



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB4948**

Introduced 1/27/2022, by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/16-115  
220 ILCS 5/16-115A

Amends the Public Utilities Act. In provisions concerning the certification of alternative retail suppliers, provides that the Illinois Commerce Commission shall consider the applicant's commitment of resources to the management of sales and marketing staff, through affirmative managerial policies, independent audits, technology, hands-on field monitoring, and training. In provisions concerning the obligations of alternative retail electric suppliers, provides that an alternative retail electric supplier shall maintain sufficient managerial resources and abilities to provide the service for which it has a certificate of service authority. Provides that an alternative retail electric supplier shall file with the Commission a notification of any material change to the information supplied in a certification application within 30 days after the material change.

LRB102 24710 SPS 33950 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 5. The Public Utilities Act is amended by changing  
5 Sections 16-115 and 16-115A as follows:

6 (220 ILCS 5/16-115)

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

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

16 (b) An alternative retail electric supplier seeking a  
17 certificate of service authority shall file with the  
18 Commission a verified application containing information  
19 showing that the applicant meets the requirements of this  
20 Section. The alternative retail electric supplier shall  
21 publish notice of its application in the official State  
22 newspaper within 10 days following the date of its filing. No  
23 later than 45 days after the application is properly filed

1 with the Commission, and such notice is published, the  
2 Commission shall issue its order granting or denying the  
3 application.

4 (c) An application for a certificate of service authority  
5 shall identify the area or areas in which the applicant  
6 intends to offer service and the types of services it intends  
7 to offer. Applicants that seek to serve residential or small  
8 commercial retail customers within a geographic area that is  
9 smaller than an electric utility's service area shall submit  
10 evidence demonstrating that the designation of this smaller  
11 area does not violate Section 16-115A. An applicant that seeks  
12 to serve residential or small commercial retail customers may  
13 state in its application for certification any limitations  
14 that will be imposed on the number of customers or maximum load  
15 to be served.

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

20 (1) That the applicant possesses sufficient technical,  
21 financial and managerial resources and abilities to  
22 provide the service for which it seeks a certificate of  
23 service authority. In determining the level of technical,  
24 financial and managerial resources and abilities which the  
25 applicant must demonstrate, the Commission shall consider  
26 (i) the characteristics, including the size and financial

1           sophistication, of the customers that the applicant seeks  
2           to serve; ~~and~~ (ii) whether the applicant seeks to provide  
3           electric power and energy using property, plant and  
4           equipment which it owns, controls or operates; and (iii)  
5           the applicant's commitment of resources to the management  
6           of sales and marketing staff, through affirmative  
7           managerial policies, independent audits, technology,  
8           hands-on field monitoring, and training, and in the case  
9           of applicants who have sales personnel or sales agents  
10           within the State, the applicant's managerial presence  
11           within the State;

12           (2) That the applicant will comply with all applicable  
13           federal, State, regional and industry rules, policies,  
14           practices and procedures for the use, operation, and  
15           maintenance of the safety, integrity and reliability, of  
16           the interconnected electric transmission system;

17           (3) That the applicant will only provide service to  
18           retail customers in an electric utility's service area  
19           that are eligible to take delivery services under this  
20           Act;

21           (4) That the applicant will comply with such  
22           informational or reporting requirements as the Commission  
23           may by rule establish and provide the information required  
24           by Section 16-112. Any data related to contracts for the  
25           purchase and sale of electric power and energy shall be  
26           made available for review by the Staff of the Commission

1 on a confidential and proprietary basis and only to the  
2 extent and for the purposes which the Commission  
3 determines are reasonably necessary in order to carry out  
4 the purposes of this Act;

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

12 (i) (blank);

13 (ii) (blank);

14 (iii) the required sourcing of electricity  
15 generated by clean coal facilities, other than the  
16 initial clean coal facility, shall be limited to the  
17 amount of electricity that can be procured or sourced  
18 at a price at or below the benchmarks approved by the  
19 Commission each year in accordance with item (1) of  
20 subsection (c) and items (1) and (5) of subsection (d)  
21 of Section 1-75 of the Illinois Power Agency Act;

22 (iv) all alternative retail electric suppliers  
23 shall execute a sourcing agreement to source  
24 electricity from the initial clean coal facility, on  
25 the terms set forth in paragraphs (3) and (4) of  
26 subsection (d) of Section 1-75 of the Illinois Power

1 Agency Act, except that in lieu of the requirements in  
2 subparagraphs (A) (v), (B) (i), (C) (v), and (C) (vi) of  
3 paragraph (3) of that subsection (d), the applicant  
4 shall execute one or more of the following:

5 (1) if the sourcing agreement is a power  
6 purchase agreement, a contract with the initial  
7 clean coal facility to purchase in each hour an  
8 amount of electricity equal to all clean coal  
9 energy made available from the initial clean coal  
10 facility during such hour, which the utilities are  
11 not required to procure under the terms of  
12 subsection (d) of Section 1-75 of the Illinois  
13 Power Agency Act, multiplied by a fraction, the  
14 numerator of which is the alternative retail  
15 electric supplier's retail market sales of  
16 electricity (expressed in kilowatthours sold) in  
17 the State during the prior calendar month and the  
18 denominator of which is the total sales of  
19 electricity (expressed in kilowatthours sold) in  
20 the State by alternative retail electric suppliers  
21 during such prior month that are subject to the  
22 requirements of this paragraph (5) of subsection  
23 (d) of this Section and subsection (d) of Section  
24 1-75 of the Illinois Power Agency Act plus the  
25 total sales of electricity (expressed in  
26 kilowatthours sold) by utilities outside of their

1 service areas during such prior month, pursuant to  
2 subsection (c) of Section 16-116 of this Act; or

3 (2) if the sourcing agreement is a contract  
4 for differences, a contract with the initial clean  
5 coal facility in each hour with respect to an  
6 amount of electricity equal to all clean coal  
7 energy made available from the initial clean coal  
8 facility during such hour, which the utilities are  
9 not required to procure under the terms of  
10 subsection (d) of Section 1-75 of the Illinois  
11 Power Agency Act, multiplied by a fraction, the  
12 numerator of which is the alternative retail  
13 electric supplier's retail market sales of  
14 electricity (expressed in kilowatthours sold) in  
15 the State during the prior calendar month and the  
16 denominator of which is the total sales of  
17 electricity (expressed in kilowatthours sold) in  
18 the State by alternative retail electric suppliers  
19 during such prior month that are subject to the  
20 requirements of this paragraph (5) of subsection  
21 (d) of this Section and subsection (d) of Section  
22 1-75 of the Illinois Power Agency Act plus the  
23 total sales of electricity (expressed in  
24 kilowatthours sold) by utilities outside of their  
25 service areas during such prior month, pursuant to  
26 subsection (c) of Section 16-116 of this Act;

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



1 of Illinois, may specifically enforce the facility's  
2 sequestration requirement and the other terms of this  
3 contract provision. Compliance with the sequestration  
4 requirements and offset purchase requirements that  
5 apply to the initial clean coal facility shall be  
6 reviewed annually by an independent expert retained by  
7 the owner of the initial clean coal facility, with the  
8 advance written approval of the Attorney General;

9 (vi) The Commission shall, after notice and  
10 hearing, revoke the certification of any alternative  
11 retail electric supplier that fails to execute a  
12 sourcing agreement with the initial clean coal  
13 facility as required by item (5) of subsection (d) of  
14 this Section. The sourcing agreements with this  
15 initial clean coal facility shall be subject to both  
16 approval of the initial clean coal facility by the  
17 General Assembly and satisfaction of the requirements  
18 of item (4) of subsection (d) of Section 1-75 of the  
19 Illinois Power Agency Act, and shall be executed  
20 within 90 days after any such approval by the General  
21 Assembly. The Commission shall not accept an  
22 application for certification from an alternative  
23 retail electric supplier that has lost certification  
24 under this subsection (d), or any corporate affiliate  
25 thereof, for at least one year from the date of  
26 revocation;

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

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

11           (8) That the applicant discloses whether the applicant  
12 is the subject of any lawsuit filed in a court of law or  
13 formal complaint filed with a regulatory agency alleging  
14 fraud, deception, or unfair marketing practices or other  
15 similar allegations and, if the applicant is the subject  
16 of such lawsuit or formal complaint, the applicant shall  
17 identify the name, case number, and jurisdiction of each  
18 lawsuit or complaint. For the purpose of this item (8),  
19 "formal complaint" includes only those complaints that  
20 seek a binding determination from a State or federal  
21 regulatory body;

22           (9) That the applicant shall continue to comply with  
23 requirements for certification stated in this Section;

24           (10) That the applicant shall execute and maintain a  
25 license or permit bond issued by a qualifying surety or  
26 insurance company authorized to transact business in the

1 State of Illinois in favor of the People of the State of  
2 Illinois. The amount of the bond shall equal \$30,000 if  
3 the applicant seeks to serve only nonresidential retail  
4 customers with maximum electrical demands of one megawatt  
5 or more, \$150,000 if the applicant seeks to serve only  
6 non-residential retail customers with annual electrical  
7 consumption greater than 15,000 kWh, or \$500,000 if the  
8 applicant seeks to serve all eligible customers.  
9 Applicants shall be required to submit an additional  
10 \$500,000 bond if the applicant intends to market to  
11 residential customers using in-person solicitations. The  
12 bond shall be conditioned upon the full and faithful  
13 performance of all duties and obligations of the applicant  
14 as an alternative retail electric supplier and shall be  
15 valid for a period of not less than one year. The cost of  
16 the bond shall be paid by the applicant. The applicant  
17 shall file a copy of this bond, with a notarized  
18 verification page from the issuer, as part of its  
19 application for certification under 83 Ill. Adm. Code 451;  
20 and

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

23 (d-3) The Commission may deny with prejudice an  
24 application in which the applicant fails to provide the  
25 Commission with information sufficient for the Commission to  
26 grant the application.

1 (d-5) (Blank).

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

21 (f) The Commission shall have the authority to promulgate  
22 rules and regulations to carry out the provisions of this  
23 Section. On or before May 1, 1999, the Commission shall adopt a  
24 rule or rules applicable to the certification of those  
25 alternative retail electric suppliers that seek to serve only  
26 nonresidential retail customers with maximum electrical

1 demands of one megawatt or more which shall provide for (i)  
2 expedited and streamlined procedures for certification of such  
3 alternative retail electric suppliers and (ii) specific  
4 criteria which, if met by any such alternative retail electric  
5 supplier, shall constitute the demonstration of technical,  
6 financial and managerial resources and abilities to provide  
7 service required by subsection (d) (1) of this Section, such  
8 as a requirement to post a bond or letter of credit, from a  
9 responsible surety or financial institution, of sufficient  
10 size for the nature and scope of the services to be provided;  
11 demonstration of adequate insurance for the scope and nature  
12 of the services to be provided; and experience in providing  
13 similar services in other jurisdictions.

14 (g) An alternative retail electric supplier may seek  
15 confidential treatment for the following information by filing  
16 an affidavit with the Commission so long as the affidavit  
17 meets the requirements in this subsection (g):

18 (1) the total annual kilowatt-hours delivered and sold  
19 by an alternative retail electric supplier to retail  
20 customers within each utility service territory and the  
21 total annual kilowatt-hours delivered and sold by an  
22 alternative retail electric supplier to retail customers  
23 in all utility service territories in the preceding  
24 calendar year as required by 83 Ill. Adm. Code 451.770;

25 (2) the total peak demand supplied by an alternative  
26 retail electric supplier during the previous year in each

1 utility service territory as required by 83 Ill. Adm. Code  
2 465.40;

3 (3) a good faith estimate of the amount an alternative  
4 retail electric supplier expects to be obliged to pay the  
5 utility under single billing tariffs during the next 12  
6 months and the amount of any bond or letter of credit used  
7 to demonstrate an alternative retail electric supplier's  
8 credit worthiness to provide single billing services  
9 pursuant to 83 Ill. Adm. Code 451.510(a) and (b).

10 The affidavit must be filed contemporaneously with the  
11 information for which confidential treatment is sought and  
12 must clearly state that the affiant seeks confidential  
13 treatment pursuant to this subsection (g) and the information  
14 for which confidential treatment is sought must be clearly  
15 identified on the confidential version of the document filed  
16 with the Commission. The affidavit must be accompanied by a  
17 "confidential" and a "public" version of the document or  
18 documents containing the information for which confidential  
19 treatment is sought.

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

26 Nothing in this subsection (g) prevents an alternative

1 retail electric supplier from filing a petition with the  
2 Commission seeking confidential treatment for information  
3 beyond that identified in this subsection (g) or for  
4 information contained in other reports or documents filed with  
5 the Commission.

6 Nothing in this subsection (g) prevents the Commission, on  
7 its own motion, or any party from filing a formal petition with  
8 the Commission seeking to reconsider the conferring of  
9 confidential status on an item of information afforded  
10 confidential treatment pursuant to this subsection (g).

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

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

2 (220 ILCS 5/16-115A)

3 Sec. 16-115A. Obligations of alternative retail electric  
4 suppliers.

5 (a) An alternative retail electric supplier:

6 (i) shall comply with the requirements imposed on  
7 public utilities by Sections 8-201 through 8-207, 8-301,  
8 8-505 and 8-507 of this Act, to the extent that these  
9 Sections have application to the services being offered by  
10 the alternative retail electric supplier;

11 (ii) shall continue to comply with the requirements  
12 for certification stated in subsection (d) of Section  
13 16-115;

14 (iii) by May 31, 2020 and every June 30 thereafter,  
15 shall submit to the Commission and the Office of the  
16 Attorney General the rates the retail electric supplier  
17 charged to residential customers in the prior year,  
18 including each distinct rate charged and whether the rate  
19 was a fixed or variable rate, the basis for the variable  
20 rate, and any fees charged in addition to the supply rate,  
21 including monthly fees, flat fees, or other service  
22 charges; and

23 (iv) shall make publicly available on its website,  
24 without the need for a customer login, rate information  
25 for all of its variable, time-of-use, and fixed rate



1 contracts currently available to residential customers,  
2 including, but not limited to, fixed monthly charges,  
3 early termination fees, and kilowatt-hour charges.

4 (b) An alternative retail electric supplier shall obtain  
5 verifiable authorization from a customer, in a form or manner  
6 approved by the Commission consistent with Section 2EE of the  
7 Consumer Fraud and Deceptive Business Practices Act, before  
8 the customer is switched from another supplier.

9 (c) No alternative retail electric supplier, or electric  
10 utility other than the electric utility in whose service area  
11 a customer is located, shall (i) enter into or employ any  
12 arrangements which have the effect of preventing a retail  
13 customer with a maximum electrical demand of less than one  
14 megawatt from having access to the services of the electric  
15 utility in whose service area the customer is located or (ii)  
16 charge retail customers for such access. This subsection shall  
17 not be construed to prevent an arms-length agreement between a  
18 supplier and a retail customer that sets a term of service,  
19 notice period for terminating service and provisions governing  
20 early termination through a tariff or contract as allowed by  
21 Section 16-119.

22 (d) An alternative retail electric supplier that is  
23 certified to serve residential or small commercial retail  
24 customers shall not:

25 (1) deny service to a customer or group of customers  
26 nor establish any differences as to prices, terms,

1 conditions, services, products, facilities, or in any  
2 other respect, whereby such denial or differences are  
3 based upon race, gender or income, except as provided in  
4 Section 16-115E.

5 (2) deny service to a customer or group of customers  
6 based on locality nor establish any unreasonable  
7 difference as to prices, terms, conditions, services,  
8 products, or facilities as between localities.

9 (e) An alternative retail electric supplier shall comply  
10 with the following requirements with respect to the marketing,  
11 offering and provision of products or services to residential  
12 and small commercial retail customers:

13 (i) All marketing materials, including, but not  
14 limited to, electronic marketing materials, in-person  
15 solicitations, and telephone solicitations, shall contain  
16 information that adequately discloses the prices, terms,  
17 and conditions of the products or services that the  
18 alternative retail electric supplier is offering or  
19 selling to the customer and shall disclose the current  
20 utility electric supply price to compare applicable at the  
21 time the alternative retail electric supplier is offering  
22 or selling the products or services to the customer and  
23 shall disclose the date on which the utility electric  
24 supply price to compare became effective and the date on  
25 which it will expire. The utility electric supply price to  
26 compare shall be the sum of the electric supply charge and

1 the transmission services charge and shall not include the  
2 purchased electricity adjustment. The disclosure shall  
3 include a statement that the price to compare does not  
4 include the purchased electricity adjustment, and, if  
5 applicable, the range of the purchased electricity  
6 adjustment. All marketing materials, including, but not  
7 limited to, electronic marketing materials, in-person  
8 solicitations, and telephone solicitations, shall include  
9 the following statement:

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

22 If applicable, the statement shall also include the  
23 following statement:

24 "The purchased electricity adjustment factor may  
25 range between +.5 cents and -.5 cents per kilowatt  
26 hour.".

1           This paragraph (i) does not apply to goodwill or  
2           institutional advertising.

3           (ii) Before any customer is switched from another  
4           supplier, the alternative retail electric supplier shall  
5           give the customer written information that adequately  
6           discloses, in plain language, the prices, terms and  
7           conditions of the products and services being offered and  
8           sold to the customer. This written information shall be  
9           provided in a language in which the customer subject to  
10          the marketing or solicitation is able to understand and  
11          communicate, and the alternative retail electric supplier  
12          shall not switch a customer who is unable to understand  
13          and communicate in a language in which the marketing or  
14          solicitation was conducted. The alternative retail  
15          electric supplier shall comply with Section 2N of the  
16          Consumer Fraud and Deceptive Business Practices Act.

17          (iii) An alternative retail electric supplier shall  
18          provide documentation to the Commission and to customers  
19          that substantiates any claims made by the alternative  
20          retail electric supplier regarding the technologies and  
21          fuel types used to generate the electricity offered or  
22          sold to customers.

23          (iv) The alternative retail electric supplier shall  
24          provide to the customer (1) itemized billing statements  
25          that describe the products and services provided to the  
26          customer and their prices, and (2) an additional

1 statement, at least annually, that adequately discloses  
2 the average monthly prices, and the terms and conditions,  
3 of the products and services sold to the customer.

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

15 (vi) Each alternative retail electric supplier shall  
16 conduct training for individual representatives engaged in  
17 in-person solicitation and telemarketing to residential  
18 customers on behalf of that alternative retail electric  
19 supplier prior to conducting any such solicitations on the  
20 alternative retail electric supplier's behalf. Each  
21 alternative retail electric supplier shall submit a copy  
22 of its training material to the Commission on an annual  
23 basis and the Commission shall have the right to review  
24 and require updates to the material. After initial  
25 training, each alternative retail electric supplier shall  
26 be required to conduct refresher training for its

1 individual representatives every 6 months.

2 (f) An alternative retail electric supplier may limit the  
3 overall size or availability of a service offering by  
4 specifying one or more of the following: a maximum number of  
5 customers, maximum amount of electric load to be served, time  
6 period during which the offering will be available, or other  
7 comparable limitation, but not including the geographic  
8 locations of customers within the area which the alternative  
9 retail electric supplier is certificated to serve. The  
10 alternative retail electric supplier shall file the terms and  
11 conditions of such service offering including the applicable  
12 limitations with the Commission prior to making the service  
13 offering available to customers.

14 (f-5) An alternative retail electric supplier shall  
15 maintain sufficient managerial resources and abilities to  
16 provide the service for which it has a certificate of service  
17 authority. In determining the level of managerial resources  
18 and abilities that the alternative retail electric supplier  
19 must demonstrate, the Commission shall consider, in addition  
20 to the requirements in Section 16-115, the following:

21 (1) complaints to the Commission by consumers  
22 regarding the alternative retail electric supplier,  
23 including those that reflect on the alternative retail  
24 electric supplier's ability to properly manage  
25 solicitation and authorization; and

26 (2) the alternative retail electric's supplier's

1 involvement, including resources the alternative retail  
2 electric supplier dedicates to the process and the  
3 alternative retail electric supplier's ability to manage  
4 the issues raised by complaints, and the resolutions of  
5 the complaints.

6 (f-10) An alternative retail electric supplier shall file  
7 with the Commission a notification of any material change, as  
8 defined and prescribed by the Commission, to the information  
9 supplied in a certification application within 30 days after  
10 the material change.

11 (g) Nothing in this Section shall be construed as  
12 preventing an alternative retail electric supplier, which is  
13 an affiliate of, or which contracts with, (i) an industry or  
14 trade organization or association, (ii) a membership  
15 organization or association that exists for a purpose other  
16 than the purchase of electricity, or (iii) another  
17 organization that meets criteria established in a rule adopted  
18 by the Commission, from offering through the organization or  
19 association services at prices, terms and conditions that are  
20 available solely to the members of the organization or  
21 association.

22 (Source: P.A. 101-590, eff. 1-1-20; 102-459, eff. 8-20-21.)