



Sen. James F. Clayborne Jr.

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09500HB1292sam001

LRB095 06690 MJR 36468 a

1 AMENDMENT TO HOUSE BILL 1292

2 AMENDMENT NO. _____. Amend House Bill 1292 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding
5 Section 16-115C as follows:

6 (220 ILCS 5/16-115C new)

7 Sec. 16-115C. Licensure of agents, brokers, and
8 consultants engaged in the procurement or sale of retail
9 electricity supply for third parties.

10 (a) The purpose of this Section is to adopt licensing and
11 code of conduct rules in a competitive retail electricity
12 market to protect Illinois consumers from unfair or deceptive
13 acts or practices and to provide persons acting as agents,
14 brokers, and consultants engaged in the procurement or sale of
15 retail electricity supply for third parties with notice of the
16 illegality of those acts or practices.

1 (b) For purposes of this Section, "agents, brokers, and
2 consultants engaged in the procurement or sale of retail
3 electricity supply for third parties" means any person or
4 entity that attempts to procure on behalf of or sell retail
5 electric service to an electric customer in the State. "Agents,
6 brokers, and consultants engaged in the procurement or sale of
7 retail electricity supply for third parties" does not include
8 any entity licensed as an alternative retail electric supplier
9 pursuant to 83 Ill. Adm. Code 451 offering retail electric
10 service on its own behalf, any person acting exclusively on
11 behalf of a single alternative retail electric supplier on
12 condition that exclusivity is disclosed to any third party
13 contracted in such agent capacity, any person or entity
14 representing a municipal power agency, as defined in Section
15 11-119.1-3 of the Illinois Municipal Code, or any person or
16 entity that is attempting to procure on behalf of or sell
17 retail electric service to a third party that has aggregate
18 billing demand of all of its affiliated electric service
19 accounts in Illinois of greater than 1,500 kW.

20 (c) No person or entity shall act as an agent, broker, or
21 consultant engaged in the procurement or sale of retail
22 electricity supply for third parties unless that person or
23 entity is licensed by the Commission under this Section or is
24 offering services on their own behalf under 83 Ill. Adm. Code
25 451.

26 (d) The Commission shall create requirements for licensure

1 as an agent, broker, or consultant engaged in the procurement
2 or sale of retail electricity supply for third parties, which
3 shall include all of the following criteria:

4 (1) Technical competence.

5 (2) Managerial competence.

6 (3) Financial responsibility, including the posting of
7 an appropriate performance bond.

8 (4) Annual reporting requirements.

9 (e) Any person or entity required to be licensed under this

10 Section must:

11 (1) disclose to all persons it solicits the existence
12 of any contracts with retail electric suppliers or their
13 affiliates regarding retail electric service in Illinois
14 and the nature of those contract or contracts;

15 (2) provide to all persons it solicits a list of all
16 retail electric suppliers authorized to serve that person
17 per the then-current list of suppliers on the Commission's
18 website;

19 (3) not hold itself out as independent or unaffiliated
20 with any supplier, or both, or use words reasonably
21 calculated to give that impression, unless the person
22 offering service under this Section has no contractual
23 relationship with any retail electricity supplier or its
24 affiliates regarding retail electric service in Illinois;

25 (4) not utilize false, misleading, materially
26 inaccurate, defamatory, or otherwise deceptive language or

1 materials in the soliciting or providing of its services;

2 (5) maintain copies of all marketing materials
3 disseminated to third parties for a period of not less than
4 3 years;

5 (6) not present electricity pricing information in a
6 manner that favors one supplier over another, unless a
7 valid pricing comparison is made utilizing all relevant
8 costs and terms; and

9 (7) comply with the requirements of Sections 2EE, 2FF,
10 2GG, and 2HH of the Consumer Fraud and Deceptive Business
11 Practices Act.

12 (f) Any person or entity licensed under this Section shall
13 file with the Commission all of the following information no
14 later than March of each year:

15 (1) A verified report detailing any and all contractual
16 relationships that it has with certified electricity
17 suppliers in the State regarding retail electric service in
18 Illinois.

19 (2) A verified report detailing the distribution of its
20 customers with the various certified electricity suppliers
21 in Illinois during the prior calendar year.

22 (3) A copy of its audited financial statement.

23 (4) A verified statement of any changes to the original
24 licensure qualifications and notice of continuing
25 compliance with all requirements.

26 (g) The Commission shall have jurisdiction over

1 disciplinary proceedings and complaints for violations of this
2 Section. The findings of a violation of this Section by the
3 Commission shall result in a progressive disciplinary scale.
4 For a first violation, the Commission shall suspend the license
5 of the person so disciplined for a period of no less than one
6 month. For a second violation within a 5-year period, the
7 Commission shall suspend the license for the person so
8 disciplined for a period of not less than 6 months. For a third
9 or subsequent violation within a 5-year period, the Commission
10 shall suspend the license of the disciplined person for a
11 period of not less than 2 years.

12 (h) This Section shall not apply to a retail customer that
13 operates or manages either directly or indirectly any
14 facilities, equipment, or property used or contemplated to be
15 used to distribute electric power or energy if that retail
16 customer is a political subdivision or public institution of
17 higher education of this State, or any corporation, company,
18 limited liability company, association, joint-stock company or
19 association, firm, partnership, or individual, or their
20 lessees, trusts, or receivers appointed by any court whatsoever
21 that are owned or controlled by the political subdivision,
22 public institution of higher education, or operated by any of
23 its lessees or operating agents.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."