

VIA ELECTRONIC MAIL

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Stakeholder Feedback for 2026 Long-Term Plan

Chapter 10: Diversity, Equity, and Inclusion

TOPIC 1: Barriers to Advance of Capital Use

- 1. Do the current criteria for reviewing Advance of Capital requests appropriately identify contractors that truly need capital? Why or why not?**

Joint EEC Response: No, the current criteria for Advance of Capital requests do not appropriately identify contractors that truly need capital. All legitimate EECs in the program experience hurdles with development capital regardless of size, income, experience, and balance sheet.

- 2. What challenges do small and emerging businesses face when applying for an Advance of Capital through the IL Shines program?**

Joint EEC Response: The “Other Sources of Financial Support” section in the Advance of Capital criteria evaluates an EEC’s need for capital based on an EEC’s other sources of government funding, an EEC’s annual revenue, and an EEC’s private financing for other solar or non-solar projects. To provide analogous context for the Agency, highly capitalized developers with extensive balance sheets even require assistance and “need” for capital from tax equity investors to fund the development of their projects. The Joint EEC Parties do not believe the Agency should conjecture “need” for legitimate EECs’ Advance of Capital based on this “Other Sources of Financial Support” section. Under the “Company Information Section,” the Joint EEC Parties agree that the Agency should not evaluate other REC contracts the EEC AV has received in the program where the EEC AV is not the primary developer or long-term owner operator. Within the “Additional Criteria Section,” the Agency should prioritize projects located in EIEC and Environmental Justice Communities.

3. What improvements to the Advance of Capital process would make it more accessible to small or emerging businesses?

Joint EEC Response: Ultimately, to remain consistent with the Joint EEC Parties' previously proposed parameters around EEC certification, the Agency should not require "Other Sources of Financial Support" or other documentation showing "need" to be submitted with Advance of Capital requests for EEC AVs that are MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE certified. All entities that are not MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE certified should be required to provide "Other Sources of Financial Support" in their Advance of Capital Requests to the program administrator.

4. Are there other factors beyond the process of the application and the criteria for review that may be limiting the application rates for Advance of Capital?

Joint EEC Response: Advance of Capital is granted to EEC AVs too late in the project lifecycle. Advance of Capital is currently released Upon Part I verification and ICC Approval for the REC Contract or product order. Many EEC AVs developing projects do not utilize Advance of Capital because interconnection deposits are the main barrier for EEC development of community solar projects. An EEC AV is not likely to submit an Illinois Shines application without having a line of sight on the execution of their project's interconnection agreement. It is not worth it for an EEC AV to submit an Illinois Shines Application with an Advance of Capital request to fund the 5% collateral payment 30 days following ICC Approval when they still need to fund the \$500k+ community solar interconnection deposit following execution of the project's interconnection agreement with the utility.

Secondly, all community solar projects that are awarded a REC Contract must be energized and Part II Verified within twenty-four months of the project's ICC Approval Trade Date with a bit of flexibility for the AV to submit a one-hundred-and-eighty-day extension given that the Date of Final Interconnection Approval (system energization with receipt of the Certificate of Completion from the utility) has not occurred at time of the extension request. These requests are subject to program administrator approval. As such, interconnection upgrades can take a long time to complete – which can well exceed a potential one-hundred-and-eighty-day extension from the program administrator.

Taking these points into consideration and with the understanding that the amount of capital advanced is deducted from the project's total REC Contract value, the Joint EEC Parties propose that the Agency issues the Advance of Capital approval directly with the utility to waive the interconnection deposit for an EEC AV's project after Part 1 submittal but prior to Part 1 Verification and ICC Approval. To get their interconnection deposit paid, the EEC AV should sign an attestation with the Agency and utility committing to continue in good faith with their project in the Illinois Shines program. If the EEC AV needs to withdraw their Illinois Shines project application for any specific reason prior to ICC Approval, the utility and program administrator should be informed accordingly by the EEC AV. This

structure eliminates any risk of “capital flight” about which the Agency may be concerned.

5. **Do you believe the current Advance of Capital cap (lesser of \$750,000 or 50% of REC contract value) helps or hinders equitable access to project development opportunities? Why?**

Joint EEC Response: Advance of Capital should be capped at the total REC Contract value versus being capped at the “lesser of \$750,000 or 50% of REC contract value.” Certain level four interconnection deposits for community solar projects that are located on feeders with minimal grid capacity can exceed \$750,000. If Advance of Capital requests are fulfilled directly with the utility to cover interconnection deposits, then all parties in the transaction are made whole. However, the EEC AV still needs to finance the 5% collateral. EECs who develop community solar projects experience barriers from receiving commitment for their projects from investors and long-term owner operators. Investors typically pursue projects that are fully “de-risked” with all development milestones achieved (i.e., site host control, zoning, interconnection agreement execution, and REC award). EECs cannot afford to fund all of these development activities. For this reason, and to increase relationships between EECs and investors, 100% of the remaining capital should be advanced at Part 1 Verification and ICC Approval. The EEC should then be required to submit applicable “proof of investment documentation” to the program administrator showing that their project is proceeding with mobilization for construction.

6. **Should the Agency rethink the structure of the Advance of Capital mechanism to allow for different tiers of funding to be allocated for the diverse needs of a business, dependent on the life cycle of the contractor’s development?**
 - a. **If so, what factors should the Agency consider in determining Advance of Capital tiers?**

Joint EEC Response: As an alternative to 100% capital advancement at Part 1 Verification and ICC Approval, the Joint EEC Parties propose a structure where the EEC AV is authorized to have their 5% collateral deducted from their REC payout, similar to the ILSFA program.

TOPIC 2: Project Workforce Definition

1. **What additional guidance or clarity can the Agency provide regarding the project workforce definition?**

Joint EEC Response: The Joint EEC Parties believe the Agency provides adequate clarity with respect to the project workforce definition. However, there are inclusions that need to be made to the current language as further specified below.

2. Are there any populations currently excluded from the project workforce definition that should be included?

Joint EEC Response: Yes, the Joint EEC Parties propose the following language edit to the Agency's current project workforce definition:

"Employees, contractors and their employees, ~~and~~ subcontractors and their employees, and professional service firms and their employees whose job duties are directly required by or substantially related to the development, construction, and operation of a project that is participating in or intended to participate in the IPA-administered programs and procurements under Section 1-75(c) of the IPA Act. This shall include both project installation workforce and workforce in administrative, sales, marketing, and technical roles where those workers' duties are performed in Illinois" (2025-2026 program guidebook).

Not all EECs in the program are contractors and subcontractors. There are some EECs that are engineering firms, community solar subscription firms, and workforce development firms, etc. By adopting this edit, the Agency would increase opportunity for smaller EECs who do not necessarily install projects but who can still contribute to assisting a non-EEC with fulfilling its own MES requirements.

a. Are there any populations that are currently included in the project workforce definition that should be excluded?

Joint EEC Response: Yes, a non-EEC AV or Designee should be permitted to include subcontractors or professional service firms who have a contract value of less than 5% of the project's total REC Contract value in their MES workforce ratio if such subcontractors or professional services firms are EEC certified. In other words, smaller EEC companies are being excluded from projects because they cannot make a significant impact on a non-EEC AV or non-EEC Designee's MES ratio without that non-EEC AV or non-EEC Designee from being required to include all contracts in the MES ratio less than the 5% threshold. Smaller EECs are not counted in the non-EEC's MES ratio because their contract value is typically less than 5% of the total REC contract value (see language below).

3. Are the current thresholds (e.g., 5% of REC value) and definitions for counting subcontractor employees clear and equitable?

Joint EEC Response: The Joint EEC parties propose the following edit:

"For purposes of this definition, 'directly required by or substantially related to' shall be construed to be any direct employee of the Approved Vendor, Designee, or any contractor and its employees, and any professional service firm and its employees, whose contract exceeds 5% of the total REC Contract value.

Employees of contractors or professional service firms below that threshold may be counted on a voluntary basis, ~~but if~~ If the Approved Vendor or Designee includes at least one such contractor, with the exception of those contractors or professional service firms that are EEC certified, whose contract is less than 5% of the REC Contract value, then all contractors below the threshold must be included” (2025-2026 program guidebook).

TOPIC 3: Minimum Equity Standard Compliance

1. **Should the Agency maintain or adjust the proposed MES percentage increase schedule? If it should be adjusted, how?**

Joint EEC Response: The Joint EEC Parties agree that the MES percentage should gradually increase to 30% by 2030. In 2030, the 30% MES should be maintained through the conclusion of the Illinois Shines Program.

2. **What resources, tools, or supports would help entities meet higher MES thresholds while also providing opportunities for EECs to build their skills and experience?**

Joint EEC Response: Instead of counting those EEPs employed by an EEC as 1.5x, the Agency should consider EEPs working for an EEC as **2x**. This would create another pathway for smaller, emerging EECs to work with developers that must fulfill their own AV or Designee requirements on projects not scored with EEC points. This would also better assist non-EEC AVs and Designees to meet steadily increasing MES requirements.

3. **How effective are the current enforcement tools in encouraging compliance? Are there unintended consequences or equity impacts in how the Agency currently handles MES noncompliance?**

Joint EEC Response: The Joint EEC Parties agree that the Agency handles non-compliance with the MES in an adequate manner by allowing an AV or Designee to re-submit a compliant Year-End Report, submit a Waiver request, or enter into a Corrective Action Plan. In order for the Agency to further increase partnerships between non-EEC AV and Designees and EEC AVs, EEC Designees, and EEC subcontractors, Corrective Action Plan compliance should require demonstration of **three newly executed contracts** between the AV or Designee submitting the Corrective Action Plan and EEC AVs, EEC Designees, or EEC subcontractors. The Joint EEC Parties propose the following edit to the 2025-2026 program guidebook Appendix U - Minimum Equity Standard (MES) Non-Compliance Corrective Action Plan:

“Conduct direct outreach to EECs listed on the Illinois Shines program website to explore subcontracting opportunities, and demonstrate proof of at least three

mutually executed contracts with EECs including but not limited to subcontracting opportunities, professional services, or installation.”

4. **Should the Agency develop paths to demonstrate compliance in situations where an entity demonstrates it will not qualify for Safe Harbor, does not have the requisite number of EEPs in the project workforce, and cannot expand its workforce due to economic constraints faced by the clean energy marketplace?**
 - a. **If the Agency were to explore alternative pathways for entities to demonstrate alignment with the MES, in what ways could an entity meaningfully demonstrate this?**

Joint EEC Response: The Joint EEC Parties agree with Agency’s Safe Harbor approach to the MES which applies to entities that have fewer than eight employees, entities that have hired new staff during the 2025-26 Program Year, and entities that did not hire an Equity Eligible Person (EEP) and do not otherwise meet the Minimum Equity Standard (MES) by having an EEP on staff. In lieu of being required to hire an EEP in order to meet the MES and instead of being required to demonstrate good faith efforts to comply with the MES, entities that are eligible for the Safe Harbor approach should need to demonstrate proof of **one newly executed contract** with an EEC AV, EEC Designee, or EEC subcontractor. It is easier for a company that has fewer than eight employees to partner with an EEC in the program versus conducting outreach to EEPs that may or may not be a fit for that particular company’s business model. Moreover, coupled with strengthened EEC registration requirements, this will eliminate out – of – state companies trying to illegitimately register as an EEC, and will prompt these out – of – state companies to partner with legitimate EEC firms.

5. **Should the Agency create different Minimum Equity Standards for projects in different areas of the state? If so, which areas?**
 - a. **If the Agency were to adopt differing standards for distinct geographic areas, what criteria or factors should the IPA consider in setting those standards?**

Joint EEC Response: The Joint EEC Parties agree that the Minimum Equity Standard should be uniform across the state of Illinois. To maintain workforce equity, certain areas should not have lower or higher MES percentages than others.

TOPIC 4: Energy Workforce Equity Portal Improvements

1. **What enhancements to the Equity Portal would improve its effectiveness in helping EEPs find employment opportunities in the clean energy sector?**

[REDACTED]

2. Conversely, what changes or features would make it easier for clean energy companies to connect with and hire EEPs?

[REDACTED]

TOPIC 5: MES Data Collection and Reporting

1. In addition to workforce demographic information (race, gender), geographic information, and employment classification information, are there other workforce characteristics or data that the IPA should collect and monitor?
 - a. Given that the MES Compliance Plans, Mid-year Reports, and Year-end Reports are required by statute, are there other ways the Agency could streamline data collection on these topics?

[REDACTED]

2. The Agency is in the process of planning a DEI Data Dashboard to be published on the Equity Portal. Metrics such as number of EEPs, Clean Energy Companies, and Job Postings registered through the Equity Portal will be highlighted, as well as data points sourced from the Shines program's Compliance Plans, Mid-Year Reports, and Year-End Reports. What other

data metrics would be useful for our stakeholders to be able to access through this public facing dashboard?

[REDACTED]

3. The IPA is interested in requiring that EEP registration only occur through the Equity Portal to allow for data integrity and consistency, meaning Approved Vendors and Designees would no longer be able to register EEPs through the Illinois Shines MES reporting process. The Agency is interested in hearing any barriers or unintended consequences that may arise for entities as a result of this change.

Joint EEC Response: The Joint EEC Parties agree that the Agency should still allow EEP self-attestations for qualification under the MES. It is difficult to obtain approval for each EEP in an AV or Designee's workforce through the Energy Workforce Equity portal in time for MES Year-End reports. Oftentimes, certain employees may have trouble filling out the Energy Workforce Equity EEP application form for submission, certain employees may not completely understand why this application form is required, and certain employees do not grant permission to their employer to fill this application out on their behalf. The Joint EEC Parties suggest the Agency collect all EEP self-attestations during the MES Year-End report and inputs those EEPs into the Energy Workforce Equity Portal if adequate documentation is submitted to prove residency or successful completion of CEJA job training programs.

The DCEO typically funds CEJA workforce training programs through grants. As a part of the auditing process for these DCEO grants, the DCEO should require CEJA workforce programs to register their graduates as EEPs in the Energy Workforce Equity Portal.

TOPIC 6: EEP/EEC Participation:

1. Does the current treatment of EEP employees (1.5x credit for EEPs employed by an EEC) in MES compliance calculations appropriately incentivize partnerships with EECs?

EEC Response: Yes, counting EEP employees who are employed by an EEC as 1.5x does incentive partnerships with EECs to an extent. Regardless of this 1.5% MES credit, EECs are still excluded from project opportunities for reasons related to the additional costs project models incur for partnering with an EEC, certain due diligence hurdles with investment committees, and discriminatory stigmas.

a. Would alternative compliance credit structures better encourage entities to partner with EECs?

EEC Response: Instead of counting an EEC's employees as 1.5x, the Agency can further incentivize partnerships between EECs, developers, and long-term owner operators by counting EEPs employed by the EEC as **2x**. Not only would this encourage developers and long-term owner operators to partner with EECs, but it would also motivate EECs to scale their businesses. Many EECs in the program are small entities that have limited manpower to make a significant contribution of EEPs to large scale companies' ratios who employ hundreds of workers on Illinois Shines projects. EECs, by virtue of participation in the program, are in full compliance with the MES. However, many long-term owner operators, per contract, still require EECs to meet the MES on a project-by-project basis so the long-term owner operator can fulfill its own AV or Designee MES goals.

b. Are there any other methods by which the Illinois Shines program could incentivize partnerships with EECs? E.g., making entities in the Traditional Community Solar and Community-Driven Community Solar categories that work with EECs eligible for points.

EEC Response: Yes, the Agency can incentivize partnerships between developers, long-term owner operators and EECs by granting EEC CS projects and EEC DG projects a REC price higher than its counterparts (i.e., Regular DG and TCS). The Illinois Power Agency Act states:

"The percentage or amount of capital advanced prior to project energization shall not operate to increase the overall contract value, however contracts executed under this subparagraph may feature renewable energy credit prices higher than those offered to similar projects participating in other categories" (20 ILCS 3855/).

The Joint EEC Parties request the Agency to increase REC prices for the EEC CS and EEC DG categories to provide a motive for developers to work with EECs to self-perform development and installation of EEC CS and EEC DG projects. Including EEC self-performance on projects comes with additional costs. EEC projects need to financially make sense for developers to utilize EECs for a more extensive scope versus pushing developers to pursue third-party PJM and MISO REC contracts outside of the program that distribute RECs to other states outside of Illinois. Not only are these third-party REC contracts taking opportunities away from EECs, but they are also inhibiting Illinois from meeting its clean energy goals by 2050. EEC projects and EEC contracts in the program need to be able to compete with "non-ABP projects" and "non-ABP contracts."

Furthermore, TCS projects scored with EEC points and CDCS projects that work with EECs should receive a higher REC price than projects in these categories that do not utilize EEC Designees or EEC subcontractors. The Joint EEC Parties are in alignment with the current TCS – EEC scoring criteria, but once the developer submits a notice to the program administrator for their project to receive points under the TCS - EEC scoring criteria, the developer should be required to make some sort of commitment to the EEC that provided the developer with those EEC points. If the developer wishes to substitute the original EEC for a new EEC, then there needs to be a process where the IPA meets with the original EEC and the developer for approval.

2. Are there current program policies or practices that have inadvertently discouraged legitimate EEP participation? How?

EEC Response: Yes, EEC certification is not strong enough for EEPs who are not MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE certified, there is no self-performance scoring mechanism in the EEC CS block, the EEC CS and DG categories have the same REC price as their counterparts (i.e., regular DG and regular TCS), and the EEC CS block is still listed as the sixth position to receive uncontracted capacity from the Public Schools category. These current program policies enable bad actors to register as EECs, prevent EECs from developing and installing EEC CS block projects, cause EEC projects and EEC contracts to compete with “non-ABP projects” and “non-EEC projects,” and create an extensive waitlist for EEC CS Group A.

3. Are there ways in which EECs and/or EEPs can be taken advantage of, given the structure of EEP/EEC based incentives (e.g., subcontracting an EEC and giving very few hours)?

a. If so, how can the Agency prevent this type of gaming?

Joint EEC Response: In the release of the 2025-2026 program guidebook, the Appendix for Traditional Community Solar Scoring Clarifications Published in 2022 pages were removed. With the understanding that these Traditional Community Solar Scoring Clarifications need to be updated through the 2026 Long-Term Plan process, the Joint EEC Parties propose the following edit:

“An Approved Vendor may not utilize an EEC Designee for the sole purpose of procuring materials. Material costs may count toward the percentage of the REC contract value, but those material costs must be ~~tied-installed to~~ by the EEC Designee that is performing the electrical, construction, or other site specific project development work that is related to those materials.”

Additionally, in the EEC block where EEC AVs oftentimes partner with a developer through a REC Services Agreement, the developer will include an irrevocable power of attorney provision. This “attorney- in - fact” clause is oftentimes used by the

developer to control the REC contract directly with the utility and the program administrator to effectuate an assignment of the REC contract to another EEC AV without compensating the original EEC AV. During the Part 1 review process for EEC CS projects, the program administrator should review each REC Services Agreement to ensure that the EEC is the owner of the REC Contract for 6 years following the Part II Verification date, ensure that the EEC is being adequately compensated for their services, and ensure that no power of attorney language is present without a fair cure period and/or termination fee following assignment to another EEC AV.

- 4. Some stakeholders have suggested that the EEC Category should accommodate different stages in a business' development (e.g., emerging, growing, established). What might be the benefits of doing so, and how could the Agency structure that (e.g., lanes or reserved capacity, preference or priority, etc.)? What types of support, criteria, or benefits should be included at each stage?**

Joint EEC Response: The Joint EEC Parties appreciate the Agency for recognizing that EECs in the program are at different stages with building up their businesses. The Joint EEC Parties support the Agency in tracking the progress of EEC businesses to prevent sleeving behavior, and to ensure the EEC category is supporting growing, disadvantaged businesses versus supporting figureheads with no business plan. These figureheads could be mistaken for “emerging” or “growing” businesses. Regardless of an EEC’s level of success in the clean energy space, all EECs should have an equal opportunity. Rather than reserving capacity or prioritizing certain smaller, new EECs over others, the Joint EEC Parties recommend that the Agency focuses on the main threat to EEC opportunity. This threat is centered on developers, large scale contractors, and out – of – state entities becoming passthrough, sleeving, illegitimate EEC companies that are taking benefits of the program away from authentic EEC firms. To prevent this gamesmanship from continuing, the Agency must enforce the following improvements to the EEC certification process:

- ❖ Requiring socio-economic demonstration for EEPs seeking to initially register who are not who are not MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) **or** ACDBE certified.
 - Entities seeking initial EEC registration who are not MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) **or** ACDBE certified should be held to an income cut-off no greater than 200% of the current Illinois median household income, as determined by the U.S. Census Bureau.
- ❖ Requiring annual EEC re-certification through an auditing process.
- ❖ Requiring EECs seeking to register via residency to provide proof of living in an EIEC for at least five years who are not MBE, WBE, VBE, BEP, BEPD, DBE, or ACDBE certified.

- ❖ Requiring all EECs to maintain a physical office location in Illinois, in addition to employing personnel who are physically located and perform their primary work duties in Illinois.
- ❖ Requiring tiered interviews and certification testing to make sure new EECs are legitimate.
- ❖ Requiring new EECs to provide a copy of a previous installation or professional services contract related to the solar industry.

5. How has the requirement that EECs hold the REC Contract for 6 years affected EEC participation, business growth, or partnerships?

Joint EEC Response: The Joint EEC Parties thank the Agency for adopting the rule to require EEC AVs to beneficially serve as the owner of the REC Contract for six years following the Part II Verification date, ensuring EEC AVs are involved with each EEC block project. The Joint EEC Parties call for the Agency to take this 6-year rule a few steps further. It is unrealistic for EEC AVs to serve as long-term owner operators of EEC block projects for the entirety of the 20-year REC Contract. Due to high costs of maintaining and financing community solar projects, EECs value the partnerships between developers and investors to ensure that EECs have rights to monetize project asset revenue streams like our non-EEC competitors.

Nevertheless, there is a need for the EEC Block to encompass a metric that binds the EEC AV to self-perform a reasonable portion of the project development work and a reasonable portion of the installation work. EECs do not wish to be required to own the project for the full 20-year contract, but it is imperative for the Agency to implement strategies for EECs to maintain more meaningful participation on EEC block projects.

Most EECs in the program only serve as an AV for EEC block projects, not by choice, but because of competitive market limitations. Non-EEC and non-union firms get hired to install these EEC Block projects for a lower price which drastically reduces the workforce development potential for EECs in the program. Additionally, EECs are unable to self-source the millions of dollars required to develop and construct large-scale projects on our own without the EEC category providing an incentive for developers and asset owners to form partnerships with us. To keep EEC block projects in the hands of EEC firms, and to encourage labor growth alongside development opportunity, the Joint EEC Parties propose the following for the program's utilization of EEC block scoring:

a. The EEC certified Approved Vendor can demonstrate the contractual commitments for the EEC certified Approved Vendor and or the EEC Certified Designee(s) that self-performance project work represents 75% of the project's REC contract value (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

self-performance project work represents at least 50% of the project's REC contract 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 self-performance work represents at least 25% of the project's REC Contract value, or self-performance work represents 10% of the project's REC Contract value and the EEC AV operates in an EIEC area (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 self-performance project work represents at least 5% of the project's REC Contract value or the EEC AV operates in an EIEC area (Add 1 point).

"Self-performance" is defined as market-rate cost of in-house EEC company project development that takes place before the submittal of the Part 1 application, i.e., engineering, interconnection, shading studies, production estimates, PVsyst 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 definition also includes project operations that are executed after Part 1 submission but before Part 2 submission, i.e., construction of the system, construction management, commissioning, professional services, inspection, certificate of completion, fulfilling community solar subscriptions. EEC AV services should not count towards the self-performance EEC spend. This suggestion is similar to the TCS Block EEC scoring criteria. However, this EEC Block "self-performance" metric should solely be centered on scoring criteria related to EEC self-performance and increasing equity. It should not include criteria like agrivoltaics, pollinators-friendly habitats, or having a top interconnection queue position. The Joint EEC Parties support the Agency to include other scoring categories such as demonstrating a stronger commitment to equity for the EEC AV operating a business in an EIEC, and obtaining a higher score for developing a project located in an Equity Investment Eligible Community.

The goal of this EEC Block scoring mechanism is to incentivize EECs to work together to install, develop, and complete our own EEC Block projects. If implemented, newly emerging EECs will benefit from opportunities to learn from existing EECs in the ABP regarding project installation, project development, and project services. There should be no minimum number of points for an EEC CS project to solidify a position on a waitlist. But if projects score a higher amount of "self- perform" points, then these projects should advance in the queue, be subject to priority review from the program administrator, and should be prioritized for a REC award. While a blanket rule for all EEC CS Block projects to be installed or substantially developed by EEC firms is favored, the result may not be viable for smaller newly emerging EEC firms. In order for the EEC category to increase job opportunities for its own participants, the Joint EEC Parties prompt the Agency to

explore an EEC block scoring percentage low-enough that is suitable for the majority of EECs in the program. We believe this mechanism is representative of such.

TOPIC 7: Enhancements to the EEC Certification Process

1. Does the proposed two-pathway model effectively balance program integrity and accessibility?

Joint EEC Response: The Joint EEC Parties are in favor of the Agency's proposed two-pathway model for the EEC certification process. EECs who are already MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) **or** ACDBE certified should be able to streamline their EEC application by submitting proof of one of these certifications. However, companies who are not MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) **or** ACDBE certified should be required to submit more information than operating agreements, governance documents, or an attestation of active involvement. No formal or informal restrictions of any kind exist in these agreements which limit the customary discretion necessary to prove actual business control by the qualifying individual. Similar to the MBE program, new EEC registrants who are not MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE certified should be required to provide the following:

Ownership Information

- Assumed Name Certificate
- Stamped Article of Incorporation, Organization, Association, or Certificate of Limited Partnership or applicable organizing documents.
- Original and any amended Corporate By-Laws.
- Corporate/Board of Directors Meeting Minutes.
- Operating Agreement.
- Partnership Agreement.
- Certificates of Membership.
- Individual Ownership Statement – for each owner.
- Franchise Agreements.
 - Any additional documents requested such as corporate correspondence, employee hiring, and termination letters, a signed letter detailing the owner's role in the firm, or other records that demonstrate: (1) that the firm's qualifying owner(s) possess(es) the power to direct the management, policies, and objectives of the firm and to make all substantive day-to-day decisions of the firm and manage its essential operations, and (2) that the owner(s) maintain(s) full-time participation in the management of the company's day-to-day decision and operations.

Employee Information

- Current Organization Chart.
- Most recent 4 weeks of payrolls, including all employees and management.

- If needed, separate compensation schedules for each officer, director, and/or person in senior management and any agreements detailing a different compensation arrangement in the future.
- A table or list identifying any employees who have worked in the trades in the last year, specifying which trades and the number of employees in each trade.

Facility Information

- Lease agreements (with contact information for the landlord), including a copy of the most recent lease payment.
- Proof of ownership (deed, mortgage agreement, or property tax bill).

Financial Information

- Most recent bank statement for all account(s) used by the firm.
- All bank signature card(s) and/or corporate resolutions regarding access to accounts and signatories.
- Three years of W-2 or 1099 forms for each employee who meets the specified earning threshold.
- At a minimum, three years of federal and state corporate tax returns for Applicant firm and all Affiliates or, if not applicable, three years of the most recent U.S. individual income tax returns including ALL attachments and schedules.
- At a minimum, three years of the highest level of financial statement available which has been audited, reviewed, or compiled, including a balance sheet and a statement of income prepared by an independent certified public accountant. Note: If these documents do not exist, the Applicant firm must certify this fact and provide a written explanation along with whatever financial documents are available.
- Loan Agreements from the last three years for an amount greater than or equal to \$10,000.
- Line of Credit and/or Letters of Credit.
- Documents that outline bond limits.
- Certificate of Insurance.

Licenses And Registrations

- All current business licenses, permits, and/or pending applications.
- All listed current individual licenses, permits, certificates, and/or pending applications.

Equipment Information

- Title and purchase documentation if owned.
- Lease agreements with proof of most recent payment if leased.

Inventory

- If applicable, all inventory (description, quality, value) held by Applicant firm during the last six months that was intended for sale, not internal use.
- If applicable, documentation in support of supplier and/or distributor status.

Additional Information

- Resume (Owner, Director, Officer, Manager, any Stockholder)

2. Are there additional certifications that should be accepted under the first pathway?

Joint EEC Response: Yes, in addition to MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE certifications, the Joint EEC Parties believe that any state of Illinois or City of Chicago certification that shows social or economic disadvantage should be accepted under the first pathway.

3. Are there particular risks of exclusion or burden that may result from this approach for small or emerging EEP-led businesses?

Joint EEC Response: No, there are no particular risks of exclusion or burden that may result from the Agency's two-pathway model for small or emerging EEP-led businesses. The Joint EEC Parties is a group of ten legitimate, small and emerging EEP-led businesses. As a working group, the Joint EEC Parties believe this two-pathway model is absolutely necessary to protect the EEC category. Each member of the Joint EEC Parties has built their business up from the ground floor and has created a niche in the Illinois clean energy space. Additionally, the Joint EEC Parties offer to help other small, emerging, legitimate EEP-led businesses seeking EEC registration to become registered as an MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE.

EECs are being negatively impacted by developers who are creating "shell" EEC companies. These developers are taking advantage of the program by moving to EIEC or by onboarding inauthentic majority EEP owners simply to gain access to EEC status. As a result, the capacity in the EEC Category is being exhausted rapidly, and projects are being installed by large-scale, highly capitalized firms that have no trouble obtaining work outside of the EEC category. This is taking opportunities away from legitimate, small, emerging EECs who need assistance from the EEC category to maintain steady business practice. Non-EEC developers who have historically participated in other categories different from the EEC category, and who have experienced proven success in these categories, should not be able to certify themselves as an EEC.

a. Would this reciprocity model improve accessibility or reinforce disparities?

Joint EEC Response: The Agency's proposed two-pathway model would improve accessibility for EECs, improve opportunity for EECs, and improve the intent of the EEC category. Currently, EECs are having trouble finding opportunities for participation in our own category because these opportunities are being taken by sleeving, passthrough, and shell companies. Guardrails need to be put in place for EEC certification to keep opportunities in the hands of legitimate EEC firms.

4. Are there other practices the Agency should consider employing in the EEC Certification process to strengthen its integrity (interviews, site visits, surveys, etc.)?

Joint EEC Response:

Tiered Interview Process with Certification Testing:

The certification process for EEPs needs to be a separate process than the certification process for EECs. The Agency should conduct a tiered interview process and certification testing with the majority-owner EEP that is seeking EEC certification to ensure authenticity prior to approving status as an EEC. This interview and testing procedure should seek answers to questions about previous experience in the solar industry, previous experience working with low-income communities, and previous experience working in the trades to confirm qualified individuals are intending to participate in the EEC category for the right reasons. EECs must be able to clearly articulate their ability to manage a business in the clean energy space and demonstrate a previously executed contract for construction or professional services relevant to the solar industry. With the understanding that the Joint EEC Parties would not have any decision-making authority in the registration process, we ask to be included in this interview process with the program administrator to take a mentorship role for these newly emerging, legitimate businesses.

Each EEP seeking EEC registration should be required to obtain (3) notarized letters of recommendation from industry stakeholders which support the certification of that particular EEP becoming an EEC. Each new EEC should also need to demonstrate a form of trade license that proves industry experience, or prove five years of experience in business, or provide a copy of a previously executed contract, or provide a copy of NABCEP certification. All EECs should also be required to maintain a physical office location in the state, in addition to employing personnel who are physically located and perform their primary work duties in Illinois. The Joint EEC Parties also suggest that those seeking initial EEC registration who have not been in business for a substantial period of time should be required to submit a business plan to the program administrator. These items need to be verified through an auditing process by the program administrator via recertification each delivery year.

Annual EEC Recertification:

Similar to the MBE, WBE, VBE, BEP, BEPD, DBE, and ACDBE programs, all EECs should be required to re-certify annually through an audit to provide any changes that are made in addition to confirming the information provided during initial certification is still valid. The EEC should provide a signed affidavit confirming no changes to ownership, management or control of the EEC; alternatively, continued status as an MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE may be provided to complete the annual recertification. Annual EEC recertification should not be applicable to EEC SPAVs that are affiliated with a common EEC parent company.

Socioeconomic Status:

If new EECs are not certified with the MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE program, then they should be required to demonstrate socioeconomic status by providing the program administrator with a copy of their tax return.

The income cut-off for EEC eligibility for an EEP who is seeking to initially register as an EEC and who is not MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE certified, should be no greater than 200% of the current Illinois median household income, as determined by the U.S. Census Bureau. This cut-off value will ensure that opportunities flow to the persons that the EEC category intended to benefit. Large-scale, highly capitalized contractors and developers that have no trouble obtaining work outside of the EEC category should not be allowed to take advantage of the benefits from EEC certification. There should be no income cut-off for legitimate EECs who are already MBE, WBE, VBE, BEP, BEPD, DBE, SBA 8(a) or ACDBE certified and who have done business in the program.

The Joint EEC Parties greatly thank the Agency for the opportunity to provide our proposed ideas to improve the EEC category for the Illinois Shines Program. We hope these responses are considered during the 2026 Long-Term Plan process, and we look forward to hearing the Agency's thoughts.

Respectfully Submitted,

The Joint EEC Parties