

TITLE 815

Division of Public Utilities and Carriers

Rhode Island Code of State Regulations

**CHAPTER 40
Electric Utilities**

**SUB-CHAPTER 05
Nonregulated Power Producers**

PART 2

Nonregulated Power Producer (“NPP”) Consumer Bill of Rights

815-RICR-40-05-2.1. Title. This Part shall be known and may be cited as the “Nonregulated Power Producer Consumer Bill of Rights.”

Commented [LB(1)]: Restates R.I.G.L. 39-26.7-1.

815-RICR-40-05-2.2. Purpose. The purpose of this Part is to assist consumers in making an informed choice of a nonregulated power producer. It does so by imposing a series of regulatory requirements upon the electrical generation and distribution industry for the protection of consumers, including specifying a variety of consumer information which the nonregulated power producers are required to give to consumers and setting our procedures for the sale and solicitation of electric generation services by nonregulated power producers.

Commented [LB(2)]: Restates 39-26.7-2.

815-RICR-40-05-2.3. Definitions. When used in this part, the following terms shall have the following meanings:

Commented [LB(3)]: The second sentence of this section paraphrases the explanation of the Legislative Council for the Public Law that mandated these regulatory requirements. It has been added to expand upon the “purpose” language of 39-26.7 2 in an effort to more fully advise both consumers and NPP’s of the impact of this Part.

A. “Commission” shall have the same meaning as that which is contained in R.I.G.L. § 39-1-2.

Commented [LB(4)]: Restates 39-26.7-3.

B. “Company” shall have the same meaning as that which is contained in R.I.G.L. § 39-1-2.

Commented [LB(5)]: Restates 39-1-2(5) which is identical to 39-26.7-3(1).

C. “Division” shall have the same meaning as that which is contained in R.I.G.L. § 39-1-2.

Commented [LB(6)]: Restates 39-1-2(8) which is identical to 39-26.7-3(2).

D. “Electric distribution company” shall have the same meaning as that which is contained in R.I.G.L. § 39-1-2.

Commented [LB(7)]: Restates 39-1-2(11) which is identical to 39-26.7-3(2).

Commented [LB(8)]: Restates 39-1-2(12). Definition necessary to implement 39-26.7-4, which requires a standard billing format for NPPs and distribution companies to allow better comparison.

1 E. "Nonregulated power producer" ("NPP") shall have the same meaning as that
2 which is contained in R.I.G.L. § 39-1-2.

Commented [LB(9)]: Restates 39-26.7-3(3).

3
4 F. "Obligated entity" shall have the same meaning as that which is contained in
5 R.I.G.L. § 39-26-2.

Commented [LB(10)]: 39-26.7-4(d) mandates adoption of the definition set out in 39-26-2

6
7 **815-RICR-40-05-2.4. Consumer Information Requirements.**

Commented [LB(11)]: Restates 39-26.7-4

8
9 A. All nonregulated power producers and electric distribution companies shall
10 adopt a standard billing format for residential customers to better enable such
11 residential customers to compare pricing policies and charges of nonregulated
12 power producers to the standard offer service rate approved by the Commission
13 for the customer's electric distribution company. The standard billing format
14 shall include all of the information set out sections 4.B.1 and/or 4.B.2, below,
15 as appropriate, in the order specified below.

Commented [LB(12)]: Addresses requirements set out in 39-27.7-4(a) by directing that all NPP and distribution companies revise their bills to reflect the information set out in subsections 4.B.1 and/or 4.B.2, below, in the order in which the information is set out in those subsections. This will create sufficient similarity between the offerings of NPPs and distribution companies to allow fair consumer comparisons, without imposing undue costs on the NPPs and distribution companies or creating a situation in which the consumer might become confused with regards to which company was offering what terms (as might happen if all companies were using the identical fill-in-the-blank form).

16
17 B. The standard billing format adopted herein requires that all electrical
18 distribution companies and nonregulated power producers include the following
19 information upon the bill or statements they provide to their customers in the
20 order specified below:

21
22 1. **Charges for electricity supplied/used.** Every company who shall
23 charge for the use of electricity furnished to any house, building, tenement or
24 estate shall conspicuously display upon the bill or statement for such electricity
25 charges for any customer, all of the information required by R.I.G.L. § 39-3-37.2,
26 in the in the order specified therein:

Commented [LB(13)]: Restates 39-26.7-4(b). This allows the companies to design their own bills so long as all of the required pieces of information are set out in the specified order.

27
28 2. **Charges for distribution of electricity.** Every electric distribution
29 company which shall charge for the distribution of electricity to any house,
30 building, tenement or estate shall conspicuously display upon the bill or
31 statement for such electric distribution charges for any customer, all of the
32 information required by R.I.G.L. § 39-3-37.3, in the in the order specified therein:

Commented [LB(14)]: 39-26.7-4(b) requires that our rules require all information set out in 39-3-37.2 for power providers be included on electric bills from those power providers, which includes NPPs.

33
34 3. **Standard offer service price.** In addition to the data set out above, the
35 bill or statement must provide customers with basic information regarding the
36 standard-offer service price for comparison purposes.

Commented [LB(15)]: "Company" as defined by 39-1-2 includes persons.

37
38 a. **Electric distribution company requirements.** The electric
39 distribution company shall provide a single standard offer service price for
40 comparison purposes that sets out the total commodity charges which all of its
41 supply/commodity customers would be expected to pay currently. The standard
42 offer service price, expressed as a cost per kilowatt hour consumed, will be the
43 sum of the base rate, capacity cost adjustment fuel adjustment cost conservation
44 charges (including but not limited to any renewable energy charges, and all other
45 costs, charges or fees, relating directly to the cost of procuring the commodity.
46 The bill or statement shall list all of the component costs of the standard offer

Commented [LB(16)]: Incorporates 39-3-37.2 by reference per 39-26.7-4(b).

Commented [LB(17)]: 39-26.7-4(b) requires that our rules require all information set out in 39-3-37.3 for electric distribution companies be included on electric bills from those distribution companies for distribution costs; this is different from costs for the actual commodity, which are included in the section above.

Commented [LB(18)]: Incorporates 39-3-37.3 by reference per 39-26.7-4(b).

1 service price. The electric distribution company bill or statement shall also
 2 specify the date of the next expected standard offer service price rate change, the
 3 projected new standard offer service price following that rate change, and the
 4 date by which a customer's nonregulated power producer must initiate the
 5 transfer of service in order for the transfer to be complete by the next meter read
 6 date.

Commented [LB(19): Expands on 39-26.7-4(b) in light of 39-3-37.2.

7
 8 **b. Nonregulated power producer requirements.** The nonregulated
 9 power producer shall provide a single service price calculated in a manner
 10 similar to that required above for the electric distribution company that provides
 11 the customer with a single supply/commodity cost for the customer to compare
 12 directly with the single standard offer service price provided by the electric
 13 distribution company. The nonregulated power producer shall also list all of the
 14 component costs of its total supply/commodity cost. Each statement or bill
 15 presented to the customer will advise the customer of the date of the
 16 nonregulated power producer's next expected total supply/commodity cost rate
 17 increase, the projected new total supply/commodity cost service price following
 18 that projected rate change, the manner in which the customer may either sign
 19 on to continue service with the nonregulated power producer or seek an
 20 alternative power supplier, and the date by which the customer must act to
 21 either confirm its desire to continue receiving its electric supply from the
 22 nonregulated power producer or seek an alternate source of supply.

Commented [LB(20): Expands on 39-26.7-4(b) in light of 39-3-37.2.

23
 24 **c. Variable or time-of-use standard offer service rate.** Each bill
 25 provided to the customer, whether by a distribution company or by a
 26 nonregulated power producer, shall include the distribution company's
 27 standard-offer service price for providing electricity to compare with the date of
 28 the next expected standard-offer rate change and the date by which a customer's
 29 nonregulated power producer must initiate the transfer of service in order for the
 30 transfer to be complete by the next meter read date. Standard-offer service rates
 31 shall not be variable or time-of-use rates.

Commented [LB(21): Simply restates 39-26.7-4(b) language, making it clear that only distribution companies have "standard-offer service." NPPs, by definition, do not provide "standard-offer service."

32
 33 **4. Customer right to separate bills from nonregulated power
 34 producers.** The electric distribution company shall issue a single bill for electric
 35 service to all customers in its service territory. However, customers of
 36 nonregulated power producers may request the nonregulated power producers
 37 to provide separate bills for electricity supply.

Commented [LB(22): Standard-offer service rates are never variable or time-of-use rates. Nor would we approve making standard-offer service rates variable or time-of-service. The Commission, however, may allow distribution companies to offer variable or time-of-use rates as an alternative to standard-offer service rates.

38
 39 **C. Periodic review of billing format.** The Division shall open a docket on or
 40 before September 1, 2021, to review the efficacy of the standard billing format
 41 approved by this Part to ensure that it continues to meet the requirements of
 42 this Part with respect to providing useful billing information to customers.
 43 Thereafter, the Division shall conduct periodic reviews of the billing format at
 44 least every five (5) years. Nothing in this section shall be construed to prohibit
 45 the Division from conducting periodic reviews of the billing format at more

Commented [LB(23): Restates 39-3-37.3(b) as required by 39-26.7-4(b).

1 frequent intervals should the Division, in its sole discretion, determine that more
 2 frequent review would be beneficial to the **consumer**.

Commented [LB(24): Implements 39-26.7-4(c). Explicitly authorizes more frequent reviews if deemed necessary by Division.

3
 4 **D. Internet website for comparing nonregulated power producer pricing policies and charges.** The Division maintains an internet website for comparing
 5 nonregulated power producer pricing policies and **charges** at
 6 <http://www.ri.gov/empowerri>. Consumers and nonregulated power producers
 7 are encouraged to consult this web site frequently. There are no assessments
 8 for nonregulated power producers wishing to have their products listed on this
 9 site. Nonregulated power producers interested in having their products listed on
 10 this site may obtain more information by contacting the Division's Chief of
 11 Information at (401) 780-2105.
 12
 13

Commented [LB(25): Implements 39-26.7-4(d). The Division has had its web site up and running for about one year. The Division has published a set of "Rate Board Terms and Conditions" setting forth the various requirements that govern NPPs use of this site as a means of advertising their rates. These "Rate Board Terms and Conditions" are overseen and managed by the Division's Chief of Information. There are no costs associated with using or maintaining this site.

14 **E. Biannual review of internet website comparing nonregulated power producer pricing policies and charges.** On or before July 1, 2019, and every
 15 two (2) years thereafter, the Division shall review the internet website discussed
 16 above and make any improvements needed to ensure that the website remains
 17 a useful tool for customers to compare pricing policies and charges among
 18 nonregulated power **producers**.
 19
 20

Commented [LB(26): Implements 39-26.7-4(e).

21 **F. Nonregulated power producer obligation to provide the Division with updates for the internet website.** Nonregulated power producers shall provide
 22 the Division information regarding any changes to the nonregulated power
 23 producers' pricing policies and charges with respect to the terms of existing
 24 products, or termination fees for existing products, that would impact any
 25 existing customer of the nonregulated power producer consistent with the
 26 requirements of section 4.B, above, to facilitate customer efforts to compare
 27 those changes with the standard-offer price. The nonregulated power producers
 28 shall provide this information to the Division for inclusion in the Division's web
 29 site in a manner consistent with the requirements of 815-RICR-01-00-3, "Rules
 30 and Regulations Governing Digital Filings and Website Information Pursuant to
 31 R.I.G.L. § 39-1-18."
 32
 33

Commented [LB(27): Implements 39-26.7-4(f).

34 **815-RICR-40-05-2.5. Certain customer rights.**

35
 36 A. An electric distribution company shall transfer a residential customer to the
 37 standard offer service rate not later than the next billing cycle after receipt of a
 38 request from a residential customer eligible for the standard offer **service**.
 39

Commented [LB(28): Restates 39-26.7-5(a).

40 B. The electric distribution company shall not be liable for any contract
 41 termination fees that may be assessed by the nonregulated power **producer**.
 42

Commented [LB(29): Restates 39-26.7-5(b).

43 C. An electric distribution company shall transfer a residential customer to the
 44 electric generation service rate of a nonregulated power producer not later than
 45 the next billing cycle after the electric distribution company receives from the
 46 nonregulated power producer a successful enrollment of such residential

1 customer unless the notification is not received by the electric distribution
2 company in accordance with its Commission-approved terms and conditions on
3 file with the Division and **Commission**.

Commented [LB(30): Restates 39-26.7-5(c).

4
5 D. Notwithstanding any other provision of the Rhode Island General Laws,
6 nothing shall prohibit a residential customer who moves from one dwelling to
7 another dwelling within Rhode Island from immediately receiving electric
8 generation service from a nonregulated power producer, provided such customer
9 was receiving such service from a nonregulated power producer immediately
10 prior to such **move**.

Commented [LB(31): Restates 39-26.7-5(d).

11
12 E. The electric distribution company shall include in its terms and conditions,
13 subject to review and approval by the Commission, conditions for release of
14 customer information to a nonregulated power **producer**.

Commented [LB(32): Restates 39-26.7-5(e).

15
16 F. Customer shall be entitled to any available individual information about their
17 loads or usage at no **cost**.

Commented [LB(33): Restates 39-26.7-5(f).

18
19 G. Nonregulated power producers shall explain to residential customers in
20 writing the material terms and conditions of the contract for electric generation
21 services being signed by the customer. This written explanation shall include
22 each of the topics set out below in the order specified below; the topics shall be
23 numbered as below and shall restate each topic description below, printed in
24 boldface and underlined, as a heading. The written information provided by the
25 nonregulated power producer may address additional topics if desired, but those
26 additional topics shall follow the required topics set out below, and shall be
27 numbered with appropriate topic headings. The specified information shall be
28 provided to each **customer** or prospective customer.

Commented [LB(34): Implements Restates 39-26.7-5(g). Rather than create a separate form in a separate rule-making proceeding, as the statute seems to require, the Division has elected to use this rule-making to direct the NPPs to set out the required info in this order with these headings.

29
30 1. A description of the rate the customer will be **paying**.

Commented [LB(35): Restates 39-26.7-5(g)(1).

31
32 2. Whether such rate is a fixed or variable **rate**.

Commented [LB(36): Restates 39-26.7-5(g)(2)

33
34 3. The terms and expiration date of such **rate**.

Commented [LB(37): Restates 39-26.7-5(g)(3)

35
36 4. Whether the contract will automatically **renew**. If the contract will renew
37 automatically, the contract shall specify the date by which the customer must
38 contact the nonregulated power producer if he or she seeks to disenroll at the
39 end of the term to avoid extending service with the nonregulated power producer
40 beyond the initial term of service. Such date must allow the nonregulated power
41 producer to contact the applicable distribution company in sufficient time to
42 switch the customer back prior to entry into the customer's next billing cycle, as
43 set forth in the electric distribution company's tariff on file with the **Division**.

Commented [LB(38): Restates 39-26.7-5(g)(4)

44
45 5. A notice describing the customer's right to cancel the service, including
46 the right to schedule the cancellation of service on a date certain at any time

Commented [LB(39): This restates section II.D.2 from PUC's current consumer protection rules currently in effect.

1 during the contract period, as provided in this section. It shall also specify the
2 conditions under which the nonregulated power producer may terminate the
3 contract, and the notification rules for effecting such termination. Finally, this
4 notice must advise the consumer that the nonregulated power producer may not
5 physically cut off electric service to consumers.

Commented [LB(40): Restates 39-26.7-5(g)(5)

6
7 6. Method by which a consumer may cancel service through the
8 nonregulated power producer. While canceling by sending an email or by other
9 electronic means may be acceptable, an additional method by which a consumer
10 without internet access may cancel service must be provided, such as by mailing
11 a letter, sending a facsimile transmission (fax)of a letter; or by making a
12 telephone call with third-party verification.

Commented [LB(41): This restates section II.D.3 from PUC's current consumer protection rules currently in effect.

13
14 7. Advise the consumer that the contract shall specifically guarantee the
15 consumer that the nonregulated power producer shall enroll the consumer in a
16 new service agreement, or shall terminate an existing consumer's service
17 agreement in accordance with the terms of that service agreement, as
18 appropriate, prior to the consumer's next bill read date so long as the request to
19 enroll or disenroll has been made at least seven (7) calendar days in advance of
20 the next bill read date.

Commented [LB(42): This restates section II.D.9 from PUC's current consumer protection rules currently in effect.

21
22 8. Advise the consumer that the contract shall specifically guarantee the
23 consumer that the nonregulated power producer shall, in the event that the
24 consumer opts to return to the distribution company's standard offer service
25 upon expiration of a service agreement with the nonregulated power producer,
26 provide the consumer with written confirmation that it has received word of the
27 customer's cancellation decision and has processed the request.

Commented [LB(43): As authorized by 39-26.7-5(g)(11).

28
29 9. Dispute resolution process.

Commented [LB(44): As authorized by 39-26.7-5(g)(11).

30
31 10. A statement that there may be a market adjustment charged or credited
32 to the customer by [name of electric distribution company].

Commented [LB(45): This restates section II.D.7 from PUC's current consumer protection rules currently in effect.

33
34 11. Amount of any fees or penalties that may be imposed, e.g., for late
35 payments, bad checks, or early contract terminations.

Commented [LB(46): This restates section II.D.11 from PUC's current consumer protection rules currently in effect.

36
37 12. Any deposits that may be required (including amount, interest rate,
38 recovery, conditions for forfeiture).

Commented [LB(47): This restates section II.D.4 from PUC's current consumer protection rules currently in effect.

39
40 13. Budget plan availability, if any.

Commented [LB(48): This restates section II.D.5 from PUC's current consumer protection rules currently in effect.

41
42 14. Information on air emissions and resource mix of generation facilities
43 operate by and under long-term contract to the nonregulated power producer.

Commented [LB(49): This restates section II.D.6 from PUC's current consumer protection rules currently in effect.

44
45 15. The trade name of the nonregulated power producer.

Commented [LB(50): Restates 39-26.7-5(g)(6)

Commented [LB(51): Restates 39-26.7-5(g)(7)

1 16. The toll-free telephone number for customer service of the nonregulated
2 power producer.

Commented [LB(52): Restates 39-26.7-5(g)(8)

3 17. The internet website of the nonregulated power producer.

Commented [LB(53): Restates 39-26.7-5(g)(9)

4 18. The toll-free number for customer complaints at the Division [(401) 780-
5 9700].

Commented [LB(54): Restates 39-26.7-5(g)(10)

6 19. The name, business phone number, business address, and email
7 address of the person at the nonregulated power producer that agreed on the
8 service contract terms with the customer.

Commented [LB(55): Implements 39-26.7-5(g)(11)

9 H. On or after January 1, 2017, each nonregulated power producer shall, prior
10 to initiation of electric generation services:

Commented [LB(56): Restates first clause of both sentences of 39-26.7-5(h).

11 1. Provide the potential residential customer with a copy of the written
12 description of services as discussed in subsection G; and,

Commented [LB(57): Restates substance of 1st sentence of 39-26.7-5(h). Revised to reflect change in approach adopted in subsection G, above.

13 2. Provide the potential commercial or industrial customer with a written
14 notice describing the rates, information that complies with R.I.G.L. §39-26-9 and
15 the Commission's rules governing energy source disclosure which may be
16 amended from time to time, terms and conditions of the service, and a notice
17 describing the customer's right to cancel the service, as provided in this section.

Commented [LB(58): Restates substance of 2nd sentence of 39-26.7-5(h).

18 I. No nonregulated power producer shall provide electric services unless the
19 customer has signed a service contract or consents to such services by one of
20 the following:

Commented [LB(59): Restates 39-26.7-5(i).

21 1. An independent third-party telephone verification;

Commented [LB(60): Restates 39-26.7-5(i)(1).

22 2. Receipt of a written confirmation received in the United States mail from
23 the customer after the customer has received an information package confirming
24 any telephone agreement;

Commented [LB(61): Restates 39-26.7-5(i)(2).

25 3. The customer signs a contract that conforms with the provisions of this
26 section; or,

Commented [LB(62): Restates 39-26.7-5(i)(3).

27 4. The customer's consent is obtained through electronic means,
28 including, but not limited to, a computer transaction.

Commented [LB(63): Restates 39-26.7-5(i)(4).

29 J. Each nonregulated power producer shall provide each customer with a written
30 contract, which contract may be provided in an electronic format, that conforms
31 with the provisions of this section and maintain records of such signed service
32 contract or consent to service for a period of not less than two (2) years from the
33
34
35
36
37
38
39
40
41
42
43
44

1 date of expiration of such contract, which records shall be provided to the
2 Division or the customer upon request.

Commented [LB(64)]: Restates 39-26.7-5(j).

3
4 K. Each contract for electric generation services shall contain:

Commented [LB(65)]: Restates 39-26.7-5(k).

5
6 1. All material terms of the agreement (each and every item set out in
7 subsection G, above, is considered to be a "material term");

Commented [LB(66)]: Restates 39-26.7-5(k)(1). The parenthetical statement "(each and every item set out in subsection G, above, is considered to be a "material term")" was added to make it clear to all concerned that all of the items set out in subsection G, above, are "material terms" within the meaning of subsection K.1.

8
9 2. A clear and conspicuous statement explaining the rates that such
10 customer will be paying, including the circumstances under which the rates may
11 change;

Commented [LB(67)]: Restates 39-26.7-5(k)(2).

12
13 3. A statement that provides specific directions to the customer as to how
14 to compare the price terms in the contract to the customer's existing electric
15 generation service charge on the electric bill and how long those rates are
16 guaranteed;

Commented [LB(68)]: Restates 39-26.7-5(k)(3).

17
18 4. Such contract shall also include a clear and conspicuous statement
19 providing the customer's right to cancel such contract not later than three (3)
20 days after signature or receipt in accordance with the provisions of this
21 subsection, describing under what circumstances, if any, the supplier may
22 terminate the contract and describing any penalty for early termination of such
23 contract;

Commented [LB(69)]: Restates 39-26.7-5(k)(4).

24
25 5. The method by which a customer may cancel service through the
26 nonregulated power producer, including a method by which a customer without
27 Internet access may cancel service; and,

Commented [LB(70)]: Restates 39-26.7-5(k)(5).

28
29 6. Any other information which may hereafter be required by the Division.

Commented [LB(71)]: Restates 39-26.7-5(k)(6) if needed

30
31 L. Between thirty (30) and sixty (60) days, inclusive, prior to the expiration of a
32 fixed price term for a residential customer, a nonregulated power producer shall
33 provide a written notice to such customer of any change to the customer's electric
34 generation price. Such residential customer shall select the method of written
35 notice at the time the contract is signed or verified through third-party
36 verification as described in this section by either indicating his or her choice in
37 writing on a form provided for that purpose by the nonregulated power producer
38 or, if the agreement is made orally with third-party verification, by indicating to
39 the third-party verifier the method of written notice to be used by the
40 nonregulated power producer. Such customer shall have the option to change
41 the method of notification any time during the contract.

Commented [LB(72)]: Restates 39-26.7-5(l).

42
43 M. No nonregulated power producer shall charge a residential customer month-
44 to-month variable rates for electric generation services following the expiration
45 of a contract entered into after the effective date of this section without providing
46 written notification to such residential customer forty-five (45) days prior to the

1 commencement of such month-to-month variable rates. Such notice shall be
 2 made in writing and shall conform to the requirements set out above in this
 3 section for entering into the initial service contract. Such customer shall have
 4 the option to change the method of notification at any time during the contract.

Commented [LB(73): A new contract for variable rate service must comply with all of the notice requirements of the initial contract for service, including notice provisions.

5
 6 N. No nonregulated power producer shall charge an electric generation service
 7 rate to a residential customer that is twenty-five percent (25%) more than the
 8 original contract price, or the last notification provided by the nonregulated
 9 power producer, without disclosing the rate change described in this section at
 10 least fifteen (15) days before it takes effect. Such disclosure shall be in writing
 11 and shall conform to the requirements set out above in this section for entering
 12 into the initial service contract.

Commented [LB(74): Restates 39-26.7-5(m) and explains that the terms of any new service contract must be spelled out to the customer in advance in the same way the initial service contract was addressed.

13
 14 O. No third-party agent may sell electric generation services on behalf of a
 15 nonregulated power producer unless the third-party agent is an employee or
 16 independent contractor of such nonregulated power producer, and the third-
 17 party agent has received appropriate training directly from such nonregulated
 18 power producer.

Commented [LB(75): Restates 39-26.7-5(n) and explains that a new contract for service which includes a rate hike of 25% over the old contract must comply with all of the notice requirements of the initial contract for service, including notice provisions.

19
 20 P. All sales and solicitations of electric generation services by a nonregulated
 21 power producer, aggregator, or agent of a nonregulated power producer or
 22 aggregator, to a customer conducted and consummated entirely by United States
 23 mail, door-to-door sale, telephone or other electronic means, during a scheduled
 24 appointment at the premises of a customer or at a fair, trade or business show,
 25 convention or exposition in addition to complying with the provisions of this
 26 section shall comply with all state and local laws and regulations.

Commented [LB(76): Restates 39-26.7-5(o).

27
 28 Q. Any representative of a nonregulated power producer, aggregator, or agent of
 29 a nonregulated power producer or aggregator, shall prominently display or wear
 30 a photo identification badge stating the name of such person's employer or the
 31 nonregulated power producer the person represents and shall not wear apparel,
 32 carry equipment or distribute materials that includes the logo or emblem of an
 33 electric distribution company or contains any language suggesting a relationship
 34 that does not exist with an electric distribution company, government agency or
 35 other supplier.

Commented [LB(77): Restates 39-26.7-5(p), with the addition of some commas for greater clarity.

36
 37 R. No nonregulated power producer, aggregator, or agent of a nonregulated
 38 power producer or aggregator, shall advertise or disclose the price of electricity
 39 to mislead a reasonable person into believing that the electric generation services
 40 portion of the bill will be the total bill amount for the delivery of electricity to the
 41 customer's location, or make any statement, oral or written, suggesting a
 42 prospective customer is required to choose a supplier. When advertising or
 43 disclosing the price for electricity, the nonregulated power producer, aggregator,
 44 or agent of a nonregulated power producer, shall, on and after January 1, 2017,
 45 indicate, using at least a ten (10) point font size, in a conspicuous part of any
 46 advertisement or disclosure that includes an advertised price, the expiration of

Commented [LB(78): Restates 39-26.7-5(q) with the addition of some commas for greater clarity.

1 such advertised price, and any fixed or recurring charge, including, but not
2 limited to, any minimum charge.

Commented [LB(79): Restates 39-26.7-5(r), with the addition of some commas for greater clarity.

3
4 **815-RICR-40-05-2.6. Nonregulated Power Producer Obligations.**

5
6 A. No contract for electric generation services by a nonregulated power producer
7 shall require a residential customer to pay any fee for termination or early
8 cancellation of a contract in excess of fifty dollars (\$50.00), or twice the estimated
9 bill for energy services for an average month, whichever is less, provided that
10 when a nonregulated power producer offers a contract, it provides the residential
11 customer an estimate of such customer’s average monthly bill; and provided
12 further, it shall not be considered a termination or early cancellation of a contract
13 if a residential customer moves from one dwelling within the state to another
14 dwelling within the state and remains with the same nonregulated power
15 producer. If a residential customer does not have a contract for electric
16 generation services with a nonregulated power producer and is receiving a
17 month-to-month variable rate from such supplier, there shall be no fee for
18 termination or early cancellation.

Commented [LB(80): Restates 39-26.7-6(a), adding the phrase “to another dwelling within the state” for clarity, as it appears to be what the General Assembly intended.

Commented [LB(81): Restates 39-26.7-6(a), with the addition of some language (“to another dwelling within the state”) for clarity.

19
20 B. Each nonregulated power producer shall file annually with the Division, on
21 December 31, a list of any aggregator or agent working on behalf of such
22 supplier; the nonregulated power producer shall also notify the Division within
23 five (5) business days whenever it removes or adds any aggregator or agent from
24 the list of those working on its behalf during the course of the year.

Commented [LB(82): Restates 39-26.7-6(b). The Division has added a date certain for the annual report of authorized aggregators/agents, and added a requirement that the Division be notified promptly of additions or deletions from that list throughout the year. This will assist the Division in advising consumers as to whether or not they are dealing with authorized agents of the NPP. 39-1-38 and 39-3-33 for authority to do this.

25
26 C. Each nonregulated power producer shall develop and implement standards
27 and qualifications for employees and third-party agents who are engaged in the
28 sale or solicitation of electric generation services by such supplier.

Commented [LB(83): Restates 39-26.7-6(c)

29
30 D. Each nonregulated power producer, aggregator, or agent of a nonregulated
31 power producer or aggregator, shall comply with the provisions of the
32 telemarketing regulations adopted pursuant to 15 U.S.C. § 6102.

Commented [LB(84): Restates 39-26.7-6(d), with the addition of some commas for greater clarity.

33
34 E. Any violation or failure to comply with any provision of R.I.G.L. §§ 39-26.7-1
35 *et seq.* or this Part shall be subject to civil penalties imposed by the Division
36 including a penalty of not less than two hundred dollars (\$200.00) nor more than
37 one thousand dollars (\$1,000.00), and in the case of continuing violation of any
38 of the provisions of R.I.G.L. §§ 39-26.7-1 *et seq.* or this Part, every day’s
39 continuance shall be deemed to be a separate and distinct offense, an order of
40 refund, and/or the suspension or revocation of a nonregulated power producer’s
41 certificate, or a prohibition on the nonregulated power producer accepting new
42 customers following a hearing.

Commented [LB(85): Reference to RIGL and Part necessary to implement 39-26.7-6(e) correctly; can’t simply quote the statute, or the meaning is lost.

Commented [LB(86): “Imposed” added for clarity; does not change meaning of statute.

Commented [LB(87): Reference to RIGL and Part necessary to implement 39-26.7-6(e) correctly; can’t simply quote the statute, or the meaning is lost.

Commented [LB(88): Restates 39-26.7-6(e), with the addition of some commas and language for greater clarity.

43
44 **F. Abusive switching practices, solicitations and renewals by nonregulated**
45 **power producers; hiring and training of sales representatives, door-to-door**
46 **sales and telemarketing practices by nonregulated power producers by**

1 **nonregulated power producers.** The General Assembly has determined that it
2 is critical for nonregulated power producers to take all reasonable steps
3 necessary to ensure that consumers have all of the information necessary to
4 make informed decisions with respect to determining whether to procure their
5 power from nonregulated power producers rather than purchasing it from a
6 distribution company.

Commented [LB(89): See 39-26.7-6(f).

7
8 1. Abusive switching practices, solicitations and renewals by nonregulated
9 power producers.

Commented [LB(90): Implements 39-26.7-6(f) without resorting to a separate rulemaking by incorporating by reference requirements earlier in this Part regarding what NPP must do before switching any customer; these customer protections should adequately protect consumers from abusive practices by NPPs.

10
11 a. No customer's electric service may be switched from its current
12 electric service provider unless the nonregulated power producer has complied
13 fully with section 5 of this Part, and specifically with subsections 5.G, 5.H, 5.I,
14 5.J, and 5.K of this Part.

15
16 b. In order to further ensure that customers are protected from
17 abusive switching practices, and have truly been afforded an opportunity to
18 make an informed decision regarding the source of their electric service, each
19 customer signing a service contract or consenting to a change in service provider,
20 as set out in subsection 5.I of this part, shall have a right to rescind their
21 agreement or consent to receive services within three (3) business days of the
22 date on which they signed the service contract or consented to a change in
23 service provider. There shall be no penalty to the customer whatsoever for
24 exercising this right of rescission.

25
26 2. Hiring and training of sales representatives, door-to-door sales, and
27 telemarketing practices by nonregulated power producers.

Commented [LB(91): Implements 39-26.7-6(f) without resorting to a separate rulemaking by incorporating by reference requirements earlier in this Part regarding what NPP must do before switching any customer; these customer protections should adequately protect consumers from abusive practices by NPPs.

28
29 a. All nonregulated power producers are responsible for ensuring
30 that all sales representatives are thoroughly trained on the requirements of these
31 rules, by the nonregulated power producer, prior to a sales representative
32 contacting any consumer by any means, whether in writing, door-to-door, or
33 through telemarketing. All sales representatives must be trained on, and
34 respect, the rights of all consumers as set out in this Part generally, and
35 specifically those rights as set out in section 5 of this Part, including especially
36 subsections 5.G, 5.H, 5.I, 5.J, and 5.K of this Part.

37
38 b. The nonregulated power producer shall document all training
39 provided to its sales representatives, and make that documentation available to
40 the Division for inspection upon request. No sales representative shall be
41 allowed to approach any consumer about any of the nonregulated power
42 producer's products unless the nonregulated power producers has documented
43 the training of that sales representative.

44
45 c. The nonregulated power producer shall be held responsible for
46 ensuring that all sales representatives clearly identify themselves as an employee

1 or representative of the nonregulated power producer for whom they are working;
2 no sales representative soliciting sales on behalf of a nonregulated power
3 producer shall, under any circumstances, or in any manner, identify themselves,
4 either explicitly or implicitly, as an employee or representative of the distribution
5 company. Failure of a sales representative working for a nonregulated power
6 producer to comply with this provision shall be considered a separate violation
7 of this Part within the meaning of subsection E, above, each time the failure
8 occurs.

9