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September 29, 2023

VIA ELECTRONIC MAIL

Illinois Power Agency
105 W. Madison St., Ste. 1401
Chicago, IL 60602
Tel: (312) 793-0263
Email: IPA.ContactUs@Illinois.gov

**Re: Draft 2024 Long-Term Renewable Resources Procurement Plan ("Plan")
Request Issued August 15, 2023; Comment Deadline Sept. 29, 2023
Joint EEC Parties' Comments**

To Whom It May Concern:

We are furnishing these comments on behalf of ADL Solutions LLC, Blacktech Solutions Corp., GarDen Enterprises, LLC d/b/a UpSouth Energy, LLC, LiveWire Electrical Systems, Inc., Millennium Solar Electric, and Windfree Wind and Solar Energy Design Company (collectively, the "Joint EEC Parties"). Each of the Joint EEC Parties is a registered Equity Eligible Contractor ("EEC") Approved Vendor ("AV") in the Illinois Adjustable Block Program ("ABP"). We respectfully request that the Illinois Power Agency ("IPA") accept the Joint EEC Parties' comments through the care of the undersigned, with the understanding that such comments do not in any way reflect the positions of Barnes & Thornburg LLP, its employees, partners, agents, or affiliates, nor any of its other clients.

Subject to that qualification and understanding, the Joint EEC Parties at the outset notes that their comments are an attempt to prioritize providing direct opportunities to EECs and equity eligible persons ("EEPs") while avoiding undue burdens on applicants and program administrators. Such direct opportunities and their economic benefits should be primarily conferred upon those who have historically faced, and continue to face, discrimination and the direct long-term socio-economic impacts of discrimination under the Illinois Power Agency Act ("IPA Act").

We reproduce the IPA's statements in the Plan, and the Joint EEC Parties' responses, below.

I. EEC BLOCK SIZE

IPA PROPOSAL: The IPA has proposed limiting the EEC block size to 20% purportedly because of "concerning trends related to potential gaming within this category," with the IPA "believ[ing] it prudent to halt additional increase of Program share for this category until both gaming concerns can be adequately addressed and EEP-qualifying DCEO programs can be fully realized, producing EEP-eligible graduates." (Section 7.3.3.)

JOINT EEC RESPONSE: While the Joint EEC Parties appreciate the IPA's recognition of trends related to "gaming" the system and support safeguards to ensure that legitimate EECs are the true beneficiaries of the Program, we do not support the IPA's proposal to freeze the EEC block size. Rather, we believe that the appropriate response should be to implement strong safeguards to ensure that the EEC block is not "gamed" moving forward by addressing the root cause(s) of such trends. With newly adopted safeguards in place, many of which certain of the Joint EEC parties have proposed to the IPA about before, the root causes can be addressed. By applying these safeguards (which presumably will weed out some of the gamesmanship) but concomitantly restricting the EEC block's growth, the IPA is effectively penalizing the "good actors" who remain, and others behind them who are looking to join as EECs in the near term.

The adverse impact of the IPA's proposal to freeze EEC capacity block growth is intertwined with other IPA proposals, discussed below in these comments, including ambiguity regarding the application of the developer cap on Groups A and B and de-prioritizing EECs when awarding unallocated capacity from previous program years.

At bottom, Section 1-75(c)(1)(K)(vi) instructs the Agency to increase the proportion of the EEC category gradually until it reaches 40% of Program capacity. The Joint EEC Parties request that to meet the goals of 40% of Program Capacity by 2030, the IPA should increase the percentage allocated to EECs by 8% per year (in order to meet these goals faster).

II. UNCONTRACTED CAPACITY

IPA PROPOSAL: The IPA has stated that "[a]t the end of the 2023-2024 and 2024-25 Program Years, the IPA proposes to rollover 25% of any uncontracted capacity from the Public Schools category within that category for the following Program Year and allocate the remaining 75% to other categories in accordance with the process outlined below." (Section 7.3.4.) The following categories of unused capacity would be awarded, sequentially, as follows: Small Distributed Generation; Distributed Generation sub-category of Equity Eligible Contractor; Community-Driven Community Solar; Large Distributed Generation; Public Schools; and finally, Community Solar sub-category of Equity Eligible Contractor. (*Id.*) Continuing, "[g]iven that the EEC category is proposed to expand to 20% of the entire program's capacity, and given the degree to which community solar projects have populated the EEC category to date, community solar projects within the EEC category have received and will continue to receive very robust support through the Program." (*Id.*)

JOINT EEC RESPONSE: The Joint EEC Parties cannot reconcile the IPA's statement that "community solar projects within the EEC category . . . **will continue to receive very robust**

support through the Program, (*id.* (emphasis added)), while placing the category in the last possible place to receive any allocation of unused capacity. If the IPA's goal of administering this Program is to provide opportunities to EEPs and EECs, it strains credulity to suggest that giving EECs a last-place position for any additional capacity is "very robust support." The Joint EEC Parties urges the IPA to revisit this ranking.

III. EEC ADVANCE OF CAPITAL

IPA PROPOSAL: The IPA has outlined that "this draft Plan proposes that, in lieu of a rigid scoring rubric, any advance of capital request should include and will be evaluated on [certain criteria]. . . . One significant challenge with advancing capital is the risk of projects not being completed and those ratepayer funds potentially being lost. That risk is different from all other contract structures in Illinois Shines that call for payments only upon project energization. To guard against waste, fraud, or abuse, the IPA believes advanced capital authorizations should be limited to only genuine cases of need." (Section 7.4.6.1.)

JOINT EEC RESPONSE: The Joint EEC Parties believe that "need" can be demonstrated through statements, cash flow projections, and tax returns. The Joint EEC Parties also request that socio-economic criterion should be added as a qualifier.

If the IPA elects to assess "need" at the project-specific level, as opposed to the EEC-specific level, the Joint EEC Parties offer two additional ideas. **First**, the IPA should consider the costs leading up to the Part 1 application, such as shading studies, production estimation, capacity-factor estimates, site control, potential zoning proceedings, and engineering, all of which can be substantial, especially for a new entrant.

Second, the IPA should consider an advance of capital specific to interconnection offered directly to the applicable utility. The costs leading up to and including actual interconnection costs can be substantial. By covering the costs specific to interconnection, such a project conceptually has progressed far enough to evaluate interconnection, which should address some of the risk of "capital flight" about which the IPA is concerned. By also tying such an advance to a specific piece of a potential project, assessing such a request from the IPA's perspective may be much more straightforward than reviewing a compilation of potential cost and cost categories.

IV. ASSIGNMENT OF REC CONTRACTS AND UNDERLYING ASSETS

IPA PROPOSAL: The IPA in two sections limits the assignability of REC Contracts originally granted to EECs for six years. The first instance is as follows: "Projects that are developed by Approved Vendors certified as Equity Eligible Contractors and receive a REC Contract through the EEC block of capacity may not assign those projects to an Approved Vendor that is not also a certified Equity Eligible Contractor for six years after the Part II verification date of the project. After six years from the Part II verification date has passed, this moratorium on assigning EEC projects to Approved Vendors that are not certified as an EEC is lifted." (Section 7.4.6.2.)

The second instance is as follows: "Projects that are developed by Approved Vendors certified as Equity Eligible Contractors and receive a REC Contract through the EEC block of capacity (or through the DG category and request an advance of capital as described in Section 7.4.6.3) may not assign those projects to an Approved Vendor that is not also a certified Equity Eligible Contractor for six years after the Part II verification date of the project. After six years from the Part II verification date has passed, this moratorium on assigning EEC projects to Approved Vendors that are not certified as an EEC is lifted." (Section 7.10.6.)

JOINT EEC RESPONSE: The Joint EEC Parties offer two recommended clarifications concerning these limitations on assignment. **First**, the Joint EEC Parties support the IPA's efforts to enable efficient financing of EEC projects by allowing individual EEPs to own single-project AVs, one for each individual project, as discussed in other portions of our comments. Without the ability to transfer the investment tax credit through on a project-by-project basis, none of our projects would be financeable. We also fully support the IPA in implementing policies that ensure that EECs retain the associated value with EEC REC contracts.

To ensure that EEC projects are financed and completed, we request that the IPA clarify that 100% of the long-term interest in project assets and their associated revenue streams are transferable to financing partners. This ability to transfer long-term project revenues is crucial to engage in and structure tax equity transactions, whereby project value to tax equity investors is dependent on their ability to maximize their equity interest in a project asset. This transaction structure allows EECs to efficiently monetize the net present value of all expected future project cash flows upon project sale, allowing EECs the up-front capital to reinvest and grow their businesses, which is an explicit aim of the latest amendments to the IPA Act.

Second, we request that the IPA clarify that its prohibitions on assignment apply to the REC Contracts, and not the underlying assets. The Plan's reference to limitations on the assignment of "projects" in Sections 7.4.6.2 and 7.10.6 is ambiguous as to whether it applies to a corporate entity, certain or all of the underlying assets, and/or the REC Contract. This clarification will ensure that EECs have the same rights to monetize project assets as their non-EEC competitors. By separating these assets (*i.e.*, separating the REC Contract from project assets), an EEC has greater ability to efficiently monetize the net present value of the project and its associated revenue streams, allowing EECs the up-front capital to reinvest and grow their businesses, which is an explicit aim of the latest amendments to the IPA Act.

V. CAPACITY SUB-CATEGORIES

IPA PROPOSAL: "Section 1-75(c)(1)(K)(vi) of the IPA Act authorizes the IPA to 'create subcategories within this category to account for the differences between project size and type.' Thus, the IPA created two sub-categories within each Group of the EEC category: one for distributed generation and one for community solar through the modifications to the 2022 Long-Term Plan approved by the Commission in May 2023. In approving the creation of sub-categories, the Commission found that it is sufficient to allocate 25% of the EEC category's capacity to distributed generation projects. The Agency proposes to maintain the capacity of each Group to be split 75% for community solar and 25% for distributed generation. This split ensures that some capacity remains available for EECs seeking to develop distributed generation projects, especially as new EECs enter the market." (Section 7.4.6.4.)

JOINT EEC RESPONSE: Allocating 25% of EEC capacity to distributed generation projects necessarily decreases the capacity available for community solar projects under the EEC category. Furthermore, as identified in these responses to other IPA proposals, the effect of this allocation is exacerbated when read together with the developer cap, to be applied across Groups A and B, as well as the fact that the EEC category is currently the last category to receive an allocation of excess capacity under the Traditional Community Solar category. The Joint EEC Parties respectfully request that the distributed generation sub-category allocation be reduced to 10%, not 25%, with community solar adjusted accordingly, because of the current capacity pressures already attendant to EECs that develop community solar projects.

VI. EEC SCORING GUIDELINES

IPA PROPOSAL: With respect to the EEC category, the IPA stated that "[t]he Agency does not at this time propose to create a project scoring system for the EEC category, given the myriad policy considerations at play with the EEC category. However, if stakeholders would prefer a project selection scoring system for the EEC Category, the Agency suggests that a specific proposal be set forth in public comments on this draft 2024 Plan." (Section 7.4.6.5.)

JOINT EEC RESPONSE: The Joint EEC Parties support the addition of a point system to prioritize projects that reflect policy objectives of the IPA Act. The Joint EEC Parties also believe that priority should be given in awarding points to EECs that are self-performing up to 1%-25% of project construction should be granted one point; 25%-50% would be two points; 50%-75% would be three points; and 100% would be four points. "Self-performance" should be defined per statute as market-rate cost project development that takes place before the submittal of the Part 1 application, *i.e.*, engineering, shading studies, production estimates, PV Watts capacity factor estimates, REC estimates, negotiating site control agreements, applying for land use permits, and creating plot diagrams and site maps for all systems. This should also include project operations that are performed after Part 1 submission but before Part 2 submission, *i.e.*, installation, commissioning, professional services, inspection, certificate of completion, performing community solar subscriptions, and creating generating facilities in applicable tracking registries.

In sum, the Joint EEC Parties propose an EEC Block scoring criteria as follows:

Proposed Scoring System for Equity Eligible Contractors Block

a. The EEC certified Approved Vendor can demonstrate contractual commitments for all project work to be self -performed by the EEC certified Approved Vendor and or EEC designees. (Add 4 points)

b. The EEC certified Approved Vendor can demonstrate the contractual commitments for the EEC certified Approved Vendor and or the EEC Certified Designee(s) that all self-erformance project work represents at least 50% and up to 75% of the project's REC ontract value. (Add 3 points)

c. The EEC certified Approved Vendor can demonstrate the contractual commitments for the Approved Vendor or EEC certified Designee(s) that all self-performance work represents at least 25% and up to 50% of the project's REC Contract value. (Add 2 points).

d. The EEC certified Approved Vendor can demonstrate the contractual commitments for the EEC Approved Vendor or EEC certified Designee(s) that all self-performance project work represents at least 1% and up to 25% of the project's REC Contract value (Add 1 point).

VII. EEC DEVELOPER CAP

IPA PROPOSAL: "The Agency proposes a 20% developer cap for any affiliated family of project developers for the Equity Eligible Contractor capacity to be applied across Group A and Group B separately, regardless of whether the category fills on the first day. Any affiliated family of project developers which exceeds 20% of the awarded capacity in a given year's Equity Eligible Contractor block will have any projects that cause them to exceed the 20% capacity cap moved to become the first projects on the waitlist for the applicable group." (Section 7.4.6.5.)

JOINT EEC RESPONSE: The Joint EEC Parties respectfully object to this identified approach for two reasons. **First**, the application "across" Group A and Group B suggests that any developer who may have run up to the cap in one of the Group's has no ability to seek to develop projects in the other Group. If the purpose of the Program is, in part, to geographically distribute the benefits of solar, a functionally "state-wide" cap approach undermines the incentive to do so. Therefore, if IPA intends to apply a 20% developer cap individually to each of Groups A and B—and not "across"—it should clearly state its intention to do so.

Second, the application of such a cap "regardless of whether the category fills on the first day" would potentially limit the ability to fulfill all capacity. The Joint EEC Parties are aware that there are only a limited number of EECs currently available to undertake these projects. Therefore, until there is an oversubscription of capacity, applying this cap does not make sense. The Joint EEC Parties request applying the cap only when oversubscription is anticipated.

VIII. REC COLLATERAL DEPOSIT REFUNDABILITY

IPA PROPOSAL: An AV is required to post collateral equivalent to 5% of the total contract value within 30 business days of when each Batch's contract (or product order) is approved. However, should a project not be completed within certain time frames, the IPA provides for the following: "A project that is not completed in the time allowed (plus any extensions granted) will be removed from the contract, and the REC volume associated with the project will be eliminated from the contract. The [AV] **will also forfeit the posted collateral** associated with the project. Any forfeiture of collateral by the [AV] under the REC Contract **will be considered to be returned to the utility's available Renewable Resources Budget** and will become available for REC delivery contracts for other projects." (Section 7.11.1 (emphasis added).)

JOINT EEC RESPONSE: The Joint EEC Parties appreciate the IPA's efforts in other areas of the Program to alleviate early-stage financial requirements on EECs by working to establish a mechanism for the advanced payment of REC Contract revenues. The Joint EEC Parties request that the IPA make an EEC-specific change to the above approach by refunding to the EEC the REC collateral deposit if a project is not completed within certain timeframes, instead of forfeiting such a deposit in favor of the utility.

There are several reasons for this proposal. **First**, the prospect of forfeiting the REC collateral deposit serves as a major barrier to entry for prospective EEC developers in a way that it simply does not for large developers, which often have robust balance sheets and numerous community solar projects to recoup revenues should one of the projects in its portfolio fail to develop. **Second**, the necessary forfeiture of REC collateral deposits makes it difficult for EECs to finance. For example, whereas EECs can secure affordable financing to finance interconnection collateral deposits because they are refundable, the current REC collateral model limits EECs' ability to attain affordable project finance for these project costs. **Third**, adopting this approach may redound to the benefit of the IPA in other areas, such as advanced REC Contract payments. In other words, if an EEC is not at risk for losing a substantial amount of money through the possible forfeiture of the REC collateral deposit, it conceptually reduces the need for potential advanced REC Contract payments. Because advanced REC Contract payments may take time to evaluate and are awarded during Part 1 verification, they may come too "late" in project development.

We recognize that the IPA is rightfully concerned about the possibility of fraud, abuse, and waste. Therefore, other considerations to this proposal may include eliminating the possibility of a refund "for cause," such as bad faith, material and uncorrected misrepresentations to the IPA or other parties during project development, or fraud, at which point the monies would be forfeited as under the current approach. Alternatively, the IPA may wish to consider reducing the REC collateral deposit amount for EEC-specific REC Contracts from the current level of 5% of REC Contract value to a level that is more manageable for EECs with limited assets. For example, the Joint EEC Parties would welcome a reduction in the non-refundable REC collateral requirement from 5% to 1% of the REC Contract value, which is expected to help all EECs develop projects in the future.

IX. EEC-EEP VERIFICATION AND DISCLOSURES

IPA PROPOSAL: The IPA has stated its intent to request additional information from EEPs to ensure that EEPs are being appropriately certified, including "governance documents" and/or "personal or company net worth," (Section 10.1.2.1), as well as annual certification under the residency qualification to be an EEP (7.7.2).

JOINT EEC RESPONSE: We support the IPA's objectives to ensure that EECs are owned by eligible EEPs. In the first instance, the IPA should verify EEP ownership of EECs through publicly available or non-confidential information. If the IPA is unable to determine whether an entity qualifies as an EEP, then should the IPA seek confidential information. If it elects to do so, IPA should be abundantly clear that it would hold such information as confidential and not subject to disclosure under Illinois or federal open records laws. The Joint EEC Parties have concerns about the invasive nature of requesting net worth information, internal governance documents, and other non-public financial information without providing comfort as to the confidentiality of the same.

To the extent that IPA desires to collect public information about EECs on a regular basis, the Joint EEC Parties support the IPA's proposal to require annual certification of residency status.

X. MULTIPLE EECS UNDER THE SAME MAJORITY-OWNER EEP

IPA PROPOSAL: In an announcement on August 4, 2023, which we attach as Exhibit A to this comment letter, the IPA stated that it would immediately limit EEPs that currently serve as the majority-owner of an EEC from submitting multiple requests to certify EECs for which they serve as the majority-owner EEP. That announcement, which invited comment in this proceeding, is as follows:

> The IPA has concluded that it does not further the objectives of the Equity Accountability System or the Equity Eligible Contractor category of Illinois Shines for an individual EEP to serve as the majority-owner for multiple Equity Eligible Contractors. EEPs that currently serve as the majority-owner of an Equity Eligible Contractor may not submit additional requests to certify Equity Eligible Contractors for which they serve as the majority-owner EEP. However, this policy does not apply to Single-Project AVs, as the Agency recognizes the important role Single-Project AVs can play in successful financing of projects and does not want to limit an EEP's ability to employ business practices available to non EEPs. The IPA will incorporate this approach into the Draft Long-Term Plan being published for public comment on August 15, 2023, but will also apply it immediately, so as to avoid having to revoke any Equity Eligible Contractors certifications that may otherwise be approved before consideration of the issue by the ICC. Stakeholders are welcome to provide feedback through comments on the Draft Long-Term Plan.

(Ex. A.)

JOINT EEC RESPONSE: The Joint EEC Parties do not support such an approach and dispute the rationale to allow this practice for "Single-Project AVs" but not otherwise. For example, if an EEC is majority owned by a person who qualifies as an EEP, a subsidiary company that desires to serve as a designee of this EEC, could not register as an "EEC Designee."

We understand that the IPA's rationale here may relate to its interest in ensuring that the same majority owner that qualifies as an EEP does not form several EEC-qualifying companies in order to bid additional projects in a potential end-run around the capacity limits. Thus, the Joint EEC Parties propose that in addition to providing an exception for Single-Project AVs, the IPA additionally should provide an exemption for an EEP to certify a commonly owned entity as an EEC designee who would not put any additional pressure on the EEC block by submitting projects into the block. In order to gain a certain percentage of the REC contract value based on the proposed EEC Scoring Criteria and the Traditional Community Solar Scoring Criteria, it would be difficult for a single EEC to self-perform one scope of work that would constitute a certain percentage of the total REC Contract value. Therefore, the IPA should permit the value of work performed by commonly owned EEC designees to count toward the REC contract value requirement.

* * * * *

Please feel free to contact me if you have any questions to the Joint EEC Parties or clarifications from the Joint EEC Parties. Thank you much.

Best regards,

Alexander J. Bandza

Signatories:

ADL Solutions LLC
Blacktech Solutions Corp
LiveWire Electrical Systems, Inc.
Millennium Solar Electric
UpSouth Energy, LLC
Windfree Wind and Solar Energy Design Company

EXHIBIT A

New Program Website, CDCS Application Deadline, and Mentorship Program

August 4, 2023

Program News

- **Illinois Shines Introduces New Program Website -** As previously announced, the new www.IllinoisShines.com public website was launched July 27, 2023. The site combines, transforms, and expands information previously available at the Program's two public web sites into a single site for all users, and new information and features will be continually added. The new website does not impact the Program portal. Among recent updates, the "Disciplinary Action Report" and "Consumer Protection Database" are now titled "Program Violations Report" and "Consumer Complaints Report" respectively, and both reports, which are also re-designed, are found in the Consumer Protections page on the website.
- **Mentorship Pilot Interest Form -** The Agency and Program Administrator will launch a Mentorship Pilot program in Fall 2023, with the goal of fostering relationships between market participants and empowering small businesses, Diverse Business Enterprises (DBEs), and Equity Eligible Contractors (EECs) with the tools and training to successfully participate in Illinois Shines. Entities interested in participating in the Mentorship Pilot are asked to complete a short form available at: https://forms.office.com/r/dMTyxVyLJi.
- **Designee Management Plans -** Section X.B.1 of the Consumer Protection Handbook states that "[e]very Approved Vendor that works with or uses Designees is required to have and follow a Designee Management Plan as of September 1, 2023," and provides details on required plan components. With the September 1, 2023, deadline fast approaching, AVs are encouraged to reach out to the Program Administrator at admin@IllinoisShines.com with any questions in meeting this Program requirement.
- **DG DF API Working Group - Call for Participation and Feedback -** The Agency and Program Administrator seek engagement from stakeholders regarding usage, functionality, and feedback on the development of a Distributed Generation Disclosure Form API (Application Program Interface) to be incorporated into the Program portal; a Community Solar DF API was recently added to the Program portal. AVs and Designees interested to participate in a Working Group guiding development on the new API functionality, scheduled to launch shortly, should email the Program Administrator at admin@IllinoisShines.com.
- **Illinois Power Agency Webinar: *Bring Solar to School: Benefits, Challenges, and Opportunities*** - Please join the Illinois Power Agency on Thursday, August 31 at 12:00 p.m. CST for the Power Hour Webinar, *Bring Solar to School—Benefits, Challenges, and Opportunities.* Speakers for the webinar include Audrey Steinbach, Senior Program Manager for Illinois Shines; Matt Seaton, Chief Financial Officer, Illinois State Board of Education; Gabriela Martin, Program Director (Energy), Illinois Clean Energy Community Foundation; and Mia Korinke, Campaign Mobilization Director, Climate Jobs IL.

  During the webinar, the speakers will highlight how public schools (K-12) can take advantage of state incentives to install solar. In addition, the speakers will discuss challenges that schools face to go solar, as well as highlight opportunities and best practices for solar adoption. Register Link: https://us06web.zoom.us/meeting/register/tZIvcO-pqTsuE9VjgesFJ_eXbUmYfqi_V9fA#/registration.
- **Program Year 2023-2024 CDCS -** The CDCS application window for the 2023-2024 Program Year closes **August 30, 2023** (90 days after start of Program Year). Please see Section 5 of the Program Guidebook for more information. Applications will not be accepted after close of the application window until the next Program Year. Waitlisted projects from the 2022-2023 Program Year will receive 2023-2024 capacity. After capacity is awarded to those projects, there will be 8.5 MW of capacity available for Group A and 17.7 MW of capacity available for Group B projects submitted in the 2023-2024 Program Year. For a successful CDCS application submission, the Program Administrator team reminds AVs that:
  1. Appendix F of the Guidebook (page 126) outlines the Community-Driven Community Solar Scoring Criteria and the published guidance and rubric on the CDCS webpage.

2. The goal of the selection criteria is to reward projects that provide direct and tangible connections and benefits to the communities in which CDCS projects serve. Please ensure that all connections and benefits are linked back to the community.
3. For primary criterion B, please quantify all benefits over the 15 years of the REC contract and provide an explanation for the sources/assumptions included in the calculations. The benefits must also be clearly directed to the defined geographic community in which the project is located.
4. For primary criteria C and D, please document all community involvement that occurred prior to application submission. Then also outline the planned community involvement that will occur throughout the future phases of the project. Details including the names of community members/organizations, the type & date(s) of involvement, and the cadence of past and future involvement will allow for more favorable scores.
5. For secondary criterion H, please include items that have not already been addressed in the other scoring criteria.

- **Update on Certification of EECs -** The Equity Eligible Contractor category is intended to "advance[e] equity across Illinois by providing access to the clean energy economy for businesses and workers from communities that have been historically excluded from economic opportunities," and that purpose is best served by ensuring a level playing field across Equity Eligible Persons (EEPs). The IPA has concluded that it does not further the objectives of the Equity Accountability System or the Equity Eligible Contractor category of Illinois Shines for an individual EEP to serve as the majority-owner for multiple Equity Eligible Contractors. EEPs that currently serve as the majority-owner of an Equity Eligible Contractor may not submit additional requests to certify Equity Eligible Contractors for which they serve as the majority-owner EEP. However, this policy does not apply to Single-Project AVs, as the Agency recognizes the important role Single-Project AVs can play in successful financing of projects and does not want to limit an EEP's ability to employ business practices available to non-EEPs. The IPA will incorporate this approach into the Draft Long-Term Plan being published for public comment on August 15, 2023, but will also apply it immediately, so as to avoid having to revoke any Equity Eligible Contractors certifications that may otherwise be approved before consideration of the issue by the ICC. Stakeholders are welcome to provide feedback through comments on the Draft Long-Term Plan.
- **EEC Developer Cap -** As noted in Section 7.4.6.3.7 of the Modified 2022 Long-Term Plan, a 20% developer cap will be applied to the EEC category should that category become oversubscribed on Day 1 of the block opening. On Day 1 of category opening on June 1, 2023, the initial review of the applications batched and submitted did not immediately lead the Program Administrator to conclude that the developer cap was triggered.

  After a full follow-up and review of the applications batched and submitted on June 1, 2023, the Program Administrator has determined that the EEC category was in fact oversubscribed on Day 1 of the Program Year, triggering the application of the developer cap for the 2023-2024 Program Year. Thus, any projects submitted by an AV that result in a cumulative allocation within the category that exceeds 36.088 MW (20% of the entire category capacity, across both Groups) will be waitlisted by the Program Administrator.

  If an AV has a question about the amount of MW already submitted or how close they are to reaching the cap, please reach out to EEC@IllinoisShines.com for support.
- **Clarification on Advance of Capital Requests for EECs -** It has come to the Agency's attention that there is a typographical error on page 97 of the Program Guidebook causing confusion around the availability of Advance of Capital for Equity Eligible Contractors. The Agency would like to clarify that Advance of Capital is only available for projects submitted to the EEC category and is not extended to projects submitted by EECs into other Program categories. A limited exception which allowed DG projects submitted by EECs to the Small or Large DG categories in the 2022-2023 Program Year has ended in accordance with the Commission's approval of the 2022 Modified Long-Term Plan. The Agency apologizes for any confusion this has caused and a corrected version of the Program Guidebook has been posted on the Program website's Program Documents Page.
- **Consumer Protection Working Group -** The Agency and the Program Administrators for the Illinois Shines and Illinois Solar for All programs hosted the monthly Consumer Protection Working Group meeting today, August 4, 2023. The presentation and notes from the Working Group will be published on the Program's website. The Working Group meets the first Friday of each month, with the next meeting to be held Friday,

September 1, 2023 at 10:00 a.m. CST. If you are interested in participating in the group and future meetings, please submit the form at the website.

- **August REC Invoicing Opens August 1, 2023 -** REC invoices and Quarterly Netting Statements were made available for download from AV SharePoint folders August 1, 2023. Invoices must be submitted to the utility by **August 10, 2023** to receive payment for the August invoice period. Any invoice amounts not submitted to the utility by August 10, 2023 will be carried forward and included in the next invoice period (November 2023).
- **Long-Term Plan Update -** As previously announced, the IPA issued the first two sets of requests for stakeholder feedback on various chapters of the Long-Term Plan (see Stakeholder Feedback chart below for chapter details). The Agency anticipates the next steps in this process with the following updated schedule:
  - Final Draft Release for stakeholder feedback - August 15, 2023
  - Stakeholder comments due to IPA - September 29, 2023
  - Filing with ICC - October 20, 2023
  - ICC Order Expected - February 19, 2024

Application Processing Updates

- **Application Processing Tables -** The Program Administrator updates the application processing tables at IllinoissShines.com/project-application-reports/ on Mondays, Wednesdays, and Fridays. For questions about specific project applications, please contact the Program Administrator at admin@IllinoisShines.com.
- **Traditional Community Solar Application Review and Scoring Process -** Applications submitted to date have been processed in the order they were submitted, and scores will be issued to AVs approximately two weeks after projects are reviewed. Projects in Group A that have scored a minimum of five points will be added to the waitlist in the order they were submitted. Projects in Group B that have scored a minimum of five points will be awarded capacity for the 2023-24 Program Year as long as capacity remains available. If a project does not receive a minimum score of five points, the application is not eligible to be waitlisted but can reapply to the Program at any time. A weekly waitlist publication for Group A is available at the Block Capacity Dashboard.

Ongoing Program Portal Updates

- Ongoing portal updates and a library of portal help guides can be found at illinoisshines.com/portal-updates-help-guides/

  Updates on Portal Issues, Improvements, and Future Releases
  - The planned system maintenance windows on **Tuesday and Thursday evenings (from 8:00 p.m. to 10:00 p.m. CPT) will extend through August**. During these maintenance windows, the Portal is expected to be unavailable to users, which the Program Administrator and Agency hope will be minimally disruptive to Program participants. **Any users working in the portal should save their work prior to the 8:00 p.m. CPT start of the system maintenance window each day, as any unsaved information will be lost when the system is moved into maintenance mode**. In the event that portal restoration is unexpectedly incomplete as of 10:00 p.m. CPT on a given evening, an update notice will be sent to AVs and Designees.

Development Focus	Details	Planned or Actual Delivery
Enhancements, Features and Bug Fixes		
New Feature: Copy a DF.	Feature gives AVs and Designees the ability to make a copy of DFs created after June 1, 2023. From the DF Dashboard (menu> Vendor/Designee> Disclosure Forms> View), the AV or Designee may select the ellipses menu (...) under the action column on the row of the record they would like to copy and then select the "Make a copy of form" option. The user will then be taken to the new form and allowed to make revisions/edits. Please note, this feature is not available for DFs created **before** June 1, 2023.	August 3, 2023
Shorten character lengths in Portal Form to create CS DFs.	Previously when too much data was entered in specific fields on CS DFs the layout of the PDF version of the DF was negatively affected. To preserve the designed PDF layout, field limits on CS DFs have been revised as follows: • "The method and formula that will be used to determine the energy supply rate over the full term of the CS subscription" changed from 2000 characters to 500 characters.	August 3, 2023

	• "Provide details about dollar amount and the frequency or basis of guaranteed bill credits for subscription" changed from 200 characters to 40 characters. • "Additional circumstances that allow for early termination other than moving outside your electric service utility territory" changed from 2000 characters to 120 characters. • "Please explain advanced notice requirements" changed from 2000 characters to 120 characters. • "Please explain how fee or penalty will be applied" changed from 2000 characters to 120 characters. • Fee (Name) changed from 200 characters to 50 characters. • Fee (When Application) changed from 200 characters to 75 characters.	
Range Estimate added to DG PPA and Lease DFs.	Estimated Range for Value of Electricity Generated by your Project will now be displayed on DG Lease and DG PPA DFs. The range estimate will be based on the formula Total Years + Total Months / 12 *0.005.	August 3, 2023
Specific Legacy Part I Project Applications' Section 1 are unviewable.	Previously, there were a few specific Part I Project Applications imported from the legacy portal which did not properly display the Section 1 Project Location data on AVs' application view, and had the "Revisit" and "Close" buttons missing. This was preventing AVs from being able to submit their In Progress apps, and the hidden data could not be corrected by Application Processors. AVs will now be able to view and edit these applications' Part I Section 1 data and resubmit the Part I Applications.	August 3, 2023
Land use permit or waiver required for ground-mounted systems larger than 250 kW AC in Part I Applications.	The document upload section of Part I applications will now require attachment of a land use permit or waiver document for ground-mounted systems larger than 250 kW AC. This will streamline the application approval process by ensuring the supporting documentation necessary is supplied at initial submission.	August 3, 2023
DG DFs should always require Utility Fields.	Validation rules were updated on the DG DFs to ensure that (1) a value for Utility is always selected, and (2) that if Other is selected for a Rural Electric Cooperative or Municipal Utility, that the Utility Name is always required.	August 3, 2023
Label for "Utility Name" and "Utility Group" fields not always readable on DG DFs.	Previously depending on your screen resolution, it was not always possible to read the question preceding the fields for "Utility Name" and "Group" that are conditionally required when "Other" is selected for a Rural Electric Cooperative or Municipal Utility. These questions were shortened to accommodate the page layout and always be readable so users will know what is being asked for.	August 3, 2023

Requirements and Reminders

- **Stakeholder Feedback -** This table outlines current and forthcoming proposals and feedback requests:

Proposal or Feedback Topic and Link to Details	Request for Comment Released	Deadline for Comment	Results or Updates to Request
Long-Term Plan: Chapter 3: REC Portfolio/RPS Budget and Goals; Chapter 4: REC Eligibility; Chapter 5: Competitive Procurements; Chapter 6: Self-Direct program; Chapter 9: Consumer Protection	May 26, 2023	June 16, 2023. Comments have been shared at the Agency's website.	Draft Plan to be released expected August 15, 2023. Stakeholder comments due to IPA - September 29, 2023.
Long-Term Plan: Chapter 7: Illinois Shines; Chapter 8: Illinois Solar For All; Chapter 10: Diversity, Equity, and Inclusion; REC Pricing Study by Sustainable Energy Advantage	June 8, 2023	June 29, 2023 Comments have been shared at the Agency's website.	Draft Plan to be released expected August 15, 2023. Stakeholder comments due to IPA - September 29, 2023.

- **Annual Reports -** Submission of Annual Reports, a Program requirement, was due July 17, 2023.
  - AVs will receive further confirmation of their submission's status by September 15, 2023. This may include requests for further clarification and documentation where data discrepancies are found. All discrepancies must be cured by October 13, 2023.
  - AVs who failed to respond when required, received a Notice of Potential Violation, with further disciplinary action defined.

- For any systems which have been delivering RECs for three full delivery years (First REC delivery on or prior to May 31, 2020), the Program Administrator will use the 2023 REC Annual Report data to calculate any potential collateral drawdowns and send the results to the contracting utility by November 15, 2023. The contracting utility will share the results with the AVs.
- Community Solar systems will additionally be assessed by the Community Solar Subscriber parameters, as outlined in the Program Guidebook, to calculate any potential collateral drawdowns. The Program Administrator will send the results to the contracting utility by November 15, 2023. The contracting utility will share the results with the AVs.
- Additional information on collateral drawdown evaluations can be found in the Annual Reports Webinar, held May 9, 2023, and available at the Program Year Webinars page.

- **IPA Issues Request for AVs and Installer Designees Interested in Serving Stranded Illinois Shines DG Customers -** As previously announced, the Program continues to review submissions on a rolling basis for entities interested in serving stranded customers, with particular interest in identifying AVs and/or installer Designees willing to assist stranded customers with project maintenance/repair work. Please see the full Request for AVs and Designees, including details regarding the opportunity to support stranded customers, eligibility requirements, and anticipated responsibilities.
- **Re-Submitting Disclosure Forms -** As a reminder, customers may not submit edits or re-submit DFs to the Program Administrator. AVs and Designees are asked to remind customers to direct DF questions to them. AVs and Designees must manage re-submissions of DF to the Program portal.
- **Program Administrator Office Hours -** Existing and prospective AVs and Designees who have Programmatic questions, project application inquiries, or are experiencing technical difficulties the portal or other Program or seek support in resolving other challenges are invited to attend open Office Hours offered by the Program Administrator via Zoom each week, using a waiting room format to support meetings with individual AV or Designee teams for privacy. Upcoming Office Hours and Join link: https://energy-solution.zoom.us/j/95588710302Co
  - Wednesday, August 9, 10:00 a.m. – 11:00 a.m. CPT
  - Wednesday, August 16, 10:00 a.m. – 11:00 a.m. CPT

REMINDER: All Program updates can be found on the Program Updates webpage, and a new Vendor Forums & Key Dates page at the Program website provides a calendar of upcoming webinars, meetings, support, feedback requests, key dates, holidays, and more. Please visit IllinoisShines.com/vendor-forums-feedback/ for continuous updates.

CONTACT US: For portal, application, or Program-specific questions and inquiries, please contact admin@IllinoisShines.com or call 877-783-1820.