



## PUCO grants request to suspend door-to-door marketing

June 5, 2020

June 5, 2020, Update: On May 8, 2020, Reliant Energy Northeast, LLC and Green Mountain Energy Company (NRG) filed a joint application for waiver and requested that the PUCO waive a portion of the suspension it issued on March 17, 2020. NRG urged the commission to allow in-store marketing of competitive retail energy services to customers in Ohio.

NRG explained that, in light of the Ohio Department of Health's April 30, 2020, order, it is in discussion with its retail partners to return to their stores and market CRES and CRNGS to customers visiting those retail establishments. With the retail businesses reopening, NRG sought to have the same ability as any retailer in Ohio to restart its own marketing within the premises of those businesses.

Because the May 20, 2020, and May 29, 2020, Ohio Department of Health orders lift mandatory requirements and restrictions, the commission modified its directive to all CRES providers and all CRNGS suppliers to suspend in-person marketing activities. Specifically, the commission found that in-store marketing activities may resume as soon as reasonably possible as long as such activities are: (1) in accordance with arrangements between the CRES and CRNGS provider and the store; (2) proactively compliant with relevant requirements and best practices issued by the Ohio



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Department of Health; and (3) in accordance with all commission rules and statutory mandates applicable to CRES and CRNGS providers.

At the urging of the Ohio Consumers' Counsel, in-office solicitations are permitted but cold-calling is not. Further, the PUCO continues to evaluate when door-to-door solicitation of CRES and CRNGS will resume.

May 11, 2020, Update: In light of Ohio's stay at home order extended through May 29, 2020, the Commission's order restricting door-to-door marketing for all CRES and CRNGS providers is still in effect. Unless the Commission issues an order reinstating such marketing activities, in-person or in-store marketing activity is suspended. To date, the Commission has not issued any such order.

May 17, 2020, Update: The Public Utilities Commission of Ohio (PUCO) directed all competitive retail electric service providers (CRES) and all competitive retail natural gas service suppliers (CRNGS) to suspend door-to-door and in-person marketing activities.

Citing the declared state of emergency, PUCO stated that marketing practices involving in-person contact by CRES and CRNGS suppliers create unnecessary risks of social contact. Such marketing could contribute to the spread of COVID-19 in Ohio, particularly to at-risk populations. Accordingly, PUCO reasoned that these practices are in conflict with the governor's Executive Order.

PUCO directs CRES providers and CRNGS suppliers to immediately suspend all door-to-door and in-store marketing to customers for all customer classes, as well as any other sales or solicitation practice that involves in-person contact for the duration of the emergency unless otherwise ordered by PUCO.