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**Electricity Maine
Proposed Compliance Plan
Compliance Monitoring and Reporting**

A. Purpose. The purpose of this Compliance Plan is to foster compliance monitoring by Electricity Maine (“EME”), investigation by EME of potential compliance deficiencies, and periodic reporting of EME’s compliance investigations and related activities to the Maine Public Utilities Commission (“Commission”) and the Maine Office of the Public Advocate (“OPA”). As such, the compliance reporting provided by EME to the Commission and OPA pursuant to this Compliance Plan is for informational purposes only and shall not be subject to enforcement action by the Commission, unless the reported non-compliance is also the subject of a complaint that the consumer has filed with the Commission. This Compliance Plan is a material term of an Order issued by the Commission on [DATE] in *Electricity Maine, LLC, Application for License to Operate as a Competitive Electricity Provider*; Docket No. 2010-00256, and therefore EME’s failure to abide by this Compliance Plan may be the subject of enforcement action by the Commission.

B. Compliance Plan. At a minimum, the Compliance Plan shall include the following:

- i. Training- In General: EME shall ensure that its training program for internal and external sales representatives meets the requirements of this section.
 1. Prior to the resumption of marketing in Maine, EME shall provide to the Commission’s Consumer Assistance Division (“CAD”) and the OPA a detailed description of the sales training and sales quality assurance program that EME intends to implement prior to the resumption of marketing in Maine.
 2. After a 30-day review period, EME will meet with CAD and the OPA to review and discuss the training and quality assurance program.
- ii. EME’s training materials for its sales representatives and customer service representatives will accurately and comprehensively cover the following:
 1. The applicable requirements of the Public Utility Code (35-A M.R.S. § 101, *et seq.*) and the Commission’s regulations, Orders and policies regarding marketing and billing practices for competitive electricity providers (“CEPs”).
 2. The applicable requirements of the Maine Unfair Trade Practices Act (5 M.R.S. ch. 10; “MUTPA”), including both prohibited practices and affirmative requirements.
 3. The applicable requirements of state and federal law governing telephonic, digital or direct mail marketing.
 4. Training to marketing and customer service representatives on the proper use of private customer information.
 5. Training to all customer service representatives and marketing persons to identify themselves, identify his/her representation of EME, and provide the reasoning for the interaction upon first contact.
 6. Training to all marketing persons on the different charges on the electric bill and which charge relates to the generation of electricity.

7. Training to all marketing persons on conducting a no-pressure sales interaction, and enforcing the concept that a customer is not required to choose a supplier or switch suppliers. EME will enforce that threatening a customer to switch will not be tolerated.
 8. An express warning that deceptive sales practices will not be tolerated by EME's management.
 9. An express warning and material description of the remedial steps that will be taken against any sales representatives and customer service representatives that violate any term of the Compliance Plan or otherwise engage in improper sales practices.
 10. A description of the quality assurance, monitoring, auditing and reporting practices EME maintains to identify and prevent improper sales practices.
- iii. EME shall implement and conduct the training and ensure that its internal sales representatives and third-party sales agents comply with MUTPA, the Maine Public Utility Code, and Commission regulations, Orders and policies.
 - iv. Individual marketers retained by EME shall be required to successfully complete EME's training program. Each trainee shall be required to sign a form acknowledging that he or she has received and understands the information provided in EME's training materials before marketing to and enrolling customers on behalf of EME.
 - v. EME will review all electronic, paper and physical marketing tools to ensure that the documentation does not include any misleading information concerning a relationship with the local electric distribution company ("EDC"), incorrect information on the EDC's rates, or the EDC's logo. This review will also include any sales script provided to telemarketers.
 - vi. EME will review all electronic, paper and physical marketing tools to ensure that the documentation does not include any misleading information concerning a relationship with other CEPs, incorrect information on the CEP's rates, or the CEP's logo. This review will also include any sales script provided to telemarketers.
 - vii. EME will implement an internal call system to ensure that all customer service calls, solicitations, and telemarketing are transmitted through a telephone number bearing EME's name on the caller-ID. EME will ensure that all business transactions and calls to potential or existing customers will be through its internal call system.
 - viii. EME will confirm that at least 25% of its call center representatives are bilingual and are fluent in the potential and existing customer's native or preferred language.

C. Compliance Monitoring- Sales Calls. EME shall increase internal quality control efforts to include at least the following:

- i. EME shall maintain positive control of all prospective customer contact lists, type of contact performed, frequency of attempts and actual dispositions of attempts. All sales and customer service calls will be performed via EME internal calling platform.
- ii. EME shall record all telephonic communications between Maine customers and EME's customer service representative and maintain such call recordings for a period of at least ninety (90) days. All calls are reviewed/scored against compliance and performance indicators which are managed with the agents via weekly coaching sessions, training, etc. Should a third-party contractor, if applicable, fail to upload all call information they will be charged a penalty fee/charge back of up to \$500 for each such failure.
- iii. EME shall require its telemarketers to record all communications with residential and small commercial consumers in Maine that result in a sale. The EME representative will record every call placed to potential customers (with proper notice of the call being recorded provided to the potential customer), but will maintain a record of all of calls that result in a sale. EME has the discretion to not keep and maintain those calls which do not result in a sale, unless EME decides to use such calls for quality and compliance assurance. Should a telemarketer fail to upload all call information commissions related to the sale may be withheld, and telemarketer shall be charged a penalty fee/charge back of up to \$500 for each such failure.
- iv. EME shall, on a monthly basis, review a random sample of current calls recorded from each of EME's agents and third-party contractors in order to evaluate the sales practices employed and ensure that the sales practices comply with the Compliance Plan, the MUTPA, the Maine Public Utility Code, and Commission regulations, Orders and policies.
 - (1) The sample shall include no fewer than three (3) sales for each sales representative conducting sales solicitations for EME to Maine customers.
 - (2) Whenever such sample reveals one or more non-compliant sales calls by an agent, third-party contractor or sales representative, EME shall investigate whether other Maine consumers enrolled by the agent, third-party contractor or sales representative were subjected to sales practices that violated the Compliance Plan, the MUTPA, the Public Utility Code or Commission regulations, Orders and policies. Such investigation, at a minimum, shall include a review of the sales calls and call notes for the ten (10) Maine consumers enrolled before the call in question and the ten (10) Maine consumers enrolled after the call in question.
 - (3) If EME identifies additional non-compliant sales calls, EME shall implement remedial steps as described below.
 - (a) If the consumer did not file a complaint or allege slamming on the part of the EME representative but the call was otherwise not in accordance with the Commission's regulations and the Public Utility Code, EME shall offer to any residential or small commercial consumer subjected to the non-compliant sales practices a refund equal to the difference between the

- price charged by EME and the consumer's applicable Standard Offer price for the period in which the consumer was a customer as a result of the non-compliant sales practice. Such refund shall be paid to the consumer within thirty (30) business days.
- (b) If the consumer did file a complaint or alleged slamming on the part of the EME representative, EME will follow the Commission's customer dispute process in Chapter 305 of the Commission's Rules.
 - (c) In the event EME determines that a consumer was subjected to non-compliant sales practices, any commissions related to the sale may be withheld or clawed back, and there may be a penalty fee/charge back of up to \$500 for each such failure. In the event EME determines that a sales representative has violated any terms of the Compliance Plan, the MUTPA, the Public Utility Code, or Commission regulations, Orders and policies or otherwise engaged in improper sales practices, EME shall take prompt remedial action against such representative.
- v. EME shall, on a monthly basis, review a random sample of current TPV's recorded in order to evaluate the business process employed and ensure that the practices comply with the Compliance Plan, the MUTPA, the Maine Public Utility Code, and Commission regulations, Orders and policies.
- (1) The sample shall include no fewer than three (3) TPV recordings initiated by each sales representative conducting sales solicitations for EME to Maine customers.
 - (2) Whenever such sample reveals one or more non-compliant TPV recordings, EME shall investigate whether other Maine consumers enrolled via the third-party TPV contractor were subjected to practices that violated the Compliance Plan, the MUTPA, the Public Utility Code or Commission regulations, Orders and policies. Such investigation, at a minimum, shall include a review of the TPV call and call notes for the ten (10) Maine consumers enrolled before the call in question and the ten (10) Maine consumers enrolled after the call in question.
 - (3) If EME identifies additional non-compliant sales calls, EME shall implement remedial steps as described below.
 - (a) If the consumer did not file a complaint or allege slamming on the part of the EME representative but the call was otherwise not in accordance with the Commission's regulations and the Public Utility Code, EME shall offer to any residential or small commercial consumer subjected to the non-compliant sales practices a refund equal to the difference between the price charged by EME and the consumer's applicable Standard Offer price for the period in which the consumer was a customer as a result of the non-compliant sales practice. Such refund shall be paid to the consumer within thirty (30) business days.
 - (b) If the consumer did file a complaint or allege slamming on the part of the EME representative, EME will follow the Commission's customer dispute process in Chapter 305 of the Commission's Rules.
 - (c) In the event EME determines that there are systemic failures related to the third-party TPV contractor, EME shall take prompt actions to correct the behavior or migrate to an alternative service provider.

D. Reporting. Within ninety (90) days of implementation of the resumption of marketing in Maine and quarterly thereafter for a period of two (2) years, EME shall provide to CAD and the OPA for informational purposes only on a confidential basis:

- i. An explanation of all internal audits and investigations performed during the reporting period, including a detailed description of the amount of calls reviewed pursuant to this Compliance Plan and including a description of the audit(s) or investigation(s) performed as well as the results thereof; and
- ii. A summary of the number and type of customer complaints and disputes received by EME during the reporting period.

E. Policy Changes. EME agrees to provide CAD and the OPA with written notice of any changes to its practices and procedures related to marketing to Maine residential and small commercial consumers for retail electric products and services. This provision will remain in effect for two (2) years following the entry of the Commission's Final Order and may be extended for an additional year at the discretion of the Commission.