APPENDIX B
RESA'S VERIFIED INITIAL COMMENTS
ILL. C. C. DOCKET 15-0512
DRAFT: 10/22/15

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIES
PART 453 INTERNET ENROLLMENT RULES
SECTION 453.10 DEFINITIONS

Section 453.10 Definitions

"Electronic Signature" shall mean a digitized recording of the handwritten signature of the executing person, an electronic sound, symbol, or process attached to or logically associated with a Letter of Agency (LOA) and executed by a person with the intent to sign the LOA. A recording of oral assent is not an electronic signature.

"Encryption" shall mean to convert information (especially a message) from one system of communication into another in a manner that allows the information to later be converted back into its original form.

"Internet Enrollment" means any electronic record except a recording of an oral assent, of a customer's authorization to change electric service providers, which satisfies the disclosure requirements of the LOA prescribed in 815 ILCS 505/2EE.

"Letter of Agency" shall mean the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and referenced in Section 16-115A of the Public Utilities Act [220 ILCS 5/16-115A].

"Retail Electric Supplier" or "RES" shall mean either:

an Alternative Retail Electric Supplier (ARES) certified by the Illinois Commerce Commission pursuant to Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115], meeting all obligations of an ARES pursuant to Section 16-115A of the Public Utilities Act [220 ILCS 5/16-115A], and authorized to provide electric power and energy supply services in an Illinois electric utility's service territory; or

an Illinois electric utility as defined in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102] meeting all obligations provided in Sections 16-115A and 16-116 of the Public Utilities Act [220 ILCS 5/16-115A and 16-116].

"Retail Customer" or "Customer" shall have the same meaning as that stated in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102].

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PART 453 INTERNET ENROLLMENT RULES
SECTION 453.20 CRITERIA BY WHICH TO JUDGE THE VALIDITY OF AN ELECTRONIC SIGNATURE

Section 453.20 Criteria by Which to Judge the Validity of an Electronic Signature

a) An electronic signature ~~should~~ shall indicate who signed the LOA.

b) An electronic signature ~~should~~ shall be unique to the signer.

1) ~~1)~~ A digitized version of the handwritten signature of the executing person shall be self-authenticating.

~~1)~~2) For any other form of Electronic Signature, a~~A~~ security procedure shall require unique and private information from the signer. This information ~~may~~ ~~shall~~ may include:

A) Algorithms or codes; or

B) Identifying words or numbers previously established or sent to signer's registered e-mail account; ~~and~~ or

C) Credit card verification.

An internet protocol (IP) address alone will not satisfy the requirements of this section. This information may not include ~~any information that is also necessary to effect a switch of RESs~~the customer's account number.

2) No party ~~may~~ shall use a signer's unique information disclosed under this Section for any marketing or billing purposes without ~~specific~~ express, separate consent from the signer~~e~~.

3) The security procedure must ~~shall~~ be provided on a securely encrypted web page; security and encryption shall meet or exceed current industry practices.

c) An electronic signature ~~must~~ shall reliably indicate the date of the signature.

d) Affixing an electronic signature to a LOA ~~must~~ shall be a separate affirmative act.

e) The LOA ~~must~~ shall be conspicuously displayed on a separate screen or web page.

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SECTION 453.30 METHOD BY WHICH THE AUTHENTICITY OF ELECTRONIC SIGNATURES MAY BE PROVEN

Section 453.30 Method by Which the Authenticity of Electronic Signatures May Be Proven

a) The electronically signed LOA ~~must~~ shall ~~provide~~ include:

1) The unique information used to sign the LOA; and

2) The date signed.

b) The party seeking to prove the authenticity of an LOA must ~~show~~ demonstrate:

1) That the LOA was signed by the customer on the date claimed, by ~~showing~~ demonstrating that the unique identifier used to sign the LOA and the date it was signed is embedded in the LOA; and

2) The electronically signed LOA ~~has~~ was not ~~been~~ altered ~~since the date of singing~~ in any way after having been signed.

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CHAPTER I: ILLINOIS COMMERCE COMMISSION
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PART 453 INTERNET ENROLLMENT RULES
SECTION 453.40 ADDITIONAL REQUIREMENTS FOR AN ELECTRONIC LETTER OF AGENCY (LOA)

Section 453.40 Additional Requirements for an Electronic Letter of Agency (LOA)

a) In addition to the information and ~~structure~~ formal requisites ~~set out~~ required for an LOA ~~in 815 ILCS 505/~~ by Section 2EE of the Illinois Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE], by virtue of being in electronic form, an electronic LOA ~~must~~ shall provide the following additional information:

1) The means by which any future correspondence between the customer and RES will be sent;

2) Whether the customer has the option to receive correspondence ~~via~~ by ~~the~~ United States ~~Postal Service~~ Mail or electronic means; and

3) ~~That~~ A disclosure stating that the customer may opt to receive a written copy of the contract.

b) In addition to the procedures ~~set out for a RES~~ established in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE], the RES also must ~~abide by~~ fully comply with the following ~~procedures~~ when utilizing electronic LOAs:

1) Ensure that the customer provides all information necessary to complete the electronic LOA through a securely encrypted input procedure that meets or exceeds current industry practices;

2) Ensure that the customer indicates by a separate affirmative act that ~~it~~ he or she has the authority to execute the electronic LOA;

3) Ensure that the customer understands and assents to the LOA;

4) Include a version number in the body of the electronic LOA in order to permit verification of the ~~particular~~ LOA to which the customer assents;

5) Prompt the customer to print or electronically save a copy of the electronic LOA;

6) Immediately send a message to the customer's registered e-mail account acknowledging receipt of the electronic LOA;

7) Retain the electronic LOA for a period of at least five years after execution; and

8) Provide to the Commission, Commission Staff, or the customer, upon request, a written and/or electronic copy of the LOA including information to support adherence to Section 453.20(b) of this Part ~~to the Commission or its Staff, the customer, or the customer's incumbent RES upon request~~.

~~c) In the event of any conflict between this Section and the requirements for RESs and LOAs provided in electric utility tariffs on file with the Commission July 1, 2003, this Section shall control.~~