

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, 16-115B, 16-115C, 19-110, and 19-120 as  
6 follows:

7 (220 ILCS 5/16-115)

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

10 (a) Any alternative retail electric supplier must obtain a  
11 certificate of service authority from the Commission in  
12 accordance with this Section before serving any retail  
13 customer or other user located in this State. An alternative  
14 retail electric supplier may request, and the Commission may  
15 grant, a certificate of service authority for the entire State  
16 or for a specified geographic area of the State. A certificate  
17 granted pursuant to this Section is not property, and the  
18 grant of a certificate to an entity does not create a property  
19 interest in the certificate. This Section does not diminish  
20 the existing rights of a certificate holder to notice and  
21 hearing as proscribed by the Illinois Administrative Procedure  
22 Act and in rules adopted by the Commission.

23 (b) An alternative retail electric supplier seeking a

1 certificate of service authority shall file with the  
2 Commission a verified application containing information  
3 showing that the applicant meets the requirements of this  
4 Section. The alternative retail electric supplier shall  
5 publish notice of its application in the official State  
6 newspaper within 10 days following the date of its filing. No  
7 later than 45 days after a complete ~~the~~ application is  
8 properly filed with the Commission, and such notice is  
9 published, the Commission shall issue its order granting or  
10 denying the application.

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

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

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

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 \$15,000,000  
15 ~~\$15 million~~ in any given year. No costs of any such  
16 purchases of carbon offsets may be recovered from an  
17 alternative retail electric supplier or its customers.  
18 All carbon offsets purchased for this purpose and any  
19 carbon emission credits associated with sequestration  
20 of carbon from the facility must be permanently  
21 retired. The initial clean coal facility shall not  
22 forfeit its designation as a clean coal facility if  
23 the facility fails to fully comply with the applicable  
24 carbon sequestration requirements in any given year,  
25 provided the requisite offsets are purchased. However,  
26 the Attorney General, on behalf of the People of the

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

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



1 revocation;

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

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

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

26 (9) That the applicant shall at all times remain in

1 compliance ~~continue to comply~~ with requirements for  
2 certification stated in this Section and as the Commission  
3 may establish by rule;

4 (10) That the applicant shall execute and maintain a  
5 license or permit bond issued by a qualifying surety or  
6 insurance company authorized to transact business in the  
7 State of Illinois in favor of the People of the State of  
8 Illinois. The amount of the bond shall equal \$30,000 if  
9 the applicant seeks to serve only nonresidential retail  
10 customers with maximum electrical demands of one megawatt  
11 or more, \$150,000 if the applicant seeks to serve only  
12 nonresidential ~~non-residential~~ retail customers with  
13 annual electrical consumption greater than 15,000  
14 kilowatt-hours kWh, or \$500,000 if the applicant seeks to  
15 serve all eligible customers. Applicants shall be required  
16 to submit an additional \$500,000 bond if the applicant  
17 intends to market to residential customers using in-person  
18 solicitations. The bonds ~~bond~~ shall be conditioned upon  
19 the full and faithful performance of all duties and  
20 obligations of the applicant as an alternative retail  
21 electric supplier, ~~and~~ shall be valid for a period of not  
22 less than one year, and may be drawn upon in whole or in  
23 part to satisfy any penalties imposed, and finally  
24 adjudicated, by the Commission pursuant to Section 16-115B  
25 for a violation of the applicant's duties or obligations,  
26 except that the total amount of claims and penalties

1       against the bond shall not exceed the penal sum of the bond  
2       and shall not include any consequential or punitive  
3       damage. The cost of the bond shall be paid by the  
4       applicant. The applicant shall file a copy of this bond,  
5       with a notarized verification page from the issuer, as  
6       part of its application for certification under 83 Ill.  
7       Adm. Code 451; and

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

10       (d-3) The Commission may deny with prejudice an  
11       application in which the applicant fails to provide the  
12       Commission with information sufficient for the Commission to  
13       grant the application.

14       (d-5) (Blank).

15       (e) A retail customer that owns a cogeneration or  
16       self-generation facility and that seeks certification only to  
17       provide electric power and energy from such facility to retail  
18       customers at separate locations which customers are both (i)  
19       owned by, or a subsidiary or other corporate affiliate of,  
20       such applicant and (ii) eligible for delivery services, shall  
21       be granted a certificate of service authority upon filing an  
22       application and notifying the Commission that it has entered  
23       into an agreement with the relevant electric utilities  
24       pursuant to Section 16-118. Provided, however, that if the  
25       retail customer owning such cogeneration or self-generation  
26       facility would not be charged a transition charge due to the

1 exemption provided under subsection (f) of Section 16-108  
2 prior to the certification, and the retail customers at  
3 separate locations are taking delivery services in conjunction  
4 with purchasing power and energy from the facility, the retail  
5 customer on whose premises the facility is located shall not  
6 thereafter be required to pay transition charges on the power  
7 and energy that such retail customer takes from the facility.

8 (f) The Commission shall have the authority to promulgate  
9 rules and regulations to carry out the provisions of this  
10 Section. On or before May 1, 1999, the Commission shall adopt a  
11 rule or rules applicable to the certification of those  
12 alternative retail electric suppliers that seek to serve only  
13 nonresidential retail customers with maximum electrical  
14 demands of one megawatt or more which shall provide for (i)  
15 expedited and streamlined procedures for certification of such  
16 alternative retail electric suppliers and (ii) specific  
17 criteria which, if met by any such alternative retail electric  
18 supplier, shall constitute the demonstration of technical,  
19 financial and managerial resources and abilities to provide  
20 service required by paragraph (1) of subsection (d) ~~(1)~~ of  
21 this Section, such as a requirement to post a bond or letter of  
22 credit, from a responsible surety or financial institution, of  
23 sufficient size for the nature and scope of the services to be  
24 provided; demonstration of adequate insurance for the scope  
25 and nature of the services to be provided; and experience in  
26 providing similar services in other jurisdictions.

1 (g) An alternative retail electric supplier may seek  
2 confidential treatment for the following information by filing  
3 an affidavit with the Commission so long as the affidavit  
4 meets the requirements in this subsection (g):

5 (1) the total annual kilowatt-hours delivered and sold  
6 by an alternative retail electric supplier to retail  
7 customers within each utility service territory and the  
8 total annual kilowatt-hours delivered and sold by an  
9 alternative retail electric supplier to retail customers  
10 in all utility service territories in the preceding  
11 calendar year as required by 83 Ill. Adm. Code 451.770;

12 (2) the total peak demand supplied by an alternative  
13 retail electric supplier during the previous year in each  
14 utility service territory as required by 83 Ill. Adm. Code  
15 465.40;

16 (3) a good faith estimate of the amount an alternative  
17 retail electric supplier expects to be obliged to pay the  
18 utility under single billing tariffs during the next 12  
19 months and the amount of any bond or letter of credit used  
20 to demonstrate an alternative retail electric supplier's  
21 credit worthiness to provide single billing services  
22 pursuant to 83 Ill. Adm. Code 451.510(a) and (b).

23 The affidavit must be filed contemporaneously with the  
24 information for which confidential treatment is sought and  
25 must clearly state that the affiant seeks confidential  
26 treatment pursuant to this subsection (g) and the information

1 for which confidential treatment is sought must be clearly  
2 identified on the confidential version of the document filed  
3 with the Commission. The affidavit must be accompanied by a  
4 "confidential" and a "public" version of the document or  
5 documents containing the information for which confidential  
6 treatment is sought.

7 If the alternative retail electric supplier has met the  
8 affidavit requirements of this subsection (g), then the  
9 Commission shall afford confidential treatment to the  
10 information identified in the affidavit for a period of 2  
11 years after the date the affidavit is received by the  
12 Commission.

13 Nothing in this subsection (g) prevents an alternative  
14 retail electric supplier from filing a petition with the  
15 Commission seeking confidential treatment for information  
16 beyond that identified in this subsection (g) or for  
17 information contained in other reports or documents filed with  
18 the Commission other than annual rate reports.

19 Nothing in this subsection (g) prevents the Commission, on  
20 its own motion, or any party from filing a formal petition with  
21 the Commission seeking to reconsider the conferring of  
22 confidential status on an item of information afforded  
23 confidential treatment pursuant to this subsection (g).

24 The Commission, on its own motion, may at any time  
25 initiate a docketed proceeding to investigate the continued  
26 applicability of this subsection (g) to the information

1 contained in items (i), (ii), and (iii) of this subsection  
2 (g). If, at the end of such investigation, the Commission  
3 determines that a particular item of information should no  
4 longer be eligible for the affidavit-based process outlined in  
5 this subsection (g), the Commission may enter an order to  
6 remove that item from the list of items eligible for the  
7 process set forth in this subsection (g). Notwithstanding any  
8 such order, in the event the Commission makes such a  
9 determination, nothing in this subsection (g) prevents an  
10 alternative retail electric supplier desiring confidential  
11 treatment for such information from filing a formal petition  
12 with the Commission seeking confidential treatment for such  
13 information.

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

15 (220 ILCS 5/16-115B)

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

18 (a) The Commission shall have jurisdiction in accordance  
19 with the provisions of Article X of this Act to entertain and  
20 dispose of any complaint made by the Commission, on its own  
21 motion, or by any person or corporation, chamber of commerce,  
22 board of trade, or any industrial, commercial, mercantile,  
23 agricultural or manufacturing society, or any body politic or  
24 municipal corporation against any alternative retail electric  
25 supplier alleging (i) that the alternative retail electric

1 supplier has violated or is in nonconformance with any  
2 applicable provisions of Section 16-115 through Section  
3 16-115A; (ii) that the alternative retail electric supplier  
4 violated rules adopted by the Commission to govern the sales,  
5 marketing, or operations of retail electric suppliers; (iii)  
6 that an alternative retail electric supplier serving any  
7 residential and small commercial customers ~~retail customers~~  
8 ~~having maximum demands of less than one megawatt has~~ failed to  
9 provide service in accordance with the terms of its contract  
10 or contracts with such customer or customers; (iv) ~~(iii)~~ that  
11 the alternative retail electric supplier has violated or is in  
12 nonconformance ~~non-conformance~~ with the delivery services  
13 tariff of, or any of its agreements relating to delivery  
14 services with, the electric utility, municipal system, or  
15 electric cooperative providing delivery services; or (v) ~~(iv)~~  
16 that the alternative retail electric supplier has violated or  
17 failed to comply with the requirements of Sections 8-201  
18 through 8-207, 8-301, 8-505, or 8-507 of this Act as made  
19 applicable to alternative retail electric suppliers.

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

24 (1) To order an alternative retail electric supplier  
25 to cease and desist, or correct, any violation of or  
26 nonconformance ~~non-conformance~~ with the provisions of



1 Section 16-115 or 16-115A or any violation or  
2 nonconformance over which the Commission has jurisdiction  
3 under subsection (a) of Section 16-115B;

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

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

18 (c) In addition to other powers and authority granted to  
19 it under this Act, the Commission may require an alternative  
20 retail electric supplier to enter into a compliance plan. If  
21 the Commission comes into possession of information causing it  
22 to conclude that an alternative retail electric supplier is  
23 violating this Act or the Commission's rules, the Commission  
24 may, after notice and hearing, enter an order directing the  
25 alternative retail electric supplier to implement practices,  
26 procedures, oversight, or other measures or refrain from

1 practices, conduct, or activities that the Commission finds is  
2 necessary or reasonable to ensure the alternative retail  
3 electric supplier's compliance with this Act and the  
4 Commission's rules. Failure by an alternative retail electric  
5 supplier to implement or comply with a Commission-ordered  
6 compliance plan is a violation of this Section. The  
7 Commission, in its discretion, may order a compliance plan  
8 under such circumstances as it considers warranted and is not  
9 required to order a compliance plan prior to taking other  
10 enforcement action against an alternative retail electric  
11 supplier. Nothing in this subsection (c) shall be interpreted  
12 to limit the authority or right of the Attorney General.

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

14 (220 ILCS 5/16-115C)

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

18 (a) The purpose of this Section is to adopt licensing and  
19 code of conduct rules in a competitive retail electricity  
20 market to protect Illinois consumers from unfair or deceptive  
21 acts or practices and to provide persons acting as agents,  
22 brokers, and consultants engaged in the procurement or sale of  
23 retail electricity supply for third parties with notice of the  
24 illegality of those acts or practices.

25 (a-5) All third-party sales representatives engaged in the

1 marketing of retail electricity supply must, prior to the  
2 customer signing a contract, disclose that they are not  
3 employed by the electric utility operating in the applicable  
4 service territory.

5 (b) For purposes of this Section, "agents, brokers, and  
6 consultants engaged in the procurement or sale of retail  
7 electricity supply for third parties" means any person or  
8 entity that attempts to procure on behalf of or sell retail  
9 electric service to an electric customer in the State.  
10 "Agents, brokers, and consultants engaged in the procurement  
11 or sale of retail electricity supply for third parties" does  
12 not include the Illinois Power Agency or any of its employees,  
13 any entity licensed as an alternative retail electric supplier  
14 pursuant to 83 Ill. Adm. Code 451 offering retail electric  
15 service on its own behalf, any person acting exclusively on  
16 behalf of a single alternative retail electric supplier on  
17 condition that exclusivity is disclosed to any third party  
18 contracted in such agent capacity, any person acting  
19 exclusively on behalf of a retail electric supplier on  
20 condition that exclusivity is disclosed to any third party  
21 contracted in such agent capacity, any person or entity  
22 representing a municipal power agency, as defined in Section  
23 11-119.1-3 of the Illinois Municipal Code, or any person or  
24 entity that is attempting to procure on behalf of or sell  
25 retail electric service to a third party that has aggregate  
26 billing demand of all of its affiliated electric service

1 accounts in Illinois of greater than 1,500 kilowatts ~~kw~~.

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

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

14 (1) Technical competence.

15 (2) Managerial competence.

16 (3) Financial responsibility, including the posting of  
17 an appropriate performance bond.

18 (4) Annual reporting requirements.

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

21 (1) disclose in plain language in writing to all  
22 persons it solicits (i) before July 1, 2011, the total  
23 anticipated remuneration to be paid to it by any third  
24 party over the period of the proposed underlying customer  
25 contract and (ii) on or after July 1, 2011, the total price  
26 per kilowatt-hour, and the total anticipated cost,

1 inclusive of all fees or commissions received by the  
2 licensee, to be paid by the customer over the period of the  
3 proposed underlying customer contract;

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

7 (3) not hold itself out as independent or unaffiliated  
8 with any supplier, or both, or use words reasonably  
9 calculated to give that impression, unless the person  
10 offering service under this Section has no contractual  
11 relationship with any retail electricity supplier or its  
12 affiliates regarding retail electric service in Illinois;

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

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

19 (6) not present electricity pricing information in a  
20 manner that favors one supplier over another, unless a  
21 valid pricing comparison is made utilizing all relevant  
22 costs and terms; and

23 (7) comply with the requirements of Sections 2EE, 2FF,  
24 2GG, and 2HH of the Consumer Fraud and Deceptive Business  
25 Practices Act.

26 (f) Any person or entity licensed under this Section shall

1 file with the Commission all of the following information no  
2 later than March of each year:

3 (1) A verified report detailing any and all  
4 contractual relationships that it has with certified  
5 electricity suppliers in the State regarding retail  
6 electric service in Illinois.

7 (2) A verified report detailing the distribution of  
8 its customers with the various certified electricity  
9 suppliers in Illinois during the prior calendar year. A  
10 report under this Section shall not be required to contain  
11 customer-identifying information.

12 A public redacted version of the verified report may  
13 be submitted to the Commission along with a proprietary  
14 version. The public redacted version may redact from the  
15 verified report the name or names of every certified  
16 electricity supplier contained in the report to protect  
17 against disclosure of competitively sensitive market share  
18 information. The information shall be afforded proprietary  
19 treatment for 2 years after the date of the filing of the  
20 verified report.

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

24 (g) The Commission shall have jurisdiction over  
25 ~~disciplinary proceedings and complaints,~~ including on the  
26 Commission's own motion, for violations of this Section. The

1 findings of a violation of this Section by the Commission  
2 shall result in discipline on a progressive ~~a progressive~~  
3 ~~disciplinary~~ scale. For a first violation, the Commission may,  
4 in its discretion, suspend the license of the person or entity  
5 ~~so disciplined~~ for a period of no less than one month. For a  
6 second violation within a 5-year period, the Commission shall  
7 suspend the license of ~~for~~ the person or entity ~~so disciplined~~  
8 for a period of not less than 6 months. For a third or  
9 subsequent violation within a 5-year period, the Commission  
10 shall suspend the license of the disciplined person for a  
11 period of not less than 2 years. Notwithstanding the minimum  
12 progressive suspensions, the Commission shall have authority,  
13 in its discretion, to impose whatever reasonable disciplinary  
14 measures it deems appropriate for any violation, including,  
15 but not limited to, terminating the license of the person or  
16 entity.

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

1 subdivision, public institution of higher education, or  
2 operated by any of its lessees or operating agents.

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

4 (220 ILCS 5/19-110)

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

6 (a) The provisions of this Section shall apply only to  
7 alternative gas suppliers serving or seeking to serve  
8 residential or small commercial customers and only to the  
9 extent such alternative gas suppliers provide services to  
10 residential or small commercial customers.

11 (b) An alternative gas supplier must obtain a certificate  
12 of service authority from the Commission in accordance with  
13 this Section before serving any customer or other user located  
14 in this State. An alternative gas supplier may request, and  
15 the Commission may grant, a certificate of service authority  
16 for the entire State or for a specified geographic area of the  
17 State. A certificate granted pursuant to this Section is not  
18 property, and the grant of a certificate to an entity does not  
19 create a property interest in the certificate. This Section  
20 does not diminish the existing rights of a certificate holder  
21 to notice and hearing as proscribed by the Illinois  
22 Administrative Procedure Act and in rules adopted by the  
23 Commission. A person, corporation, or other entity acting as  
24 an alternative gas supplier on the effective date of this  
25 amendatory Act of the 92nd General Assembly shall have 180



1 days from the effective date of this amendatory Act of the 92nd  
2 General Assembly to comply with the requirements of this  
3 Section in order to continue to operate as an alternative gas  
4 supplier.

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

15 (d) An application for a certificate of service authority  
16 shall identify the area or areas in which the applicant  
17 intends to offer service and the types of services it intends  
18 to offer. Applicants that seek to serve residential or small  
19 commercial customers within a geographic area that is smaller  
20 than a gas utility's service area shall submit evidence  
21 demonstrating that the designation of this smaller area does  
22 not violate Section 19-115. An applicant may state in its  
23 application for certification any limitations that will be  
24 imposed on the number of customers or maximum load to be  
25 served. The applicant shall submit as part of its application  
26 a statement indicating:

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

3           (2) Whether the applicant has had a natural gas  
4 supplier license suspended or revoked by any state in the  
5 United States.

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

8           (4) Whether the applicant is the subject of any  
9 lawsuits filed in a court of law or formal complaints  
10 filed with a regulatory agency alleging fraud, deception,  
11 or unfair marketing practices, or other similar  
12 allegations, identifying the name, case number, and  
13 jurisdiction of each such lawsuit or complaint.

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

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

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

1 consider:

2 (A) the characteristics, including the size and  
3 financial sophistication of the customers that the  
4 applicant seeks to serve;

5 (B) whether the applicant seeks to provide gas  
6 using property, plant, and equipment that it owns,  
7 controls, or operates; and

8 (C) the applicant's commitment of resources to the  
9 management of sales and marketing staff, through  
10 affirmative managerial policies, independent audits,  
11 technology, hands-on field monitoring and training,  
12 and, in the case of applicants who will have sales  
13 personnel or sales agents within the State of  
14 Illinois, the applicant's managerial presence within  
15 the State.

16 (2) That the applicant will comply with all applicable  
17 federal, State, regional, and industry rules, policies,  
18 practices, and procedures for the use, operation, and  
19 maintenance of the safety, integrity, and reliability of  
20 the gas transmission system.

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

24 (4) That the area to be served by the applicant and any  
25 limitations it proposes on the number of customers or  
26 maximum amount of load to be served meet the provisions of

1 Section 19-115, provided, that if the applicant seeks to  
2 serve an area smaller than the service area of a gas  
3 utility or proposes other limitations on the number of  
4 customers or maximum amount of load to be served, the  
5 Commission can extend the time for considering such a  
6 certificate request by up to 90 days, and can schedule  
7 hearings on such a request.

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

10 (6) That the applicant shall execute and maintain a  
11 license or permit bond issued by a qualifying surety or  
12 insurance company authorized to transact business in the  
13 State of Illinois in favor of the People of the State of  
14 Illinois. The amount of the bond shall equal \$150,000 if  
15 the applicant seeks to serve only nonresidential retail  
16 customers or \$500,000 if the applicant seeks to serve all  
17 eligible customers. Applicants shall be required to submit  
18 an additional \$500,000 bond if the applicant intends to  
19 market to residential customers using in-person  
20 solicitations. The bonds bond shall be conditioned upon  
21 the full and faithful performance of all duties and  
22 obligations of the applicant as an alternative retail gas  
23 supplier, ~~and~~ shall be valid for a period of not less than  
24 one year, and may be drawn up to satisfy any penalties  
25 imposed and finally adjudicated, by the Commission  
26 pursuant to Section 19-120 for a violation of the

1       applicant's duties or obligations, except that the total  
2       amount of claims and penalties against the bond shall not  
3       exceed the penal sum of the bond and shall not include any  
4       consequential or punitive damage. The cost of the bond  
5       shall be paid by the applicant. The applicant shall file a  
6       copy of this bond, with a notarized verification page from  
7       the issuer, as part of its application for certification  
8       under 83 Ill. Adm. Code 551.

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

11             (e-5) The Commission may deny with prejudice an  
12             application in which the applicant fails to provide the  
13             Commission with information sufficient for the Commission to  
14             grant the application.

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

18               (1) a party to the application proceeding has formally  
19               requested that the Commission hold hearings in a pleading  
20               that alleges that one or more of the allegations or  
21               certifications in the application is false or misleading;  
22               or

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

26             (g) The Commission shall have the authority to promulgate

1 rules to carry out the provisions of this Section. Within 30  
2 days after the effective date of this amendatory Act of the  
3 92nd General Assembly, the Commission shall adopt an emergency  
4 rule or rules applicable to the certification of those gas  
5 suppliers that seek to serve residential customers. Within 180  
6 days of the effective date of this amendatory Act of the 92nd  
7 General Assembly, the Commission shall adopt rules that  
8 specify criteria which, if met by any such alternative gas  
9 supplier, shall constitute the demonstration of technical,  
10 financial, and managerial resources and abilities to provide  
11 service required by paragraph ~~item~~ (1) of subsection (e) of  
12 this Section, such as a requirement to post a bond or letter of  
13 credit, from a responsible surety or financial institution, of  
14 sufficient size for the nature and scope of the services to be  
15 provided, demonstration of adequate insurance for the scope  
16 and nature of the services to be provided, and experience in  
17 providing similar services in other jurisdictions.

18 (h) The Commission may deny with prejudice any application  
19 that repeatedly fails to include the attachments,  
20 documentation, and affidavits required by the application form  
21 or that ~~repeatedly~~ fails to provide any other information  
22 required by this Section.

23 (i) An alternative gas supplier may seek confidential  
24 treatment for the reporting to the Commission of its total  
25 annual dekatherms delivered and sold by it to residential and  
26 small commercial customers by utility service territory during

1 the preceding year via the filing of an affidavit with the  
2 Commission so long as the affidavit meets the requirements of  
3 this subsection (i). The affidavit must be filed  
4 contemporaneously with the information for which confidential  
5 treatment is sought and must clearly state that the affiant  
6 seeks confidential treatment pursuant to this subsection (i)  
7 and the information for which confidential treatment is sought  
8 must be clearly identified on the confidential version of the  
9 document filed with the Commission. The affidavit must be  
10 accompanied by both a "confidential" and a "public" version of  
11 the document or documents containing the information for which  
12 confidential treatment is sought.

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

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

24 Nothing in this subsection (i) prevents the Commission, on  
25 its own motion, or any party from filing a formal petition with  
26 the Commission seeking to reconsider the conferring of

1 confidential status pursuant to this subsection (i).

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

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

16 (220 ILCS 5/19-120)

17 Sec. 19-120. Commission oversight of services provided by  
18 gas suppliers.

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

24 (b) The Commission shall have jurisdiction in accordance  
25 with the provisions of Article X of this Act either to



1 investigate on its own motion in order to determine whether or  
2 to entertain and dispose of any complaint by any person or  
3 corporation, chamber of commerce, board of trade, or any  
4 industrial, commercial, mercantile, agricultural or  
5 manufacturing society, or any body politic or municipal  
6 corporation against any alternative gas supplier alleging  
7 that:

8 (1) the alternative gas supplier has violated or is in  
9 nonconformance with any applicable provisions of Section  
10 19-110, 19-111, 19-112, or Section 19-115;

11 (1.5) that the alternative retail gas supplier  
12 violated any rule adopted by the Commission to govern the  
13 sales, marketing, or operations of retail gas suppliers;

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

17 (3) the alternative gas supplier has violated or is in  
18 nonconformance with the transportation services tariff of,  
19 or any of its agreements relating to transportation  
20 services with, the gas utility or municipal system  
21 providing transportation services; or

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

26 (c) The Commission shall have authority after such

1 administrative notice as is required by the Illinois  
2 Administrative Procedure Act and after an administrative  
3 hearing held on complaint or on the Commission's own motion to  
4 order any or all of the following remedies, penalties, or  
5 forms of relief:

6 (1) order an alternative gas supplier to cease and  
7 desist, or correct, any violation of or nonconformance  
8 with the provisions of Section 19-110, 19-111, 19-112, or  
9 19-115, or any violation or nonconformance over which the  
10 Commission has jurisdiction under subsection (a) of  
11 Section 19-120;

12 (2) impose financial penalties for violations of or  
13 nonconformances with the provisions of Section 19-110,  
14 19-111, 19-112, or 19-115, not to exceed ~~(i)~~ \$10,000 per  
15 occurrence, and for any violations or nonconformances that  
16 continue after the Commission issues a cease and desist  
17 order, up to an additional ~~or (ii)~~ \$30,000 for each day the  
18 violations or nonconformances continue per day for those  
19 ~~violations or nonconformances which continue after the~~  
20 ~~Commission issues a cease and desist order;~~ and

21 (3) alter, modify, revoke, or suspend the certificate  
22 of service authority of an alternative gas supplier for  
23 substantial or repeated violations of or nonconformances  
24 with the provisions of Section 19-110, 19-111, 19-112, or  
25 19-115.

26 (d) Nothing in this Act shall be construed to limit,

1 restrict, or mitigate in any way the power and authority of the  
2 State's Attorneys or the Attorney General under the Consumer  
3 Fraud and Deceptive Business Practices Act.

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

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

25 Section 10. The Consumer Fraud and Deceptive Business

1 Practices Act is amended by changing Sections 2EE and 2DDD as  
2 follows:

3 (815 ILCS 505/2EE)

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

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

8 (i) the alternative retail electric supplier first  
9 discloses all material terms and conditions of the offer  
10 to the consumer;

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

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

23 "(Name of the alternative retail electric  
24 supplier) is not the same entity as your electric  
25 delivery company. You are not required to enroll with

1 (name of alternative retail electric supplier). As of  
2 (effective date), the electric supply price to compare  
3 is currently (price in cents per kilowatt hour). The  
4 electric utility electric supply price will expire on  
5 (expiration date). The utility electric supply price  
6 to compare does not include the purchased electricity  
7 adjustment factor. For more information go to the  
8 Illinois Commerce Commission's free website at  
9 [www.pluginillinois.org](http://www.pluginillinois.org)."

10 If applicable, the statement shall include the  
11 following statement:

12 "The purchased electricity adjustment factor may  
13 range between +.5 cents and -.5 cents per kilowatt  
14 hour.";

15 (iv) the alternative retail electric supplier has  
16 obtained the consumer's express agreement to accept the  
17 offer after the disclosure of all material terms and  
18 conditions of the offer; and

19 (v) the alternative retail electric supplier has  
20 confirmed the request for a change in accordance with one  
21 of the following procedures:

22 (A) The new alternative retail electric supplier  
23 has obtained the consumer's written or electronically  
24 signed authorization in a form that meets the  
25 following requirements:

26 (1) An alternative retail electric supplier

1 shall obtain any necessary written or  
2 electronically signed authorization from a  
3 consumer for a change in electric service by using  
4 a letter of agency as specified in this Section.  
5 Any letter of agency that does not conform with  
6 this Section is invalid.

7 (2) The letter of agency shall be a separate  
8 document (an easily separable document containing  
9 only the authorization language described in  
10 subparagraph (5)) whose sole purpose is to  
11 authorize an electric service provider change. The  
12 letter of agency must be signed and dated by the  
13 consumer requesting the electric service provider  
14 change.

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

17 (4) Notwithstanding subparagraphs (1) and (2),  
18 the letter of agency may be combined with checks  
19 that contain only the required letter of agency  
20 language prescribed in subparagraph (5) and the  
21 necessary information to make the check a  
22 negotiable instrument. The letter of agency check  
23 shall not contain any promotional language or  
24 material. The letter of agency check shall contain  
25 in easily readable, bold-face type on the face of  
26 the check, a notice that the consumer is

1           authorizing an electric service provider change by  
2           signing the check. The letter of agency language  
3           also shall be placed near the signature line on  
4           the back of the check.

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

9                   (i) The consumer's billing name and  
10                   address;

11                   (ii) The decision to change the electric  
12                   service provider from the current provider to  
13                   the prospective provider;

14                   (iii) The terms, conditions, and nature of  
15                   the service to be provided to the consumer  
16                   must be clearly and conspicuously disclosed,  
17                   in writing, and an alternative retail electric  
18                   supplier must directly establish the rates for  
19                   the service contracted for by the consumer;  
20                   and

21                   (iv) That the consumer understand that any  
22                   alternative retail electric supplier selection  
23                   the consumer chooses may involve a charge to  
24                   the consumer for changing the consumer's  
25                   electric service provider.

26           (6) Letters of agency shall not suggest or

1           require that a consumer take some action in order  
2           to retain the consumer's current electric service  
3           provider.

4           (7) If any portion of a letter of agency is  
5           translated into another language, then all  
6           portions of the letter of agency must be  
7           translated into that language.

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

21          Automated third-party verification systems and  
22          3-way conference calls may be used for verification  
23          purposes so long as the other requirements of this  
24          subsection (b) are satisfied.

25          A supplier or supplier's sales representative  
26          initiating a 3-way conference call or a call through



1 an automated verification system must drop off the  
2 call once the 3-way connection has been established.

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

21 All third-party verifications shall be conducted  
22 in the same language that was used in the underlying  
23 sales transaction and shall be recorded in their  
24 entirety. Submitting suppliers shall maintain and  
25 preserve audio records of verification of subscriber  
26 authorization for a minimum period of 2 years after

1           obtaining the verification. Automated systems must  
2           provide consumers with an option to speak with a live  
3           person at any time during the call. Each disclosure  
4           made during the third-party verification must be made  
5           individually to obtain clear acknowledgment of each  
6           disclosure. The alternative retail electric supplier  
7           must be in a location where he or she cannot hear the  
8           customer while the third-party verification is  
9           conducted. The alternative retail electric supplier  
10          shall not contact the customer after the third-party  
11          verification for a period of 24 hours unless the  
12          customer initiates the contact.

13           (C) When a consumer initiates the call to the  
14          prospective alternative retail electric supplier, in  
15          order to enroll the consumer as a customer, the  
16          prospective alternative retail electric supplier must,  
17          with the consent of the customer, make a date-stamped,  
18          time-stamped audio recording that elicits, at a  
19          minimum, the following information:

20                   (1) the identity of the customer;

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

23                   (3) confirmation that the person on the call  
24                   wants to make the supplier change;

25                   (4) the names of the suppliers affected by the  
26                   change;

1 (5) the service address of the supply to be  
2 switched; and

3 (6) the price of the service to be supplied  
4 and the material terms and conditions of the  
5 service being offered, including whether any early  
6 termination fees apply.

7 Submitting suppliers shall maintain and preserve  
8 the audio records containing the information set forth  
9 above for a minimum period of 2 years.

10 (b) (1) An alternative retail electric supplier shall not  
11 utilize the name of a public utility in any manner that is  
12 deceptive or misleading, including, but not limited to, l  
13 implying or otherwise leading a consumer to believe that an  
14 alternative retail electric supplier is soliciting on behalf  
15 of or is an agent of a utility. An alternative retail electric  
16 supplier shall not utilize the name, or any other identifying  
17 insignia, graphics, or wording that has been used at any time  
18 to represent a public utility company or its services, to  
19 identify, label, or define any of its electric power and  
20 energy service offers. An alternative retail electric supplier  
21 may state the name of a public electric utility in order to  
22 accurately describe the electric utility service territories  
23 in which the supplier is currently offering an electric power  
24 and energy service. An alternative retail electric supplier  
25 that is the affiliate of an Illinois public utility and that  
26 was doing business in Illinois providing alternative retail

1 electric service on January 1, 2016 may continue to use that  
2 public utility's name, logo, identifying insignia, graphics,  
3 or wording in its business operations occurring outside the  
4 service territory of the public utility with which it is  
5 affiliated.

6 (2) An alternative retail electric supplier shall not  
7 state or otherwise imply that the alternative retail electric  
8 supplier is employed by, representing, endorsed by, or acting  
9 on behalf of a utility or utility program, a consumer group or  
10 consumer group program, or a governmental body, unless the  
11 alternative retail electric supplier has entered into a  
12 contractual arrangement with the governmental body and has  
13 been authorized by the governmental body to make the  
14 statements.

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

26 (1) During a solicitation an alternative retail

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

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

1 defined in Section 16-115C of the Public Utilities Act. An  
2 alternative retail electric supplier shall leave the  
3 premises at the consumer's, owner's, or occupant's  
4 request. A copy of the Uniform Disclosure Statement  
5 described in 83 Ill. Adm. Code 412.115 and 412.Appendix A  
6 is to be left with the consumer, at the conclusion of the  
7 visit unless the consumer refuses to accept a copy. An  
8 alternative retail electric supplier may provide the  
9 Uniform Disclosure Statement electronically instead of in  
10 paper form to a consumer upon that customer's request. The  
11 alternative retail electric supplier shall also offer to  
12 the consumer, at the time of the initiation of the  
13 solicitation, a business card or other material that lists  
14 the agent's name, identification number and title, and the  
15 alternative retail electric supplier's name and contact  
16 information, including phone number. The alternative  
17 retail electric supplier shall not conduct any in-person  
18 solicitations of consumers at any building or premises  
19 where any sign, notice, or declaration of any description  
20 whatsoever is posted that prohibits sales, marketing, or  
21 solicitations. The alternative retail electric supplier  
22 shall obtain consent to enter multi-unit residential  
23 dwellings. Consent obtained to enter a multi-unit dwelling  
24 from one prospective customer or occupant of the dwelling  
25 shall not constitute consent to market to any other  
26 prospective consumers without separate consent.

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

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

25          (5) If a direct mail solicitation to a consumer  
26          includes a written letter of agency, it shall include the

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

12 (6) Online Solicitation.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

23 (viii) for a fixed rate contract, a  
24 side-by-side comparison of the current price and  
25 the new price; for a variable rate contract or  
26 time-of-use product in which the first month's

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

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

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

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

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

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

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

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

1 Commission finds that an alternative retail electric supplier  
2 has violated this Section, the Commission may in its  
3 discretion do any one or more of the following:

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

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

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

20 (4) Issue a cease and desist order.

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

26 (e) ~~(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 (815 ILCS 505/2DDD)

8 Sec. 2DDD. Alternative gas suppliers.

9 (a) Definitions.

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

12 (2) "Gas utility" has the same meaning as in Section  
13 19-105 of the Public Utilities Act.

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

17 (c) Solicitation.

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

1 represent a public utility company or its services or to  
2 identify, label, or define any of its natural gas supply  
3 offers and shall not misrepresent the affiliation of any  
4 alternative supplier with the gas utility, governmental  
5 bodies, or consumer groups.

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

10 (2.3) An alternative gas supplier shall state that it  
11 represents an independent seller of gas certified by the  
12 Illinois Commerce Commission and that he or she is not  
13 employed by, representing, endorsed by, or acting on  
14 behalf of a utility, or a utility program.

15 (2.5) All in-person and telephone solicitations shall  
16 be conducted in, translated into, and provided in a  
17 language in which the consumer subject to the marketing or  
18 solicitation is able to understand and communicate. An  
19 alternative gas supplier shall terminate a solicitation if  
20 the consumer subject to the marketing or communication is  
21 unable to understand and communicate in the language in  
22 which the marketing or solicitation is being conducted. An  
23 alternative gas supplier shall comply with Section 2N of  
24 this Act.

25 (3) An alternative gas supplier shall clearly and  
26 conspicuously disclose the following information to all



1 customers:

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

4 (B) where the solicitation occurs in person,  
5 including through door-to-door solicitation, the  
6 salesperson's name;

7 (C) the alternative gas supplier's contact  
8 information, including the address, phone number, and  
9 website;

10 (D) contact information for the Illinois Commerce  
11 Commission, including the toll-free number for  
12 consumer complaints and website;

13 (E) a statement of the customer's right to rescind  
14 the offer within 10 business days of the date on the  
15 utility's notice confirming the customer's decision to  
16 switch suppliers, as well as phone numbers for the  
17 supplier and utility that the consumer may use to  
18 rescind the contract;

19 (F) the amount of the early termination fee, if  
20 any; and

21 (G) the utility gas supply cost rates per therm  
22 price available from the Illinois Commerce Commission  
23 website applicable at the time the alternative gas  
24 supplier is offering or selling the products or  
25 services to the customer and shall disclose the  
26 following statement:

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

10          (4) Except as provided in paragraph (5) of this  
11          subsection (c), an alternative gas supplier shall send the  
12          information described in paragraph (3) of this subsection  
13          (c) to all customers within one business day of the  
14          authorization of a switch.

15          (5) An alternative gas supplier engaging in  
16          door-to-door solicitation of consumers shall provide the  
17          information described in paragraph (3) of this subsection  
18          (c) during all door-to-door solicitations that result in a  
19          customer deciding to switch his or her supplier.

20          (d) Customer Authorization. An alternative gas supplier  
21          shall not submit or execute a change in a customer's selection  
22          of a natural gas provider unless and until: (i) the  
23          alternative gas supplier first discloses all material terms  
24          and conditions of the offer to the customer; (ii) the  
25          alternative gas supplier has obtained the customer's express  
26          agreement to accept the offer after the disclosure of all

1 material terms and conditions of the offer; and (iii) the  
2 alternative gas supplier has confirmed the request for a  
3 change in accordance with one of the following procedures:

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

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

13 (B) The letter of agency shall be a separate  
14 document (or an easily separable document containing  
15 only the authorization language described in item (E)  
16 of this paragraph (1)) whose sole purpose is to  
17 authorize a natural gas provider change. The letter of  
18 agency must be signed and dated by the customer  
19 requesting the natural gas provider change.

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

22 (D) Notwithstanding items (A) and (B) of this  
23 paragraph (1), the letter of agency may be combined  
24 with checks that contain only the required letter of  
25 agency language prescribed in item (E) of this  
26 paragraph (1) and the necessary information to make

1 the check a negotiable instrument. The letter of  
2 agency check shall not contain any promotional  
3 language or material. The letter of agency check shall  
4 contain in easily readable, bold face type on the face  
5 of the check, a notice that the consumer is  
6 authorizing a natural gas provider change by signing  
7 the check. The letter of agency language also shall be  
8 placed near the signature line on the back of the  
9 check.

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

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

15 (ii) the decision to change the natural gas  
16 provider from the current provider to the  
17 prospective alternative gas supplier;

18 (iii) the terms, conditions, and nature of the  
19 service to be provided to the customer, including,  
20 but not limited to, the rates for the service  
21 contracted for by the customer; and

22 (iv) that the customer understands that any  
23 natural gas provider selection the customer  
24 chooses may involve a charge to the customer for  
25 changing the customer's natural gas provider.

26 (F) Letters of agency shall not suggest or require

1           that a customer take some action in order to retain the  
2           customer's current natural gas provider.

3           (G) If any portion of a letter of agency is  
4           translated into another language, then all portions of  
5           the letter of agency must be translated into that  
6           language.

7           (2) An appropriately qualified independent third party  
8           has obtained, in accordance with the procedures set forth  
9           in this paragraph (2), the customer's oral authorization  
10          to change natural gas providers that confirms and includes  
11          appropriate verification data. The independent third party  
12          must: (i) not be owned, managed, controlled, or directed  
13          by the alternative gas supplier or the alternative gas  
14          supplier's marketing agent; (ii) not have any financial  
15          incentive to confirm provider change requests for the  
16          alternative gas supplier or the alternative gas supplier's  
17          marketing agent; and (iii) operate in a location  
18          physically separate from the alternative gas supplier or  
19          the alternative gas supplier's marketing agent. Automated  
20          third-party verification systems and 3-way conference  
21          calls may be used for verification purposes so long as the  
22          other requirements of this paragraph (2) are satisfied. An  
23          alternative gas supplier or alternative gas supplier's  
24          sales representative initiating a 3-way conference call or  
25          a call through an automated verification system must drop  
26          off the call once the 3-way connection has been

1 established. All third-party verification methods shall  
2 elicit, at a minimum, the following information:

3 (A) the identity of the customer;

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

6 (C) confirmation that the person on the call wants  
7 to make the provider change;

8 (D) the names of the providers affected by the  
9 change;

10 (E) the service address of the service to be  
11 switched; and

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

16 Third-party verifiers may not market the alternative  
17 gas supplier's services. All third-party verifications  
18 shall be conducted in the same language that was used in  
19 the underlying sales transaction and shall be recorded in  
20 their entirety. Submitting alternative gas suppliers shall  
21 maintain and preserve audio records of verification of  
22 customer authorization for a minimum period of 2 years  
23 after obtaining the verification. Automated systems must  
24 provide customers with an option to speak with a live  
25 person at any time during the call. Each disclosure made  
26 during the third-party verification must be made

1 individually to obtain clear acknowledgment of each  
2 disclosure. The alternative gas supplier must be in a  
3 location where he or she cannot hear the customer while  
4 the third-party verification is conducted. The alternative  
5 gas supplier shall not contact the customer after the  
6 third-party verification for a period of 24 hours unless  
7 the customer initiates the contact.

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

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

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

1 at a minimum, the following information:

2 (A) the identity of the customer;

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

5 (C) confirmation that the person on the call wants  
6 to make the provider change;

7 (D) the names of the providers affected by the  
8 change;

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

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

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

18 (5) In the event that a customer enrolls for service  
19 from an alternative gas supplier via an Internet website,  
20 the alternative gas supplier shall obtain an  
21 electronically signed letter of agency in accordance with  
22 paragraph (1) of this subsection (d) and any customer  
23 information shall be protected in accordance with all  
24 applicable statutes and rules. In addition, an alternative  
25 gas supplier shall provide the following when marketing  
26 via an Internet website:



1 (A) The Internet enrollment website shall, at a  
2 minimum, include:

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

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

8 (B) Any electronic version of the contract shall  
9 be identified by version number, in order to ensure  
10 the ability to verify the particular contract to which  
11 the customer assents.

12 (C) Throughout the duration of the alternative gas  
13 supplier's contract with a customer, the alternative  
14 gas supplier shall retain and, within 3 business days  
15 of the customer's request, provide to the customer an  
16 email ~~e-mail~~, paper, or facsimile of the terms and  
17 conditions of the numbered contract version to which  
18 the customer assents.

19 (D) The alternative gas supplier shall provide a  
20 mechanism by which both the submission and receipt of  
21 the electronic letter of agency are recorded by time  
22 and date.

23 (E) After the customer completes the electronic  
24 letter of agency, the alternative gas supplier shall  
25 disclose conspicuously through its website that the  
26 customer has been enrolled and the alternative gas

1           supplier shall provide the customer an enrollment  
2           confirmation number.

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

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

11          (e) Early Termination.

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

16           (2) In any agreement that contains an early  
17           termination clause, an alternative gas supplier shall  
18           provide the customer the opportunity to terminate the  
19           agreement without any termination fee or penalty within 10  
20           business days after the date of the first bill issued to  
21           the customer for products or services provided by the  
22           alternative gas supplier. The agreement shall disclose the  
23           opportunity and provide a toll-free phone number that the  
24           customer may call in order to terminate the agreement.

25           (f) The alternative gas supplier shall provide each  
26           customer the opportunity to rescind its agreement without

1 penalty within 10 business days after the date on the gas  
2 utility notice to the customer. The alternative gas supplier  
3 shall disclose to the customer all of the following:

4 (1) that the gas utility shall send a notice  
5 confirming the switch;

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

9 (3) that the customer may contact the gas utility or  
10 the alternative gas supplier to rescind the switch within  
11 10 business days; and

12 (4) the contact information for the gas utility and  
13 the alternative gas supplier.

14 The alternative gas supplier disclosure shall be included  
15 in its sales solicitations, contracts, and all applicable  
16 sales verification scripts.

17 (f-5)(1) Beginning January 1, 2020, an alternative gas  
18 supplier shall not sell or offer to sell any products or  
19 services to a consumer pursuant to a contract in which the  
20 contract automatically renews, unless an alternative gas  
21 supplier provides to the consumer at the outset of the offer,  
22 in addition to other disclosures required by law, a separate  
23 written statement titled "Automatic Contract Renewal" that  
24 clearly and conspicuously discloses in bold lettering in at  
25 least 12-point font the terms and conditions of the automatic  
26 contract renewal provision, including: (i) the estimated bill

1 cycle on which the initial contract term expires and a  
2 statement that it could be later based on when the utility  
3 accepts the initial enrollment; (ii) the estimated bill cycle  
4 on which the new contract term begins and a statement that it  
5 will immediately follow the last billing cycle of the current  
6 term; (iii) the procedure to terminate the contract before the  
7 new contract term applies; and (iv) the cancellation  
8 procedure. If the alternative gas supplier sells or offers to  
9 sell the products or services to a consumer during an  
10 in-person solicitation or telemarketing solicitation, the  
11 disclosures described in this paragraph (1) shall also be made  
12 to the consumer verbally during the solicitation. Nothing in  
13 this paragraph (1) shall be construed to apply to contracts  
14 entered into before January 1, 2020.

15 (2) At least 30 days before, but not more than 60 days  
16 prior, to the end of the initial contract term, in any and all  
17 contracts that automatically renew after the initial term, the  
18 alternative gas supplier shall send, in addition to other  
19 disclosures required by law, a separate written notice of the  
20 contract renewal to the consumer that clearly and  
21 conspicuously discloses the following:

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

26 (B) a statement in bold lettering, in at least

1 12-point font, that the contract will automatically renew  
2 unless the customer cancels it;

3 (C) the billing cycle in which service under the  
4 current term will expire;

5 (D) the billing cycle in which service under the new  
6 term will begin;

7 (E) the process and options available to the consumer  
8 to reject the new contract terms;

9 (F) the cancellation process if the consumer's  
10 contract automatically renews before the consumer rejects  
11 the new contract terms;

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

13 (H) for a fixed rate or flat bill contract, a  
14 side-by-side comparison of the current fixed rate or flat  
15 bill to the new fixed rate or flat bill; for a variable  
16 rate contract or time-of-use product in which the first  
17 month's renewal price can be determined, a side-by-side  
18 comparison of the current price and the price for the  
19 first month of the new variable or time-of-use price; or  
20 for a variable or time-of-use contract based on a publicly  
21 available index, a side-by-side comparison of the current  
22 formula and the new formula; and

23 (I) the phone number and Internet ~~email~~ address to  
24 submit a consumer inquiry or complaint to the Illinois  
25 Commerce Commission and the Office of the Attorney  
26 General.

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

11           (4) An alternative gas supplier shall not submit a change  
12 to a customer's gas service provider in violation of Section  
13 19-116 of the Public Utilities Act.

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

19           (h) Complaints may be filed with the Commission under this  
20 Section by a consumer whose gas service has been provided by an  
21 alternative retail gas supplier in a manner not in compliance  
22 with this Section or by the Commission on its own motion when  
23 it appears to the Commission that an alternative retail gas  
24 supplier has provided service in a manner not in compliance  
25 with this Section. If, after notice and hearing, the  
26 Commission finds that an alternative retail gas supplier has

1 violated this Section, the Commission may in its discretion do  
2 any one or more of the following:

3 (1) require the alternative retail gas supplier to  
4 refund to the consumer charges collected in excess of  
5 those that would have been charged by the consumer's  
6 authorized gas service provider;

7 (2) require the alternative retail gas supplier to pay  
8 to the consumer's authorized gas service provider the  
9 amount the authorized gas service provider would have  
10 collected for the gas service. The Commission is  
11 authorized to reduce this payment by any amount already  
12 paid by the alternative retail gas to the consumer's  
13 authorized provider for gas service;

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

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

18 (5) for a pattern of violation of this Section or for  
19 violations that continue after a cease and desist order,  
20 revoke the alternative retail gas supplier's certificate  
21 of service authority.

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