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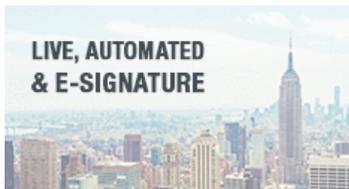
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PSC Staff: Affirmative Consent Should Be Required For Rollover To Variable Rate From Fixed Rate

October 24, 2016

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Reporting by Paul Ring • ring@energychoicematters.com

Staff of the Delaware PSC have filed comments on proposed revisions to the retail electric supplier marketing rules jointly proposed by the Delaware Public Advocate and Retail Energy Supply Association, under Reg. Docket 49

[Click here for background on the DPA-RESA proposal](#)

Chief among Staff's recommendations is that affirmative consent be required for any rollover from a fixed rate to a variable rate, and that auto-renewals not be permitted except where the only change is price, with no change in other terms of service.

"Staff's position regarding affirmative consent is that the supplier rules should provide that suppliers must receive affirmative consent from the customer to renew a contract. A good portion of informal complaints received by Staff are from consumers complaining that they were unaware of change in their contract, i.e. change to a variable price after the conclusion of a fixed price contract," Staff said

"Staff's opinion is that this requirement strengthens customer protections and is a proactive step on the part of the Commission to protect against a growing number of complaints resulting from consumer contract knowledge deficiencies or in some instances deceptive practices and lack of disclosure about rate and contract terms. Similar language was adopted in Connecticut's Electric Supplier Consumers' Bill of Rights," Staff said

"Staff additionally suggests that if a customer has given permission to the supplier to be contacted or receive electronic communication there could be a mechanism implemented whereby the customer could affirmatively acknowledge the change in contract electronically," Staff said

"Staff does not oppose fixed price contract automatic renewals if the only change is in the price and the customer has been properly notified. However, if other terms of the contract are modified, such as the length of the term, termination fees, then affirmative consent should be required," Staff said

"At a minimum, Staff respectfully requests that the Commission adopt affirmative consent to contract changes from a fixed to a variable-rate contract in the proposed rules," Staff said

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