

# CONSUMER COMPLAINTS



## **Illinois Power Agency Solar Programs Consumer Complaint and Disciplinary Actions Annual Report - 2019**

March 2, 2020

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## 1. Introduction

As part of its Consumer Protection provisions, Section 6.13.3 of the Illinois Power Agency's ("IPA" or "Agency") Long-Term Renewable Resources Procurement Plan ("Plan") approved by the Illinois Commerce Commission in Docket No. 17-0838 provides as follows:

"To the extent feasible, the Agency will work with its Program Administrator to maintain a public database of complaints (with any confidential or particularly sensitive information redacted from public entries). Approved Vendors found by the Agency to have violated consumer protection standards may be subject, at minimum, to suspension or revocation of their Approved Vendor status by the Agency, and if in violation of local, state, or federal law, also potential civil or criminal penalties from other relevant authorities. **The Agency will provide an annual written report to the Commission documenting the frequency and nature of complaints, and any enforcement actions taken.**"<sup>1</sup>

This Annual Consumer Complaint and Disciplinary Action Report has been prepared and submitted in compliance with this provision. Concurrent with the release of this Report the Adjustable Block Program Administrator is also launching a public database of complaints located on both the [www.illinoisabp.com](http://www.illinoisabp.com) and [www.illinoisshines.com](http://www.illinoisshines.com) websites. This database is expected to be available on both websites in March 2020.

### a) Scope of Report

The Adjustable Block Program Administrator has been tracking consumer complaints since November 1, 2018—the date when the Adjustable Block Program began accepting Approved Vendor applications. This first annual consumer complaint report includes complaints received by the Adjustable Block Program Administrator from November 1, 2018 to December 31, 2019 and provides summarized data on these complaints in aggregate, as well as a more detailed narrative summary of each complaint occurrence. During this time period, the Program Administrator for the Illinois Solar for All Program did not receive any consumer complaints, and thus this report focuses only on complaints related to the Adjustable Block Program.

Materials received by the consumer in the course of program participation—the Program brochure and Disclosure Forms—also provide information on how a complaint may be submitted. Complaints may also be submitted by email or phone, and in some cases are first submitted to the Illinois Power Agency rather than to the Program Administrator. In many cases, complaints may be received by another entity (a solar company, the Office of the Attorney General, Citizens Utility Board, the Illinois Commerce Commission, local or municipal officials, a state legislator); this report covers only those complaints received by the Program Administrator, whether directly or through referral from another entity. Consequently, the number of complaints received may not reflect the full universe of consumer complaints related to the Agency's programs. While the IPA encourages any entities receiving a complaint to share information with its Program Administrator, the Agency will explore more proactive coordination with the above-referenced entities to produce a more comprehensive report in future years.

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<sup>1</sup> [Initial Long-Term Renewable Resources Procurement Plan](#) (published August 6, 2018) at 128.

The Program Administrator seeks to respond to all complaints as soon as possible. After receiving a complaint from a consumer, the Program Administrator follows up with both the complainant and the Approved Vendor/Designee potentially at issue to seek more information. The Program Administrator then attempts to work with the Approved Vendor/Designee to come to a suitable solution to the complainant's issue. The Program Administrator records any complaints received and documents steps taken toward resolution.

In addition to the summary of complaints received, this report includes a summary of disciplinary actions taken by the Program Administrator. The Program Administrator has rendered disciplinary action three times, although discipline may extend from violations of Program guidelines occurring in the absence of a specific consumer complaint.

### **b) Disciplinary Action Process**

Upon a determination that Program requirements have been violated, the Program Administrator may also take "enforcement actions" – i.e., disciplinary actions – against an Approved Vendor or Designee. While the IPA lacks plenary authority to restrict market activity generally, that discipline may come from a suspension of the offending entity's ability to participate in some or all activities falling under this state-administered incentive Program.

Should the Program Administrator identify that it believes an Approved Vendor, Designee, or other entity working through the Program is not acting or has not acted in compliance with program requirements, the Program Administrator will notify that entity through an e-mail that outlines the problematic behavior, explains how the behavior is non-compliant with program requirements, and that may also request more information about the issue. After a review of any such response, the Program Administrator will determine what discipline, if any, should apply to that entity. The Program Administrator will also provide a copy of this determination to the IPA.

The Program Administrator's determinations of discipline may be appealed to the IPA, and the opportunity to appeal, as well as a deadline by when such appeal should be made, is communicated by the Program Administrator as part of its determination of discipline. To appeal to the IPA, the disciplined entity must provide a request for reconsideration of discipline in writing on company letterhead explaining its rationale for why it believes the Program Administrator's determination is in error, as well as sharing any supporting information, documents, or communications. The IPA may request additional information and materials from the entity, and/or seek to schedule a call or informal discussion with the entity to learn more about the basis for the its position.

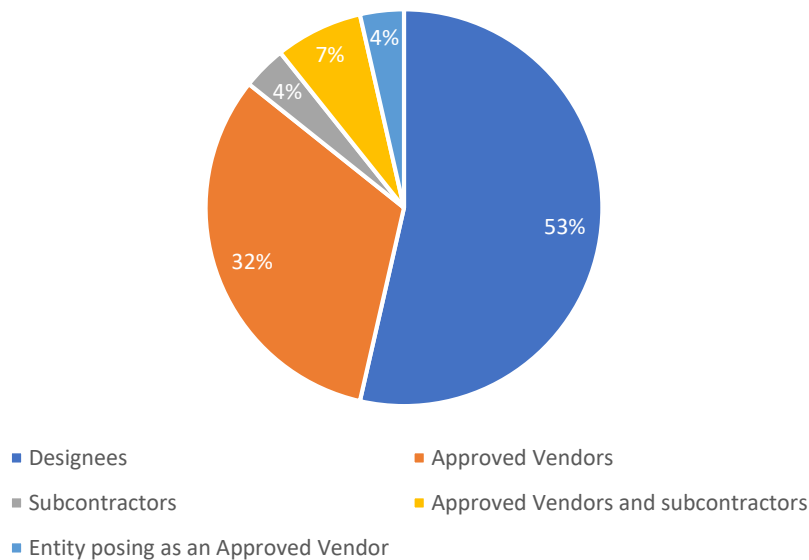
The IPA attempts to issue final determinations on discipline, including a supporting rationale for its decision, as soon as practicable after the receipt of an appeal and review of relevant information.

## 2. Summary of Complaints and Disciplinary Actions

### a) Consumer Complaints Data Summary

- As of January 2, 2020, the Adjustable Block Program had received 11,609 project applications.
- From November 1, 2018 – December 31, 2019, 28 total consumer complaints were received by the Program
  - 15 complaints regarding Designees<sup>2</sup>
  - 9 complaints regarding Approved Vendors<sup>3</sup>
  - 2 complaints regarding Approved Vendors and Subcontractors<sup>4</sup>
  - 1 complaint regarding Subcontractors
  - 1 complaint regarding an entity posing as an Approved Vendor

Object of Complaints by Entity Type



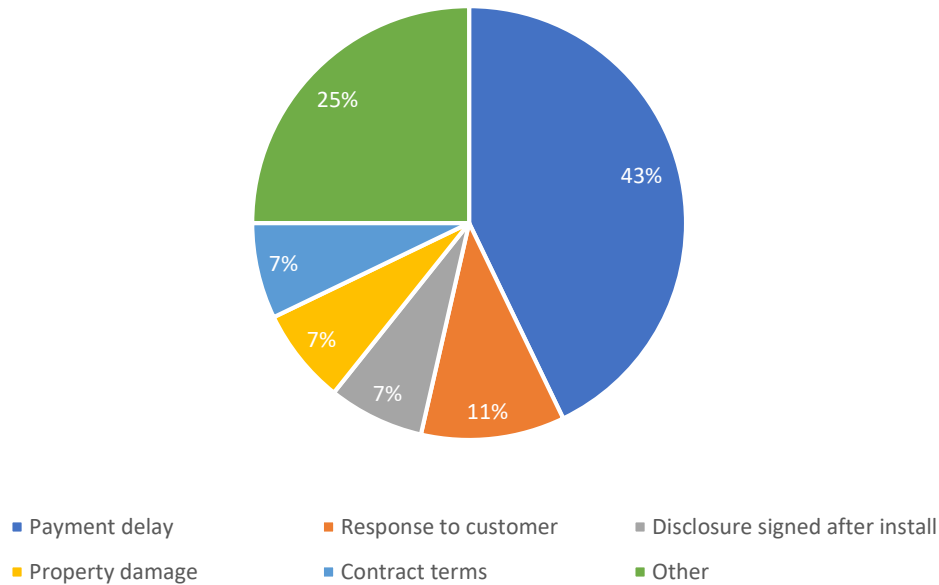
<sup>2</sup> A Designee is an entity acting on behalf of an Approved Vendor with the authority to generate Disclosure Forms for customer participation (and thus are generally, although not exclusively, customer-facing sales, solicitation, or installation firms).

<sup>3</sup> An Approved Vendor is an entity registered with the program serving as the counterparty to REC delivery contracts under the program. Approved Vendors may be large national solar companies, smaller local installers, aggregators acting on behalf of other program participants, or other entity types. As this entity is contractually responsible for the delivery of RECs under contracts stemming from the program, these entities are first vetted through an application process. There are over 300 Approved Vendors approved to work under the Adjustable Block Program.

<sup>4</sup> Subcontractors are entities acting on behalf of an Approved Vendor or Designee in connection with a project developed under the program which are not identified as an Approved Vendor or Designee within the program.

- The subject matter of the complaints received by the Program Administrator can be summarized as follows:
  - 12 complaints regarding payment delay
  - 3 complaints regarding an Approved Vendor or Designee’s failure to respond to the customer
  - 2 complaints regarding a Disclosure Form signed after system installation
  - 2 complaints regarding property damage or improper installation of a system
  - 2 complaints regarding installation contract terms
  - 1 complaint regarding a Disclosure Form signed by a sales representative, not the customer
  - 1 complaint regarding a finalized lease when the customer requested to purchase a system
  - 1 complaint regarding misleading a customer into signing a contract
  - 1 complaint regarding the installer arriving to customer’s property without a set appointment
  - 1 complaint regarding a company operating as an Approved Vendor without having been approved as an Approved Vendor by the Program Administrator
  - 1 complaint regarding missing customer information
  - 1 complaint regarding health problems caused by installed system

Subject of Complaints



- The Adjustable Block Program entity<sup>5</sup> that is the object of each complaint outlined in this report is depicted can be summarized as follows:
  - Ailey Solar – 1 complaint
  - Brio Energy – 1 complaint
  - Carbon Solutions Group – 2 complaints
  - Empire Solar – 1 complaint
  - Excel Home Solar – 1 complaint
  - Harvest Solar – 1 complaint
  - Iconic Energy – 4 complaints
  - IL-Solar – 1 complaint
  - Legacy Solar Group – 1 complaint
  - Offset Solar – 4 complaints
  - Palmetto Solar – 2 complaints
  - Rethink Electric – 1 complaint
  - Standard Eco Solar – 1 complaint
  - Sunrun – 4 complaints
  - Total Solar Solutions – 1 complaint
  - Vivint Solar – 1 complaint
  - WCP Solar – 1 complaint

## **b) Consumer Complaints Breakdown**

While the number of consumer complaints received by the Program Administrator in 2019 was small compared to the number of project applications, two patterns were identified.

- 12 complaints were regarding delays in payments for renewable energy credits (“RECs”)<sup>6</sup>
- 4 complaints were regarding a single Designee who appears to have gone out of business

Delays in payment for RECs were in part a function of the start-up of the Adjustable Block Program, including representations made to consumers prior to Program launch that did not accurately reflect how the Program was implemented. As implementation has progressed the Agency believes that Approved Vendors and their Designees have improved how they set expectations for consumers. The Program Administrator has published timelines<sup>7</sup> to better explain the process of a system applying to participate in the Program to both the Adjustable Block Program website and the Illinois Shines website.

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<sup>5</sup> The level of participation of Program entities, generally Approved Vendors and Designees, varies greatly. Some of the listed entities make up a much larger share of projects submitted to the Program than others, which may impact how the data regarding total complaints for each entity is interpreted in this section.

<sup>6</sup> A REC represents the value of the environmental attributes of 1 MWh of electricity generated from solar panels. The Adjustable Block Program supports the development of new photovoltaic distributed generation and community solar projects in Illinois through the purchase of RECs.

<sup>7</sup> See <http://illinoisabp.com/2020/01/21/adjustable-block-program-timelines/>

**c) Disciplinary Actions Data Summary<sup>8</sup>**

Disciplinary action was taken by the Program Administrator in three separate instances. All three disciplinary actions were taken in response to Designee behavior.

- 2 temporary suspensions issued
- 1 indefinite suspension issued

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<sup>8</sup> This summary addresses violations of Program requirements resulting in disciplinary action; in many other instances, Program requirements may have been violated, but the Program Administrator and/or the IPA deemed that violation too minor to warrant disciplinary action. For example: an entity may employ marketing language which, while not egregiously misleading, is deemed to be impermissible under the Program's Marketing Guidelines. In that case, the offending entity is generally sent a communication informing them of the violation and requesting that the offending language be revised. Assuming the entity complies, and assuming that instance is not part of a pattern of misleading marketing, further action – such as disciplinary action – is generally considered unwarranted.



### 3. Individual Complaint Summaries

The complaints below are organized according to the date that they were received by the Program Administrator. Due to the small number of complaints received by the Program Administrator in the first Program year, each complaint has been detailed below. In future annual reports, this format may or may not be utilized based on how the volume of complaints received changes.

#### Notes on complaints related to payment delays<sup>9</sup>

- The Part I application is the initial project application phase. Once an application is considered Part I verified, it is submitted to the ICC for approval through either an initial contract or a subsequent product order.
- Each project must be submitted to the Program as a part of a batch (i.e., a group of projects generally required to total to at least 100 kW, if the project itself is not sufficiently large) of applications. At least 75% of applications in a batch must be approved before the batch can move forward to the next step in application approval. Discrepancies in a batch can cause payment delays as the entire batch could be held up from being approved.
- The Part II application is the second phase of project application. A Part II application is submitted after the system is constructed and energization occurs. Part II approval is required before payment is made for RECs.
- Payment for RECs occurs on a quarterly basis based on the Part II application being approved by the Program Administrator prior to the end of February, May, August, or November. Invoicing deadlines are March 1, June 1, September 1, and December 1, respectively.

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**Nature of Complaint:** Payment delay

**Complaint date:** March 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Approved Vendor and third-party affiliate of Approved Vendor

**Complaint summary:** The homeowner experienced a delay in receiving their REC payment for their system. The homeowner planned to use payment for RECs in order to refinance their mortgage and combine a solar loan with a home loan, making the delay more acute.

**ABP Entity Response:** The Approved Vendor had installed the system in 2018 and told the homeowner that payment was expected in March 2019. While the Approved Vendor submitted the Part I application in February 2019, errors with the application delayed Part II approval until June 2019. The Approved Vendor received its REC payment for the system at the end of September 2019.

**Program Administrator Response:** The Program Administrator worked with the homeowner to identify errors within the application relating to the location of the solar panels, which was causing a delay in application approval. The Program Administrator followed up with the homeowner in November and December 2019 and received no response, indicating that the matter may be resolved.

**Other Information:** N/A

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<sup>9</sup> Several aspects of the application processing and payment process will be changing in 2020, including the batch process and frequency of timing of REC payment windows. The Agency expects these changes will help to reduce REC payment delays.

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**Nature of Complaint:** Payment delay

**Complaint date:** March 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The homeowner did not understand that it could take seven to eight months to receive payment for RECs and that the money was coming from the utilities via the state-run program. The homeowner had spent \$38,000 for their system out of pocket and was concerned that they were still being charged by Ameren for their power bill. (Note that even if a solar project offsets all of a homeowner's usage, the customer is still responsible for a monthly customer charge and other fees required by their utility.)

**ABP Entity Response:** The Approved Vendor provided clarification to the Program Administrator of its process of preparing and submitting projects to the Program and why payment to the homeowner was delayed. The Approved Vendor also described the payment and contracting process of the Program to the homeowner via email. The Approved Vendor agreed to pay the homeowner for the value of the RECs expected to be generated by the project even though the Part II approval for the system was not yet complete. (Note that while the complaint was made in March 2019, the Approved Vendor did not submit the Part I application until June 2019.) The project's Part II application was verified by the Program Administrator in January 2020.

**Program Administrator Response:** The Program Administrator sent the homeowner clarifications about Program processes and requirements to explain why payment has taken a longer than the homeowner originally expected. Program Administrator then informed the homeowner that Part I of the application had not yet been submitted by the Approved Vendor, which is the first reason for a delayed payment.

**Other Information:** N/A

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**Nature of Complaint:** Contract terms

**Complaint Date:** April 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Approved Vendor

**Complaint summary:** The homeowner was not satisfied with the proposed contract they received from their Approved Vendor for system installation and subsequent REC payments, and expressed concern about what may happen if anything goes wrong with the project. The homeowner was also concerned about providing bank account information as part of executing the contract. The homeowner then requested modifications to the contract.

**ABP Entity Response:** The Approved Vendor responded that because the proposed customer contract was in compliance with the Program requirements it declined the homeowner's requested modifications to the contract.

**Program Administrator Response:** The Program Administrator sent the Program installation contract requirements document<sup>10</sup> to the homeowner and informed the homeowner of the opportunity to look

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<sup>10</sup> See: [http://illinoisabp.com/wp-content/uploads/2019/01/dg-contract-requirements-2019\\_01\\_23.pdf](http://illinoisabp.com/wp-content/uploads/2019/01/dg-contract-requirements-2019_01_23.pdf)

into offers from different Approved Vendors. The Program Administrator also requested to review the contract for the homeowner. Upon review, the contract provided by the homeowner to the Program Administrator did not violate any Program requirements.

**Other Information:** The homeowner ultimately declined to move ahead with this project and did not end up executing a contract for this project with the Approved Vendor.

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**Nature of Complaint:** Approved Vendor leased the system to the homeowner rather than offering a purchase agreement, as the homeowner had requested

**Complaint Date:** April 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Approved Vendor

**Complaint summary:** The homeowner stated they wanted to purchase the solar system. The Approved Vendor's salesperson had the homeowner sign a lease contract and told them they could switch to system purchase after signing the lease contract. Once the system was installed, the homeowner was told that it was too late to switch to a purchase agreement.

**ABP Entity Response:** The Approved Vendor reached out to the homeowner directly after learning about this complaint from the Program Administrator to reach a resolution with the homeowner. The Approved Vendor was not able to find any evidence of misinformation or miscommunication on the part of their sales representative.

**Program Administrator Response:** The Program Administrator brought this complaint to the attention of the Approved Vendor and advised the Approved Vendor to reach out to the homeowner to seek resolution. The Program Administrator worked with the Approved Vendor to gather more information on this interaction to ensure that future instances of this sort do not occur.

**Other Information:** The homeowner has energized their system, has communicated that they are satisfied with the resolution of the complaint, and has elected not to pursue this complaint any further. This matter seems to be a miscommunication between the Approved Vendor and the homeowner thus appears to be resolved.

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**Nature of Complaint:** Failure to respond to customer

**Complaint Date:** April 2019

**Claimant Title:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The system was installed on the homeowner's property, but not energized before the homeowner lost contact with the Designee. The homeowner was unable to reach the Designee, who is also their installer, via phone. Additionally, e-mails that the homeowner sent to the Designee bounced back to the homeowner.

**ABP Entity Response:** The Approved Vendor, who is responsible for the Designee, attempted to work with the homeowner to move this project forward through the Program. Despite the Approved Vendor's attempts, the homeowner stopped responding to the Approved Vendor and has been non-responsive for months.

**Program Administrator Response:** As the Approved Vendor is ultimately responsible for the actions of their Designees, the Program Administrator put the homeowner and Approved Vendor in direct contact and recommended that they work together to move the project forward. The homeowner was not

responsive to the Approved Vendor's communications after having made the complaint, nor in December 2019 when the Approved Vendor attempted once more to connect with the homeowner. **Other Information:** This Designee has been indefinitely suspended from the Program and appears to have gone out of business. The Designee never submitted an application for this project to the Program.

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**Nature of Complaint:** Sales representative signing Disclosure Form on behalf of customer; Sales representative pulling hard credit report instead of soft credit report

**Complaint Date:** May 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Lead origination firm working as a subcontractor to an Approved Vendor

**Complaint summary:** The sales representative from the lead origination firm told the homeowner that they were going to perform a soft credit check to verify the homeowner's credit and performed a hard credit check instead. After that, the sales representative used the homeowner's cell phone to e-sign a Disclosure Form without the homeowner's consent. The sales representative attempted to have the homeowner sign a document that ended up being a contract for a solar system, when it was presented as a verification of warranties document.

**ABP Entity Response:** The lead origination firm hired by the Approved Vendor explained to the homeowner that the sales representative was new, which was why these mistakes were made. The firm subsequently reported that the sales representative is no longer with the company. The Approved Vendor has also stated that they have provided additional training to salespeople on different types of credit checks.

**Program Administrator Response:** The Program Administrator has made multiple requests for more information about the relationship between the Approved Vendor and the lead origination firm, the company that the Approved Vendor had subcontracted to make this sale, in order to understand the various roles in this incident.

**Other Information:** In November 2019, the Program Administrator began to research the business dealings of the subcontractor due to a complaint that firm was representing itself as an Approved Vendor prior to being officially registered as an Approved Vendor by the Program Administrator. At the time of publishing this report, that firm has not been approved to be an Approved Vendor under the Program.

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**Nature of Complaint:** Failure to respond to customer

**Complaint Date:** May 2019

**Complainant Title:** Homeowner

**Type of ABP Entity:** Designee

**Complaint Summary:** The homeowner had a solar system installed and the Designee responsible for the installation became non-responsive to the homeowner's communications. The Designee had assured the homeowner that installing a solar system would eliminate the homeowner's electric bill, and that the Designee would also pay the homeowner \$1,800 to install the solar system on their property.

**ABP Entity Response:** The Designee did not respond to this complaint because it appears that the Designee has gone out of business. The Approved Vendor that is responsible for this Designee has communicated that they reached out to the homeowner at time of the complaint, at the Program Administrator's request. At that time, the Approved Vendor attempted to access the system's inverter

account through information provided by the homeowner to verify the system's production status. The credentials the homeowner provided for this account were incorrect, and the homeowner did not respond to follow-up e-mails from the Approved Vendor. The Approved Vendor reached out again in December 2019 to seek to resolve this. The homeowner continues to be non-responsive to communications from the Approved Vendor about access to the inverter account.

**Program Administrator Response:** The Program Administrator connected the homeowner to their Approved Vendor to assist in resolution of this complaint after the Designee became non-responsive.

**Other Information:** This Designee has been indefinitely suspended from the Program and appears to have gone out of business.

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**Nature of Complaint:** Installer's invoices unpaid; Failure to respond to customer

**Complaint Date:** June 2019

**Complainant Title:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The homeowner had a solar system installed on their property by an installation company working for a Designee. During the installation, the installer determined that an extra meter was needed for the system to operate correctly. The company that performed the installation said that the homeowner's Designee has not paid the installer's invoices and additionally, the Designee had not been responsive to the homeowner.

**ABP Entity Response:** The Designee has not responded to the homeowner's complaint and appears to have gone out of business. The homeowner is now working directly with the Designee's Approved Vendor to complete the Part I application for this project. As of February 2020, the Part I application has been submitted to the Program.

**Program Administrator Response:** The Program Administrator brought the complaint to the attention of the Approved Vendor to help the homeowner proceed with their application in the absence of the Designee.

**Other Information:** This Designee has been indefinitely suspended from the Program and appears to have gone out of business.

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**Nature of Complaint:** Payment delay

**Complaint Date:** June 2019

**Claimant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The homeowner was told by the Designee that it would take 6-8 weeks to receive their REC payments. The homeowner was also incorrectly told the REC payments received through the Adjustable Block Program are a "rebate." The homeowner did not receive the Designee's forms, including a Disclosure Form, for Program application until five months after system installation (which occurred prior to the finalization of ABP Disclosure Form and the opening of the program) and was asked to fill out the same forms an additional five months after the original forms were completed because the Designee lost track of the homeowner's original forms.

**ABP Entity Response:** The Designee's Approved Vendor confirmed that Part I of the application was verified and that the project application was in process. In September 2019, the Approved Vendor

followed up with the homeowner stating that the application was Part II approved and the invoice was being prepared.

**Program Administrator Response:** The Program Administrator followed up with the Approved Vendor for more details on the timeline of application submittal, then explained to the homeowner that Part I of their project application was submitted only after the second time the homeowner filled out the forms from the Designee. The Program Administrator explained to the homeowner that this delay in application submission thus delayed receipt of their REC payment.

**Other Information:** The Approved Vendor received its REC payment from the contracting utility in September 2019. The homeowner received their payment from the Approved Vendor shortly thereafter.

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**Nature of Complaint:** Contract terms

**Complaint Date:** July 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Approved Vendor

**Complaint summary:** The homeowner was unhappy that the proposed contract from the Approved Vendor that required that the homeowner give up all rights to RECs after 15 years of participating in the Program. The homeowner believed they were misled by the Approved Vendor when the Approved Vendor explained the concept of RECs to them.

**ABP Entity Response:** The Approved Vendor did not agree to the homeowner's request to alter the contract.

**Program Administrator Response:** The Program Administrator explained to the homeowner that the homeowner could seek other Approved Vendor bids to find a more suitable offer or more favorable contract terms. The Program Administrator maintains a public-facing list of Approved Vendors<sup>11</sup> for just this purpose and assisted the homeowner with navigating this page on the Program website. The Program Administrator also explained that indefinite REC transfer was not a requirement of the Program.

**Other Information:** A different Approved Vendor has subsequently submitted a project application for this homeowner.

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**Nature of Complaint:** Payment delay

**Complaint Date:** August 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Approved Vendor

**Complaint summary:** Payment was promised by the Approved Vendor to the homeowner in August 2018. The Approved Vendor cited delays in the Program with Part II documentation as the reason for payment delay.

**ABP Entity Response:** The Approved Vendor invoiced the contracting utility in June 2019 and received payment in July 2019.

**Program Administrator Response:** The Program Administrator explained to the homeowner the Program process and timeline, from project application through to payment from the contracting utility to the Approved Vendor and provided a more accurate timeline to the homeowner for expected payment.

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<sup>11</sup> See <http://illinoisabp.com/find-a-vendor/> and <http://illinoisshines.com/find-a-vendor/>

**Other Information:** The homeowner has received payment from their Approved Vendor.

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**Nature of Complaint:** Disclosure Form not signed until after installation; REC value misquoted

**Complaint Date:** August 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The Designee installed the solar system prior to the homeowner signing a Disclosure Form. The value generated by RECs from the system was half of what was originally quoted by the Designee.

**ABP Entity Response:** A member of the Designee's team met with the homeowner to create a revised Disclosure Form reflecting the correct Block price for the system's RECs at time of project application, and an agreement was entered into by both parties memorializing that the Designee would cover the difference in REC prices from the original quote.

**Program Administrator Response:** The Program Administrator followed up with the Designee to confirm that everything with this system was compliant with Program requirements and that the homeowner was satisfied with the resolution. The Program Administrator asked the Designee to provide a written letter explaining the circumstances of the complaint. The Program Administrator worked with the Approved Vendor to ensure that the Designee worked with the homeowner to resolve the complaint. After the Designee worked with homeowner, the homeowner communicated with the Program Administrator that they were satisfied with the proposed resolution from the Designee.

**Other Information:** N/A

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**Nature of Complaint:** Payment delay

**Complaint Date:** August 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The homeowner was told they would receive payment 6-8 weeks after installation and still had not received any payment from the Designee six months after system installation.

**ABP Entity Response:** The Approved Vendor reached out to the homeowner on behalf of the Designee to update the homeowner on the status of their Part II application, giving the homeowner a better sense of when payment would be expected. This project's Part II application was subsequently verified in November 2019.

**Program Administrator Response:** The Program Administrator informed the homeowner that REC payments are made to the Approved Vendor based in part on when the Part II application is verified. This provided a more accurate timeline and informed the homeowner regarding when the Approved Vendor may be able to issue payment to the homeowner.

**Other Information:** The Approved Vendor has confirmed that the homeowner has received payment.

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**Nature of Complaint:** Payment delay

**Complaint Date:** September 2019

**Claimant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The homeowner expressed concern with how the Designee submitted the application. The homeowner waited months for payment and a Nest thermostat that was promised to them by their Designee. The homeowner was told that the first six months of payments on the solar system were to be made by the Installer, not the Approved Vendor. Additionally, the homeowner's application was not submitted to the Program in a timely manner by the Approved Vendor.

**ABP Entity Response:** The Designee told the homeowner that the application was submitted to the Program when it had not yet been submitted. The application was submitted, and the application fee was paid in September 2019 by the Designee's Approved Vendor. The Designee admitted to not giving the Nest thermostat to the homeowner in a timely manner, and subsequently provided it.

**Program Administrator Response:** The Program Administrator requested that both the Designee and the Approved Vendor work together to submit applications in a timelier manner so that their customers can receive their payments as soon as possible.

**Other Information:** The Part I application for this project was submitted in September 2019. The Part II application for this project has not yet been submitted.

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**Nature of Complaint:** Payment delay

**Complainant Date:** September 2019

**Claimant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The Designee promised to pay for first year of payments on a purchased system and homeowner has not yet received any payments and has been unable to reach the Designee.

**ABP Entity Response:** The Designee's Approved Vendor reached out to the homeowner at time of the complaint at the Program Administrator's request and was not able to reach the homeowner. The Approved Vendor reached out again in December 2019, per the Program Administrator's request. The homeowner has not been responsive to the Approved Vendor's communications.

**Program Administrator Response:** The Part II application for this system was approved by the Program Administrator in February 2020.

**Other Information:** The Designee appears to have gone out of business prior to the filing of this complaint and has been suspended from the Program indefinitely. Because the Designee went out of business, the Program Administrator is unable to verify the claims made in the initial complaint.



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**Nature of Complaint:** s Property damage and improper installation

**Complaint Date:** September 2019

**Claimant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The homeowner had a solar system installed on their roof. The installer was unable to connect the system to power after installation. The electric utility came to connect the system to power and noted that system was installed incorrectly. The installer came to correct the work and damaged the homeowner's property in the process.

**ABP Entity Response:** The Approved Vendor is working with the homeowner to attempt to reach a settlement for the damaged property.

**Program Administrator Response:** The Program Administrator spoke with the homeowner and began gathering information about the installation issues and property damage when the homeowner informed Program Administrator that they were discussing a settlement. The Program Administrator has also been in communication with the Approved Vendor to gather additional facts and ensure that other Program requirements were followed.

**Other Information:** The homeowner and the Approved Vendor are working to reach a settlement but a resolution has not yet been reached.

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**Nature of Complaint:** Payment delay

**Complaint Date:** September 2019

**Claimant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The homeowner took out a loan to pay for a solar system under the expectation that they would receive payment much sooner than the Designee had led them to believe.

**ABP Entity Response:** After the complaint was made, the Designee loaned the homeowner money while they waited for their project application to be approved and their REC payments to come in.

**Program Administrator Response:** The Program Administrator communicated to the homeowner that the homeowner's application was held up by nine other projects in the same batch (i.e., the group of projects that move together through a number of Program steps) that had application errors that took time to resolve. The delay in the approval of these other applications in the batch caused a delay for the homeowner's application as well, which is why the REC payments were delayed. Once the Approved Vendor worked with the Program Administrator to address the discrepancies in the other applications in the batch, the batch moved forward to the next stage which was ICC approval of the batch (including the homeowner's project application).

**Other Information:** The Part II application for this project was verified in November 2019, and the customer has received payment. A revised process for batch approval eliminating the minimum batch size under certain circumstances was also included in the IPA's Revised Long-Term Renewable Resources Procurement Plan; that proposal was made in part to help address situations such as this one.

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**Nature of Complaint:** Payment delay

**Complaint Date:** September 2019

**Claimant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The homeowner had a solar system installed in August 2018 and was told that they would not be paid for their RECs until Winter 2019. The homeowner was upset about the delay between installation and payment.

**ABP Entity Response:** The homeowner did not sign a contract with the Approved Vendor until March 2019. After the contract was signed, the project application was not submitted until one month later. The Approved Vendor sent detailed process information to the homeowner, who then had a better understanding of Program processes and payment timing.

**Program Administrator Response:** The Program Administrator sent the homeowner a Program flow chart document with time estimates for application review and approval, and also provided a more accurate summary of when payment could be expected. The Program Administrator informed the homeowner that the project met the deadline for the September 2019 invoicing cycle, thus the REC payment should have been received by the Approved Vendor in October.

**Other Information:** The Program Administrator has confirmed that the homeowner has received payment from the Approved Vendor.

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**Nature of Complaint:** Misleading consumer into signing contract

**Complaint Date:** October 2019

**Claimant Title:** Homeowner

**Type of ABP Entity:** Approved Vendor

**Complaint summary:** The homeowner was seeking an estimate for a solar system and was told to sign paperwork to estimate what their REC payment would be. The paperwork they were given included an agreement in which the homeowner would be charged an initial \$1,799 fee, however the agreement was not signed. The Approved Vendor aggressively pursued payment from the homeowner, including showing up at the homeowner's residence and workplace without a set meeting.

**ABP Entity Response:** The Approved Vendor was operating on a verbal agreement that the terms of the contract would be accepted, and a few minor tweaks were being made. Because there was apparently a verbal agreement, Approved Vendor collected the fee listed in the contract. The homeowner was unaware of this fee but paid it since the Approved Vendor stated that it was required. The Approved Vendor also communicated to the homeowner that the fee was non-refundable. The Approved Vendor has since refunded the \$1,799 fee to the homeowner, per the Program Administrator's request as there was no signed contract between the parties.

**Program Administrator Response:** Upon learning that the Approved Vendor and the homeowner had no written contract, only a verbal agreement, the Program Administrator informed the Approved Vendor that it must refund the \$1,799 fee to the homeowner. The Program Administrator explained to the Approved Vendor that a fee cannot be collected without a signed contract. The Approved Vendor complied with this determination and provided confirmation to the Program Administrator that the fee had been refunded to the homeowner.

**Other Information:** N/A

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**Nature of Complaint:** Payment delay

**Complaint Date:** October 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint summary:** The homeowner said that the Designee installed a solar system on their property in 2018 and the system was energized in February 2019. The Designee told the homeowner that they should expect to receive REC payments in six months. The homeowner received their federal tax credits but were still waiting on their REC payments from their Approved Vendor. The homeowner has not heard anything from their Approved Vendor regarding their payment and it has been over nine months.

**ABP Entity Response:** The Approved Vendor did not submit the batch, or group of applications, that included the homeowner's application until August 2019. As of December 2019, the Approved Vendor had reached out directly to the homeowner and has offered to submit payment to the homeowner upfront before the Approved Vendor is paid by the utility for the RECs.

**Program Administrator Response:** The Program Administrator explained to the homeowner at the time the complaint was made that the homeowner's application was in the process of being reviewed and prepared for submission to the ICC. This explanation provided a more accurate timeline for Program processes and payment. The Program Administrator also contacted the Approved Vendor to learn more about the reason for payment delay.

**Other Information:** The Part II application for this project was approved by the Program Administrator in February 2020. The homeowner is satisfied with the resolution of this complaint.

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**Nature of Complaint:** Payment delay

**Complaint Date:** October 2019

**Complainant Type:** Homeowner

**Type of APB Entity:** Approved Vendor

**Complaint summary:** The homeowner was promised payment in July 2019 and payment was taking longer than expected. The Approved Vendor missed the invoicing period for September 2019, causing the payment to be delayed.

**ABP Entity Response:** The Approved Vendor offered the homeowner a check for 10% of the REC payment value and said that they would submit the invoice in the next invoicing window (December 2019) ensuring the promptest payment timeline possible given the Program processes.

**Program Administrator Response:** The Program Administrator advised the homeowner to follow up with Approved Vendor during the December invoicing window to confirm processing and subsequent payment. The Program Administrator also followed up with both the Approved Vendor and the homeowner in December and confirmed that the invoice was generated during the December invoicing period and the homeowner was notified of this update.

**Other Information:** The homeowner has received payment, but the payment amount was different than the estimate from their Disclosure Form. The homeowner and the Approved Vendor are currently working to resolve this issue and correct the payment amount.

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**Nature of Complaint:** Payment delay

**Complaint Date:** November 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint Summary:** The homeowner was told by their installer that the homeowner would receive a check for \$8,000 as their REC payment. The homeowner was unable to reach their Designee, so reached out to the Program Administrator in order to seek help reaching a resolution and better understand when they might receive their REC payment.

**ABP Entity Response:** The Designee gave the homeowner information about their system and communicated the timeline of the Program's application and approval process. The Designee also committed to providing the homeowner with monthly updates on the status of their application in the Program.

**Program Administrator Response:** The Program Administrator connected the homeowner with both their Approved Vendor and their Designee, resulting in the ABP Entity Response above.

**Other Information:** The Part II application for this project has been submitted is currently being reviewed by the Program Administrator.

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**Nature of Complaint:** Company is operating as an Approved Vendor without having been approved as an Approved Vendor by the Program Administrator

**Complaint Date:** November 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Installer that has submitted an application to be an Approved Vendor but has not yet approved

**Complaint Summary:** The homeowner executed a contract with an installer to install a solar system under the belief that the installer was an Approved Vendor. Once the homeowner learned that the installer was not an Approved Vendor with the Program, the homeowner attempted to cancel the contract and request a refund of their deposit. The homeowner was also concerned because the system size and generation provided by the installer appeared misleading. The installer declined to return the homeowner's \$500 deposit upon request, claiming it was compensation for work already performed.

**ABP Entity Response:** The installer stated that they were operating as if they were an Approved Vendor because they expected to have their application approved by the time they executed customer contracts. The installer refused to return the deposit to homeowner, because they had performed work by preparing a contract for the homeowner. The installer apparently said that it would pay the homeowner for the RECs out of the company's own pocket should its Approved Vendor application not be approved, but did not place this in writing and could not provide evidence that this was ever relayed to the homeowner. The installer believed that the homeowner was looking for an excuse to cancel the contract, and appeared to be surprised that the company's Approved Vendor application was not immediately approved.

**Program Administrator Response:** The Program Administrator followed up with the installer to gather information about this complaint. The installer's Approved Vendor application was already under review at the time and was under continued to be reviewed due to potential Marketing Guidelines violations and a previous consumer complaint. Additional discrepancies arose upon further review of the Approved Vendor application. The Program Administrator requested more information from the installer regarding these new application discrepancies in early December 2019. The Program Administrator is currently working with the installer on requests for more information.

**Other Information:** The installer's application cannot be approved until open discrepancies and inconsistencies are satisfactorily resolved. The Program Administrator is also seeking additional information about any other aspects of the installer's Approved Vendor application that may be inconsistent, incorrect, or misleading, and has not yet approved that application.

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**Nature of Complaint:** Property damage

**Complaint Date:** November 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Approved Vendor

**Complaint Summary:** Prior to the installation of a solar system on the homeowner's property, a member of the installation crew slipped and stepped through the homeowner's ceiling. The Approved Vendor repaired the damage but did not want to cover the cost of additional clean up, including touching up paint and cleaning walls and vents. The homeowner hired an attorney and after this, the Approved Vendor chose to assist in and pay for additional cleanup from the damage caused during the installation.

**ABP Entity Response:** The Approved Vendor worked with the homeowner to repair all damage caused by the accident and ensure a resolution was met.

**Program Administrator Response:** The Program Administrator received the complaint after the homeowner and the Approved Vendor had reached a resolution. The Program Administrator confirmed with the homeowner that the Approved Vendor accepted responsibility for damaging property and was working to make all necessary repairs.

**Other Information:** N/A

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**Nature of Complaint:** Disclosure Form not signed until after installation; Unnecessary repairs

**Complaint Date:** December 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Designee

**Complaint Summary:** The homeowner had a solar system installed in September 2019. The Designee told the homeowner that they needed to upgrade their circuit breaker in order to install the solar system and bring the homeowner's home up to code. The new circuit breaker installed is tripped often due to the circuits being overloaded. The homeowner was charged \$3,000 for the installation of the new circuit breaker and other repairs that brought the home in compliance with the local electrical code. When the electrician working on the upgrades found that more repairs were needed to ensure that the homeowner's circuit breaker was not overloaded, the electrician performed this work free of charge. In addition to these repair issues, the homeowner was not given a Disclosure Form until months after installation occurred.

**ABP Entity Response:** The Approved Vendor and its Designee informed the Program Administrator that the homeowner's circuit breaker was not up to code in the City of Evanston, where the homeowner lives. The Approved Vendor and the Designee were unaware of issues with the circuit breaker, and when the complaint was brought to their attention, worked to explain the need for the installation of the new circuit breaker, and scheduled an appointment to fix the new circuit breaker which kept getting tripped. The Designee did not originally provide a Disclosure Form to the customer because of miscommunications between the Designee and the Approved Vendor. The Designee was in the process of changing their business model from being a sales and installation company (and thus would generate a Disclosure Form) to only working as an installation company (and thus the Disclosure Form for a project would be generated by the Approved Vendor.). The Designee and the Approved Vendor acknowledged the miscommunication

regarding the Disclosure Form. The Designee worked with a local electrician to ensure that the homeowner's electrical panel and circuit breaker were fully up to code, functioning properly, and safe.

**Program Administrator Response:** The Program Administrator contacted the Approved Vendor to inform them that the homeowner called to complain about the new circuit breaker. The Program Administrator also worked with the homeowner to better understand the complaint and the lack of a Disclosure Form.

**Other Information:** The homeowner subsequently asked to withdraw this complaint because of the satisfactory customer service provided by the Approved Vendor and Designee since making the complaint. This situation this appears to be satisfactorily resolved between the Approved Vendor, Designee, and the homeowner, however an application for this system has yet to be submitted to the Program.

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**Nature of Complaint:** Installer arriving without appointment; Damage to property; Leasing vs. purchasing solar system

**Complaint Date:** December 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Approved Vendor; Designee

**Complaint Summary:** The homeowner had a solar system installed on their roof and had to have their roof replaced prior to installation. The homeowner wanted to purchase the system, but the Approved Vendor apparently encouraged the customer to lease the system and told the homeowner that there was no difference between leasing and purchasing a solar system. The homeowner alleges that the homeowner signed a contract with one company, but another company, which the homeowner did not know or trust, performed the actual installation. According to the homeowner, a van belonging to the installation company drove into the homeowner's gutter and broke it, and the installation company also used a type of wire that is prohibited by the city where the homeowner lives. The homeowner also alleges that the installation company damaged the homeowner's new roof while attempting to locate trusses which are needed to anchor panels to the roof. The homeowner has requested that the \$15,500 purchase price of the solar system be refunded, that the system is removed from their roof, and that their roof be restored to its original pre-installation condition. Additionally, the homeowner no longer wants their application to move forward through the Program's application and approval process.

**ABP Entity Response:** In December 2019, the Approved Vendor asked for 30 days to respond to this complaint. The Program Administrator asked for a quicker follow-up response from the Approved Vendor. In January 2020, the Approved Vendor apparently attempted to assess the damage to the homeowner's gutter and roof in order to resolve this issue, but the homeowner will not let the Approved Vendor back onto their property.

**Program Administrator Response:** The Program Administrator sent an information-gathering request to the Approved Vendor after the complaint was made. Additionally, the Program Administrator is working with the Approved Vendor and the homeowner to ensure prompt response and a suitable resolution to this complaint.

**Other Information:** The resolution of this complaint is pending.

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**Nature of Complaint:** Health problems caused by solar panels

**Complaint Date:** December 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Approved Vendor

**Complaint Summary:** The homeowner had a solar system installed on their roof by a Designee. The homeowner's Disclosure Form was originally generated by the Designee for this application, although the

Designee's Approved Vendor took responsibility over the application for this system after the Designee's suspension from the Program. To date, the system has not yet been energized. After installation, the homeowner claimed that the panels were making people sick and dismissed information provided by the Approved Vendor on the safety of solar panels. The homeowner asked that the solar panels be removed from their roof due to health concerns, as well as water damage that was caused during the installation of the panels.

**ABP Entity Response:** The Approved Vendor asked for additional time to respond to this complaint. The Program Administrator asked for a quicker follow-up response. In January 2020, the Approved Vendor told the Program Administrator that they do not plan to remove the system from the homeowner's roof. The Approved Vendor did find water damage caused by the installation that the Approved Vendor claims has since been remedied.

**Program Administrator Response:** The Program Administrator reached out to the Approved Vendor to gather more information regarding this complaint upon receipt. The Program Administrator asked the homeowner to send any supporting documents regarding the complaint, and has noted that the homeowner has not signed an updated Disclosure Form for this project with the current Approved Vendor after the Approved Vendor assumed responsibility of the project application from the Designee.

**Other Information:** The resolution of this complaint is pending. In order for the Approved Vendor to submit this project application to the Program, a new Disclosure Form must be signed by the homeowner since their original Disclosure Form was generated by their suspended Designee. The homeowner is not currently willing to sign a new Disclosure Form for this project and will no longer allow their Approved Vendor on their property. As the project cannot be part of REC delivery contract without the completion of a project application, it currently seems unlikely the project will be submitted to the Program.

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**Nature of Complaint:** Missing customer information

**Complaint Date:** December 2019

**Complainant Type:** Homeowner

**Type of ABP Entity:** Approved Vendor

**Complaint Summary:** The homeowner signed paperwork, including a Disclosure Form, to submit an application for their installed system to the Program in August 2019. As of early December 2019, the Approved Vendor had not received the documents needed for application from the Designee and had not started processing the homeowner's project application. When the homeowner called the Approved Vendor, they were told that they did not have the application information on file. The homeowner believes that the Approved Vendor lost their information.

**ABP Entity Response:** The Approved Vendor received the application from the homeowner's Designee on the same date the complaint was made to the Program Administrator. The Approved Vendor followed up with their Designee to ask why this application took several months to be submitted. The Approved Vendor confirmed that the Designee had mistakenly believed that they submitted the paperwork needed for Program application to the Approved Vendor for submittal when they had not yet done so, causing a delay.

**Program Administrator Response:** The Program Administrator followed up with the Approved Vendor, providing the homeowner's information and application number to understand what happened with the homeowner's application and what was causing the delay. The Program Administrator worked with the Approved Vendor to understand what happened with the homeowner's information and why there was a disconnect between the Designee and the Approved Vendor for this application. The homeowner was informed about what happened by the Program Administrator and understands that their application is now in process.

**Other Information:** The Part I application was submitted to the Program in December 2019 and has subsequently been approved.



## 4. Disciplinary Actions Summaries

**ABP Entity Name:** Offset Solar

**Type of ABP Entity:** Designee

**Reason for Suspension:** Violation of bullet 6 of Section 2 of DG Contract Requirements (not indicating when mechanics' lien waivers will be provided in the customer contract). Lack of responsiveness to the Program Administrator after repeated requests for replies.

**Suspension Status:** Suspended indefinitely

Suspension Details			
Issue Date	Start Date	End Date	Length
08/29/19	08/29/19	N/A	Indefinite

Appeal Details			
Submitted	Receipt Date	Status	Determination Date
No	N/A	N/A	N/A

**Appeal Determination:** N/A

**Other Information:** Offset Solar appears to have gone out of business.

The Approved Vendor that Offset Solar was a designee to has been working directly with the affected customers to help facilitate their participation in the program.

**ABP Entity Name:** LGCY Power

**Type of ABP Entity:** Designee

**Reason for Suspension:** Violation of Section 3(a) of ABP Marketing Guidelines (use of "ComEd Energy Savings Program" in third-party customer solicitations).

**Suspension status:** Suspension completed, Active Designee status pending.

Suspension Details			
Issue Date	Start Date	End Date	Length
06/24/2019	06/24/2019	09/24/2019	3 months

Appeal Details			
Submitted	Receipt Date	Status	Determination Date
Yes	07/02/2019	Denied	09/23/2019

**Appeal Determination:** Extended appeal through November 11, 2019 given ongoing market activity after suspension date.

**Other Information:** LGCY Power's suspension has been lifted. The Designee's active status is pending as it has not met all conditions established by the IPA to return to Active status.

**ABP Entity Name:** Iconic Energy

**Type of ABP Entity:** Designee

**Reason for Suspension:** Violation of Section 8(d) of the ABP Marketing Guidelines (executing Disclosure Forms on behalf of customers).

**Suspension status:** Suspension completed, Active Designee status restored

Suspension Details			
Issue Date	Start Date	End Date	Length
02/12/2019	02/12/2019	02/12/2020	12 months

Appeal Details			
Submitted	Receipt Date	Status	Determination Date
Yes	02/13/2019	Reviewed	03/12/2019

**Appeal Determination:** Suspension end date shortened to 03/31/2019 in light of confusion around program participation process through Approved Vendor portal.

**Other Information:** N/A