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Program Administrator

Comment on Updated Guidebook

Thank you for the opportunity to provide stakeholder feedback. The updates to the Guidebook and the Program in general are largely positive and we appreciate all of the work that has gone into updating them.

Section 4 (F)- Co-location and Affiliations

Regarding the updated definition of “Affiliations” to encompass the possibility that “...family members may be considered affiliated entities for co-location purposes” (p. 67 of the 2024-2025 Draft Program Guidebook).

We appreciate the necessity of enforcing this regulation while addressing matrimonial relationships, given their potential influence over each other. However, we have concern regarding the inclusion of “family members”, to include parent-child, sibling, or other kin relationships, within this definition. We contend that family members with systems on the same parcel, who have proven that their systems both serve distinct electrical loads, and have separate retail energy account ownerships, should not be classified as affiliated.

We do not believe that entities being “family members” automatically implies any degree of control or influence, or financial gain, among them. This may be an overly-broad assumption that would result in unreasonable bias against kin relationships.

We believe the existing definition of “affiliations” in the 2023-2023 Program Guidebook effectively addresses fairness concerns regarding co-locations, and implements adequate preventive measures against potentially exploitative loopholes, without the need for the broad inclusion of “family members”.

A number of applications currently in process may be substantially harmed by this addendum. We believe that requiring these customers to retroactively ensure compliance with the new guidelines risks damaging both installer and customer confidence in the Program’s rules, as well as discourages the development of new projects where unaffiliated entities on the same parcel are considered family members.

Given our general disagreement with this change, should the updated definition of “Affiliations” be implemented to include family members, we advocate for exempting any applications that have completed Part 1 submission before the start of the 2024-2025 Program year. This would represent the most equitable approach for all stakeholders involved.

Thank you for your consideration of these comments. Please let us know if you require any additional information.

Sincerely,

Rhett Gopaul