

COMMUNITY SOLAR DISCLOSURE FORM FEEDBACK NOTICE

The Illinois Power Agency is seeking feedback on its **customer disclosure form utilized for subscriptions to community solar projects** and related Marketing Guidelines requirements. This need for feedback is informed by several phenomena, as outlined below.

First, in initially developing its Marketing Requirements and community solar disclosure form, the IPA assumed that customers' decisions for whether to serve as project subscribers would be influenced by the location and attributes of the individual projects themselves. While this may be true in limited cases, the portfolio of projects receiving contracts is somewhat uniform: large projects located in more remote, agrarian areas. It appears instead that the value proposition of community solar generally is driving subscription decisions rather than a customer's desire to be associated with a specific project, and the IPA's community solar disclosure form and Marketing Guidelines may need to better reflect this reality.

Second, the process of acquiring subscribers may be different than what the IPA originally envisioned. Specifically, customers may be entering into relationships with entities providing project subscriptions well before the actual commencement of a project subscription, with those entities in some cases providing other products or services. Consumer protection may be better served by adjusting processes to ensure that customers receive the program brochure and disclosure form upon commencing relationship with a company or platform, rather than receiving these disclosures only at a downstream point when a subscription is formally commenced.

Lastly, the COVID-19 global health pandemic presents unforeseen challenges in customer acquisition, including temporarily foreclosing certain marketing channels. While it is unclear whether any specific changes should be made in light of this pandemic.

In light of the above, the IPA seeks feedback on the following topics. Responses are due by April 17, 2020 and should be emailed to IPA.Solar@illinois.gov.

- 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?
 - 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?
 - 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?
 - d. What other concerns should the IPA be aware of in this vein?

- 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?
 - 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?
 - 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?
 - d. What other concerns should the IPA be aware of in this vein?

 - 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?

 - 4) As customer acquisition has now commenced, is there any feedback or process improvements that could be made with respect to the streamlining of how the customer disclosure form is generated, or with the ABP portal and how Approved Vendors interact with it? What would those be and what impacts would they have to the business and the customer?

 - 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?

 - 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?

 - 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?
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- 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.

Responses to these questions are due by April 17, 2020, with extensions in responses available for good cause. Please email responses to IPA.Solar@illinois.gov.

While the IPA plans to publish all responses as submitted (i.e., with attribution to the commenter) on the illinoisabp.com website, the Agency recognizes that candid responses may require the disclosure of confidential or proprietary information. Thus, should a commenter seek to designate any portion of its response as confidential, that commenter should provide both public and redacted versions, and only the public version will be published.

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