

**APPENDIX A
STATE LAWS REGULATING COMPETITIVE ELECTRIC SERVICE**

STATE	Do-Not-Call List Maintained by State PUC	Affirmative Disclosures Before Obligation	Affirmative Disclosures Before Obligation in Writing	Prohibited Misrepresentations	Consent to Switching Required	Signature Required to Establish Consent	Third Party Verification Required to Establish Consent	Tape Recording to Prove Verbal Consent	Written Disclosures and Right to Cancel to Establish Consent	Privacy Restrictions regarding Consumers' Personal Information	Dispute Resolution Procedures	Protections Against Discrimination	Telemarketing Restrictions	Record-keeping	Protections against Automatic Renewal
ARIZONA ARIZ. REV. STAT. § 30-806 (2001) ARIZ. ADMIN. CODE 40-202 (2001) ARIZ. PUC R14-2-201 to 213 ARIZ. PUC R14-2-1601 to 1617		✓	✓	✓	✓ ⁱ	✓			✓	✓	✓			✓ (complaints)	
CALIFORNIA CAL. PUC:394 to 396	✓	✓	✓	✓	✓ ⁱⁱ	✓			✓	✓	✓			✓	
CONNECTICUT CONN. GEN. STAT. § 16-2450 to 16-245S (2001) CONN. PUC 16-228 to 262t CONN. AGENCIES REGS. § 16-244h-1 to 245d-2		✓	✓	✓	✓ ⁱⁱⁱ	✓	✓ (one option to confirm oral authorization)		✓	✓	✓	✓	Comply w/ FTC Law	✓	
DISTRICT OF COLUMBIA D.C. CODE ANN. § 34-1504 (2001) D.C. PUC ORDER NO. 11796	✓ (maintained by supplier)	✓	✓	✓	✓ ^{iv}	✓	✓	✓	✓	✓	✓	✓			
ILLINOIS Beginning May 2002 ILL. ADM. CODE Public Utilities 83 § 410.210 (2002)		✓	✓	✓	✓ ^v	✓					✓	✓		✓ (call-center)	
MAINE ME. REV. STAT. 49-A § 25-A	✓	✓	✓	✓	✓ ^{vi}	✓ (one option to confirm oral	✓ (one option to confirm oral		✓	✓	✓		Subject to ME Telemarketing Laws	✓	✓

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ANN. tit. 35-A § 3201 to 3217 (2001) CODE ME. R. § 65-407-305 (2002)						authorization)	authorization)								
MARYLAND MD. CODE. ANN., [Public Utility Companies] § 7-507 (2001) MD. CODE. ANN., [Public Utility Companies] § 7-305 (2001) MD. REGS. CODE § 20.30.04 to 04.03 MD. REGS. CODE 7 § 20.50.04 to 04.11	✓	✓	✓	✓	✓ ^{vii}	✓ (or oral authorization)			✓ (one option to confirm oral authorization)		✓	✓	✓	✓	✓
MASSACHUSETTS MASS. REGS. CODE tit. 220 § 11.00 to 11.06 (2002)		✓	✓	✓	✓ ^{viii}	✓ (one option to confirm oral authorization)	✓ (one option to confirm oral authorization)		✓		✓		Comply with Attorney General regulations and FTC Law		✓
MICHIGAN MICH. COMP. LAWS. ANN. § 445.918 (2001) MICH. COMP. LAWS. ANN. § 460.10a (2001) MICH. PUC CASE NO. U-12640		✓	✓	✓	✓ ^{ix}	✓ (one option to confirm oral authorization)	✓ (one option to confirm oral authorization)		✓		✓		Restrictions on negative option marketing	✓	
NEW HAMPSHIRE N.H. PUC 2000 to 2005	✓ (DMA's Do-Not-Call List Supplemented by consumers who so direct the NH entity)	✓	✓	✓	✓ ^x	✓ (one option to confirm oral authorization)	✓ (one option to confirm oral authorization)		✓	✓	✓	✓	Ban on calling emergency telephone lines, hospitals, pagers, and call time restrictions; disclosure of right to be on	✓	

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													Do-Not-Call List.		
NEW JERSEY N.J. ADMIN CODE tit. 14, § 4-3.3 to 4.8 (2002) N.J. ACT CHAPTER 242		✓	✓	✓	✓ ^{x1}	✓ (one option to confirm oral authorization)	✓ (one option to confirm oral authorization)	✓ (one option to confirm oral authorization)	✓	✓	✓	✓	Comply w/ FTC Law		
NEW YORK N.Y. CLS Public Service Law § 30 to 51 (2001) N.Y. Retail Access Business Rules Common Utility Documents of Bus. Practices for Implementing Competition in the Electric & Natural Gas Markets.		✓	✓ (or oral)	✓	✓ ^{xii}	✓ (one option to confirm oral authorization)	✓ (one option to confirm oral authorization)	✓	✓		✓	✓		✓	✓
OHIO OHIO ADMIN. CODE § 4901:1-21-01 to 1-21-15	✓	✓	✓	✓	✓ ^{xiii}	✓ (one option to confirm oral authorization)		✓ (one option to confirm oral authorization)	✓	✓	✓		Call time Restrictions	✓	✓
OREGON OR. ADMIN. R. 330-140-0010 to 330-140-0020 (2001) OR. ADMIN. R. 860-038-0005 (2001) OR. ADMIN. R. 860-038-0420 (2001) OR. ADMIN. R. 860-038-0445 (2001) OR. ADMIN. R. 860-038-0540 (2001)		✓	✓ (or electronic)	✓	✓ ^{xiv}					✓	✓		Comply with Oregon's Unfair Trade Practices Act		

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PENNSYLVANIA 15 PA. CODE § 7401 to 7410 (1995) 66 PA. CODE § 2801 to 2813 (1995) 52 PA. CODE § 54.2 to 54.9 (2001) 52 PA. CODE § 57.172 to 57.179 (2001)		✓	✓	✓	✓ ^{xv}	✓ (or oral authorization)			✓	✓	✓			✓	✓
RHODE ISLAND R.I. GEN. LAWS § 3-1-27.1 to 3-1-27.6 (2001) CRIR 90-000-016 (2001)		✓	✓	✓	✓ ^{xvi}	✓					✓	✓		✓	
TEXAS TEX. UTIL. CODE ANN. § 17.001 to 17.102 (2002) TEX. UTIL. CODE ANN. § 17.151 to 155 (2002) TEX. UTIL. CODE ANN. § 39.001 to 154 (2002) 16 TEX. ADMIN. CODE § 25.475 (2002)	✓	✓	✓	✓	✓ ^{xvii}	✓ (one option to confirm oral authorization)	✓ (one option to confirm oral authorization)	✓ (one option to confirm oral authorization)	✓	✓	✓	✓	Consistent with Federal Law	✓	✓

ⁱ No consumer shall be deemed to have changed providers of any service authorized in this Article (including changes from the Affected Utility to another provider) without providing written authorization for service to the new provider.

ⁱⁱ A change in service providers may be made upon written notice.

ⁱⁱⁱ No electric distribution company shall submit or execute a change in a customer's selection of an electric supplier unless the change has been confirmed in one of the following ways: (1) an independent third-party telephone verification; (2) receipt of a written confirmation received by mail from the customer after the customer has received an information package confirming any telephone agreement; (3) the customer signs a document fully explaining the nature and effect of the change in service; or (4) the customer's consent is obtained through electronic means, including, but not limited to, a computer transaction.

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^{iv} Unless the customer consents, a market participant may not change a customer's electricity supplier.

^v Electric suppliers must obtain written authorization from customers before switching their service from another supplier.

^{vi} The service provider shall obtain a consumer's authorization before serving the consumer.

^{vii} An electricity supplier or any person or governmental unit may not make any change in the electricity supplier for a customer without first obtaining that customer's permission.

^{viii} Each Competitive Supplier must obtain verification that each Customer has affirmatively chosen that Competitive Supplier.

^{ix} All electric service transfers to change a customer's supplier shall be accomplished through one of the following methods (with verification for all service switches to be provided through a customer identification or account number): (1) the new supplier has obtained the customer's written authorization; (2) the new supplier has established one or more toll free telephone numbers and obtained the customer's electronic authorization through a customer voice response unit; (3) the new supplier has obtained the customer's electronic authorization through a web-based internet connection, with the necessary security for confidential information; (4) an appropriately qualified independent third party has obtained the customer's oral authorization, where the oral change authorization confirms and includes appropriate verification data; (5) a three-way call initiated by the customer's prospective new supplier has been undertaken by the new supplier, the customer, and the old supplier, in which the customer affirmatively states a desire to change to a new electric supplier.

^x Verbal authorization shall be confirmed by a third party that: (1) is not owned, managed, controlled or directed by the Competitive Electric Power Supplier ("CEPS") or the CEPS's marketing agent; (2) has no financial incentive to confirm CEPS change orders for the CEPS or the CEPS marketing agent; (3) obtains the customer's consent, as required by RSA 570-A, to the tape recording of the customer's authorization for a change in service; and (4) operates in a location physically separate from the CEPS marketing agent. Verbal authorization shall consist of the following: (1) a statement, made by the customer, providing the customer's name; (2) confirmation that the caller is the customer authorized to make the CEPS change; (3) confirmation that the customer wants to make the change in CEPS; (4) the name of the customer's current CEPS; (5) the name of the CEPS the customer wishes to select; (6) the service address and account number or meter number that the customer wishes to switch to the new CEPS; and (7) be made in the same language as the underlying solicitation made to the customer. The written authorization form shall: (1) Not be combined with other materials sent to the customer, including but not limited to checks and other inducements to change service; (2) Be a separate, plainly identifiable document; (3) Be written in plain language, legible type, and a font size no smaller than 12 point; (4) contain the customer's name and address; (5) contain the service address and account number or meter number that is being changed to a new CEPS; (6) contain a statement that the customer is changing from their current CEPS to the new CEPS, in which each CEPS is identified by name; and (7) contain the customer's signature.

^{xi} A change in a customer's electric power supplier or gas supplier shall be deemed to be unauthorized unless the customer has done so affirmatively and voluntarily and the supplier has obtained the customer's approval. A customer's approval shall be evidenced by: (1) the customer's written signature; (2) the customer's electronic signature; (3) an audio recording of a telephone call initiated by the customer; or (4) independent third-party verification.

^{xii} Energy Service Company ("ESCO/Marketer") must retain documentation of a customer's authorization to switch service providers for six years. Such documentation shall be maintained in the form of one of the following ways: (1) written agreements signed by the customers; (2) written statements by independent third parties that witnessed or heard verbal commitments by the customers; (3) tape recordings made by ESCOS/Marketers of the customer's verbal commitments; or (4) electronic transmittals that can be shown to have originated with the customers.

^{xiii} Suppliers of Competitive Retail Electric Service ("CRES") shall not change or authorize the changing of a customer's supplier of retail electric service without the customer's prior consent.

^{xiv} An Electricity Service Supplier ("ESS") may not provide service to a consumer without a written contract or electronic authorization between the customer and the ESS and the submission by the ESS of a Direct Access Service Request ("DASR") to the electric company to switch such customer from its then-current supplier to the ESS.

^{xv} Consumers must accept or decline the terms of the written contract within 3 days of receipt. Consumers are also afforded a 10-day right to cancel.

^{xvi} The Rhode Island PUC rules recognize a written contract as the only means of consenting to switching power generators.

^{xvii} Consent may be obtained in one of the following ways: (1) written authorization from the customer; (2) toll-free electronic authorization placed from the telephone number that is the subject of the product or service; (3) oral authorization obtained by an independent third party; or (4) any other method of authorization approved by the Public Utility Commission of Texas or the Federal Communications Commission.