**Section 412.10 Definitions**

"Act" means the Public Utilities Act [220 ILCS 5].

"Alternative retail electric supplier" or "ARES" means alternative retail electric supplier as defined in Section 16-102 of the Public Utilities Act*.*

"ARES sales agent" means any employee, agent, independent contractor, consultant, or other person who is engaged by an ARES to solicit customers to purchase, enroll in or contract for electric power and energy service on behalf of an ARES. ARES sales agent does not include any agent, broker or consultant licensed under Section 16-115C of the Public Utilities Act that is acting as agent for the customer and not soliciting enrollments on behalf of any individual ARES.

"Commission" means the Illinois Commerce Commission.

"Complaint" means an objection made to an ARES by a customer or other entity as to its charges, facilities or service, the disposal of which complaint requires investigation or analysis.

"Customer," when used without additional modifying language, shall mean small commercial retail customers and residential customers collectively, as those terms are defined in this Section.

"Early termination fee" or "ETF" means a fee or penalty for terminating an agreement or contract for electric power and energy service provided by the ARES before the end of the contract term.

"Electric utility" means an electric utility as defined in Section 16-102 of the Public Utilities Act.

"Enrollment" means the process by which an ARES submits or executes a change in a customer’s selection of an electric supplier, enters into and effectuates a contract with a customer to provide the supply portion of electric service and the RES submits a valid direct access service request to the utility to effectuate that contract.

"Fixed rate" means that the per-kWh charge for electric power and energy service remains the same for the term of the contract.

"Goodwill and institutional advertising" means any advertising either on a local or national basis designed primarily to bring the ARES’s name before the general public in such a way to improve the image of the ARES or to promote the ARES or the industry, and that does not:

contain information about prices, terms, or conditions of retail electric supply products or services offered by ARES to customers; or

direct or induce customers to sign up for such products or services.

"Inbound enrollment call" means a telephone call to an ARES sales agent initiated by a customer that results in either an enrollment or a change of provision of that customer's electric power and energy service.

"In-person solicitation" means any sale initiated or conducted when an ARES sales agent is physically present with the customer.

"Letter of Agency" or "LOA" means the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505] and referenced in Section 16-115A of the Public Utilities Act.

"Pending enrollment" means that a valid direct access service request has been submitted by an ARES and accepted by an electric utility, for which the beginning meter read date upon which the switch will become effective has not yet occurred.

"Public Utility" has the same meaning as “public utility” as defined by Section 3-105 of the Act.

"*Renewable energy credit*" or "REC" *means a tradeable credit that represents the environmental attributes of one megawatt hour* (1,000 kWh) *of energy produced from a renewable energy resource.* [20 ILCS 3855/1-10]

"*Renewable energy resources*" means, according to 42 USC 7372, any energy resource that has recently originated in the sun. *"Renewable energy resources" includes energy and its associated renewable energy credit or renewable energy credits from wind, solar thermal energy, photovoltaic cells and panels, biodiesel, anaerobic digestion, crops and untreated and unadulterated organic waste biomass, tree waste, hydropower that does not involve new construction or significant expansion of hydropower dams, and landfill gas produced in* Illinois. *"Renewable energy resources" does not include the incineration or burning of tires, garbage, general household, institutional, and commercial waste, industrial lunchroom or office waste, landscape waste other than tree waste, railroad crossties, utility poles, or construction or demolition debris, other than untreated and unadulterated waste wood.* [20 ILCS 3855/1-10]

"Rescission" or "to rescind" means the cancellation of an agreement or contract with an ARES before the ARES has submitted an enrollment request to the electric utility and/or within 10 calendar days after the date on the electric utility’s written notice to the customer of the switch.

"Residential customer" means a person receiving gas, electric, water or sanitary sewer utility service for household purposes furnished to a dwelling of one or two units that is billed under a residential rate.

"Send" or "Sent", when used in this Part to describe the action to be taken by an Alternative Retail Electric Supplier in sending a document to a customer, may include, if agreed to by the receiving customer, transmission of the document to the customer via electronic delivery (e.g., fax or email).

"Small commercial retail customer" means a nonresidential customer of an electric utility consuming 15,000 kWh or less of electricity annually in its service area. An ARES may remove the customer from designation as a "small commercial retail customer" if the customer consumes more than 15,000 kWh of electricity in any calendar year after becoming a customer of an ARES. In determining whether a customer is a small commercial retail customer, usage by the same commercial customer shall be aggregated to include usage at the same premises, even if measured by more than one meter, and to include usage at multiple premises. Nothing in this Part creates an affirmative obligation on an electric utility to monitor or inform customers or ARES as to a customer's status as a small commercial retail customer as defined by this definition. Nothing in this Part relieves an electric utility from any obligation to provide information upon request to a customer, an ARES, the Commission or others necessary to determine whether a customer meets the classification of small commercial retail customer.

"Third party verification" or "TPV" means the process required by Section 2EE(b) of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505] to be used to verify that the customer wants to make a change in electric supplier. An ARES or its agent shall not describe the TPV as having any other purpose.

"Time-of-use rate" means that the per-unit charge for electric power and energy service changes more than once per month.

"Transferred call" means any enrollment call to an ARES in which the customer did not directly dial an ARES. This includes calls that originate as live or automated calls to the customer, who then might select an option that results in the call being forwarded to an ARES sales agent. "Transferred call" does not include enrollment calls in which the customer directly dials an aRES call center and selects to be forwarded to an ARES sales agent from a call center menu or live operator. For purposes of enrollment compliance, transferred calls shall be treated as telemarketing within the meaning of Section 412.130.

"Utility assistance recipient" means a utility customer that received financial assistance in the previous 12 months from either the Low Income Home Energy Assistance Program (LIHEAP), Low Income Home Water Assistance Program (LIHWAP), or that, at the time of enrollment, is participating in the Percentage of Income Payment Plan (PIPP) described in 220 ILCS 5/19-116.

"Utility Electric Supply Price to Compare" or "PTC" means *the sum* on the day of the disclosure *of the electric supply charge and the transmission services charge* and shall *not include the purchased electricity adjustment.* [220 ILCS 5/16-115A(e)(i)]

"Variable rate" means that the per-kWh charge for electric power and energy service changes at any time during the term of the contract but does not change more than once per month.

"Written" or "in writing" means a paper copy. However, when this Part requires information to be "written" or "in writing", an electronic copy satisfies that requirement so long as the customer has agreed to electronic communication.

(Source: Amended at 46 Ill. Reg. 19509, effective November 23, 2022)