PART 412
OBLIGATIONS OF RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL

Section
412.10 Definitions
412.20 Waiver
412.30 Construction of this Part

SUBPART B: MARKETING PRACTICES

Section
412.100 Application of Subpart B
412.110 Uniform Disclosure Statement
412.120 Door-to-Door Solicitation
412.130 Telemarketing
412.140 Inbound Enrollment Calls
412.150 Direct Mail
412.160 Online Marketing
412.170 Training of Sales Agents
412.180 Records Retention and Availability
412.190 Affiliate Name and Logo Use

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION AND AUTOMATIC CONTRACT RENEWAL

Section
412.200 Application of Subpart C
412.210 Rescission of Sales Contract
412.220 Deposits
412.230 Early Termination Fee
412.240 Contract Renewal
412.250 Assignment

SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS
Section 412.300  Application of Subpart D
412.310  Required RES Information
412.320  Dispute Resolution


SOURCE: Adopted at 34 Ill. Reg. ______, effective ____________.

SUBPART A: GENERAL

Section 412.10 Definitions

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

"Alternative retail electric supplier" or "ARES" means the same as that term is defined in Section 16-102 of the Act.

"Commission" means the Illinois Commerce Commission.

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

"Customer" means the same as "Retail Customer" as that term is defined in Section 16-102 of the Act.

"Do Not Market List" means at a minimum a list of names, addresses and/or phone numbers of customers who contacted the electric utility to avoid any marketing or soliciting from a RES.

"Electric utility" means the same as that term is defined in Section 16-102 of the Act.


“Pending enrollment” means a valid direct access service request that has been accepted by utility, for which the meter read switch has not yet occurred.
“Rescind” means the cancellation of a contract with a RES and/or pending customer enrollment to a RES, without the incurrence of an early termination fee.

“Residential Customer” is receiving residential service as defined in 83 Ill. Admin. Code 280.

"Retail electric supplier" or "RES" includes both alternative retail electric suppliers and electric utilities serving or seeking to serve retail customers pursuant to Section 16-116 of the Act.

"RES agent" means any employee, agent, independent contractor, consultant or other person who is engaged by the RES to solicit customers to purchase, enroll in or contract for power and energy service on behalf of a RES.

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

"Third party verification" means the process described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act and referenced in Section 16-115A of the Public Utilities Act.

Section 412.20 Waiver

a) The Commission, on application or petition of a RES or electric utility, may grant a temporary or permanent waiver from this Part, or any applicable subsections contained in this Part, in individual cases where the Commission finds:

1) the provision from which the waiver is granted is not statutorily mandated;
2) no party will be injured by the granting of the waiver; and

3) the rule from which the waiver is granted would, as applied to the particular case, be unreasonable or unnecessarily burdensome.

b) The burden of proof in establishing a right to waiver shall be on the party seeking the waiver.

Section 412.30 Construction of this Part

In the event of any conflict between this part and the requirements provided in electric utility tariffs on file with the Commission as of the effective date of this Part, this Part shall control.

SUBPART B: MARKETING PRACTICES

Section 412.100 Application of Subpart B

a) The provisions of this Subpart shall only apply to RESs serving or seeking to serve residential or small retail commercial customers, and only to the extent that the RESs provide services to residential or small retail commercial customers. In addition, Section 412.170(d) shall apply to electric utilities.

b) The following exceptions apply: Sections 412.170(a), (b) and (c) and 412.180 shall apply to RESs serving or seeking to serve any retail customer, other than RESs certified (i) under subpart E of 83 Ill. Adm. Code 451, or (ii) under subpart B or C of 83 Ill. Adm. Code Part 451, to serve only their own load, and/or the load of a corporate affiliate and/or the load of an entity located on the site of a manufacturing or refining facility of the RES or its affiliate, when is fully integrated into the existing electrical distribution system of the refining or manufacturing facility.

Section 412.110 Uniform Disclosure Statement

In addition to providing the customer with a copy of the sales contract, a RES agents must disclose the following information to the customer prior to any enrollment for electric service, regardless of the form of marketing used. The written Uniform Disclosure statement must use 12 point font or larger, and, if it is a separate document, it must not exceed two pages in length:

a) The legal name of the RES and the name under which the RES will market its products, if different;
b) The RES’s business address;

c) The RES’s toll-free telephone number for billing questions, disputes and complaints as well as the Commission’s toll-free phone number for complaints;

d) The charges for the service for the length of the contract and, if any charges are variable during the term of the contract, an explanation of how the variable charges are determined;

e) The length of the contract, including any possible automatic renewal clause;

f) The presence or absence of early termination fees or penalties and applicable amounts or the formula pursuant to which they are calculated, and shall not exceed $50;

g) Any requirement to pay a deposit for power and energy service, the estimated amount of the deposit or basis on which it is calculated, when the deposit will be returned, and if the deposit will accrue interest;

h) Any fees assessed by the RES to a customer for switching to the RES;

i) The name of the power and energy service for which the customer is being solicited;

j) A statement that the customer may rescind the contract, by contacting the RES, before the RES submits the enrollment request to the electric utility;

k) A statement that the customer may rescind the contract and the pending enrollment within ten calendar days after the electric utility processes the enrollment request by contacting the RES and that residential customers may rescind the contract and the pending enrollment by contacting either the RES or the electric utility and provide both toll-free phone numbers;

l) A statement that the RES is an independent seller of power and energy service, certified by the Illinois Commerce Commission and that the agent is not representing or acting on behalf of the electric utility, governmental bodies or consumer groups;

m) A statement that the electric utility remains responsible for the delivery of power and energy to the customer’s premise and will continue to respond to any service calls and emergencies and that switching to an RES will not impact the customer’s electric service reliability;

n) A statement that the customer will receive written notification from the electric utility
confirming a switch of the customer’s power and energy supplier;

o) If savings are guaranteed under certain circumstances, the RES must provide a written statement, in plain language, describing the conditions that must be present in order for the savings to occur. In the case of telemarketing and in-bound enrollment calls, such statement shall be provided in accordance with Sections 412.130 (e) and 412.140 (c);

and

p) A price per-kilowatt hour (kWh) for the power and energy service. If a product is being offered at a fixed monthly charge that does not change with the customer’s usage and the fixed monthly charge does not include delivery service charges, the RES must provide a statement to the customer that the fixed monthly charge is for supply charges only and that it does not include delivery service charges and applicable taxes; therefore, the fixed monthly charge is not the total monthly amount for electric service. For any product that includes a fixed monthly charge that does not change with the customer’s usage, the RES must provide an estimated price-per-kilowatt hour for the power and energy service using sample monthly usage levels of 500, 1000 and 1,500 kWh.

---

Section 412.120 Door-to-Door Solicitation

a) A RES agents shall state that it is an independent seller of power and energy service, certified by the Illinois Commerce Commission, and that it is not representing or acting on behalf of the electric utility, governmental body, or consumer groups.

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

c) RES agents who engage in door-to-door solicitation for the purpose of selling power and energy service offered by the RES shall display identification. This identification shall be visible at all times and prominently display the following:

1) The RES agent’s full name in reasonable size font;

2) A photograph of the RES agent; and

3) The trade name and logo of the RES the agent is representing. If the agent is selling power and energy services from multiple RESs to the customer, the
identification shall display the trade name and logo of the agent, broker or consultant entity as that entity is defined in Section 16-115C of the Act.

d) The RES agent shall leave the premises of at the customer, owner, or occupant’s request.

e) The RES agent shall ensure that, during the sales presentation to the customer items (d) through (p) of the Uniform Disclosure Statement (Section 412.110(d) through (p)) are verbally disclosed to the customer. A RES agent may disclose the items in any order as long as all applicable items are explained to the customer during the sales presentation.

f) The RES agent shall require the customer to initial the RES agent’s copy of the Uniform Disclosure Statement. A copy of the Uniform Disclosure Statement is to be left with the customer at the conclusion of the visit. The minimum list of items to be included in the Uniform Disclosure Statement is contained in Section 412.110.

g) If a customer’s enrollment is authorized by third-party verification during door-to-door solicitation, the third party verification shall require the customer to verbally acknowledge that he or she understands the applicable items in (d) through (p) of the Uniform Disclosure Statement.

h) When it is apparent that a customer’s English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the agent in English or when the customer or another third party informs the agent of this circumstance, the RES agent shall find another representative fluent in the customer’s language, use an interpreter, or terminate the in-person contact with the customer. When the use of an interpreter is necessary, a form consistent with Section 2N of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2N] must be completed.

i) Upon a customer’s request, the RES shall refrain from any further marketing to that customer.

j) The RES performing door-to-door marketing will conduct criminal background checks and drug tests on all potential door-to-door employees.

k) Persons conducting door-to-door sales may do so only between the hours of 10 am to 6 pm unless the jurisdiction where the door-to-door sales take place have rules for door-to-door solicitation that are more restrictive, in which case, the
Section 412.130 Telemarketing

a) In addition to complying with the Telephone Solicitations Act [815 ILCS 413], a RES agent who contacts customers by telephone for the purpose of selling power and energy service shall provide the agent’s name and, on request, the identification number if available.

b) When it is apparent that a customer’s English language skills are insufficient to allow the customer to understand a telephone solicitation in English, and the customer or another third party informs the agent of this circumstance, the agent must transfer the customer to a representative who speaks the customer’s language, if such a representative is available, or terminate the call.

c) A RES agent shall ensure that, during the sales presentation to the customer, items (d) through (p) of the Uniform Disclosure Statement (Section 412.110(d) through (p)) are verbally disclosed to the customer. A RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation.

d) If a RES agent engages in telemarketing and third party verification is used to authorize a customer’s enrollment, the third party verification must include the applicable items contained in Section 412.110 (d) through (p).

f) The Uniform Disclosure Statement and contract must be sent to the customer within three (3) business days after the electric utility’s confirmation of an accepted enrollment.

g) Upon a customer’s request, the RES shall refrain from any further marketing to that customer.

Section 412.140 Inbound Enrollment Calls

If a customer initiates a call to a RES agent in order to enroll for service, the agent must:

a) Follow the requirements in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act;

b) Verbally disclose to the customer items (d) through (p) of the Uniform Disclosure Statement (Section 412.110(d) through (p)). A RES agent may disclose the items in any order so long as all applicable items are explained to the customer during the sales presentation; and
c) Send the Uniform Disclosure Statement and contract to the customer within three (3) business days after the electric utility’s confirmation to the RES of an accepted enrollment.

Section 412.150 Direct Mail

a) RES agents contacting customers for enrollment for power and energy service by direct mail shall include the items of the Uniform Disclosure Statement (Section 412.110) for the service being solicited.

b) If a written Letter of Agency is being used to authorize a customer’s enrollment, it shall contain a statement that the customer has read and understood the items contained in the Uniform Disclosure Statement in Section 412.110. The document containing the items of the Uniform Disclosure Statement must remain with the customer.

c) A copy of the contract must be sent to the customer within three business days after the electric utility’s confirmation to the RES of an accepted enrollment.

Section 412.160 Online Marketing

a) Each RES offering power and energy service to customers online shall display the items of the Uniform Disclosure Statement (Section 412.110) for any services offered through online enrollment before requiring the customer to enter any personal information other than zip code, electric utility service territory, and/or type of service sought.

b) The document containing the items of the Uniform Disclosure Statement must be printable in a PDF format not to exceed two pages in length and shall be available electronically to the customer.

c) The RES shall obtain, in accordance with 83 Ill. Adm. Code 453 and Section 2EE of the Consumer Fraud Act, an authorization to change RESs that confirms and includes appropriate verification data by encrypted customer input on the RES web site.

d) The enrollment website of the RES shall, at a minimum, include:

1) All items within the Uniform Disclosure Statement (Section 412.110);

2) A statement that electronic acceptance of the terms is an agreement to initiate service and begin enrollment;

3) A statement that the customer should review the contract and/or contact the
current supplier to learn if any early termination fees are applicable; and

4) An e-mail address and toll-free phone number of the RES where the customer can express a decision to rescind the contract.

Section 412.170 Training of RES Agents

a) A RES agent shall be knowledgeable of the requirements applicable to the marketing and sales of power and energy service to the customer class that he or she is targeting. In addition to this Part, requirements pertaining to the marketing and sales of power and energy service may be found in other rules, the Act and the Consumer Fraud and Deceptive Business Practices Act.

b) All RES agents should be familiar with power and energy services that they sell, including the rates, payment and billing options, the customers’ right to cancel, and applicable termination fees, if any. In addition, the RES agents shall have the ability to provide the customer with a toll-free number for billing questions, disputes and complaints, as well as the Commission’s toll-free phone number for complaints.

c) RES agents shall not utilize false, misleading, materially inaccurate or otherwise deceptive language or materials in soliciting or providing services.

d) A RES agent shall refrain from any direct marketing or soliciting of power and energy service to customers on the electric utility’s Do Not Market List, which the electric utility shall make available to RESs at least monthly on the 15th calendar day of the month. If the 15th calendar day is a non-business day, the electric utility shall make the list available on the next business day following the 15th calendar day of that month. A RES shall use the most current version of the Do Not Market List available; however, in assessing compliance with this Section, 31 days will be afforded to a RES to account for the time required by the RES to disseminate and process the list internally.

Section 412.180 Records Retention and Availability

a) RES must retain, for a minimum of two years or for the length of the contract, whichever is longer, verifiable proof of authorization to change suppliers for each customer. Upon request by the Commission or Commission Staff, the RES shall provide authorization records within seven business days.

b) Throughout the duration of the contract, and for two years thereafter, the RES shall retain the customer’s contract. Upon the customer’s request, the RES shall provide the customer, a copy of the contract via e-mail, U.S. mail, or facsimile within seven business days. The RES shall not charge a fee for the copies if a customer requests less than three copies in a 12-month period.
Section 412.190 Affiliate Name and Logo Use

A RES shall not be permitted to market power and energy service to residential customers using a similar name (where any part of the RES name contains any part of the utility name) or logo to that of an existing electric utility affiliated in Illinois.

Section 412.195 Product Descriptions

Only power and energy service that includes power and energy purchased entirely separate and apart from the renewable portfolio standard requirements applicable to RESs under Public Act 96-0159 can be marketed as “green,” “renewable energy” or “environmentally friendly.”

SUBPART C: RESCISSION, DEPOSITS, EARLY TERMINATION AND AUTOMATIC CONTRACT RENEWAL

Section 412.200 Application of Subpart C

The provisions of this Subpart shall only apply to RESs serving or seeking to serve residential or small commercial retail customers and only to the extent the RESs provide services to residential or small commercial retail customers. In addition, Section 412.210 shall apply to electric utilities.
Section 412.210  Rescission of Sales Contract

The customer has the ability to rescind the contract with the RES before the RES submits the enrollment request to the electric utility. Within one business day after processing a valid electronic enrollment request from the RES, the electric utility shall notify the customer in writing of the scheduled enrollment and provide the name of the RES that will be providing power and energy service. The written enrollment notice from the electric utility shall state the last day to make a request rescinding the enrollment, and provide contact information for the RES. A residential customer wishing to rescind the pending enrollment with the RES, will not incur any early termination fees if the customer contacts either the electric utility or the RES within ten calendar days after the electric utility processes the enrollment request. A small commercial retail customer wishing to rescind the pending enrollment with the RES, will not incur any early termination fees if the customer contacts the RES within ten calendar days after the electric utility processes the enrollment request. If the tenth calendar day falls on a non-business day, the rescission period will be extended through the next business day. In the event the residential customer provides notice of such rescission to the electric utility, the electric utility shall notify the RES.

Section 412.220  Deposits

A RES shall not require a customer deposit if the RES is selling the receivables for power and energy for that customer to the electric utility pursuant to Section 16-118(c) of the Act.

Section 412.230  Early Termination of Sales Contract

Any contract between a RES and a customer that contains an early termination fee shall disclose the amount of the early termination fee or the formula used to calculate the termination fee, provided that any early termination fee or penalty shall not exceed $50 total regardless of whether or not the contract is a multiyear contract. Any contract containing an early termination fee shall provide the customer the opportunity to contact the RES to terminate the contract without any termination fee or penalty within 10 business days after the date of the first bill issued to the customer for products or services provided by the RES. A customer relying on this provision to avoid an early termination fee shall be precluded from relying upon this provision for 12 months following the date the customer terminated his or her sales contract. The contract shall disclose the opportunity and provide a toll-free phone number that the customer may call in order to terminate the contract. This requirement does not relieve the customer of obligations to pay for services rendered under the contract until service is terminated.
Section 412.240 Contract Renewal

a) Non-Automatic Renewal. The RES shall clearly disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, the RES shall send a notice of contract expiration separate from the bill at least 30 days prior to the date of contract expiration but no more than 60 days in advance of expiration. Nothing in this Section shall preclude a RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract expiration shall include:

1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Expiration Notice";

2) The anticipated bill cycle in which the existing contract will expire;

3) A full description of the renewal offer, including the date service would begin under the new offer, if a renewal offer was provided; and

4) A statement, in at least 12 point font, that the customer must provide affirmative consent to accept the renewal offer, that establishing service with another RES can take up to 45 days, and that failure to renew the existing contract or switch to another RES may result in the customer being reverted to the electric utility default service. The statement shall provide the length of the electric utility tariff minimum stay period, if applicable.

b) Automatic Renewal. In addition to complying with the Illinois Automatic Renewal Act [815 ILCS 601], the RES shall clearly disclose any renewal terms in its contracts, including any cancellation procedure. For contracts with an initial term of six months or more, and where such contract automatically renews for a specified term of more than one month the RES shall send a notice of contract renewal separately from the bill at least 30 days prior to the end of the initial contract term but no more than 60 days in advance of that date. Nothing in this Section shall preclude a RES from offering a new contract to the customer at any other time during the contract period. If the customer enters into a new contract prior to the end of the contract expiration notice period, the notice of contract expiration under this Section is not required. The separate written notice of contract renewal shall include:

1) A statement printed or visible from the outside of the envelope or in the subject line of the e-mail (if customer has agreed to receive official documents by e-mail) that states "Contract Renewal Notice";
2) The bill cycle in which service under the new term will begin;

3) A statement in bold lettering, in at least 12 point font, that the contract will automatically renew unless the customer cancels it, including the information needed to cancel;

4) If the new contract term includes a termination fee, a statement that the customer has from the date of the contract renewal notice through the end of the existing contract term to notify the RES of his or her rejection of the new contract term to avoid incurring a termination fee under the new contract term;

5) A clear disclosure, of the contract terms, including a full description of any renewal offers available to the customer; and

Section 412.250 Assignment

If an RES is surrendering or otherwise cancelling its certificate of service authority or is no longer seeking to serve certain customers, the RES shall not assign the contract to a different RES unless:

a) The new supplier is a RES;

b) The new RES is in compliance with all applicable requirements of the Commission and the electric utility to provide electric service;

c) The rates, terms and conditions of the contract being assigned do not change during the remainder of the time period covered by the contract provided; however, the assigned contract may be modified during the term of the contract if the new RES and the retail customer mutually agree to the changes or revisions of the contract after assignment of the contract;

d) The customer is given 15 calendar days prior written notice of the assignment by the current RES; and

e) Within 30 days after the assignment, the new RES provides the customer with a toll-free phone number for billing questions, disputes and complaints.
SUBPART D: DISPUTE RESOLUTION AND CUSTOMER COMPLAINT REPORTS

Section 412.300  Application of Subpart D

The provisions of this Subpart shall only apply to RESs serving or seeking to serve residential or small commercial retail customers and only to the extent the RESs provide services to residential or small commercial retail customers. In addition, Sections 412.320(c)(1)(B) and 412.320(c)(1)(E) shall apply to electric utilities.

Section 412.310  Required RES Information

a) Prior to the RES initiating marketing to residential and small commercial retail customers, RES shall provide the following to the Commission’s Consumer Services Division (CSD):

1) A copy of its bill formats (if it bills customers directly rather than using electric utility consolidated billing);

2) Standard customer contract;

3) Customer complaint and resolution procedures; and

4) The name, telephone number and e-mail address of the company representative whom Commission employees may contact to resolve customer complaints and other matters.

b) The RES must file updated information within 10 business days after changes in any of the documents or information required to be filed by this Section.

c) If the RES has declared force majeure within the past ten years on any contracts to deliver power and energy services, the RES shall provide notice to the Commission Staff prior to marketing to residential and small commercial retail customers.

Section 412.320  Dispute Resolution

a) A residential or small commercial retail customer has the right to make a formal or informal complaint to the Commission, and a RES contract cannot impair this right. A RES shall not require a residential or small commercial retail customer, as part of the terms of service, to engage in alternative dispute resolution, including requiring complaints to be submitted to arbitration or mediation by third parties.

b) A customer or applicant for power and energy service may submit a complaint by U.S.
mail, facsimile transmission, by e-mail or telephone to a RES. The RES shall promptly investigate and advise the complainant of the results within 14 calendar days. If the RES responds to the customer’s complaint verbally, the RES shall inform the customer of the ability to request and obtain the RES’s response in writing. A customer who is dissatisfied with the RES’s response shall be informed of the right to file a complaint with the Commission and the Office of the Illinois Attorney General.

c) Complaints to the Commission

1) Informal Complaints

A) If a complainant is dissatisfied with the results of a RES’s complaint investigation, the RES shall inform the complainant of his/her ability to file a complaint with the Commission’s Consumer Services Division (“CSD”) and provide contact information for the CSD. Complaints may be filed with the CSD by phone, via the internet, by fax, or by mail. Information required to process a customer complaint includes:

i) The customer’s name, mailing and service addresses, and telephone number;

ii) The name of the RES;

iii) The customer’s electric utility and RES account numbers;

iv) An explanation of the facts relevant to the complaint;

v) The complainant’s requested resolution; and

vi) Any documentation that supports the complaint, including copies of bills or terms of service documents.

B) The Commission’s CSD may resolve a complaint via phone by completing a three-way call between the customer, the CSD staff, and the RES. If no resolution is reached by phone and a dispute remains, an informal complaint may be sent to the RES. In the case of the electric utility purchasing the RES’s receivables or utility consolidated billing, the RES shall notify the electric utility of any informal complaint received and the electric utility shall follow the procedures outlined in its billing service agreement with the RES to withhold collection activity on disputed RES charges on the customer’s bill.

C) The RES shall investigate all informal complaints and advise the
CSD in writing of the results of the investigation within 14 days after the complaint is forwarded to the RES.

D) The CSD shall review the complaint information and the RES’s response and notify the complainant of the results of the Commission’s investigation.

E) While an informal complaint process is pending:
   i) The RES (or the electric utility in the case of the electric utility having purchased the RES’s receivables) shall not initiate collection activities for any disputed portion of the bill until the Commission Staff has taken final action on the complaint; and
   ii) A customer shall be obligated to pay any undisputed portion of the bill and the RES (or the electric utility in the case of the electric utility purchasing the RES’s receivables or the utility presenting the RES’s charges on a consolidated bill) may pursue collection activity for nonpayment of the undisputed portion after appropriate notice.

F) The RES shall keep a record for two years after closure by the CSD of all informal complaints. This record shall show the name and address of the complainant, the date and nature and adjustment or disposition of the complaint.

2) Formal Complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the Commission pursuant to Section 10-101 of the Act.

3) Disclosure of RESs’ level of customer complaints. The Commission shall, on at least a quarterly basis, prepare summaries of all formal and informal complaints received by it and publish such summaries on its web site. The summaries shall be in an easy-to-read and user friendly format.