



ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

To: Program Administrator - Adjustable Block Program and the Illinois Power Agency
From: MeLena Hessel, Policy Advocate, Environmental Law & Policy Center (ELPC)
Date: December 10, 2018
Subject: Comments on Draft Program Guidebook and Community Solar Marketing Materials

The Environmental Law and Policy Center (ELPC) appreciates the opportunity to provide comments to the Illinois Power Agency (IPA or Agency) and the Adjustable Block Program (ABP) Administrator in response to the release of its draft Adjustable Block Program Guidebook and drafts of various marketing materials for the community solar program. ELPC has spent years advocating for the expansion of clean energy in Illinois, specifically to ensure the success of Illinois' Renewable Portfolio Standard. ELPC was a party in the proceeding to approve the Long-Term Renewable Resources Procurement Plan (Plan) and has engaged in extensive outreach, both with the renewables industry and environmental advocates. ELPC is also an active participant in the Illinois Solar for All Working Group. ELPC draws on this experience to inform our following recommendations on the draft brochure, guidelines, and forms.

Program Guidebook

Consider Updating Future Versions of the Program Guidebook to Support the Hiring of Job Training Graduates for ABP Projects – ELPC appreciates the IPA and InClimate's work to provide summary information to be used as a resource for program participants.

Notwithstanding the additional refinement needed with regard to shading studies, capacity factors, etc., ELPC believes the draft put forward does a good job of summarizing pertinent

information and will be a useful quick reference document. ELPC also understands that this guide is intended to be a living document and will be updated as the program moves forward. With that in mind, ELPC would urge the IPA and its Administrator to consider whether future versions of the Guidebook can offer any guidance or should require any reporting information to support the Agency's commitment in its Long-Term Plan to "encourage the hiring of graduates of job training programs (as described in Section 8.10) to work on installations of projects supported by the Adjustable Block Program." (Plan at 120).

Community Solar Marketing Materials

ELPC appreciates the thought and effort that IPA and InClima have put into the draft community solar marketing materials and guidelines. Strong consumer protections will be important to the success of the community solar program and it is particularly important that the Illinois community solar market does not repeat some of the problems that have arisen in the competitive supply market. As these materials are finalized, ELPC urges the IPA and InClima to strike an appropriate balance, to ensure consumers are adequately protected without introducing regulations that would seriously burden the customer acquisition process. With that in mind, ELPC offers the following thoughts:

(1) Community solar brochure - two points of contact, and requiring signatures.

Requiring two points of contact before signing a contract can help ensure that consumers actually understand what they are signing up for. At the same time, adding more process for a consumer, particularly a small subscriber, does effectively raise the barrier to entry. ELPC urges the IPA and InClima to carefully consider whether the increased barrier to entry created by two points of contact is appropriate in all cases and, if so, recommends

against requiring a signature at first contact. In particular, ELPC would ask the IPA and InClimate to consider:

- Would this policy create significant and unnecessary barriers for community solar projects to partner with municipalities through municipal aggregation? Are current consumer protections around municipal aggregation adequate for community solar facilitated through that mechanism?
- What constitutes first contact and how would this policy interact with more community-driven projects and the sort of grassroots community outreach some advocates hope to see?
- Are two points of contact necessary in all cases? What if a customer contacts a community solar developer in order to sign up?
- What sort of signal does requiring a signature at first contact send to the consumer? Could this requirement become a particular barrier in disadvantaged communities that have good reason to be suspicious?

(2) **Automatic renewals.** Likewise, disallowing automatic renewals can also serve as a consumer protection, at the same time it raises customer acquisition costs, particularly for small subscribers. In particular, disallowing automatic renewals may serve as a disincentive for community solar companies to offer short-term contracts at all, which could be a worse outcome from a consumer protection standpoint. Ultimately ELPC suggests the IPA and InClimate carefully weigh the benefits, costs, and unintended consequences of disallowing automatic renewals as well as whether or not there may be other paths to protecting consumers from being automatically renewed against their will without a wholesale ban on automatic renewals.

(3) Disclosure forms and allowing a diversity of community solar business models.

ELPC is concerned that the draft disclosure form defines three distinct paths for community solar business models/contract structures when the law leaves the structure of community solar contractual arrangements wide open. While the form does allow community solar providers to get other models/structures approved, it may not be appropriate or feasible to individually approve every community solar provider's intended contractual relationship with customers. Thus, ELPC urges the IPA and InClimate to make sure the final disclosure procedure leaves room for diverse and varying contract structures without requiring every new structure to effectively seek IPA approval.

(4) Bundled ARES/Community Solar. Community solar offers should be able to be bundled with ARES contracts so long as there are adequate consumer protections around both products. Historically, green offers from ARES have often failed to truly drive new renewables development in Illinois. The community solar program has the potential to change that trend and allow more ARES to offer green energy products with real additionality to the regional energy grid in Illinois.

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