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## SECTION XI - CONSUMER PROTECTION

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- \* Urging the Adoption of Consumer Bill of Rights Applicable to All Consumers of Electricity, Gas, and Telecommunications Services - Adopted June 10, 1998 in Seattle, Washington. **(1998-02)**
  
- \* Urging Congress and the States to Support Consumer Education Initiatives so Consumers can Make Informed Choices Among Providers in Competitive, Restructured Utility Markets - Adopted June 10, 1998 in Seattle, Washington. **(1998-03)**
  
- \* Urging Federal and State Policymakers to Protect the Interests of Consumers in Setting Policies to Create the Market Structure for Competitive Utility Services - Adopted November 11, 1998 in Orlando, Florida **(1998-12)**

(rev. 11/23/98)

- \* Urging the Adoption of Consumer Bill of Rights Applicable to All Consumers of Electricity, Gas, and Telecommunications Services - Adopted June 10, 1998 in Seattle, Washington. **(1998-02)**
- \* Urging Congress and the States to Support Consumer Education Initiatives so Consumers can Make Informed Choices Among Providers in Competitive, Restructured Utility Markets - Adopted June 10, 1998 in Seattle, Washington. **(1998-03)**
- \* Urging Federal and State Policymakers to Protect the Interests of Consumers in Setting Policies to Create the Market Structure for Competitive Utility Services - Adopted November 11, 1998 in Orlando, Florida **(1998-12)**
- \* Supporting the Development of a Database Concerning Providers of Utility Services and Coordination with the National Association of Regulatory Utility Commissioners and Other Agencies - Adopted November, 1999 in San Antonio, TX. **(1999-10)**

(rev. 12/20/99)

**NATIONAL ASSOCIATION OF STATE UNITLIY CONSUMER ADVOCATES**

**RESOLUTION**

**Urging the Adoption of Consumer Bill of Rights  
Applicable to All Consumers of  
Electricity, Gas, and Telecommunications Services**

- WHEREAS, safe, reliable and affordable electric, gas, and telecommunications services are basic necessities of modern life;
- WHEREAS, state utility commissions have traditionally exercised authority over pricing and services provided by public utilities and have developed a comprehensive framework of consumer protections through regulations and policies;
- WHEREAS, the Federal Energy Regulatory Commission has recently adopted policies introducing competition into some aspects of the electricity and natural gas marketplace;
- WHEREAS, numerous state legislatures and public utility commissions have adopted or are considering the adoption of policies which would unbundle retail electric and natural gas services and open power supply and other utility services to a competitive marketplace;
- WHEREAS, the Telecommunications Act of 1996 and policies recently adopted by the Federal Communications Commission require states to implement the introduction of competition into the local telecommunications marketplace;
- WHEREAS, the existence, to whatever degree, of competition in the electricity, gas, and local telecommunications markets does not obviate the need for state utility regulations and consumer protection laws;
- WHEREAS, the introduction of competition into the electricity, gas, and local telecommunications markets will create a need for new consumer protections as consumers may be subject to unfair, deceptive, unconscionable, fraudulent, or anti-competitive practices by competitive providers of retail electric, gas, or telecommunications services; and
- WHEREAS, effective consumer protections will increase the efficiency of and public confidence in competitive retail electricity, gas, and telecommunications markets;

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THEREFORE, BE IT RESOLVED, that NASUCA adopts the attached "Consumer Bill of Rights" as a set of consumer protection principles to apply to all consumers of electric, gas, and telecommunications services, whether competitive or non-competitive;

BE IT FURTHER RESOLVED, that NASUCA calls upon legislative and regulatory authorities to adopt principles consistent with the attached "Consumer Bill of Rights" to apply to all consumers of electric, gas, and telecommunications services, whether competitive or non-competitive; and

BE IT FURTHER RESOLVED, that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking action if possible. In any event, the Executive Committee shall notify the membership of any action taken pursuant to this resolution.

Approved by NASUCA:

Seattle, Washington  
Place

June 10, 1998  
Date

Submitted by:

NASUCA Consumer Protection Committee

Robert Tongren (OH), Chair  
Keith Beall (IN)  
Anne Becker (IN)  
Dian Callaghan (CO)  
Brady Cantrell (KS)  
Paula Carmody (MD)  
Andrew Dembia (NJ)  
Rick Guzman (TX)  
Susan Henry (PA)  
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Ralph Spory (AR)  
Gary Stewart (IA)  
Michael Travieso (MD)  
Stephen Ward (ME)  
Letitia Wiggins (DC)

## NASUCA CONSUMER BILL OF RIGHTS

Because utility services are basic necessities of modern live, consumers of electric, gas, and telecommunications services, whether such services are competitive or non-competitive, must be assured of the following consumer protections.

1. All consumers must have access to reliable, safe, and affordable energy and telecommunications services.
2. All consumers, including low-income consumers, must be ensured affordable energy and telecommunications services through appropriate state and federal policies.
3. All consumers must receive the benefits of new services, technological advances, improved efficiency and competitive prices.
4. All providers of electric, gas, and telecommunications services must be required to hold a license as a condition of doing business in the state, and appropriate financial, operational, bond or other requirements must be established and enforced.
5. Standards for protecting consumers in matters such as deposit and credit requirements, service denials and terminations, and deferred payment provisions must be applied to all service providers.
6. All consumers must be protected from unfair, deceptive, unconscionable, fraudulent, and anti-competitive practices on the part of any provider of electric, gas, or telecommunications services, including practices such as slamming, cramming, pyramid schemes, and deceptive information regarding pricing and terms and conditions of service.
7. All consumers must be protected from anti-competitive practices of providers of electric, gas, and telecommunications services.
8. All consumers must be given unbiased, accurate, and understandable information concerning the price and terms of service, and in a form that allows simple price and term comparisons. This information must include disclosures about the generation resource mix and the environmental characteristics of their electric and gas purchases.
9. All consumers are entitled to protection of their privacy and must be protected from use of their customer records or payment history without their expressed, informed consent.

## Consumer Bill of Rights

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10. All consumers must have access to an independent administrative process that provides a simple, quick, and effective means of resolving complaints about service and bills from all electric, gas, and telecommunications service providers.
11. All consumers must be protected from price increases resulting from inequitable cost shifting.
12. All consumers must receive quality service, including a high level of customer service. Standards must be established and enforced to ensure quality service.
13. Sufficient enforcement resources must be provided to ensure that consumers receive the benefits of this Bill of Rights.

NATIONAL ASSOCIATION OF STATE UNITLIY CONSUMER ADVOCATES

RESOLUTION

**Urging Congress and the States to Support Consumer Education  
Initiatives so Consumers can Make Informed Choices  
Among Providers in Competitive, Restructured Utility Markets**

- WHEREAS, some traditional utility monopolies are now being required to open their markets to retail competition;
- WHEREAS, competition in long distance telecommunications market demonstrates both the advantages of competition for the well-informed consumer and the opportunities for exploitation of the uninformed consumer;
- WHEREAS, in states that have opened utility markets to competition, consumers have been reluctant to participate in programs when they do not fully understand their options;
- WHEREAS, to realize the benefits of competition, consumers must be informed in a timely way so that they understand their options and can have meaningful participation in the marketplace;
- WHEREAS, an unbiased, comprehensive, understandable and continuing education program is necessary to inform consumers of the service and price options available to them;
- THEREFORE, BE IT RESOLVED, that NASUCA urges Congress and the states to adopt policies that support and fund timely, unbiased consumer education programs that will result in well informed utility consumers who participate in the competitive marketplace and receive the benefits of competition and restructuring; and

BE IT FURTHER RESOLVED, that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking action if possible. In any event, the Executive Committee shall notify the membership of any action taken pursuant to this resolution.

Approved by NASUCA:

Seattle, Washington  
Place

June 10, 1998  
Place

Submitted by:

NASUCA Consumer Protection Committee

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NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

RESOLUTION

**Urging Federal and State Policymakers to Protect  
the Interests of Consumers in Setting Policies to Create the  
Market Structure for Competitive Utility Services**

- WHEREAS, policymakers are being called upon to establish and implement policies to facilitate the creation of a competitive market for certain gas, electric and telecommunications services previously provided to all consumers by highly regulated utility companies;
- WHEREAS, proper policies are necessary if consumers are to benefit from the establishment of a competitive marketplace for services previously provided by regulated monopolies;
- WHEREAS, a sufficient number of competitors is essential for all consumers, especially small consumers, to have meaningful choices in the successful transition to competition in gas, electric and local telecommunications markets;
- WHEREAS, the transition from regulated markets to competitive markets requires that currently regulated services be unbundled into their components which will reflect both regulated and competitive services;
- WHEREAS, effective competition and the protection of consumers depends on the elimination of market abuses;
- WHEREAS, the introduction of competition into these markets which are already highly concentrated will require active monitoring by state and federal regulators and other antitrust enforcement authorities;
- WHEREAS, the integration of companies providing both regulated and unregulated energy and communications services may lead to discrimination in access to monopoly facilities and information; other actions by firms to raise costs and reduce the availability of inputs used by non-affiliated competitors; improper information sharing; cross-subsidization and self dealing;

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WHEREAS, the creation of a competitive electric generation market requires that the interconnection costs of new generating units be fairly allocated in a competitively neutral manner between generation owners and the users of the transmission grid:

WHEREAS, the individual characteristics of these markets present potential anti-competitive problems in transitioning from regulated to competitive markets;

WHEREAS, measures established and adopted by policymakers for stranded cost recovery may be barriers to entry; and

WHEREAS, an efficient and competitive market for unregulated utility services may not fully develop for all customers or may develop only after a lengthy transition period.

THEREFORE BE IT RESOLVED, that NASUCA calls upon state policymakers in states that have not adequately addressed these matters, and federal policymakers, if they adopt restructuring legislation or regulations, to address horizontal and vertical market power issues by, at a minimum:

1. giving regulators specific and sufficient authority to monitor competitive markets and to remedy anti-competitive conduct or the abuse of market power by incumbents, successors and new entrants, including the authority to require divestiture, or other structural remedies, and behavioral remedies;
2. strengthening the antitrust laws, if necessary, and clarifying the application of antitrust laws to products and services once provided by regulated utilities;
3. providing for the use of anti-trust analysis and market simulation modeling in the assessment of horizontal market power;
4. assuring there is adequate regulatory protection for all consumers against anticompetitive conduct before the removal or lessening of regulation;
5. preventing incumbent monopolists from using the power of incumbency to erect barriers to the entry of competitors;

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6. preventing the providers of regulated monopoly services from coercing their customers to purchase non-regulated services from their affiliates;
7. conditioning, where applicable, any permitted recovery of electric stranded costs on methodologies, such a market test evaluation of assets, that prevent utility overcollection, provide verifiable results, and reduce consumer costs;
8. requiring full mitigation and netting of stranded costs which are determined to be recoverable and requiring that such costs, where appropriate, be shared with shareholders;
9. preventing cost shifting in the unbundling of rates and services and assuring that unbundled costs are properly allocated based on function;
10. requiring competitively neutral access to monopoly facilities and information;
11. requiring, in the case of electric restructuring, a structure which assures the fair, independent and disinterested operation of the transmission system;
12. facilitating the aggregation of small customers and prohibiting discrimination against the aggregation of small customers; and
13. requiring the provision of energy supply service at a fair, reasonable and affordable price for customers who do not wish to choose a provider or who are not offered service by suppliers in the competitive market;

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BE IT FURTHER RESOLVED, that NASUCA calls upon federal and state regulators to protect consumers, particularly small consumers, from market power abuse; abusive affiliate transactions; cross-subsidies; illegal tying arrangements; discrimination and other anti-competitive behavior in the unregulated markets for formerly regulated utility service; to monitor the markets for such practices; to require unbundling of rates and services in a manner which prevents cost shifting and improper cost allocation; to facilitate the aggregation of small customers; and to require that default service be made available for customers who do not choose a provider or who are not offered service by suppliers in the competitive market at fair, reasonable, and affordable prices.

BE IT FURTHER RESOLVED, that NASUCA calls upon federal and state anti-trust authorities to vigorously enforce the antitrust laws.

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BE IT FURTHER RESOLVED, that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the members of any proposed action prior to taking action if possible. In any event, the Executive Committee shall notify the membership of any action taken pursuant to this resolution.

Approved by NASUCA:

Orlando, Florida  
Place

November 11, 1998  
Date

Submitted by:

NASUCA Consumer Protection Committee:

Robert Tongren (OH), Chair  
Keith Beall (IN)  
Anne Becker (IN)  
Dian Callaghan (CO)  
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Ralph Spory (AR)  
Gary Stewart (IA)  
Michael Travieso (MD)  
Stephen Ward (ME)  
Letitia Wiggins-McCoy (DC)

## NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

## R E S O L U T I O N

**In Support of Developing a Database Concerning Providers of Utility Services and Coordination Among the National Association of State Utility Consumer Advocates, the National Association of Regulatory Utility Commissioners and Other Agencies**

- WHEREAS, the National Association of State Utility Consumer Advocates (NASUCA) is a national association of public advocate offices whose members are designated by laws of their respective states to represent the interests of utility consumers before state and federal regulators and in the courts; and
- WHEREAS, the National Association of Regulatory Utility Commissioners (NARUC) is a national association composed of governmental agencies of the fifty States, the District of Columbia, Puerto Rico and the Virgin Islands engaged in the regulation of utilities and carriers; and
- WHEREAS, the introduction of competition into the electricity, gas, and local telecommunications markets has created a greater need for vigilance by advocates and commissions, as consumers are more likely to be subject to unfair, deceptive, unconscionable, fraudulent, or anti-competitive practices in a competitive marketplace; and
- WHEREAS, NARUC and NASUCA members are experiencing increasing instances of slamming, cramming and other consumer scams in which the same perpetrators are operating in multiple states and nationwide; and
- WHEREAS, the availability of a common, comprehensive, and readily available source of information about companies that have been the subject of complaints, proceedings, judgments and settlements for consumer protection violations in one or more states will assist both advocates and commissions in performing their roles; and
- WHEREAS, the Consumer Protection Committee of NASUCA has engaged in planning such a database; and
- WHEREAS, NASUCA has begun testing such a database, including having designed a test website, developed a set of data elements to be tracked and begun inputting data, including the following:
- " Company information (e.g., name, address, affiliates, etc.)
  - " Type of service (telecommunications, gas, electric, etc.)
  - " Type of activity (e.g., cramming, quality of service, etc.)

- " Public case information (date docketed, agency & docket number)
- " Last update date
- " Contact at agency
- " Other pertinent information

WHEREAS, such a database could greatly benefit from the resources of the large number of state commissions which are active within NARUC's membership; and

WHEREAS, by collaborating on the development and maintenance of such a database, the available resources — both human and information — will be increased thereby enhancing the value of the product; and

WHEREAS, NASUCA recognizes that there are various operational issues which will need to be determined in the future;

THEREFORE, BE IT RESOLVED, that the National Association of State Utility Consumer Advocates (NASUCA) commits to continuing the work of the Consumer Protection Committee by updating the database with relevant information; and

BE IT FURTHER RESOLVED, that NASUCA agrees to cooperate with NARUC and other federal, state and private agencies as appropriate opportunities may arise in the development and maintenance of a common, nationwide database; and

BE IT FURTHER RESOLVED, that an informal joint working group be hereby established, consisting of representatives from NASUCA and NARUC and other federal, state and private agencies as appropriate opportunities may arise. The mission of the working group would be to establish suggested guidelines for future resolutions on how the organizations can coordinate their activities and share information to maintain the aforementioned database; and

BE IT FURTHER RESOLVED, that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking action if possible. In any event, the Executive Committee shall notify the membership of any action taken pursuant to this resolution.

Approved by NASUCA:

November, 1999, San Antonio, Texas

Submitted by:  
NASUCA Consumer Protection Committee

Robert S. Tongren, OH, Chairman  
Ami Morita, NJ  
Blossom Peretz, NJ

Brady Cantrell, KS  
 David Goldwater, IN  
 David Morse, CA  
 Dawn Tarkington Redmond, OH  
 Deena Frankel, VT  
 Gerald Norlander, PULP NY  
 Gordian Raacke, CAP NY  
 Herbert Jones, D.C.  
 Jim Hurt, GA  
 John Grugan, MA  
 Keith Beall, IN  
 Letitia Wiggins McKoy, D.C.  
 Marilyn Skibinski, NV  
 Matt Steuerwalt, WA  
 Michael J. Travieso, MD  
 Michael Shames, UCAN, CA  
 Mike Dandino, MO  
 Patricia A. Stowell, DE  
 Paula Carmody, MD  
 Phyllis Kimmel, D.C.  
 Richard Guzman, TX  
 Susan Henry, PA  
 Tony Sade, WV

The following individuals have been identified as having provided information to the Committee in connection with the investigation of the activities of the American Revolution Bicentennial Committee (ARBC) and its various committees and subcommittees. The information was obtained from the ARBC's files and is being provided to you for your information. The ARBC's files contain a list of the names of the individuals who have provided information to the ARBC and the date of the information provided. The ARBC's files also contain a list of the names of the individuals who have provided information to the ARBC and the date of the information provided. The ARBC's files also contain a list of the names of the individuals who have provided information to the ARBC and the date of the information provided.

Approved by NASSBA

Mr. [Name], [Address]

Submitted by:

NASSBA Committee on [Name]

Robert S. Tarkington, OH, Chairman

4th Floor, NASSBA

Boston, MA 02108



