**Section 412.165 Rate Notice to Customers**

a) Each ARES shall make publicly available on its website, without need for customer login, rates currently available to residential customers, including but not limited to fixed periodic charges and per-kWh charges. The ARES must disclose the period to which the rates will apply. In addition, each ARES shall provide the rate information to its variable and time-of-use rate customers who request it through the ARES' toll-free number. The customer's contract shall contain the website address and toll-free phone number for the customer to obtain variable and time-of-use rate information in accordance with this Section. Additionally, when a customer's rates change during the term of an agreement or contract, the ARES shall make the new rates available to that customer on its website and, if applicable, through the customer's online account at least 30 days prior to the effective date of any rate change applicable for that billing cycle.

b) If the ARES's charges are for residential variable or time-of-use rate customers, the ARES shall use the allotted space on the bill to disclose the customer's variable or time-of-use rate that is in effect at the time the bill is received by the customer and the percentage change, if any, of the variable or time-of-use rate from one monthly billing period to the next. When there is insufficient available allotted space on the bill for the ARES to make these disclosures each month, the ARES shall ensure that no residential variable or time-of-use rate customer receives consecutive monthly bills that fail to disclose upcoming variable or time-of-use rates in the bill's message section.

c) If the ARES bills its residential variable or time-of-use rate customers directly, the ARES shall ensure that those customers' bills always contain the variable or time-of-use rate information described in this Section. Additionally, every ARES that issues a single bill for delivery and supply shall include the electric utility’s price to compare ("PTC") on the bill.

d) If the electric utility's implementation of Section 16-118(d) prevents an ARES from complying with this Section, the ARES shall include a bill message that contains the toll-free phone number and/or website address where the variable or time-of-use rate information can be obtained by the customer. The requirements of subsections (b) and (c) to provide notifications in customer bills do not apply if the ARES sends the notifications required by this subsection via a written communication sent at the same time as the customer's monthly bill.

e) If a residential variable rate customer's rate increases by more than 20% from one monthly billing period to the next, the ARES shall send a separate written, dated, notice to the customer, informing the customer of the upcoming rate change and shall include the electric utility’s PTC.

f) Subsections (a) through (e) shall not apply to contracts that disclose the formula that will allow a customer to determine the variable or time-of-use rate based on a publicly available index or benchmark. For contracts to which subsections (a) through (e) do not apply:

1) The ARES shall provide sufficient information on its website to identify the inputs to the formula used to calculate the variable or time-of-use rate, including the timing and location of the index or benchmark price and any other information necessary to calculate the rate;

2) The ARES shall provide clear and unambiguous information on the index or benchmark and any risks represented by the potential volatility (price spikes) involved in the rate calculations;

3) Notice of the rates shall be available on the ARES's website and by toll-free telephone as soon as reasonably practicable; and

4) For time-of-use rates, high price notifications shall be given when the rate meets or exceeds a level set by the customer; notice shall be given as soon as practicable by telephone, email, or text message, as authorized by the customer.

g) If a contract includes a provision that results in a change to the residential customer's rate plan, including a change from a fixed rate to a variable rate, the ARES shall send a separate written, dated, notice of the upcoming change at least 30 days, but no more than 60 days, prior to the switch. The separate written notice shall include:

1) A statement printed or visible from the outside of the envelope or in the subject line of the email (if customer has agreed to receive official documents by email) that states "Upcoming Rate Plan Change";

2) The bill cycle in which the changes to the rate plan will begin; and

3) A statement in bold lettering, in at least 12-point type, that the rate can change for the remainder of the contract. If the customer is on a plan that changes from a fixed price to a variable price at the end of the contract term or during the contract term, and the customer is eligible for one or more fixed rate offers from the ARES, the ARES shall include information about those offers, including information explaining how to enroll in the offers. The notice shall advise the customer as to whether the customer is subject to an early termination fee after the switch and, if so, the amount of the fee. If the customer is not subject to an early termination fee after the switch to a price that can change, the notice shall so advise the customer.

h) An ARES that currently (i) enrolls residential customers on a variable or time-of-use rate for three consecutive months in any electric utility's service territory , including products that automatically switch or convert to a variable rate during the term of the contract, and/or (ii) automatically renews customers on a variable rate product for three consecutive months in any electric utility’s service territory must, for a variable or time-of-use rate product, disclose on the ARES' website and through a toll-free number the one-year price history, or history for the life of the product if it has been offered less than one year and shall include the electric utility’s PTC. An ARES shall not rename a product in order to avoid disclosure of price history.

i) If the contract includes a rate that changes, or has the potential to change, more than once a month (i.e., time-of-use rate) and if the specific prices per kWh for the duration of the contract are not specified in the contract, subsections (a) through (h) apply, but:

1) The written notice in subsection (e) is required if a change in the time-of-use rate structure leads to a 20% or greater increase in an estimated bill for the customer's next billing cycle based on a reasonable proxy of that customer's usage pattern for the upcoming billing cycle without any modifications to the customer's consumption patterns.

2) The subsection (h) disclosures shall include an example of monthly bills paid by a reasonable proxy of the customer's usage pattern.

j) Subsections (a) through (f) and subsection (h) do not apply to time-of-use rates when the timing and price per kWh for the duration of the contract are clearly and unambiguously specified in the contract.

(Source: Amended at 46 Ill. Reg. 19509, effective November 23, 2022)