

**COMMENTS  
OF THE RETAIL ENERGY SUPPLY ASSOCIATION  
ON THE COMMISSION STAFF’S PROPOSED PART 500 REVISIONS**

I. INTRODUCTION

The Retail Energy Supply Association (“RESA”) is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than a regulated utility structure. RESA is devoted to working with all stakeholders to promote vibrant and sustainable competitive retail energy markets for residential, commercial and industrial consumers.<sup>1</sup> To that end, it is important that 83 Ill. Admin. Code Part 500, which applies to gas utilities and Alternative Gas Suppliers (“AGS”) be balanced. In particular, the Commission Staff should keep in mind that if a customer is dissatisfied with an AGS, he or she can terminate the relationship with the AGS and purchase gas supply from another AGS—this is not the case with the gas utility. RESA submits the following comments on the Commission Staff’s second draft of proposed revisions to 83 Ill. Admin. Code Part 500.

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<sup>1</sup> RESA’s members include Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc.; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC); PPL EnergyPlus, LLC; Reliant; Stream Energy; TransCanada Power Marketing Ltd.; and TriEagle Energy, L.P.. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

## II. Section 500.40, Complaints

RESA disagrees with the addition of Subsection 500.40 (d) to the proposed rules, or in the alternative, the requirement of an annual report by AGS to the Commission. The Commission's website already includes a chart of informal complaints made against AGS. In addition, the annual report that would be required by this subsection could be more misleading than useful in that the definition of "complaint" is vague and could be interpreted very differently by the different AGS. The current proposed definition in Section 500.40 leaves what is an actual complaint versus inquiry or informal complaint open to AGS interpretation. This will lead to suppliers providing inconsistent information compared to their counterparts.

If the Commission is looking for more information than what currently exists on the ICC website RESA encourages the Commission to look to how complaints have been defined and provided on the electric side, Plug-In-Illinois.

## III. Section 500.50, Customer Call Centers

RESA agrees with the language of Subsection 500.50 (a) to the extent it is consistent with the requirements of Section 19-115 (b) (5) of the Public Utilities Act. RESA does not agree that the additional information that would be required by Subsection 500.50 (a) (6) and (7) is necessary or useful. In its "Summary of Suggested Changes—Round 1 of Part 500 Rewrite", the Staff states that it "determined that additional information tracking was necessary for calls handled by the call centers. These additional requirements are contained in Subsection 500.50 (a) (6) and 500.50 (a) (7)." (Staff Summary, p. 5) It would be helpful if the Commission Staff would explain why this additional information is necessary, before adding additional requirements to the proposed rule.

IV. Section 500.280, Meter Tests Requested by Natural Gas Suppliers

RESA has two problems with Proposed Section 500.280, which is a new section of Part 500. First, the payment provisions of Proposed Section 500.280 differ from those of Section 500.260, Meter Tests Requested by the Customer, and Section 500.270, Commission Referee Tests. Generally, the payment provisions are more onerous for natural gas suppliers, including AGS, than for customers. RESA believes that Section 500.280 should be revised to reflect the same payment provisions for natural gas suppliers and for customers.

Second, Subsection 500.280 (d) states, in part: “A natural gas supplier shall not induce a customer to request a meter test on behalf of the natural gas supplier so that the natural gas supplier will avoid paying the actual cost of the requested meter test.” This sentence is ambiguous and should be deleted. For example, if a customer questioned the accuracy of the meter and asked the natural gas supplier to request a meter test and the supplier responded that the customer could ask for the test, has that supplier violated Subsection 500.280 (d)? At any rate, if the payment provisions of Section 500.280 are revised to be consistent with the payment provisions of Sections 500.260 and 500.270, the quoted sentence would be unnecessary.

V. Section 500.400, Corrections and Adjustments for Meter Error

Subsection 500.400 (a) (3) attempts to cover the situation in which a billing adjustment is required for a period during which supply was provided by an AGS who is no longer the customer’s supplier at the time of the billing adjustment. However, in a situation where there has been an overpayment, there may be confusion on the part of the customer unless the customer is properly informed that a refund has been provided by the AGS—the customer may think that he is receiving a payment from the gas utility, but not from the AGS. To avoid this confusion, the

following sentence should be added to the end of Subsection 500.400 (a) (3): “In the event that the billing adjustment results in a refund from the Alternative Gas Supplier, then the utility shall either issue a check to the customer or a credit on the customer’s bill, in either case indicating that the refund has been provided by the Alternative Gas Supplier.”

VI. Section 500.410, Information to Customers

RESA believes that Subsection 500.410 (a) should be limited to utilities. Section 19-115 (g) (3) of the Public Utilities Act sets forth appropriate requirements for bills from AGS to customers. It states that AGS shall provide to residential customers “accurate, timely and itemized billing statements that specify the gas consumption amount and any service charges and taxes” and “billing statements that clearly and conspicuously disclose the name and contact information for the Alternative Gas Supplier”. The proposed requirements of Subsection 500.410 (a) go far beyond this. In addition, Subsection 500.410 (a) does not contemplate the three types of billing situations that AGS have: 1) separate bills from the utility and the AGS, 2) a single bill from the AGS, which includes the utility’s charges, and 3) a single bill from the utility, which includes the AGS’ charges. Lastly, AGS who choose to issue their own bills do so for a variety of reasons including the ability to bill products that a utility system may not be able to handle. Requiring AGS to issue bills exactly like a utility may have the unintended consequence of preventing AGS from offering new or unique products because the bill format will not allow that type of product.

VII. CONCLUSION

RESA thanks the Commission for the opportunity to submit these Comments.

Respectfully submitted,

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