

Adjustable Block Program Request for Stakeholder Feedback – Marketing Guidelines

April 3, 2020

In its February 18, 2020 Order in Docket No. 19-0995 approving the Illinois Power Agency’s Revised Long-term Renewable Resources Procurement Plan, the Illinois Commerce Commission (“Commission”) approved a stakeholder feedback process for revisions to the Adjustable Block Program (“Program”) Marketing Guidelines. This included incorporating components of the HEAT Act ([Public Act 101-0590](#)), a law effective January 1, 2020 that created new consumer protections in the alternative retail supplier markets.

The IPA now seeks stakeholder feedback on proposed edits made to the Adjustable Block Program’s Marketing Guidelines. These include additions reflecting principles from the HEAT Act, clarification on what Approved Vendors and their subcontractors may say in their marketing materials, and the disciplinary process that results when Approved Vendors and their subcontractors do not abide by the Marketing Guidelines. Drafts of the revised Marketing Guidelines (including redline comparisons to previously issued guidelines) for distributed generation and community solar can be found [here](#), and specific questions on which feedback is sought are found below.

Responses are due by April 28, 2020 and should be sent to IPA.Solar@illinois.gov.

In general, responses will be made public and published on the Adjustable Block Program’s website (<http://illinoisabp.com/>). However, should a commenter seek to designate any portion of its response as confidential, that commenter should provide both public and redacted versions. Independent of that designation, if the IPA or the Program Administrator determines that a response contains confidential information that should not be disclosed in connection with this stakeholder feedback process, it reserves the right to provide its own redactions. Commenters need not respond to every question (some may be inapplicable) and should not feel limited by these questions in providing feedback. Comments are welcome from both participants in the Adjustable Block Program as well as from other interested parties.

As a separate matter, the COVID-19 global health pandemic presents unforeseen challenges in customer acquisition, including temporarily foreclosing certain marketing channels. Please note that on March 20, 2020, the IPA released [a notice](#) highlighting immediate changes to the Program Marketing Guidelines due to the COVID-19 global pandemic. Failure to abide by the new requirements outlined in that notice may result in disciplinary action for Approved Vendors and/or designees. While the Agency is not taking stakeholder feedback on those emergency guidelines at

this time, the IPA is carefully monitoring recommendations from state and federal authorities that will inform when those requirements would be lifted.

Questions on the Draft Marketing Guidelines are as follows:

1. Are the alterations made in the draft Marketing Guidelines sufficient to capture the spirit and purpose of the HEAT Act?¹ If not, what provisions should be included to ensure that HEAT Act protections are extended to Program participants under the Marketing Guidelines?
2. The disciplinary process that occurs when an Approved Vendor or its designee do not act in accordance with Program requirements is now outlined in the draft Marketing Guidelines. Is this disciplinary process outlined adequately? Are additions needed to clarify this process?
3. Changes were made to the section of the draft Marketing Guidelines that provide examples for what Approved Vendors and their subcontractors may or may not say about the Program in their marketing materials. These changes were made based on review of marketing materials during the first year of the Program. Are these examples sufficiently representative of expected phrasing to support to Approved Vendors in their effort to create viable marketing materials for potential Program participants? How else, or through what additional examples, should the IPA provide clarity regarding the application of its Marketing Guidelines?
4. The IPA is considering allowing Approved Vendors to use the Illinois Shines logo on materials which state that they are an Approved Vendor in the Illinois Shines program. Under this proposal materials that use the Illinois Shines Logo (including online or social media posts) must include the legal name of the entity on behalf of whom the individual is marketing, and should also include the actual Approved Vendor participating directly in the ABP where possible, and cannot otherwise imply that the Approved Vendor is acting as a representative of the State of Illinois. Does this seem to be a viable solution to ensure that customers are able to easily identify Approved Vendors as verified and trustworthy Program participants? If you are in favor of creating this option, do you have

¹ Full text of the HEAT Act can be found at: <http://www.ilga.gov/legislation/publicacts/101/PDF/101-0590.pdf>. For additional information on the HEAT Act see: https://illinoisattorneygeneral.gov/pressroom/2019_05/20190530.html and <https://www.icc.illinois.gov/workshops/home-energy-affordability-and-transparency-act-implementation>.

recommendations for how to prevent the misuse or appropriation of the logo by entities not authorized to use it?

5. Are there any other revisions to its Marketing Guidelines that the IPA should consider?

We deeply appreciate your feedback and look forward to your response.