



Clean Grid Alliance's Response to Illinois Power Agency's Request for Stakeholder Feedback on Consumer Protections

December 3, 2021

On November 12, 2021 the Illinois Power Agency posted eight documents seeking stakeholder feedback on certain topics in preparation for publishing its updated Long-Term Renewable Resources Procurement Plan on January 13, 2022, in compliance with P.A. 102-0662. Enclosed are Clean Grid Alliance's response to certain questions presented by the IPA regarding Consumer Protections.

CGA's comments respond to the following questions: 2(b), 3, and 5(b).

GENERAL RESPONSE:

CGA reserves the right to change its position in response to comments made by others, and its lack of a response to a question should not be interpreted as not having a position on that topic, or waiving its right to comment in future workshops or litigation on the matter.

Delivering Midwest Renewable Energy

ADDRESS

570 Asbury Street, Suite 201, St. Paul, MN 55104

OFFICE

651.644.3400

WEB

CleanGridAlliance.org



RESPONSE

2. Under Section 1-75(c)(1)(M)(ii), the Agency plans to expand the minimum contract terms and conditions found in the Marketing Guidelines of both the Adjustable Block Program and Illinois Solar for All in order to ensure that there are minimum contract terms in place for each sub-program (e.g., community solar subscriptions, etc.).
 - 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?
 - 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?

ANSWER

Most customers, especially residential, will not have the technical knowledge to interpret a project's specifications. Presenting state minimum system design criteria that differs from what is being proposed by the vendor could create confusion in the subscription decisionmaking process and slow customer uptake. Therefore, CGA is reticent to support the use of criteria.

3. Under Section 1-75(c)(1)(M)(ii), vendors who "have a disproportionately high number of deficient systems may lose their eligibility" to participate in the program. The Agency will require that repairs, alterations, and additions to remedy deficient systems be brought to the Agency's attention either through customer complaints or through on-site inspections. The Agency proposes that systems which are not meeting their expected output, cause damage to a customer's property, and/or are materially non-conforming with the REC Contract may be considered as deficient systems.

ANSWER

Section 1-75(c)(1)(M)(ii) gives the IPA authority to take steps that ensure ABP projects are properly installed and produce their expected amount of energy. Section (M)(ii) gives the IPA discretion to "require repairs, alterations, or additions to remedy any material deficiencies." The process of ensuring a vendor is properly installing systems, should also provide vendor's the opportunity to cure a complaint or perceived deficiency, especially prior to the IPA requiring work be done and taking steps to determine whether a vendor may lose its eligibility to participate in the ABP. Such a provision should include a process for notifying the Vendor of the complaint or deficiency, a certain timeframe within which the Vendor is to respond to the complaint, and a statement about the Vendor needing to take commercially reasonable steps to

rectify the issue within a timely manner either directly or through our subcontractors. If this is of interest to the IPA, CGA will locate sample language for your consideration.

- c. 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?
 - d. Are there additional categories of deficient systems which the Agency should consider?
 - e. 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?
 - f. 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”?
5. Under Section 1-75(c)(1)(M)(iv), the Agency shall establish one or multiple Consumer Complaint Centers and maintain a disciplinary database.
- 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.
 - 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?

ANSWER:

The marketplace concept has been successfully managed in other states by private sector aggregators. There are other initiatives the IPA should prioritize ahead of establishing a solar marketplace, such as public education about community solar and its benefits, building customer awareness of community solar, and creating the programs and initiatives that foster development of equity eligible contractors and persons, so there are enough employees available to meet minimum equity standards

in section 1-75(c-10).

Respectfully submitted for your consideration

Sean R. Brady

Senior Counsel and Regional Policy Manager – East

Clean Grid Alliance

P.O. Box 4072

Wheaton, IL 60189

312-867-0609 (o)

651-968-6240 (c)