



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3903

Introduced 1/21/2022, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

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

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

LRB102 24709 SPS 33949 b

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing
5 Sections 16-115 and 16-115A as follows:

6 (220 ILCS 5/16-115)

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (i) (blank);

13 (ii) (blank);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (d-5) (Blank).

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

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

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

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

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

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

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

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

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

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

26 Nothing in this subsection (g) prevents an alternative

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

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

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

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

2 (220 ILCS 5/16-115A)

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

5 (a) An alternative retail electric supplier:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 individual representatives every 6 months.

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

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

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

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

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

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

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

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