SRECTrade
201 California Street, Suite 630, San Francisco, CA 94111
www.srectrade.com | 415.763.7732

SENT VIA ELECTRONIC SUBMISSION

RE: Comments on Draft Program Guidebook (August 6, 2020)

September 4, 2020

Dear ABP Administrator,

SRECTrade appreciates the opportunity to comment on the Draft Program Guidebook (August 6, 2020). Below are our comments on the Draft Program Guidebook (in red):

Additional Questions Not Used for Qualification
36. Please list all social media accounts associated with the proposed Approved Vendor.
We recommend that this requirement specifically only apply to social media accounts directly held by and controlled by an Approved Vendor. If the intention is for social media accounts of Approved Designees to also be listed, then that requirement should be listed in the Approved Designee registration section. Approved Vendors should not be required to list social media accounts associated with their Approved Designees in their Approved Vendor application.

As used for purposes for Designee registration, the term "Designee" refers to third-party (i.e., non-Approved Vendor) entities that have direct interaction on behalf of the Approved Vendor with end-use customers. This includes installers, marketing firms, lead generators, and sales organizations. The Agency reserves the right to add additional categories as needed. Under Section 6.9.1 of the Revised Long-Term Plan, Designees must now also register with the Program.

The purpose of this new Designee registration requirement is to increase Program transparency. Potential customers will be able to verify that an entity representing the Program is indeed a registered participant (and likewise be able to review if the entity is listed on the complaint or disciplinary databases). Approved Vendors and their Designees shall have 45 days of lead time for compliance once these requirements are implemented. Implementation of the Designee Registration functionality in the ABP portal is set tentatively for September 2020.
"45 days", is this business or calendar days? We suggest that whenever in the Guidebook, if a number of days is stated it should be denoted if it is business or calendar days.

Also, we hope that it is recognized that the finalization of this Draft is already late with regard to the Setptember 2020 scheduled implementation. So if Designee Registration becomes a requirement, that the Program send out information clearly outlining the process, expectations, and deadlines ahead of when Designees are expected to start this new registration.

While registration of Designees does not change the responsibilities of the Approved Vendor, or the potential for an Approved Vendor to be held accountable for the conduct of its Designee, the Agency believes that this step will provide additional information and transparency to consumers and to the marketplace generally.

Registration shall include the Designee's provision of contact information, acknowledgment of the business relationship with the Approved Vendor, and identification of the categories of the consumer-facing services provided. Additionally, a Designee is responsible for acknowledging that it will comply with all applicable Program requirements through an attestation. Failure by a Designee to comply with applicable requirements could subject the Designee to suspension or termination from future participation in the Program. If the Designee ignores a suspension (or termination) decision made by the Program Administrator and continues its Program-related activity nonetheless, any Approved Vendor that works with the Designee during that period could be subject to discipline. Likewise, Approved Vendors found to be working with entities engaged in customer-facing activities that fail to register with the Program could be subject to discipline.

Approved Vendors will be responsible for ensuring that their Designee(s) register with the program, and Approved Vendors who fail to do so may be subject to disciplinary actions. This includes Designees of Designees. For example, where an Approved Vendor may work with an installer, and that installer may in turn hire a lead generation firm to assist in marketing, the Approved Vendor will be responsible for ensuring that both the installer and the lead generation firm register as Designees with the Program.

Once the Designee Registration functionality in the ABP portal is finalized, all third-party entities that have direct interaction with end-use customers of the ABP and that operate within the Illinois Adjustable Block Program need to register as a Designee on the Program website. Once registered, these entities can indicate in the portal one or more of the following roles:

We caution here that the reality is that many companies start selling and/or installing solar before they fully understand the ABP and also before realizing they need to notify Approved Vendors and Approved Designees of their intentions to participate in the ABP. So we request flexibility around the 45 day requirement for registering. Also, if the 45 day lead time does not apply here, please then provide clarification.

- Disclosure Form Designee – An entity that the Approved Vendor has designated that is permitted to generate Disclosure Forms on behalf of the Approved Vendor.
- Community Solar Subscriber Designee – An entity that the Approved Vendor has designated that is permitted to manage the community solar subscription information for an Approved Vendor's community solar projects.
- Marketing or Sales Designee – An entity that the Approved Vendor has designated to act as a marketing agent and/or customer acquisition agent on behalf of the Approved Vendor. This includes, among others, entities that engage in solicitations through any channel (in-person, telephone, etc.), as well as entities that perform online lead generation services.
- Installer Designee – An entity that the Approved Vendor has designated to install systems on the Approved Vendor's behalf.

We are concerned that Designees may take it upon themselves to try and register themselves as a partner without our permission and/or notifying us. We recommend that Approved Vendors be notified when a Designees completes a new registration and that Approved Vendors can review and approve / reject Designees' registrations.

Additionally, there will be situations where an Approved Vendor and Approved Designee can longer work together and maintain a relationship. We suggest that a process be available to allowed either party to dissolve the relationship. This can be as simple as a deactivation function in the ABP portal. Also if the Approved Vendor is in good standing with the

ABP, it should be allowed to continue operating. If the Approved Designee is in good standing, it should be allowed to find a new Approved Vendor.

The Adjustable Block Program is a state-administered incentive program; no entity is entitled to receive or benefit from that state support, and the eligibility to do so depends on following program requirements. Entities thus may be suspended from program participation – i.e., suspended from continuing to have their solar marketing and development activities supported by the State of Illinois through state-administered REC delivery contracts – as outlined further below.

A suspension under the ABP is generally considered a suspension from conducting the activities defined below for the duration of the suspension. As suspension may be more limited in scope than what is described below should circumstances warrant, and likewise may include additional provisions beyond those outlined below.
We recognize that a suspension may not include all the actions in the below lists, and could include more, however, we request of the ABP Admin to ensure that determined suspension actions do not unintentionally harm other clients that are not involved or affected.
When the Program Administrator communicates that an Approved Vendor is suspended, the Approved Vendor will generally be suspended from:

- Generating new disclosure forms
- Generating new project applications
- Moving forward on already generated disclosure forms and/or in process project applications We specifically feel this is inappropriately harming clients that may not be involved in the suspension. However, it is realized that the intent may be to protect clients from continued bad practices. So we suggest that during a suspension, AVs should be permitted to move forward on already generated disclosure forms and/or in process project applications, with consent of the customer(s) in question. Allowing these processes to continue will help prevent customers who experienced a positive sale, install, and application process from being harmed from their application being halted.
- Marketing of any kind regarding the Program on any platform (i.e. social media, organizational website, marketing and or customer acquisition via outside marketing firms, etc.), including any statements implying the availability of program incentives through such marketing
- Using Program materials in customer acquisition outreach (e.g. Program disclosure form, Program brochure, Program logo, etc.)
- Mentioning ABP or Illinois Shines while performing customer acquisition outreach, including any statements implying the availability of program incentives through such outreach
- Partnering with an Approved Vendor and/or Designee in good standing to work around Program suspension
- Participation in the IPA's Illinois Solar for All program

When the Program Administrator communicates that a Designee is suspended, the Designee is suspended from:

- Generating new disclosure forms
- Moving forward on already generated disclosure forms We specifically feel this is inappropriately harming clients that may not be involved in the suspension. However, it is realized that the intent may be to protect clients from continued bad practices. So we suggest that during a suspension, Designees should be permitted to move forward on already generated disclosure forms and/or in process project applications, with consent of the customer(s) in question. Allowing these processes to continue will help prevent customers who experienced a positive sale, install, and application process from being harmed from their application being halted.
- Collaborating with the Designee's Approved Vendor(s) to convert Disclosure Forms into Project Applications

· Marketing of any kind regarding the Program on any platform (i.e. social media, organizational website, marketing and or customer acquisition via outside marketing firms, etc.), including any statements implying the availability of program incentives through such marketing
· Using Program materials in customer acquisition outreach (e.g. Program disclosure form, Program brochure, Program logo, etc.)
· Mentioning ABP or Illinois Shines while performing customer acquisition outreach, including any statements implying the availability of program incentives through such outreach
· Partnering with an Approved Vendor in good standing to work around Program suspension
· Participation in the IPA's Illinois Solar for All program

The Program Administrator will maintain a public report[9] of disciplinary actions taken involving Approved Vendors/Designees that have been found to have violated Program guidelines. This public report has been developed in the interests of fairness, transparency, and awareness to help ensure that all Approved Vendors/Designees are aware of disciplinary decisions, and thus do not unknowingly partner with entities that are suspended from the Program. The report is also designed to provide information to potential project hosts, installers, and other interested parties.
Only directly involved parties should be listed in suspension descriptions. Meaning, if an AV Designee is suspended, then the AV should not be listed; and vice versa.

System installations must meet the following requirements in order to participate in the Adjustable Block Program.
1. A system must be installed by an entity certified as a Distributed Generation Installer certification in good standing with the Illinois Commerce Commission.
Historically, systems installed by non-DGI Certified installers have been allowed to participate in the ABP with a signed Attestation Form by a Qualified Person from a DGI-Certified installer. This rule is important to keep since some installers are not aware of the DGI Certification requirement prior to installing a system, and if the system were to become ineligible for the ABP as a result it would injure the customer. We recommend that this rule should be outlined in the Final Program Guidebook and continue to be allowed.

An expansion to a system that is already under an ABP contract must be independently metered (with a separate GATS or M-RETS ID) and separately billed and will be issued a new contract and/or product order independent from that of the original system. The Program Administrator will process expansion requests only for systems that have been Part II verified. The expansion must comply with all program rules in effect at the time the expansion application is submitted. Expansions are subject to the following additional requirements: Please elaborate on the phrase "separately billed", as we find it confusing and are not sure what it means.

1. The expansion will only be compensated up to the maximum 2 MW size limit when added to the original system at that location. For example, if a location already has a 1.9 MW system at that location and a 200 KW system is added, a new contract will only be granted for the estimated production of a 100 KW system.

2. If an expansion would move the total system size from the Small DG category into the Large DG category, and that category is operating on a waitlist, the expansion would be added to the waitlist in the same manner as a new system in that category while the existing system continues to receive REC payments under the previously contracted terms. Expansion applications submitted prior to the corresponding Group/category reaching full capacity will not be added to the waitlist and instead will be eligible for Part I review.

3. The expansion price will be adjusted to account for the current block price at the size of the combined system minus the price paid to the original system. For example, a 10 kW system in Block 1 Group A initially received $85.10/REC with an estimate that it would produce 100 RECs over the contract period, for a total of $8,510. A 10 kW addition is planned once the small DG and large DG categories in Group A have moved to Block 2. Because the new system with this addition would total 20 kW, the total system size is now in the >10-25 kW size category; for Block 2, Group A, that price is $75.55/REC. Assuming the expansion would also produce 100 RECs over the contract life, a calculation must be performed as if the system were a 20 kW system at the current block price. This value would be 200 RECS * $75.55/REC = $15,110. The previous payment of $8,510 must be subtracted from this value, leaving a total contractual payment of $6,600 for the new expansion. There will be no pro-rating of the time the original system was in operation when making this calculation. The contract term for the original system will remain the same, and the contract term for the expansion will be 15 years from the date the expansion commenced operation. Specifically for the expansion, since the value of the contract is $6,600, this equates to about 87-88 RECs. This means that at the end of the 15 years, there will be an extra 12-13 RECs. What is the expectation for these extra RECs?

4. If an expansion is made to an existing system that is not part of the Adjustable Block Program and only the expansion is applying to the Program, then the system size used to determine REC price will be solely the expansion size.

5. For ABP dashboard and Block capacity calculations, the capacity of an expansion system is taken from the Group/category corresponding to the individual applications, not from the Group/category corresponding to the aggregate system.

We are confused by the intention of item #2 and #5. Specifically, in #2, it is the combined system sizes that is used to determine which category the expansion system is placed in. Yet in #5, it is just the individual system size of the expansion that is utilized and taken from the corresponding category. This seems to be an operational contradiction, or more is perhaps needed to clarify the intent.

Applications consist of a Part I and a Part II; each of these parts must be completed for each participating system. The Part I application may be completed when the project is in the planning stage and collects information on a system's planned technical aspects including size, estimated REC production, equipment and installation company. The Part II application is to be completed only when a project has been completed and energized. Only systems that have a completed and verified Part I application that is subsequently approved as part of a batch by the ICC may submit the Part II application.[11]

A completed disclosure form is required for submission of a Part I application. The disclosure form must be generated using the disclosure form portal at the Program website. The portal contains an interactive form that can be completed by either the Approved Vendor or one of its approved Designees which upon completion can either be e-signed using the portal e-signature functionality or printed, signed, scanned, and uploaded. The information on the disclosure form is automatically transferred to the application portal to start a Part I application for DG systems. Approved Vendors are not authorized to use their own versions of the disclosure form, nor are they authorized to edit in any way the disclosure form generated in the portal. Approved Vendors may employ commercially available e-signature systems for customer signature of the disclosure form but must submit the audit/signature information page with the e-signed disclosure form. More information on the specific content of the disclosure form can be found in the distributed generation and community solar marketing guidelines on the Program website (http://illinoisabp.com/).[12]
We want to point out that there are duplicate fields between the Final Contract Requirements and Disclosure Form. These duplicate requirements should be removed from the Final Contract Requirements altogether and only be required in the Disclosure Form. In practice, the customers will be executing both agreements at the same time, so we feel it is not necessary to make Approved Vendors and Designees list the information twice.
Regarding no longer authorizing AVs to edit disclosure forms, what is the rationale behind this decision? The disclosure form can be confusing for Designees to complete. So AVs often need to assist by updating disclosure forms. Also, whenever an edit / update is made, the disclosure form is sent to the customer and must be signed by the customer.
The disclosure form is to be completed after system design and must be delivered to the customer before the contract is signed. A representative of the Approved Vendor or Designee shall review the disclosure form with the customer and provide the customer with an opportunity to ask questions about the disclosure form prior to obtaining a signature from the customer. The customer must sign the disclosure form prior to signing the installation agreement. Terms of the underlying contract between a customer and an Approved Vendor or its subcontractor must be consistent with terms of the required disclosure form. Any statements made verbally to the customer must be consistent with the contract and the disclosure form. If a DG system was energized or went under contract prior to the Agency's finalization of the DG disclosure forms on December 27, 2018, the Approved Vendor will be required to complete the disclosure form and send it to the customer, but will have an opportunity to attest, in lieu of obtaining the system host's signature on the disclosure, that its diligent, good-faith efforts to contact the customer using all known contact information were either unsuccessful or resulted in the customer refusing to sign the disclosure. We are seeing more rules and requirements for disclosure forms. At the same time, we would like to suggest that improvements be made, specifically providing more tools and resources for AVs and Designees to be able to monitor and manage disclosure forms. For example, none of us can view when a disclosure form was originally sent out to the customer after the form has been signed. Reports with more information about the dates involved with a disclosure form, like all the dates when a DF is sent to a client and signing dates.

Change of Approved Vendors

A project that has been waitlisted or otherwise not yet selected for a REC Contract may change its Approved Vendor. This switch of Approved Vendors may be for an individual project that is a subset of a larger batch (although minimum batch size requirements would still apply).

While it is not necessary to seek Program Administrator approval in advance of commencing this transaction, the Approved Vendor transferring the project and the Approved Vendor receiving the project ("Transferee") must provide the Program Administrator with a binding document wherein both agree that the Transferee shall have rights to the RECs

produced by the project and the authorization to represent the project for an ABP application. The documentation also must show that the project host (and the project owner, if different) consent to the change of Approved Vendor.
We do not understand the reasoning for requiring documentation from a project host providing consent. AVs are held responsible for all other facets of the application, so we should be allowed to conduct transfers for clients.
Please note that if a project was submitted co-located with another project, it will continue to be deemed co-located after any change of Approved Vendors. As a result, any co-located pricing or array layout requirements will still apply after a potential change of Approved Vendor. The transferred project, if community solar, could, if applicable, be newly considered co-located after being taken by the Transferee AV. The co-located pricing provision will only be applicable if the Illinois Commerce Commission's approval of the second project is within one year or less of the Commission's approval of the first project. If the first project has not yet received Commission approval at the time of the second project's approval, then the co-located pricing provision will apply.

Sale of a Project
A sale of the project itself (or a majority equity share in the project) that results in a new system owner but not a new Approved Vendor is allowed while the project remains unselected for a REC Contract. In such a case, the Approved Vendor is expected to contact the Program Administrator in order to update the ownership data for the project in the ABP portal. This project ownership change would not change any previous determination that the project was co-located, and it could, if applicable, cause the project to be newly considered co-located. The co-located pricing provision will only be applicable if the Illinois Commerce Commission's approval of the second project is within one year or less of the Commission's approval of the first project. If the first project has not yet received Commission approval at the time of the second project's approval, then the co-located pricing provision will apply. What about change of ownerships for projects where the REC Contract has been selected? We believe the majority of change ownerships to involve projects where the REC Contract has already been executed. Will a formal process be developed?

F. Required Information
The following information will be required for each Part I and Part II application:
Part II
· Provide final invoice showing installer. If the system owner is the installer a checkbox can be selected to indicate this This is no longer collected by the Program. We suggest this be removed.

Required Uploads:
· Proof that the project has initiated an irrevocable standing order without an end date in the REC tracking registry through either a copy of the registry's email acceptance of the irrevocable standing order or a screen shot of the irrevocable standing order screen showing the registry certification number of the system. This language and process are confusing and can be scary to customers. We suggest that clarification be provided about the process for ending standing orders. It should be explained when AVs, on behalf of customers, can request that standing orders be revoked.

SRECTrade
201 California Street, Suite 630, San Francisco, CA 94111
www.srectrade.com | 415.763.7732

B. Collateral and Performance Evaluation Mechanics. 60
Section 8: Invoicing and Payments. 63
Section 9: Guidebook Update Process. 65
Section 10: Glossary. 66

Lastly, SRECTrade comments that Section O. No Partial Systems could use additional clarification. Despite this section being titled "No Partial Systems", the body of the section seems to permit partial system applications in the sense that a portion of a system's array could be separately invertered/metered and apply for only that portion of the total array. Further, the first sentence of the section seems to contradict the second, as the first states "…must include the entire output of the system…" and the second states "Any capacity of a system which is not part of the ABP…". Thus, SRECTrade suggests removing "No" from the section's title and adding more information to clarify the apparent discrepancy that lies therein.

Thank you for your time and consideration of our comments.

Respectfully,
SRECTrade, Inc.