

TO: Hearing Officer Gregg Wade

FROM: Competitive Supplier Working Group

RE: D.P.U. 19-07 Investigation into Initiatives to Promote and Protect Consumer Interests in the Retail Electric Competitive Supply Market MA Supplier Working Group Assignments – Introductory/Closing Scripts

DATE: July 26, 2019

INTRODUCTION

Our working group was tasked with developing suggestions, comments and model text from a competitive supplier standpoint for “c. Introductory and closing scripts for door-to-door and telemarketers.” See Department of Public Utilities (“Department”) July 2, 2019 Hearing Officer Memorandum at p. 2; see also June 24, 2019 Hearing Officer Memorandum at p. 4 outlining goals for June 26, 2019 Department Working Group meeting, including the following:

“2. Agent Behavior

During the June 6 technical session, Department staff identified agent behavior implementation details associated with (i) uniform introductory and closing scripts for both door-to-door and telemarketers, (ii) protocols for supplier oversight of third-party marketing vendors, (iii) protocols for GPS for door-to-door marketers, and (iv) protocols for caller ID information and repeat calls for telemarketers. Department staff proposes that competitive suppliers take the lead in establishing straw proposals for the development of uniform scripts. This is because suppliers are best positioned to identify and combine the best practices implemented in other states, for use in the Commonwealth....”

And see also June 26, 2019 Department Powerpoint regarding “Agent Behavior” at Slide 10, point 1, proposing the following as a means of regulating agent behavior:

“1. Uniform “introductory” and “closing” scripts should be developed for use by all agents

o “Hello, my name is _____, I work for _____, a company that is licensed to provide electric/gas supply products in MA. I do not work for Dist Co.”

o “Thank you for purchasing ... We will be sending you ... You have 3 days to change your mind... Here is a product disclosure form.....”

TELEMARKETING SCRIPT RECOMMENDATION

A. Introduction and General Observations.

1. Telemarketing calls are, by nature, dynamic and guidelines for such calls need to balance the need to provide minimum information to consumers with overburdening the calls or artificially constraining the conversation in a manner that would cause the consumer to decline the sale or otherwise abandon the call. The Department's preliminary script attached to the June 26, 2019 Department Powerpoint (quoted above) appears to recognize that fact.
2. The Department has expressed significant concern about any efforts by a supplier to portray itself as affiliated with the customer's local distribution company/utility. We recommend to include that in the script but not to name the specific utility (out of concern that saying you are not from X utility will lead to some consumers to think the call is in fact coming from X utility).

B. Proposed Telemarketing Scripts

1. Introductory Script. We propose that at the start of the call, or at latest within the first minute of the call (as permitted by State telemarketing laws, the following information should be conveyed:
 - “My name is [first name only of the telemarketing agent],
 - “I am calling on behalf of [name of electric supplier], a licensed electric supplier”, and
 - “[Supplier name] is not affiliated with the local electric utility”.
2. Closing Script. After terms have been agreed to with the customer, the following minimum statements should be communicated to the customer:
 - “In a few moments you will be transferred to an independent verification company to verify this sale on the terms we have discussed.
 - Following verification, you will be sent [optional – by mail, by email, etc.] written materials confirming this sale and providing a copy of the full terms of service.”
 - “If you change your mind, you will have three days after receipt of the written materials to cancel the contract without any fees or penalties. Cancellation details will be in the written materials.
 - “Thank you and please stay on the call while I connect you to the independent verification company.”

NOTE: The above four required closing script elements do not imply that no additional questions should be asked of a potential customer; these are only the generally applicable questions that all suppliers must ask as the sale is being closed.

Door-to-door (“D2D”) SCRIPT RECOMMENDATION

A. Introduction and General Observations.

1. Massachusetts Law on D2D Sales – Suppliers need to comply with requirements established in the May 2018 decision in Docket DPU 14-140-G establishing standards of conduct and notification requirements for D2D sales, including the following solicitation requirements:

“All personnel engaging in a door-to-door marketing campaign shall identify the Competitive Supplier or Electricity Broker which he/she represents upon commencement of the sales call”; and

“Personnel engaging in a door-to-door marketing campaign may not represent, in any way, that he/she is affiliated with the local distribution company serving the customer.”

B. Proposed D2D Scripts – The working group that the D2D scripts be materially the same as the telemarketing scripts, except modified to change references from “call” to terms applicable to an in-person sale with a follow up TPV call. The above telemarketing scripts meet both of the requirements established in the May 4, 2018 DPU 14-140-G order, and both include a short and plain statement of both introductory and closing remarks common to a reasonable sale. As an alternative, the working group would be amenable to including some or all of the script elements in a leave behind document that the customers could review after the sale.