

CONSUMER PROTECTION WORKING GROUP MEETING MINUTES

Friday, October 7, 2022

Disclaimer: Notes below reflect high level discussion and points made by participants during the call. The feedback received from these sessions will help inform the Agency’s strategies on a variety of consumer protection issues. The positions and viewpoints expressed by stakeholders in the meeting may be different than the Agency’s positions.

TOPIC 1	<p>Issues raised by the Joint Solar Parties in the 2022 Long-Term Renewable Resources Procurement Plan proceeding before the Illinois Commerce Commission (Docket No. 22-0231):</p> <p>COMMUNITY SOLAR CONTRACT REQUIREMENTS</p>
BACKGROUND	<p>In the 2022 Long-Term Plan proceeding, the Joint Solar Parties (Solar Energy Industries Association, the Coalition for Solar Access, and the Illinois Solar Energy Association) raised specific issues that the Agency committed to exploring further in a stakeholder process. One of these issues involved community solar contract requirements.</p> <p>As part of its consumer protection requirements, both Illinois Shines and Solar for All set out contract requirements for distributed generation installation contracts and community solar subscription contracts. For community solar contracts, both programs require “evidence of insurance” and “a description of the project’s long-term maintenance plan.”</p> <p>Links:</p> <ul style="list-style-type: none"> • Illinois Shines Community Solar Contract Requirements • Solar for All Community Solar Contract Requirements
ISSUES / QUESTIONS FOR DISCUSS	<ul style="list-style-type: none"> • The Joint Solar Parties suggested “[r]emoving the insurance and O&M requirements from community solar subscription agreements and instead making holding full cost-of-replacement insurance or adequate self-insurance a program requirement.” <p><i>Discussion questions:</i></p> <ul style="list-style-type: none"> • <i>Should the requirement to provide evidence of insurance and a description of a community solar project’s long-term maintenance plan be removed from contract requirements in favor of program requirements establishing what insurance and maintenance is required?</i> • <i>Should entities have flexibility to have less than full cost-of-replacement insurance or is that a reasonable minimum requirement?</i> • <i>How would adequate self-insurance be defined?</i> • <i>What would a minimum program requirement for maintenance look like?</i>
MINUTES	<p>Stakeholder feedback included the following:</p> <ul style="list-style-type: none"> - Creating substantive requirements instead of requirements for information to be included in the contract lets the Program determine what level of insurance and maintenance is appropriate, rather than the customer trying to determine this - Cost of replacement insurance could be a good model

TOPIC 2	<p>Issues raised by the Joint Solar Parties in the 2022 Long-Term Renewable Resources Procurement Plan proceeding before the Illinois Commerce Commission (Docket No. 22-0231):</p> <p>ASSIGNMENT OF COMMUNITY SOLAR SUBSCRIPTIONS</p>
BACKGROUND	<p>Section 1-75(c)(1)(N) of the Illinois Power Agency Act says:</p> <p>“Subject to reasonable limitations, any plan approved by the Commission shall allow subscriptions to community renewable generation projects to be portable and transferable. For purposes of this subparagraph (N), "portable" means that subscriptions may be retained by the subscriber even if the subscriber relocates or changes its address within the same utility service territory; and "transferable" means that a subscriber may assign or sell subscriptions to another person within the same utility service territory.”</p> <p>The 2022 Long-Term Plan says:</p> <p>“[T]o ensure portability and transferability of subscription contracts, as required by Section 1-75(c)(1)(N) of the Act, any such contract should provide that the subscriber (i) may retain the subscription (or at least a downsized version of the subscription relative to the subscriber’s new load) as long as the subscriber changes addresses for utility service within the same utility service territory, and (ii) may assign or sell the subscription to another person within the same utility service territory, without any fee owed to the subscription counterparty, subject to reasonable terms and conditions including matching the subscription size to the new subscriber’s load.” (p.308)</p> <p>In addition:</p> <p>“As additional projects energize and begin to cycle through subscribers, the Agency hopes to learn more about what considerations should inform the parameters of portability and transferability requirements.” (p.48)</p>
ISSUES / QUESTIONS FOR DISCUSS	<ul style="list-style-type: none"> • Joint Solar Parties made a suggestion for the IPA to clarify whether, in assigning a community solar subscription from one customer to another, the assignee must sign a Disclosure Form (if so, suggestion to allow community solar system owner to reject assignment without a Disclosure Form) • Joint Solar Parties made a suggestion to allow community solar system owners to require a minimum credit score for assignees <p><i>Discussion questions:</i></p> <ul style="list-style-type: none"> • <i>What are the benefits and drawbacks of requiring a Disclosure Form from a community solar assignee?</i> • <i>If community solar providers can require a minimum credit score for assignees, should this be required to be the same as the minimum credit score requirement (if applicable) for initial subscribers?</i>

MINUTES	<p>Stakeholder feedback included the following:</p> <ul style="list-style-type: none"> • Disclosure Forms are important and should be required for all customers, including assignees; the assignee will already need to be in contact with the Approved Vendor or Designee and the AV/Designee could provide the Disclosure Form and answer questions • Community solar providers may have specific requirements for subscribers (such as credit score, but could include others) based on their financing / underwriting; companies would need to be able to apply these restrictions to assignees • Assignments are not common in practice and generally are processed by cancelling the existing subscription and starting a new subscription for the new customer
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TOPIC 3	Possible development or identification of customer contract templates
BACKGROUND	<p>The Agency works to reduce barriers to participation in both Illinois Shines and Solar for All. The Illinois Power Agency Act specifically directs the Agency to ensure that small and emerging businesses are able to participate in Solar for All. The Agency also wishes to support new business entering the Illinois Shines program, including Equity Eligible Contractors.</p> <p>The Agency is interested in stakeholder feedback on whether providing or identifying templates for customer contracts that comply with program requirements would help reduce barriers to participation in the programs.</p>
ISSUES / QUESTIONS FOR DISCUSSION	<ul style="list-style-type: none"> • <i>Is creating a compliant customer installation or subscription contract a significant barrier to companies?</i> • <i>Are there existing solar contract templates that would meet either Illinois Shines or Solar for All requirements, or that could be modified to meet program requirements?</i>
MINUTES	<p>Stakeholder feedback included:</p> <ul style="list-style-type: none"> • A template contract could be helpful, but significant concerns with any mandatory contract template due to differences in business models and offers

TOPIC 4	Requirements for Approved Vendors’ Designee management plans
BACKGROUND	<p>In both the Illinois Shines and Solar for All Programs, Approved Vendors are responsible for the activities of their Designees. The Consumer Protection Handbook provides:</p> <p>“Approved Vendors are responsible for ensuring that its Designees and other individuals and entities acting on its behalf comply with this Handbook. Approved Vendors must actively supervise its Designees and any individual or entity acting on its behalf, including but not limited to, communicating program requirements and updates to their Designees,</p>

	<p>ensuring adequate training of sales representatives, and reviewing marketing materials and practices. Approved Vendors and Designees may be disciplined for the failure of any of these entities to follow the Consumer Protection Handbook through suspension of eligibility to receive or otherwise benefit from program-administered REC delivery contracts.”</p> <p>The IPA’s 2022 Long-Term Renewable Resources Procurement Plan explains that in the Agency’s experience, many customer complaints arise from Designee conduct that the Designee’s Approved vendor is unaware of. The Agency sought stakeholder feedback on whether Designees should be required to apply to participate in the Programs, similar to the process for Approved Vendors. Stakeholder feedback indicated that the proposal was not supported and that it might create barriers for new and emerging businesses.</p> <p>Therefore, the IPA instead decided to implement a new requirement to better ensure that Approved Vendors are appropriately managing their Designees: “Approved Vendors that utilize Designees [will be required to] develop plans and processes for the vetting, management, and training of their Designees . . . Approved Vendors will be required to submit these plans and process to the Agency and/or Program Administrators upon request and may be subject to disciplinary action for the failure to develop and implement internal policies and procedures for the management of Designees.” (2022 Long-Term Plan at 295)</p>
ISSUES / QUESTIONS FOR DISCUSSION	<p><i>Discussion questions:</i></p> <ul style="list-style-type: none"> • <i>What guidance should the IPA / Program Administrators provide for the content and requirements of these Designee management plans?</i> • <i>Would a sample or template for Designee management plans be useful?</i> • <i>How should the IPA / Program Administrator review Designee management plans?</i>
MINUTES	<p>Stakeholder feedback included:</p> <ul style="list-style-type: none"> • Standardized requirements for Designee Management Plans could be difficult due to differences in business models, roles of Designees, etc. • Approved Vendors could confirm to IPA/Program Administrator that they have Designee Management Plans, rather than the IPA confirming that specific substantive requirements for the plans have been met • Additional requirements for Approved Vendors can be costly
TOPIC 5	Updating / streamlining Disclosure Forms
BACKGROUND	A key consumer protection requirement in both the Illinois Shines and Solar for All programs is the standard Disclosure Form. Since the beginning of these programs, it has been a requirement that each customer receive and sign a standard Disclosure Form before signing their installation (for distributed generation) or subscription

	<p>(for community solar) contract. The Disclosure Form provides clear, consistent information to the customer about the Program, the specific offer, and consumer rights. The standardized format allows customers to use the Disclosure Form to compare multiple offers in an apples-to-apples manner.</p> <p>The 2022 Long-Term Plan explains that the Agency intends to update and streamline the Disclosure Forms:</p> <p>“The Agency has received feedback that the Disclosure Forms for both the ABP and ILSFA should be streamlined and shortened. As part of this 2022 Plan, the Agency is submitting updated and revised Disclosure Forms for ABP and ILSFA, and for both distributed generation projects and community solar subscriptions. The forms are designed to be shorter, to focus on the key information while flagging other issues of which the customer should be aware, and to increase consistency in Disclosure Form design and content across all offers. Additional details on the new proposed forms are discussed below. The Agency is open to further modifications to these Disclosure Forms through a stakeholder process, which it plans to commence in the fall of 2022; however, the Agency felt it was important to provide new, redesigned documents as a starting place for further adjustments.” (p.316)</p> <p>The Disclosure Forms filed with the Plan can be found in Appendix I-2.</p>
<p>ISSUES / QUESTIONS FOR DISCUSSION</p>	<p><i>Discussion questions:</i></p> <ul style="list-style-type: none"> • <i>Do stakeholders have feedback and/or suggestions on the example streamlined Disclosure Forms that were filed in Appendix I-2 of the 2022 Long-Term Plan?</i> • <i>Some community solar offers require the customer to agree to have a community solar company take over management of the customer’s electric utility account; the community solar company pays the utility bills on behalf of the customer and then charges the customer for a consolidated bill, and the company may require authorization to act as the customer’s agent in making other decisions regarding the utility account. Should Disclosure Forms for these types of offers include an additional disclosure section? If so, what information should be in the disclosure?</i>
<p>MINUTES</p>	<p>Stakeholder feedback included:</p> <ul style="list-style-type: none"> • Support for shorter Disclosure Forms and dynamic Disclosure Forms so that only applicable information is provided to the customer