



**RESPONSES TO PROPOSED PROCESS FOR COLLECTION OF DEMOGRAPHIC AND GEOGRAPHIC DATA
REQUEST FOR STAKEHOLDER FEEDBACK
NOVEMBER 4, 2021**

Thank you for the opportunity to provide feedback on the Proposed Process for Collection of Demographic and Geographic Data.

Reporting Scope and Boundaries

One of the first questions that respondents will need to address is – to whom do these reporting requirements apply? This is less straightforward than it might appear, given the complicated organizational structures at ENGIE and (we presume) other participating companies.

To use ENGIE’s organizational chart as an example, some of personnel whose primary job includes the development and delivery of participating Illinois projects tree up through our Approved Vendor, SoCore Energy LLC. Some tree up through ENGIE North America, and some through the Distributed Solar and Storage Group, which is a part of ENGIE Customer Solutions, which is one of four Global Business Lines that tree up to ENGIE Group. As you climb up the tree, you quickly get to a reporting scope that includes thousands and thousands of people who have nothing to do with the development and delivery of renewable energy projects in Illinois.

The purpose of data collection laid out in New Section 1-75(c-20) of the IPA Act is ultimately to “ensure that the benefits of the clean energy economy provided to Illinois residents and business are equitably delivered across the state” and to “track and improve the equitable distribution of benefits across Illinois communities” and to “measure any potential impact of racial discrimination on the distribution of benefits and provide information necessary to correct any discrimination through methods consistent with State and federal law.”

ENGIE believes these purposes are best accomplished by **limiting the reporting scope to Illinois-based personnel whose primary job includes the development and delivery of Illinois renewable energy projects participating in an Illinois Power Agency program.** Casting the net more broadly than that would dilute and skew the data and make it more difficult to determine whether the statute’s purpose is being fulfilled.

Demographic Metrics

Data Collection – Q3: Are there any proposed demographic categories or classifications that should be removed? Please provide specific examples and reasons for removal.

ENGIE recommends that the IPA remove Questions 10, 11, and 14 addressing employees’ incarceration histories, foster care histories, and disabilities. ENGIE’s Human Resources personnel advise that they would feel extremely uncomfortable requesting this information from employees, given the sensitive nature of the topics. Even asking employees to disclose this information could be perceived as a violation of privacy. Privacy norms in the employment sector exist to protect employees from potential discriminatory practices and to avoid putting pressure on people to disclose more about private matters than they are comfortable disclosing.

ENGIE does not object to Questions 9, 12 and 13 about educational level and current and former status in the armed services. These questions are not as sensitive as the others, however IPA should be aware that this is not data that employers are likely to have on file. Because employers do not collect or report on these metrics, it would have to be manually collected and voluntarily disclosed, which may impact accuracy.

ENGIE does not object to Questions 1-8. These address data that Human Resources departments generally do collect and can synthesize, anonymize and report. However, IPA should be aware that employees have the option to decline to answer questions about their race, ethnicity, and gender which may impact accurate reporting of those fields.

Reporting Process and Cadence

Data Collection – Q4: The Agency seeks feedback on the process for the submission of data collected by Approved Vendors from subcontractors. One possible approach would be for Approved Vendors to submit subcontractor information on a project-by-project basis. Another approach would be for Approved Vendors to submit subcontractor information on a quarterly basis. The Agency is also open to alternative proposals; for each proposal, please provide an explanation as to why a particular approach may or may not be preferable.

ENGIE urges the IPA to align demographic reporting – including the submission of subcontractor information - with the process and cadence of the existing Approved Vendor Annual Report. There is no reason why more frequent reporting is needed to meet the goals of the statute, but it would impose a significantly higher burden on respondents and their employees.

Data Collection – Q5: For purposes of subcontractor reporting, should Approved Vendors be required to report demographic and geographic data on each subcontractor with whom the Approved Vendor worked on a project in the Program during the reporting period? Should the subcontractors from which this data is collected be limited to those with a direct role in project development, such as sales/marketing and installation? Are there other categories of subcontractors to be included (or excluded) and if so, why?

We recommend that IPA extend demographic reporting requirements to subcontractors who meet the same threshold as Approved Vendor Designees. ENGIE suggests that it would be efficient for all parties if subcontractor reporting were implemented through the existing Vendor Designee registration process and portal.

Program Participants

Data Collection – Q6: New Section 1-75(c-20) refers to collecting data on “program participants.” Might this be understood as referring to customers or hosts? If so, how should the IPA seek to obtain demographic information about customers, and what sensitivities apply to making such inquiries of customers? Who is the right entity to collect that information and how, and how should that information then be reported back to the IPA?

ENGIE believes that the term “program participants” in Section 1-75(c-20)(3) is intended to indicate “real persons employed, contracted, or subcontracted through the program and owners of businesses or entities...” as further developed in (3)(A) and (3)(B). If the legislature had intended to include customers, they would have said so in 3(A) and/or (3B). Customers are indeed beneficiaries of the program, but they outsource the services of an Approved Vendor and its contractors to serve as the “program participant.”

That said, if the IPA decides otherwise, the Agency should know that it would be far from customary for a commercial entity to request demographic data from a customer. Even demographic metrics that private companies commonly collect on their own employees (Questions 1-7) could be perceived as a violation of privacy norms if requested by a vendor. Question 8 about the annual income of employees could be competitively sensitive. Should the IPA determine that it has an obligation to collect demographic data from customers, we request that this be managed not by Approved Vendors but by the IPA or its designee. Furthermore, we suggest that this reporting be voluntary, and that any communication to customers emphasize that data will be aggregated and anonymized before being released to the public.

Geographic Location

Reporting & Accuracy of Data – Q1: For the purposes of determining an Approved Vendor’s geographic location, the Approved Vendor may be headquartered outside of Illinois or may have more than one branch office. Is the main office of an Approved Vendor an accurate reflection of that Approved Vendor’s geographic location?

Alternatively, should the branch office which runs the Approved Vendor's ABP participation be used or is there a better representation of an Approved Vendor's geographic location?

ENGIE recommends that the Approved Vendor report the geographic location of the home office of the majority of personnel whose primary job includes the development and delivery of participating Illinois projects.