



# CITIZENS UTILITY BOARD

## Fighting for Illinois Consumers

### Comments of the Citizens Utility Board

#### On the Adjustable Block Program

#### Request for Stakeholder Feedback – Community Solar Disclosure Form

April 28, 2020

The Citizens Utility Board (“CUB”) is glad to provide comments on the Illinois Power Agency (“Agency”)’s request for stakeholder feedback on revisions to the Adjustable Block Program (“Program”) Community Solar Standard Disclosure Form (“Form”). CUB thanks the Agency for its consistent commitment to stakeholder engagement during Program revisions.

- 1. Currently, an Approved Vendor must offer a disclosure form to a customer identifying the specific project connected to the subscription. The IPA is considering allowing for the inclusion of a schedule of potential projects on the disclosure form to allow for downstream assignment of a customer to an individual project.**
  - a. Should a schedule of projects be allowed in lieu of a specific project? If not, why?**

CUB is in favor of allowing Approved Vendors to include a schedule of potential projects on the Form. Signing a second Form, when the contract terms, rate, and subscription size remain the same, would be unnecessarily confusing to customers. If a customer is made to sign a second Form, because of the length, they may think more has changed than just the project assignment.

CUB strongly supports the inclusion of project identifying information on the Form. The Future Energy Jobs Act introduced the community solar program “to expand access to renewable energy resources to more Illinois residents.”<sup>1</sup> Access can refer to economic benefits, though a savings guarantee is not a requirement of the Program. Access can also refer to awareness, and

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<sup>1</sup> 20 ILCS 3855/1-5(7).

ratepayers contributing to the Renewable Portfolio Standard (“RPS”), including community solar customers, should have an understanding of what they are funding. If direct consumer benefit was not a concern, the RPS obligations would be met with utility-scale generation.

Additionally, many Retail Electric Suppliers (“RES”) have used Renewable Energy Credit (“REC”) procurement as a means of marketing to environmentally-conscious customers, but without transparent terms regarding REC sourcing. This includes misleading customers to believe that their electricity is sourced from renewable generation directly, when it is only the environmental attributes of (often out-of-state) solar and wind farms that the RES has laid claim to.

While the Program Marketing Guidelines are specific in regard to Approved Vendor language about RECs, program transparency must mandate full disclosure of project-identifying information. If a schedule of projects is allowed on the Form, all listed projects must include answers to all project and subscription specifications required on the Form, including the refund policy in the case of a delayed project energization date and the estimated annual production decrease.

**b. If a schedule of possible projects were to be permitted, what requirements should be put into place to ensure that the customer is notified of the specific project eventually associated with the subscription?**

If the Approved Vendor chooses to include a schedule of projects instead of one project, they should be required to notify the customer once they have assigned the customer to a project; however, CUB does not recommend requiring that customers sign off on this project change. See answer to question (c) below for details.

- c. Should a new disclosure form be required if that subscriber was moved between projects? What other procedural requirements should apply if a customer's subscription is reassigned between projects?**

In the event that the project has changed but all of the contract terms are the same, CUB suggests creating a one page addendum to the original Form that Approved Vendors can send to customers if assigned to a different project, instead of sending a full new Form. The addendum would conform to a template created by the Program, similar to the Form, and would include the new project-identifying information as well as confirmation that the rate, billing details, and terms of the contract have not changed. Having a shorter form would convey to the customer that the change in projects would not affect anything material about their utility bill or bill from their community solar provider. CUB does not recommend requiring a signature on this Form.

- 2. Currently, a disclosure form must identify the specific Approved Vendor connected to the subscription. It appears, however, that many Approved Vendors may instead be relying on third-party customer acquisition firms. The IPA is thus considering allowing for the inclusion of a schedule of potential Approved Vendors on the disclosure form to allow for downstream assignment of a customer to an individual Approved Vendor.**

- a. Should a schedule of Approved Vendors be allowed in lieu of requiring a specific Approved Vendor? If not, why?**

It is acceptable for the Form to include a schedule of potential Approved Vendors because requiring customers to sign multiple Forms for the same initial offer would be unnecessarily confusing, and could possibly cause the customer to stop pursuing a subscription.

- b. If a schedule of possible Approved Vendors were to be permitted, what requirements should be put into place to ensure that the customer is notified of the specific Approved Vendor eventually associated with the subscription?**

The customer should be notified within seven days of a change in Approved Vendor going into effect. CUB recommends using a one-page addendum created by the Program.

- c. Should a new disclosure form be required if that subscriber was moved between Approved Vendors? What other procedural requirements should apply if a customer's subscription is reassigned between Approved Vendors?**

The customer should not be required to sign a new Form. The same one-page addendum to the original Form previously described can include fields to indicate whether or not the Approved Vendor has changed. Ideally, this would be one form that could accommodate for changes in either the project or Approved Vendor. This addendum should assure the customer that the terms and subscription rate have not changed.

- 3. Currently, a disclosure form must be executed by the individual customer, whether through a wet signature or an electronic signature. While the IPA is extremely reluctant to allow disclosure form execution through an authorized agent, the agency would appreciate feedback on the degree to which this requirement presents a challenge or barrier in customer acquisition. Additionally, should the IPA introduce new requirements regarding e-signatures? If so, what requirements would be appropriate? What other means, besides a customer-executed form, may be effective for confirming that a customer received, reviewed, and understood the disclosure form?**

CUB agrees that the Agency should continue to require either a wet or electronic signature from the customer on the Form. We also strongly urge the Agency to continue requiring that customers be presented with the Form, either on paper in person, or through an electronic signature portal. Simply having the Form linked in an email or in an online portal is not sufficient. One of the functions of the Form is to help consumers compare offers, but it cannot serve this purpose if consumers can sign up without seeing the form.

- 5. As customer acquisition has now commenced, is there any information not currently included on the customer disclosure form which should be included on the form? If so, what information should now be included?**

CUB recommends adding clarification about the escalation rate for community solar subscriptions. Page 5 of the Form, in the Subscription Specifications section, the Approved Vendor must indicate whether or not there is an annual escalation rate by checking yes or no.

However, the form does not require the Approved Vendor to disclose what the escalation rate will be, if there is one. CUB recommends adding a line requiring the Approved Vendor to state the escalation rate, if there is one.

**6. As customer acquisition has now commenced, is there any information currently included on the customer disclosure form which is creating confusion for customers? If so, what information, and how can that information be more effectively presented to the customer?**

CUB recommends changing some parts of the form to reflect the offers that we have seen so far. On page 3 of the form, in the Project Specification section, the Approved Vendor must indicate how the customer will be refunded if the project is not energized by a given date. The only options given are “you will receive a \_\_Full *OR* \_\_ Partial refund of the sum of your community solar payments to date from your community solar provider.” From what we have seen so far, many community solar offers will not start charging customers until the project is energized, and the customer is receiving bill credits. In that case, there would be nothing to refund to the customer, and this section may be confusing. We recommend adding a checkbox where the Approved Vendor can indicate, “You will not be charged until the project is energized and you start receiving bill credits, and therefore this question does not apply to our offer.”

On page 4 of the form, in the Subscription Specifications section, the Approved Vendor must indicate whether the subscription is structured as a “single, upfront payment,” or as a “series of payments over time.” CUB recommends putting “a series of payments over time” as the first option. So far we have not seen any mass marketing for community solar subscriptions structured as a one time payment. We also recommend moving the entire “If your subscription is structured as a series of payments over time” section ahead of the “if your subscription is structured as a single upfront payment” section.

- 7. Are there any adjustments – temporary or permanent – which the IPA should consider making to its Marketing Guidelines and disclosure form in light of the ongoing COVID-19 global health pandemic?**

CUB supports the March 20th guidance issued by the Agency.

- 8. Are there any other adjustments which you believe the IPA should make to its community solar disclosure form and related Marketing Guidelines? If so, why? Please present a detailed explanation as part of your answer and alternative language where appropriate.**

The revised Community Solar Standard Disclosure Form for the Illinois Solar for All Program introduced needed content and design clarity. For example, the form begins with: “Read this Form Before You Sign a Binding Subscription Contract.” The Adjustable Block Program form could benefit from many of these changes, as many program requirements are consistent across the two programs. This includes sections on “Costs and Fees Associated with Your Agreement,” “Transferring Your Subscription” and “Net Metering / Bill Crediting.”

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