I. INTRODUCTION

In Investigation by the Department of Public Utilities on its own Motion into Initiatives to Improve the Retail Electric Competitive Supply Market, D.P.U. 14-140, at 12-13 (2014), the Department proposed notice and reporting requirements that would apply to any licensed competitive supplier ("Supplier") that conducts door-to-door marketing to residential customers in Massachusetts ("D2D Proposal"). In the D2D Proposal, the Department established rules requiring that Suppliers who intend to market door-to-door to residential customers to provide the Department with (1) a Notice of Door-to-Door Marketing containing specific information on its door-to-door marketing activities including background checks; and (2) customer complaint data related to the door-to-door marketing campaign. The D2D Proposal also required Suppliers to provide the Notice of Door-to-Door Marketing to the Department seven days prior to the start of its marketing campaign. In response to a discussion with stakeholders at a May 27, 2015 technical session, and written comments and reply comments received on August 28, 2015, and September 18, 2015, respectively, the Department has revised its proposal on door-to-door marketing notification and reporting requirements ("Revised Proposal"). The Revised Proposal, described below, makes changes to the D2D Proposal, and includes additional standards of conduct for all persons that will have direct contact with customers during a door-to-door marketing campaign ("door-to-door marketer").

II. GENERAL NOTICE REQUIREMENTS

The Supplier shall file a Notice of Door-to-Door Marketing ("Notice") with the Department no later than 5 p.m. the day before the start of the door-to-door marketing campaign and in the format set forth by the Department.[1] The Supplier shall send the Notice by email to Nancy Stevens, Director of the Consumer Division at nancy.stevens@state.ma.us and to epd.filing@state.ma.us. The Notice must contain:

1. The name, title, mailing address, email address, and phone number of the person responsible for preparing the Notice.
2. Names of each city and town in which the Supplier expects to conduct door-to-door marketing the following day. The Supplier may also provide backup cities and towns in which it may conduct door-to-door marketing.[2]
3. Contact information (including nights and weekends) for the Supplier employee overseeing the door-to-door marketing campaign.

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[1] See Attachment 1, Notice of Door-to-Door Marketing Filing Template.

[2] If the Supplier knows the exact dates of the door-to-door marketing campaign for a specific town or city, the Supplier may provide the exact dates and only file one Notice to the Department no later than 5 p.m. the day before the first day of the marketing campaign in that town.

4. Attestation by the Supplier that it (or the entity with whom the Supplier has entered into a contractual agreement to conduct its door-to-door marketing activities ("third party door-to-door agent")) [3]:
    a. has obtained all required municipal permits and licenses; and
    b. will comply with all municipal notice requirements.
5. Attestation by the Supplier that it (or its third-party door-to-door agent) has conducted a nation-wide background check for each person who will participate in the door-to-door marketing campaign.[4]

A Supplier or its third party door-to-door agent may not expand its door-to-door marketing campaign outside of the city or towns, or back-up cities or towns, provided in its Notice until a new Notice is filed with the Department.

III. CUSTOMER COMPLAINT DATA

The Supplier shall maintain a database of all complaints received during the door-to-door marketing campaign, regardless of the type of complaint, whether the door-to-door marketer is an employee of a third party door-to-door agent or the Supplier, or whether the complaint was resolved. The Supplier shall retain the customer complaint data for at least one year from the date of the complaint filing, and shall include all pertinent information, including but not limited to (1) the customer or potential customer's name and contact information, (2) the door-to-door marketer(s) involved, (3) the nature of the complaint, and (4) how the complaint was resolved. Finally, the Supplier shall provide the customer complaint data to the Department upon request.

IV. ADDITIONAL REQUIREMENT – STANDARDS OF CONDUCT

In addition to the Notice and customer compliant data requirements, the Department proposes that all Suppliers or third party door-to-door agents conducting door-to-door marketing campaigns adopt the following standards of conduct:

1. All door to door marketers shall produce and display identification clearly stating the Supplier's legitimate trade name and logo, and the marketer's name, photo, and identification number.
2. Door-to-door marketers shall provide a phone number on request that the customer can call to verify the door-to-door marketer's identity.
3. Door-to-door marketers shall identify the Supplier which he/she represents upon commencement of the sales call.

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[3] The Supplier is responsible for the actions or inactions of the third-party door-to-door agent acting on behalf of the Supplier.

[4] The Supplier is responsible for the actions or inactions of the third-party door-to-door agent acting on behalf of the Supplier.

4. Door-to-door marketers may not represent, in any way, that he/she is affiliated with the local distribution company serving the customer.