

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2104 Session of  
2014

INTRODUCED BY GODSHALL, P. DALEY, COHEN, BAKER, CLYMER, COX,  
DAY, DeLUCA, FREEMAN, GINGRICH, GREINER, GROVE, C. HARRIS,  
HEFFLEY, HELM, KAUFFMAN, KORTZ, KOTIK, LONGIETTI, MARSHALL,  
MARSICO, MCNEILL, MENTZER, MILLARD, PASHINSKI, REED, ROZZI,  
SCAVELLO, SWANGER, THOMAS, TOEPEL, TOOHL, WHITE, WATSON,  
DENLINGER, MATZIE, ROCK, SONNEY, HANNA AND CONKLIN,  
MARCH 17, 2014

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 30, 2014

## AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania  
2 Consolidated Statutes, providing for retail electric consumer  
3 protection.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 66 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 28-A

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9 RETAIL ELECTRIC CONSUMER PROTECTION

10 Sec.

11 2801 A. Scope of chapter.

12 2802 A. Definitions.

13 2803 A. Variable rate product contract terms.

14 2804 A. Fixed rate product contract terms.

15 2805 A. Contract provisions.

1 ~~2806 A. Variable rate changes.~~

2 ~~2807 A. Variable rate and fixed product rates.~~

3 ~~2808 A. Contract formation.~~

4 ~~2809 A. Duties of electric generation suppliers and electric~~  
5 ~~distribution companies.~~

6 ~~2810 A. Consumer education information.~~

7 ~~§ 2801 A. Scope of chapter.~~

8 ~~This chapter relates to retail electric consumer protection.~~

9 ~~§ 2802 A. Definitions.~~

10 ~~The following words and phrases when used in this chapter~~  
11 ~~shall have the meanings given to them in this section unless the~~  
12 ~~context clearly indicates otherwise:~~

13 ~~"Cancellation fee or early termination fee." An amount~~  
14 ~~specified in a contract that permits an electric generation~~  
15 ~~supplier to assess and collect a fee or other similar charge~~  
16 ~~from a residential or small commercial customer who terminates a~~  
17 ~~contract before the end of the contract term, regardless of:~~

18 ~~(1) how the fee or other similar charge is identified in~~  
19 ~~the contract; or~~

20 ~~(2) whether or not the fee or other similar charge is~~  
21 ~~fixed or subject to calculation based on market factors.~~

22 ~~"Contract." The terms and conditions of service provided by~~  
23 ~~an electric generation supplier.~~

24 ~~"Default service provider." An electric distribution company~~  
25 ~~within its certified service territory or an alternative~~  
26 ~~supplier approved by the commission that provides generation~~  
27 ~~service to retail electric customers who:~~

28 ~~(1) contract for electric power, including energy and~~  
29 ~~capacity, and the chosen electric generation supplier does~~  
30 ~~not supply the service; or~~

~~(2) do not choose an alternative electric generation supplier.~~

~~"Electric distribution company." A public utility that provides facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners or operators that manage the internal distribution system serving a building or facility and that supply electric power and other related electric power services to occupants of the building or facility.~~

~~"Electric generation supplier." A person or corporation, including a municipal corporation that chooses to provide service outside the municipal corporation's municipal limits, except to the extent provided before January 1, 1997, brokers and marketers, aggregators or any other entity, that sells to end use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company or that purchases, brokers, arranges or markets electricity or related services for sale to end use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company. The term does not include an electric distribution company or any of the following:~~

~~(1) A building or facility owner or operator that manages the internal distribution system serving the building or facility and that supplies electric power and other related power services to occupants of the building or facility.~~

~~(2) An electric cooperative corporation, except as provided in 15 Pa.C.S. Ch. 74 (relating to generation choice for customers of electric cooperatives).~~

~~(3) A default service provider.~~

~~"Fixed rate product." A retail electric generation product when the rate charged per kilowatt hour for each billing period of the contract term is the same.~~

~~"Residential customer." Any of the following:~~

~~(1) An individual:~~

~~(i) who enters into a contract to receive service from an electric generation supplier;~~

~~(ii) whose name is listed on a residential service account; and~~

~~(iii) who is primarily responsible for payment of bills rendered for the service.~~

~~(2) An occupant of a residence receiving service who is 18 years of age or older and whose name appears on the mortgage, deed or lease of the residence.~~

~~"Small commercial customer." A nonresidential customer who enters into a contract to receive electric generation service from an electric generation supplier and has a peak demand of less than 50 kilowatts during any 12-month period.~~

~~"Switch." The transfer of a residential or small commercial customer from any of the following:~~

~~(1) An electric generation supplier's service to another electric generation supplier's service.~~

~~(2) A default service provider's service to an electric generation supplier's service.~~

~~(3) An electric generation supplier's service to a default service provider's service.~~

~~"Variable rate product." A retail electric generation product for which the rate may vary based upon fluctuations in wholesale electric market prices.~~

~~§ 2803 A. Variable rate product contract terms.~~

~~(a) Contract duration. A contract for a variable rate product offered by an electric generation supplier to a residential or small commercial customer may be for a term of no less than six months.~~

~~(b) Fees prohibited. A contract under subsection (a) may not contain a cancellation fee or an early termination fee.~~

~~§ 2804 A. Fixed rate product contract terms.~~

~~(a) Contract duration. A contract for a fixed rate product offered by an electric generation supplier to a residential or small commercial customer may not be for a term of less than 12 months.~~

~~(b) Fees prohibited. A contract for a fixed rate product for a term of less than 24 months offered by an electric generation supplier to a residential or small commercial customer may not contain a cancellation fee or an early termination fee.~~

~~(c) Contract expiration.~~

~~(1) Upon the expiration of a contract for a fixed rate product, an electric generation supplier may not switch a residential or small commercial customer to a contract for a variable rate product.~~

~~(2) The electric generation supplier shall provide service to a residential or small commercial customer whose contract for a fixed rate product has expired at the fixed rate posted on the PA Power Switch Internet website on the date when the contract expired.~~

~~(3) The electric generation supplier shall charge the rate under paragraph (2) until the earliest of the following:~~

~~(i) the customer enters into a new contract;~~

~~(ii) the customer switches to another electric generation supplier; or~~  
~~(iii) the customer returns to a default service provider's service.~~

~~§ 2805-A. Contract provisions.~~

~~(a) General rule. An electric generation supplier shall include the following provisions in no less than 12 point font in a contract for a variable rate product or fixed rate product:~~

~~(1) The name, address, toll-free telephone number, mailing address, e-mail address, Internet website and commission certification number of the electric generation supplier.~~

~~(2) The rate applicable to the contract term.~~

~~(3) The expiration date of the contract.~~

~~(4) A statement in all capital letters that authorizes the customer to rescind the contract within three business days of receipt of the contract without incurring a cancellation fee or an early termination fee.~~

~~(b) Mailbox rule. A contract provided to a customer via first class mail shall be deemed received by the customer within three business days of being placed in the mail.~~

~~(c) Variable rate product contracts. An electric generation supplier shall include the following provisions in no less than 12 point font in a contract for a variable rate product:~~

~~(1) An explanation of the method or formula used to calculate rates for a variable rate product.~~

~~(2) A statement specifying that variable rates are subject to change.~~

~~(3) An Internet website or toll-free telephone number that a customer may call for current variable rate product~~

~~pricing information.~~

~~(d) Fee provisions. An electric generation supplier shall include the amount and terms of a cancellation or early termination fee in no less than 12 point font in a contract for a fixed rate product with a term of more than 24 months.~~

~~§ 2806 A. Variable rate changes.~~

~~(a) Limitations on rate changes. The kilowatt hour rate charged to a residential or small commercial customer under a contract for a variable rate product may not be increased:~~

~~(1) More than once every six months.~~

~~(2) More than 100% of the rate charged during the preceding six month period.~~

~~(b) Basis of changes. An adjustment in the rate must be based upon fluctuations in wholesale electric prices and the actual costs incurred by an electric generation supplier to provide service.~~

~~§ 2807 A. Variable and fixed product rates.~~

~~(a) Rate notice.~~

~~(1) No less than once every 30 days, an electric generation supplier offering service to residential or small commercial customers shall post the current rate for each variable rate and fixed rate product on the PA Power Switch Internet website and shall provide the rate information via a toll-free telephone number.~~

~~(2) Upon request by a residential or small commercial customer, the electric generation supplier shall provide the current rate for each variable rate and fixed rate product in writing to the customer. The rate shall be contained in the electric generation supplier's marketing and sales materials, including telephone solicitations.~~

~~(b) Charge prohibition. A rate posted under subsection (a) may not be an introductory or promotional rate. An electric generation supplier may not charge a new residential and small commercial customer more than the rate posted under subsection (a) at the time the contract is formed.~~

~~(c) Rate history.~~

~~(1) No later than January 30 of each year, an electric generation supplier offering service to residential or small commercial customers shall post a one year price history for each variable rate and fixed rate product for the preceding year, or a history of each product offered for less than one year, on the PA Power Switch Internet website and the electric generation supplier's Internet website.~~

~~(2) Upon request by a residential or small commercial customer, the electric generation supplier shall provide the price history as required under paragraph (1) in writing to the customer.~~

~~§ 2808 A. Contract formation.~~

~~An electric generation supplier may not provide service to a residential or small commercial customer without the customer's written signature on a contract, authorization form or other form of verification as permitted by the commission to initiate service, renew service or switch service.~~

~~§ 2809 A. Duties of electric generation suppliers and electric distribution companies.~~

~~(a) Electric generation supplier. An electric generation supplier shall have the following duties:~~

~~(1) No later than one business day after a contract to initiate service, renew service or switch service is authorized to be formed under section 2808 A (relating to~~



~~contract formation), send a copy of the contract to the customer. At the option of the customer, the electronic generation supplier shall provide the copy to the customer in person, by first class mail or electronically.~~

~~(2) No later than one business day after expiration of the three day rescission period under section 2805 A (relating to contract provisions), notify the electric distribution company of a switch request by the customer.~~

~~(b) Electric distribution company. No later than 14 business days after receiving notice under subsection (a) (2), the electric distribution company shall process the switch request. The electric distribution company may recover the reasonable costs associated with processing the switching request.~~

~~§ 2810 A. Consumer education information.~~

~~(a) Information compilation. The commission shall compile the following information:~~

~~(1) A list of each electric generation supplier licensed by the commission.~~

~~(2) The types of services offered by each electric generation supplier and the advantages and disadvantages of the services.~~

~~(3) The number of customer complaints filed against each electric generation supplier and the disposition of the complaints.~~

~~(4) Any information the commission determines will assist customers in making informed decisions when choosing an electric generation supplier.~~

~~(b) Publication of information. The commission shall post the information on the PA Power Switch Internet website and,~~

~~upon request of a customer, make the information available in  
writing to the customer. The commission shall provide the  
information in a standard format that is easily understandable  
by a layperson.~~

CHAPTER 28A

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RETAIL ELECTRIC CONSUMER PROTECTION

SEC.

28A01. SCOPE OF CHAPTER.

28A02. DEFINITIONS.

28A03. VARIABLE-RATE PRODUCT CONTRACT TERMS.

28A04. FIXED-RATE PRODUCT CONTRACT TERMS.

28A05. CONTRACT PROVISIONS.

28A06. VARIABLE-RATE CHANGES.

28A07. INVESTIGATIONS AND ENFORCEMENT.

28A08. VARIABLE-RATE AND FIXED-RATE PRODUCT RATES.

28A09. CONTRACT FORMATION.

28A10. DUTIES OF ELECTRIC GENERATION SUPPLIERS AND ELECTRIC  
DISTRIBUTION COMPANIES.

28A11. CONSUMER EDUCATION INFORMATION.

28A12. CIVIL PENALTIES.

28A13. APPLICABILITY.

§ 28A01. SCOPE OF CHAPTER.

THIS CHAPTER RELATES TO RETAIL ELECTRIC CONSUMER PROTECTION  
FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS.

§ 28A02. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
CONTEXT CLEARLY INDICATES OTHERWISE:

"AUTHORIZED REPRESENTATIVE." ANY OF THE FOLLOWING:

(1) A SPOUSE OF A CUSTOMER.

1       (2) ANY OTHER PERSON WHO IS NOT A SPOUSE OF A CUSTOMER  
2       AND WHO IS AUTHORIZED BY THE CUSTOMER TO INITIATE A CHANGE OF  
3       THE CUSTOMER'S ELECTRIC GENERATION SUPPLIER BY A SIGNED  
4       DOCUMENT PROVIDED TO THE ELECTRIC DISTRIBUTION COMPANY BY THE  
5       CUSTOMER IDENTIFYING THE PERSON AS AUTHORIZED TO INITIATE THE  
6       CHANGE.

7       "CANCELLATION FEE OR EARLY TERMINATION FEE." AN AMOUNT  
8       SPECIFIED IN A CONTRACT THAT PERMITS AN ELECTRIC GENERATION  
9       SUPPLIER TO ASSESS AND COLLECT A FEE OR OTHER SIMILAR CHARGE  
10      FROM A RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER WHO TERMINATES A  
11      CONTRACT BEFORE THE END OF THE CONTRACT TERM, REGARDLESS OF:

12       (1) HOW THE FEE OR OTHER SIMILAR CHARGE IS IDENTIFIED IN  
13      THE CONTRACT; OR

14       (2) WHETHER OR NOT THE FEE OR OTHER SIMILAR CHARGE IS  
15      FIXED OR SUBJECT TO CALCULATION BASED ON MARKET FACTORS.

16      "CONTRACT." THE TERMS AND CONDITIONS OF SERVICE PROVIDED BY  
17      AN ELECTRIC GENERATION SUPPLIER.

18      "DEFAULT SERVICE PROVIDER." AN ELECTRIC DISTRIBUTION COMPANY  
19      WITHIN ITS CERTIFIED SERVICE TERRITORY OR AN ALTERNATIVE  
20      SUPPLIER, INCLUDING AN ELECTRIC GENERATION SUPPLIER, APPROVED BY  
21      THE COMMISSION THAT PROVIDES GENERATION SERVICE TO RETAIL  
22      ELECTRIC CUSTOMERS WHO:

23       (1) CONTRACT FOR ELECTRIC POWER, INCLUDING ENERGY AND  
24      CAPACITY, AND THE CHOSEN ELECTRIC GENERATION SUPPLIER DOES  
25      NOT SUPPLY THE SERVICE; OR

26       (2) DO NOT CHOOSE AN ALTERNATIVE ELECTRIC GENERATION  
27      SUPPLIER.

28      "ELECTRIC DISTRIBUTION COMPANY." A PUBLIC UTILITY THAT  
29      PROVIDES FACILITIES FOR THE JURISDICTIONAL TRANSMISSION AND  
30      DISTRIBUTION OF ELECTRICITY TO RETAIL CUSTOMERS, EXCEPT BUILDING

1 OR FACILITY OWNERS OR OPERATORS THAT MANAGE THE INTERNAL  
2 DISTRIBUTION SYSTEM SERVING A BUILDING OR FACILITY AND THAT  
3 SUPPLY ELECTRIC POWER AND OTHER RELATED ELECTRIC POWER SERVICES  
4 TO OCCUPANTS OF THE BUILDING OR FACILITY.

5 "ELECTRIC GENERATION SUPPLIER." A PERSON OR CORPORATION,  
6 INCLUDING A MUNICIPAL CORPORATION THAT CHOOSES TO PROVIDE  
7 SERVICE OUTSIDE THE MUNICIPAL CORPORATION'S MUNICIPAL LIMITS,  
8 EXCEPT TO THE EXTENT PROVIDED BEFORE JANUARY 1, 1997, BROKERS  
9 AND MARKETERS, AGGREGATORS OR ANY OTHER ENTITY, THAT SELLS TO  
10 END-USE CUSTOMERS ELECTRICITY OR RELATED SERVICES UTILIZING THE  
11 JURISDICTIONAL TRANSMISSION OR DISTRIBUTION FACILITIES OF AN  
12 ELECTRIC DISTRIBUTION COMPANY OR THAT PURCHASES, BROKERS,  
13 ARRANGES OR MARKETS ELECTRICITY OR RELATED SERVICES FOR SALE TO  
14 END-USE CUSTOMERS UTILIZING THE JURISDICTIONAL TRANSMISSION AND  
15 DISTRIBUTION FACILITIES OF AN ELECTRIC DISTRIBUTION COMPANY. THE  
16 TERM DOES NOT INCLUDE AN ELECTRIC DISTRIBUTION COMPANY OR ANY OF  
17 THE FOLLOWING:

18 (1) A BUILDING OR FACILITY OWNER OR OPERATOR THAT  
19 MANAGES THE INTERNAL DISTRIBUTION SYSTEM SERVING THE BUILDING  
20 OR FACILITY AND THAT SUPPLIES ELECTRIC POWER AND OTHER  
21 RELATED POWER SERVICES TO OCCUPANTS OF THE BUILDING OR  
22 FACILITY.

23 (2) AN ELECTRIC COOPERATIVE CORPORATION, EXCEPT AS  
24 PROVIDED IN 15 PA.C.S. CH. 74 (RELATING TO GENERATION CHOICE  
25 FOR CUSTOMERS OF ELECTRIC COOPERATIVES).

26 (3) A DEFAULT SERVICE PROVIDER.

27 "FIXED-RATE PRODUCT." A RETAIL ELECTRIC GENERATION PRODUCT  
28 OFFERED BY AN ELECTRIC GENERATION SUPPLIER WHEN THE RATE CHARGED  
29 PER KILOWATT HOUR FOR EACH BILLING CYCLE OF THE CONTRACT TERM IS  
30 AN ALL-INCLUSIVE PER KILOWATT HOUR PRICE, EXCLUDING APPLICABLE

SALES TAX, THAT WILL REMAIN THE SAME FOR AT LEAST THREE BILLING CYCLES OR THE TERM OF THE CONTRACT, WHICHEVER IS LATER.

"INDEX-BASED PRODUCT." A RETAIL ELECTRIC GENERATION PRODUCT IN WHICH THE PRICE FOR ONE OR MORE COMPONENTS OF THE RETAIL ELECTRIC GENERATION SERVICE CAN CHANGE ACCORDING TO A PREDEFINED PRICING FORMULA OR IS BASED ON PUBLICLY AVAILABLE MARKET INDICES.

"MONTH-TO-MONTH TRANSITION PRODUCT." A RETAIL ELECTRIC GENERATION PRODUCT IN WHICH THE THE KILOWATT HOUR RATE FOR EACH BILLING CYCLE MAY CHANGE THAT IS OFFERED BY AN ELECTRIC GENERATION SUPPLIER TO A RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER AFTER THE CUSTOMER'S INITIAL CONTRACT TERM EXPIRED AS A RESULT OF THE CUSTOMER NOT AFFIRMATIVELY ENTERING INTO A NEW CONTRACT WITH THE SUPPLIER, SWITCHING TO ANOTHER ELECTRIC GENERATION SUPPLIER OR RETURNING TO DEFAULT SERVICE.

"OFF-CYCLE SWITCH." A SWITCH TO A COMPETITIVE ELECTRIC GENERATION SUPPLIER OR DEFAULT SERVICE PROVIDER THAT TAKES PLACE ON A DATE OTHER THAN A CUSTOMER'S REGULARLY SCHEDULED METER READ DATE.

"REAL-TIME PRICING PRODUCT." A RATE THAT DIRECTLY REFLECTS THE DIFFERENT COST OF ELECTRICITY DURING EACH HOUR.

"RESIDENTIAL CUSTOMER." ANY OF THE FOLLOWING:

(1) AN INDIVIDUAL OR AUTHORIZED REPRESENTATIVE:

(I) WHO ENTERS INTO A CONTRACT TO RECEIVE SERVICE FROM AN ELECTRIC GENERATION SUPPLIER;

(II) WHOSE NAME IS LISTED ON A RESIDENTIAL SERVICE ACCOUNT; AND

(III) WHO IS PRIMARILY RESPONSIBLE FOR PAYMENT OF BILLS RENDERED FOR THE SERVICE.

(2) AN OCCUPANT OF A RESIDENCE RECEIVING SERVICE WHO IS

18 YEARS OF AGE OR OLDER AND WHOSE NAME APPEARS ON THE  
MORTGAGE, DEED OR LEASE OF THE RESIDENCE, OR AN AUTHORIZED  
REPRESENTATIVE.

"SMALL COMMERCIAL CUSTOMER." A NONRESIDENTIAL CUSTOMER WHO  
ENTERS INTO A CONTRACT TO RECEIVE ELECTRIC GENERATION SERVICE  
FROM AN ELECTRIC GENERATION SUPPLIER AND HAS A PEAK CUMULATIVE  
DEMAND OF LESS THAN 25 KILOWATTS DURING ANY 12-MONTH PERIOD.

"SWITCH." THE TRANSFER OF A RESIDENTIAL OR SMALL COMMERCIAL  
CUSTOMER FROM ANY OF THE FOLLOWING:

(1) AN ELECTRIC GENERATION SUPPLIER'S SERVICE TO ANOTHER  
ELECTRIC GENERATION SUPPLIER'S SERVICE.

(2) A DEFAULT SERVICE PROVIDER'S SERVICE TO AN ELECTRIC  
GENERATION SUPPLIER'S SERVICE.

(3) AN ELECTRIC GENERATION SUPPLIER'S SERVICE TO A  
DEFAULT SERVICE PROVIDER'S SERVICE.

"TIME-OF-USE RATE." A RATE THAT REFLECTS THE COSTS OF  
SERVING CUSTOMERS DURING DIFFERENT TIME PERIODS, INCLUDING OFF-  
PEAK AND ON-PEAK PERIODS, BUT NOT AS FREQUENTLY AS EACH HOUR.

"TRANSITION." THE MOVING OF A CUSTOMER, UPON EXPIRATION OF A  
FIXED-RATE CONTRACT, WHEN THE CUSTOMER HAS NOT AFFIRMATIVELY  
ACTED TO RENEW THE CONTRACT WITH AN ELECTRIC GENERATION  
SUPPLIER, SWITCH TO ANOTHER SUPPLIER OR RETURN TO THE DEFAULT  
SERVICE PROVIDER TO A PRODUCT SPECIFIED IN SECTION 28A04(B) (2)  
(RELATING TO FIXED-RATE PRODUCT CONTRACT TERMS). THE TERM DOES  
NOT INCLUDE A REQUEST FROM A CUSTOMER TO AN ELECTRIC GENERATION  
SUPPLIER FOR A NEW OR DIFFERENT PRODUCT UPON EXPIRATION OF THE  
CONTRACT.

"VARIABLE-RATE PRODUCT." A RETAIL ELECTRIC GENERATION  
PRODUCT OFFERED BY AN ELECTRIC GENERATION SUPPLIER WHEN THE RATE  
CHARGED PER KILOWATT HOUR FOR EACH BILLING CYCLE OF THE CONTRACT

1 TERM IS AN ALL-INCLUSIVE PER KILOWATT HOUR PRICE, EXCLUDING  
2 APPLICABLE SALES TAX, THAT CAN CHANGE BY THE HOUR, DAY, MONTH OR  
3 OTHER PERIOD ACCORDING TO THE TERMS AND CONDITIONS OF A  
4 CUSTOMER'S CONTRACT.

5 § 28A03. VARIABLE-RATE PRODUCT CONTRACT TERMS.

6 (A) CONTRACT DURATION.--A CONTRACT FOR A VARIABLE-RATE  
7 PRODUCT OFFERED BY AN ELECTRIC GENERATION SUPPLIER TO A  
8 RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER SHALL SPECIFY THE TERMS  
9 OF THE CONTRACT.

10 (B) PROMOTIONAL RATES.--A CONTRACT FOR A VARIABLE-RATE  
11 PRODUCT OFFERED BY AN ELECTRIC GENERATION SUPPLIER TO A  
12 RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER MAY NOT INCLUDE A  
13 PROMOTIONAL OR "TEASER" PER KILOWATT HOUR RATE FOR A PERIOD OF  
14 LESS THAN 60 DAYS.

15 (C) FEES PROHIBITED.--EXCEPT FOR AN INDEX-BASED PRODUCT, A  
16 CONTRACT UNDER SUBSECTION (A) MAY NOT CONTAIN A CANCELLATION FEE  
17 OR EARLY TERMINATION FEE.

18 (D) RATE PROHIBITION.--AN ELECTRIC GENERATION SUPPLIER MAY  
19 NOT ENTER INTO ANY OF THE FOLLOWING:

20 (1) A CONTRACT FOR A FIXED-RATE PRODUCT WITH A  
21 RESIDENTIAL CUSTOMER WHO PARTICIPATES IN AN ELECTRIC  
22 DISTRIBUTION COMPANY'S CUSTOMER ASSISTANCE PROGRAM AS DEFINED  
23 IN SECTION 1403 (RELATING TO DEFINITIONS) UNLESS THE PRICE  
24 FOR THE PRODUCT IS EQUAL TO OR LESS THAN THE DEFAULT SERVICE  
25 PRICE AT THE TIME THE CONTRACT IS EXECUTED.

26 (2) A CONTRACT FOR A VARIABLE-RATE PRODUCT WITH A  
27 RESIDENTIAL CUSTOMER WHO PARTICIPATES IN AN ELECTRIC  
28 DISTRIBUTION COMPANY'S CUSTOMER ASSISTANCE PROGRAM AS DEFINED  
29 IN SECTION 1403.

30 (E) ELECTRIC DISTRIBUTION COMPANY DUTIES.--AN ELECTRIC

DISTRIBUTION COMPANY SHALL INCLUDE ANY NECESSARY INFORMATION ON  
A CUSTOMER LIST PROVIDED TO AN ELECTRIC GENERATION SUPPLIER TO  
ALLOW THE SUPPLIER TO COMPLY WITH REQUIREMENTS OF SUBSECTION  
(D).

(F) INDEX-BASED PRODUCTS.--

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), AN ELECTRIC  
GENERATION SUPPLIER MAY NOT OFFER AN INDEX-BASED VARIABLE-  
RATE PRODUCT TO A RESIDENTIAL CUSTOMER.

(2) PARAGRAPH (1) SHALL NOT APPLY TO A TIME-OF-USE RATE  
OR REAL-TIME PRICING PRODUCT OFFERED BY AN ELECTRIC  
GENERATION SUPPLIER TO A RESIDENTIAL CUSTOMER.

§ 28A04. FIXED-RATE PRODUCT CONTRACT TERMS.

(A) CONTRACT DURATION.--A CONTRACT FOR A FIXED-RATE PRODUCT  
OFFERED BY AN ELECTRIC GENERATION SUPPLIER TO A RESIDENTIAL OR  
SMALL COMMERCIAL CUSTOMER SHALL SPECIFY THE TERM OF THE  
CONTRACT.

(B) CONTRACT EXPIRATION.--

(1) UPON THE EXPIRATION OF A CONTRACT FOR A FIXED-RATE  
PRODUCT, AN ELECTRIC GENERATION SUPPLIER MAY NOT TRANSITION A  
RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER TO A CONTRACT FOR A  
VARIABLE-RATE PRODUCT.

(2) AN ELECTRIC GENERATION SUPPLIER MAY TRANSITION A  
RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER WHOSE CONTRACT FOR A  
FIXED-RATE PRODUCT HAS EXPIRED WHEN THE CUSTOMER HAS NOT  
AFFIRMATIVELY ENTERED INTO A NEW CONTRACT WITH THE SUPPLIER,  
SWITCHED TO ANOTHER ELECTRIC GENERATION SUPPLIER OR RETURNED  
TO DEFAULT SERVICE, TO ANY OF THE FOLLOWING:

(I) A MONTH-TO-MONTH TRANSITION PRODUCT WITH NO  
CANCELLATION OR EARLY TERMINATION FEE. UPON TRANSITIONING  
A CUSTOMER TO A MONTH-TO-MONTH TRANSITION PRODUCT UNDER



1 THIS SUBPARAGRAPH, NO LESS THAN 45 DAYS BEFORE THE  
2 CUSTOMER'S INITIAL CONTRACT EXPIRES, THE ELECTRIC  
3 GENERATION SUPPLIER SHALL PROVIDE NOTICE TO THE CUSTOMER  
4 IN WRITING, OR VIA ELECTRONIC MEANS OR OTHER DELIVERY  
5 METHOD AGREED TO BY THE CUSTOMER, THAT THE PRODUCT IS A  
6 30-DAY PRODUCT AND THE INITIAL APPLICABLE RATE. NO LATER  
7 THAN 30 DAYS BEFORE IMPLEMENTING A CHANGE IN THE RATE  
8 CHARGED UNDER A MONTH-TO-MONTH TRANSITION PRODUCT UNDER  
9 THIS SUBPARAGRAPH, THE SUPPLIER SHALL PROVIDE NOTICE TO  
10 THE CUSTOMER IN WRITING, OR VIA ELECTRONIC MEANS OR OTHER  
11 DELIVERY METHOD AGREED TO BY THE CUSTOMER. A MONTH-TO-  
12 MONTH TRANSITION PRODUCT OFFERED UNDER THIS SUBPARAGRAPH  
13 MAY NOT BE INCREASED MORE THAN 30% OF THE KILOWATT HOUR  
14 RATE CHARGES DURING THE PRECEDING BILL CYCLE AND THE  
15 SUPPLIER MAY OPT TO IMPLEMENT A LOWER PER BILLING CYCLE  
16 PERCENTAGE INCREASE CAP.

17 (II) A NEW FIXED-RATE PRODUCT CONTRACT. UPON  
18 TRANSITIONING A CUSTOMER TO A NEW FIXED-RATE PRODUCT  
19 UNDER THIS SUBPARAGRAPH, NO LESS THAN 45 DAYS BEFORE THE  
20 CUSTOMER'S INITIAL CONTRACT EXPIRES, THE ELECTRIC  
21 GENERATION SUPPLIER SHALL PROVIDE NOTICE TO THE CUSTOMER  
22 IN WRITING, OR VIA ELECTRONIC MEANS OR OTHER DELIVERY  
23 METHOD AGREED TO BY THE CUSTOMER, OF THE NEW FIXED-RATE,  
24 CONTRACT TERMS AND ANY APPLICABLE CANCELLATION OR EARLY  
25 TERMINATION FEES. A CANCELLATION OR EARLY TERMINATION FEE  
26 UNDER THIS SUBPARAGRAPH MAY NOT EXCEED \$100.

27 (3) AN ELECTRIC GENERATION SUPPLIER SHALL CONTINUE TO  
28 PROVIDE SERVICE TO A CUSTOMER WHOSE FIXED-RATE PRODUCT  
29 CONTRACT HAS EXPIRED UNDER PARAGRAPH (2) UNTIL THE EARLIEST  
30 OF THE FOLLOWING:

(I) THE CUSTOMER ENTERS INTO A NEW CONTRACT;  
(II) THE CUSTOMER SWITCHES TO ANOTHER ELECTRIC  
GENERATION SUPPLIER;  
(III) THE CUSTOMER RETURNS TO A DEFAULT SERVICE  
PROVIDER'S SERVICE; OR  
(IV) THE ELECTRIC GENERATION SUPPLIER RETURNS THE  
CUSTOMER, UPON EXPIRATION OF THE CONTRACT, TO THE DEFAULT  
SERVICE PROVIDER.

§ 28A05. CONTRACT PROVISIONS.

(A) GENERAL RULE.--AN ELECTRIC GENERATION SUPPLIER SHALL  
INCLUDE THE FOLLOWING PROVISIONS IN NO LESS THAN 12-POINT FONT  
IN A CONTRACT FOR A VARIABLE-RATE PRODUCT OR FIXED-RATE PRODUCT:

(1) THE NAME, ADDRESS, TOLL-FREE TELEPHONE NUMBER,  
MAILING ADDRESS, E-MAIL ADDRESS, PUBLICLY ACCESSIBLE INTERNET  
WEBSITE AND COMMISSION CERTIFICATION NUMBER OF THE ELECTRIC  
GENERATION SUPPLIER.

(2) THE RATE APPLICABLE TO THE CONTRACT TERM. THE RATE  
SHALL BE PRESENTED IN A CENTS PER KILOWATT HOUR FORMAT.

(3) THE EXPIRATION TERM OF THE CONTRACT.

(4) A STATEMENT IN ALL CAPITAL LETTERS THAT AUTHORIZES  
THE CUSTOMER TO RESCIND THE CONTRACT WITHIN THREE BUSINESS  
DAYS OF RECEIPT OF THE CONTRACT WITHOUT INCURRING A  
CANCELLATION FEE OR AN EARLY TERMINATION FEE.

(B) MAILBOX RULE.--A CONTRACT PROVIDED TO A CUSTOMER VIA  
FIRST CLASS MAIL SHALL BE DEEMED RECEIVED BY THE CUSTOMER WITHIN  
THREE BUSINESS DAYS OF BEING PLACED IN THE MAIL.

(C) VARIABLE-RATE PRODUCT CONTRACTS.--AN ELECTRIC GENERATION  
SUPPLIER SHALL INCLUDE THE FOLLOWING PROVISIONS IN NO LESS THAN  
12-POINT FONT IN A CONTRACT FOR A VARIABLE-RATE PRODUCT:

(1) AN EXPLANATION OF THE METHOD OR FORMULA USED TO

1 DETERMINE THE RATES FOR A VARIABLE-RATE PRODUCT.

2 (2) A STATEMENT SPECIFYING THAT VARIABLE RATES ARE  
3 SUBJECT TO CHANGE.

4 (3) THE LENGTH OF TIME A PROMOTIONAL OR INITIAL RATE IS  
5 APPLICABLE.

6 (4) A STATEMENT AS FOLLOWS:

7 THE RATE TO BE APPLIED DURING YOUR FIRST BILLING  
8 CYCLE OR THE PROMOTIONAL PERIOD IS (INSERT RATE); THIS  
9 RATE MAY INCREASE BY NO MORE THAN (INSERT PERCENTAGE OF  
10 RATE CAP) PER BILLING CYCLE.

11 (5) A PUBLICLY ACCESSIBLE INTERNET WEBSITE OR TOLL-FREE  
12 TELEPHONE NUMBER THAT A CUSTOMER MAY CALL FOR CURRENT  
13 VARIABLE-RATE PRODUCT PRICING INFORMATION.

14 (6) FOR AN INDEX-BASED PRODUCT, THE FORMULA OR MARKET  
15 INDICES USED TO DETERMINE THE RATE.

16 (D) FEE PROVISIONS.--AN ELECTRIC GENERATION SUPPLIER SHALL  
17 INCLUDE THE AMOUNT AND TERMS OF A CANCELLATION OR EARLY  
18 TERMINATION FEE, IF ANY, IN NO LESS THAN 12-POINT FONT IN A  
19 CONTRACT FOR A FIXED-RATE PRODUCT.

20 (E) DISCLOSURE BOX.--

21 (1) AN ELECTRIC GENERATION SUPPLIER SHALL INCLUDE A  
22 CUSTOMER DISCLOSURE BOX ON THE TOP OF THE FIRST PAGE OF A  
23 CONTRACT WITH A RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER THAT  
24 SUMMARIZES THE KEY TERMS AND CONDITIONS INCLUDED IN THE  
25 PRODUCT OFFER OR CONTRACT. THE TERMS AND CONDITIONS SHALL BE  
26 IN NO LESS THAN 14-POINT FONT AND SHALL BE CONSPICUOUS AND IN  
27 PLAIN LANGUAGE SO THAT IT MAY BE EASILY UNDERSTOOD BY A  
28 LAYPERSON.

29 (2) ANY WRITTEN MARKETING MATERIAL PROMOTING A SPECIFIC  
30 PRODUCT OF AN ELECTRIC GENERATION SUPPLIER SHALL INCLUDE THE

1 KEY TERMS AND CONDITIONS FOR THE PRODUCT OFFERED. THE TERMS  
2 AND CONDITIONS SHALL BE PROMINENTLY DISPLAYED USING LANGUAGE  
3 THAT MAY BE EASILY UNDERSTOOD BY A LAY PERSON.

4 (3) THE CUSTOMER DISCLOSURE BOX UNDER PARAGRAPH (1) AND  
5 THE WRITTEN MARKETING MATERIAL UNDER PARAGRAPH (2) SHALL  
6 INCLUDE ALL OF THE FOLLOWING:

7 (I) THE TERM OF THE CONTRACT.

8 (II) FOR A FIXED-RATE PRODUCT OFFER OR CONTRACT, THE  
9 APPLICABLE RATE.

10 (III) FOR A VARIABLE-RATE PRODUCT OFFER OR CONTRACT,  
11 THE INITIAL OR PROMOTIONAL RATE, THE LENGTH OF TIME THE  
12 RATE IS APPLICABLE AND THE TERMS OF VARIABILITY,  
13 INCLUDING THE APPLICABLE CAP.

14 (IV) FOR AN INDEX-BASED PRODUCT, THE FORMULA OR  
15 MARKET INDICES USED TO DETERMINE THE RATE.

16 (V) THE DOLLAR AMOUNT OF A CANCELLATION OR EARLY  
17 TERMINATION FEE, IF APPLICABLE.

18 (VI) A DESCRIPTION OF THE NOTICES TO BE PROVIDED  
19 UPON EXPIRATION OF THE CONTRACT TERM.

20 (VII) CONTACT INFORMATION FOR THE ELECTRIC  
21 GENERATION SUPPLIER.

22 (VIII) OTHER INFORMATION REQUIRED BY THE COMMISSION.

23 (F) DISCLOSURE MODIFICATION.--THE COMMISSION MAY ADD TO OR  
24 MODIFY THE DISCLOSURES REQUIRED UNDER THIS SECTION AS NECESSARY  
25 TO ACCOMMODATE CHANGES IN MARKET CONDITIONS, PRODUCT OFFERINGS  
26 AND TECHNOLOGY.

27 § 28A06. VARIABLE-RATE CHANGES.

28 (A) LIMITATIONS ON RATE CHANGES.--THE KILOWATT HOUR RATE  
29 CHARGED TO A RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER UNDER A  
30 CONTRACT FOR A VARIABLE-RATE PRODUCT, OTHER THAN AN INDEX-BASED

1 PRODUCT, MAY NOT BE INCREASED BY MORE THAN 30% OF THE KILOWATT  
2 HOURLY RATE CHARGED DURING THE PRECEDING BILLING CYCLE. AN  
3 ELECTRIC GENERATION SUPPLIER MAY CHOOSE TO IMPLEMENT A LOWER PER  
4 BILLING CYCLE PERCENTAGE INCREASE CAP.

5 (B) AVERAGE KILOWATT HOURLY RATE.--

6 (1) THE RATE CONTAINED IN A CUSTOMER BILL FOR SERVICE  
7 PROVIDED BY AN ELECTRIC GENERATION SUPPLIER SHALL REFLECT THE  
8 AVERAGE KILOWATT HOURLY RATE FOR THE APPLICABLE BILLING CYCLE.

9 (2) PARAGRAPH (1) SHALL NOT APPLY TO A TIME-OF-USE RATE  
10 OR REAL-TIME PRICING PRODUCT.

11 § 28A07. INVESTIGATIONS AND ENFORCEMENT.

12 (A) INVESTIGATIONS.--THE COMMISSION MAY INVESTIGATE CONSUMER  
13 COMPLAINTS RELATED TO INCREASES IN THE RETAIL ELECTRIC RATES  
14 CHARGED BY AN ELECTRIC GENERATION SUPPLIER.

15 (B) REQUIRED INFORMATION.--IF THE COMMISSION IS  
16 INVESTIGATING A CONSUMER COMPLAINT RELATED TO A VARIABLE-RATE  
17 CONTRACT UNDER SUBSECTION (A), THE COMMISSION MAY REQUIRE AN  
18 ELECTRIC GENERATION SUPPLIER TO PROVIDE INFORMATION ON THE  
19 FORMULA, MECHANISM, MARKET INDICES, WHOLESALE ELECTRIC RATES OR  
20 ACTUAL COSTS THAT PROVIDE THE BASIS FOR THE VARIABLE RATE UNDER  
21 THE CONTRACT.

22 (C) COORDINATION.--THE COMMISSION AND THE OFFICE OF ATTORNEY  
23 GENERAL, BUREAU OF CONSUMER PROTECTION MAY WORK IN A COORDINATED  
24 MANNER TO INVESTIGATE AND SHARE COMPLAINT INFORMATION AS  
25 NECESSARY TO ENSURE THAT THE COMMISSION AND THE OFFICE OF  
26 ATTORNEY GENERAL, BUREAU OF CONSUMER PROTECTION HAVE THE DATA  
27 REQUIRED TO DETERMINE IF A VIOLATION OF THIS TITLE OR THE ACT OF  
28 DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR TRADE  
29 PRACTICES AND CONSUMER PROTECTION LAW, IS LIKELY TO HAVE  
30 OCCURRED AND MAY TAKE APPROPRIATE INDEPENDENT ACTION.

1 § 28A08. VARIABLE-RATE AND FIXED-RATE PRODUCT RATES.

2 (A) RATE NOTICE.--

3 (1) NO LESS THAN ONCE EVERY 30 DAYS, AN ELECTRIC  
4 GENERATION SUPPLIER OFFERING SERVICE TO RESIDENTIAL OR SMALL  
5 COMMERCIAL CUSTOMERS SHALL POST THE PRESENT NONPROMOTIONAL  
6 RATE OR RANGE OF RATES FOR EACH VARIABLE-RATE PRODUCT ON THE  
7 ELECTRIC GENERATION SUPPLIER'S PUBLICLY ACCESSIBLE INTERNET  
8 WEBSITE AND SHALL MAKE THE RATE INFORMATION AVAILABLE TO  
9 CUSTOMERS VIA A TOLL-FREE TELEPHONE NUMBER.

10 (2) UPON REQUEST BY A RESIDENTIAL OR SMALL COMMERCIAL  
11 CUSTOMER, THE ELECTRIC GENERATION SUPPLIER SHALL PROVIDE THE  
12 CURRENT APPLICABLE NONPROMOTIONAL RATE FOR EACH VARIABLE-RATE  
13 PRODUCT AND FIXED-RATE PRODUCT IN WRITING TO THE CUSTOMER OR  
14 VIA ELECTRONIC OR OTHER DELIVERY METHOD AGREED TO BY THE  
15 CUSTOMER. THE RATE SHALL BE CONTAINED IN THE ELECTRIC  
16 GENERATION SUPPLIER'S MARKETING AND SALES MATERIALS,  
17 INCLUDING TELEPHONE SOLICITATIONS.

18 (B) RATE HISTORY.--

19 (1) NO LATER THAN JANUARY 30 OF EACH YEAR, AN ELECTRIC  
20 GENERATION SUPPLIER OFFERING SERVICE TO RESIDENTIAL OR SMALL  
21 COMMERCIAL CUSTOMERS SHALL POST A ONE-YEAR RATE HISTORY FOR  
22 ITS AVERAGE MONTHLY BILLED RATES, BY RATE CLASS AND UTILITY  
23 SERVICE TERRITORY, FOR EACH PUBLICLY AVAILABLE VARIABLE-RATE  
24 PRODUCT AND FIXED-RATE PRODUCT FOR THE PRECEDING YEAR, OR A  
25 HISTORY OF EACH PRODUCT OFFERED FOR LESS THAN ONE YEAR, ON  
26 THE PA POWER SWITCH INTERNET WEBSITE AND THE ELECTRIC  
27 GENERATION SUPPLIER'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.  
28 THE COMMISSION SHALL MAINTAIN AN ARCHIVE OF RATE HISTORY  
29 INFORMATION UNDER THIS PARAGRAPH AND SHALL MAKE IT AVAILABLE  
30 ON THE PA POWER SWITCH INTERNET WEBSITE OR ITS PUBLICLY

1 ACCESSIBLE INTERNET WEBSITE.

2 (2) UPON REQUEST BY A RESIDENTIAL OR SMALL COMMERCIAL  
3 CUSTOMER, THE ELECTRIC GENERATION SUPPLIER SHALL PROVIDE THE  
4 RATE HISTORY AS REQUIRED UNDER PARAGRAPH (1) IN WRITING TO  
5 THE CUSTOMER, OR VIA ELECTRONIC MEANS OR OTHER DELIVERY  
6 METHOD AGREED TO BY THE CUSTOMER.

7 § 28A09. CONTRACT FORMATION.

8 AN ELECTRIC GENERATION SUPPLIER MAY NOT PROVIDE SERVICE TO A  
9 RESIDENTIAL OR SMALL COMMERCIAL CUSTOMER WITHOUT THE CUSTOMER'S  
10 WRITTEN SIGNATURE ON A CONTRACT, ELECTRONIC CONSENT,  
11 AUTHORIZATION FORM OR OTHER FORM OF VERIFICATION AS PERMITTED BY  
12 THE COMMISSION TO INITIATE SERVICE, RENEW SERVICE OR SWITCH  
13 SERVICE.

14 § 28A10. DUTIES OF ELECTRIC GENERATION SUPPLIERS AND ELECTRIC  
15 DISTRIBUTION COMPANIES.

16 (A) ELECTRIC GENERATION SUPPLIER.--AN ELECTRIC GENERATION  
17 SUPPLIER SHALL HAVE THE FOLLOWING DUTIES:

18 (1) NO LATER THAN ONE BUSINESS DAY AFTER A CONTRACT TO  
19 INITIATE SERVICE, RENEW SERVICE OR SWITCH SERVICE IS  
20 AUTHORIZED TO BE FORMED UNDER SECTION 28A09 (RELATING TO  
21 CONTRACT FORMATION), AND AFTER THE CUSTOMER ACCOUNT  
22 INFORMATION HAS BEEN VALIDATED, SEND A COPY OF THE CONTRACT  
23 TO THE CUSTOMER. AT THE OPTION OF THE CUSTOMER, THE ELECTRIC  
24 GENERATION SUPPLIER SHALL PROVIDE THE COPY TO THE CUSTOMER IN  
25 PERSON, BY FIRST CLASS MAIL OR ELECTRONICALLY.

26 (2) NO LATER THAN ONE BUSINESS DAY AFTER THE EXPIRATION  
27 OF THE THREE-DAY RESCISSION PERIOD UNDER SECTION 28A05  
28 (RELATING TO CONTRACT PROVISIONS), NOTIFY THE ELECTRIC  
29 DISTRIBUTION COMPANY OF A SWITCH REQUEST BY THE CUSTOMER.  
30 NOTICE UNDER THIS PARAGRAPH MAY BE DELAYED IN ORDER TO

1 ACCOMMODATE A POSTDATED SWITCHING ENROLLMENT START DATE  
2 REQUESTED BY A CUSTOMER.

3 (B) ELECTRIC DISTRIBUTION COMPANY.--NO LATER THAN FIVE  
4 BUSINESS DAYS AFTER RECEIVING NOTICE UNDER SUBSECTION (A) (2),  
5 THE ELECTRIC DISTRIBUTION COMPANY SHALL COMPLETE THE SWITCH  
6 REQUEST TO ALLOW THE CUSTOMER TO BEGIN RECEIVING SERVICE FROM  
7 THE ELECTRIC GENERATION SUPPLIER OR DEFAULT SERVICE PROVIDER.

8 (C) OFF-CYCLE SWITCHING.--AN ELECTRIC DISTRIBUTION COMPANY  
9 SHALL DEVELOP AND IMPLEMENT SWITCHING PROTOCOLS TO ACCOMMODATE  
10 OFF-CYCLE SWITCHING AS FOLLOWS:

11 (1) BEGINNING SIX MONTHS AFTER THE EFFECTIVE DATE OF  
12 THIS PARAGRAPH, THE ELECTRIC DISTRIBUTION COMPANY SHALL HAVE  
13 THE NECESSARY PROTOCOLS IN PLACE TO ACCOMMODATE ONE OFF-CYCLE  
14 SWITCH PER CUSTOMER PER BILLING CYCLE. THE COMMISSION SHALL  
15 GRANT A REQUEST BY THE ELECTRIC DISTRIBUTION COMPANY FOR AN  
16 EXTENSION OF THE SIX-MONTH PERIOD UNDER THIS PARAGRAPH FOR  
17 GOOD CAUSE SHOWN.

18 (2) BEGINNING ONE YEAR AFTER THE ELECTRIC DISTRIBUTION  
19 COMPANY IMPLEMENTS PARAGRAPH (1), AN ELECTRIC DISTRIBUTION  
20 COMPANY SHALL HAVE THE NECESSARY PROTOCOLS TO ACCOMMODATE  
21 ADDITIONAL OFF-CYCLE SWITCHES.

22 (D) COST RECOVERY.--AN ELECTRIC DISTRIBUTION COMPANY SHALL  
23 RECOVER, ON A FULL AND CURRENT BASIS, IN ACCORDANCE WITH A  
24 RECONCILABLE AUTOMATIC ADJUSTMENT CLAUSE UNDER SECTION 1307  
25 (RELATING TO SLIDING SCALE OF RATES; ADJUSTMENTS), THE  
26 REASONABLE COSTS ASSOCIATED WITH MODIFYING ITS METERING AND  
27 BILLING EQUIPMENT AND SYSTEMS, INFORMATION TECHNOLOGY,  
28 PROCEDURES AND PROTOCOLS NECESSARY TO COMPLETE SWITCHING  
29 REQUESTS UNDER THIS SECTION, INCLUDING, BUT NOT LIMITED TO,  
30 ANNUAL DEPRECIATION, CAPITAL COSTS AND ONGOING OPERATIONS AND



1 MAINTENANCE EXPENSES. COSTS RECOVERED UNDER THIS SUBSECTION  
2 SHALL NOT INCLUDE COSTS RECOVERED UNDER SECTION 2807(F) (7)  
3 (RELATING TO DUTIES OF ELECTRIC DISTRIBUTION COMPANIES).

4 (E) APPLICABILITY.--

5 (1) THIS SECTION SHALL NOT APPLY TO AN ELECTRIC  
6 DISTRIBUTION COMPANY THAT IS NOT SUBJECT TO THE REQUIREMENTS  
7 OF SECTION 2807(F).

8 (2) AN ELECTRIC DISTRIBUTION COMPANY THAT IS NOT SUBJECT  
9 TO THE REQUIREMENTS OF THIS SECTION SHALL COMPLETE A SWITCH  
10 REQUEST IN A MANNER CONSISTENT WITH ELECTRONIC DATA TRANSFER  
11 AND EXCHANGE STANDARDS AT THE BEGINNING OF THE FIRST FEASIBLE  
12 BILLING CYCLE AFTER RECEIPT OF THE SWITCH REQUEST.

13 § 28A11. CONSUMER EDUCATION INFORMATION.

14 (A) INFORMATION COMPILATION.--THE COMMISSION SHALL COMPILE  
15 THE FOLLOWING INFORMATION:

16 (1) A LIST OF EACH ELECTRIC GENERATION SUPPLIER LICENSED  
17 BY THE COMMISSION.

18 (2) THE TYPES OF SERVICES AVAILABLE IN THE ELECTRIC  
19 GENERATION RETAIL MARKET AND THE ADVANTAGES AND DISADVANTAGES  
20 OF EACH SERVICE.

21 (3) THE PERCENTAGE RATE OF CUSTOMER COMPLAINTS FILED  
22 AGAINST EACH ELECTRIC GENERATION SUPPLIER AND THE DISPOSITION  
23 OF THE COMPLAINTS.

24 (4) ANY INFORMATION THE COMMISSION DETERMINES WILL  
25 ASSIST CUSTOMERS IN MAKING INFORMED DECISIONS WHEN CHOOSING  
26 AN ELECTRIC GENERATION SUPPLIER.

27 (B) PUBLICATION OF INFORMATION.--THE COMMISSION SHALL POST  
28 THE INFORMATION UNDER SUBSECTION (A) ON THE PA POWER SWITCH  
29 INTERNET WEBSITE AND, UPON REQUEST OF A CUSTOMER, MAKE THE  
30 INFORMATION AVAILABLE IN WRITING TO THE CUSTOMER OR VIA

1 ELECTRONIC MEANS OR OTHER DELIVERY METHOD AGREED TO BY THE  
2 CUSTOMER. THE COMMISSION SHALL PROVIDE THE INFORMATION IN A  
3 STANDARD FORMAT THAT IS EASILY UNDERSTANDABLE BY A LAYPERSON.  
4 § 28A12. CIVIL PENALTIES.

5 NOTWITHSTANDING SECTION 3301 (RELATING TO CIVIL PENALTIES FOR  
6 VIOLATIONS), AN ELECTRIC GENERATION SUPPLIER THAT VIOLATES THIS  
7 CHAPTER SHALL PAY A FINE OF NOT MORE THAN \$10,000 TO THE  
8 COMMONWEALTH FOR EACH VIOLATION.

9 § 28A13. APPLICABILITY.

10 EXCEPT AS PROVIDED IN SECTIONS 28A03(E) (RELATING TO  
11 VARIABLE-RATE PRODUCT CONTRACT TERMS) AND 28A10 (RELATING TO  
12 DUTIES OF ELECTRIC GENERATION SUPPLIERS AND ELECTRIC  
13 DISTRIBUTION COMPANIES), THIS CHAPTER SHALL NOT APPLY TO  
14 ELECTRIC DISTRIBUTION COMPANIES.

15 Section 2. This act shall take effect in 60 days.