To: The Illinois Power Agency
From: Marina Minic and Participants in the Illinois Solar for All Working Group
Date: 1/27/2023

Submitted to: ipa.contactus@illinois.gov

Dear Illinois Power Agency and ILSFA Program Administration Team:

The Illinois Solar for All Working Group is pleased to deliver the enclosed comments in response to the IPA's Consumer Protection Proposals for Public Comment. This memo describes an overview of the Illinois Solar for All Working Group.

Background: Illinois Solar for All Working Group

The Illinois Solar for All Working Group (the Working Group) formed from a subset of members of the Illinois Clean Jobs Coalition, who had comprised an Environmental Justice-Solar-Labor Caucus (the Caucus) during the negotiation of policies that would become the Future Energy Jobs Act (FEJA). The group formed in order to bring the best practices and policies to the Illinois energy landscape that would serve to maximize benefits to the economically disadvantaged households and communities that targeted programs are intended to serve. The group was co-facilitated by a representative of a solar company, Amy Heart of Sunrun, and a representative of an environmental justice group, Juliana Pino of the Little Village Environmental Justice Organization.

Following passage of FEJA in December 2016, the Caucus expanded into the Illinois Solar for All Working Group, an open membership group including experts on environmental justice, environmental advocacy, consumer protection, solar business, low-income solar policy, energy efficiency, job training, program design, and other areas, who have substantive research and experience to bring to bear on implementation of Illinois Solar for All. Currently, the Illinois Solar for All Working Group meets on a monthly basis and is co-facilitated by Juliana Pino of Little Village Environmental Justice Organization and John Delurey of Vote Solar.

The following members of the Working Group are signatories to these comments:

Vote Solar	SustainRockford
Macedonia Development Corporation, NFP	Citizens Utility Board
Audubon Great Lakes	Central Road Energy LLC
A Just Harvest	Central Illinois Healthy Community Alliance

Illinois People's Action United Congregations of Metro East

Renewable Energy Evolution

Illinois Solar for All Working Group Comments on Proposals #2-13

#2 Requirements for Designee Management Plans

We support the requirement for AV's to submit a Designee Management Plan (DMP) and the plan elements outlined in the proposed language. We feel that preparing what should be a relatively simple plan is a low hurdle, will force AVs to think through their responsibilities and obligations to their AV Designees, will help raise awareness of consumer protection program requirements, and will allow the IPA and Program Administrator to hold AVs accountable for the behavior of their AV Designees. We suggest that, as part of the AV annual report, the AV itemize any non-compliance with the DMP that occurred during the previous year and provide an attestation that includes the following:

- The AV's DMP is compliant with the program's most current consumer protection requirements;
- The AV has reviewed and understands the current consumer protection requirements of the Illinois Solar for All Program; and
- the AV has, aside from the self-reported non-compliance, followed their DMP.

In addition, we suggest the Agency add language that requires the AV to conduct an annual review of its DMP, and to review and update it as needed.

#3 Clarification about Approved Vendor Responsibility for Designees that Market "TBD" Community Solar Offers

Designees marketing "TBD" solar subscriptions should be required to register with the program as an Approved Vendor (AV). We realize that the definition of an AV in the Approved Vendor Manual is an entity that serves as a REC contractual counterparty. However, in reality, we know of a number of firms that are registered as AVs but never serve that role. The registration process for an AV requires the company to demonstrate an understanding of the program including the consumer protection requirements - a valuable exercise for companies marketing "TBD" community solar. In addition, requiring registration as an AV will require designees to submit their marketing materials for review by the program administrator. Lastly, designee marketing companies would be directly accountable to the program rather than through an AV who may not interact with them until after the infractions have occurred. We believe registration will mitigate many of the issues that may be occuring and will help protect consumers from misleading

marketing. This will also prevent the potential for conflict between AVs and Designees regarding responsibility for malfeasance that may occur Lastly, direct designee registration might allow the program to more carefully track who is providing these services.

We recognize that it might pose challenging to expand the Approved Vendor definition at this juncture. One alternative proposal is to have the AV manual define a new role such as "Community Solar Marketer" (CSM) in Section 3. The Agency could then use the AV application requirements associated with consumer protection in the CSM registration process.

#4 Restrictions on Marketing ARES Products in Conjunction with ILSFA Offers

We support the Administrators suggested modifications to the consumer protection handbook but feel this may not go far enough. Disadvantaged communities have historically been preyed upon by ARES marketing. We share the Administrators concerns with associating any ILSFA offer with an ARES offer. There is already confusion as folks attempt to distinguish between the two "programs." We recommend that the Agency go a step further and disallow Approved Vendors to market an ARES in the ABP as well.

#5 Exception to Allow ILSFA Approved Vendors to Use the ILSFA Logo with Approval of the Program Administrator

The Illinois Solar for All Working Group has no concerns with this proposed modification. We have advocated in the past for the Program Administrator to increase awareness of the program brand and marketing materials and to pursue independent marketing efforts to build familiarity. This proposal furthers that goal and supports Approved Vendors without compromising consumer protection.

#6 Community Solar Billing Issues – Notification and Payment Plan

There is a great deal of concern surrounding community solar billing issues. The Agency has proposed adding notification of delayed billing and a payment plan as requirements for Community Solar providers. We would like a more consumer friendly payment plan than what the Agency proposes. Suggestions are listed below.

- We suggest a payment plan be required when billing is delayed by 2 or more billing cycles. Even paying two bills at once can create large financial strain for many customers.
- The Agency proposes that the "payment plan must allow the customer to spread the bill payments over at least the same number of months as are being billed at one time (or

within a single 30-day period)". Rather than setting the minimum time for payments as the same number of months, customers should get double the time to pay back their bills. If a customer is billed 3 months at a time, they should have a minimum of 6 months to pay it back.

- Companies should make it very clear that a payment plan is an option that will result in NO penalties.
- When customers receive billing delay notification, there should be an option to make estimated payments, before the multi-month bill is received. This allows customers to stay on a regular payment schedule.

We agree that language regarding delayed billing is important, and are equally concerned with devising a longer term solution to this problem and to the problem of utility and/or AV resistance to net crediting. The lack of consolidated billing continues to be a significant barrier, ILSFA customers in particular.

#8 Clarification on Restrictions for Offering Distributed Generation Projects that Cannot Take Advantage of Net Metering Crediting under the Public Utilities Act

We agree with the Agency's removal of the blanket prohibition on offering Distributed Generation projects that cannot net meter. Removing the prohibition reduces barriers to municipal utility and cooperative electric utility customers from going solar. We also agree that customers must sign off on and be aware that they do not receive net metering that is comparable to the 1:1 net metering offered in ComEd, Ameren, and MidAmerican territories. We do think that the requirement could be simplified by eliminating the second paragraph that provides some examples of when the form might be required. We offer the following redline/strikeout edits to the suggested language:

> Approved Vendors and Designees may offer a distributed generation project that is not eligible for net meter crediting under Section 16-107.5 of the Public Utilities Act because it is not located in the ComEd, Ameren, or MidAmerican territories. However, if the project is not eligible to receive net metering credits that are substantially comparable to the credits that the customer would receive if they were located in the ComEd, Ameren, or MidAmerican territories, the Approved Vendor or Designee must follow the below steps:
>
> - The Approved Vendor or Designee must ensure that the customer understands that the net meter crediting benefits available in the ComEd, Ameren, and MidAmerican service territories are not available for their project because of its location, and that the customer understands any crediting system for which their project is eligible;

- The customer must sign the Net Metering Unavailability Customer Acknowledgment Form before signing the installation contract; and
- The Approved Vendor or Designee must submit the completed customer acknowledgment form to admin@illinoisabp.com prior to submission of the Part I application. The customer acknowledgment form is available on the Illinois Shines website.

~~The below crediting approaches are not considered to be comparable to net metering as set out in Section 16-107.5, and therefore the Net Metering Unavailability Customer Acknowledgment Form is required in the following circumstances. This is not a complete list of circumstances when the Form would be required.~~

- ~~For eligible customers whose electric service has not been declared competitive pursuant to Section 16-113 of the Public Utilities Act as of July 1, 2011 (generally residential and small commercial customers), if the customer would receive credits for net exported electricity at a rate that is not comparable to, and is less than, the customer's electricity supply rate.~~
- ~~The project would only be eligible for net billing, where the customer pays for gross electricity usage and that charge is netted against credits for electricity that the project sends to the grid, if/when those credits are not comparable to, and are less than, the net metering crediting rate that a customer would receive if they were located in the ComEd, Ameren, or MidAmerican territories (pursuant to Section 16-107.5 of the Public Utilities Act).~~

~~If an Approved Vendor or Designee has questions about whether a specific crediting approach would require the Customer Acknowledgment Form, they may reach out to the Program Administrator for additional guidance.~~ The Approved Vendor or Designee should reach out to the Program Administrator for additional guidance on whether these requirements apply to projects that are not located in the ComEd, Ameren, or MidAmerican territories.

#9 Program Violation Response Matrix

Overall, we approve of the Agency's edits to the program violation response matrix. Below are our suggestions:

- When a Designee is cited, the Approved Vendor should also be required to respond, and such response should include acknowledgement of the potential violation, how their Designee Management Plan addresses the violation, and how their Designee Management Plan will be modified to mitigate the chances of a recurrence. If the Approved Vendor fails to provide an adequate response, the program administrator has the discretion to lock the Approved Vendor out of the AV portal and to apply the Violation Response Matrix to the Approved Vendor.

- Exhibit C states that after the Program Administrator issues Notice of Potential Violation, the entity will have “reasonable time for response”. We suggest “reasonable time” for response be defined for purposes of this Exhibit as “up to but not exceeding thirty (30) days, at the discretion of the Program Administrator.”

#10 Requirement to Provide a Copy of Executed Disclosure Form and Contracts to Customer

The Agency should require Approved Vendors and Designees to provide the opportunity to their customers to request a hard copy of all customer-signed documents (such as the executed disclosure form and customer contracts), and, if requested, the AV and AV Designees must be required to provide them. To ensure the customer received the documents, Approved Vendors and Designees should be required to either follow up with customers two weeks after sending hard copies or send the hard copies via certified mail or other service that provides proof of delivery. Customers may opt-out of receiving hard copies if they prefer digital copies.

#13 Replace References to “Adjustable Block Program” and to Separate ABP and Illinois Shines Websites

We suggest the agency keeps the “Adjustable Block Program” as a way to refer to Illinois Shines.