

**RULEMAKING: Community Solar Rules**

**DOCKET UT-171033**

**Comment Matrix-March 1, 2018**

<b>WAC 480-xxx-006 Definitions.</b>	
<b>Commenter</b>	<b>Comment</b>
Solar Installers of Washington	<p>Regarding the definitions of “Community solar company” and “Community solar project services”:</p> <ul style="list-style-type: none"> <li>• If an entity owns a project <i>and</i> provides community solar services, it should be classified as a community solar company.</li> <li>• If an entity is merely a passive owner (for tax equity purposes) or another service provider, it should <i>not</i> be regulated as a community solar company.</li> </ul> <p>SIW requests a clause confirming that those involved in the design or installation of a project be classified as providers of “community solar project services,” but not subject to regulation as community solar companies.</p>
Housing Finance Commission	The rule defines project participants as a type of customer, and then proceeds to use the terms "customer" and project participant interchangeably without clear distinction. For consistency with the administration of the Renewable Energy Cost Recovery Incentive Program, the rule should use the term "project participant."
<b>WAC 480-xxx-008 Annual reports and regulatory fees.</b>	
<b>Commenter</b>	<b>Comment</b>
The Energy Project	<p>Add language in (1) as follows:                      The report must include a list of the individual community solar projects and related programs and services administered by the community solar company <u>including identification of projects that are designed to facilitate participation by low-income customers, and any data regarding the level of low-income participation.</u></p> <p>Add language in (3) as follows:                      On or before the first day of May, each investor-owned utility operating community solar projects must file a list of individual community solar projects and related programs and services operated by the utility, <u>including identification of projects that are service low-income customers.</u></p>
Public Counsel	Agrees with annual updates of projects, however the rule needs to be clear whether community solar projects can be in service without first being listed in a report filed with the commission. “...projects should operate when completed and reflected in the next report after the projects are placed in service.”

Sparks Northwest Emerald Cities Seattle Front and Centered Seattle Housing Authority	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.
Housing Finance Commission	In reference to (2): Housing authorities might not establish separate business entities to administer community solar projects, so it would be helpful to specify that the fee should be calculated on the gross intrastate operating revenue associated with community solar administration. Further, this section should be clarified that the fee is due on the May 1 following the initial registration, and each year thereafter that a community solar company operates in Washington State.
<b>WAC 480-xxx-009 Registration as a community solar company.</b>	
<b>Commenter</b>	<b>Comment</b>
The Energy Project	Add language in (4)(f) as follows: A description of the services, <u>including low-income services</u> , the community solar company offers or intends to offer, including financing models.
Public Counsel	Public Counsel agrees with the expanded minimum requirements presented in subsection (4).
Sparks Northwest Emerald Cities Seattle Front and Centered Seattle Housing Authority	<p>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.</p> <p>The application and justification for acceptance or denial should allow for contracted expertise, and not require technical expertise on staff.</p> <p>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.</p>

**WAC 480-xxx-103 Information to customers and project participants.**

<b>Commenter</b>	<b>Comment</b>
The Energy Project	<p>Add language to (1) as follows: The community solar company must administer the project in a transparent manner that allows for fair and nondiscriminatory opportunity for participation by utility customers, <u>including low-income customers</u>.</p> <p>Add language to (4)(e) as follows: Project design details, including but not limited to project location, output capacity, equipment list, and interconnection information; and subscription information, including rates, fees, terms, and conditions, <u>and project components that facilitate low-income participation, if applicable</u>. The community solar company must provide the information required to the commission at the time it submits its application.</p> <p>Add the following to (8): <u>(x) If applicable, an explanation of the project provisions offered to low-income customers to facilitate access and participation.</u></p>
Public Counsel	<p>This section could be strengthened. This section only mentions information that must be given to customers by Community Solar Companies. These provisions should also apply to investor-owned community solar projects, as participants from both Community Solar Company projects and investor-owned community solar projects would benefit from the information.</p> <p>Regarding (4), Public Counsel believes that a list of all community solar projects administered by the Community Solar Company (or by an investor-owned utility) in the state should be included in the annual update to customer participants.</p> <p>Public Counsel firmly supports subsection (7), in which each Community Solar Company must provide a printed or electronic copy of “Consumer Guide to Community Solar in Washington State”.</p> <p>In (8), the following should also be included in the disclosure form:</p> <ul style="list-style-type: none"><li>• Details, process, and costs of early termination of a contract;</li><li>• Process and procedure for outages;</li><li>• Duration of the contract must be clearly stated;</li><li>• A description of whether the participation in a project is considered a savings program, renewable energy program, lease-to-own program, or purchase of kilowatts generated;</li><li>• Process and procedure for increasing or decreasing subscribed amount.</li></ul>

Sparks Northwest Emerald Cities Seattle Front and Centered Seattle Housing Authority	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.
Housing Finance Commission	<p>Regarding (2): Some administrators of community solar projects may have contracts with equipment providers or installers that include service guarantees or warranties. This section of the rule should add the underlined language for clarity: "...the community solar company or other entity in contract to <u>provide services to the community solar company</u>, must bear all costs..."</p> <p>Regarding (6): The requirement for a housing authority to maintain a toll-free number exclusively for inquiries related to community solar projects is administratively and financially burdensome and should be removed. Instead, community solar companies should be required to provide a telephone number available during business hours to receive inquiries. This number could be the same as is already provided for other inquiries.</p>
<b>WAC 480-xxx-104 Community Solar Company Agents.</b>	
<b>Commenter</b>	<b>Comment</b>
Public Counsel	<p>Public Counsel believes there should be more protections for consumers, and the following should be included:</p> <ul style="list-style-type: none"> <li>• When conducting door-to-door activities the agent shall verify that the customer in contact is 18 years of age and is either a resident of the premise in which the sale is occurring or able to make decisions regarding the account.</li> <li>• The agent will terminate a sale with a customer if the customer appears incapable of understanding and responding to the information communicated by the agent.</li> <li>• When conducting door-to-door sales and upon the completion of a sale the agent will provide a copy of any signed documents or other documents related to the transaction to the customer before the agent leaves the premise.</li> <li>• An agent will immediately leave the residence if the customer does not convey an interest to participate in the community solar project or if applicant, other occupant, or owner of the premises requests the agent to leave.</li> </ul>

Sparks Northwest Emerald Cities Seattle Front and Centered Seattle Housing Authority	Excluding people with a criminal history record imposes a discriminatory barrier to participation. 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.
<b>WAC 480-xxx-108 Application for participation/purchase.</b>	
<b>Commenter</b>	<b>Comment</b>
Public Counsel	An additional provision should be included in this section: An applicant must be 18 years of age and must either reside at the premise or have authority to make decisions regarding the electric account.
<b>WAC 480-xxx-113 Deposits.</b>	
<b>Commenter</b>	<b>Comment</b>
Housing Finance Commission	Subsection (1) focuses on the rights of participants, rather than the requirements on community solar companies. The rule should be revised as follows: "A community solar company must allow, but not require, a participant in a community solar project to reduce their participation in a project in part or in whole at any point, by offering at least the following options..."  Subsection (2) should clarify that a participant seeking to sell their share is not subject to the door to door provisions of WAC 480-xxx-104(2).
<b>WAC 480-xxx-114 Disposition or transfer.</b>	
<b>Commenter</b>	<b>Comment</b>
Public Counsel	If a participant is 'gifting' some or all of their share(s), the Community Solar Company should not have the customer receiving the 'gift' be open to meeting requirements (other than practicable infrastructure conditions), as anyone should be able to receive the 'gifted' share(s), such as moderate or low-income electric customers.  A provision should be added allowing participants to reduce the amount of their subscription. Participants should be able to reduce (or increase) their shares of a project after a disclosed period of time.
Sparks Northwest Emerald Cities Seattle Front and Centered Seattle Housing Authority	Community solar companies should allow, but not require, customers to dispose or transfer their participation in part or in whole. Community solar companies should have a transparent way to transfer participation from one participant to another. Rules should permit participation terms to be linked to occupancy of a unit in the building where the project is located.

<b>WAC 480-xxx-173 Community Solar company responsibility for complaints and disputes.</b>	
<b>Commenter</b>	<b>Comment</b>
Sparks Northwest Emerald Cities Seattle Front and Centered Seattle Housing Authority	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.
<b>WAC 480-xxx-183 Meter tests.</b>	
<b>Commenter</b>	<b>Comment</b>
Sparks Northwest Emerald Cities Seattle Front and Centered Seattle Housing Authority	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.
Housing Finance Commission	As project administrators, community solar companies may not have the technical expertise to test their own system meters. The rule should be revised to allow for utility or electrical contractors to conduct the test: "A community solar company must have its system meter tested, and must report to its customers the accuracy of its system meter once every twelve months."
<b>General comments/questions</b>	
Sparks Northwest Emerald Cities Seattle Front and Centered Seattle Housing Authority	<ul style="list-style-type: none"> <li>● 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.</li> <li>● 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?</li> </ul>
Housing Finance Commission	We strongly recommend that housing authorities administering community solar only be required to register with and pay registration fees to the UTC as described in WAC 480-xxx-009 and WAC 480-xxx-007, and submit an annual report per WAC 480-xxx-008(3).