

Request for Comments: Chapter V and Chapter X of the Consumer Protection Handbook

AUGUST 14, 2023

The Illinois Power Agency and the Illinois Solar for All (ILSFA) Program Administrator (the “Program Team”) are requesting stakeholder feedback on a proposal for more flexibility around customer acquisition in the Illinois Solar for All: Community Solar sub-program in Program Year 2023-2024 (Program Year 6). The proposed updates would allow community solar providers to not designate a specific community solar project at the time that the customer signs a Disclosure Form; instead, the Disclosure Form would indicate that the specific community solar project to which the customer will be subscribed is “To be Determined” (“TBD”). The redline of the Consumer Protection Handbook notates the addition of the Community Solar To Be Determined (TBD) designation process for review.

Specific questions to facilitate feedback on this proposal are found below. Commenters need not respond to every question and should not feel limited by these questions in providing feedback. Comments are welcome from both ILSFA stakeholders and other interested parties.

Responses will be made public and published on the [ILSFA](#) website. However, should a commenter seek to designate any portion of its response as confidential, that commenter should provide both public and redacted versions. Independent of that designation, if the Program Team determines that a response contains confidential information that should not be disclosed, it reserves the right to provide its own redactions.

The proposed redline of Chapters V and X of the Consumer Protection Handbook is [available to view](#). The draft is presented as redline which outlines the proposed addition of a Community Solar project To Be Determined (TBD) designation process for ILSFA.

Responses are due by **Friday, August 25, 2023**, and should be sent to comments@IllinoisSFA.com.

Questions for Stakeholders

1. The Program Team proposes that an Approved Vendor (AV) or Designee may choose to *not* indicate a specific community solar project at the time of generating (and having the customer sign) a Disclosure Form. However, each Disclosure Form must include a list of two to five community solar projects to which the specific customer may ultimately be assigned. This list of projects will be referred to as a “To Be Determined” (“TBD”)

portfolio. The Disclosure Form must include the location of each project (city or town if known, or county otherwise).

2. The AV or Designee will later determine which specific community solar project to assign the subscriber to.
3. The TBD portfolio for a specific Disclosure Form may include no more than five projects, which must be owned by the same AV, or separate Single Project Approved Vendors under a common parent company.
 - a. **Question:** Is a limit of five projects appropriate for ensuring flexibility for AVs and Designees and transparency for the participants?
4. AVs and Designees using TBD designations will be required to provide an update to each customer that has received a TBD designation on their Disclosure Form at least every 30 days by email or hard-copy mail, at the customer's choice, until the customer is assigned to a specific project. When the AV or Designee assigns the customer to a specific community solar project, they must notify the customer by email or hard-copy mail, at the customer's choice, with information about the specific project. AVs must also provide project updates for any project included in a TBD portfolio on their websites, if applicable. If an AV does not have a website, the AV must include project updates in a public format, such as a google sheet.
 - a. **Question:** Should AVs be required to provide project updates on their website or another public forum?
5. AVs and Designees must assign TBD subscribers to a specific project within 90 days of completion of the Disclosure Form, but the AV or Designee may request one 30-day extension request.
 - a. **Question:** Is 90 days with a 30-day extension sufficient? If not, how many days (inclusive of any extensions) should AVs and Designees using a TBD designation have to place customers with a specific community solar project?
6. An extension request must be submitted no fewer than 14 days prior to the completion of 90 days from the time the Disclosure Form with a TBD designation is signed by the customer. AVs and Designees that submit a timely and complete extension request would be granted one extension but would still be required to submit the request and provide information on the reason(s) for the delay.
7. Customers who have not been assigned to a project by 90 days, plus any approved extensions, will have the option to terminate their contract. Subsequent updates to the [Community Solar contract requirements](#) document may reflect this change.
8. The Program Team proposes that AV and Designees would be required to "batch" extension requests—that is, requesters would submit a single extension request for all customers who signed disclosures within the relevant calendar month.
9. When using the TBD designation, the AV or Designee must use the lowest capacity factor of the projects in the portfolio to calculate the customer's projected savings and costs. Once the customer is assigned to a project, these figures must be adjusted and the

customer's system size recalibrated based on the actual system and a new Disclosure Form may need to be completed. *This change is not proposed to be included in the Consumer Protection Handbook but may be included in a future edition of the ILSFA Approved Vendor Manual.*

- a. **Question:** Is there a situation, other than outlined in #10 below when a new Disclosure Form should be required, and when is it acceptable for a customer to be placed with one of the TBD projects without requiring a new Disclosure Form?
10. A new Disclosure Form will need to be signed by the customer if there is more than a 5% change in the customer's subscription size once the customer is placed with a specific project. The customer will not have to sign a new disclosure form for changes that are 5% or less. *This change is not proposed to be included in the Consumer Protection Handbook but may be included in a future edition of the ILSFA Approved Vendor Manual.*
 - a. **Question:** Given these requirements, is 5% an appropriate threshold to trigger the obligation to complete a new Disclosure Form?
11. If the customer is not assigned to a project at the end of the 90 days and no extension request is made and approved, or if the customer is still not assigned to a project at the end of an approved thirty-day extension period, this will be considered a violation of Program requirements and the Community Solar provider may be subject to the responses laid out in the Program Violation Response Matrix in the Consumer Protection Handbook.
12. In keeping with the intent of ILSFA to provide consumer protections that allow potential participants to make decisions based on clear and understandable information, if a TBD subscriber elects to terminate their subscription agreement after 90 days plus any approved extension, the AV or Designee would be required to provide a document compiled by the Program Administrator listing all current Community Solar offers to the customer. This would allow customers to find Community Solar projects that are farther along in the development process so that they may start seeing savings more quickly.
 - a. **Question:** Are there suggestions or models from other community solar programs that can inform how to best set guidelines that allow participants to start realizing savings from a community solar subscription as soon as possible?
13. To track customers who have received a TBD Disclosure Form and their assignment to specific projects, AVs will transition to submitting quarterly reports (similar to Illinois Shines) in addition to the subscriber list and information required for the Community Solar Annual Report. AVs using a TBD designation will also need to provide a TBD update as part of their quarterly reports. Please provide feedback about moving to a quarterly reporting schedule for Community Solar projects. *This change is not proposed to be included in the Consumer Protection Handbook but may be included in a future edition of the ILSFA Approved Vendor Manual.*

- a. **Question:** For the document containing Community Solar offers that would be required to be provided to TBD customers that are not placed with a project and elect to terminate their subscription, how should the Program Team collect and maintain current offers, and how frequently should the document be updated to ensure it stays relevant and helpful to customers?