

EXPANDED CONSUMER PROTECTION WORKING GROUP AGENDA

Friday, February 2, 2024

Poll Question Series 1:

Which marketplace participant best describes you?	
Approved Vendor	12 of 32
Designee/Nested Designee	9 of 32
Consumer	0 of 32
Government Agency	7 of 32
Non-Profit Advocacy/Community Group	4 of 32
Prospective Approved Vendor/Designee	0 of 32
Other	0 of 32

TOPIC 1	Obtaining and maintaining updated and accurate contact information for all Program participants
BACKGROUND	<p>Approved Vendors (via the application process) and Designees and Nested Designees (via registration) are required to provide the Program Administrator with their companies’ contact information. This information must include, at a minimum, the name, phone number, and email address of the primary point of contact responsible for the company’s day-to-day interactions with the Program Administrator. Program participants are reminded in Sections 2.A (Approved Vendors) and 2.G (Designees and Nested Designees) of the Program Guidebook that they are responsible for ensuring their contact information remains updated and reliable. While Approved Vendors, Designees and Nested Designees are required to confirm their contact information during the annual Approved Vendor and Designee/Nested Designee renewal processes, they are required to provide updated information in between renewals to ensure the Program Administrator always has current contact information. Section 2.G of the Program Guidebook states that an Approved Vendor is “accountable for the conduct of its Designees.” Finally, Section X.B of the Consumer Protection Handbook describes the Program requirement for Approved Vendors to maintain a Designee Management Plan, one component of which is “a plan for regular communications and/or check-ins between the Approved Vendor and Designees.”</p> <p>The Program Administrator is improving our contact information recordkeeping systems to ensure changes in between renewal periods are accurately captured and communicated across Program Administrator teams. However, the Program Administrator has seen an increase in emails and Notices sent to Program entities that bounce back as undeliverable. If the issue concerns a Designee or Nested Designee, the Program Administrator has begun reaching out to the relevant Approved Vendor(s) (or parent Designee) associated with the Designee/Nested Designee to obtain updated contact information. If the Approved Vendor or parent Designee is unable to furnish updated and accurate contact information for its Designee/Nested Designee, the Program Administrator may issue a Notice of</p>

	<p>Potential Violation to the Approved Vendor for an apparent failure to ensure its Designee/Nested Designee kept its contact information current with the Program. The Program Administrator may also request from the Approved Vendor a copy of its Designee Management Plan to ensure compliance with Section X.B of the Consumer Protection Handbook.</p> <p>The Program Administrator is interested in previewing the above and understanding Program participants' internal processes for ensuring they update the Program Administrator with contact information changes and know of any such changes with their Designees and Nested Designees.</p>
<p>ISSUES/ QUESTIONS TO DISCUSS</p>	<ul style="list-style-type: none"> • <i>What processes do Approved Vendors currently follow to ensure their Designees – and Nested Designees – timely update the Approved Vendor and Program Administrator when contact information changes? What processes do Designees follow to ensure Nested Designees timely update the Designee (and Approved Vendor) when contact information changes?</i> • <i>What concerns, if any, do Program participants have with being able to comply with the Program's requirements for entities to ensure their contact information is always updated and accurate with the Program Administrator?</i> • <i>What concerns, if any, do stakeholders have with the Program Administrator's intention to begin issuing Notices of Potential Violation to Approved Vendors and parent Designees when their Designees/Nested Designees appear to have violated Program requirements regarding updating contact information?</i>
<p>MEETING MINUTES</p>	<p>Stakeholder feedback included:</p> <ul style="list-style-type: none"> • Multiple participants explained that their companies use a spreadsheet as a directory for entities registered with them, update it as changes occur, and then inform the Illinois Shines Program Administrator of the changes. • One participant suggested that if Program entities had access to a database that contained the contact information used by the Program Administrator for all Approved Vendors/Designees, they may be able to assist more with ensuring information is up to date. • Several participants agreed that the proposed update to the Program Administrator's internal process would be beneficial and encourage entities to ensure they maintain/report the most updated and accurate contact information to the Program Administrator. • One participant expressed concern about the Program Administrator's intention to begin issuing Notices of Potential Violation regarding updating contact information, stating it may place additional pressure on the relationships between Approved Vendors and their Designees.

TOPIC 2	Request for feedback on potential marketing violations from non-Program entities
BACKGROUND	<p>The Consumer Protection Handbook explains Program requirements surrounding permissible and impermissible marketing language. The Handbook states that “[r]equirements for marketing materials apply to all documents and/or written statements used to advertise offers associated with either [Illinois Shines or Illinois Solar for All], including physical and electronic materials, posts on social media or other websites and text messages.” Sections II-IV of the Handbook explain in detail Program requirements surrounding different types of marketing channels that entities use. Section I.C.1 of the Handbook specifically states that:</p> <p style="padding-left: 40px;">Approved Vendors and Designees shall not make claims that an offer is ‘free,’ ‘no cost,’ or ‘\$0’ unless the customer is guaranteed to not have any financial obligation for the PV system or community solar subscription. Free/no cost/\$0 may <u>only</u> refer to offers in which there is a guarantee the customer will not pay anything (including, but not limited to, lease payments, power purchase agreement payments, subscription payments, enrollment fees, ongoing monthly fees, early termination fees, or tax obligations).</p> <p>In December 2023, the Program Administrator learned of an unregistered lead generator company publicizing to potential customers that they could “get solar installed on [their] home at no cost” and “eliminate energy costs” by a distributed generation solar project on their home through the Illinois Shines program. This company included a “Partner List” on its website which included the names of hundreds of solar companies, many of which are registered as Approved Vendors and/or Designees with the Illinois Shines program. As the representations on the company’s website appeared to violate Program marketing requirements – and the company was not a registered Designee of any Program entity – the Program Administrator issued a Notice of Potential Violation to all Program entities listed on the company’s Partner List.</p> <p>While a few entities responded acknowledging having used the unregistered company for lead generation, most companies responded that they had either never heard of the company, never hired the company to conduct any business on their behalf, and/or had never authorized the company to include its name on its website in any capacity. The Program Administrator subsequently informed all companies with no prior relationship with this lead generator that no further action was required on their part.</p> <p>The Program Administrator is interested in learning from Program participants, consumer organizations and any other interested parties, of any experiences they have had or trends they have identified concerning potentially noncompliant marketing of the Program by non-Program entities.</p>

<p>ISSUES/ QUESTIONS TO DISCUSS</p>	<ul style="list-style-type: none"> • <i>What experiences have Program participants and other interested parties had with potentially misleading or otherwise Program noncompliant marketing from non-Program entities?</i> • <i>Have Approved Vendors or Designees learned of any third-party companies using the Approved Vendor or Designee’s name in an unauthorized manner to market the Program?</i> <ul style="list-style-type: none"> ○ <i>If so, what, if any, actions did the Approved Vendor or Designee take in response?</i> • <i>Do Program participants and interested parties feel comfortable referring such potential violations by non-Program entities to the Program Administrator for review?</i>
<p>MEETING MINUTES</p>	<p>Stakeholder feedback included:</p> <ul style="list-style-type: none"> • Multiple participants stated that they notice many instances of misleading marketing for solar (from non-Program entities), specifically on social media platforms, using a ‘bait and switch’ method. One participant noted that this creates a barrier when trying to properly educate consumers on the positive objectives of the Illinois Shines and Illinois Solar for All programs. • One participant explained that they have encountered a third-party using their company’s name (not in Illinois) in an unauthorized manner, and they requested the company cease and desist using the participant’s name. • Several participants agreed that they feel comfortable referring potential marketing violations to the Program Administrator, and that reporting of these violations would have a positive impact on Program stakeholders.