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InClima, Inc. - Program Administrator

Comments on Updated Guidebook

Thank you for the opportunity to provide stakeholder feedback. The updates to the guidebooks and the program in general are largely positive and we appreciate all of the work that has gone into updating them. Our comments primarily aim to improve the language or give additional context around some changes to the Guidebook.

Section 2 (F) - Registration of Designee's

We support and are happy to see the registration of designees incorporated in the ABP program. This will help track and give more transparency to consumers. We think the 45 day window to register direct designees to be feasible. However, this timeline will be difficult to manage for designees of designees. We request that companies that don't work directly with an Approved Vendor, but only with an AV's Designee be given an additional 30 days to register with the ABP program.

In many instances the AV is not aware of all of the companies that designees are working with so there is not a direct line of communication. This requirement will need to pass through multiple companies before reaching the ultimate entity that needs to register. 30 additional days will help to ensure that registrations go smoothly for all companies involved.

Section 3 (C) - Discipline

We appreciate the detail provided on the discipline process in the Draft Guidebook. We however, have some concerns on the limitations around working on incomplete projects that were developed by a company that was subsequently suspended. This is laid out in more detail below, but the primary concern is preventing the accidental harm or punishment of customers that were working with a suspended company prior to that company's suspension. The

guidelines as written may result in system owners not having applications submitted or processed for systems already purchased or installed by a company that was subsequently suspended from the ABP program.

AV Suspension:

”Moving forward on already generated disclosure forms/or in process project applications”

If a system has already been sold or installed or if a system has an application in progress this language could be problematic. We would like an exception to be made to allow suspended companies to work to complete applications for projects that have already been submitted or from systems that have SD Forms signed (but not ABP Application) that are already sold or installed.

“Partnering with an AV and/or Designee in good standing to work around Program Suspension”

An exception should be made here as well to allow for the scenario listed above and below. We may need to continue to work with a Designee company that has been suspended to complete applications for systems that were in progress at the time of suspension.

Designee Suspension:

“Collaborating with the Designee’s Approved Vendor(s) to convert Disclosure Forms into Project Applications”

This limitation may be the most problematic for customers that have already gone with a company that was suspended. For example if an AV is part way through an application with a Designee company or an installation company that is a designee of a designee, there will very likely need to be continued work with that company to either complete the installation or complete the ABP Application for that system.

Some example scenarios that are cause:

- An SD Form has been generated by a sales company. That system is then sold to a customer and perhaps even installation has begun or been completed. Then prior to that systems application being submitted to the ABP program the Designee that sold the system is suspended. Given the language above it seems like it would be impossible for an AV in good standing to complete or submit an ABP application for the project in question. The Designee being the main source of Part 1 and Part 2 application information and documentation in most cases.
- An installation company has been suspended. This company still has systems that are in progress. An AV in good standing may need to work with that installation company to get Part 2 Application information and supporting documentation especially system

information and photographs of the array are generally provided by the installation company.

Section 4 (E) - Expansions

We would like to recommend one clarifying point here. We encourage the Program Admin to continue to allow the Part 1 Submission of system expansions, even if that Part 1 Submission will not be evaluated until after the original system has been Part 2 Verified. This information is often known in advance of a Part 2 approval, and helps to simplify the application process of the new system and ensure it is completed in a timely manner.

Section 5 (F) - Definition of Total System Cost

The new definition of Total System Cost has a few elements that may benefit from additional clarification or be difficult to implement.

First, “Other direct or indirect costs of the project” is very broad and may cover costs that should not be included in the total System Cost. For example when solar is being installed there are sometimes also other electrical upgrades that are done at the location that need to be done regardless if solar was installed or not. Other non-related electrical equipment is also often installed, such as a battery backup system or an EV charger. These costs are not part of the solar installation and should not be included in the total system cost.

Also structural or roofing upgrades or replacements that would be done regardless if solar were to be installed or not should not be included in the system cost.

“Any and all profit that results from project development should not be included in the total project cost.”

In practice, this will be extremely difficult or impossible to implement. Many installers carry their project development costs across many projects. This often means that profits on any individual project are not known until the end of month, quarter, or year.

Also nearly every solar project involves many different companies or business arms working. Each of these take profits are taken out at different points in the development process. This makes it nearly impossible for an Approved Vendor or Designee to know any and all profits on a system.

This also will produce information that makes it very difficult to compare profits across business types. For example a vertically integrated company likely has insight into profits on the many

aspects of project development, and will result in numbers that are difficult to compare with a company that only does installations or lead generation.

These numbers will also differ significantly depending on the type of company that is handling an ABP application. For example if information is getting submitted to us by an installation company that only handles the installation they may have no insight into the project development profits as they just get referred jobs by other companies.

Due to these factors we recommend that the Total System Cost be defined as the amount paid by the system owner and does not distinguish between costs and profits on the project development.

Section 6 (A)(1) - REC Management

“Any RECS that were created prior to contract signing are not part of contract and not will be transferred to to the utility under the contract or purchased by the utility under the contract”

We would like to reiterate our comments made in the Contract development stakeholder process here. We agree that no RECS generated before contract signing should be transferred or purchased by the utility, however RECS that are generated after contract signing, but prior to the insertion of the Standing Order should be allowed to be delivered to the utility. We do not think the delivery term start date should be modified, but just allow for RECS that are generated prior to the Standing Order to be delivered and help mitigate risk for both the Utility and the AV.

Allowing the delivery of RECS generated prior to the insertion of the standing order helps mitigate risk both for the utilities and for the approved vendor. This is especially helpful for systems that have technical difficulties in the early months of energization.

It is still only allowing for RECS generated from approved systems. These deliveries could be made by the approved vendor manually after the standing order is accepted.

This also helps to address the lag between projects being energized and Standing Orders being approved and accepted. Which currently takes 4-6 weeks at least, and much longer for systems that do not apply for the ABP program until already energized.

Thank you again for the opportunity to give feedback. We look forward to seeing the final updated Guidebook.

Sincerely,

Dylan DeBias