

INFORMAL DRAFT COMMUNITY SOLAR RULES

PART I – GENERAL PROVISIONS

WAC 480-xxx-001 Purpose.

The legislature has declared that operating as a community solar company in the state of Washington is a business affected with the public interest and should be regulated. The purpose of these rules is to administer and enforce chapter 80.28 RCW by establishing rules of general applicability and requirements for:

- Registration;
- Consumer protection;
- Financial records and reporting;

WAC 480-xxx-002 Application of rules.

- (1) The rules in this chapter apply to any community solar company that is subject to the jurisdiction of the commission under RCW 80.04.010 and chapter 80.28 RCW. These rules also include various requirements of the community solar company's customers and applicants.
- (2) Any affected person may ask the commission to review the interpretation of these rules by a community solar company or customer by posing an informal complaint under WAC 480-07-910, Informal complaints, or by filing a formal complaint under WAC 480-07-370, Pleading and briefs—Application for authority—Protests.
- (3) No deviation from these rules is permitted without written authorization by the commission. Violation will be subject to penalties as provided by law.

WAC 480-xxx-003 Exemptions from rules in chapter 480-xxx WAC.

The commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in WAC 480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules).

WAC 480-xxx-004 Additional requirements.

- (1) These rules do not relieve any community solar company from any of its duties and obligations under the laws of the state of Washington.
- (2) The commission retains the authority to impose additional or different requirements on any community solar company in appropriate circumstances, consistent with the requirements of law.

WAC 480-xxx-005 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

WAC 480-xxx-006 Definitions.

"Applicant" means any person, corporation, partnership, government agency, or other entity that applies for service with a community solar company.

"Business day" means Monday through Friday, 8:00 a.m. until 5:00 p.m., except for official state holidays.

"Commission" means the Washington utilities and transportation commission.

"Customer" means any person, corporation, partnership, government agency, or other entity that has applied for, has been accepted, and is currently receiving service.

"Community solar company" means a person, firm, or corporation, other than an electric utility or community solar cooperative that owns a community solar project and provides community solar project services to project participants.

"Community solar project" means a solar energy system that has a direct current nameplate generating capacity that is no larger than one thousand kilowatts.

"Community solar project services" means the provision of electricity generated by a community solar project, or the provision of the financial benefits associated with electricity generated by a community solar project, to multiple project participants, and may include other services associated with the use of the community solar project such as system monitoring and maintenance, warranty provisions, performance guarantees, and customer service.

"Deposit" means any monies provided to the community solar company as an advance toward share purchase(s) or monies provided by the customer as a guarantee of future payments.

"Electric utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

"Project participant" means a customer who enters into a lease, power purchase agreement, loan, or other financial agreement with a community solar company in order to obtain a beneficial interest in, other than direct ownership of, a community solar project.

"Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

Terms used in this chapter and defined in the public service laws of Washington state (i.e., principally Title 80 RCW) have the same meaning here as in the statutes. Terms not defined in these rules or the applicable statutes have the meaning generally accepted in the electric industry, or their ordinary meaning if there is no meaning generally accepted in the electric industry.

PART II – REPORTING AND REGISTRATION REQUIREMENTS, REGULATORY AND REGISTRATION FEES

WAC 480-xxx-010 Registration fees.

Fees for applications are as follows:

Initial registration.....	\$450
Change of name or business structure.....	\$150
Annual registration renewal by May 1.	\$350

WAC 480-xxx-020 Annual reports and regulatory fees.

- (1) The commission requires, on an annual basis, a report from each community solar company that operated within the state during the prior calendar year. The report must be filed on or before the first day of May, to cover the operations of the prior calendar year. The report must include a statement of oath showing the community solar company's gross operating revenue from intrastate operations during the prior calendar year. The report must include a list of the individual community solar projects and related programs and services administered by the community solar company.
- (2) Each community solar company must, on or before the date specified WAC 480-xxx-020(1), pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross intrastate operating revenue, plus two-tenths of one percent of any gross intrastate operating revenue in excess of fifty thousand dollars.
 - (a) The maximum regulatory fee is assessed each year, unless the commission issues an order establishing the regulatory fee at an amount less than the statutory maximum;
 - (b) The minimum regulatory fee that the company must pay is twenty dollars;
 - (c) The commission does not grant extensions for payment of regulatory fees; and
 - (d) If a company does not pay its regulatory fee by May 1, the commission will assess an automatic late fee of two percent of the amount due, plus one percent interest for each month the fee remains unpaid.
- (3) On or before the first day of May, each investor-owned utility operating community solar projects must file a list of the individual community solar projects and related programs and services offered by the utility.

WAC 480-xxx-030 Registration as a community solar company.

No person may engage in business as a community solar company in Washington without having first registered with the commission. Engaging in business as a solar community company includes advertising, soliciting, offering, or entering into an agreement to own a community solar project and provide community solar project services to electric utility customers.

- (1) Community solar companies must apply to the commission to register for community solar authority or to change a company name or business structure, such as, changing from a sole proprietor to a LLC or similar. Community solar companies must apply on forms furnished by the commission and must include all the information, documents and exhibits called for in the form or the form's instructions. The commission may refuse to accept any application until all required information is supplied.
- (2) The commission will not accept an application unless it is accompanied by the required fee as shown in WAC 480-xxx-010 and evidence of a performance bond, trust or escrow account to cover advances and deposits.
- (3) The commission's acceptance of an application for registration does not indicate the commission's approval, nor is the commission precluded from finding that the information presented in the application is insufficient.

- (4) The registration must include at a minimum:
 - (a) The name and address of the community solar company;
 - (b) The name and address of the community solar company's registered agent, if any;
 - (c) The name, address, and title of each officer or director;
 - (d) The community solar company's most current balance sheet;
 - (e) The community solar company's latest annual report, if any;
 - (f) A description of the services the community solar company offers or intends to offer, including financing models;
 - (g) Disclosure of any pending litigation against it;
 - (h) A description of the technical competency of the principal employees;
 - (i) The community solar company's active license or registration number issued by the Washington Department of Labor and Industries, if applicable; and
 - (j) Acknowledgement of the company's responsibilities under WAC 480-xxx-173.
- (5) Registration must be completed annually by May 1.
- (6) The commission will issue a community solar company registration to any applicant that files an application satisfying the requirements of WAC 480-xxx-030 and that provides evidence of a performance bond, trust or escrow account.
- (7) The commission may dismiss an incomplete application. The applicant may request a review of dismissal through a brief adjudicative proceeding, pursuant to WAC 480-07-610.
- (8) The commission may deny registration to any community solar company that:
 - (a) Does not provide the information required by this section;
 - (b) Fails to provide evidence of a performance bond, trust or escrow account;
 - (c) Does not possess adequate financial resources to provide the proposed service;
 - (d) Does not possess adequate technical competency to provide the proposed service; or
 - (e) Has unresolved consumer complaints on file with the commission.

WAC 480-xxx-040 Suspension and cancellation of a registration.

- (1) A community solar company must notify its customers immediately of any pending commission action to suspend or cancel its registration and may not collect any incentive payments described under RCW 82.16 while its registration is suspended or canceled.
- (2) Involuntary suspension. The commission will make a good faith effort to notify a company that its evidence of a performance bond, trust or escrow account is likely to become invalid.
 - (a) The commission may suspend or cancel a community solar company registration if the community solar company or its agent:
 - (i) Fails to maintain evidence of a performance bond, trust or escrow account, whether or not the commission is able to provide advance notice. The commission will also directly notify the WSU Extension Office.
 - (ii) Has been found by a court or governmental agency to have violated the laws of a state or the United States.
 - (b) The commission may suspend or cancel a community solar company registration for cause. Cause includes, but is not limited to, failure to supply requested information

needed by the commission in the performance of its regulatory functions. This includes failure to respond to commission-referred complaints.

- (3) Voluntary cancellation. A company may request the commission to cancel its registration. The commission or its delegate will take action canceling the registration after the company notifies its customers. Cancellation in no way relieves the community solar company of its contractual obligations to its customers, it merely eliminates the collection of the incentive payments under RCW 82.16. The commission will reinstate the registration, provided the company meets current entry requirements, if the carrier applies for reinstatement and pays the application fee within ten months of cancellation.
- (4) Involuntary cancellation. The commission may cancel a registration because the carrier fails to:
 - (a) File an annual report or pay required regulatory fees;
 - (b) Demonstrate that the company has corrected the conditions leading to suspension within the time defined in the order of suspension;
 - (c) Provide information as required by the commission or submits false, misleading or inaccurate information;
 - (d) Maintain evidence of a performance bond, trust or escrow account; or
 - (e) Resolve complaints by any interested party, or upon the commission's own motion, after notice and opportunity for hearing.
- (5) Cancellation hearing. The commission will hold a hearing prior to canceling a carrier's authority, except when cancellation results from:
 - (a) Failure to maintain evidence of a performance bond, trust or escrow account and an adjudication or brief adjudication was held or was available to the company;
 - (b) Failure to correct causes of a suspension in which an adjudication or brief adjudication was held or was available to the carrier; or
 - (c) A carrier whose registration is canceled may apply for a new registration under WAC 480-xxx-030, if the carrier has corrected the causes of cancellation.

WAC 480-xxx-050 Disconnection of service.

A utility is not liable for incentive payments to community solar company customers if the utility has disconnected the community solar company due to a violation of a customer service agreement such as nonpayment of a community solar company's utility bill, or a violation of the interconnection agreement.

PART III – CONSUMER RULES

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

- (1) The community solar company must administer the project in a transparent manner that allows for fair and nondiscriminatory opportunity for participation by utility customers.

- (2) The community solar company must promptly notify all affected customers of any substantial change to the service that would affect the efficiency of operation. If an adjustment to its equipment is necessary, the community solar company must bear all costs in connection with making changes to its own equipment.
- (3) The community solar company may establish a reasonable fee to cover costs incurred in organizing and administering the community solar project. Project participants, prior to making the commitment to participate in the project, must be given clear and conspicuous notice of the portion of the incentive payment that will be used for this purpose.
- (4) The community solar company must maintain and update annually through June 30, 2030, the following information for each project it operates or administers:
 - (a) Ownership information;
 - (b) Contact information for technical management questions;
 - (c) Business address;
 - (d) Email address at which the company will receive communications from the commission; and
 - (e) 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. The community solar company must provide the information required to the commission at the time it submits its application.
- (5) A community solar company must make available at each of its listed business offices and on its website information regarding rates, rules, and regulations.
- (6) The community solar company must maintain a toll-free telephone number available during business hours to receive inquiries relating to services and rates, to accept and process orders, to explain charges on customer bills, to adjust charges made in error, to respond to customer inquiries and complaints, and to generally act as representatives of the community solar company.
- (7) Community Solar Companies must provide to each potential customer a printed or electronic copy of the commission publication, "Consumer Guide to Community Solar in Washington State" at the time the community solar company or its agent gives the customer an estimate.
 - (a) The language contained in the publication is prescribed by the commission and may not be changed by the community solar company or its agent;
 - (b) The commission will provide community solar companies the prescribed language but will not provide copies of the publication. Community solar companies are responsible for making sufficient copies for their needs;
 - (c) Community solar companies may access the prescribed language through the commission's web site at www.utc.wa.gov or by contacting the commission at 360-664-1222; and

- (d) Electronic delivery of information must comply with WAC 480-xxx-179.
- (8) The community solar company must provide to each applicant relevant rate information and a disclosure form that explains the rights and responsibilities of a community solar company customer. The community solar company may provide this information in an electronic format consistent with provisions in this chapter governing the use of electronic information. The disclosure form must include all material terms and conditions of participation in the project, including but not limited to, at a minimum the following:
- (a) Information about the community solar company's regular business hours, mailing address and toll-free number;
 - (b) Plain language disclosure of the terms under which the project's share of any incentive payment will be calculated by the Washington State University extension energy program over the life of the project;
 - (c) Contract provisions regulating the disposition or transfer of the project participant's interest in the project, including any potential costs associated with such a transfer;
 - (d) An explanation of the community solar company's processes to establish credit, deposits, delinquent accounts and cancellation;
 - (e) All recurring and non-recurring charges;
 - (f) A description of the billing and payment procedures;
 - (g) A description of any compensation to be paid in the event of project underperformance;
 - (h) Current production projections and a description of the methodology used to develop the projections;
 - (i) Contact information for questions and complaints;
 - (j) The dispute resolution process, and the commission's informal complaint procedures to be followed if the customer remains dissatisfied with the community solar company's dispute process; and
 - (k) Any other terms and conditions of the services provided by the administrator.
- (9) At least once each year, the community solar company must directly advise each of its customers how to obtain:
- (a) A copy of the forms and disclosures described in this section;
 - (b) The customer's current production projection information;
 - (c) The current total value of the customer's share;
 - (d) A copy of the community solar rules, WAC 480-xxx; and
 - (e) A copy of the community solar company's current rates and regulations.
- (10) The community solar company must provide the commission with electronic or paper copies of all disclosure forms, pamphlets, brochures, and bill inserts at the same time the community solar company delivers such material to its customers.
- (11) A community solar company may not use the name, bills, marketing materials, or consumer education materials of another solar company.

WAC 480-xxx-104 Community Solar Company Agents.

- (1) A community solar company shall develop standards and qualifications for individuals it chooses to hire as its agents. A community solar company may not hire an individual that fails to meet its standards.
- (2) A community solar company may not permit a person to conduct door-to-door activities until it has obtained and reviewed a criminal history record.
 - (a) A community solar company must complete a criminal background check for every person to conduct door-to-door activities;
 - (b) The community solar company must keep evidence that it has completed a criminal background check for every person the company intends to hire for door-to-door activities for as long as that person is employed and for seven years thereafter; and
 - (c) No community solar company may hire a person who has been convicted of any crime involving theft, burglary, assault, sexual misconduct, identity theft, fraud, false statements, or the manufacture, sale, or distribution of a controlled substance within the past five years.
- (3) When a community solar company contracts with an independent contractor or vendor to perform door-to-door activities, the community solar company shall document that the contractor or vendor has performed criminal background investigations on all agents in accordance with this regulation and with the standards set by the community solar company.
 - (a) A community solar company may satisfy this requirement by obtaining from the independent contractor or vendor a written statement affirming that the criminal background check was performed by them or under their supervision in accordance with this regulation and with standards set by the community solar company and presented in writing.
- (4) A community solar company shall periodically audit whether the background checks completed by its independent contractor or vendor have been completed in accordance with this regulation.
- (5) A community solar company shall issue an identification badge to agents to be worn and prominently displayed when conducting door-to-door activities or appearing at public events on behalf of a community solar company. The badge shall:
 - (a) Accurately identify the community solar company, its trade name, and its logo;
 - (b) Display the agents photograph;
 - (c) Display the agents full name; and
 - (d) Display a customer service phone number for the community solar company.
- (6) Upon first contact with a customer, an agent shall:
 - (a) Identify the community solar company they represent; and

(b) State that they are not working for and are independent of the customer's local utility company or another community solar company.

(7) When conducting door-to-door activities or appearing at a public event, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo that suggests a relationship that does not exist with a utility, government agency, or another community solar company.

(8) A community solar company or community solar company agent may not say or suggest to a customer that a utility customer is required to choose a community solar company.

WAC 480-xxx-108 Application for participation/purchase.

(1) No person shall subscribe a customer to a community solar energy generation system without the customer's prior written consent.

(2) Application forms must be clearly identified as a contract for participation in a community solar project.

(3) A community solar company may not add a new charge for a new service, existing service, or service option without first obtaining consent from the customer.

(4) If applicable, a community solar company may require the following information from an applicant:

(a) The applicant's name, address, telephone number, email address, and alternative contact telephone number;

(b) Proof of identification. The community solar company must allow the applicant to choose one form of identification from a list provided by the community solar company, of at least five sources of identification. The list must include a current driver's license or other picture identification; and

(c) Any additional information the community solar company may reasonably require for billing or service.

WAC 480-xxx-113 Deposits.

(1) Performance bond, trust or escrow account. Community solar companies that collect customer deposits must maintain a performance bond, trust or escrow account to cover any deposits.

(2) Interest on deposits. Community solar companies that collect customer deposits must pay interest on those deposits calculated:

(a) For each calendar year, at the rate for the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of that year. If January 15 falls on a nonbusiness day, the community solar companies will use the rate posted on the next following business day; and

- (b) From the date of deposit to the date of refund or when applied directly to the customer's account.
- (3) When refund of deposits is required. A community solar company must apply deposits plus accrued interest to the customer's account, or refund deposits plus accrued interest when:
 - (a) Not paid toward a customer's portion. When a customer's deposit is not paid toward a customer's portion of the community solar project, the company must refund any deposit when a customer terminates their participation in a community solar project;
 - (b) Termination of service. When a customer's contract is terminated by the customer or the owner, or the project is terminated, the community solar company must return to the customer the deposit amount plus accrued interest, less any amounts due by the customer.
- (4) How deposits are refunded. A community solar company must refund any deposit plus accrued interest as indicated by the customer at the time of deposit, or as modified by the customer on a later date, using one of the following methods:
 - (a) A check issued and mailed to the customer no later than fifteen days following termination of service or termination of project, or
 - (b) Another form of payment mutually agreed upon by the community solar company and customer.

WAC 480-xxx-114 Disposition or transfer.

- (1) At any point, a participant in a community solar project may reduce their participation in a project in part or in whole by:
 - (a) Gifting some or all of their share(s) to an individual or individuals who meet the service requirements detailed by the community solar company;
 - (b) Selling some or all of their share(s) to an individual or individual who meet the service requirements detailed by the community solar company.
- (2) For purposes of this rule, no project participant may sell a share of a community solar project that is smaller than the minimum participation size indicated in the community solar contract.

WAC 480-xxx-153 Disclosure of private information.

- (1) A community solar company may not disclose or sell private consumer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product offerings to a customer who does not already subscribe to that service or product, unless the community solar company has first obtained the customer's written or electronic permission to do so.
- (2) Private consumer information includes the customer's name, address, telephone number, and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a regulated community solar company that is available to the community solar company solely by virtue of the customer-community solar company

relationship.

- (3) The community solar company must obtain a customer's prior permission for each instance of disclosure or sale of his or her private customer information to an affiliate, subsidiary or other third party for purposes of marketing services or products that the customer does not already subscribe to and maintain a record of each instance of permission for disclosing his or her private customer information.
- (4) The community solar company will retain the following information for each instance of a customer consent for disclosure of his or her private customer information if provided electronically:
 - (a) The confirmation of consent for the disclosure of private customer information;
 - (b) A list of the date of the consent and the affiliates, subsidiaries, or third parties to which the customer has authorized disclosure of his or her private customer information; and
 - (c) A confirmation that the name, service address, and account number exactly matches the community solar company record for such account.
- (5) This section does not prevent disclosure of the essential terms and conditions of special contracts as provided for in WAC 480-80-143 (Special contracts for gas, electric, and water companies).
- (6) This section does not prevent the community solar company from inserting any marketing information into the customer's billing package.
- (7) The community solar company may collect and release customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

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

- (1) When a community solar company receives a complaint from a customer or an applicant for service, the community solar company must acknowledge receipt of the complaint and:
 - (a) Upon request, identify the community solar company's contact to the complainant;
 - (b) Investigate the complaint promptly as required by the particular case;
 - (c) Report the results of the investigation to the complainant;
 - (d) Take corrective action, if warranted, as soon as possible under the circumstances;
 - (e) If the complainant is dissatisfied with the results or decision, inform the complainant that the decision may be appealed to a supervisor at the community solar company; and
 - (f) If the complainant is dissatisfied after speaking with the community solar company's supervisor, the supervisor must inform the complainant of the complainant's right to file a complaint with the commission and provide the commission's address and toll-free telephone number.
- (2) Applicants, customers, or their representatives may file with the commission:
 - (a) An informal complaint as described in WAC 480-07-910, Informal complaints; or

- (b) A formal complaint against the community solar company as described in WAC 480-07-370, Pleadings—General.
- (3) When the commission refers an informal complaint to the community solar company, the community solar company must:
- (a) Investigate and report the results to the commission within five business days. The commission may grant an extension of time for responding to the complaint, if requested and warranted;
 - (b) Keep the commission informed of progress toward the solution and the final result; and
 - (c) Respond to the commission's request for additional informal complaint information within five business days of the request or at a date specified by the commission.
 - (d) The commission may grant an extension of time for responding to the complaint, if requested and warranted.
- (4) Each community solar company must keep a record of all complaints for at least seven years and, upon request, make them readily available for commission review. The record must contain:
- (a) The complainant's name and address;
 - (b) The date and nature of the complaint;
 - (c) The action taken;
 - (d) The final result; and
 - (e) All official documents regarding the complaint.
- (5) Remedy and appeals. The community solar company may not terminate the customer's contract while the customer is pursuing any remedy or appeal provided by these rules or while engaged in discussions with the community solar company's representatives or with the commission. Any amounts not in dispute must be paid when due and any conditions posing a danger to health, safety, or property must be corrected. The community solar company must inform the customer of these provisions when the customer is referred to a community solar company supervisor or to the commission.

WAC 480-xxx-179 Electronic information.

With the prior consent (as defined in subsection (2) of this section) of the customer or applicant, a community solar company may provide the following by electronic means, instead of by mail to the customer's mailing address:

- System production; and
- Information required to be provided to customers or applicants by statute, rule; or commission order.

The provision of this electronic information to a customer will be considered compliant with any statute, rule, commission order, or provision that refers to the mailing of information when a customer has consented to receive the information in electronic form as agreed to by the

customer. The electronic form must provide a link to the electronic information, or otherwise advise the customer of the electronic location of such information.

- (1) Format of electronic communications. All information provided in electronic form must meet the requirements for format and any other requirements specified in this chapter. Electronic information will be treated the same as documents that are mailed from a location within the state of Washington for the purposes of calculating dates and minimum time frames.
- (2) Obtaining and documenting customer consent. The community solar company must obtain prior written or electronic consent to provide information in electronic form (customer consent). The customer consent must be obtained directly from the customer of record and comply with the following:
 - (a) The consent section on the document, screen, or web page may also offer the customer separate, individual opportunities to consent to:
 - (i) Paperless billing offered by the community solar company.
 - (ii) Automatic payment services offered by the community solar company, including one-time payment services or other automatic payment services.
 - (iii) Equal payment plan.
- (3) For electronic consent, the customer consent section must be prominent on the web page and clearly distinguishable from any other content on the screen or page. No information other than as provided in this section may be combined in the same customer consent section except community solar company contact information. The consent section must not have consent boxes or spaces already filled in. The customer must personally check each box or space giving their consent to one or more services. Each service requires a separate, affirmative consent.
- (4) The community solar company must retain a record of the customer's consent to receive electronic communications as a part of the customer's account records as evidence of the customer's consent to receive selected documents in electronic form, or to participate in paperless billing service.
- (5) Documentation of the customer consent must be made available to the customer and to the commission at no charge, if requested.
- (6) At a minimum, the customer consent must include the following:
 - (a) The name, address, and account number that exactly matches the community solar company record for such account;
 - (b) The customer's opt-in decision to receive electronic information;
 - (c) Confirmation that the customer understands the community solar company will provide, upon request but subject to the limitations in this section, a paper copy of any document sent electronically at no additional charge and that the customer may opt out of receiving information electronically at any time and revert to paper format through the mail at no additional charge;

- (d) Confirmation that the customer understands it is their responsibility to notify the community solar company of any change to their email or other electronic address; and
 - (e) Confirmation that the customer understands that in addition to the paperless account statements, they may receive all notices regarding service, including notices of the community solar company's intent to increase rates and changes in service, in electronic form.
- (7) Documents requiring paper delivery. The following documents may not be provided solely by electronic means:
- (a) Notices of program cancellation; and
 - (b) Notices for the non-voluntary removal of a project participant.
- (8) Limit on changes to information format.
- (a) A community solar company is not obligated to provide both paper documents and electronic information to a customer on a continuous basis;
 - (b) A community solar company may limit a customer who has consented to electronic delivery to three requests for paper documents in a twelve-month period;
 - (c) A community solar company may require that a customer who requests an electronic statement also receive all statement inserts electronically;
 - (d) If a customer is unable to properly receive, view or understand electronic information provided by the community solar company, the community solar company may refuse to provide that information in electronic form.
- (9) Specialized electronic format. When a community solar company provides electronic billing information in a specialized format where the community solar company incurs a cost that is offset by not sending statements using mail, the community solar company may offer customers the choice of the specialized format or paper bill. In the event of a disputed statement, the customer may request and the community solar company shall provide customers receiving statement in a specialized format with statement details understandable by a person who will be reviewing the statements.
- (10) Undeliverable electronic information.
- (a) If any electronic information allowed in this rule is returned to the community solar company as undeliverable or the community solar company is made aware by other means that such electronic information did not reach the customer, the community solar company must take the following steps to ascertain and correct the problem causing the return of the information as undeliverable. It must, within the time specified in (c) of this subsection, either resend the electronic information to the customer-provided electronic address or contact the customer by telephone.
 - (b) If the community solar company fails to correct the problem within the required time, it must send the customer the information by mail and return the customer to mail notification. It also must include in the mailed information an explanation that the email address or other electronic address is not functioning and indicate that future information

will be sent via mail until the customer provides to the community solar company a functioning email or other functioning electronic address.

- (c) The community solar company must take steps required in (a) and (b) of this subsection by either:
 - (i) The business day following the receipt of the undeliverable message; or
 - (ii) If the community solar company extends the due date by five business days, within five business days.

WAC 480-xxx-183 Meter tests.

- (1) A community solar company must test and report to its customers the accuracy of its system meter once every twelve-month period.
- (2) If a customer disputes any meter test result, the company or the customer may contact the commission to review the complaint. When the commission has notified the company that a complaint has been received regarding the meter, the company may not change the meter in any manner unless authorized by the commission. If the company violates this provision, the commission may consider it as supporting the customer's dispute since the change might affect the proof of the dispute. The commission may require the company to perform an additional test and report the test results to the commission within ten business days.

PART IV – RECORDS AND REPORTING RULES

WAC 480-xxx-207 Filing information.

- (1) Filing. The commission records center will accept filings delivered in accordance with WAC 480-07-140.
- (2) Commission may require additional information. The commission may require pertinent information in addition to that specified by statute or in this chapter.
- (3) Information by reference. When any information required to support a filing is on file with the commission, it is sufficient to make specific reference to the information indicating the proceeding, report, or other filing that contains the referenced information.
- (4) When information is unavailable. If any required information is unavailable at the time of the filing, the filing must include the reason why the information is not available and state when it will be available.

WAC 480-xxx-228 Retention and preservation of records and reports.

- (1) Persons, administrators of community solar projects, and companies receiving incentive payments must:
 - (a) Keep and preserve, for a period of seven years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records must be open for examination at any time upon notice by the business that made the payment or by the department. No records may be destroyed prior to the expiration of the time.

- (b) The commission adopts the publication, Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies, published by the National Association of Regulatory Utility Commissioners as the standards for records retention for persons, administrators of community solar projects, and companies unless otherwise specified by the publication referenced in subsection (1) of this section as described in WAC 480-xxx-999.

PART V – SAFETY AND STANDARD RULES

WAC 480-xxx-383 Reports of accidents.

Each community solar company must notify the commission orally or by electronic mail no later than the second business day following discovery of any accident that results in death or serious injury to any person occurring in its plant or through contact with its facilities. The community solar company must submit a follow-up written report to the commission within fifteen business days of initial notification that includes, at a minimum:

- The name and address of the person or persons injured;
- The time and place of the accident;
- Whether the accident resulted in a fatality;
- A brief description of how the accident occurred; and
- A brief description of any necessary medical treatment that was provided.

PART VI – ADOPTION BY REFERENCE

WAC 480-XX-999 Adoption by reference.

In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. The publications, effective date, references within this chapter, and availability of the resources are as follows:

The commission adopts the version in effect on Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies, published by the National Association of Regulatory Utility Commissioners as the standards for records retention for persons, administrators of community solar projects, and companies unless otherwise specified by the publication referenced in subsection (1) of this section.

- (1) The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities is published by the National Association of Regulatory Utility Commissioners (NARUC).
- (a) The commission adopts the version in effect in 2007.
- (b) This publication is referenced in WAC 480-xxx-228 (Retention and preservation of records and reports).
- (c) The Regulations to Govern the Preservation of Records of Electric, Gas, and Water Companies is a copyrighted document. Copies are available from NARUC in Washington, D.C. or at NARUC publications store online: <http://www.naruc.org/store>. It is also available for inspection at the commission branch of the state library.