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January 27, 2023

Illinois Power Agency
105 West Madison Street, Suite 1401
Chicago, IL 60602

To Whom It May Concern:

Clearway Energy Group LLC (“Clearway”) submits the following comments to the Illinois Power Agency (“IPA”) Consumer Protection Proposals.

We thank the IPA for its efforts in seeking collaboration with the industry by way of the Consumer Protection Working Group and the December 2, 2022 proposals. We submit the following comments for consideration.

1) Proposal #2

In regards to the submission of the Designee Management Plan, we support submitting Designee Management Plans to the Program Administrator or Agency upon request without an annual submission.

2) Proposal #6

We agree that payment plans should be offered to customers when multiple billing periods are delivered to customers in a short duration, typically due to utility errors or delays and to no fault of the Approved Vendor or Designee. Many customer billing platforms automatically invoice customers each month on the same day whether a \$0 invoice or an invoice based on the utility host reporting. This results in all customers receiving a timely invoice from the Approved Vendor or Designee around the same time each month even when utility delays occur. We believe that payment plans should be offered to customers when 4 or more billing periods are invoiced within a single billing period or within a 30-day period. The explanation of the payment plan offering would be delivered using the same delivery method as the regular invoice and in advance of the due date for the multiple billing period invoice(s). We agree that offering payment plans for the same amount of time of the delayed billing period is sufficient for customers. While payment plans further delay revenue for Approved Vendors, we believe payment plans are critical and necessary for our customers.

3) Proposal #7

The use of a single disclosure form to be used as a placeholder may not save much work for Approved Vendors or Designees if the actual executed disclosure forms are still needed. Clearway likely would not utilize this exception because of the need to double-sign the customer further complicates the signing process for our most sophisticated customers.



We would like to recommend that flexibility for customers, including large commercial customers, which have account or meter address changes be allowed to transfer the subscription without the need for a new executed disclosure form so long as the customer agreement provides for the ease of such changes without a customer agreement amendment.

4) Proposal #9

We agree that the success of the program relies on compliance with the program rules. Enabling Approved Vendors to understand interpretations of rules, best practices, and violations will aid the industry in its compliance efforts.

We recommend that customer complaints processed by the Program Administrator be categorized as “Alleged Violations” rather than “Potential Violations” because the information available to the Program Administrator upon receipt of the complaint is an allegation that may be entirely refuted by the Approved Vendor in its response. If a potential violation is confirmed by the Program Administrator after the Approved Vendor responds to the customer’s concerns, then we agree with the use of the matrix.

We believe that the Consumer Protection Handbook should set forth a defined timeframe for Approved Vendors to respond to customer complaints. For example, New York requires a complaint response within fourteen (14) days. A defined timeframe, such as fourteen (14) days, to respond to complaints would allow for Approved Vendors to establish business processes incorporating the clear timeframes for timely handling of complaints. The use of the varying timeframes in the email notification causes customer-level timeframes outside of the established business processes and handling timeframes which could result in tardy responses.

We agree with the appeal process and publication of warnings as set forth in the proposal because it provides useful information to the industry. We recommend that a process of removing warnings be added to the Consumer Protection Handbook. Approved Vendors may submit a remedial request of the published warning that removes the warning upon satisfactory remedial action. A similar process is in place in the Massachusetts SMART program.¹ Allowing for the modification of published warnings is appropriate when violations are cured in good faith and to the IPA’s satisfaction.

Additionally, providing an expiration to warnings is in use in other state markets². We recommend that warnings for an Approved Vendor expire after two years, much like the process in Massachusetts SMART.

¹ #5 on page 5 Solar Massachusetts Renewable Target Program (225 CMR 20.00) Guideline on SMART Consumer Protection, Rev. October 18, 2020 -- <https://www.mass.gov/doc/guideline-on-smart-consumer-protection-0/download>

² #4 on page 5 Solar Massachusetts Renewable Target Program (225 CMR 20.00) Guideline on SMART Consumer Protection, Rev. October 18, 2020 -- <https://www.mass.gov/doc/guideline-on-smart-consumer-protection-0/download>



5) Proposal #12

The use of eligibility requirements at the time of the assignment is preferred because eligibility requirements may change over time. Investors set forth requirements applied at the time of originating customers which would include the assignment to a new customer as a new origination.

As stated above in our response to Proposal #7, customer agreements may allow for the transfer to a new address with minimal notice requirements needed to transition the community solar subscription with the customer when they move. Needing customers to sign new a disclosure form when account numbers or meter information changes results in operational difficulties of strictly complying with signing the disclosure form before the customer agreement. We recommend that in these instances, an exception which allows for the transfer to the new address without signing a new disclosure form when the subscription size remains the same.

Again, Clearway appreciates the IPA seeking stakeholder feedback to increase program efficiency and ensure consumer protection.

Sincerely,
Clearway Energy Group LLC