

From: [REDACTED]
To: [IPA.ContactUs](#)
Subject: [External] US Solar – Response to Consumer Protection Proposals
Date: Friday, December 30, 2022 3:15:19 PM

Dear IPA,

US Solar respectfully submits this informal comment regarding the IPA's consumer protection Proposal #1 ("Updated and Streamlined Disclosure Forms"). As an active developer of community solar projects (with hundreds of subscribers) and distributed generation projects under the Adjustable Block Program, we appreciate the IPA's ongoing efforts to streamline and improve the required Disclosure Forms.

As to **community solar projects**, we generally support the adoption and implementation of Proposal #1, because the proposed new dynamic Disclosure Forms are more readable and significantly shorter in length (two pages vs. seven pages before), while still presenting the relevant information customers need to make an informed decision.

We appreciate the IPA's goal of implementing these updated and streamlined Disclosure Forms by the June 1, 2023 start of the next program year. But the IPA should also adopt an explicit goal of having an API (application programming interface) for the updated Disclosure Forms up and running prior to June 1, 2023. This software functionality will be especially important in the context of community solar, where a single project could have hundreds of individual subscriptions to be processed and maintained in an efficient and consistent manner – which the API should help enable.

As to the Disclosure Form for **distributed generation projects**, we note with the IPA proposes to add a new section titled "Project Efficiency". Of concern, there are many possible ways to view efficiency (*e.g.*, panel conversion efficiency vs. system capacity factor) and this proposal doesn't provide any clear definition — which could lead to different participants interpreting this section differently. Also of concern, this proposed section could mislead customers into paying more for a system that actually delivers less savings. That's because higher efficiencies (*e.g.*, from using cutting-edge panel technologies or dual-axis trackers) typically come with a higher cost. As a general industry practice, solar projects are typically optimized to maximize production and customer cost savings, not optimized for the highest "efficiency" regardless of cost. And the Disclosure Form already does a good job of requiring standardized disclosure of those two key metrics (estimated production and cost savings). So it seems ill-advised to introduce a new "Project Efficiency" metric that is only one of several inputs to the more important bottom-line metrics of estimated production and cost savings.

To put our concern in traditional regulatory terms, over-emphasizing Project Efficiency (including by showing a visual graphic with "Low", "Good", and "High" efficiency ranges) could

lead to a problematic situation where bad actors start gold plating their projects with higher costs to maximize Project Efficiency at the expense of the customer's net savings. To give one example, a dual-axis solar tracker will produce more energy for a given number of panels than would a single-axis tracker or fixed-tilt array. But it would also add significant upfront cost and long-term maintenance costs, allowing bad actors to market a "High Efficiency" system that ends up delivering lower net customer savings.

If the IPA's animating concern is to avoid rooftop solar projects where the panels "face north, are at too steep of an angle, or are shaded by nearby trees or buildings" (as stated in the proposed Project Efficiency section), then a better approach may be to simply require developers to disclose if any of those disfavored design elements are present in their proposal. But none of these are especially relevant for ground-mounted projects (where it's much easier to avoid shading) or even for rooftop projects on large flat roofs. And even in the limited context of residential rooftops, the effect of north-facing or shaded panels, etc. should already be reflected in the existing bottom-line metrics of estimated production and cost savings.

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