



Rep. Gregory Harris

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LRB100 05772 SMS 40566 a

1 AMENDMENT TO SENATE BILL 1531

2 AMENDMENT NO. _____. Amend Senate Bill 1531 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Sections 8-101.5, 8-201, 8-202, 8-205, 8-206, 8-207, 8-209,
6 16-115A, 16-118, 19-115, 19-130, 19-135, and 20-110 and by
7 adding Sections 8-201.7, 8-202.5, 8-202.6, 8-207.5, 16-115E,
8 and 19-116 as follows:

9 (220 ILCS 5/8-101.5)

10 Sec. 8-101.5. Use of credit information of prospective and
11 existing customers. A public utility may not deny, cancel, or
12 nonrenew utility service solely on the basis of credit
13 information of prospective or existing customers. ~~If a public
14 utility denies, cancels, or does not renew service based on
15 credit information, it must provide the affected party with an
16 explanation for the public utility's action and an opportunity~~

1 ~~for the affected party to explain its credit information.~~ This
2 Section does not apply to a telecommunications carrier or any
3 of its affiliates.

4 (Source: P.A. 96-560, eff. 8-18-09.)

5 (220 ILCS 5/8-201) (from Ch. 111 2/3, par. 8-201)

6 Sec. 8-201. Policy.

7 (a) It is the policy of this State that no person should be
8 denied essential utility service ~~during the winter months~~ due
9 to financial inability to pay. It is also the policy of this
10 State that public utilities and prospective and existing
11 ~~residential heating~~ customers deal with each other in good
12 faith and in a fair manner.

13 (b) It is further the policy of this State that public
14 utilities shall treat low-income prospective or existing
15 customers in good faith and in a fair manner to protect their
16 access to essential utility service, to set deferred payment
17 arrangements for past due amounts that are affordable, and to
18 maximize the opportunity to use essential utility service
19 without interruption or disconnection.

20 (Source: P.A. 84-617.)

21 (220 ILCS 5/8-201.7 new)

22 Sec. 8-201.7. Low-income customer.

23 (a) As used in this Act and the rules adopted to implement
24 this Act, "low-income customer" means a prospective or existing

1 customer who:

2 (1) has received grant assistance for medical services
3 within the last 12 months; or

4 (2) participates in or receives benefits pursuant to
5 one or more of the following programs:

6 (A) Special Supplemental Nutrition Program for
7 Women, Infants, and Children;

8 (B) Supplemental Nutrition Assistance Program;

9 (C) Low Income Home Energy Assistance Program;

10 (D) Percentage of Income Payment Plan;

11 (E) federal Temporary Assistance for Needy
12 Families;

13 (F) Rental Housing Support Program;

14 (G) Housing Choice Voucher Program under Section 8
15 of the United States Housing Act of 1937;

16 (H) Supplemental Security Income;

17 (I) Medicaid;

18 (J) federal Lifeline program;

19 (K) Dependency and Indemnity Compensation for a
20 surviving spouse or parents of a veteran; or

21 (L) unemployment insurance.

22 (b) Beginning 60 days after the effective date of this
23 amendatory Act of the 100th General Assembly, public utilities
24 shall treat a prospective or existing residential customer that
25 participates in the programs identified in subsection (a) as a
26 low-income customer for purposes of this Act. All rules

1 implemented under this Act shall use the definition of
2 low-income customer contained in this Section and include
3 additional criteria only if the additional criteria expand a
4 customer's eligibility for treatment as a low-income customer.

5 (c) To the extent that a public utility cannot obtain
6 electronic verification of a prospective or existing
7 customer's participation in the programs identified in
8 subsection (a) or of low-income status from State or federal
9 agencies, a public utility shall accept, in either paper or
10 electronic format, any of the following documentation as proof
11 that a customer participates in or receives benefits pursuant
12 to one or more of the qualifying programs:

13 (1) a current or prior year's statement of benefits
14 from a qualifying program or a notice or letter of
15 participation in a qualifying program;

16 (2) program participation documents, or other official
17 documents, demonstrating that the customer or the
18 customer's dependents receive benefits from a qualifying
19 program;

20 (3) a Social Security statement of benefits;

21 (4) a federal Veterans Affairs statement of benefits;

22 (5) an unemployment insurance statement of benefits;

23 or

24 (6) a federal or tribal notice letter of participation
25 in general assistance from the federal Temporary
26 Assistance for Needy Families.

1 (d) A public utility may communicate and coordinate with
2 the Department of Human Services, with federal benefits
3 agencies, and with qualified community-based organizations
4 (such as community action agencies, public housing
5 authorities, or community development corporations) to verify
6 that a prospective or existing customer is a low-income
7 customer and may utilize electronic and information technology
8 to verify that a prospective or existing customer is a
9 low-income customer in lieu of documentation provided by the
10 customer.

11 (e) The prospective or existing customer has the burden of
12 providing the documentation identified in subsection (c) to the
13 public utility to establish that he or she is a low-income
14 customer and shall provide the documentation identified in
15 subsection (c) within 10 business days after the initiation of
16 negotiations between the customer and the public utility to
17 enter into a deferred payment arrangement. The public utility
18 shall pay the cost of obtaining the documentation identified in
19 subsection (c) from the prospective or existing customer and
20 shall accept the forms of documentation identified in
21 subsection (c) as conclusive proof that the prospective or
22 existing customer qualifies as a low-income customer.

23 (f) No utility shall be obligated to conduct an independent
24 authentication of the documentation provided by the
25 prospective or existing customer pursuant to subsection (c). No
26 utility shall be held liable if the documentation provided by

1 the prospective or existing customer is determined to be
2 inauthentic or fraudulent.

3 (220 ILCS 5/8-202) (from Ch. 111 2/3, par. 8-202)

4 Sec. 8-202. Any public utility, or two or more public
5 utilities, which furnishes electricity or gas ~~for space heating~~
6 shall in every case in which service may be terminated or cut
7 off due to nonpayment and to any residential customer who is a
8 participant in the Low Income Home Energy Assistance Program or
9 a program provided under the Energy Assistance Act; ~~during the~~
10 ~~calendar months of November, December, January, February, and~~
11 ~~March:~~

12 (a) give written notice of its intention to terminate or
13 cut off such service or supply for any reason, other than by
14 request of the customer, to the customer. Such notice shall be
15 sent by U.S. Mail at least 8 days prior to termination of
16 service or supply or delivered by other means to the customer 5
17 days prior to such termination; beginning 60 days after the
18 effective date of this amendatory Act of the 100th General
19 Assembly, such notice shall include a prominent notice,
20 substantially in the same form provided in Section 8-202.6,
21 stating that customers may be entitled to accommodations as
22 required by law to preserve service, including the availability
23 of deferred payment arrangements and the option to be treated
24 as a low-income customer pursuant to Section 8-201.7; and

25 (b) deliver written notice of intention to terminate or cut

1 off such service or supply for any reason, other than by
2 request of the customer, to the Director of the local
3 department of public health or, if there is no local department
4 of public health, then to the township supervisor or, if there
5 is no township supervisor, then to the county sheriff where the
6 premises receiving such service or supply is located; and

7 (c) send, by certified mail, prior written notice of its
8 intention to terminate or cut off such service or supply for
9 any reason, other than by request of the customer, to the owner
10 of record and/or the mortgagee of the premises receiving such
11 service or supply, should the owner of record or mortgagee make
12 request to the public utility for any such notice.

13 The notice required by paragraphs (b) and (c) of this
14 Section shall be delivered or mailed at least 24 hours and not
15 more than 48 hours prior to the termination of service or
16 supply.

17 Any termination notice delivered or mailed to a customer
18 shall include a statement advising said customer that the
19 township supervisor, local department of public health, or
20 county sheriff, and the owner and/or the mortgagee, if
21 applicable, will be notified of the termination action at least
22 24 hours prior to the termination of service or supply.

23 Nothing in this Act shall be construed to limit the power
24 of the Commission to adopt other rules and regulations pursuant
25 to service termination notices consistent with the Act.

26 No public official to whom notice is given pursuant to

1 subparagraph (b) of this Section shall be liable for death,
2 injury or damages resulting from cut-off of electricity or gas
3 service or supply.

4 (Source: P.A. 84-617.)

5 (220 ILCS 5/8-202.5 new)

6 Sec. 8-202.5. Deferred payment arrangements.

7 (a) If a prospective or existing customer of a public
8 utility has past due billing, the public utility shall provide
9 the customer a prominent notice, substantially in the same form
10 provided in Section 8-202.6, stating that the customer may be
11 entitled to accommodation as required by law to pay the amounts
12 past due and to preserve utility service, including the
13 availability of deferred payment arrangements and the option to
14 be treated as a low-income customer pursuant to Section
15 8-201.7. Notice shall be sent by U.S. Mail. In addition to the
16 written notice, if a prospective or existing customer contacts
17 the utility about a past due bill or inability to pay, the
18 utility shall notify the customer of the option to qualify as a
19 low-income customer pursuant to Section 8-201.7.

20 (b) The utility shall offer a deferred payment arrangement
21 in accordance with this Section to any prospective or existing
22 residential customer who has a past due amount for utility
23 service to retire the debt. Every deferred payment arrangement
24 shall be determined by both the utility and the customer
25 receiving residential utility service and shall be designed to

1 reflect each particular customer's specific financial
2 circumstances. The utility has an affirmative obligation to
3 take into account the customer's ability to successfully
4 complete the deferred payment arrangement, which shall be based
5 on the customer's ability to make payments on the past due
6 balance while paying current bills. The customer shall have the
7 option, when negotiating a deferred payment arrangement, to
8 include the current month's bill in the total amount to be paid
9 over the term of the deferred payment arrangement. The utility
10 shall not resume collection activity, including disconnection,
11 while the customer and the utility are negotiating a deferred
12 payment arrangement or during the time the customer is
13 obtaining documentation that he or she qualifies as a
14 low-income customer.

15 (c) (1) The utility shall offer to a prospective or existing
16 customer who qualifies as a low-income customer pursuant to
17 Section 8-201.7 a deferred payment arrangement that includes
18 the following minimum terms:

19 (A) no down payment;

20 (B) the option to enter into a levelized payment plan
21 for the payment of future bills; and

22 (C) no less than 6 billing cycles and up to 36 billing
23 cycles to pay the past due balance; however, the low-income
24 customer may voluntarily agree to a shorter term and the
25 utility may voluntarily agree to a longer term.

26 (2) If the prospective or existing customer does not

1 qualify as a low-income customer, the utility shall offer to
2 the customer a deferred payment arrangement that includes the
3 following minimum terms:

4 (A) a down payment that is no more than the lesser of
5 \$100 or 10% of the total outstanding bill, unless the
6 customer voluntarily agrees to pay a larger down payment or
7 the utility decreases the down payment amount;

8 (B) the option to enter into a levelized payment plan
9 for the payment of future bills; and

10 (C) no less than 6 billing cycles and up to 24 billing
11 cycles to pay the past due balance; however, the customer
12 may voluntarily agree to a shorter term and the utility may
13 voluntarily agree to a longer term.

14 (3) If a residential customer's household income and the
15 amount past due will not allow the customer to successfully
16 complete a deferred payment plan of any length, the utility
17 shall provide the customer with the names, addresses, and
18 telephone numbers of governmental and private agencies that may
19 provide assistance to customers of public utilities in paying
20 their utility bills. The utility shall obtain the approval of
21 an agency before placing the name of that agency on a list that
22 will be used to provide the information to customers.

23 (d) The public utility shall not require a deposit or
24 charge a fee for entering into, renegotiating, or reinstating a
25 deferred payment arrangement or charge any interest or late
26 payment charge on deferred payment plan balances or payments.

1 (e) No later than 10 business days after the utility and
2 the customer have reached a mutually-agreeable deferred
3 payment arrangement, the utility shall provide a written
4 statement to the customer that includes the terms of the
5 deferred payment arrangement, including: (1) the date the
6 payment is due; (2) the amount of the down payment, if any; (3)
7 the amount of the monthly installment; (4) the length of the
8 deferred payment arrangement, in months; and (5) the date the
9 final payment is due.

10 (f) A deferred payment arrangement is considered in default
11 when a customer fails to pay the full amount of the installment
12 and the current bill by the fifth day after the bill payment
13 due date. Upon a default, the utility shall offer to
14 renegotiate the deferred payment arrangement, taking into
15 consideration the same factors identified in this Section and
16 shall not resume collection activity, including disconnection,
17 for a period of 30 days while the customer and the utility are
18 renegotiating a revised deferred payment arrangement. A
19 low-income customer who has failed to complete a previous
20 deferred payment arrangement shall be entitled to enter into a
21 new or renegotiated deferred payment arrangement without
22 producing documentation of low-income status if the
23 renegotiated deferred payment arrangement is entered into
24 within 30 days after default.

25 (g) A customer whose financial circumstances change during
26 the course of a deferred payment agreement shall be allowed to

1 renegotiate the installment amounts and length of the deferred
2 payment arrangement with the utility in accordance with this
3 Section to ensure the successful completion of the deferred
4 payment arrangement.

5 (h) Each public utility shall develop written procedures
6 for evaluating the financial need of a customer or applicant,
7 for ensuring the confidential handling of such information, for
8 arriving at fair and reasonable payment terms, and for training
9 its personnel, and these procedures shall be filed with the
10 Office of the Attorney General and with the Commission.

11 (i) No public utility shall require a deposit from an
12 existing residential customer to obtain or continue service or
13 as a condition of a deferred payment arrangement.

14 (j) As used in this Section, "existing residential
15 customer" means a residential customer who requests connection
16 to utility service within 45 days after disconnection at the
17 same location.

18 (k) The provisions of this Section are operative beginning
19 60 days after the effective date of this amendatory Act of the
20 100th General Assembly.

21 (220 ILCS 5/8-202.6 new)

22 Sec. 8-202.6. Required notice to residential customers.

23 (a) Beginning 60 days after the effective date of this
24 amendatory Act of the 100th General Assembly, every public
25 utility shall include the notice specified in subsection (b) at

1 least once every year to every residential customer and shall
2 include the notice specified in subsection (b) in every
3 residential bill with an amount past due and in every notice of
4 disconnection and provide the notice to every residential
5 customer who is a participant in the Low Income Home Energy
6 Assistance Program or a program provided under the Energy
7 Assistance Act. The Commission shall ensure that its rules and
8 all notices required in its rules reflect the provisions of
9 this amendatory Act of the 100th General Assembly. The notice
10 specified in subsection (b) is in addition to other customer
11 notices required by the Commission.

12 (b) The notice required in subsection (a) shall be
13 substantially in the following form, in at least 12-point font:

14 "IF YOU CANNOT PAY YOUR ENTIRE BILL NOW OR ARE FACING
15 DISCONNECTION, SEE IMPORTANT PROTECTIONS BELOW:

16 All residential customers are eligible for certain
17 protections to maintain their utility service. If you have
18 amounts past due or are in danger of disconnection, your
19 utility must offer you a "deferred payment arrangement."
20 The utility cannot discontinue your service unless it has
21 offered you a deferred payment arrangement that is designed
22 to reflect your specific financial circumstances.

23 If you participate in or receive benefits from one of
24 the programs listed below, you may be eligible for
25 financial assistance and are eligible for a deferred
26 payment arrangement with no down payment, no less than 6

1 months and up to 36 months to pay off the past due balance,
2 and the option to enter into a levelized payment plan
3 (budget billing) for the payment of future bills.

4 If you do not qualify as a low-income customer, the
5 utility shall not require you to make a down payment of
6 more than the lesser of \$100 or 10% of the total
7 outstanding bill and shall offer you no less than 6 months
8 and up to 24 months to pay off the past due balance unless
9 you voluntarily agree to pay a larger down payment or agree
10 to a shorter term. You may also enter into a levelized
11 payment plan (budget billing) for the payment of future
12 bills.

13 You qualify as a low-income customer if you:

14 (1) have received grant assistance for medical
15 services within the last 12 months; or

16 (2) participate in or receive benefits pursuant to one
17 or more of the following programs:

18 (A) Special Supplemental Nutrition Program for
19 Women, Infants, and Children (WIC);

20 (B) Supplemental Nutrition Assistance Program
21 (SNAP);

22 (C) Low Income Home Energy Assistance Program
23 (LIHEAP);

24 (D) Percentage of Income Payment Plan (PIPP);

25 (E) federal Temporary Assistance for Needy
26 Families (TANF);

1 (F) Rental Housing Support Program;

2 (G) Housing Choice Voucher Program under Section 8

3 of the United States Housing Act of 1937 (Section 8);

4 (H) Supplemental Security Income (SSI);

5 (I) Medicaid;

6 (J) federal Lifeline program;

7 (K) Dependency and Indemnity Compensation for a
8 surviving spouse or parents of a veteran (DIC); or

9 (L) unemployment insurance (unemployment).

10 Be prepared to provide the utility with documentation
11 of program eligibility, such as the current or prior year's
12 statement of benefits from a qualifying assistance
13 program, a notice or letter of participation in a
14 qualifying assistance program, program participation
15 documents, or another official document demonstrating that
16 you or one or more of your dependents receive benefits from
17 a qualifying assistance program."

18 (220 ILCS 5/8-205) (from Ch. 111 2/3, par. 8-205)

19 Sec. 8-205. (a) Termination of gas and electric utility
20 service to all residential users, including all tenants of
21 mastermetered apartment buildings, for nonpayment of bills,
22 where gas or electricity is used as the only source of space
23 heating or to control or operate the only space heating
24 equipment at the residence is prohibited,

25 (1) on any day when the National Weather Service

1 forecast for the following 24 hours covering the area of
2 the utility in which the residence is located includes a
3 forecast that the temperature will be 32 degrees Fahrenheit
4 or below; or

5 (2) on any day preceding a holiday or a weekend when
6 such a forecast indicated that the temperature will be 32
7 degrees Fahrenheit or below during the holiday or weekend.

8 (b) If gas or electricity is used as the only source of
9 space cooling or to control or operate the only space cooling
10 equipment at a residence, then a utility with over 100,000
11 residential customers may not terminate gas or electric utility
12 service to the residential user, including all tenants of
13 mastermetered apartment buildings:

14 (1) on any day when the National Weather Service
15 forecast for the following 24 hours covering the area of
16 the utility in which the residence is located includes a
17 forecast that the temperature will be 85 ~~95~~ degrees
18 Fahrenheit or above; or

19 (2) on any day preceding a holiday or weekend when a
20 forecast indicates that the temperature will be 85 ~~95~~
21 degrees Fahrenheit or above during the holiday or weekend.

22 (Source: P.A. 95-772, eff. 8-1-08.)

23 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

24 Sec. 8-206. Winter termination for nonpayment.

25 (a) Notwithstanding any other provision of this Act, no

1 electric or gas public utility shall disconnect service to any
2 residential customer or mastermeters apartment building for
3 nonpayment of a bill ~~or deposit~~ where gas or electricity is
4 used as the primary source of space heating or is used to
5 control or operate the primary source of space heating
6 equipment at the premises during the period of time from
7 December 1 through and including March 31 of the immediately
8 succeeding calendar year, unless:

9 (1) The utility (i) has offered the customer a deferred
10 payment arrangement allowing for payment of past due
11 amounts in accordance with Section 8-202.5 ~~over a period of~~
12 ~~not less than 4 months not to extend beyond the following~~
13 ~~November~~ and the option to enter into a levelized payment
14 plan for the payment of future bills. ~~The maximum down~~
15 ~~payment requirements shall not exceed 10% of the amount~~
16 ~~past due and owing at the time of entering into the~~
17 ~~agreement;~~ and (ii) has provided the customer with the
18 names, addresses and telephone numbers of governmental and
19 private agencies which may provide assistance to customers
20 of public utilities in paying their utility bills; the
21 utility shall obtain the approval of an agency before
22 placing the name of that agency on any list which will be
23 used to provide such information to customers;

24 (2) The customer has refused or failed to enter into a
25 deferred payment arrangement as described in Section
26 8-202.5 ~~paragraph (1) of this subsection (a);~~ and

1 (3) All notice requirements as provided by law and
2 rules or regulations of the Commission have been met,
3 including, but not limited to, delivery of a prominent
4 notice substantially in the same form provided in Section
5 8-202.6.

6 (b) Prior to termination of service for any residential
7 customer or mastermetered apartment building during the period
8 from December 1 through and including March 31 of the
9 immediately succeeding calendar year, all electric and gas
10 public utilities shall, in addition to all other notices:

11 (1) Notify the customer or an adult residing at the
12 customer's premises by telephone, a personal visit to the
13 customer's premises or by first class mail, informing the
14 customer that:

15 (i) the customer's account is in arrears and the
16 customer's service is subject to termination for
17 nonpayment of a bill;

18 (ii) the customer can avoid disconnection of
19 service by entering into a deferred payment agreement
20 to pay past due amounts as provided in Section 8-202.5
21 ~~over a period not to extend beyond the following~~
22 ~~November~~ and the customer has the option to enter into
23 a levelized payment plan for the payment of future
24 bills;

25 (iii) the customer may apply for any available
26 assistance to aid in the payment of utility bills from

1 any governmental or private agencies from the list of
2 such agencies provided to the customer by the utility;
3 and ~~—~~

4 (iv) provide a prominent notice substantially in
5 the same form provided in Section 8-202.6.

6 Provided, however, that a public utility shall be
7 required to make only one such contact with the customer
8 during any such period from December 1 through and
9 including March 31 of the immediately succeeding calendar
10 year.

11 (2) Each public utility shall maintain records which
12 shall include, but not necessarily be limited to, the
13 manner by which the customer was notified and the time,
14 date and manner by which any prior but unsuccessful
15 attempts to contact were made. These records shall also
16 describe the terms of the deferred payment arrangements
17 offered to the customer and those entered into by the
18 utility and customers. These records shall indicate the
19 total amount past due, the down payment, the amount
20 remaining to be paid and the number of months allowed to
21 pay the outstanding balance. No public utility shall be
22 required to retain records pertaining to unsuccessful
23 attempts to contact or deferred payment arrangements
24 rejected by the customer after such customer has entered
25 into a deferred payment arrangement with such utility.

26 (c) No public utility shall disconnect service for

1 nonpayment of a bill until the lapse of 10 ~~6~~ business days
2 after making the notification required by paragraph (1) of
3 subsection (b) so as to allow the customer an opportunity to:

4 (1) Enter into a deferred payment arrangement in
5 accordance with Section 8-202.5 and the option to enter
6 into a levelized payment plan for the payment of future
7 bills.

8 (2) Contact a governmental or private agency that may
9 provide assistance to customers for the payment of public
10 utility bills.

11 (3) Demonstrate that he or she is a low-income
12 customer.

13 (d) Any residential customer who enters into a deferred
14 payment arrangement pursuant to this Act, and subsequently
15 during that period of time set forth in subsection (a) becomes
16 subject to termination, shall be given notice as required by
17 law and any rule or regulation of the Commission prior to
18 termination of service. A residential customer shall also be
19 offered the opportunity to renegotiate a deferred payment
20 arrangement in accordance with Section 8-202.5 to avoid
21 termination of service for a period of 30 days after the
22 residential customer's failure to comply with the deferred
23 payment arrangement. A residential customer may be subject to
24 disconnection after the third failure within 12 months to
25 comply with a deferred payment arrangement.

26 (e) (Blank). ~~During that time period set forth in~~

1 ~~subsection (a), a utility shall not require a down payment for~~
2 ~~a deposit from a residential customer in excess of 20% of the~~
3 ~~total deposit requested. An additional 4 months shall be~~
4 ~~allowed to pay the remainder of the deposit. This provision~~
5 ~~shall not apply to mastermeters apartment buildings or other~~
6 ~~nonresidential customers.~~

7 (f) (Blank). ~~During that period of time set forth in~~
8 ~~subsection (a), no utility may refuse to offer a deferred~~
9 ~~payment agreement to a residential customer who has defaulted~~
10 ~~on such an agreement within the past 12 months. However, no~~
11 ~~utility shall be required to enter into more than one deferred~~
12 ~~payment arrangement under this Section with any residential~~
13 ~~customer or mastermeters apartment building during the period~~
14 ~~from December 1 through and including March 31 of the~~
15 ~~immediately succeeding calendar year.~~

16 (g) In order to enable customers to take advantage of
17 energy assistance programs, customers who can demonstrate that
18 their applications for a local, state or federal energy
19 assistance program have been approved may request that the
20 amount they will be entitled to receive as a regular energy
21 assistance payment be deducted and set aside from the amount
22 past due on which they make deferred payment arrangements.
23 Payment on the set-aside amount shall be credited when the
24 energy assistance voucher or check is received, according to
25 the utility's common business practice.

26 (h) In no event shall any utility send a final notice to

1 any customer who has entered into a current deferred payment
2 agreement and has not defaulted on that deferred payment
3 agreement, ~~unless the final notice pertains to a deposit~~
4 ~~request.~~

5 (i) Each utility shall include with each disconnection
6 notice sent during the period for December 1 through and
7 including March 31 of the immediately succeeding calendar year
8 to a residential customer an insert explaining the above
9 provisions and providing a telephone number of the utility
10 company which the consumer may call to receive further
11 information and include a prominent notice substantially in the
12 same form provided in Section 8-202.6.

13 (j) Each utility shall file with the Commission prior to
14 December 1 of each year a plan detailing the implementation of
15 this Section. This plan shall contain, but not be limited to:

16 (1) a description of the methods to be used to notify
17 residential customers as required in this Section,
18 including the forms of written and oral notices which shall
19 be required to include all the information contained in
20 subsection (b) of this Section.

21 (2) a listing of the names, addresses and telephone
22 numbers of governmental and private agencies which may
23 provide assistance to residential customers in paying
24 their utility bills.

25 (3) the program of employee education and information
26 which shall be used by the company in the implementation of

1 this Section.

2 (4) a description of methods to be utilized to inform
3 residential customers of those governmental and private
4 agencies and current and planned methods of cooperation
5 with those agencies to identify the customers who qualify
6 for assistance in paying their utility bills.

7 A utility which has a plan on file with the Commission need
8 not resubmit a new plan each year. However, any alteration of
9 the plan on file must be submitted and approved prior to
10 December 1 of any year.

11 All plans are subject to review and approval by the
12 Commission. The Commission may direct a utility to alter its
13 plan to comply with the requirements of this Section.

14 (k) Notwithstanding any other provision of this Act, no
15 electric or gas public utility shall disconnect service to any
16 residential customer who is a participant in the Low Income
17 Home Energy Assistance Program, a program provided under
18 Section 6 of the Energy Assistance Act or is a low-income
19 customer for nonpayment of a bill or deposit where gas or
20 electricity is used as the primary source of space heating or
21 is used to control or operate the primary source of space
22 heating equipment at the premises during the period of time
23 from December 1 through and including March 31 of the
24 immediately succeeding calendar year.

25 (l) Notwithstanding any other provision of this Act, no
26 electric or gas public utility shall disconnect service to any

1 residential customer who has notified the utility that he or
2 she is a service member or veteran for nonpayment of a bill or
3 deposit where gas or electricity is used as the primary source
4 of space heating or is used to control or operate the primary
5 source of space heating equipment at the premises during the
6 period of time from December 1 through and including March 31
7 of the immediately succeeding calendar year.

8 (Source: P.A. 97-77, eff. 1-1-12.)

9 (220 ILCS 5/8-207) (from Ch. 111 2/3, par. 8-207)

10 Sec. 8-207. Former residential customer.

11 (a) Any former residential customer whose gas or electric
12 service was used to provide or control the primary source of
13 space heating in the dwelling and whose service is disconnected
14 for nonpayment of a bill or a deposit from December 1 of the
15 prior winter's heating season through April 1 of the current
16 heating season shall be eligible for reconnection and a
17 deferred payment arrangement under the provisions of ~~this~~
18 Section 8-202.5., ~~subject to the following limitations:~~

19 ~~A utility shall not be required to reconnect service to,~~
20 ~~and enter into a deferred payment arrangement with, a former~~
21 ~~customer under the provisions of this Section (1) except~~
22 ~~between November 1 and April 1 of the current heating season~~
23 ~~for former customers who do not have applications pending for~~
24 ~~the program described in Section 6 of the Energy Assistance~~
25 ~~Act, and except between October 1 and April 1 of the current~~

1 ~~heating season for all former customers who do have~~
2 ~~applications pending for the program described in Section 6 of~~
3 ~~the Energy Assistance Act and who provide proof of application~~
4 ~~to the utility, (2) in 2 consecutive years, (3) unless that~~
5 ~~former customer has paid at least 33 1/3% of the amount billed~~
6 ~~for utility service rendered by that utility subsequent to~~
7 ~~December 1 of the prior year, or (4) in any instance where the~~
8 ~~utility can show there has been tampering with the utility's~~
9 ~~wires, pipes, meters (including locking devices), or other~~
10 ~~service equipment and further shows that the former customer~~
11 ~~enjoyed the benefit of utility service obtained in the~~
12 ~~aforsaid manner.~~

13 ~~The terms and conditions of any deferred payment~~
14 ~~arrangements established by the utility and a former customer~~
15 ~~shall take into consideration the following factors, based upon~~
16 ~~information available from current utility records or provided~~
17 ~~by the former customer:~~

18 ~~(1) the amount past due;~~

19 ~~(2) the former customer's ability to pay;~~

20 ~~(3) the former customer's payment history;~~

21 ~~(4) the reasons for the accumulation of the past due~~
22 ~~amounts; and~~

23 ~~(5) any other relevant factors relating to the former~~
24 ~~customer's circumstances.~~

25 ~~After the former customer's eligibility has been~~
26 ~~established in accordance with the first paragraph of this~~

1 ~~Section and, upon the establishment of a deferred payment~~
2 ~~agreement, the former customer shall pay 1/3 of the amount past~~
3 ~~due (including reconnecting charge, if any) and 1/3 of any~~
4 ~~deposit required by the utility.~~

5 ~~Upon the payment of 1/3 of the amount past due and 1/3 of~~
6 ~~any deposit required by the utility, the former customer's~~
7 ~~service shall be reconnected as soon as possible. The company~~
8 ~~and the former customer shall agree to a payment schedule for~~
9 ~~the remaining balances which will reasonably allow the former~~
10 ~~customer to make the payments on the remainder of the deposit~~
11 ~~and the past due balance while paying current bills during the~~
12 ~~winter heating season. However, the utility is not obliged to~~
13 ~~make payment arrangements extending beyond the following~~
14 ~~November. The utility shall allow the former customer a minimum~~
15 ~~of 4 months in which to retire the past due balance and 3~~
16 ~~months in which to pay the remainder of the deposit. The former~~
17 ~~customer shall also be informed that payment on the amounts~~
18 ~~past due and the deposit, if any, plus the current bills must~~
19 ~~be paid by the due date or the customer may face termination of~~
20 ~~service pursuant to this Section and Section 8-206.~~

21 ~~The Commission shall develop rules to govern the~~
22 ~~reconnection of a former customer who demonstrates a financial~~
23 ~~inability to meet the requirement of 1/3 of the amount past due~~
24 ~~and 1/3 of any deposit requested by the utility. The~~
25 ~~Commission's rules shall establish a means by which the former~~
26 ~~customer's utility service may be reconnected through the~~

1 ~~payment of a reasonable amount and upon entering into a~~
2 ~~deferred payment agreement.~~

3 ~~Any payment agreement made shall be in writing, with a copy~~
4 ~~provided to the former customer. The renegotiation and~~
5 ~~reinstatement of a customer and the establishment of a budget~~
6 ~~payment plan shall be pursuant to rules established by the~~
7 ~~Commission.~~

8 (b) Not later than September 15 of each year, every gas and
9 electric utility shall conduct a survey of all former
10 residential customers whose gas or electric service was used to
11 provide or control the primary source of space heating in the
12 dwelling and whose gas or electric service was terminated for
13 nonpayment of a bill or deposit from December 1 of the previous
14 year to September 15 of that year and where service at that
15 premises has not been restored. Not later than October 1 of
16 each year the utility shall notify each of these former
17 customers that the gas or electric service will be restored by
18 the company for the coming heating season if the former
19 customer contacts the utility and makes arrangements with the
20 utility for reconnection of service under the conditions set
21 forth in ~~this~~ Section 8-202.5. A utility shall notify the
22 former customer or an adult member of the household by personal
23 visit, telephone contact or mailing of a letter by first class
24 mail to the last known address of that former customer. The
25 notification shall include a notice substantially in the same
26 form provided in Section 8-202.6. The utility shall keep

1 records which would indicate the date, form and the results of
2 such contact.

3 (c) Each gas and electric utility which has former
4 customers affected by this Section shall file reports with the
5 Commission providing such information as the Commission may
6 deem appropriate. The Commission shall notify each gas and
7 electric utility prior to August 1 of each year concerning the
8 information which is to be included in the report for that
9 year.

10 (d) In no event shall any actions taken by a utility in
11 compliance with this Section be deemed to abrogate or in any
12 way interfere with the utility's rights to pursue the normal
13 collection processes otherwise available to it.

14 (e) The Commission shall adopt ~~promulgate~~ rules to
15 implement this Section.

16 (Source: P.A. 92-690, eff. 7-18-02.)

17 (220 ILCS 5/8-207.5 new)

18 Sec. 8-207.5. Smart meter reconnection. No public utility
19 shall charge a residential reconnection charge to a customer
20 who receives electric service through a smart meter.

21 (220 ILCS 5/8-209)

22 Sec. 8-209. Utility credit reporting. A public utility
23 shall not report a customer to a credit reporting agency for
24 non-payment or late payment of an outstanding utility bill. ~~¶¶~~

1 ~~a public utility reports a customer to a credit reporting~~
2 ~~agency for non payment of an outstanding utility bill, then a~~
3 ~~public utility shall notify the credit reporting agency within~~
4 ~~5 business days of any full payment made with certified funds~~
5 ~~or cash. For the purposes of this amendatory Act of the 97th~~
6 ~~General Assembly, certified funds means instruments that are~~
7 ~~guaranteed by the issuing institution or have cleared the~~
8 ~~issuing institution.~~

9 (Source: P.A. 97-821, eff. 1-1-13.)

10 (220 ILCS 5/16-115A)

11 Sec. 16-115A. Obligations of alternative retail electric
12 suppliers.

13 (a) An alternative retail electric supplier ~~shall~~:

14 (i) shall comply with the requirements imposed on
15 public utilities by Sections 8-201 through 8-207, 8-301,
16 8-505 and 8-507 of this Act, to the extent that these
17 Sections have application to the services being offered by
18 the alternative retail electric supplier; ~~and~~

19 (ii) shall continue to comply with the requirements for
20 certification stated in subsection (d) of Section 16-115; ~~and~~

21 (iii) on January 1, 2019, and every first day of each
22 quarter thereafter, shall submit to the Commission and the
23 Office of the Attorney General the rates the retail
24 electric supplier charged to residential customers in the
25 prior quarter, including each distinct rate charged and

1 whether the rate was a fixed or variable rate, the basis
2 for the variable rate, and any fees charged in addition to
3 the supply rate, including monthly fees, flat fees, or
4 other service charges;

5 (iv) shall make publicly available on its website,
6 without the need for a customer login, rate information for
7 all of its variable, time-of-use, and fixed rate contracts
8 currently available to residential customers, including,
9 but not limited to, fixed monthly charges, early
10 termination charges, and kilowatt-hour charges;

11 (v) no less than 30 days but no more than 60 days
12 before a residential customer's price per kilowatt hour or
13 other charge changes, shall send a separate written notice
14 by United States Mail or electronic mail, as specified by
15 the residential customer, addressed to the residential
16 customer informing the residential customer of the
17 upcoming change in price or other charge; the changed price
18 per kilowatt hour or other charge shall be included in the
19 notice and shall not require the residential customer to
20 visit or log on to a website to obtain the change in price
21 or other charge; the telephone number and email address to
22 contact the supplier shall be included in the notice; and

23 (vi) shall not automatically renew a contract with a
24 residential customer at a rate higher than the initial term
25 of the contract or automatically change or renew a fixed
26 rate contract to a variable rate contract. A residential

1 customer may agree to a contract renewal at a rate higher
2 than the initial term of the contract if the notice
3 requirements in paragraph (v) have been met and the
4 residential customer expressly consents to the contract
5 renewal in writing or by an electronic signature. A
6 residential customer may void a variable rate contract
7 unless the residential customer received a disclosure
8 showing the prior 12 months of charges under the variable
9 rate contract and the disclosures required by paragraph (i)
10 of subsection (e) before expressly consenting to the
11 contract renewal.

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

17 (c) No alternative retail electric supplier, or electric
18 utility other than the electric utility in whose service area a
19 customer is located, shall (i) enter into or employ any
20 arrangements which have the effect of preventing a retail
21 customer with a maximum electrical demand of less than one
22 megawatt from having access to the services of the electric
23 utility in whose service area the customer is located or (ii)
24 charge retail customers for such access. This subsection shall
25 not be construed to prevent an arms-length agreement between a
26 supplier and a retail customer that sets a term of service,

1 notice period for terminating service and provisions governing
2 early termination through a tariff or contract as allowed by
3 Section 16-119.

4 (d) An alternative retail electric supplier that is
5 certified to serve residential or small commercial retail
6 customers shall not:

7 (1) deny service to a customer or group of customers
8 nor establish any differences as to prices, terms,
9 conditions, services, products, facilities, or in any
10 other respect, whereby such denial or differences are based
11 upon race, gender or income, except as provided in Section
12 16-115E.

13 (2) deny service to a customer or group of customers
14 based on locality nor establish any unreasonable
15 difference as to prices, terms, conditions, services,
16 products, or facilities as between localities.

17 (e) An alternative retail electric supplier shall comply
18 with the following requirements with respect to the marketing,
19 offering and provision of products or services to residential
20 and small commercial retail customers:

21 (i) All ~~Any~~ marketing materials, including electronic
22 marketing materials, in-person solicitations, and
23 telephone solicitations, which make statements concerning
24 ~~prices, terms and conditions of service~~ shall contain
25 information that adequately discloses the prices, terms
26 and conditions of the products or services that the

1 alternative retail electric supplier is offering or
2 selling to the customer and shall contain the Historical
3 Prices to Compare from the immediately preceding 12 months
4 as displayed on the Plug-In Illinois website maintained by
5 the Illinois Commerce Commission. The disclosure may group
6 months during which the price to compare was unchanged and
7 may include more than 12 months if the immediately
8 preceding 12 months are included. All marketing materials,
9 including, but not limited to, electronic marketing
10 materials, in-person solicitations, and telephone
11 solicitations, shall include the following statement:
12 "(Name of alternative retail electric supplier) is not the
13 same entity as your electric utility delivery company. You
14 are not required to enroll with (name of alternative retail
15 electric supplier). For information on comparison rates
16 for utility electric supply service and understanding your
17 electric supply choices, go to the Illinois Commerce
18 Commission's free website at www.pluginillinois.org."
19 This paragraph (i) does not apply to goodwill or
20 institutional advertising.

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

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

7 (iv) The alternative retail electric supplier shall
8 provide to the customer (1) itemized billing statements
9 that describe the products and services provided to the
10 customer and their prices, and (2) an additional statement,
11 at least annually, that adequately discloses the average
12 monthly prices, and the terms and conditions, of the
13 products and services sold to the customer.

14 (f) An alternative retail electric supplier may limit the
15 overall size or availability of a service offering by
16 specifying one or more of the following: a maximum number of
17 customers, maximum amount of electric load to be served, time
18 period during which the offering will be available, or other
19 comparable limitation, but not including the geographic
20 locations of customers within the area which the alternative
21 retail electric supplier is certificated to serve. The
22 alternative retail electric supplier shall file the terms and
23 conditions of such service offering including the applicable
24 limitations with the Commission prior to making the service
25 offering available to customers.

26 (g) Nothing in this Section shall be construed as

1 preventing an alternative retail electric supplier, which is an
2 affiliate of, or which contracts with, (i) an industry or trade
3 organization or association, (ii) a membership organization or
4 association that exists for a purpose other than the purchase
5 of electricity, or (iii) another organization that meets
6 criteria established in a rule adopted by the Commission, from
7 offering through the organization or association services at
8 prices, terms and conditions that are available solely to the
9 members of the organization or association.

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

11 (220 ILCS 5/16-115E new)

12 Sec. 16-115E. Alternative retail electric supplier;
13 utility assistance recipient.

14 (a) Beginning 90 days after the effective date of this
15 amendatory Act of the 100th General Assembly, no customer who
16 has received financial assistance within the preceding 12
17 months from the Low Income Home Energy Assistance Program or
18 the Percentage of Income Payment Plan shall be switched to an
19 alternative retail electric supplier, unless: (1) the customer
20 is switched pursuant to a government aggregation program
21 adopted in accordance with Section 1-92 of the Illinois Power
22 Agency Act if the government aggregation program does not
23 charge a supply charge that exceeds the public utility supply
24 price, which is determined by comparing the total supply charge
25 from the government aggregation program with the total supply

1 charge that would apply to the customer for the billing period
2 if the customer obtained supply from the utility; or (2) the
3 customer is switched to a Commission-approved savings
4 guarantee plan as described in subsection (b).

5 (b) Beginning January 1, 2020, an alternative retail
6 electric supplier may apply to the Commission to offer a
7 savings guarantee plan to recipients of Low Income Home Energy
8 Assistance Program funding or Percentage of Income Payment Plan
9 funding. The Commission shall initiate a public, docketed
10 proceeding to consider whether or not to approve an alternative
11 retail electric supplier's application to offer a savings
12 guarantee plan. At a minimum, the savings guarantee plan shall
13 charge customers for electric supply an amount that is less
14 than the amount the public utility charges for electric supply.
15 The Commission shall adopt rules to implement this subsection.

16 (c) An agreement entered into between an alternative retail
17 electric supplier and a customer in violation of this Section
18 is void and unenforceable. If an alternative retail electric
19 supplier attempts to enroll a customer in violation of this
20 Section, the electric utility shall deny the supplier switch
21 and inform the alternative retail electric supplier of the
22 reason.

23 (220 ILCS 5/16-118)

24 Sec. 16-118. Services provided by electric utilities to
25 alternative retail electric suppliers.

1 (a) It is in the best interest of Illinois energy consumers
2 to promote fair and open competition in the provision of
3 electric power and energy and to prevent anticompetitive
4 practices in the provision of electric power and energy.
5 Therefore, to the extent an electric utility provides electric
6 power and energy or delivery services to alternative retail
7 electric suppliers and such services are not subject to the
8 jurisdiction of the Federal Energy Regulatory Commission, and
9 are not competitive services, they shall be provided through
10 tariffs that are filed with the Commission, pursuant to Article
11 IX of this Act. Each electric utility shall permit alternative
12 retail electric suppliers to interconnect facilities to those
13 owned by the utility provided they meet established standards
14 for such interconnection, and may provide standby or other
15 services to alternative retail electric suppliers. The
16 alternative retail electric supplier shall sign a contract
17 setting forth the prices, terms and conditions for
18 interconnection with the electric utility and the prices, terms
19 and conditions for services provided by the electric utility to
20 the alternative retail electric supplier in connection with the
21 delivery by the electric utility of electric power and energy
22 supplied by the alternative retail electric supplier.

23 (b) An electric utility shall file a tariff pursuant to
24 Article IX of the Act that would allow alternative retail
25 electric suppliers or electric utilities other than the
26 electric utility in whose service area retail customers are

1 located to issue single bills to the retail customers for both
2 the services provided by such alternative retail electric
3 supplier or other electric utility and the delivery services
4 provided by the electric utility to such customers. The tariff
5 filed pursuant to this subsection shall (i) require partial
6 payments made by retail customers to be credited first to the
7 electric utility's tariffed services, (ii) impose commercially
8 reasonable terms with respect to credit and collection,
9 including requests for deposits, (iii) retain the electric
10 utility's right to disconnect the retail customers, if it does
11 not receive payment for its tariffed services, in the same
12 manner that it would be permitted to if it had billed for the
13 services itself, and (iv) require the alternative retail
14 electric supplier or other electric utility that elects the
15 billing option provided by this tariff to include on each bill
16 to retail customers an identification of the electric utility
17 providing the delivery services and a listing of the charges
18 applicable to such services. The tariff filed pursuant to this
19 subsection may also include other just and reasonable terms and
20 conditions. In addition, an electric utility, an alternative
21 retail electric supplier or electric utility other than the
22 electric utility in whose service area the customer is located,
23 and a customer served by such alternative retail electric
24 supplier or other electric utility, may enter into an agreement
25 pursuant to which the alternative retail electric supplier or
26 other electric utility pays the charges specified in Section

1 16-108, or other customer-related charges, including taxes and
2 fees, in lieu of such charges being recovered by the electric
3 utility directly from the customer.

4 (c) An electric utility with more than 100,000 customers
5 shall file a tariff pursuant to Article IX of this Act that
6 provides alternative retail electric suppliers, and electric
7 utilities other than the electric utility in whose service area
8 the retail customers are located, with the option to have the
9 electric utility purchase their receivables for power and
10 energy service provided to residential retail customers and
11 non-residential retail customers with a non-coincident peak
12 demand of less than 400 kilowatts. Receivables for power and
13 energy service of alternative retail electric suppliers or
14 electric utilities other than the electric utility in whose
15 service area the retail customers are located shall be
16 purchased by the electric utility at a just and reasonable
17 discount rate to be reviewed and approved by the Commission
18 after notice and hearing. The discount rate shall be based on
19 the electric utility's historical bad debt and any reasonable
20 start-up costs and administrative costs associated with the
21 electric utility's purchase of receivables. The discounted
22 rate for purchase of receivables shall be included in the
23 tariff filed pursuant to this subsection (c). The discount rate
24 filed pursuant to this subsection (c) shall be subject to
25 periodic Commission review. The electric utility retains the
26 right to impose the same terms on retail customers with respect

1 to credit and collection, including requests for deposits, and
2 retain the electric utility's right to disconnect the retail
3 customers, if it does not receive payment for its tariffed
4 services or purchased receivables, in the same manner that it
5 would be permitted to if the retail customers purchased power
6 and energy from the electric utility. The tariff filed pursuant
7 to this subsection (c) shall permit the electric utility to
8 recover from retail customers any uncollected receivables that
9 may arise as a result of the purchase of receivables under this
10 subsection (c), may also include other just and reasonable
11 terms and conditions, and shall provide for the prudently
12 incurred costs associated with the provision of this service
13 pursuant to this subsection (c). Nothing in this subsection (c)
14 permits the double recovery of bad debt expenses from
15 customers.

16 (d) An electric utility with more than 100,000 customers
17 shall file a tariff pursuant to Article IX of this Act that
18 would provide alternative retail electric suppliers or
19 electric utilities other than the electric utility in whose
20 service area retail customers are located with the option to
21 have the electric utility produce and provide single bills to
22 the retail customers for both the electric power and energy
23 service provided by the alternative retail electric supplier or
24 other electric utility and the delivery services provided by
25 the electric utility to the customers. The tariffs filed
26 pursuant to this subsection shall require the electric utility

1 to collect and remit customer payments for electric power and
2 energy service provided by alternative retail electric
3 suppliers or electric utilities other than the electric utility
4 in whose service area retail customers are located. The tariff
5 filed pursuant to this subsection shall require the electric
6 utility to include on each bill to retail customers an
7 identification of the alternative retail electric supplier or
8 other electric utility that elects the billing option. The
9 tariff filed pursuant to this subsection (d) may also include
10 other just and reasonable terms and conditions and shall
11 provide for the recovery of prudently incurred costs associated
12 with the provision of service pursuant to this subsection (d).
13 The costs associated with the provision of service pursuant to
14 this Section shall be subject to periodic Commission review.

15 (e) An electric utility with more than 100,000 customers in
16 this State shall file a tariff pursuant to Article IX of this
17 Act that provides alternative retail electric suppliers, and
18 electric utilities other than the electric utility in whose
19 service area the retail customers are located, with the option
20 to have the electric utility purchase 2 billing cycles worth of
21 uncollectible receivables for power and energy service
22 provided to residential retail customers and to
23 non-residential retail customers with a non-coincident peak
24 demand of less than 400 kilowatts upon returning that customer
25 to that electric utility for delivery and energy service after
26 that alternative retail electric supplier, or an electric

1 utility other than the electric utility in whose service area
2 the retail customer is located, has made reasonable collection
3 efforts on that account. Uncollectible receivables for power
4 and energy service of alternative retail electric suppliers, or
5 electric utilities other than the electric utility in whose
6 service area the retail customers are located, shall be
7 purchased by the electric utility at a just and reasonable
8 discount rate to be reviewed and approved by the Commission,
9 after notice and hearing. The discount rate shall be based on
10 the electric utility's historical bad debt for receivables that
11 are outstanding for a similar length of time and any reasonable
12 start-up costs and administrative costs associated with the
13 electric utility's purchase of receivables. The discounted
14 rate for purchase of uncollectible receivables shall be
15 included in the tariff filed pursuant to this subsection (e).
16 The electric utility retains the right to impose the same terms
17 on these retail customers with respect to credit and
18 collection, including requests for deposits, and retains the
19 right to disconnect these retail customers, if it does not
20 receive payment for its tariffed services or purchased
21 receivables, in the same manner that it would be permitted to
22 if the retail customers had purchased power and energy from the
23 electric utility. The tariff filed pursuant to this subsection
24 (e) shall permit the electric utility to recover from retail
25 customers any uncollectable receivables that may arise as a
26 result of the purchase of uncollectible receivables under this

1 subsection (e), may also include other just and reasonable
2 terms and conditions, and shall provide for the prudently
3 incurred costs associated with the provision of this service
4 pursuant to this subsection (e). Nothing in this subsection (e)
5 permits the double recovery of utility bad debt expenses from
6 customers. The electric utility may file a joint tariff for
7 this subsection (e) and subsection (c) of this Section.

8 (f) Every electric utility that provides delivery-only and
9 supply service to consumers shall include on each bill to
10 residential retail customers the electric utility's total
11 supply charge that would apply to the customer for the billing
12 period if the customer obtained supply from the utility. This
13 disclosure shall be made on the bill of each residential retail
14 customer who purchases supply services from an alternative
15 retail electric supplier and on the bill of each residential
16 retail customer who purchases electric supply from the utility.

17 (Source: P.A. 95-700, eff. 11-9-07.)

18 (220 ILCS 5/19-115)

19 Sec. 19-115. Obligations of alternative gas suppliers.

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

25 (b) An alternative gas supplier ~~shall~~:

1 (1) shall comply with the requirements imposed on
2 public utilities by Sections 8-201 through 8-207, 8-301,
3 8-505 and 8-507 of this Act, to the extent that these
4 Sections have application to the services being offered by
5 the alternative gas supplier;

6 (2) shall continue to comply with the requirements for
7 certification stated in Section 19-110;

8 (3) shall comply with complaint procedures established
9 by the Commission;

10 (4) except as provided in subsection (h) of this
11 Section, shall file with the Chief Clerk of the Commission,
12 within 20 business days after the effective date of this
13 amendatory Act of the 95th General Assembly, a copy of bill
14 formats, standard customer contract and customer complaint
15 and resolution procedures, and the name and telephone
16 number of the company representative whom Commission
17 employees may contact to resolve customer complaints and
18 other matters. In the case of a gas supplier that engages
19 in door-to-door solicitation, the company shall file with
20 the Commission the consumer information disclosure
21 required by item (3) of subsection (c) of Section 2DDD of
22 the Consumer Fraud and Deceptive Business Practices Act and
23 shall file updated information within 10 business days
24 after changes in any of the documents or information
25 required to be filed by this item (4); ~~and~~

26 (5) shall maintain a customer call center where

1 customers can reach a representative and receive current
2 information. At least once every 6 months, each alternative
3 gas supplier shall provide written information to
4 customers explaining how to contact the call center. The
5 average answer time for calls placed to the call center
6 shall not exceed 60 seconds where a representative or
7 automated system is ready to render assistance and/or
8 accept information to process calls. The abandon rate for
9 calls placed to the call center shall not exceed 10%. Each
10 alternative gas supplier shall maintain records of the call
11 center's telephone answer time performance and abandon
12 call rate. These records shall be kept for a minimum of 2
13 years and shall be made available to Commission personnel
14 upon request. In the event that answer times and/or abandon
15 rates exceed the limits established above, the reporting
16 alternative gas supplier may provide the Commission or its
17 personnel with explanatory details. At a minimum, these
18 records shall contain the following information in monthly
19 increments:

20 (A) total number of calls received;

21 (B) number of calls answered;

22 (C) average answer time;

23 (D) number of abandoned calls; and

24 (E) abandon call rate;~~i-~~

25 (6) on January 1, 2019, and every first day of each
26 quarter thereafter, shall submit to the Commission and the

1 Office of the Attorney General the rates the retail gas
2 supplier charged to residential customers in the prior
3 quarter, including each distinct rate charged and whether
4 the rate was a fixed or variable rate, the basis for the
5 variable rate, and any fees charged in addition to the
6 supply rate, including monthly fees, flat fees, or other
7 service charges;

8 (7) shall make publicly available on its website,
9 without the need for a customer login, rate information for
10 all of its variable, time-of-use, and fixed rate contracts
11 currently available to residential customers, including,
12 but not limited to, fixed monthly charges, early
13 termination charges, and per therm charges;

14 (8) no less than 30 days but no more than 60 days
15 before a residential customer's price per therm or other
16 charge changes, shall send a separate written notice by
17 United States Mail or electronic mail, as specified by the
18 residential customer, addressed to the residential
19 customer informing the residential customer of the
20 upcoming change in price or other charge; the changed price
21 per therm or other charge shall be included in the notice
22 and shall not require the residential customer to visit or
23 log on to a website to obtain the change in price or other
24 charge; the telephone number and email address to contact
25 the supplier shall be included in the notice; and

26 (9) shall not automatically renew a contract with a

1 residential customer at a rate higher than the initial term
2 of the contract or automatically change or renew a fixed
3 rate contract to a variable rate contract. A residential
4 customer may agree to a contract renewal at a rate higher
5 than the initial term of the contract if the notice
6 requirements in paragraph (8) have been met and the
7 residential customer expressly consents to the contract
8 renewal in writing or by an electronic signature. A
9 residential customer may void a variable rate contract
10 unless the residential customer received a disclosure
11 showing the prior 12 months of charges under the variable
12 rate contract and the disclosures required by paragraph (1)
13 of subsection (g) before expressly consenting to the
14 contract renewal.

15 Alternative gas suppliers that do not have electronic
16 answering capability that meets these requirements shall
17 notify the Manager of the Commission's Consumer Services
18 Division or its successor within 30 days following the
19 effective date of this amendatory Act of the 95th General
20 Assembly and work with Staff to develop individualized
21 reporting requirements as to the call volume and responsiveness
22 of the call center.

23 On or before March 1 of every year, each entity shall file
24 a report with the Chief Clerk of the Commission for the
25 preceding calendar year on its answer time and abandon call
26 rate for its call center. A copy of the report shall be sent to

1 the Manager of the Consumer Services Division or its successor.

2 (c) An alternative gas supplier shall not submit or execute
3 a change in a customer's selection of a natural gas provider
4 unless and until (i) the alternative gas supplier first
5 discloses all material terms and conditions of the offer,
6 including price, to the customer; (ii) the alternative gas
7 supplier has obtained the customer's express agreement to
8 accept the offer after the disclosure of all material terms and
9 conditions of the offer; and (iii) the alternative gas supplier
10 has confirmed the request for a change in accordance with one
11 of the following procedures:

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

15 (A) An alternative gas supplier shall obtain any
16 necessary written or electronically signed
17 authorization from a customer for a change in natural
18 gas service by using a letter of agency as specified in
19 this Section. Any letter of agency that does not
20 conform with this Section is invalid.

21 (B) The letter of agency shall be a separate
22 document (or an easily separable document containing
23 only the authorization language described in item (E)
24 of this paragraph (1)) whose sole purpose is to
25 authorize a natural gas provider change. The letter of
26 agency must be signed and dated by the customer

1 requesting the natural gas provider change.

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

4 (D) Notwithstanding items (A) and (B) of this
5 paragraph (1), the letter of agency may be combined
6 with checks that contain only the required letter of
7 agency language prescribed in item (E) of this
8 paragraph (1) and the necessary information to make the
9 check a negotiable instrument. The letter of agency
10 check shall not contain any promotional language or
11 material. The letter of agency check shall contain in
12 easily readable, bold face type on the face of the
13 check a notice that the consumer is authorizing a
14 natural gas provider change by signing the check. The
15 letter of agency language also shall be placed near the
16 signature line on the back of the check.

17 (E) At a minimum, the letter of agency must be
18 printed with a print of sufficient size to be clearly
19 legible and must contain clear and unambiguous
20 language that confirms:

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

22 (ii) the decision to change the natural gas
23 provider from the current provider to the
24 prospective alternative gas supplier;

25 (iii) the terms, conditions, and nature of the
26 service to be provided to the customer, including,

1 but not limited to, the rates for the service
2 contracted for by the customer; and

3 (iv) that the customer understands that any
4 natural gas provider selection the customer
5 chooses may involve a charge to the customer for
6 changing the customer's natural gas provider.

7 (F) Letters of agency shall not suggest or require
8 that a customer take some action in order to retain the
9 customer's current natural gas provider.

10 (G) If any portion of a letter of agency is
11 translated into another language, then all portions of
12 the letter of agency must be translated into that
13 language.

14 (2) An appropriately qualified independent third party
15 has obtained, in accordance with the procedures set forth
16 in this paragraph (2), the customer's oral authorization to
17 change natural gas providers that confirms and includes
18 appropriate verification data. The independent third party
19 must (i) not be owned, managed, controlled, or directed by
20 the alternative gas supplier or the alternative gas
21 supplier's marketing agent; (ii) not have any financial
22 incentive to confirm provider change requests for the
23 alternative gas supplier or the alternative gas supplier's
24 marketing agent; and (iii) operate in a location physically
25 separate from the alternative gas supplier or the
26 alternative gas supplier's marketing agent. Automated

1 third-party verification systems and 3-way conference
2 calls may be used for verification purposes so long as the
3 other requirements of this paragraph (2) are satisfied. An
4 alternative gas supplier or alternative gas supplier's
5 sales representative initiating a 3-way conference call or
6 a call through an automated verification system must drop
7 off the call once the 3-way connection has been
8 established. All third-party verification methods shall
9 elicit, at a minimum, the following information:

10 (A) the identity of the customer;

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

13 (C) confirmation that the person on the call wants
14 to make the provider change;

15 (D) the names of the providers affected by the
16 change;

17 (E) the service address of the service to be
18 switched; and

19 (F) the price of the service to be provided and the
20 material terms and conditions of the service being
21 offered, including whether any early termination fees
22 apply.

23 Third-party verifiers may not market the alternative
24 gas supplier's services by providing additional
25 information. All third-party verifications shall be
26 conducted in the same language that was used in the

1 underlying sales transaction and shall be recorded in their
2 entirety. Submitting alternative gas suppliers shall
3 maintain and preserve audio records of verification of
4 customer authorization for a minimum period of 2 years
5 after obtaining the verification. Automated systems must
6 provide customers with an option to speak with a live
7 person at any time during the call.

8 (3) The alternative gas supplier has obtained the
9 customer's authorization via an automated verification
10 system to change natural gas service via telephone. An
11 automated verification system is an electronic system
12 that, through pre-recorded prompts, elicits voice
13 responses, touchtone responses, or both, from the customer
14 and records both the prompts and the customer's responses.
15 Such authorization must elicit the information in
16 paragraph (2)(A) through (F) of this subsection (c).
17 Alternative gas suppliers electing to confirm sales
18 electronically through an automated verification system
19 shall establish one or more toll-free telephone numbers
20 exclusively for that purpose. Calls to the number or
21 numbers shall connect a customer to a voice response unit,
22 or similar mechanism, that makes a date-stamped,
23 time-stamped recording of the required information
24 regarding the alternative gas supplier change.

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

1 (4) When a consumer initiates the call to the
2 prospective alternative gas supplier, in order to enroll
3 the consumer as a customer, the prospective alternative gas
4 supplier must, with the consent of the customer, make a
5 date-stamped, time-stamped audio recording that elicits,
6 at a minimum, the following information:

7 (A) the identity of the customer;

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

10 (C) confirmation that the person on the call wants
11 to make the provider change;

12 (D) the names of the providers affected by the
13 change;

14 (E) the service address of the service to be
15 switched; and

16 (F) the price of the service to be supplied and the
17 material terms and conditions of the service being
18 offered, including whether any early termination fees
19 apply.

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

23 (5) In the event that a customer enrolls for service
24 from an alternative gas supplier via an Internet website,
25 the alternative gas supplier shall obtain an
26 electronically signed letter of agency in accordance with

1 paragraph (1) of this subsection (c) and any customer
2 information shall be protected in accordance with all
3 applicable statutes and regulations. In addition, an
4 alternative gas supplier shall provide the following when
5 marketing via an Internet website:

6 (A) The Internet enrollment website shall, at a
7 minimum, include:

8 (i) a copy of the alternative gas supplier's
9 customer contract that clearly and conspicuously
10 discloses all terms and conditions; and

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

13 (B) Any electronic version of the contract shall be
14 identified by version number, in order to ensure the
15 ability to verify the particular contract to which the
16 customer assents.

17 (C) Throughout the duration of the alternative gas
18 supplier's contract with a customer, the alternative
19 gas supplier shall retain and, within 3 business days
20 of the customer's request, provide to the customer an
21 e-mail, paper, or facsimile of the terms and conditions
22 of the numbered contract version to which the customer
23 assents.

24 (D) The alternative gas supplier shall provide a
25 mechanism by which both the submission and receipt of
26 the electronic letter of agency are recorded by time

1 and date.

2 (E) After the customer completes the electronic
3 letter of agency, the alternative gas supplier shall
4 disclose conspicuously through its website that the
5 customer has been enrolled, and the alternative gas
6 supplier shall provide the customer an enrollment
7 confirmation number.

8 (6) When a customer is solicited in person by the
9 alternative gas supplier's sales agent, the alternative
10 gas supplier may only obtain the customer's authorization
11 to change natural gas service through the method provided
12 for in paragraph (2) of this subsection (c).

13 Alternative gas suppliers must be in compliance with this
14 subsection (c) within 90 days after the effective date of this
15 amendatory Act of the 95th General Assembly.

16 (d) Complaints may be filed with the Commission under this
17 Section by a customer whose natural gas service has been
18 provided by an alternative gas supplier in a manner not in
19 compliance with subsection (c) of this Section. If, after
20 notice and hearing, the Commission finds that an alternative
21 gas supplier has violated subsection (c), then the Commission
22 may in its discretion do any one or more of the following:

23 (1) Require the violating alternative gas supplier to
24 refund the customer charges collected in excess of those
25 that would have been charged by the customer's authorized
26 natural gas provider.

1 (2) Require the violating alternative gas supplier to
2 pay to the customer's authorized natural gas provider the
3 amount the authorized natural gas provider would have
4 collected for natural gas service. The Commission is
5 authorized to reduce this payment by any amount already
6 paid by the violating alternative gas supplier to the
7 customer's authorized natural gas provider.

8 (3) Require the violating alternative gas supplier to
9 pay a fine of up to \$1,000 into the Public Utility Fund for
10 each repeated and intentional violation of this Section.

11 (4) Issue a cease and desist order.

12 (5) For a pattern of violation of this Section or for
13 intentionally violating a cease and desist order, revoke
14 the violating alternative gas supplier's certificate of
15 service authority.

16 (e) No alternative gas supplier shall:

17 (1) enter into or employ any arrangements which have
18 the effect of preventing any customer from having access to
19 the services of the gas utility in whose service area the
20 customer is located;

21 (2) charge customers for such access;

22 (3) bill for goods or services not authorized by the
23 customer; or

24 (4) bill for a disputed amount where the alternative
25 gas supplier has been provided notice of such dispute. The
26 supplier shall attempt to resolve a dispute with the

1 customer. When the dispute is not resolved to the
2 customer's satisfaction, the supplier shall inform the
3 customer of the right to file an informal complaint with
4 the Commission and provide contact information. While the
5 pending dispute is active at the Commission, an alternative
6 gas supplier may bill only for the undisputed amount until
7 the Commission has taken final action on the complaint.

8 (f) An alternative gas supplier that is certified to serve
9 residential or small commercial customers shall not:

10 (1) deny service to a customer or group of customers
11 nor establish any differences as to prices, terms,
12 conditions, services, products, facilities, or in any
13 other respect, whereby such denial or differences are based
14 upon race, gender, or income, except as provided in Section
15 19-116;

16 (2) deny service based on locality, nor establish any
17 unreasonable difference as to prices, terms, conditions,
18 services, products, or facilities as between localities;

19 (3) include in any agreement a provision that obligates
20 a customer to the terms of the agreement if the customer
21 (i) moves outside the State of Illinois; (ii) moves to a
22 location without a transportation service program; or
23 (iii) moves to a location where the customer will not
24 require natural gas service, provided that nothing in this
25 subsection precludes an alternative gas supplier from
26 taking any action otherwise available to it to collect a

1 debt that arises out of service provided to the customer
2 before the customer moved; or

3 (4) assign the agreement to any alternative natural gas
4 supplier, unless:

5 (A) the supplier is an alternative gas supplier
6 certified by the Commission;

7 (B) the rates, terms, and conditions of the
8 agreement being assigned do not change during the
9 remainder of the time covered by the agreement;

10 (C) the customer is given no less than 30 days
11 prior written notice of the assignment and contact
12 information for the new supplier; and

13 (D) the supplier assigning the contract provides
14 contact information that a customer can use to resolve
15 a dispute.

16 (g) An alternative gas supplier shall comply with the
17 following requirements with respect to the marketing,
18 offering, and provision of products or services:

19 (1) All ~~Any~~ marketing materials, including electronic
20 marketing materials, in-person solicitations, and
21 telephone solicitations, which make statements concerning
22 prices, terms, and conditions of service shall contain
23 information that adequately discloses the prices, terms
24 and conditions of the products or services and shall
25 contain the immediately preceding 12 months' current
26 utility gas supply charge as displayed on the Natural Gas

1 Choice website maintained by the Illinois Commerce
2 Commission and the suppliers' charges for the same 12-month
3 period for the contract rate offered to the customer. The
4 disclosure may group months during which the price to
5 compare was unchanged and may include more than 12 months
6 if the immediately preceding 12 months are included. All
7 marketing materials, including, but not limited to,
8 electronic marketing materials, in-person solicitations,
9 and telephone solicitations, that include a price per
10 kilowatt hour for competitive electricity service shall
11 include the following statement: "(Name of alternative gas
12 supplier) is not the same entity as your gas utility
13 delivery company. You are not required to enroll with (name
14 of alternative gas supplier). For information on
15 comparison rates for gas electric supply service and
16 understanding your gas supply choices, go to the Illinois
17 Commerce Commission's free website at
18 www.icc.illinois.gov/ags/consumereducation.aspx." This
19 paragraph (1) does not apply to goodwill or institutional
20 marketing.

21 (2) Before any customer is switched from another
22 supplier, the alternative gas supplier shall give the
23 customer written information that clearly and
24 conspicuously discloses, in plain language, the prices,
25 terms, and conditions of the products and services being
26 offered and sold to the customer. Nothing in this paragraph

1 (2) may be read to relieve an alternative gas supplier from
2 the duties imposed on it by item (3) of subsection (c) of
3 Section 2DDD of the Consumer Fraud and Deceptive Business
4 Practices Act.

5 (3) The alternative gas supplier shall provide to the
6 customer:

7 (A) accurate, timely, and itemized billing
8 statements that describe the products and services
9 provided to the customer and their prices and that
10 specify the gas consumption amount and any service
11 charges and taxes; provided that this item (g) (3) (A)
12 does not apply to small commercial customers;

13 (B) billing statements that clearly and
14 conspicuously discloses the name and contact
15 information for the alternative gas supplier;

16 (C) an additional statement, at least annually,
17 that adequately discloses the average monthly prices,
18 and the terms and conditions, of the products and
19 services sold to the customer; provided that this item
20 (g) (3) (C) does not apply to small commercial
21 customers;

22 (D) refunds of any deposits with interest within 30
23 days after the date that the customer changes gas
24 suppliers or discontinues service if the customer has
25 satisfied all of his or her outstanding financial
26 obligations to the alternative gas supplier at an

1 interest rate set by the Commission which shall be the
2 same as that required of gas utilities; and

3 (E) refunds, in a timely fashion, of all undisputed
4 overpayments upon the oral or written request of the
5 customer.

6 (4) An alternative gas supplier and its sales agents
7 shall refrain from any direct marketing or soliciting to
8 consumers on the gas utility's "Do Not Contact List", which
9 the alternative gas supplier shall obtain on the 15th
10 calendar day of the month from the gas utility in whose
11 service area the consumer is provided with gas service. If
12 the 15th calendar day is a non-business day, then the
13 alternative gas supplier shall obtain the list on the next
14 business day following the 15th calendar day of that month.

15 (5) Early Termination.

16 (A) Any agreement that contains an early
17 termination clause shall disclose the amount of the
18 early termination fee, provided that any early
19 termination fee or penalty shall not exceed \$50 total,
20 regardless of whether or not the agreement is a
21 multiyear agreement.

22 (B) In any agreement that contains an early
23 termination clause, an alternative gas supplier shall
24 provide the customer the opportunity to terminate the
25 agreement without any termination fee or penalty
26 within 10 business days after the date of the first

1 bill issued to the customer for products or services
2 provided by the alternative gas supplier. The
3 agreement shall disclose the opportunity and provide a
4 toll-free phone number that the customer may call in
5 order to terminate the agreement.

6 (6) Within 2 business days after electronic receipt of
7 a customer switch from the alternative gas supplier and
8 confirmation of eligibility, the gas utility shall provide
9 the customer written notice confirming the switch. The gas
10 utility shall not switch the service until 10 business days
11 after the date on the notice to the customer.

12 (7) The alternative gas supplier shall provide each
13 customer the opportunity to rescind its agreement without
14 penalty within 10 business days after the date on the gas
15 utility notice to the customer. The alternative gas
16 supplier shall disclose all of the following:

17 (A) that the gas utility shall send a notice
18 confirming the switch;

19 (B) that from the date the utility issues the
20 notice confirming the switch, the customer shall have
21 10 business days to rescind the switch without penalty;

22 (C) that the customer shall contact the gas utility
23 or the alternative gas supplier to rescind the switch;
24 and

25 (D) the contact information for the gas utility.

26 The alternative gas supplier disclosure shall be

1 included in its sales solicitations, contracts, and all
2 applicable sales verification scripts.

3 (h) An alternative gas supplier may limit the overall size
4 or availability of a service offering by specifying one or more
5 of the following:

6 (1) a maximum number of customers and maximum amount of
7 gas load to be served;

8 (2) time period during which the offering will be
9 available; or

10 (3) other comparable limitation, but not including the
11 geographic locations of customers within the area which the
12 alternative gas supplier is certificated to serve.

13 The alternative gas supplier shall file the terms and
14 conditions of such service offering including the applicable
15 limitations with the Commission prior to making the service
16 offering available to customers.

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

1 (Source: P.A. 95-1051, eff. 4-10-09.)

2 (220 ILCS 5/19-116 new)

3 Sec. 19-116. Alternative gas supplier; utility assistance
4 recipient.

5 (a) Beginning 90 days after the effective date of this
6 amendatory Act of the 100th General Assembly, no customer who
7 has received financial assistance within the preceding 12
8 months from the Low Income Home Energy Assistance Program or
9 the Percentage of Income Payment Plan shall be switched to an
10 alternative gas supplier unless the customer is switched to a
11 Commission-approved savings guarantee plan as described in
12 subsection (b).

13 (b) Beginning January 1, 2020, an alternative gas supplier
14 may apply to the Commission to offer a savings guarantee plan
15 to recipients of Low Income Home Energy Assistance Program
16 funding or Percentage of Income Payment Plan funding. The
17 Commission shall initiate a public, docketed proceeding to
18 consider whether or not to approve an alternative gas
19 supplier's application to offer a savings guarantee plan. At a
20 minimum, the savings guarantee plan shall charge customers for
21 gas supply an amount that is less than the amount the public
22 utility charges for gas supply. The Commission shall adopt
23 rules to implement this subsection.

24 (c) An agreement entered into between an alternative gas
25 supplier and a customer in violation of this Section is void

1 and unenforceable. If an alternative gas supplier attempts to
2 enroll a customer in violation of this Section, the gas utility
3 shall deny the supplier switch and inform the alternative gas
4 supplier of the reason.

5 (220 ILCS 5/19-130)

6 Sec. 19-130. Commission study and report. The Commission's
7 Office of Retail Market Development shall prepare an annual
8 report regarding the development of competitive retail natural
9 gas markets in Illinois. The Office shall monitor existing
10 competitive conditions in Illinois, identify barriers to
11 retail competition for all customer classes, and actively
12 explore and propose to the Commission and to the General
13 Assembly solutions to overcome identified barriers. Solutions
14 proposed by the Office to promote retail competition must also
15 promote safe, reliable, and affordable natural gas service.

16 On or before October 1 of each year, beginning in 2015, the
17 Director shall submit a report to the Commission, the General
18 Assembly, and the Governor, that includes, at a minimum, the
19 following information:

20 (1) an analysis of the status and development of the
21 retail natural gas market in the State of Illinois; and

22 (2) a discussion of any identified barriers to the
23 development of competitive retail natural gas markets in
24 Illinois and proposed solutions to overcome identified
25 barriers; and

1 (3) any other information the Office considers
2 significant in assessing the development of natural gas
3 markets in the State of Illinois.

4 Beginning in 2020, the report shall include the information
5 submitted to the Commission pursuant to paragraph (6) of
6 subsection (b) of Section 19-115.

7 (Source: P.A. 97-223, eff. 1-1-12; 98-1121, eff. 8-26-14.)

8 (220 ILCS 5/19-135)

9 Sec. 19-135. Single billing.

10 (a) It is the intent of the General Assembly that in any
11 service area where customers are able to choose their natural
12 gas supplier, a single billing option shall be offered to
13 customers for both the services provided by the alternative gas
14 supplier and the delivery services provided by the gas utility.
15 A gas utility shall file a tariff pursuant to Article IX of
16 this Act that allows alternative gas suppliers to issue single
17 bills to residential and small commercial customers for both
18 the services provided by the alternative gas supplier and the
19 delivery services provided by the gas utility to customers;
20 provided that if a form of single billing is being offered in a
21 gas utility's service area on the effective date of this
22 amendatory Act of the 92nd General Assembly, that form of
23 single billing shall remain in effect unless and until
24 otherwise ordered by the Commission. The gas utility shall
25 include its current supply rate on the single bills issued to

1 residential customers.

2 (b) Every gas utility that provides delivery-only and
3 supply service to consumers shall include on each bill to each
4 residential retail customer the gas utility's total supply
5 charge for the billing period, including all fixed or monthly
6 supply charges and other charges, credits, or rates that are
7 part of the gas supply price. This disclosure shall be made on
8 the bill of each residential retail customer who purchases
9 supply services from an alternative gas supplier and on the
10 bill of each residential retail customer who purchases gas
11 supply from the utility.

12 (Source: P.A. 92-852, eff. 8-26-02.)

13 (220 ILCS 5/20-110)

14 Sec. 20-110. Office of Retail Market Development. Within 90
15 days after the effective date of this amendatory Act of the
16 94th General Assembly, subject to appropriation, the
17 Commission shall establish an Office of Retail Market
18 Development and employ on its staff a Director of Retail Market
19 Development to oversee the Office. The Director shall have
20 authority to employ or otherwise retain at least 2
21 professionals dedicated to the task of actively seeking out
22 ways to promote retail competition in Illinois to benefit all
23 Illinois consumers.

24 The Office shall actively seek input from all interested
25 parties and shall develop a thorough understanding and critical

1 analyses of the tools and techniques used to promote retail
2 competition in other states.

3 The Office shall monitor existing competitive conditions
4 in Illinois, identify barriers to retail competition for all
5 customer classes, and actively explore and propose to the
6 Commission and to the General Assembly solutions to overcome
7 identified barriers. The Director may include municipal
8 aggregation of customers and creating and designing customer
9 choice programs as tools for retail market development.
10 Solutions proposed by the Office to promote retail competition
11 must also promote safe, reliable, and affordable electric
12 service.

13 On or before June 30 of each year, the Director shall
14 submit a report to the Commission, the General Assembly, and
15 the Governor, that details specific accomplishments achieved
16 by the Office in the prior 12 months in promoting retail
17 electric competition and that suggests administrative and
18 legislative action necessary to promote further improvements
19 in retail electric competition. On or before June 30, 2020, and
20 every year thereafter, the report shall include the information
21 submitted to the Commission pursuant to paragraph (iii) of
22 subsection (a) of Section 16-115A.

23 (Source: P.A. 94-1095, eff. 2-2-07.)

24 (220 ILCS 5/8-201.6 rep.)

25 Section 10. The Public Utilities Act is amended by

1 repealing Section 8-201.6.

2 Section 15. The Energy Assistance Act is amended by
3 changing Section 4 as follows:

4 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

5 Sec. 4. Energy Assistance Program.

6 (a) The Department of Commerce and Economic Opportunity is
7 hereby authorized to institute a program to ensure the
8 availability and affordability of heating and electric service
9 to low income citizens. The Department shall implement the
10 program by rule promulgated pursuant to the Illinois
11 Administrative Procedure Act. The program shall be consistent
12 with the purposes and objectives of this Act and with all other
13 specific requirements provided herein. The Department may
14 enter into such contracts and other agreements with local
15 agencies as may be necessary for the purpose of administering
16 the energy assistance program.

17 (b) Nothing in this Act shall be construed as altering or
18 limiting the authority conferred on the Illinois Commerce
19 Commission by the Public Utilities Act to regulate all aspects
20 of the provision of public utility service, including but not
21 limited to the authority to make rules and adjudicate disputes
22 between utilities and customers related to eligibility for
23 utility service, deposits, payment practices, discontinuance
24 of service, and the treatment of arrearages owing for

1 previously rendered utility service.

2 (c) The Department of Commerce and Economic Opportunity is
3 authorized to institute an outreach program directed at
4 low-income ~~minority~~ heads of households and heads of households
5 age 60 or older. The Department shall implement the program
6 through rules adopted pursuant to the Illinois Administrative
7 Procedure Act. The program shall be consistent with the
8 purposes and objectives of this Act and with all other specific
9 requirements set forth in this subsection (c).

10 (d) The Department of Commerce and Economic Opportunity
11 shall adopt rules to require that each applicant for assistance
12 pursuant to this Act receives the notice specified in Section
13 8-202.6 of the Public Utilities Act.

14 (Source: P.A. 95-331, eff. 8-21-07; 95-532, eff. 8-28-07;
15 96-154, eff. 1-1-10.)

16 Section 20. The Consumer Fraud and Deceptive Business
17 Practices Act is amended by changing Sections 2EE and 2DDD as
18 follows:

19 (815 ILCS 505/2EE)

20 Sec. 2EE. Electric service provider selection. An electric
21 service provider shall not submit or execute a change in a
22 subscriber's selection of a provider of electric service unless
23 and until (i) the provider first discloses all material terms
24 and conditions of the offer to the subscriber, including

1 information that adequately discloses the prices, terms, and
2 conditions of the products or services that the alternative
3 retail electric supplier is offering or selling to the customer
4 and the Historical Prices to Compare from the preceding 12
5 months as displayed on the Plug-In Illinois website maintained
6 by the Illinois Commerce Commission for the distribution
7 utility serving the customer; (ii) the provider meets the
8 requirements of Sections 16-115A and 16-115E of the Public
9 Utilities Act; (iii) ~~(ii)~~ the provider has obtained the
10 subscriber's express agreement to accept the offer after the
11 disclosure of all material terms and conditions of the offer;
12 and (iv) ~~(iii)~~ the provider has confirmed the request for a
13 change in accordance with one of the following procedures:

14 (a) The new electric service provider has obtained the
15 subscriber's written or electronically signed authorization in
16 a form that meets the following requirements:

17 (1) An electric service provider shall obtain any
18 necessary written or electronically signed authorization
19 from a subscriber for a change in electric service by using
20 a letter of agency as specified in this Section. Any letter
21 of agency that does not conform with this Section is
22 invalid.

23 (2) The letter of agency shall be a separate document
24 (an easily separable document containing only the
25 authorization language described in subparagraph (a) (5) of
26 this Section) whose sole purpose is to authorize an

1 electric service provider change. The letter of agency must
2 be signed and dated by the subscriber requesting the
3 electric service provider change.

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

6 (4) Notwithstanding subparagraphs (a) (1) and (a) (2) of
7 this Section, the letter of agency may be combined with
8 checks that contain only the required letter of agency
9 language prescribed in subparagraph (a) (5) of this Section
10 and the necessary information to make the check a
11 negotiable instrument. The letter of agency check shall not
12 contain any promotional language or material. The letter of
13 agency check shall contain in easily readable, bold-face
14 type on the face of the check, a notice that the consumer
15 is authorizing an electric service provider change by
16 signing the check. The letter of agency language also shall
17 be placed near the signature line on the back of the check.

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

21 (i) The subscriber's billing name and address;

22 (ii) The decision to change the electric service
23 provider from the current provider to the prospective
24 provider;

25 (iii) The terms, conditions, and nature of the
26 service to be provided to the subscriber must be

1 clearly and conspicuously disclosed, in writing, and
2 an electric service provider must directly establish
3 the rates for the service contracted for by the
4 subscriber; and

5 (iv) That the subscriber understand that any
6 electric service provider selection the subscriber
7 chooses may involve a charge to the subscriber for
8 changing the subscriber's electric service provider.

9 (6) Letters of agency shall not suggest or require that
10 a subscriber take some action in order to retain the
11 subscriber's current electric service provider.

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

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

26 Automated third-party verification systems and 3-way

1 conference calls may be used for verification purposes so long
2 as the other requirements of this subsection (b) are satisfied.

3 A supplier or supplier's sales representative initiating a
4 3-way conference call or a call through an automated
5 verification system must drop off the call once the 3-way
6 connection has been established.

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

20 All third-party verifications shall be conducted in the
21 same language that was used in the underlying sales transaction
22 and shall be recorded in their entirety. Submitting suppliers
23 shall maintain and preserve audio records of verification of
24 subscriber authorization for a minimum period of 2 years after
25 obtaining the verification. Automated systems must provide
26 consumers with an option to speak with a live person at any

1 time during the call.

2 (c) When a subscriber initiates the call to the prospective
3 electric supplier, in order to enroll the subscriber as a
4 customer, the prospective electric supplier must, with the
5 consent of the customer, make a date-stamped, time-stamped
6 audio recording that elicits, at a minimum, the following
7 information:

8 (1) the identity of the subscriber;

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

11 (3) confirmation that the person on the call wants to
12 make the supplier change;

13 (4) the names of the suppliers affected by the change;

14 (5) the service address of the supply to be switched;

15 and

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

19 Submitting suppliers shall maintain and preserve the audio
20 records containing the information set forth above for a
21 minimum period of 2 years.

22 (c-5) An electric supplier shall not automatically renew a
23 contract with a residential customer at a rate higher than the
24 initial term of the contract or automatically change or renew a
25 fixed rate contract to a variable rate contract. A residential
26 customer may agree to a contract renewal at a rate higher than

1 the initial term of the contract if the requirements in
2 paragraphs (v) and (vi) of subsection (a) of Section 16-115A of
3 the Public Utilities Act have been met and the residential
4 customer expressly consents to the contract renewal in writing
5 or by an electronic signature. A residential customer may void
6 a contract renewal or a variable rate contract if the
7 requirements in paragraphs (v) and (vi) of subsection (a) of
8 Section 16-115A of the Public Utilities Act have not been met.

9 (d) Complaints may be filed with the Illinois Commerce
10 Commission under this Section by a subscriber whose electric
11 service has been provided by an electric service supplier in a
12 manner not in compliance with this Section. If, after notice
13 and hearing, the Commission finds that an electric service
14 provider has violated this Section, the Commission may in its
15 discretion do any one or more of the following:

16 (1) Require the violating electric service provider to
17 refund to the subscriber charges collected in excess of
18 those that would have been charged by the subscriber's
19 authorized electric service provider.

20 (2) Require the violating electric service provider to
21 pay to the subscriber's authorized electric supplier the
22 amount the authorized electric supplier would have
23 collected for the electric service. The Commission is
24 authorized to reduce this payment by any amount already
25 paid by the violating electric supplier to the subscriber's
26 authorized provider for electric service.

1 (3) Require the violating electric subscriber to pay a
2 fine of up to \$1,000 into the Public Utility Fund for each
3 repeated and intentional violation of this Section.

4 (4) Issue a cease and desist order.

5 (5) For a pattern of violation of this Section or for
6 intentionally violating a cease and desist order, revoke
7 the violating provider's certificate of service authority.

8 (d-5) A violation of Section 16-115A or 16-115E of the
9 Public Utilities Act or the administrative rules adopted
10 thereunder at 83 Ill. Adm. Code Part 412 constitutes a
11 violation of this Section.

12 (e) For purposes of this Section, "electric service
13 provider" shall have the meaning given that phrase in Section
14 6.5 of the Attorney General Act.

15 (Source: P.A. 95-700, eff. 11-9-07.)

16 (815 ILCS 505/2DDD)

17 Sec. 2DDD. Alternative gas suppliers.

18 (a) Definitions.

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

21 (2) "Gas utility" has the same meaning as in Section
22 19-105 of the Public Utilities Act.

23 (b) It is an unfair or deceptive act or practice within the
24 meaning of Section 2 of this Act for any person to violate any
25 provision of this Section. A violation of Section 19-115 or

1 19-116 of the Alternative Gas Supplier Law or the
2 administrative rules adopted thereunder at 83 Ill. Adm. Code
3 Parts 501 and 551 also constitutes a violation of this Section.

4 (c) Solicitation.

5 (1) An alternative gas supplier shall not misrepresent
6 the affiliation of any alternative supplier with the gas
7 utility, governmental bodies, or consumer groups.

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

12 (3) An alternative gas supplier shall clearly and
13 conspicuously disclose the following information to all
14 customers:

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

17 (B) where the solicitation occurs in person,
18 including through door-to-door solicitation, the
19 salesperson's name;

20 (C) the alternative gas supplier's contact
21 information, including the address, phone number, and
22 website;

23 (D) contact information for the Illinois Commerce
24 Commission, including the toll-free number for
25 consumer complaints and website;

26 (E) a statement of the customer's right to rescind

1 the offer within 10 business days of the date on the
2 utility's notice confirming the customer's decision to
3 switch suppliers, as well as phone numbers for the
4 supplier and utility that the consumer may use to
5 rescind the contract; and

6 (F) the amount of the early termination fee, if
7 any.

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

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

18 (d) Customer Authorization. An alternative gas supplier
19 shall not submit or execute a change in a customer's selection
20 of a natural gas provider unless and until (i) the alternative
21 gas supplier first discloses all material terms and conditions
22 of the offer to the customer, including information that
23 adequately discloses the prices, terms, and conditions of the
24 products or services that the alternative gas supplier is
25 offering or selling to the customer and the preceding 12
26 months' current utility gas supply charge as displayed on the

1 Natural Gas Choice website maintained by the Illinois Commerce
2 Commission for the distribution utility serving the customer;
3 (ii) the alternative gas supplier meets the requirements of
4 Sections 19-115 and 19-116 of the Public Utilities Act; (iii)
5 ~~(ii)~~ the alternative gas supplier has obtained the customer's
6 express agreement to accept the offer after the disclosure of
7 all material terms and conditions of the offer; and (iv) ~~(iii)~~
8 the alternative gas supplier has confirmed the request for a
9 change in accordance with one of the following procedures:

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

13 (A) An alternative gas supplier shall obtain any
14 necessary written or electronically signed
15 authorization from a customer for a change in natural
16 gas service by using a letter of agency as specified in
17 this Section. Any letter of agency that does not
18 conform with this Section is invalid.

19 (B) The letter of agency shall be a separate
20 document (or an easily separable document containing
21 only the authorization language described in item (E)
22 of this paragraph (1)) whose sole purpose is to
23 authorize a natural gas provider change. The letter of
24 agency must be signed and dated by the customer
25 requesting the natural gas provider change.

26 (C) The letter of agency shall not be combined with

1 inducements of any kind on the same document.

2 (D) Notwithstanding items (A) and (B) of this
3 paragraph (1), the letter of agency may be combined
4 with checks that contain only the required letter of
5 agency language prescribed in item (E) of this
6 paragraph (1) and the necessary information to make the
7 check a negotiable instrument. The letter of agency
8 check shall not contain any promotional language or
9 material. The letter of agency check shall contain in
10 easily readable, bold face type on the face of the
11 check, a notice that the consumer is authorizing a
12 natural gas provider change by signing the check. The
13 letter of agency language also shall be placed near the
14 signature line on the back of the check.

15 (E) At a minimum, the letter of agency must be
16 printed with a print of sufficient size to be clearly
17 legible, and must contain clear and unambiguous
18 language that confirms:

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

20 (ii) the decision to change the natural gas
21 provider from the current provider to the
22 prospective alternative gas supplier;

23 (iii) the terms, conditions, and nature of the
24 service to be provided to the customer, including,
25 but not limited to, the rates for the service
26 contracted for by the customer; and

1 (iv) that the customer understands that any
2 natural gas provider selection the customer
3 chooses may involve a charge to the customer for
4 changing the customer's natural gas provider.

5 (F) Letters of agency shall not suggest or require
6 that a customer take some action in order to retain the
7 customer's current natural gas provider.

8 (G) If any portion of a letter of agency is
9 translated into another language, then all portions of
10 the letter of agency must be translated into that
11 language.

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

1 other requirements of this paragraph (2) are satisfied. A
2 alternative gas supplier or alternative gas supplier's
3 sales representative initiating a 3-way conference call or
4 a call through an automated verification system must drop
5 off the call once the 3-way connection has been
6 established. All third-party verification methods shall
7 elicit, at a minimum, the following information:

8 (A) the identity of the customer;

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

11 (C) confirmation that the person on the call wants
12 to make the provider change;

13 (D) the names of the providers affected by the
14 change;

15 (E) the service address of the service to be
16 switched; and

17 (F) the price of the service to be provided and the
18 material terms and conditions of the service being
19 offered, including whether any early termination fees
20 apply.

21 Third-party verifiers may not market the alternative
22 gas supplier's services. All third-party verifications
23 shall be conducted in the same language that was used in
24 the underlying sales transaction and shall be recorded in
25 their entirety. Submitting alternative gas suppliers shall
26 maintain and preserve audio records of verification of

1 customer authorization for a minimum period of 2 years
2 after obtaining the verification. Automated systems must
3 provide customers with an option to speak with a live
4 person at any time during the call.

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

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

18 (4) When a consumer initiates the call to the
19 prospective alternative gas supplier, in order to enroll
20 the consumer as a customer, the prospective alternative gas
21 supplier must, with the consent of the customer, make a
22 date-stamped, time-stamped audio recording that elicits,
23 at a minimum, the following information:

24 (A) the identity of the customer;

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

1 (C) confirmation that the person on the call wants
2 to make the provider change;

3 (D) the names of the providers affected by the
4 change;

5 (E) the service address of the service to be
6 switched; and

7 (F) the price of the service to be supplied and the
8 material terms and conditions of the service being
9 offered, including whether any early termination fees
10 apply.

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

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

23 (A) The Internet enrollment website shall, at a
24 minimum, include:

25 (i) a copy of the alternative gas supplier's
26 customer contract, which clearly and conspicuously

1 discloses all terms and conditions; and

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

4 (B) Any electronic version of the contract shall be
5 identified by version number, in order to ensure the
6 ability to verify the particular contract to which the
7 customer assents.

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

15 (D) The alternative gas supplier shall provide a
16 mechanism by which both the submission and receipt of
17 the electronic letter of agency are recorded by time
18 and date.

19 (E) After the customer completes the electronic
20 letter of agency, the alternative gas supplier shall
21 disclose conspicuously through its website that the
22 customer has been enrolled and the alternative gas
23 supplier shall provide the customer an enrollment
24 confirmation number.

25 (6) When a customer is solicited in person by the
26 alternative gas supplier's sales agent, the alternative

1 gas supplier may only obtain the customer's authorization
2 to change natural gas service through the method provided
3 for in paragraph (2) of this subsection (d).

4 Alternative gas suppliers must be in compliance with the
5 provisions of this subsection (d) within 90 days after the
6 effective date of this amendatory Act of the 95th General
7 Assembly.

8 (d-5) A gas supplier shall not automatically renew a
9 contract with a residential customer at a rate higher than the
10 initial term of the contract or automatically change or renew a
11 fixed rate contract to a variable rate contract. A residential
12 customer may agree to a contract renewal at a rate higher than
13 the initial term of the contract if the requirements in
14 paragraphs (8) and (9) of subsection (b) of Section 19-115 of
15 the Public Utilities Act have been met and the residential
16 customer expressly consents to the contract renewal in writing
17 or by an electronic signature. A residential customer may void
18 a contract renewal or a variable rate contract if the
19 requirements in paragraphs (8) and (9) of subsection (b) of
20 Section 19-115 of the Public Utilities Act have not been met.

21 (e) Early Termination.

22 (1) Any agreement that contains an early termination
23 clause shall disclose the amount of the early termination
24 fee, provided that any early termination fee or penalty
25 shall not exceed \$50 total, regardless of whether or not
26 the agreement is a multiyear agreement.

1 (2) In any agreement that contains an early termination
2 clause, an alternative gas supplier shall provide the
3 customer the opportunity to terminate the agreement
4 without any termination fee or penalty within 10 business
5 days after the date of the first bill issued to the
6 customer for products or services provided by the
7 alternative gas supplier. The agreement shall disclose the
8 opportunity and provide a toll-free phone number that the
9 customer may call in order to terminate the agreement.

10 (f) The alternative gas supplier shall provide each
11 customer the opportunity to rescind its agreement without
12 penalty within 10 business days after the date on the gas
13 utility notice to the customer. The alternative gas supplier
14 shall disclose to the customer all of the following:

15 (1) that the gas utility shall send a notice confirming
16 the switch;

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

20 (3) that the customer may contact the gas utility or
21 the alternative gas supplier to rescind the switch within
22 10 business days; and

23 (4) the contact information for the gas utility and the
24 alternative gas supplier.

25 The alternative gas supplier disclosure shall be included
26 in its sales solicitations, contracts, and all applicable sales

1 verification scripts.

2 (g) The provisions of this Section shall apply only to
3 alternative gas suppliers serving or seeking to serve
4 residential and small commercial customers and only to the
5 extent such alternative gas suppliers provide services to
6 residential and small commercial customers.

7 (Source: P.A. 97-333, eff. 8-12-11.)

8 Section 90. This Act supersedes any conflicting provision
9 of 83 Ill. Adm. Code 280, and any ambiguity shall be resolved
10 in favor of the customer or prospective customer.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".