



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

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March 24, 2020

Dear Competitive Suppliers and Licensed Competitive Supply Brokers,

As you are likely aware, on March 10, 2020, the Governor of the Commonwealth of Massachusetts declared a state of emergency in response to the Coronavirus (“COVID-19”). On March 23, 2020, the Governor issued a further order to minimize all unnecessary activities outside of the home during the state of emergency. Following this order, the Department of Public Utilities (the “Department”) requests that all Competitive Suppliers and Licensed Competitive Supply Brokers cease door-to-door marketing activities until the Department rescinds this request or the state of emergency in the Commonwealth of Massachusetts is lifted, whichever comes first.

The Department made a similar request on March 13, 2020, to the four suppliers it knew had active residential door-to-door campaigns. We distribute today’s request more broadly to ensure proper risk management protocols be taken by all licensed suppliers and brokers in order to prevent the spread of the COVID-19 virus. Ceasing any door-to-door marketing activity during the state of emergency is in the best interest of consumers as well as the safety and well-being of any anyone conducting such marketing efforts. The Department will monitor suppliers’ and brokers’ compliance with this request and will take appropriate action against entities found to be continuing door-to-door marketing during the state of emergency.

Lastly, regarding telemarketing, the Department previously issued a notice on February 28, 2020, to suppliers via the D.P.U. 19-07 service list. This notice was in regard to a particularly egregious telemarketing campaign that has been brought to the Department’s attention and likely involves multiple suppliers. Despite assurances from certain suppliers that these calls have ceased, the Department has since received further evidence that this marketing campaign, which includes the use of (1) prerecorded messages promising savings, (2) false and misleading claims

that consumers can avoid certain delivery charges if they enroll, and (3) caller ID spoofing, is still ongoing. This campaign continues to be unacceptable and the Department remains committed to making an appropriate response to this conduct.

The Department takes this opportunity to again remind suppliers and brokers that it holds them responsible for the actions of their third-party marketing vendors. Any competitive supplier or broker on whose behalf a vendor or its subcontractor(s) engaged in misleading and deceptive telemarketing calls will likely be subject to licensure action pursuant to 220 CMR 11.07 and the procedures established in Investigation by the Department of Public Utilities on its own Motion to Establish Interim Guidelines for Competitive Supply Formal Investigations and Proceedings, D.P.U. 16-156-A, Att. A (2017).

Should you have any questions, please do not hesitate to contact our Consumer Division Acting Director, Joseph M. Truschelli, at (617) 939 6113.

Sincerely,

/s/

Matthew H. Nelson
Chair

cc:

Cecile Fraser, Commissioner
Robert Hayden, Commissioner
Joseph Truschelli, Acting Director, Consumer Division
Michael Judge, Director, Electric Power Division
George Yiankos, Director, Gas Division