



CITIZENS UTILITY BOARD

Fighting for Illinois Consumers

Comments of the Citizens Utility Board

On the Adjustable Block Program Publishing of Consumer Complaints

September 20, 2019

The Citizens Utility Board (CUB) is glad to provide comments on the Adjustable Block Program (Program) Program Administrator (Administrator)'s forthcoming public database of consumer complaints (Database), as described by the Long-Term Renewable Resources Procurement Plan (LTRRPP). CUB appreciates the Administrator's commitment to Program transparency, and if executed thoughtfully, the Database would certainly further that goal.

CUB would like to first acknowledge the reasons why the Database is an important component of the Program. Section 1 (a) of Public Act 99-0906 sought to "ensure that the State and its citizens, including low-income citizens, are equipped to enjoy the opportunities and benefits of the...clean energy marketplace." Access to the Database would better prepare consumers for a positive experience with the Program, and help to prevent negative experiences.

CUB draws from extensive interaction with residential and small business consumers in making these recommendations. In addition to staffing over 500 consumer education events per year across the state, CUB operates a consumer hotline, fielding questions about ratepayer rights, energy assistance, utility and supplier complaints, and more recently, rooftop solar installation and community solar subscriptions. As a result, CUB has a unique perspective on how consumers engage with vendors, understand the Program, and use educational information provided about the Program.

A consumer currently seeking to participate in the Program faces a confusing process. Many entities are competing for ratepayer attention, including: lead generators, Approved Vendors (Vendors), non-approved solar installers, non-approved community solar providers, REC aggregators, Alternative Retail Electric Suppliers (ARES) and their third-party vendors, ABC brokers, utility energy efficiency program implementers, Community Action Agencies (CAAs), Community-Based Organizations (CBOs), and nonprofit organizations. These entities all have different goals and expertise, and misinformation can spread quickly without

accountability, especially when not sourced from a Vendor in compliance with the Program marketing guidelines.

If a consumer is directed to the Program websites (either IllinoisShines.com or IllinoisABP.com), there are 142 Vendors to choose from. While one can filter by vendor type, utility service territory, or program, there is no means of qualitatively distinguishing one Vendor from another. Research has demonstrated that the best predictor of customer satisfaction with an experience of something is an accounting from others of their experience with it.¹ The Database would provide this experience-based information, helping consumers to make better decisions and mitigating erosion of consumer confidence.

Specific Questions for Stakeholder Feedback

1) What information should be published regarding complaints received (i.e. Approved Vendor/Designee name, nature of the complaint, time and date of receipt of complaint, resolution of the complaint, identity or role of the complainant, etc.)?

All information categories identified in the question would be helpful to consumers consulting the Database. As much information as possible about the nature of the complaint would allow other potential customers to better understand the nature of the complaints against Approved Vendors. Including the time, date, and resolution would place the complaint in context. Consumers could have required and optional fields when filling out the complaint form, so that they may be encouraged to add helpful, but not always necessary, detail (such as system size, housing type, whether Distributed Generation (DG) or community solar, etc). If the Administrator decides to publicize comments made by entities other than customers, it would be necessary to include the identity or role of the complainant (customer, potential customer, competitor, etc).

If the goal of the Database is to better inform Program customers, complaint accumulation without an easily accessible and organized interface may create greater confusion. It is therefore recommended that the Administrator consider a star-rating system to accompany

¹ Eggleston, C. M., Wilson, T. D., Lee, M., & Gilbert, D. T., "Predicting what we will like: Asking a stranger can be as good as asking a friend," *Organizational Behavior and Human Decision Processes*, March 17, 2014. http://www.danielgilbert.com/EGGLESTON_ETAL_2016.pdf.

the qualitative responses. There are two options to consider. If the customer is allowed to choose their star rating, customers should be encouraged to submit feedback of any kind, whether positive or negative (the “Yelp” model). If the star rating is aggregated based on the number of complaints regarding each Vendor, the Database could be restricted to complaints (the “Plug In Illinois Complaint Scorecard” model).

2) Should complaints be published when received (and thus not reviewed), or only after the complaint has been investigated (and responsive actions taken by the Program Administrator, if warranted)?

Complaints should be published after they have been reviewed, so that any erroneous or misdirected complaints can be filtered out and addressed separately.

3) Should complaints only be published from customers? Or should competitors be allowed to report on the misconduct of other Approved Vendors/designees?

To preserve the integrity of the database, only customers should be allowed to have their complaints published. A customer can be defined as an individual seeking to participate in the Program by installing a solar system on their property or subscribing to a community solar project. Allowing competitors to comment publicly will lead to inevitable abuse.

However, CUB hears frequently from installers who have complaints regarding other installers. If non-customer entities want to make a complaint, they can go through the existing process without being published. Vendors are in an ideal position to know the Program requirements and whether others are in compliance, and as a result, such complaints should be taken seriously as the Program evolves. Those complaints can then be evaluated and acted upon, if necessary, by the Administrator.

4) Should Approved Vendors (and/or their designees) be allowed to provide a response to be included in the public database?

Yes, Vendors (and/or their designees) should be allowed to respond before a complaint is published in the public database. Vendors may be able to provide helpful context, but also should not be allowed to stall the publication of complaints.

CUB recommends following the Consumer Financial Protection Bureau’s model:

“Consumer complaints are added to this public database after the company has responded to the complaint, confirming a commercial relationship with the consumer, or after they've had the complaint for 15 calendar days, whichever comes first.”²

5) What information about a complaint would be appropriate to redact or withhold from disclosure?

Section 6.13.3 of the LTRRPP indicates that the Database would have “any confidential or particularly sensitive information redacted from public entries.” CUB agrees that it would be important to withhold certain information from complaints when made public, especially names, addresses, phone numbers, and utility account numbers. Anyone filing a complaint with the Administrator should be held accountable to the Administrator for that complaint, including all contact information at the time of filing. However, the Database should not be a tool to manipulate consumers with dishonest complaints or invade consumer privacy. All personal information should be redacted upon the complaint being made public. Those submitting complaints should be assured of their anonymity so that they can be candid in their comments. There are numerous cases of ratepayers being slammed, or signed up for an alternative retail electric supplier without their consent, and personal information, particularly account numbers, should be especially protected.

“Particularly sensitive information” is open to interpretation, and leaves the Administrator with discretion. Because information in the body of the complaint could reveal the identity of the complainant, the Administrator may consider giving complainants the option of opting-in to make their complaint public.

6) Are there other complaint databases which the Program Administrator should look to as models in publishing complaint information for the Adjustable Block Program?

As indicated previously, CUB recommends aspects of the Consumer Financial Protection Bureau Consumer Complaint Database. If the Administrator chooses to adopt a star rating

² Consumer Financial Protection Bureau, “Consumer Complaint Database BETA,” September 13, 2019. https://www.consumerfinance.gov/data-research/consumer-complaints/search/?company=BANK&from=0&searchField=all&searchText=&size=25&sort=created_date_desc.

format, The ICC's Retail Electric Supplier Complaint Scorecard may be considered as a model. However, the Database should include the written consumer complaints, whereas the ICC scorecard only "shows how each of the retail electric suppliers' rate of complaints compares to the average rate of complaints for the entire residential market."³ The Database could be organized by Approved Vendor rather than chronologically, so that all comments and complaints for a given Approved Vendor are together.

7) Should the Program Administrator look to work with the Office of the Attorney General, the Illinois Commerce Commission, Citizens Utility Board, and other entities in attempting to create a more comprehensive database? Or only disclose those items brought directly to its attention?

It would be valuable for the Database to be broader and more comprehensive given that many consumers do not know all the regulations for Vendors, and cannot always know if they are being given misleading or incorrect information. CUB is starting to hear complaints which turn out to be more often misunderstandings based on general confusion from individuals who are getting solar quotes or just generally talking with Vendors. CUB would welcome the opportunity to provide feedback in a more streamlined way to build the most useful Database possible, for example, by working directly with the Administrator to discuss how, if necessary, to handle complaints from individuals who are not direct consumers.

8) Are there specific risks which the Program Administrator and IPA should be mindful of in developing and publishing a complaint database?

The main risk is that people who are disgruntled with the program for whatever reason may use the Database as an outlet to air their grievances. Another risk is that competitors may try to make complaints about Vendors. This may be avoided by requiring that the complainant identify themselves. Because complainants may misidentify themselves in order to make a comment, complaints should be reviewed before being posted.

³ Plug In Illinois, "Customer Complaint Statistics," September 13, 2019.
<https://www.pluginillinois.org/complaints.aspx>.

9) *Should this database be located at the Adjustable Block Program website, the IllinoisShines.com website, or both?*

The database should be located on both websites so that more people are likely to find it. On both websites it could be located through the “Approved Vendors” drop down menu and could be added to the “Approved Vendor Complaint Center.”

It would also be helpful to take complaints by phone as well. Some customers may think to pick up the phone and make a complaint before being able to find the website option, not to mention those without Internet access. If a customer calls with a complaint, they could be given the option of having their complaint published.

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