**Section 451.310 General Provisions of Subpart D**

a) Applicant shall certify compliance with all terms and conditions required by Section 16-115A(c) of the Act.

b) An applicant that seeks to serve customers within a geographic area that is smaller than an electric utility's service area shall demonstrate that the designation of this smaller area does not violate any part of Section 16-115A of the Act. Applicant shall state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be served and certify that it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income nor deny service to a customer or group of customers based on locality nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities.

c) The applicant shall submit as part of its application a statement indicating:

1) Whether the applicant has been denied an electric supplier license in any state in the United States, and for affirmative responses, provide details identifying the name, case number, and jurisdiction of each such action.

2) Whether the applicant has had an electric supplier license suspended or revoked by any state in the United States, and for affirmative responses, provide details identifying the name, case number, and jurisdiction of each such action.

3) Where, if any, other electric supplier license applications are pending in the United States.

4) Whether the applicant is the subject of any lawsuits filed in a court of law or formal complaints filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations, identifying the name, case number, and jurisdiction of each such lawsuit or complaint. For the purposes of this Section, formal complaints include only those complaints that seek a binding determination from a state or federal regulatory body.

d) The applicant shall certify that it will comply with the following requirements with respect to the marketing, offering and provision of products or services to residential and small commercial retail customers:

1) Any marketing materials that make statements concerning prices, terms and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services that the alternative retail electric supplier is offering or selling to the customer.

2) Before any customer is switched from another supplier, the alternative retail electric supplier shall give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer.

3) An alternative retail electric supplier shall provide documentation to the Commission and to customers that substantiates any claims made by the alternative retail electric supplier regarding the technologies and fuel types used to generate the electricity offered or sold to customers.

4) The alternative retail electric supplier shall provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices and provide an additional statement, at least annually, that adequately discloses the average monthly prices and the terms and conditions of the products and services sold to the customer.

e) The applicant shall certify that it will provide the Commission's electric education internet address to all residential and small commercial retail customers pursuant to Section 16-117(g)(2) of the Act.

f) The applicant shall certify that it will provide to residential and small commercial retail customers, on a semiannual basis, information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act).

(Source: Amended at 43 Ill. Reg. 10450, effective September 3, 2019)