each electric  
18 utility serving at least 100,000 customers that procures power  
19 and energy pursuant to Section 16-111.5 of this Act shall file  
20 a tariff with the Commission that modifies its current tariff  
21 to require all retail customer advanced metering  
22 infrastructure meter usage data used for electric power and  
23 energy supply service, including billing, settlement, and  
24 capacity requirements by a regional transmission organization  
25 or independent system operator with said meter usage data in  
26 intervals as recorded by the advanced metering be provided as

1 the standard meter data to an alternative retail electric  
2 supplier upon express authorization by the customer of record.  
3 The tariff shall provide for the utility to reconcile load  
4 serving entity wholesale settlement statements with any  
5 necessary regional transmission organization or independent  
6 system operator using actual customer meter data. The tariff  
7 shall also provide that such customer's validated interval  
8 meter usage data of not less than 15-minute basis intervals be  
9 provided the next calendar day for all retail customers  
10 enrolled with an alternative retail electric supplier  
11 according to the electric utility's records that have  
12 contractually authorized release of such data. Any contractual  
13 term or contract authorizing such release must include  
14 instructions on how to contact the alternative retail electric  
15 supplier and electric utility to opt out of release of the data  
16 at any time. An alternative retail electric supplier and its  
17 affiliates and contracted third parties shall use such  
18 interval meter usage data for the development, marketing, and  
19 provision of providing current and future products or services  
20 related to retail electric supply service, including, but not  
21 limited to, onsite or community generation, energy efficiency  
22 or management, time of use pricing, demand response, vehicle  
23 electrification, or any other electricity-related products or  
24 services. An alternative retail electric supplier and its  
25 affiliates and contracted third parties shall be prohibited  
26 from selling, licensing, or disclosing such information to a

1 third party for any other purpose.

2 Such electric utility shall file a tariff in accordance  
3 with this subsection to provide an alternative retail electric  
4 supplier with 24 consecutive months of historical AMI interval  
5 data and 24 months of interval meter usage data for each of the  
6 following 24 monthly billing periods effective with the month  
7 the utility receives such request and upon authorization from  
8 the alternative retail electric supplier on behalf of its  
9 prospective customer that is not a customer of record. Such  
10 tariff shall also allow an alternative retail electric  
11 supplier, their affiliates, and contracted third parties,  
12 access to 12 months of historical interval meter usage data  
13 for new customers and daily access, in the normal course of  
14 business, to all existing retail customers of that alternative  
15 retail electric supplier, in bulk, using a web portal or  
16 comparable interface provided by the electric utility. An  
17 alternative retail electric supplier and its affiliates and  
18 contracted third parties shall use such data for the  
19 development, marketing, and provision of current and future  
20 products or services related to retail electric supply  
21 service, including, but not limited to, onsite or community  
22 generation, energy efficiency or management, time of use  
23 pricing, demand response, vehicle electrification, or any  
24 other electricity-related products or services. An alternative  
25 retail electric supplier and its affiliates and contracted  
26 third parties shall be prohibited from selling, licensing, or

1 disclosing such information to a third party for any other  
2 purpose.

3 Use of such interval meter usage data by an alternative  
4 retail electric supplier contrary to the purposes and  
5 provisions of this subsection shall constitute a violation of  
6 Section 16-115A of this Act.

7 (c) Upon request from a unit of local government ~~and~~  
8 ~~payment of a reasonable fee~~, an electric utility shall make  
9 available information concerning the usage, load shape curves,  
10 and other characteristics of customers by customer  
11 classification and location within the boundaries of the unit  
12 of local government, however, no customer specific billing,  
13 usage, or load shape data shall be provided under this  
14 subsection unless authorization to provide that information is  
15 provided by the customer.

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

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

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

21 (815 ILCS 505/2EE)

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

23 (a) An alternative retail electric supplier shall not  
24 submit or execute a change in a consumer's selection of a

1 provider of electric service unless and until:

2 (i) the alternative retail electric supplier first  
3 discloses all material terms and conditions of the offer  
4 to the consumer;

5 (ii) if the consumer is a small commercial retail  
6 customer as that term is defined in subsection (c) of this  
7 Section or a residential consumer, the alternative retail  
8 electric supplier discloses the utility electric supply  
9 price to compare, which shall be the sum of the electric  
10 supply charge and the transmission services charge, and  
11 shall not include the purchased electricity adjustment,  
12 applicable at the time the offer is made to the consumer;

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

17 "(Name of the alternative retail electric  
18 supplier) is not the same entity as your electric  
19 delivery company. You are not required to enroll with  
20 (name of alternative retail electric supplier). As of  
21 (effective date), the electric supply price to compare  
22 is currently (price in cents per kilowatt hour). The  
23 electric utility electric supply price will expire on  
24 (expiration date). The utility electric supply price  
25 to compare does not include the purchased electricity  
26 adjustment factor. For more information go to the



1 Illinois Commerce Commission's free website at  
2 www.pluginillinois.org.".

3 If applicable, the statement shall include the  
4 following statement:

5 "The purchased electricity adjustment factor may  
6 range between +.5 cents and -.5 cents per kilowatt  
7 hour.";

8 (iv) the alternative retail electric supplier has  
9 obtained the consumer's express agreement to accept the  
10 offer after the disclosure of all material terms and  
11 conditions of the offer; and

12 (v) the alternative retail electric supplier has  
13 confirmed the request for a change in accordance with one  
14 of the following procedures:

15 (A) The new alternative retail electric supplier  
16 has obtained the consumer's written or electronically  
17 signed authorization in a form that meets the  
18 following requirements:

19 (1) An alternative retail electric supplier  
20 shall obtain any necessary written or  
21 electronically signed authorization from a  
22 consumer for a change in electric service by using  
23 a letter of agency as specified in this Section.  
24 Any letter of agency that does not conform with  
25 this Section is invalid.

26 (2) The letter of agency shall be a separate

1 document (an easily separable document containing  
2 only the authorization language described in  
3 subparagraph (5)) whose sole purpose is to  
4 authorize an electric service provider change. The  
5 letter of agency must be signed and dated by the  
6 consumer requesting the electric service provider  
7 change.

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

10 (4) Notwithstanding subparagraphs (1) and (2),  
11 the letter of agency may be combined with checks  
12 that contain only the required letter of agency  
13 language prescribed in subparagraph (5) and the  
14 necessary information to make the check a  
15 negotiable instrument. The letter of agency check  
16 shall not contain any promotional language or  
17 material. The letter of agency check shall contain  
18 in easily readable, bold-face type on the face of  
19 the check, a notice that the consumer is  
20 authorizing an electric service provider change by  
21 signing the check. The letter of agency language  
22 also shall be placed near the signature line on  
23 the back of the check.

24 (5) At a minimum, the letter of agency must be  
25 printed with a print of sufficient size to be  
26 clearly legible, and must contain clear and

1 unambiguous language that confirms:

2 (i) The consumer's billing name and  
3 address;

4 (ii) The decision to change the electric  
5 service provider from the current provider to  
6 the prospective provider;

7 (iii) The terms, conditions, and nature of  
8 the service to be provided to the consumer  
9 must be clearly and conspicuously disclosed,  
10 in writing, and an alternative retail electric  
11 supplier must directly establish the rates for  
12 the service contracted for by the consumer;  
13 and

14 (iv) That the consumer understand that any  
15 alternative retail electric supplier selection  
16 the consumer chooses may involve a charge to  
17 the consumer for changing the consumer's  
18 electric service provider.

19 (6) Letters of agency shall not suggest or  
20 require that a consumer take some action in order  
21 to retain the consumer's current electric service  
22 provider.

23 (7) If any portion of a letter of agency is  
24 translated into another language, then all  
25 portions of the letter of agency must be  
26 translated into that language.

1 (B) An appropriately qualified independent third  
2 party has obtained, in accordance with the procedures  
3 set forth in this subsection (b), the consumer's oral  
4 authorization to change electric suppliers that  
5 confirms and includes appropriate verification data.  
6 The independent third party (i) must not be owned,  
7 managed, controlled, or directed by the supplier or  
8 the supplier's marketing agent; (ii) must not have any  
9 financial incentive to confirm supplier change  
10 requests for the supplier or the supplier's marketing  
11 agent; and (iii) must operate in a location physically  
12 separate from the supplier or the supplier's marketing  
13 agent.

14 Automated third-party verification systems and  
15 3-way conference calls may be used for verification  
16 purposes so long as the other requirements of this  
17 subsection (b) are satisfied.

18 A supplier or supplier's sales representative  
19 initiating a 3-way conference call or a call through  
20 an automated verification system must drop off the  
21 call once the 3-way connection has been established.

22 All third-party verification methods shall elicit,  
23 at a minimum, the following information: (i) the  
24 identity of the consumer; (ii) confirmation that the  
25 person on the call is the account holder, has been  
26 specifically and explicitly authorized by the account

1 holder, or possesses lawful authority to make the  
2 supplier change; (iii) confirmation that the person on  
3 the call wants to make the supplier change; (iv) the  
4 names of the suppliers affected by the change; (v) the  
5 service address of the supply to be switched; and (vi)  
6 the price of the service to be supplied and the  
7 material terms and conditions of the service being  
8 offered, including whether any early termination fees  
9 apply. Third-party verifiers may not market the  
10 supplier's services by providing additional  
11 information, including information regarding  
12 procedures to block or otherwise freeze an account  
13 against further changes.

14 All third-party verifications shall be conducted  
15 in the same language that was used in the underlying  
16 sales transaction and shall be recorded in their  
17 entirety. Submitting suppliers shall maintain and  
18 preserve audio records of verification of subscriber  
19 authorization for a minimum period of 2 years after  
20 obtaining the verification. Automated systems must  
21 provide consumers with an option to speak with a live  
22 person at any time during the call. Each disclosure  
23 made during the third-party verification must be made  
24 individually to obtain clear acknowledgment of each  
25 disclosure. The alternative retail electric supplier  
26 must be in a location where he or she cannot hear the

1 customer while the third-party verification is  
2 conducted. The alternative retail electric supplier  
3 shall not contact the customer after the third-party  
4 verification for a period of 24 hours unless the  
5 customer initiates the contact.

6 (C) When a consumer initiates the call to the  
7 prospective alternative retail electric supplier, in  
8 order to enroll the consumer as a customer, the  
9 prospective alternative retail electric supplier must,  
10 with the consent of the customer, make a date-stamped,  
11 time-stamped audio recording that elicits, at a  
12 minimum, the following information:

13 (1) the identity of the customer;

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

16 (3) confirmation that the person on the call  
17 wants to make the supplier change;

18 (4) the names of the suppliers affected by the  
19 change;

20 (5) the service address of the supply to be  
21 switched; and

22 (6) the price of the service to be supplied  
23 and the material terms and conditions of the  
24 service being offered, including whether any early  
25 termination fees apply.

26 Submitting suppliers shall maintain and preserve

1           the audio records containing the information set forth  
2           above for a minimum period of 2 years.

3           (b)(1) An alternative retail electric supplier shall not  
4           utilize the name of a public utility in any manner that is  
5           deceptive or misleading, including, but not limited to  
6           implying or otherwise leading a consumer to believe that an  
7           alternative retail electric supplier is soliciting on behalf  
8           of or is an agent of a utility. An alternative retail electric  
9           supplier shall not utilize the name, or any other identifying  
10          insignia, graphics, or wording that has been used at any time  
11          to represent a public utility company or its services, to  
12          identify, label, or define any of its electric power and  
13          energy service offers. An alternative retail electric supplier  
14          may state the name of a public electric utility in order to  
15          accurately describe the electric utility service territories  
16          in which the supplier is currently offering an electric power  
17          and energy service. An alternative retail electric supplier  
18          that is the affiliate of an Illinois public utility and that  
19          was doing business in Illinois providing alternative retail  
20          electric service on January 1, 2016 may continue to use that  
21          public utility's name, logo, identifying insignia, graphics,  
22          or wording in its business operations occurring outside the  
23          service territory of the public utility with which it is  
24          affiliated.

25          (2) An alternative retail electric supplier shall not  
26          state or otherwise imply that the alternative retail electric

1 supplier is employed by, representing, endorsed by, or acting  
2 on behalf of a utility or utility program, a consumer group or  
3 consumer group program, or a governmental body, unless the  
4 alternative retail electric supplier has entered into a  
5 contractual arrangement with the governmental body and has  
6 been authorized by the governmental body to make the  
7 statements.

8 (3) An alternative retail electric supplier shall not  
9 warrant or otherwise represent to an electric utility that the  
10 alternative retail electric supplier is authorized to access  
11 the interval data of a current or prospective residential or  
12 small commercial retail customer unless the alternative retail  
13 electric supplier has obtained authorization pursuant to  
14 Section 16-122 of the Public Utilities Act or as otherwise  
15 authorized by the Commission.

16 (c) An alternative retail electric supplier shall not  
17 submit or execute a change in a consumer's selection of a  
18 provider of electric service unless the alternative retail  
19 electric supplier complies with the following requirements of  
20 this subsection (c). It is a violation of this Section for an  
21 alternative retail electric supplier to fail to comply with  
22 this subsection (c). The requirements of this subsection (c)  
23 shall only apply to residential and small commercial retail  
24 customers. For purposes of this subsection (c) only, "small  
25 commercial retail customer" has the meaning given to that term  
26 in Section 16-102 of the Public Utilities Act.



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

12           (2) Alternative retail electric suppliers who engage  
13 in in-person solicitation for the purpose of selling  
14 electric power and energy service offered by the  
15 alternative retail electric supplier shall display  
16 identification on an outer garment. This identification  
17 shall be visible at all times and prominently display the  
18 following: (i) the alternative retail electric supplier  
19 agent's full name in reasonable size font; (ii) an agent  
20 identification number; (iii) a photograph of the  
21 alternative retail electric supplier agent; and (iv) the  
22 trade name and logo of the alternative retail electric  
23 supplier the agent is representing. If the agent is  
24 selling electric power and energy services from multiple  
25 alternative retail electric suppliers to the consumer, the  
26 identification shall display the trade name and logo of

1 the agent, broker, or consultant entity as that entity is  
2 defined in Section 16-115C of the Public Utilities Act. An  
3 alternative retail electric supplier shall leave the  
4 premises at the consumer's, owner's, or occupant's  
5 request. A copy of the Uniform Disclosure Statement  
6 described in 83 Ill. Adm. Code 412.115 and 412.Appendix A  
7 is to be left with the consumer, at the conclusion of the  
8 visit unless the consumer refuses to accept a copy. An  
9 alternative retail electric supplier may provide the  
10 Uniform Disclosure Statement electronically instead of in  
11 paper form to a consumer upon that customer's request. The  
12 alternative retail electric supplier shall also offer to  
13 the consumer, at the time of the initiation of the  
14 solicitation, a business card or other material that lists  
15 the agent's name, identification number and title, and the  
16 alternative retail electric supplier's name and contact  
17 information, including phone number. The alternative  
18 retail electric supplier shall not conduct any in-person  
19 solicitations of consumers at any building or premises  
20 where any sign, notice, or declaration of any description  
21 whatsoever is posted that prohibits sales, marketing, or  
22 solicitations. The alternative retail electric supplier  
23 shall obtain consent to enter multi-unit residential  
24 dwellings. Consent obtained to enter a multi-unit dwelling  
25 from one prospective customer or occupant of the dwelling  
26 shall not constitute consent to market to any other

1 prospective consumers without separate consent.

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

12 (4) During an inbound enrollment call, an alternative  
13 retail electric supplier shall state that he or she  
14 represents an independent seller of electric power and  
15 energy service certified by the Illinois Commerce  
16 Commission. All inbound enrollment calls that lead to an  
17 enrollment shall be recorded, and the recordings shall be  
18 retained for a minimum of 2 years. An inbound enrollment  
19 call that does not lead to an enrollment, but lasts at  
20 least 2 minutes, shall be retained for a minimum of 6  
21 months. The alternative retail electric supplier shall  
22 send the Uniform Disclosure Statement and contract to the  
23 customer within 3 business days after the electric  
24 utility's confirmation to the alternative retail electric  
25 supplier of an accepted enrollment.

26 (5) If a direct mail solicitation to a consumer

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

13 (6) Online Solicitation.

14 (A) Each alternative retail electric supplier  
15 offering electric power and energy service to  
16 consumers online shall clearly and conspicuously make  
17 all disclosures for any services offered through  
18 online enrollment before requiring the consumer to  
19 enter any personal information other than zip code,  
20 electric utility service territory, or type of service  
21 sought.

22 (B) Notwithstanding any requirements in this  
23 Section to the contrary, an alternative retail  
24 electric supplier may secure consent from the consumer  
25 to obtain customer-specific billing and usage  
26 information for the sole purpose of determining and

1 pricing a product through a letter of agency or method  
2 approved through an Illinois Commerce Commission  
3 docket before making all disclosure for services  
4 offered through online enrollment. It is a violation  
5 of this Act for an alternative retail electric  
6 supplier to use a consumer's utility account number to  
7 execute or change a consumer's enrollment unless the  
8 consumer expressly consents to that enrollment as  
9 required by law.

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

22 (7) (A) Beginning January 1, 2020, an alternative  
23 retail electric supplier shall not sell or offer to sell  
24 any products or services to a consumer pursuant to a  
25 contract in which the contract automatically renews,  
26 unless an alternative retail electric supplier provides to

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

22 (B) At least 30 days before, but not more than 60  
23 days prior, to the end of the initial contract term, in  
24 any and all contracts that automatically renew after  
25 the initial term, the alternative retail electric  
26 supplier shall send, in addition to other disclosures

1 required by law, a separate written notice of the  
2 contract renewal to the consumer that clearly and  
3 conspicuously discloses the following:

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

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

13 (iii) the billing cycle in which service under  
14 the current term will expire;

15 (iv) the billing cycle in which service under  
16 the new term will begin;

17 (v) the process and options available to the  
18 consumer to reject the new contract terms;

19 (vi) the cancellation process if the  
20 consumer's contract automatically renews before  
21 the consumer rejects the new contract terms;

22 (vii) the terms and conditions of the new  
23 contract term;

24 (viii) for a fixed rate contract, a  
25 side-by-side comparison of the current price and  
26 the new price; for a variable rate contract or

1 time-of-use product in which the first month's  
2 renewal price can be determined, a side-by-side  
3 comparison of the current price and the price for  
4 the first month of the new variable or time-of-use  
5 price; or for a variable or time-of-use contract  
6 based on a publicly available index, a  
7 side-by-side comparison of the current formula and  
8 the new formula; and

9 (ix) the phone number and email address to  
10 submit a consumer inquiry or complaint to the  
11 Illinois Commerce Commission and the Office of the  
12 Attorney General.

13 (C) An alternative retail electric supplier shall  
14 not automatically renew a consumer's enrollment after  
15 the current term of the contract expires when the  
16 current term of the contract provides that the  
17 consumer will be charged a fixed rate and the renewed  
18 contract provides that the consumer will be charged a  
19 variable rate, unless: (i) the alternative retail  
20 electric supplier complies with subparagraphs (A) and  
21 (B); and (ii) the customer expressly consents to the  
22 contract renewal in writing or by electronic signature  
23 at least 30 days, but no more than 60 days, before the  
24 contract expires.

25 (D) This paragraph (7) does not apply to customers  
26 enrolled in a municipal aggregation program pursuant



1 to Section 1-92 of the Illinois Power Agency Act.

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

12 (9) Beginning January 1, 2020, consumers shall have  
13 the right to terminate their contract with the alternative  
14 retail electric supplier at any time without any  
15 termination fees or penalties.

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

20 (c) Complaints may be filed with the Illinois Commerce  
21 Commission under this Section by a consumer whose electric  
22 service has been provided by an alternative retail electric  
23 supplier in a manner not in compliance with this Section or by  
24 the Illinois Commerce Commission on its own motion when it  
25 appears to the Commission that an alternative retail electric  
26 supplier has provided service in a manner not in compliance

1 with this Section. If, after notice and hearing, the  
2 Commission finds that an alternative retail electric supplier  
3 has violated this Section, the Commission may in its  
4 discretion do any one or more of the following:

5 (1) Require the violating alternative retail electric  
6 supplier to refund to the consumer charges collected in  
7 excess of those that would have been charged by the  
8 consumer's authorized electric service provider.

9 (2) Require the violating alternative retail electric  
10 supplier to pay to the consumer's authorized electric  
11 service provider the amount the authorized electric  
12 service provider would have collected for the electric  
13 service. The Commission is authorized to reduce this  
14 payment by any amount already paid by the violating  
15 alternative retail electric supplier to the consumer's  
16 authorized provider for electric service.

17 (3) Require the violating alternative retail electric  
18 supplier to pay a fine of up to \$1,000 into the Public  
19 Utility Fund for each repeated and intentional violation  
20 of this Section.

21 (4) Issue a cease and desist order.

22 (5) For a pattern of violation of this Section or for  
23 intentionally violating a cease and desist order, revoke  
24 the violating alternative retail electric supplier's  
25 certificate of service authority.

26 (d) For purposes of this Section:

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

3           "Alternative retail electric supplier" has the meaning  
4 given to that term in Section 16-102 of the Public Utilities  
5 Act.

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

7           Section 99. Effective date. This Act takes effect upon  
8 becoming law.