

# CONSUMER PROTECTION WORKING GROUP MINUTES

Friday, November 4, 2022

**Disclaimer:** Notes below reflect high level discussion and points made by participants during the call. The feedback received from these sessions will help inform the Agency's strategies on a variety of consumer protection issues. The positions and viewpoints expressed by stakeholders in the meeting may be different than the Agency's positions.

TOPIC 1	Proposed Update: Draft Disciplinary Matrix for Responses to Consumer Protection Issues
<b>BACKGROUND &amp; PROPOSAL</b>	<p>Section 9.3.3 of the 2022 Long-Term Renewable Resources Procurement Plan outlines the Agency's intent to provide more clarity and process around responses to consumer protection issues, for both the Adjustable Block Program and Illinois Solar for All:</p> <p>"The Agency plans to develop additional guidelines to ensure that, as the Programs continue to expand and address a growing number of complaints, disciplinary responses continue to be carried out in a fair and consistent manner. Using a transparent stakeholder feedback process, the Agency plans to develop a matrix laying out the types of consumer protection issues and program violations that have arisen or may arise and progressive disciplinary responses, including the process provided to the alleged offender and whether an appeal is available."</p> <p>A draft disciplinary matrix developed by the IPA and the Program Administrators for stakeholder feedback is provided in <b>Exhibit 1</b>.</p> <p>The proposed draft matrix includes:</p> <ul style="list-style-type: none"><li>• Increased formalization and tracking of "non-disciplinary" corrective actions</li><li>• Elimination of "probation" as a Program response to consumer protection violations</li><li>• Publication of a summary of warning letters on Program websites</li><li>• A list of factors that will be considered in determining the appropriate response to a Program violation</li></ul>
<b>ISSUES/QUESTIONS FOR DISCUSSION</b>	<ul style="list-style-type: none"><li>• Is this the right level of process / notice for each type of response?</li><li>• Are there other disciplinary actions that should be considered?</li><li>• Are there steps in the matrix that are unclear?</li></ul>
<b>MINUTES</b>	<p>Stakeholder feedback included the following:</p> <ul style="list-style-type: none"><li>• For formal disciplinary actions, publishing name of entity, date, and brief summary should be routine.</li><li>• Suggestion that if information about warning letters is published, the Program Administrator should also publish a resolution date and if necessary, details around the action taken</li><li>• A customer-facing timeline for complaint processing and handling would be beneficial to the marketplace. This timeline would give consumers better transparency into and understanding of the disciplinary process</li></ul>

<b>TOPIC 2</b>	<b>Community Solar Billing Discussion: Consumer Protection Implications of Utility Portal Issues/Delays</b>
<b>BACKGROUND</b>	<p>The Agency and Program Administrators have heard reports of instances when community solar providers are unable to receive information needed to bill customers from the utility portal in a timely manner. The Agency is concerned about consumer protection implications, such as community solar providers billing customers for multiple months at a time.</p> <p>An issue of delayed billing has been addressed in part, as it pertains to Illinois Solar for All, in Section XI of the Consumer Protection Handbook, which states:</p> <p>“If ILSFA community solar subscribers begin receiving community solar bill credits from a project before the community solar provider begins billing the subscribers, the provider may not later charge subscribers for a subscription fee for previous months before billing began.”</p> <p>The Agency would like to better understand whether there are ongoing problems with community solar providers accessing information through utility portals and how this may affect customers, and what solutions or Program guardrails could be implemented.</p>
<b>ISSUES/QUESTIONS FOR DISCUSSION</b>	<ul style="list-style-type: none"> <li>• What operational issues do community solar providers encounter when accessing information in the utility portal? How frequent / pervasive are these issues?</li> <li>• Do community solar providers sometimes bill customers for multiple months at once? Are there other issues with community solar billing not “syncing” with utility bills?</li> <li>• Should the Programs create additional restrictions/requirements to address consumer protection issues, such as billing for multiple months, that may arise due to issues with utility portals?</li> </ul>
<b>MINUTES</b>	<p>Stakeholder feedback included:</p> <ul style="list-style-type: none"> <li>• Billing issues are related to the utility’s ability to accurately apply virtual net metering credits to customers. There is sometimes a lag in sharing data with community solar providers, which creates an issue for the customer.</li> <li>• Markets outside of Illinois also deal with utility portal delays. Frequent utility communication about delays would be considered best practice.</li> <li>• When there is a delay, community solar providers could bill based on estimated community solar credits and then later “true-up,” but this raises difficulties.</li> <li>• Some community solar providers provide billing plans by request if billing for multiple months at once.</li> <li>• As guidelines and requirements are developed, different approaches for commercial and industrial customers versus residential customers should be considered.</li> </ul>

<b>TOPIC 3</b>	<b>New Requirement Proposal: Automatically Providing Copies of Signed Disclosure Form and Contract / Agreements to Customer</b>
<b>BACKGROUND &amp; PROPOSAL</b>	<p>The Program specifically requires that Approved Vendors and Designees have a new customer sign a Disclosure Form before signing the installation or subscription contract (see Consumer Protection Handbook, Section V). Section IX of the Consumer Protection Handbook also requires that “Upon the customer’s request, the Approved Vendor or Designee shall provide the customer with a copy of that customer’s fully executed contract via e-mail, U.S. mail, or facsimile within twenty-one calendar days.”</p> <p>The Program documents do not explicitly require Approved Vendors and Designees to automatically provide a copy of the Disclosure Form and contract to the customer after execution.</p> <p>It has come to the attention of the Agency that some Approved Vendors and Designees do not provide copies of the Disclosure Form and contract to the customer after execution. The Agency is considering creating a new requirement that Approved Vendors and Designees must provide copies of the executed documents to the customer shortly after execution. This would ensure that customers have ready access to important information included in their Disclosure Form and contract, including their rights, responsibilities, warranty information, and contact information.</p>
<b>ISSUES/QUESTIONS FOR DISCUSSION</b>	<ul style="list-style-type: none"> <li>• Are there benefits to the customer of automatically receiving executed copies of these documents?</li> <li>• Are there operational / logistics concerns that should be considered?</li> <li>• What would be an appropriate time limit for how quickly the documents have to be sent to the customer?</li> <li>• If implemented, should the requirement extend to documents like agency agreements that the customer is required to sign for some community solar offers?</li> </ul>
<b>MINUTES</b>	<p>Stakeholder feedback included:</p> <ul style="list-style-type: none"> <li>• Contract delivery may be easier to adopt for 3<sup>rd</sup> party electronic signature platforms due to built-in features that may automatically return documents.</li> <li>• Many companies maintain their own customer-facing portals which allow customers to track their projects. Publishing a customer’s contract on the company’s customer portal should be included for consideration as “sending” the fully executed contract documents</li> <li>• Customers have varying levels of proficiency with technology; having an option to mail would ensure all customers have access to project specifics and their rights as a consumer.</li> </ul>

<b>TOPIC 4</b>	<b>New Requirement Proposal: Restrictions on Marketing of Alternative Retail Electric Supplier (ARES) Offers in Conjunction with ILSFA offers</b>
<b>BACKGROUND &amp; PROPOSAL</b>	<p>The Agency is aware that some entities that market community solar offers may also market Alternative Retail Electric Supplier (ARES) offers.</p> <p>Section VIII of the Consumer Protection Handbook addresses interactions between ABP, ILSFA, and ARES offers. Specifically:</p> <ul style="list-style-type: none"> <li>• “No Distributed Generation offers (under ABP or ILSFA) shall require the customer to sign up for service from any specific Alternative Retail Electric Supplier.”</li> <li>• “Community solar offers under the ABP or ILSFA may require a customer to receive electric service from a specific, designated supplier if the requirement does not violate 220 ILCS 5/16-115E(a) (which restricts ARES from enrolling customers who received financial assistance in the previous 12 months from the Low Income Home Energy Assistance Program or who participate in the Percentage of Income Payment Plan).”</li> </ul> <p>The Agency has concerns that marketing campaigns that offer ARES products in conjunction with solar offers may not clearly explain that switching to an ARES is <u>not</u> a requirement for <u>any</u> Distributed Generation offer. The Agency is also concerned that campaigns may market ARES offers to customers who cannot enroll in an ARES offer under 220 ILCS 5/16-115E(a) (which restricts ARES from enrolling customers who received financial assistance in the previous 12 months from the Low Income Home Energy Assistance Program or who participate in the Percentage of Income Payment Plan). Marketing ILSFA offers with ARES offers can create the perception that signing up with the ARES is a requirement to access the guaranteed savings of ILSFA.</p> <p>The Agency proposes the following for discussion:</p> <ul style="list-style-type: none"> <li>• A prohibition on marketing ARES offers in conjunction with ILSFA distributed generation offers</li> <li>• For Approved Vendors or Designees that offer or market ARES offers in conjunction with community solar subscriptions, a prohibition on knowingly offering or marketing the ARES product to customers who cannot be enrolled with an ARES under 220 ILCS 5/16-115E(a)</li> <li>• A requirement that Approved Vendors or Designees in ILSFA that also offer or market ARES products (such as an ILSFA Approved Vendor that is also an ARES) must sign an attestation stating their understanding with these prohibitions and an agreement to comply</li> </ul>
<b>ISSUES/QUESTIONS FOR DISCUSSION</b>	<ul style="list-style-type: none"> <li>• Are there additional consumer protection concerns and/or restrictions that the Agency should consider related to offering/marketing/bundling ARES offers with ILSFA or ABP offers?</li> <li>• Are there any unintended consequences of the requirements proposed for discussion?</li> </ul>
<b>MINUTES</b>	<p>Stakeholder feedback included:</p> <ul style="list-style-type: none"> <li>• Requirement seems appropriate for ILSFA low-income customers based on program savings guarantees.</li> <li>• It may be difficult to determine when an Approved Vendor or Designee “knowingly” markets a product to a customer who cannot be enrolled with an ARES under 220 ILCS 5/16-115E.</li> <li>• Most ARES and community solar providers understand the differences between their offers. Issues tend to arise with third party marketing channels that don’t fully understand what they are selling or are intentionally vague.</li> </ul>