

# Response to Comments: Changes to Community Solar Subprogram, Chapter V and Chapter X of the Consumer Protection Handbook

## Overview

The Illinois Power Agency and the Illinois Solar for All (ILSFA) Program Administrator (the “Program Team”) requested 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”). A redline of the Consumer Protection Handbook was shared to notate the addition of the Community Solar To Be Determined (TBD) designation process for review.

Specific questions to facilitate feedback on the proposal were issued on August 14, 2023, with public comments due on August 25, 2023. One party submitted [written comments](#). The Program Team has considered these written comments and is appreciative of the thoughtful input provided by the commenter.

Comments have been summarized and addressed below.

## Stakeholder Comments and Responses

**Question: Is a limit of five projects appropriate for ensuring flexibility for AVs and Designees and transparency for the participants?**

- *We are strongly supportive of the proposal than 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, we are not supportive of the requirement to include on the disclosure form a list of two to five community solar projects to which the specific customer may ultimately be assigned. Once assigned to a project, we expect that the customer would not be required to sign an additional disclosure form once they are placed on a project. Our interactions with potential and active customers lead us to believe that they are indifferent to the project that they are placed on. Customers care more about the customer benefits provided by the project and the timeline to start receiving credits. Removing the requirement to specify a project*

*upon signing a Disclosure Form allows the Approved Vendor to plan around real time project capacity ensuring customers begin receiving credits as fast as possible. How long a customer will have to be on the waitlist is based on the length of the interconnection queue and customer churn. The Approved Vendor does not have direct control of either of these factors. If AVs were not required to list projects on the disclosure form or they were allowed to list as many as they wanted (rather than a maximum of five), they would have the maximum flexibility to get customers onto projects in the face of interconnection delays and minimal churn. Allowing the AV to place a customer on the first available spot provides customers the shorter wait times and more equitably places customers in a first come, first served basis. Additionally, an Approved Vendor may have more than five projects in their portfolio and then would be limited to listing only five and ensuring a customer is placed on one of those five projects. Lastly, if a customer needed to be placed on a project not listed on their disclosure form would the Approved Vendor, then need to get the customer to sign a new disclosure form? This is not only burdensome to the Approved Vendor but also to the customer who does not necessarily care which project they are placed on; they just want to see the financial benefits of being a community solar customer. This would also slow the process by which they could be placed on a project. We strongly recommend that Approved Vendors can put "to be determined" on the customer disclosure form and not have to list potential projects the customer may be put on.*

The Program Team will retain the 5 project listing limit on TBD Disclosure Forms. The Program Team believes there is value in providing information to customers about which projects they may be subscribed to and the location of those projects. This value is diminished if the list of possible projects is lengthy. The Project Team may consider adjustments to the number of projects that may be listed on TBD Disclosure Forms in the future if the limit of 5 creates an unreasonable barrier.

**Question: Should AVs be required to provide project updates on their website or another public forum?**

- *No, we do not think Approved Vendors should be required to provide project updates on their website or another public forum. The new Consumer Protection Handbook language already proposed that Approved Vendors 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. We do not think in addition to the email or hard copy mail the customer also needs information on our website or another public forum. There would be no new information to provide. This would be an unnecessary burden on the Approved Vendor. For the updates to each customer that has received a TBD designation we support an update every 30 days by email. Notifying customers by hard-copy mail is not something we currently do. This would take a lot of work to setup and a manual effort every month to run, plus additional unbudgeted cost. We do not currently have print vs email delivery preferences for anything other than billing.*

In response to this comment, the Program Team has revised the proposed changes to the Consumer Protection Handbook to remove the proposed requirement that the Approved Vendor post pending project updates on its website or a public forum. The Program Team will retain the requirement that each community solar provider using TBD designations provide updates every 30 days to the customers and feels that this is adequate notice. The Program Team understands that sending updates by email is the preferred method of the commenter. However, the option for a customer to

receive notifications by mail is necessary to ensure equal access to information by customers who may not have email or are not proficient with email. The Program Team will retain the requirement that the customer have the option to receive notice by hard-copy mail.

**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?**

- *No, we recommend that the 90 days be extended to 210 days (180 days with a 30-day extension). This timeline aligns with typical wait times to get customers off a Wait List and onto a project and is aligned with a standard community solar sales cycle. While Nexamp will make every effort to assign customers to a project as quickly as possible, customer acquisition starts at least six months prior to commercial operation to ensure full enrollment at commercial operation. Removing barriers in the enrollment process, such as allowing for self-attestation or removing individual household resident income reporting, would make a 90-day window more amenable. Moreover, for avoidance of doubt, we are assuming that Program Administrator or Utility Approval are not included in this timeline, as this can extend the customer enrollment process by several days, if not weeks.*

In response to this comment, the Program Team has revised the proposed changes to the Consumer Protection Handbook to extend the 90-day deadline for subscribing TBD customers to a specific community solar project to 180 days with a potential 30-day extension. The commenter is correct in its assumption that this period ends once a customer is placed with a specific community solar project and is not contingent on Program Administrator or third-party approvals.

**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?**

- *No, there is no situation that would justify a new disclosure form needing to be signed besides a change in allocation. If a customer is being assigned to a project, they shouldn't be required to get a new disclosure form signed unless their kW allocation is changing. Signing a new disclosure form for any other reason places an additional burden on the customer. If a customer's utility account changes, but it's the same customer, we should not need to get a new disclosure form signed. Ameren changes utility account numbers often without notifying the Approved Vendor of the change.*

No changes to the proposal were made in response to this comment. For clarity, the Program Team does not intend to require TBD customers to sign a new disclosure form when the customer is subscribed to a specific project, unless there is a change in the customer's subscription size that would trigger the requirement to sign a new Disclosure Form, or there is another change in information presented in the Disclosure Form.

**Question: Given these requirements, is 5% an appropriate threshold to trigger the obligation to complete a new Disclosure Form?**

- *No, we think it should be 2kW or 10% to mirror the current requirements for community solar in the Illinois Shines program.*

In response to this comment, the Program Team has reconsidered the subscription size change that would trigger the need for a TBD subscriber to sign a new Disclosure Form. For TBD community solar subscribers, the Approved Vendor or Designee will be required to follow the generally applicable requirements for when a new Disclosure Form must be signed. As explained in the 2022 Long-Term Renewable Resources Procurement Plan, for subscriptions where the customer pays a set percentage of their community solar bill credits as their subscription fee (guaranteeing a set percentage level of savings), subscriptions may be increased or decreased by up to 5 kW or 25% without requiring a new Disclosure Form; however, the Approved Vendor or Designee must notify the customer for adjustments more than 2 kW or 10%. For all other offer structures (that is, for subscriptions where the fee is *not* a set percentage of the bill credits), a new Disclosure Form is required if the subscription size changes by the greater of 2 kW or 10%.

**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?**

- *If Approved Vendors aren't restricted to what projects customers can be put on, then this will shorten the waitlist for a particular project. Additionally, if the window of time by which a customer was allowed to stay on the waitlist was extended that would allow the customer to stay with the Approved Vendor, they have built a trusting relationship with, and ensure they get on a project with that company. The easiest way to decrease the time spent waiting to realize savings is to develop more ILSFA community solar projects; thereby increasing the number of LMI "spots" available for participation. However, due to the difficulty in enrolling households due to income qualification standards, many developers are not motivated to participate in the ILSFA program, as the number of active projects can attest to. Therefore, reducing the burden of providing income qualification documentation would greatly reduce the time spent to realize savings. In addition to incentivizing project development, reducing the requirements of the income qualification process would also shorten enrollment timelines. The enrollment experience for interested households is lengthened by the need to provide proof of participation in social benefit programs, a W-2, pay stubs, or tax transcript request. Barriers are compounded by ILSFA's unique requirements to provide individual resident household income - regardless of the income qualification method - on the Certification and Consent Form/BIF, and strict requirements for the documents that prove participation in social benefit programs. Oftentimes, these requirements not only delay participation in the program, but discourage participation, altogether. Lastly, the magic day tests for these program REC contracts are pretty disruptive to customers since it means we have to pull them off the project if even the slightest thing changes and replace them with someone else to receive the maximum value of the REC contract. The Massachusetts program checks disclosure forms and allocation lists once a year and allows Approved Vendors to make edits after their review without any consequence.*

The Program Team is not implementing the suggestion to allow CS providers to subscribe TBD customers to an unlimited number of community solar projects. As explained above, the Program Team believes there is value in providing information to customers about which projects they may be subscribed to and the location of those projects. This value is diminished if the list of possible projects is lengthy. The Program Team is adopting the suggestion to allow a window of 180 days, instead of 90, to subscribe a TBD customer to a specific project (with a possible 30 day extension). With respect to the comments on income qualifications, the Program Team thanks the commenter for this input. Because the comments are outside the scope of this proposal, no responsive changes were made.

**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?

- *Quarterly update files should include customer utility account numbers to mirror utility subscriber lists. This would not replace any of the existing information, and it would enable doing one-to-one comparisons between quarterly reports and the utility subscriber lists, improving the accuracy and reducing the operational burden of preparing these reports.*

This comment appears to be non-responsive to the question above. Instead, we believe this response was intended to be to Question 13 of the Request for Comments document, which stated:

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.

The Program Team has considered the comment and will include either an optional or mandatory requirement for the inclusion of customer utility account numbers in the quarterly reporting templates or guidance documents to allow for one-to-one comparisons between quarterly reports and utility subscriber lists. More detail on these requirements will be included in future revisions to the Approved Vendor Manual.