

N.J.A.C. 14:4-2.4
N.J. Admin. Code tit. 14, 14:4-2.4

C New Jersey Administrative Code Currentness
Title 14. Board of **Public Utilities**

Chapter 4. Energy Competition (Refs & Annos)

Subchapter 2. Energy Anti-Slamming

→ 14:4-2.4 Signing up or switching customers electronically

(a) A TPS that uses electronic methods to sign up customers, renew customers' contracts for service, and/or obtain authorization to switch a customer, shall comply with this section.

(b) If a TPS uses electronic methods to sign up, renew, or switch customers, the TPS shall comply with the Federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§7001 through 7006, which is incorporated herein by reference as amended and supplemented and is available at http://www.access.gpo.gov/uscode/title15/chapter96_subchapter1.html.

(c) A TPS that uses electronic signup, renewal, or switching shall maintain a website that includes, at a minimum, the following:

1. A statement that the customer, by using electronic signup, renewal, or switching, is consenting to the terms and conditions listed on the website in electronic form;
2. A separate statement as to the hardware and software requirements for a customer to access and retain **electronic records** of the transactions made on the website; and
3. A mechanism to obtain the customer's acknowledgement of the customer's affirmative obligation to provide the TPS with any change in e-mail address, and/or with any withdrawal of consent for the electronic retention of contracts or other customer information.

(d) The website through which a customer may sign up for, renew service with, or switch TPSs shall require the cus-

tomers to pass through separate web pages that provide and collect, at a minimum, all of the following:

1. Customer information including, at a minimum, name, service address, e-mail address, utility account number and, where required by a utility to complete enrollment, meter number;
2. The full terms and conditions of the contract. The customer shall be required to affirmatively indicate that the customer has read the terms and conditions;
3. A requirement that the customer assent to a statement indicating that:
 - i. The customer has the authority to sign up, renew, and/or change its TPS for the account listed;
 - ii. The customer has read, understands and agrees to the terms and conditions of the contract; and
 - iii. The customer is voluntarily authorizing a new enrollment, a renewal, or a switch in its TPS;
4. The environmental disclosure information for the service being purchased or renew, as required under N.J.A.C. 14:8-3, or a prominently displayed link to this information;
5. A prompt to the customer to print or save the terms and conditions to which the customer assents; and
6. An electronic method and/or an e-mail address for the customer to submit a request to cancel the contract, consistent with the terms of the contract.

(e) When a customer switches to a TPS, enrolls with, or renews TPS service, the receiving TPS shall retain a record of all of the following:

- i. The date and time of the customer's acceptance of service;
- ii. The terms and conditions of service that the customer accepted, in the same form and exact wording as the terms of service were presented to the customer;

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and

iii. The product that the customer accepted.

(f) The TPS shall provide the customer with a separate electronic message from the TPS, acknowledging receipt of the enrollment, renewal, or change.

(g) Each TPS shall ensure that all information that is transferred electronically between a customer and the TPS is encrypted, using an encryption standard that will ensure the privacy and security of all customer information.

(h) The TPS shall ensure that any electronic contract containing a TPS's terms and conditions shall be identified by a version number in order to ensure that the TPS can verify the particular contract to which the customer assents.

(i) Upon request by the customer, the TPS shall make available to the customer a copy of the terms and condi-

HISTORICAL NOTES

Source.

2008. See: 39 N.J.R. 1405(a), 40 N.J.R. 2526(a).

14:4-2.4, NJ ADC 14:4-2.4

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tions, including the environmental disclosure label, of the contract version number that the customer has signed. The TPS shall provide to the customer a toll-free telephone number, Internet means, or an e-mail address for the customer to request this information throughout the duration of the contract.

(j) A contract shall be terminated only in accordance with the termination provisions in the Board's consumer protection rules at N.J.A.C 14:4-7.10. If a contract for a customer enrolled or renewed via the Internet is terminated, the TPS shall provide a cancellation number to the customer and to the LDC.

Adopted by R.2008 d.130, effective May 19, 2008.

CHAPTER EXPIRATION DATE

<Chapter 4, Energy Competition Standards, expires on April 18, 2011.>