**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|  |  |
| --- | --- |
|  | Public Meeting held October 24, 2012 |
|  |  |
| Commissioners Present: |  |
|  |  |
| Robert F. Powelson, Chairman |
| John F. Coleman, Jr., Vice ChairmanWayne E. GardnerJames H. CawleyPamela A. Witmer |
|  |
| Rulemaking Re: Marketing and Sales Practices for the Retail Residential Energy Market | Docket Number:L-2010-2208332 |

**ERRATA NOTICE**

This is to advise all parties of record that the Order entered on October 24, 2012, in the above-captioned proceeding contains errors in Annex A, on Page 5 and Page 11.

On Page 5, pertaining to Section 111.4(2), the word “WHERE” was changed to “WHEN”. On Page 11, pertaining to Section 111.8(c), the words “THAT DOES NOT EXIST” was moved from the end of the sentence; and, now reads in part, “….SUGGESTS A RELATIONSHIP THAT DOES NOT EXIST WITH ANY EDC, NDGC, GOVERNMENT AGENCY OR ANOTHER SUPPLIER.” Please find the corrected pages attached for your records.

The Order on the PA PUC website will be corrected as indicated above.

MUST OBTAIN A CRIMINAL HISTORY RECORD NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS REGULATION.

 (1) The criminal background investigation shall include checking the sex offender registry commonly referred to as the “Megan’s Law” registry maintained by the Pennsylvania State Police.

 (2) ~~There shall be a presumption that a person whose name is listed on the “Megan’s Law” registry presents a threat to the health and safety of the public.~~ A SUPPLIER MAY NOT HIRE A PERSON AS AN EMPLOYEE OR AN AGENT FOR DOOR-TO-DOOR MARKETING OR SALES WHO WAS CONVICTED OF A FELONY OR MISDEMEANOR WHEN THE CONVICTION REFLECTS ADVERSELY ON THE PERSON’S SUITABILITY FOR SUCH EMPLOYMENT.

 (c) When a supplier contracts with an independent contractor or vendor to perform door-to-door activities, the supplier shall confirm that the contractor or vendor has performed criminal background investigations on its ~~employees and~~ agents in accordance with this section and with the standards set by the supplier.

**§ 111.5. Agent training.**

 (a) A supplier shall ensure the training of its agents on the following subjects:

 (1) State and Federal laws and regulations that govern marketing, telemarketing, consumer protection and door-to-door sales, including consumer protection regulations in Chapters 54 and 62 (relating to electricity generation customer choice; and natural gas supply customer choice) and applicable provisions in Chapters 56, 57 and 59 (relating to standards and billing practices for residential utility service; electric service; and gas service); AND PENNSYLVANIA’S TELEMARKETER REGISTRATION ACT.

 (2) Responsible and ethical sales practices AS DESCRIBED IN THESE REGULATIONS.

 (3) The supplier's products and services.

5

 (c) When conducting door-to door activities or appearing at a public event, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo, that ~~are deceptively similar to that of~~ ~~the local Pennsylvania distribution company~~ SUGGESTS A RELATIONSHIP THAT DOES NOT EXIST WITH ANY EDC, NGDC, GOVERNMENT AGENCY OR ANOTHER SUPPLIER.

 (d) A supplier may not use the name, bills, marketing materials or consumer education materials of another supplier, ~~distribution company~~ EDC, NGDC or government agency in a way that suggests a relationship that does not exist.

 (e) An agent of a supplier that is an affiliate of a distribution company shall comply with the rules regarding affiliate marketing in § 54.122 (relating to code of conduct) for an EGS and in § 62.142 (relating to standards of conduct) for an NGS.

 (F) A SUPPLIER OR SUPPLIER AGENT MAY NOT SAY OR SUGGEST TO A CUSTOMER THAT UTILITY CUSTOMERS ARE REQUIRED TO CHOOSE A COMPETITIVE ENERGY SUPPLIER.

**§ 111.9. Door-to-door sales.**

 (a) A supplier and its agents shall comply with local ordinances regarding door-to-door marketing and sales activities.

 (1) A supplier shall limit door-to-door marketing or sales activities to the hours between 9 a.m. and 7 p.m. during the 6 months beginning October 1 and ending March 31, and to the hours between 9 a.m. and 8 p.m. during the months beginning April 1 and ending September 30. When a local ordinance has stricter limitations, a supplier shall comply with the local ordinance.

~~(2) As a courtesy, a supplier shall notify the local municipal officials in advance of its schedule and the locations in which it intends to conduct door-to-door marketing and sales activities.~~

11