Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 110

HOUSE BILL 2132

AN ACT

AMENDING SECTION 30-806, ARIZONA REVISED STATUTES; RELATING TO ELECTRIC POWER ENTITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

STATE OF SENATE ARIZONA

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 30-806, Arizona Revised Statutes, is amended to read:

30-806. Consumer protection; rules; confidentiality; unlawful practice

A. Public power entities shall adopt rules and procedures to protect the public against deceptive, unfair and abusive business practices. Public power entities and the commission shall coordinate their respective rules and procedures to promote consistent implementation statewide. The rules and procedures adopted by public power entities shall address at least:

1. Deceptive, unfair and abusive business practices including deposit requirements and reconnection fees.

2. Intrusive and abusive marketing practices.

3. Deceptive or untrue advertising practices.

4. Providing an ombudsman office to investigate complaints regarding the subsidization of competitive services by any price or charge for noncompetitive electric service.

5. Practices prohibited under section 30-809, subsection C.

B. If a public power entity forms an affiliate for the purposes of providing services that require a licensed contractor or has employees perform these services, including electrical, heating, ventilation, air conditioning, plumbing or construction services, the public power entity shall not advertise these services in their billing statement or in other mailings done by the electric distribution utility.

C. The rules also shall require a separate authorization pursuant to subsection D of this section to change electricity supplier and plain language in advertising and billing using uniform words and phrases that have the same meanings so that customers can make accurate comparisons.

D. A separate written and dated authorization from the retail electric customer is required for a change in a retail electricity supplier subject to the following:

1. The authorization shall not contain any inducements.

2. The authorization shall be in legible print with clear and plain language confirming the rates, terms, conditions and nature of the service to be provided.

3. The authorization shall not state or suggest that the customer take action to retain the customer's current electricity supplier.

4. The authorization shall be in the same language as any promotional or inducement materials provided to the retail electric customer.

E. An electricity supplier that submits or executes a change in a retail electricity customer's electricity supplier in violation of ~~this~~ subsection D OF THIS SECTION shall refund to the retail electricity customer the entire amount of the customer's electricity charges attributable to electric generation service from the electricity supplier for three months, or the period of the unauthorized service, whichever is less.

F. No box or container may be used to collect entries for sweepstakes or a contest that, at the same time, is used to collect authorization by a retail electric customer to change the customer's electricity supplier or to subscribe to other services.

G. Notwithstanding any other law, ~~customer information, account information and related proprietary information are confidential and shall not be released to third parties for commercial or law enforcement purposes unless specifically waived by the customer in writing~~ CUSTOMER-SPECIFIC INFORMATION SHALL NOT BE RELEASED WITHOUT SPECIFIC PRIOR WRITTEN CUSTOMER AUTHORIZATION UNLESS THE INFORMATION IS REASONABLY REQUIRED FOR LEGITIMATE ACCOUNT COLLECTION ACTIVITIES OR CREDIT ANALYSIS ACTIVITIES OR WHEN SUCH INFORMATION AIDS IN PROVIDING SAFE AND RELIABLE SERVICE TO THE CUSTOMER or unless otherwise provided by court order. Public power entities and electricity suppliers and providers of other services, except public service corporations, shall adopt reasonable rules and procedures to ensure confidentiality.

H. If a public power entity employs the services of a contractor for interior household energy service, either directly or through any affiliate, the contractor and any subcontractors shall be licensed by the registrar of contractors and shall comply with all municipal permit and inspection standards and applicable life safety codes. For the purposes of this subsection, "contractor" has the same meaning prescribed in section 32-1101.

I. A public power entity that has a service territory in this state through certificates of convenience and necessity, resolutions of public power entities or contracts or agreements among utilities shall act as the supplier of last resort for electric generation service for every retail electric customer within its service territory whose annual usage is one hundred thousand kilowatt hours or less if other electricity suppliers are unwilling or are unable to supply electric generation service and whose electric generation service has been discontinued through no fault of the retail electric customer. Public power entities that provide electric distribution services are entitled to recover just and reasonable costs for supplying electric generation service under this subsection through a distribution charge on retail customers whose annual usage is one hundred thousand kilowatt hours or less. Public power entities and the commission shall coordinate their respective rules and procedures to provide statewide uniformity.

J. The provisions of subsection I of this section are subject to legislative review by the auditor general in 2008. The review shall include recommendations on whether electric distribution utilities shall remain the provider of last resort or if other electricity suppliers should bid to be the provider of last resort.

1 K. Failure of a public power entity to comply with the rules adopted
2 pursuant to subsections A and B of this section or the procedures listed in
3 subsection D of this section is an unlawful practice pursuant to section
4 44-1522. The attorney general may investigate and take appropriate action
5 as prescribed by title 44, chapter 10, article 7.
6 Sec. 2. Emergency
7 This act is an emergency measure that is necessary to preserve the
8 public peace, health or safety and is operative immediately as provided by
9 law.

APPROVED BY THE GOVERNOR APRIL 19, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2004.

Passed the House February 16, 2004

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

With Emergency

Jake Flake

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate April 1, 2004

by the following vote: 27 Ayes,

1 Nays, 2 Not Voting

With Emergency

Ken Bennett

President of the Senate

Charmin Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20___,

at _____ o'clock _____ M.

_____

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

_____

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20___,

at _____ o'clock _____ M.

_____

Secretary of State

H.B. 2132

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 13, 2004,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting
With Emergency

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 2004,

at 12:59 o'clock P. M.

Jennifer Ybarra
Secretary to the Governor

Approved this 19 day of

April, 2004,

at 11:30 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19 day of April, 2004,

at 4:30 o'clock P. M.

Janice K. Brewer
Secretary of State

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