

## **Exhibit 3**

**PROGRAM VIOLATION RESPONSE MATRIX - DRAFT FOR STAKEHOLDER FEEDBACK**

for the Illinois Shines and Illinois Solar for All programs

Version: 12/2/22



**DRAFT PROGRAM VIOLATION RESPONSE MATRIX**

| ACTION CATEGORY  | RESPONSE                                  | DESCRIPTION   | WHEN RESPONSE IS USED   | PROCESS BEFORE ACTION   | COMMUNICATION OF ACTION AND RECORDKEEPING  | PUBLICATION   | APPEAL PROCESS  |
|--|---|---|---|---|--|---|---|
| No Violation of Program Requirements                                     | <b>Informal Mediation</b>                 | Program Admin works with the customer and entity to attempt to informally resolve a customer's concerns / issues  | For disputes / customer concerns where there does not appear to be a Program violation  | None  | Program Admin retains records of communications  | None  | None  |
| Non-Disciplinary Action to Address Violations                            | <b>Corrective Action</b>                  | Direction from Program Admin to entity to take specific action to correct a Program violation; may include remedial actions not explicitly set out in or required by Program documents (such as notice to affected customers)   | For discrete and/or less serious violations, which can be corrected on an ad hoc basis; requirement to take corrective action can also be required for more serious violations in combination with other responses  | Program Admin issues Notice of Potential Violation and allows reasonable time for response. Program Admin follows notice with discussion with entity if necessary / appropriate to determine whether a violation or other consumer protection issue exists; discusses and develops corrective action and may consider input from entity | Program Admin communicates required corrective action to entity; retains copy of communications in internal disciplinary database; in the case of Designees, Program Admin sends copy of communications to AV  | None  | Appeal permitted to the IPA - default deadline is 2 weeks   |
|  | <b>Compliance Plan</b>                    | Direction from Program Admin to take affirmative ongoing actions beyond those set out in Program documents to ensure and/or monitor compliance on an ongoing basis, may also include reporting requirements   | For systemic or pervasive violations that are less serious in nature; compliance plan can also be required for more serious violations in combination with other responses  | Program Admin issues Notice of Potential Violation and allows reasonable time for response. Program Admin follows notice with discussion with entity if necessary / appropriate to determine whether a violation or other consumer protection issue exists; discusses and develops compliance plan and may consider input from entity   | May be multiple drafts / revisions - Program Admin to send final Compliance Plan to entity; retain copy of communications in internal disciplinary database; in the case of Designees, Program Admin sends copy of communications to AV  | None  | Appeal permitted to the IPA - default deadline is 2 weeks   |
| Formal Warning; Continued noncompliance will lead to disciplinary action | <b>Warning</b>                            | Program Admin sends formal Warning Letter to entity regarding Program violation(s)  | For recurring or more serious violations or issues such that something more is appropriate than simply having entity correct the issue, or entity is unable or unwilling to correct the issue, but not rising to the severity that would warrant suspension; generally used in combination with requiring corrective action / compliance plan (unless violative conduct has already ceased)   | Program Admin issues Notice of Potential Violation and allows reasonable time for response (advance notice may not be provided in emergency situations). Program Admin has discussion with entity if necessary / appropriate to determine whether a violation or other consumer protection issue exists                                 | Program Admin will send written Warning Letter that includes explanation of violation, timeline of communications, reference to specific Program requirements, explanation of disciplinary action, information on appeal process; in the case of Designees, Program Admin sends copy of Warning Letter to AV | Summary of warning letter published on public website | Appeal permitted to the IPA - default deadline is 2 weeks   |
| Formal Disciplinary Action   | <b>Suspension (in 3mo. Increments)</b>    | Suspension from participation in the Program, including marketing the Program, enrolling new customers, etc.; may allow limited activities as necessary to allow resolution of outstanding issues / to avoid harm to existing customers. Projects with disclosure forms executed prior to suspension may continue to completion, unless nature of infraction is such that it requires a pause on project completions. Time duration determined by severity of infraction. Suspensions may be extended if terms of suspension are violated and/or additional violations are found or occur during the suspension period. | For even more serious violations / Consumer Protection issues, considering actual or potential harm to customers or the Program, responsiveness of entity / willingness to resolve the issue, and duration / repetition of same or similar issues or other Consumer Protection issues; may be of varying duration depending on nature and severity of violation; may include re-entry requirements upon the end of the suspension term, including resolution of outstanding issues and complaints and/or actions to ensure compliance, may also require Corrective Actions or a Compliance Plan | Program Admin issues Notice of Potential Violation and allows reasonable time for response (advance notice may not be provided in emergency situations). Program Admin has discussion with entity if necessary / appropriate to determine whether a violation or other consumer protection issue exists.                                | Program Admin will send written Suspension Letter including explanation of violation, timeline of communications, reference to specific Program requirements, explanation of disciplinary action, information on appeal process; in the case of Designees, sends copy of Suspension Letter to AV             | Summary of suspension published on public website     | Appeal to IPA - default deadline is 2 weeks; will entertain request for stay of suspension pending appeal |
|  | <b>Revocation of AV / Designee Status</b> | Permanent expulsion from participation in the Program   | For the most serious violations / Consumer Protection issues and/or repeated / enduring violations of Program requirements with no reasonable expectation of resolution or future compliance  | Program Admin issues Notice of Potential Violation and allows reasonable time for response (advance notice may not be provided in emergency situations). Program Admin has discussion with entity if necessary / appropriate to determine whether a violation or other consumer protection issue exists.                                | Program Admin will send written Revocation Letter including explanation of violation, timeline of communications, reference to specific Program requirements, explanation of disciplinary action, information on appeal process; in the case of Designees, sends copy of Revocation Letter to AV             | Summary of revocation of status on public website     | Appeal to IPA - default deadline is 2 weeks; will entertain request for stay of revocation pending appeal |
| Paired with Non-Disciplinary and/or Disciplinary Actions                 | <b>Restricted Portal Access</b>           | Entity's access to portal functions are restricted  | If an entity fails to respond to a Program Admin inquiry or investigation in a timely manner or by the stated deadline, the Program Admin may restrict the entity's access to portal functions until the entity becomes responsive.   | Program Admin issues Notice of Potential Violation and allows reasonable time for response; if entity fails to respond, the Program Admin may restrict the entity's access to portal functions  | Program Admin will send written notice of restricted access; in the case of Designees, sends copy of notice to AV  | None  | Appeal to IPA - default deadline is 2 weeks; will entertain request for stay of revocation pending appeal |

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## RESPONSE FACTORS

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### Factors for Consideration in Determining Response

*The following is a nonexhaustive list of factors that may be considered when determining the appropriate response to a consumer protection Program violation:*

- Number of customers affected
- Breadth, scope, and/or duration of issue
- Nature and degree of actual or potential harm to customers, including negative customer experience
- Whether the conduct attempted to take advantage of vulnerable individuals or groups of customers
- Whether the entity self-reported the violation and sought assistance in resolving it
- Whether the entity takes responsibility and promptly works to resolve the issue
- Harm to the Program, including actual or potential harm to the Program's reputation or consumer / public trust in the Program
- Entity's history of, or contemporaneous, similar or other violations or consumer protection issues
- Whether the entity was truthful and cooperative in any investigation of the issue
- With respect to a response for the AV (or primary Designee) based on the conduct of a Designee (or nested Designee), whether the AV (or primary Designee) knew or should have known of the conduct and/or had processes in place to prevent it