



**Emerald Cities**  
SEATTLE



February 28, 2018

RE: Docket UE-171033  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, WA 98504-7250

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State Of WASH.  
UTIL. AND TRANSP.  
COMMISSION

Dear Steven V. King,

The following are comments referencing [Informal Draft Community Solar Rules](#) and rulemaking regarding the Washington Utilities and Transportation Commission's jurisdiction and regulation of community solar companies, Docket UE-171033.

Our non-profit organizations have worked with affordable housing providers, solar installers, community groups, investors and Seattle City Light to develop a scalable community solar program for low income housing providers. With the understanding that the referenced draft rules will apply to non-profits and housing authorities planning to provide community solar project services, per RCW 86.16.160(1), we would like to offer the following comments:

**WAC 480-xxx-008 Annual reports and regulatory fees**

The annual report should include non-attributable demographic data and geographic data for active, enrolled customers, including income range, primary language at home, and self-identified race and ethnicity, as well as geographic data for the zip codes in which the company is pursuing customers.

**WAC 480-xxx-009 Registration as a community solar company**

The requirement for a performance bond, trust, or escrow account may not make sense depending on the role that an organization is playing within a community solar project. Entities involved primarily in marketing roles may not require the same financial resources as those involved in construction or financing. Additionally, the application and justification for acceptance or denial should allow for contracted expertise, and not require technical expertise on staff. Finally, the rules should provide specify that "adequate financial resources" is a minimal standard and provide organizations that ability to pursue necessary capital to begin a program without having full financial resources in their balance sheet.



**WAC 480-xxx-103 (6)**

Maintaining and staffing a toll-free telephone number with a knowledgeable representative is not feasible for the non-profits and housing providers that would be subject to these rules. They should instead be able to offer a telephone number available during business hours for the person(s) responsible for community solar administration. The rules should require language-appropriate information to customers and participants if the organization is pursuing customers in areas where there is a high prevalence of a language other than English.

**WAC 480-xxx-103 (9)**

Community solar company should also advise customers how to obtain non-attributable demographic data and geographic data that they have provided as part of their enrollment.

**WAC 480-xxx-104 Community Solar Company Agents**

As community solar is an important pathway for equitable participation in the green economy, excluding people with a criminal history record imposes a discriminatory barrier to participation. The US Department of Justice and Census offer statistics demonstrating disproportionately high rates of arrest and incarceration based on race, therefore policies with no intention to discriminate have a disproportionate impact on African-American and Hispanic people. Community solar companies should not be required to obtain criminal history records for any person and may not exclude contractors/vendors based on convictions related to drug crimes. Community solar companies may opt to exclude from door-to-door activities contractors/vendors that have been convicted of theft, burglary, assault, sexual misconduct, identity theft & fraud. Community solar companies should be required to develop standards for non-discriminatory hiring and customer acquisition.

**WAC 480-xxx-114 Disposition or transfer**

Community solar companies should allow, but not require, customers to dispose or transfer their participation in part or in whole. Particularly as applicable to buildings or communities with frequent housing turnover, community solar companies should have a transparent way to transfer participation from one participant to another. As in the case of projects on designated affordable housing where the non-profit or housing authority hosts the project, rules should permit participation terms to be linked to occupancy of a unit in the building where the project is located.

**WAC 480-xxx-173 Community solar company responsibility for complaints and disputes**

Most designated affordable housing providers and non-profits may already have a process in place to address and resolve complaints and disputes which may be similar or more involved than those procedures described in (1). In cases where existing rules and procedures are in place, it would be more efficient and effective to apply existing rules to the delivery of community solar project services. Where there are no rules in place, these may be used.



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**WAC 480-xxx-183 Meter tests**

This requirement seems more closely related to what may be required by Washington State University Energy Program (WSU), and within the role and responsibility of the corresponding utility.

**Need for clarification**

- It seems like the sequence and timing of registration and reporting, fees and other requirements due to the Utilities and Transportation Commission (UTC) are related to those due to the Washington State University Energy Program (WSU). In order to minimize administrative burden and lower barriers to participation, WSU and UTC should coordinate and consolidate reporting requirements if annual reporting is required by both. Particularly because many organizations may be implementing projects for the first time, clarity in the requirements due to each agency is needed, or preferably that requirements be consolidated to one agency.
- The requirements, sequence and timing for registering projects and participants is unclear. For example, once a community solar company registers with the UTC, must it register project participants with the UTC? Or WSU? Must participants be registered prior to registering solar projects? If so, with which agency?

Thank you for your consideration.

Sincerely,

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