

V. Standard Disclosure Forms and Requirements for Contract Execution

A. General Requirements

An Approved Vendor or Designee must follow the below steps, in order, for execution of customer contracts for both distributed generation and community solar offers. An Approved Vendor that markets a distributed generation system must design the solar project, taking into consideration the site's azimuth, orientation, and shading, before beginning these steps.

- (1) The Approved Vendor or Designee must provide a copy of the applicable standard Disclosure Form, with all relevant fields completed, to the customer, including the relevant Informational Brochure attached as the first two pages. The Informational Brochure and Disclosure Form must be provided in their entirety and not be edited or modified. For in-person contract execution, the agent must review the Disclosure Form with the customer and provide the opportunity to ask questions. For online contract execution, the platform must provide a phone number or online chat function for customer questions. The Approved Vendor or Designee must provide the completed standard Disclosure Form, and the customer must sign that Disclosure Form, before the customer signs a contract.⁴ An electronic signature is permitted only if the Approved Vendor or Designee uses a third-party commercially available e-signature platform to collect the signatures. In addition, the platform must require the customer to scroll through the entire document before signing. The signatory on the Disclosure Form must be the holder of the relevant utility account, or, if the account holder is a company or organization, an individual authorized to sign on behalf of the account holder.
- (2) For any Illinois Shines distributed generation offer where some, or all, of the REC incentive value is paid to the customer after system energization, the Approved Vendor or Designee must provide a copy of the Going Solar flyer, review it with the customer, and provide the customer with an opportunity to ask questions.
- (3) After completion of the preceding steps, the Approved Vendor or Designee may present the customer contract for execution.
- (4) After execution of the customer contract, the Approved Vendor or Designee shall provide to the customer a copy of the signed Disclosure Form, installation or subscription contract, and any other contracts or agreements that the customer signed as part of accepting the offer.
 - For documents signed electronically by the customer, the Approved Vendor or Designee must provide the signed copies by electronic means. At the request of the customer, the Approved Vendor or Designee must also provide hard copies of the signed documents.
 - For documents where the customer signed a hard copy, the Approved Vendor or Designee must give the customer the option of receiving the signed copy electronically or as a hard copy.

⁴ As of the date of publication, April 17, 2023, a limited exception to the Disclosure Form requirements for Illinois Shines is in effect; however, this "leniency period" (<https://illinoisabp.com/wp-content/uploads/2022/08/August-26-2022-ABP-final-for-publication.pdf>) is expected to end on or by June 1, 2023. Refer to the Illinois Shines website for additional information.

- Electronic copies must be sent or available to the customer within 24 hours of signing. For electronic means, the documents may be provided by email, through an online portal, or through the e-signature platform (as long as the documents can be accessed at any time after they have been signed, and are not only accessible during the signing process).
- Hard-copy documents sent by mail must be sent by United States Postal Service first class (or equivalent) and must be properly addressed, with adequate postage, and postmarked within 2 business days. Hard-copy documents that are hand-delivered must be provided to the customer within 3 business days.

The Approved Vendor or Designee must generate the relevant standard Disclosure Form through the Program Portal unless the Approved Vendor or Designee received prior approval from the Program Administrator to generate Disclosure Forms outside of the Portal through an application programming interface (“API”). Any standard Disclosure Form generated outside of the portal through the API must contain the same content and information as the standard Disclosure Form generated by the Program Portal and meet any other requirements developed by the Program Administrator to ensure that the integrity of the form and its execution is not compromised.⁵

All applicable fields in the Disclosure Form must be complete and accurate before presentation to the customer. Required disclosures may not simply refer the customer to their contract or to an attachment. If a variable price or rate is based on the amount of a net-metering or similar bill credit, the Disclosure Form must disclose an explanation of how that calculation will be performed. For example, for a community solar subscription rate that is calculated as a percentage of a customer’s bill credit, that specific percentage must be disclosed.

A limited modification to the above steps 1-4 may be used when a Community Solar Provider contracts with customers whose supply has been declared competitive pursuant to Section 16-113 of the Public Utilities Act as of July 1, 2011 (generally large commercial and industrial customers) for community solar services that would encompass multiple electricity accounts held by the same customer. In these circumstances, the customer may execute a single Disclosure Form prior to the execution of the overarching subscription agreement. The Disclosure Form may list a placeholder estimate of the total aggregated subscription size, rather than listing out the subscription size for each individual subscription, provided that the Community Solar Provider explains to the customer that the listed size is a placeholder estimate. After the contract is finalized and the parties determine the subscription size for individual electricity accounts, the customer must sign a fully complete and accurate Disclosure Form for each community solar subscription (that is, for each individual electricity account to which community solar bill credits will be applied). Signature “bundling,” as described in Section 5(A) of the Program Guidebook, may be available.

An Approved Vendor or Designee may provide the Disclosure Form, Informational Brochure, and Going Solar flyer (if applicable) by electronic means, but must present each document as an attachment or otherwise fully displayed (not merely as a hyperlink), with an option for the customer to download it.

All terms of the contract between a customer and an Approved Vendor or its Designee must be consistent with information in the standard Disclosure Form provided to the customer. All terms and

⁵ For more information on generating disclosure forms outside of the Program portal, see Section 5(E)(3) of the Illinois Shines Guidebook or Section 8.2 of the ILSFA Approved Vendor Manual.

information in the contract and Disclosure Form must be consistent with any marketing claims made to the customer. All customer contracts must include the applicable minimum contract requirements.

B. Requirements for ~~Illinois Shines~~ Community Solar Offers when Specific Project is “To Be Determined”

1. Requirements for Illinois Shines “To Be Determined” Offers

An Approved Vendor or Designee may select the “To Be Determined” option in the Disclosure Form for an Illinois Shines community solar offer when the terms of the subscription are set but the specific project for the subscription has not been determined. The “To Be Determined” option is only available in connection with Traditional Community Solar projects; it cannot be used in connection with Community-Driven Community Solar projects. That is, if a Community Solar Provider is marketing and offering subscriptions to a Community-Driven Community Solar project, it may not provide “To Be Determined” Disclosure Forms for these subscriptions. Nor may a customer who signs a “To Be Determined” Disclosure Form be subscribed to a Community-Driven Community Solar project.

If the “To Be Determined” option is selected in completing the standard Disclosure Form, the Approved Vendor or Designee must send a follow-up communication (by email or hard-copy mail, at the customer’s choice) that provides the customer with their project specifications no later than two weeks after the customer is subscribed to a community solar project. The communication must provide the following details:

- Project location, including the county in which the project is located
- Project name (as that project’s name appears in the Illinois Shines portal)
- Project Illinois Shines identification number
- Project size (in kW AC)
- Approved Vendor name and contact information, if different than the entity sending the communication
- Community Solar Provider name and contact information, if different than the Approved Vendor
- Project status (Completed and producing energy; Completed and awaiting final approval to operate; Under construction; Construction not yet commenced)

In the event that a customer is not assigned to a specific community solar project within six months of the execution of the subscription agreement, the Community Solar Provider shall at that point (and every six months thereafter until the customer is assigned to a project) provide the customer with an update on the status of the customer’s subscription (by email or hard-copy mail, at the customer’s preference).

See Section X(B) for information on Approved Vendor management of Designees who use “To Be Determined” Disclosure Forms.

2. Requirements for Illinois Solar for All “To Be Determined” Offers

An Approved Vendor or Designee may select the “To Be Determined” option in the Disclosure Form for an Illinois Solar for All community solar offer when the terms of the subscription are set but the specific project for the subscription has not been determined. Each “To Be Determined” Disclosure

Form must list a portfolio of between two and five community solar projects to which the “To Be Determined” subscriber will ultimately be assigned. The Disclosure Form must also list the location of each project in the portfolio. Each portfolio may only include community solar projects owned by the same Approved Vendor, or separate Single Project Approved Vendors under a common parent company. Approved Vendors and Designees may use different portfolios of projects for different customers, as long as the other requirements are met.

An Approved Vendor must assign “To Be Determined” subscribers to a specific community solar project within the portfolio listed on the customer’s Disclosure Form within 180 days of the date that the customer signed the Disclosure Form. An Approved Vendor may request a 30-day extension of this deadline. Extension requests should be “batched” to cover all unassigned subscribers who signed their Disclosure Form within the same calendar month. Only one extension may be requested for each “batch” of subscribers. If a “To Be Determined” subscriber is not assigned to a project at the end of 180 days (and no extension request is made and approved), or if the customer is still not assigned to a project at the end of the 30-day extension period, this will be considered a violation of Program requirements and the Approved Vendor may be subject to the responses laid out in the Program Violation Response Matrix in Section X(D).

An extension request shall be submitted in a form to be prescribed by the ILSFA Program Administrator and comply with the following:

- The Approved Vendor or Designee must describe the steps that have been taken toward assigning the subscribers to specific projects;
- The Approved Vendor or Designee must provide a table that lists all the subscribers covered by the request, along with the Disclosure Form signature date for each subscriber;
- The Approved Vendor or Designee must provide sample language that it would use to notify each subscriber of the 30-day extension; and
- The Approved Vendor or Designee must submit the extension request to the Program Administrator at least 14 days prior the lapse of 180 days from the Disclosure Form signature date for any subscriber covered by the request.

The Program Administrator will review the request and grant it if the request is complete and in compliance with these requirements.

Requirements about information that Approved Vendors and Designees must provide to “To Be Determined” subscribers are provided below:

- The Approved Vendor or Designee must provide a list of two to five community solar projects, including the location of each project (city or town if known, or county otherwise), on each Disclosure Form;
- The Approved Vendor or Designee must provide an update to “To Be Determined” subscribers on their subscription status every 30 days until the subscriber is assigned to a specific project (by email or hard-copy mail, at the customer’s preference);
- The Approved Vendor or Designee must provide an update to the subscriber when they are assigned to a specific project (by email or hard-copy mail, at the customer’s preference) no later than 14 days after the customer is subscribed to a community solar project. The communication must provide the following details:
 - Project location, including the county in which the project is located;
 - Project name (as that project’s name appears in the ILSFA portal);
 - Project ILSFA identification number;

- Project size (in kW AC);
- Approved Vendor name and contact information, if different than the entity sending the communication;
- Community Solar Provider name and contact information, if different than the Approved Vendor; and
- Project status (Completed and producing energy; Completed and awaiting final approval to operate; Under construction; Construction not yet commenced).

If the “To Be Determined” subscriber is not assigned to a specific project within 180 days of signing their Disclosure Form plus any approved extension, the Approved Vendor or Designee must notify the customer of their ability to cancel their subscription contract. If the customer elects to cancel their subscription contract, the Approved Vendor or Designee must provide the customer with a document maintained by the Program Administrator containing relevant ILSFA Community Solar offers by other Approved Vendors, if an offer to which the customer could subscribe is currently available.

See Section X(B) for information on Approved Vendor management of Designees who use “To Be Determined” Disclosure Forms.

C. Community Solar Subscription Assignments

If a community solar customer seeks to assign their subscription to a new customer, the Community Solar Provider shall generate and provide a Disclosure Form to the assignee. The Approved Vendor or Designee shall provide the Disclosure Form electronically or provide a hard copy mailed to the assignee, at the option of the assignee. If the assignee fails to sign the Disclosure Form, the Approved Vendor or Designee shall not complete the assignment.

A Community Solar Provider may apply any subscriber eligibility requirements, such as a minimum credit score or execution of an automatic payment agreement, that would apply to *a new subscriber at the time of the assignment*, to the assignee. A Community Solar Provider may not apply stricter eligibility requirements to an assignee than it would apply to a new customer at the time of the assignment. A Community Solar Provider may require that community solar subscription assignments retain the original subscription size and may reject an assignment that would require the subscription size to be adjusted. A Community Solar Provider may also reject a community solar subscription assignment if the original customer was a small subscriber and the new customer would not be a small subscriber.⁶

⁶ Note that a Community Solar Provider may need to address assignments in its contract with the customers; the Consumer Protection Handbook addresses what is allowable from a Program perspective and does not address whether individual contracts permit a Community Solar Provider to reject the assignment of a subscription agreement.

X. Customer Complaints, Designee Management, and Disciplinary Determinations and Process

A. Customer Complaints

Consumers may file complaints with the Illinois Shines Program Administrator using the webform at the Consumer Complaint Center webpage (<https://illinoisshines.com/consumer-complaint-center/>), by emailing complaints@illinoisshines.com, or by calling (877) 708-3456. Consumer complaints that are received by the Illinois Shines Program Administrator are published in abridged format in the Consumer Complaint Center. Complainant information is not made public in this database.

Customers may file complaints with the ILSFA Program Administrator by emailing info@IllinoisSFA.com or by calling 1-888-970-ISFA.

An Approved Vendor or Designee must report any complaints by Illinois Solar for All participants made to itself, or anyone acting on its behalf, to the ILSFA Program Administrator. Complaints by ILSFA customers directed or conveyed to Approved Vendors should be acted upon promptly, with initial contact made within 24 hours of notice.

B. Designee Management

1. Designee Management Plans

As explained in the Introduction, Approved Vendors are responsible for managing and actively supervising their Designees (including nested Designees) and ensuring compliance with all Program requirements. Every Approved Vendor that works with or uses Designees is required to have and follow a Designee Management Plan as of September 1, 2023. The Designee Management Plan should include the following elements:

- A process and criteria for vetting new Designees;
- A plan for onboarding and setting expectations for new Designees;
- A process and criteria for reviewing Designee marketing materials, scripts, and channels;
- A process and criteria for reviewing Designee enrollment processes (including generation and signing of Disclosure Forms and execution of contracts);
- A process for ensuring adequate training of Designee employees and agents (including training on Program requirements and updates);
- A plan for regular communications and/or check-ins between the Approved Vendor and Designees;
- A process and guidelines for when Designees need to update the Approved Vendor on material changes to the Designee's marketing materials or channels, enrollment processes, or other business practices;
- [For Approved Vendors that offer distributed generation projects] Requirements to ensure Designees submit project application materials to the Approved Vendor in a timely manner;
- A process for Designees to report customer complaints to the Approved Vendor; and
- A plan for responding to Designees' violations of Program requirements or applicable requirements of the Designee Management Plan.

If a specific element listed above is not applicable based on the Approved Vendor’s use of Designees, it may be omitted. For example, if an Approved Vendor does not have any Designees that do marketing on its behalf, it does not need a process for reviewing Designee marketing materials. Approved Vendors that are assisting “stranded customers” (customers whose original Approved Vendor was unable or unwilling to complete the project application process) will not be held responsible for the actions or conduct of Designees or other Approved Vendors with whom the Approved Vendor did not have a relationship at the time of the action or conduct.

Affiliated Approved Vendors may develop a joint Designee Management Plan, provided that the content is appropriately tailored to the management of Designees across all affiliates.

Approved Vendors should review their Designee Management Plan at least annually and update it as needed.

Approved Vendors must submit their Designee Management Plan to the Program Administrator or Agency upon request. Failure to have and follow a Designee Management Plan that includes applicable elements identified above on or after September 1, 2023, will be considered a violation of Program requirements.

2. Management of Designees that Use “To Be Determined” Disclosure Forms

An Approved Vendor has responsibility for managing and supervising a Designee that markets community solar and enrolls customers using a business model where the specific community solar project and Approved Vendor is not determined at the time of the customer’s enrollment. (See Section V(B) for additional information on the [distinct requirements applicable to the](#) use of “To Be Determined” Disclosure Forms [in Illinois Shines and ILSFA](#).) In this situation, any Approved Vendor to which the prospective customer might ultimately be assigned is responsible for any marketing, enrollment, and other Designee activities that occur prior to the assignment of the customer to a specific project. As such, multiple Approved Vendors may have responsibility for a Designee’s actions during marketing and enrollment using a “To Be Determined” Disclosure Form. The Approved Vendor for the project to which the customer is ultimately subscribed continues to have responsibility for the Designee’s ongoing activities, [including timely compliance with any deadlines](#).

C. Process for Consumer Protection Violations and Potential Violations

If the Program Administrator believes an Approved Vendor, Designee, or other entity is not acting, or has not acted, in compliance with consumer protection Program requirements in connection with the Program, the Program Administrator will send the entity a Notice of Potential Violation (“NOPV”) that:

- Identifies the problematic behavior
- Explains how the behavior is or may be non-compliant with Program requirements
- Requests more information about the issue
- Includes information on possible penalties

For Designees, a copy of the NOPV will be sent to the Designee's Approved Vendor(s). For nested Designees, a copy will also be sent to the Designee under which the entity receiving the NOPV is nested.

With the limited exception of emergency situations requiring immediate action (as determined at the discretion of the IPA), the Program Administrator will allow a reasonable time for the entity to respond before determining what action to take. The default time period is five business days, but the Program Administrator may shorten or lengthen this period if appropriate. The Program Administrator may contact an Approved Vendor's or Designee's customers to understand the breadth of a potential disciplinary issue.

If an Approved Vendor or Designee is not responsive to the Program Administrator during the investigation of a complaint or potential Program violation, or responds unsatisfactorily, the Program Administrator may limit the Approved Vendor or Designee's access to portal functions, including the ability to generate Disclosure Forms or submit Part I applications. Portal access may be restored once the entity begins responding in a satisfactory manner.

If the Program Administrator determines that the Approved Vendor or Designee has violated a consumer protection Program requirement, the Program Administrator will select the appropriate response from the Program Violation Response Matrix ("Matrix"), based on the specific circumstances and facts. The Matrix is intended to be used specifically for consumer protection violations, but the Agency will follow a similar approach for violations of other types of Program violations. Determinations to approve or reject an Approved Vendor application are outside the scope of the Matrix.

All formal warning letters for consumer protection violations will include the following:

- A brief explanation of the infractions for which the entity is being warned;
- A timeline of communications between the offending entity and the Program Administrator;
- Reference to which specific Program requirement(s) the entity violated;
- An explanation regarding how the Approved Vendor and/or Designee can appeal the formal warning to the IPA and the deadline for an appeal.

For Designees, a copy of the warning letter will be sent to the Designee's Approved Vendor(s). For nested Designees, a copy will also be sent to the Designee under which the entity receiving the warning letter is nested.

All formal disciplinary actions (suspensions or revocation of Approved Vendor / Designee status) taken by the Program Administrator for consumer protection violations will be communicated through a written explanation of the determination that includes the following:

- A brief explanation of the infractions for which the entity is being disciplined;
- A timeline of communications between the offending entity and the Program Administrator;
- Reference to which specific Program requirement(s) the entity violated;
- An explanation of any disciplinary action, including what specific conduct is no longer permitted in connection with the Program through the length of the suspension; and
- An explanation regarding how the Approved Vendor and/or Designee can appeal the disciplinary determination to the IPA and the deadline for an appeal.

A copy of the letter will be sent to all Approved Vendors and Designees that are linked in the Portal, or otherwise registered as acting in partnership with, the entity that is suspended or whose status is revoked.

An Approved Vendor or Designee may appeal a decision or action of the Program Administrator. To appeal to the IPA, an Approved Vendor or Designee should submit a document to the IPA at IPA.Solar@illinois.gov on company letterhead that requests review of the Program Administrator's determination, explains why it believes the determination is in error, and providing any supporting information, documents, or communications. Unless otherwise specified by the Program Administrator, the deadline to submit an appeal is two weeks after the determination. An appealing Approved Vendor or Designee may submit a request to the Agency for a stay of an action or decision pending a resolution of its appeal. The Agency may grant or deny this request and will consider, among other factors, the likelihood of customer harm from such a stay, whether the conduct that resulted in the suspension is ongoing, and the likelihood that the appealing entity may prevail. As part of its appeal, an Approved Vendor or Designee may also suggest alternative resolutions or means to address violations (other than the action that is being appealed).

The IPA may request additional information and materials from the Approved Vendor or Designee, and/or have a discussion with the Approved Vendor or Designee to learn more about the basis for the Approved Vendor's or Designee's position. The IPA will endeavor to issue final determinations on responses to Program violations, including supporting rationale for its decision, as soon as practicable after the receipt of an appeal and review of relevant information.

If an Approved Vendor or Designee receives a formal warning letter, is suspended, or has their Approved Vendor or Designee status revoked, this fact, along with a summary of the Program violations, will be published on the website(s) for the Program(s) in which the Approved Vendor or Designee participates. On a quarterly basis, the Program Administrator will remove warning letter summaries that were issued more than 12 months prior from the relevant Program website. In addition, an Approved Vendor or Designee that is issued a warning letter but has addressed the underlying violations may request documentation from the Program Administrator confirming the resolution of the Program violations. This documentation will be provided at the Program Administrator's discretion, considering whether and to what extent the violation(s) has actually been resolved. The requesting entity is responsible for providing evidence of resolution of the violation(s).

D. Consequences for Violations of Program Requirements

The Agency and Program Administrator may implement consequences for violations of Program requirements. In addition, Approved Vendors or Designees that violate local, state, or federal law may face civil or criminal penalties from other relevant authorities.

The Program Violation Response Matrix ("Matrix"), shown below, lays out the various responses that the Program Administrator may take in response to customer complaints and potential and actual consumer protection Program violations. The Matrix includes information on when each type of response is used, the process provided, communications around the action, publication, and appeals. The Matrix also includes a non-exhaustive list of factors that the Program Administrator may consider when determining what response is appropriate.

As noted above, the Matrix is intended to be used specifically for consumer protection violations, but the Agency will follow a similar approach for violations of other types of Program violations. Determinations to approve or reject an Approved Vendor application are outside the scope of the Matrix; please see the Illinois Shines Program Guidebook or the ILSFA Approved Vendor Manual for information on the Approved Vendor application process.