

To: Illinois Power Agency
From: The Joint Non-Governmental Organizations (ELPC, NRDC, Vote Solar)
Date: December 3, 2021
Subject: Joint NGOs – Response to Consumer Protection Feedback Request.

The Environmental Law and Policy Center, the Natural Resources Defense Council and Vote Solar (VS), commenting together as the Joint Non-Governmental Organizations or Joint NGOs (JNGOs), appreciate the opportunity to comment ahead of the Illinois Power Agency's (IPA or Agency) development of its 2022 revision to the Long-Term Renewable Resources Procurement Plan (Plan or LTRRPP).

The passage of the Climate and Equitable Jobs Act (Public Act 102-0662) this fall requires significant expansion and reimagination across the renewables programs and procurements outlined in the IPA's Plan. It is an exciting and busy time and the IPA has a lot on its plate. With this in mind, the Joint NGOs urge the Agency to anticipate the need for continued growth and evolution even after the final Plan has been approved by the Illinois Commerce Commission. This need for ongoing evolution will be particularly true for:

- The new community-driven community solar program, where the state still has much to learn about what a successful community-driven project looks like (and potentially for other new programs where there is still much to learn).
- REC prices, where Illinois needs to set prices to drive significantly expanded renewables goals, but does not want to repeat past mistakes of failing to adjust those prices if market response is out of line with statutory goals.
- And the low-income distributed generation subprogram of the Illinois Solar for All Program, which has seen far lower uptake than similar programs in other states and therefore requires ongoing and detailed attention to get it on track.

The Joint NGOs comments in response to the various requests for feedback published in early November touch on each of these topics and respond to multiple of the specific requests for comments the IPA makes. The Joint NGOs look forward to working constructively with the Agency and other stakeholders through the Plan's update process and beyond to make Illinois' renewables programs and procurements a success and achieve the goals of the Climate and Equitable Jobs Act.

While the JNGOs support the idea of clear disclosure to customers/clear informed consent when systems deviate from some baseline of design standards, actually implementing minimum design standards and/or baseline energy production standards, beyond ensuring customer awareness of the costs and benefits of investing in such a system, is not in the state's interests and runs counter to the goals of enabling solar access and maximizing renewable energy deployment. If a customer is adequately informed of the tradeoffs, but chooses to install a north-facing system or a shaded system, anyway - for instance due to the unique design characteristics of their property - that should be their choice. As RECs are only generated and paid for when energy is generated, the RECs from such a project would be not less valuable to meeting the RPS goals or more costly than RECs from a south-facing, non-shaded project. In fact, if a customer that pays into the RPS budget through their utility bill is barred from utilizing the ABP for their own rooftop solar project due to minimum standards that preclude their optimal design, that would be a perverse outcome. The JNGOs support protecting consumers by ensuring they are adequately informed of the tradeoffs of a suboptimally designed system but urge the IPA against effectively barring such a system, outright.

Additionally, the JNGOs offer the following comments with regard to customer disclosure forms:

- Broadly speaking, the JNGOs are supportive of finding ways to streamline the disclosure form. Discussions with community groups and grassroots educators, as well as solar providers, have raised serious concerns that, at least in the context of Illinois Solar for All, the current disclosure forms are either too long to be meaningful or scare customers away due to their length. This raises a serious concern that these forms are failing to effectively communicate the standard disclosures they are intended to share. Streamlined forms would be an improvement.
- To the extent disclosure forms vary by financing type, the IPA should avoid allowing such variation to become a tool to suppress certain types of financing, such as power purchase agreements.