Comments submitted in response to the IPA Draft Marketing Guidelines and Community Solar Disclosure Form due Tuesday, April 28, 2020.
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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?

MC2 RESPONSE: Having a schedule or reference to a website with affiliated projects makes good sense and is customer-protective. Project owners, their subscription placement agents, and customers all want the customer to start receiving net metering credits as soon as possible. In particular where several community solar projects are part of the same program and subscriptions to all such projects are on standard terms, switching a customer from one project to another gets the customer net metering credits on their bill earlier.

In addition, it is much easier for a customer to be part of a waiting list if they can sign a disclosure in advance and have that disclosure be adequate to enroll on any of several systems within the same program.

While a customer is entitled to production estimates and other information that may differ from system to system under the current LTRRPP (such as the O&M plan), those items should be provided to the customer pursuant to the provisions of the subscription contract (i.e. as a notice, as a contract amendment, etc.).

For this response, "program" means a sales initiative and not a state program such as the Adjustable Block Program.

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?

MC2 RESPONSE: The customer should be notified per the notice provision of their subscription contract, which will reflect the way the customer and the system owner (or its agent) will communicate with the customer. The notice should contain the new facility-specific information, such as expected production, expected useful life, O&M plan, privacy policy, etc. The notice should also contain a point of contact, which may be the system owner's agent—which may be different from the system owner and Approved Vendor. The notification should (per MC2's response to Question 2 below) note the new Approved Vendor's name and that it is affiliated with the original Approved Vendor.

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?

MC2 RESPONSE: No. MC2, as subscription agent for the first community solar project within the IPA ABP program in the ComEd service territory, had to go back to customers to resign updated disclosure forms when there was an error in the NPV calculation, and found that it added up to 2-3 weeks to the process and in addition added confusion and raised a number of questions about the sales and state incentive program from customers. Therefore, to the extent that the same subscription size from the same project owner, or its designated agent is being transferred to another affiliated project of the project owner, a new disclosure form should not be required.

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

MC2 RESPONSE: If customers are switched from one project to another, the key terms must be identical including but not limited to price, early termination (MC2 has no early termination fees), other fees, production guarantees (if any), savings guarantees (MC2 guarantees savings if the customer stays on bundled service), term, and renewal.

In addition, information about the system size, estimated output (and calculation thereof) is necessarily going to be an estimate for a yet-to-be-built system. It would make most sense if the disclosure form contains the core commercial terms and a separate notice form—which can be updated when the system is fully interconnected—for the system-specific production information.

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.

MC2 RESPONSE: As long as Approved Vendors are affiliated—which the IPA/InClime track in their portal as it changes over time with systems being bought and sold—there should be an ability to move subscriptions form one Approved Vendor to another. While a subscription agreement must be between a system owner and the customer, in MC2's experience the customer does not always have a direct relationship with the Approved Vendor or system owner. Thus, the identity of the new Approved Vendor should be on any notice regarding transfer to a project owned by an affiliated Approved Vendor and it should be noted that the new Approved Vendor is an affiliate of the Previous Approved Vendor, but the billing and notice information should be more prominently displayed so the customer knows that its point of contact is the same.

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

MC2 RESPONSE: Transfer between affiliates should always be allowed even if Approved Vendors become affiliated after the initial disclosure. For instance, if MC2 is working with a developer and the developer acquires a project that is about to Energize (as the term is

used in the REC Contract), MC2 should be able to move customers onto that project without a new disclosure from a project that will not Energize for several months (assuming all other terms, conditions, pricing and subscription size have not been modified since the original disclosure form was executed by the Customer).

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?

MC2 RESPONSE: Approved Vendors or their designees/agents will have to inform InClime of a change in subscription in any event for compliance reasons for the ABP. Thus, the Approved Vendors should inform InClime that the transfer has taken place and certify in that process that the essential terms and conditions (as defined above) are all the same. InClime will be able to immediately confirm whether the two Approved Vendors have self-identified as affiliates.

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?

MC2 RESPONSE: No if the Approved Vendors are affiliated and the essential term and conditions (as defined above) are the same. Yes if any of the essential terms and conditions change.

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

MC2 RESPONSE: One of the primary reasons a system owner engages a subscription placement and billing agent is to allow a single point of contact for both customers and the system owner across multiple systems and multiple Approved Vendors. As long as the essential terms are the same, the customer will not notice a difference besides potentially a different system name (or names) on their electric bill.

Generally speaking, MC2 has found that what customers have wanted is to support renewables and save money with a minimum level of involvement or monthly management time required. Customers—even sophisticated customers—have had negative reactions when extra steps are added in the enrollment and monthly fulfilment process.

3) Currently, a disclosure form must be executed by the individual customer, whether though 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?

MC2 RESPONSE: With one exception, MC2 believes strongly that the customer's authorized signatory (i.e. the utility account holder if a residential customer or an employee within a corporate family with requisite signatory authority) should always sign the disclosure form.

MC2 is not requesting the IPA act on the following exception at this time. For the sake of completeness that exception is opt-out aggregation program. It need not be addressed at this time because MC2 understands the IPA believes there are other barriers, and MC2 does not intend to offer subscriptions as part of opt-out aggregation at this time.

In addition, MC2 recommends that the IPA consider whether a Local Administrative Agency providing PIPP assistance to a customer should be able to enroll a customer on community solar if there is a guaranteed savings (PIPP customers are prohibited from enrolling in ARES service except in aggregation), no fees, and the administrator pays subscription fees. Such an enrollment saves low income assistance program resources (due to lower bills to be partially offset by PIPP), which is more of a program benefit than a direct customer benefit, even though the customer account holder is receiving the net metering credits. At a time when low income assistance programs are likely to be strained, providing a safety valve to the program administrators may be of substantial value. MC2 believes these enrollments should be treated as small subscribers (provided the subscription for each customer is under 25 kW (AC)).

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?

MC2 RESPONSE: For those Approved Vendors that have chosen to designate a third party to obtain and enroll subscriptions, the interface is limited. Subject to an Approved Vendor's ability to limit a designee to specific system(s) or functions, the interface should allow designees to perform all of the functions of the Approved Vendor without credential sharing.

In addition, going forward, if the Program Administrator makes an error (such as with the NPV rate), the Approved Vendor or its agent should not have the burden of reissuing the disclosure 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?

MC2 RESPONSE: MC2 highly recommends that the IPA Disclosure Form be modified to include the utility account number along with the service address of the utility account associated with the Customer Name for each unique subscription to be enrolled for audit and verification purposes. The addition of the utility account number, along with the service

address for each unique subscription on the IPA Disclosure Form would alleviate the potential confusion that the same customer may appear to have subscriptions that should be aggregated when in fact the customer has obtained multiple subscriptions for different accounts at different service address locations but controlled by the same entity. To wit, under the current IPA Disclosure Form as written, the IPA's administrator cannot ascertain when the same Customer Name appears multiple times that the Customer has multiple "small" subscriptions for different service accounts, which (as subscriptions to separate accounts) each properly qualify as a small subscription.

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?

MC2 RESPONSE: The NPV calculation is quite confusing to customers, especially customers that desire a program with no upfront fee and no monthly fixed subscription fees. For example, the NPV is meaningless for a subscription that offers a Guaranteed Savings product approach (i.e. the customer retains a portion of the net metering credit). Further, Customers have to be told that despite the calculation, the system owner cannot guarantee the value of net metering credits due to market conditions and other factors such as weather. In addition, while MC2 has not obtained any customers in Ameren, the rate within the current NPV calculations are wildly inaccurate for Ameren given the historical experience of what would have been the net metering credits under the historical Ameren utility bundled tariff supply rates.

A better approach would be to state what the current ComEd and Ameren net metering credit rate for bundled tariff supplied service customers and hourly customers, and direct customers to a website administered by InClime that provides historic values (using a standard production curve with historic LMP prices for RRTP) of the net metering credit. That allows customers to see historic values and make their own decisions about trends. This may involve some calculation, but it is better to be at the InClime level thus every customer looking at the website (or attachment if included) can see the same historic net metering credit information.

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 COVID19 global health pandemic?

MC2 RESPONSE: To the extent that online enrollment can be better facilitated—which includes the speed of generating a disclosure form—it would reduce contact between customers and sales agents. In addition, sales programs that do not involve direct-to-customer marketing utilizing door-to-door solicitations should be facilitated given recent issues with marketing practices by sales agents. Utilizing an on-line electronic subscription enrollment approach allows the customers to make informed decisions without any high pressure sales tactics.

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.

MC2 RESPONSE: The IPA should simply affix the brochure to the beginning or end of the disclosure to ensure it is delivered to all customers. That will make demonstration of compliance and recordkeeping easier.

The IPA should allow an Approved Vendor or its designee to fill out a disclosure forms and upload wet signed or e-signed forms. That will allow a much more positive and quick customer experience. Even if the form is highly prescribed (like a UDS under 412.Appendix A), allowing the Approved Vendor or its designee to create the form outside the portal will greatly reduce friction in customer acquisition. Especially for residential and small commercial customers, where the sales cycle is shorter, potential customers tend to lose interest if there is a long wait or excess steps in the enrollment process.