



CITIZENS UTILITY BOARD

Fighting for Illinois Consumers

Comments of the Citizens Utility Board

On the Illinois Power Agency's Request for Stakeholder Feedback- Consumer Protections

December 3, 2021

Question 1

- a. Do the current disciplinary processes under the Adjustable Block and Illinois Solar for All Programs establish a sufficient process for revocation of the ability to receive state-administered incentives? If not, in what areas is the process outlined deficient, and how can the process be improved?

CUB believes the current process is sufficient.

- b. The Agency will include the names of entities whose status within the programs is revoked through inclusion in the disciplinary report. Should the Agency and/or Program Administrators also include the names of entities whose Approved Vendor applications are denied and are therefore unable to participate in the Program?

We recommend that application denials be published in the disciplinary report along with a description of reason for denial. As evident from calls to the CUB hotline, consumers often question the legitimacy of solar companies and marketing. Publishing Approved Vendor application denials would allow for more transparency in the Approved Vendor application and disciplinary process.

- c. Many of the entities participating in the Agency's programs that directly interact with customers are Designees; that is, subcontractors of Approved Vendors. Currently, the Designee registration process is a streamlined registration paired with approval by Approved Vendors to serve as their designees. The Agency is considering whether Designees shall also apply for program participation, using a similar application as Approved Vendors. The Agency seeks feedback on which items of the Approved Vendor application are inapplicable to the proposed Designee registration process.

Since Designees interact directly with ABP consumers, CUB recommends that Designees be required to apply for program participation. Although Approved Vendors are ultimately responsible for ensuring that consumer protections are met and RECs are delivered, many Designees are the only "face" to the program from

a consumer's perspective. Requiring Designees to apply for program participation would ensure that only approved and qualified Designees interact with consumers.

In the Designee application process, we recommend focusing on Vendor Contact Information, Company Background, Vendor Classification, and only essential information related to Legal and Regulatory Information (i.e. question 20 in the [Approved Vendor Application and Standards](#) document).

Question 2

- a. In the development of minimum contract terms for community solar contracts, should the Agency consider differences between traditional and community-driven community solar terms and conditions?

No. Differences between traditional and community-driven community solar terms and conditions should not be considered in the development of minimum contract terms. Any sort of requirements such as on-site inspections, photo documentation of projects under construction, or repairs to material deficiencies discovered should be established regardless if the community solar project is traditional or community-driven.

- b. The Agency is considering including minimum system design criteria on customer disclosure forms for distributed generation projects. Should certain system efficiencies also be included in the minimum contract terms and conditions for distributed generation projects?

We recommend that system efficiencies be included in the minimum contract terms and conditions for distributed generation projects.

Question 3

- a. The Agency is interested in stakeholder feedback on what would be a “disproportionately high number of deficient systems.” What percentage would warrant suspension from the program, and over what time period should it be calculated?

To best protect the interests of ABP customers and the ratepayers funding the program, CUB recommends a stringent standard in these instances, while understanding that occasional miscalculations and errors are inevitable. We believe an analysis of existing vendor complaints, in relation to total installations per vendor, is necessary to set an acceptable baseline for quality.

- b. Are there additional categories of deficient systems which the Agency should consider?

As indicated in the next 2 questions, we agree that consumer complaints (payment delays, lack of communication, hidden charges and fees) and systems failing to meet baseline energy production levels should constitute a “deficient” system. We also recommend that projects where the consumer was not provided a disclosure form or program brochure in a timely and accurate manner also be considered deficient.

- c. For purposes of this threshold, should the Agency consider valid complaints from a customer about a transaction (such as payment delays, lack of communication, hidden charges and fees) to constitute a “deficient” system?

Yes. Consumer complaints about transactions (payment delays, lack of communication, hidden charges and fees) should constitute a “deficient” system.

- d. Should systems failing to meet baseline energy production levels (such as shaded systems and north-facing systems which meet expected output, but have unusually low expected output) be considered “deficient”?

Yes, CUB agrees that systems failing to meet baseline energy production levels should be considered “deficient.”

Question 4

- a. Should the standardized disclosure form take the format of a more limited document that contains necessary information specific only to the customer’s system/subscriptions and the associated financial obligations? Under this scenario, the Agency would propose an accompanying document which explains the disclosure form and its contents also be provided to customers with the standard disclosure form.

While standard disclosure forms are crucial to ensuring that consumers understand the contract terms of their system/subscription and transaction, it can be easy to miss major details when reviewing a 10+ page document. We believe that a more limited standard disclosure form, containing information specific to the consumer’s system, subscription, and financial obligation, would better serve customers, as long as that document was accompanied by another explaining the disclosure form in more detail. The shorter version should explicitly direct the consumer to the longer version. The longer version of the disclosure form should also detail resources such as the “[Project Status](#)” tool on the Illinois Shines

website, information on Alternative Retail Electric Suppliers, Illinois Solar for All, and more.

- b. Is the current format of the distributed generation disclosure form, which varies by financing type, sufficient to educate customers? Is further differentiation between financing structures necessary? Is differentiation between project categories appropriate?

The PV System PPA Disclosure Form should be modified to make clear to the consumer the full amount of public funds going to the system owner. The form currently contains fields for the “Name of Incentive/Rebate” and “Party Directly Realizing the Benefit of the Incentive,” but this section of the form could be made much clearer, and the amount of the incentive should be included. The form could include a field explaining that the incentive goes to the system owner, which could be the homeowner. This would provide more transparency into the PPA process for the consumer, and help ensure that consumers signing up for a PPA are doing so intentionally.

The disclosure forms also need to be much clearer about net metering rates. This is especially important for PPA and Community Solar agreements, because the consumer will be charged a per kWh rate that assumes a certain net metering credit, regardless of the actual rate the consumer received from their supplier. The forms’ language on “Net Metering” should be amended to explain that the net metering rate consumers receive can vary significantly depending on retail electric supplier. They should also specify that when a consumer switches suppliers, they lose any built-up net metering credits. The section should also provide the link to the Illinois Commerce Commission’s website on Alternative Retail Electric Suppliers.

- c. The Agency currently requires ILSFA disclosure forms to include price information on net metering rates, which are necessary for determining minimum savings requirements, while the ABP disclosure forms do not include these rates. Should the net metering rates be provided to Approved Vendors and Designees by the Program Administrators for all forms? Or should those rates be posted to the program websites for customer reference?

Net metering rates should be posted to the IL Shines website AND provided to Approved Vendors and Designees for all forms. In both instances, it should be explained that the rate published is the default electric utility rate, and may not apply if the consumer is with an Alternative Retail Electric Supplier.

Question 5

- a. The current disciplinary process includes the provision of warning letters to entities who have violated program requirements but do not warrant a suspension. The Agency proposes the database which the IPA maintains pursuant to 1- 75(c)(1)(M)(iv) be expanded to include identification not only of entities which have received a suspension but also entities that are warned for violations of program requirements. This would include a description of the type of violations and number of warnings received. The Agency seeks feedback on what additional information should be included in the complaint database.

A description of past violations should be included in the complaint database in addition to the name of the entity, description of violation, and number of warnings received.

- b. Should the ABP Program administrator develop a page on the Illinois Shines website to which Approved Vendors and Designees may provide standardized offers for distributed generation projects and community solar subscriptions, similar to the standardized offers posted under the ILSFA program? Such a “solar marketplace” may would allow customers to compare offers as well as receive information and education on solar development. The Agency seeks feedback on whether this approach would be valuable to entities participating in the program, from Approved Vendors/Designees to customers. Are there exemplary examples from other states?

CUB regularly hears from consumers who are interested in solar but do not know where to start. Having a standardized offer list would be a helpful tool for those interested in shopping around. CUB’s [Community Solar Offer Comparison Chart](#) is one example of such a tool. The ABP Program Administrator serves as a source for impartial consumer information, making it a suitable entity for housing this tool.

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