

1 AN ACT concerning utilities.

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 Section 16-117 as follows:

6 (220 ILCS 5/16-117)

7 Sec. 16-117. Commission consumer education program.

8 (a) The restructuring of the electricity industry will  
9 create a new electricity market with new marketers and sellers  
10 offering new goods and services, many of which the average  
11 consumer will not be able to readily evaluate. It is the intent  
12 of the General Assembly that (i) electricity consumers be  
13 provided with sufficient and reliable information so that they  
14 are able to compare and make informed selections of products  
15 and services provided in the electricity market; and (ii)  
16 mechanisms be provided to enable consumers to protect  
17 themselves from marketing practices that are unfair or abusive.

18 (b) The Commission shall implement and maintain a consumer  
19 education program to provide residential and small commercial  
20 retail customers with information to help them understand their  
21 service options in a competitive electric services market, and  
22 their rights and responsibilities.

23 (c) The Commission shall form a working group following the

1 enactment of this amendatory Act of 1997. This group shall  
2 consist of 5 representatives of the investor-owned electric  
3 utilities in this State, 2 of which shall be appointed by  
4 electric utilities serving over 1,000,000 retail customers in  
5 this State; 2 representatives of alternative retail electric  
6 suppliers; 3 representatives of organizations representing the  
7 interests of residential and small commercial retail  
8 customers; and the Commission.

9 (d) By March 1, 1999, with respect to educational materials  
10 for small commercial customers and by November 1, 2001 with  
11 respect to educational materials for residential customers,  
12 the working group appointed pursuant to this Section shall  
13 develop a package of printed educational materials which meet  
14 the requirements of subsection (e) and shall submit such  
15 package to the Commission for approval, along with  
16 recommendations for implementing this consumer education  
17 program. Such materials shall consider the needs of different  
18 types of consumers in this State, such as elderly, low-income,  
19 multilingual, minority, rural and disabled customers. The  
20 working group shall issue recommendations to the Commission on  
21 how such education program can be implemented through a variety  
22 of communication methods, including specifically mass media,  
23 distribution of printed material, public service  
24 announcements, and posting on the Internet.

25 Not more than 90 days after the effective date of this  
26 amendatory Act of the 96th General Assembly, the Commission

1 shall direct the Office of Retail Market Development to review  
2 the existing consumer education materials for residential and  
3 small commercial customers and consider whether updates to  
4 those materials are necessary. The Office of Retail Market  
5 Development shall seek input from all interested persons to  
6 further its review of the consumer education materials and  
7 possible proposed changes. Within 4 months after the start of  
8 the review, the Office of Retail Market Development shall  
9 submit recommendations to the Commission for approval. If the  
10 Commission approves to prepare, print, and distribute  
11 additional consumer education materials, then a request shall  
12 be made subject to appropriations as described in subsection  
13 (j) of this Section.

14 (e) At a minimum, the materials constituting the consumer  
15 education program submitted to the Commission by the working  
16 group shall include concise explanations or descriptions of the  
17 following:

18 (1) the structure of the electric utility industry  
19 following this amendatory Act of 1997 and a glossary of  
20 basic terms;

21 (2) the choices available to consumers to take electric  
22 service from an alternative retail electric supplier or  
23 remain as a retail customer of an electric utility;

24 (3) a customer's rights, risks and responsibilities in  
25 receiving service from an alternative retail electric  
26 supplier or remaining as a retail customer of an electric

1 utility;

2 (4) the legal obligations of alternative retail  
3 electric suppliers;

4 (5) those services that may be offered on a competitive  
5 basis in a deregulated electric services market, including  
6 services that could be packaged with the delivery of  
7 electric power and energy;

8 (6) services that an electric utility is required to  
9 provide pursuant to tariffed rates;

10 (7) the components of a bill that could be received by  
11 a customer taking delivery services;

12 (8) the complaint procedures set forth in Section  
13 10-108 of this Act by which consumers may seek a redress of  
14 grievances against an electric utility or an alternative  
15 retail electric supplier and a list of phone numbers of the  
16 Commission, the Attorney General or other entities that can  
17 provide information and assistance to customers; and

18 (9) additional information available from the  
19 Commission upon request.

20 (f) Within 45 days following the submission required of the  
21 working group by subsection (d) of this Section, the Commission  
22 shall approve or disapprove the educational materials and  
23 recommendations for program implementation. The Commission  
24 shall be deemed to have approved the educational program  
25 materials and recommendations unless the Commission  
26 disapproves of any such material or recommendation within 45

1 days following the date of receipt.

2 (g) Once approved by the Commission, materials comprising  
3 the consumer education program contemplated by this Section  
4 shall be distributed as follows:

5 (1) Electric utilities shall mail printed educational  
6 materials specified by the working group and approved by  
7 the Commission (a) to all residential and small commercial  
8 retail customers within a reasonable period prior to the  
9 date that such customers become eligible to purchase power  
10 from alternative retail electric suppliers, such  
11 "reasonable period" to be determined by the Commission; and  
12 (b) once the applicable customer class becomes eligible to  
13 receive delivery services, to all new residential and small  
14 commercial retail customers at the time that such customers  
15 begin taking services from the electric utility.

16 (2) Alternative retail electric suppliers shall  
17 include such materials with all initial mailings to  
18 potential residential and small commercial retail  
19 customers but in all circumstances prior to the time by  
20 which an alternative retail electric supplier executes any  
21 agreements or contracts with such customers for the supply  
22 of electric services.

23 (3) Both electric utilities and alternative retail  
24 electric suppliers shall provide such materials at no  
25 charge to residential and small commercial retail  
26 customers upon request.

1           (4) The Commission shall make available upon request  
2           and at no charge, and shall make available to the public on  
3           the Internet through the State of Illinois World Wide Web  
4           Site:

5                   (A) all printed educational materials developed by  
6                   the working group and approved by the Commission;

7                   (B) a list of all certified alternative retail  
8                   electric suppliers serving residential and small  
9                   commercial retail customers within the service  
10                  territory of each electric utility;

11                  (C) a list of alternative retail electric  
12                  suppliers serving residential or small commercial  
13                  retail customers which have been found in the last 3  
14                  years by the Commission pursuant to Section 10-108 to  
15                  have failed to provide service in accordance with the  
16                  terms of their contracts with such retail customers;  
17                  and

18                  (D) guidelines to assist customers in determining  
19                  which energy supplier is most appropriate for each  
20                  customer.

21           (h) The Commission may also adopt a uniform disclosure form  
22           which alternative retail electric suppliers would be required  
23           to complete enabling consumers to compare prices, terms and  
24           conditions offered by such suppliers.

25           (i) The Commission shall make available to the public staff  
26           with the ability and knowledge to respond to consumer

1 inquiries.

2 (j) The costs of printing educational materials approved by  
3 the Commission pursuant to this Section shall be payable solely  
4 from funding as provided in this subsection.

5 Each year the General Assembly shall appropriate money to  
6 the Commission from the Public Utility Fund ~~General Revenue~~  
7 ~~Fund~~ for the expenses of the Commission associated with this  
8 Section. The cost of the consumer education program  
9 contemplated by this Section shall not exceed the amount of  
10 such appropriation. In no event shall any electric utility,  
11 alternative retail electric supplier or customer be liable for  
12 the costs of printing consumer education program material in  
13 accordance with this Section. The obligations associated with  
14 this consumer education program shall not exceed the amounts  
15 appropriated for this program pursuant to this Section.

16 (k) The Commission shall study the effectiveness of the  
17 consumer education program. Such study shall include a notice  
18 and an opportunity for participation and comment by all  
19 interested and potentially affected parties. Such study shall  
20 be completed by January 31st of each year during the mandatory  
21 transition period and a summary thereof, together with any  
22 legislative recommendations, shall be included in the  
23 Commission's Annual Report due in accordance with Section 4-304  
24 of this Act.

25 (Source: P.A. 90-561, eff. 12-16-97.)

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

1 becoming law.