

**RESPONSE TO ILLINOIS POWER AGENCY REQUEST FOR COMMENTS ON
BEHALF OF THE SOLAR ENERGY INDUSTRIES ASSOCIATION, THE COALITION
OF COMMUNITY SOLAR ACCESS, AND THE ILLINOIS SOLAR ENERGY ASSOCIATION**

November 4, 2021

The Solar Energy Industries Association, the Coalition of Community Solar Access, and the Illinois Solar Energy Association (collectively the “Joint Solar Parties” or “JSP”) appreciate the opportunity to respond to the Illinois Power Agency’s most recent solicitation for comments for the Proposed Residential and House of Worship Classifications requirement. Through this Request for Stakeholder Feedback, the Agency is seeking feedback on the proposed classifications of, and confirmation process for, projects seeking prevailing wage exceptions for projects on properties used as residential and houses of worship.

As an initial matter, the Joint Solar Parties appreciate that the IPA is soliciting comments by necessity following the passage of the omnibus energy legislation. The significant changes to the Illinois Power Agency Act includes an overhaul of certain elements of the Adjustable Block Program and requires opening of new blocks very soon after the effective date of the legislation. The Joint Solar Parties are thus providing feedback with the understanding that some of the issues in this Request for Stakeholder Feedback will be addressed in the next LTRRPP and potentially litigated before the Commission during the approval process.

1. For residential projects, is 75% of a site’s electrical usage for residential purposes the appropriate standard for considering a site residential? Will this adequately meet the spirit of the law while at the same time accommodating circumstances such as farms and multifamily buildings that include retail spaces?

JSP RESPONSE: The Joint Solar Parties recommend that the utility delivery classification for the account (or, in the case of Ameren, service point if there are multiple service points for the account with different classifications) should determine whether the account is residential or non-residential. Depending on how the premises is metered, it may not be straightforward to break down electricity usage at a site by percentage. Furthermore, even if it is easy to identify residential vs. non-residential electricity usage for a customer, the percentage may fluctuate from billing cycle to billing cycle in an unpredictable fashion. Having a bright-line rule such as utility delivery class provides additional predictability to the customer and to the developer so there are not concerns about an account’s status changing mid-development based on changes in usage.

2. For residential projects, are there specific additional items beyond an electric bill showing a residential rate class or proof of the property’s tax class code that should be considered acceptable documentation?

JSP RESPONSE: The Joint Solar Parties do not have additional proof in particular in mind, but note that an account (or, in the case of Ameren, a service point) can seek a different classification under the standard terms and conditions.

3. For Houses of Worship, are there specific considerations that should be included in the affidavit that the facility is used exclusively for religious exercise or religious worship?

JSP RESPONSE: Generally speaking, the Joint Solar Parties recommend that the IPA and the Program Administrator take a “less is more” approach to verifying that a facility is used for religious exercise or worship. While the Joint Solar Parties appreciate that the statute uses the term “exclusive,” and the Joint Solar Parties are not seeking to enlarge the narrow exemption to prevailing wage requirements, the Joint Solar Parties simply note that there are several thorny issues for identifying, measuring, and verifying religious exercise. The Joint Solar Parties suggest that the affidavit be confined to the minimum statements required to satisfy the statute.