



April 25, 2019

Anthony Star, Director
Illinois Power Agency
105 W. Madison Street, Suite 1401
Chicago, IL 60602

Via Electronic Mail

RE: Response to Request for Comments – Draft Marketing Guidelines

Administrator Star:

As a leading national solar developer, Nexamp appreciates the opportunity to provide comments in response to the Illinois Power Agency's ("IPA") request for comment on the revised Adjustable Block Program ("ABP") Draft Marketing Guidelines.

Nexamp is grateful for the many opportunities to comment on ABP program details that the IPA has provided the developer community, and this opportunity is no exception. Nexamp provided feedback on the marketing guidelines for the 2019 program year last spring and submitted additional detailed comments on these resources in our response to the proposed 2019 Illinois Long-Term Renewable Resources Procurement Plan Update last July.

As one of the largest community solar developers in the country, Nexamp has unmatched sales and marketing experience amongst our peers because we have developed, built, manage, and own 150 MW of community solar assets across the country. We pride ourselves on our no-hassle, no pressure sales techniques which predominately rely on social media and internet ads to generate customer engagement. Nexamp does not conduct door-to-door sales-- the only calls we make to residential customers are in response to inbound customer inquiries.

Because customer satisfaction with our product is paramount to the success of our platform, we are especially sensitive to how regulatory requirements impact the customer experience. We appreciate the need to protect consumers from predatory marketing practices, but we have also seen how overly complex consumer protection standards can *cause* customer confusion, not alleviate it. We believe the IPA's proposed changes to the ABP Marketing Guidelines are positive improvements and have several additional recommendations to improve the guidelines detailed below.



1. Are the alterations made in the draft Marketing Guidelines sufficient to capture the spirit and purpose of the HEAT Act? If not, what provisions should be included to ensure that HEAT Act protections are extended to Program participants under the Marketing Guidelines?

Nexamp does not have any comments in response to question one.

2. The disciplinary process that occurs when an Approved Vendor or its designee do not act in accordance with Program requirements is now outlined in the draft Marketing Guidelines. Is this disciplinary process outlined adequately? Are additions needed to clarify this process?

Nexamp does not have any comments in response to question two.

3. Changes were made to the section of the draft Marketing Guidelines that provide examples for what Approved Vendors and their subcontractors may or may not say about the Program in their marketing materials. These changes were made based on review of marketing materials during the first year of the Program. Are these examples sufficiently representative of expected phrasing to support to Approved Vendors in their effort to create viable marketing materials for potential Program participants? How else, or through what additional examples, should the IPA provide clarity regarding the application of its Marketing Guidelines?

The new examples provided in the revised guidelines allow for accurate, compelling, and reasonable marketing materials.

4. The IPA is considering allowing Approved Vendors to use the Illinois Shines logo on materials which state that they are an Approved Vendor in the Illinois Shines program. Under this proposal materials that use the Illinois Shines Logo (including online or social media posts) must include the legal name of the entity on behalf of whom the individual is marketing, and should also include the actual Approved Vendor participating directly in the ABP where possible, and cannot otherwise imply that the Approved Vendor is acting as a representative of the State of Illinois. Does this seem to be a viable solution to ensure that customers are able to easily identify Approved Vendors as verified and trustworthy Program participants? If you are in favor of creating this option, do you have recommendations for how to prevent the misuse or appropriation of the logo by entities not authorized to use it?

If using the Illinois Shines logo is allowed, it must be carefully policed so that non-Approved Vendors (e.g. referral partners helping with customer outreach) do not use the logo unless it is specifically tied to the name and logo of the Approved Vendor (e.g. the developer) that the non-Approved Vendor may be supporting/assisting.

Furthermore, if several Approved Vendors fall are a part of a common parent company, then the marketing material using the Illinois Shines logo should be able to list the parent company and should not be required to list each and every individual Approved Vendor (provided the listed parent is also an Approved Vendor).



5. Are there any other revisions to its Marketing Guidelines that the IPA should consider?

Section 7.d should be revised to allow an Approved Vendor to provide a link to the IL Shines brochure at first contact, provided first contact is not in-person, and the customer is presented a copy of the IL Shines Brochure when she is presented a copy of the community solar disclosure.

[REDACTED]

[REDACTED]

In section 12, Conduct and training of agents: the IPA should provide a specific time-period between when new training requirements are announced and when agents are required to have been trained with these updated guidelines.

* * * *

Thank you again for your consideration of our feedback. Illinois is one of Nexamp's largest community solar markets and the success of the IL Shines Program is essential to our company's continued growth and success. To that end, Nexamp and IPA share a common mission—building the future of energy so it is clean, simple, and accessible. We look forward to continuing to work together in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Friend".

Kelly Friend

Vice President, Policy and Regulatory Affairs