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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- NONREGULATED POWER
PRODUCER CONSUMER BILL OF RIGHTS

Introduced By: Senators Seveney, Acosta, Anderson, and Calkin

Date Introduced: January 19, 2021

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-26.7-5 of the General Laws in Chapter 39-26.7 entitled
2 "Nonregulated Power Producer Consumer Bill of Rights" is hereby amended to read as follows:

3 **39-26.7-5. Certain customer rights.**

4 (a) An electric-distribution company shall transfer a residential customer to the standard-
5 offer service rate not later than the next billing cycle after receipt of a request from a residential
6 customer eligible for standard-offer service.

7 (b) The electric-distribution company shall not be liable for any contract termination fees
8 that may be assessed by the nonregulated power producer.

9 (c) An electric-distribution company shall transfer a residential customer to the electric-
10 generation-service rate of a nonregulated power producer not later than the next billing cycle after
11 the electric-distribution company receives from the nonregulated power producer a successful
12 enrollment of such residential customer, unless the notification is not received by the electric-
13 distribution company in accordance with its commission-approved terms and conditions on file
14 with the division and commission.

15 (d) Notwithstanding any other provision of the general laws, nothing shall prohibit a
16 residential customer who moves from one dwelling to another dwelling within the state from
17 immediately receiving electric-generation service from a nonregulated power producer, provided
18 the customer was receiving service from a nonregulated power producer immediately prior to such

1 move.

2 (e) The electric-distribution company shall include in its terms and conditions, subject to
3 review and approval by the commission, conditions for release of customer information to a
4 nonregulated power producer.

5 (f) Customers shall be entitled to any available, individual information about their loads or
6 usage at no cost.

7 (g) On or before January 1, 2017, the division shall initiate a rulemaking proceeding to
8 develop a standard summary form of the material terms and conditions of the contract for electric-
9 generation services signed by a residential customer. Such form shall include, but not be limited to,
10 the following:

11 (1) A description of the rate the customer will be paying;

12 (2) Whether such rate is a fixed or variable rate;

13 (3) The term and expiration date of such rate;

14 (4) Whether the contract will automatically renew;

15 (5) A notice describing the customer's right to cancel the service, including the right to
16 schedule the cancellation of service on a date certain at any time during the contract period, as
17 provided in this section;

18 (6) Information on air emissions and resource mix of generation facilities operated by and
19 under long-term contract to the nonregulated power producer;

20 (7) The trade name of the nonregulated power producer;

21 (8) The toll-free telephone number for customer service of the nonregulated power
22 producer;

23 (9) The internet website of the nonregulated power producer;

24 (10) The toll-free telephone number for customer complaints of the division; and

25 (11) Any other information required by the division. Upon the division's filing of
26 regulations pursuant to this section, the commission shall initiate a rulemaking proceeding to repeal
27 any rules that overlap with the regulations filed by the division.

28 (h) On and after January 1, 2017, each nonregulated power producer shall, prior to initiation
29 of electric-generation services, provide the potential residential customer with a completed
30 summary form developed pursuant to this section. Each nonregulated power producer shall, prior
31 to the initiation of electric-generation services, provide the potential commercial or industrial
32 customer with a written notice describing the rates; information that complies with § 39-26-9 and
33 the commission's rules governing energy source disclosure, which may be amended from time to
34 time; terms and conditions of the service; and a notice describing the customer's right to cancel the

1 service; as provided in this section.

2 (i) No nonregulated power producer shall provide electric-generation services unless the
3 customer has signed a service contract or consents to such services by one of the following:

4 (1) An independent, third-party telephone verification;

5 (2) Receipt of a written confirmation, received in the United States mail from the customer,
6 after the customer has received an information package confirming any telephone agreement;

7 (3) The customer signs a contract that conforms with the provisions of this section; or

8 (4) The customer's consent is obtained through electronic means, including, but not limited
9 to, a computer transaction.

10 (j) Each nonregulated power producer shall provide each customer with a written contract,
11 which contract may be provided in an electronic format, that conforms with the provisions of this
12 section and maintain records of the signed service contract or consent to service for a period of not
13 less than two (2) years from the date of expiration of the contract, which records shall be provided
14 to the division or the customer upon request.

15 (k) Each contract for electric-generation services shall contain:

16 (1) All material terms of the agreement;

17 (2) A clear and conspicuous statement explaining the rates that the customer will be paying,
18 including the circumstances under which the rates may change;

19 (3) A statement that provides specific directions to the customer as to how to compare the
20 price terms in the contract to the customer's existing electric-generation-service charge on the
21 electric bill and how long those rates are guaranteed;

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

26 (5) The methods by which a customer may cancel service through the nonregulated power
27 producer which shall include electronic termination of an existing consumer's service agreement
28 prior to the consumer's next bill read date so long as the request to disenroll has been made at least
29 seven (7) calendar days in advance of the next bill read date. The electronic termination shall be
30 provided in a clear and conspicuous location on the nonregulated power producer's internet
31 website, and a method by which a customer without internet access may cancel service; and

32 (6) Any other information required by the division.

33 (l) Between thirty (30) and sixty (60) days, inclusive, prior to the expiration of a contract
34 for a residential customer, a nonregulated power producer shall provide a written notice to the

1 customer of the contract expiration date. The residential customer shall select the method of written
2 notice at the time the contract is signed or verified through third-party verification, as described in
3 this section, in a manner approved by the division. The customer shall have the option to change
4 the method of notification at any time during the contract.

5 (m) On and after August 1, 2019, no nonregulated power producer shall automatically
6 renew or cause to be automatically renewed a contract with a residential customer; provided,
7 however, that a new contract with a residential customer shall be required if the terms for electric-
8 generation services change from variable to fixed rates, fixed to variable rates, or to a different
9 fixed rate. Any residential customer with a contract prior to August 1, 2020, that is scheduled to
10 automatically renew any time after August 1, 2020, shall be notified by the nonregulated power
11 producer in writing no less than thirty (30) days prior to the automatic renewal, and any residential
12 customer on a variable rate without a new contract since August 1, 2020, shall be notified by the
13 nonregulated power producer no less than once annually, of: (1) The rate a customer will pay under
14 a renewed fixed rate agreement, or the current variable rate in the event the customer will pay a
15 variable rate; and (2) The current default rate available; and (3) Clear instructions of the steps the
16 residential customer must follow to return to the default rate. This subsection shall not apply to, or
17 otherwise affect, any government body that aggregates the load of residential retail customers as
18 part of an aggregation plan pursuant to § 39-3-1.2.

19 (n) No nonregulated power producer shall charge an electric-generation-service rate to a
20 residential customer that is twenty-five percent (25%) more than the original contract price, or the
21 last rate notification provided by the nonregulated power producer, without disclosing the rate
22 change described in this section fifteen (15) days before it takes effect. The disclosure shall be in
23 writing and shall conform to any rules that may be promulgated by the division.

24 (o) No third-party agent may sell electric-generation services on behalf of a nonregulated
25 power producer unless the third-party agent is an employee or independent contractor of the
26 nonregulated power producer and the third-party agent has received appropriate training directly
27 from the nonregulated power producer.

28 (p) All sales and solicitations of electric-generation services by a nonregulated power
29 producer, aggregator, or agent of a nonregulated power producer or aggregator to a customer
30 conducted and consummated entirely by United States mail; door-to-door sale; telephone or other
31 electronic means; during a scheduled appointment at the premises of a customer; or at a fair, trade
32 or business show, convention, or exposition in addition to complying with the provisions of this
33 section, shall comply with all state and local laws and regulations.

34 (q) Any representative of a nonregulated power producer, aggregator, or agent of a

1 nonregulated power producer or aggregator shall prominently display or wear a photo identification
2 badge stating the name of the person's employer or the nonregulated power producer the person
3 represents and shall not wear apparel, carry equipment, or distribute materials that includes the logo
4 or emblem of an electric-distribution company or contains any language suggesting a relationship
5 that does not exist with an electric-distribution company, government agency, or other supplier.

6 (r) No nonregulated power producer, aggregator, or agent of a nonregulated power
7 producer or aggregator shall advertise or disclose the price of electricity to mislead a reasonable
8 person into believing that the electric-generation services portion of the bill will be the total bill
9 amount for the delivery of electricity to the customer's location, or make any statement, oral or
10 written, suggesting a prospective customer is required to choose a supplier. When advertising or
11 disclosing the price for electricity, the nonregulated power producer, aggregator, or agent of a
12 nonregulated power producer shall, on and after January 1, 2017, indicate, using at least a ten-point
13 (10) font size, in a conspicuous part of any advertisement or disclosure that includes an advertised
14 price, the expiration of such advertised price, and any fixed or recurring charge, including, but not
15 limited to, any minimum monthly charge.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would exclude municipal and government bodies that aggregate electrical loads
2 for residential retail customers from the requirement that a new contract is required when there is
3 a change of terms for electric-generation services.

4 This act would take effect upon passage.

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