

Commonwealth Edison Company
Response to Request for Feedback on Marketing Guidelines and Community Solar Disclosure Form
April 28, 2020

In response to the Illinois Power Agency's (IPA) April 3, 2020 Request for Comments on proposed edits to the Adjustable Block Program's Marketing Guidelines ("Marketing Guidelines") and Community Solar Disclosure Form ("Disclosure Form"), Commonwealth Edison Company ("ComEd") submits this feedback. ComEd submits this feedback in good faith and expressly reserves the right to amend these responses as the stakeholder process proceeds.

Disclosure Form

I. 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 goal of the community renewable generation program is to expand renewable energy facility access to a broader group of energy consumers . . . who cannot install renewable energy on their own properties. See 20 ILCS 3855/1-75(c)(N). Additionally, the community solar program requires customers to be assigned to specific projects for billing purposes. See 220 ILCS 5/16-107.5(l)(2). While the portfolio of given community solar projects is somewhat uniform ("large projects located in more remote, agrarian areas"), under these premises, ComEd respectfully disagrees with the suggestion that subscribers are not influenced by the location and attributes of the individual projects themselves.

a) Should a schedule of projects be allowed in lieu of a specific project? If not, why?

Informed customer choice is one of the characteristics of the Illinois community solar program that should be maintained. In fact, informed customer choice is a focus of the Commission's Title 83, Part 412 rules which provide the blueprint for Adjustable Block Program Marketing Guidelines and Disclosure Forms. Allowing a schedule of projects to which a customer will be assigned, in lieu of permitting customers to choose a specific project, is antithetical.

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?

A customer should have the opportunity to choose *in advance* which specific project the subscription will be transferred to and have the right to retain the current project subscription or cancel the contract if the subscription cannot be maintained and the proposed assignment fails to meet their satisfaction. This would ensure that informed customer choice is maintained.

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?

Customers should always be fully informed of moves between projects through a new signed disclosure form. Customers should also have the opportunity to reject any such transfer between projects. For program level decision-making, the IPA should consider a mechanism to distinguish between project assignments and new subscription enrollments.

II. 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?*

Customers can and should continue to be given the opportunity to differentiate between attributes of Approved Vendors. A schedule of Approved Vendors would remove the important customer choice and consumer protections embedded in the process.

- 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 afforded the opportunity to choose *in advance* which specific Approved Vendor they will be assigned to and have the right to retain the current Approved Vendor. If the current Approved Vendor cannot be maintained, the customers should be afforded the right to cancel in the contract if the proposed assignment fails to meet their satisfaction.

- 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?*

Customers should always be fully informed of any moves between Approved Vendors through a new signed disclosure form. Customers should also have the opportunity to reject any such transfer between Approved Vendors. For program level decision-making, the IPA should consider a mechanism to distinguish between Approved Vendor assignments and new enrollments.

III. Feedback on the degree to which the current signature requirements present a challenge or barrier in customer acquisition and other means besides a customer-executed form.

A distinction should be made as to whether the customer is paying for the service or whether it is provided free of charge. If the customer is required to pay for a subscription, a wet or e-signature is an important step that helps ensure a customer understands and knows of their enrollment. For services that are provided free of charge, requirements should ensure that customers authorize and are made aware of any changes made on their behalf.

Marketing Guidelines

I. Use of utility name and logo

Instances may arise when a utility uses its own name and logo. Accordingly, ComEd suggests adding the following language as a new subsection (iii) within Section 4.b:

Any prohibition against use of a utility's name, identifying insignia, graphics, or wording shall not apply to use by the applicable utility.

II. Additional Marketing Guidelines that the IPA should consider.

Approved Vendors marketing community solar subscriptions should be required to disclose a list of every project within the respective utility's service territory. Agents, representatives, and contractor marketing to customers on behalf of third parties with a portfolio of projects or subscriptions should be required to list each project within the respective utility's service territory. Additionally, page 2 of the Disclosure Form currently includes the telephone numbers of the Consumer Protection Division of the Illinois Attorney General. Including this contact information is a worthwhile consumer protection measure.