

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

RULEMAKING TO IMPLEMENT RULES
REGARDING THE UTILITIES AND
TRANSPORTATION COMMISSION'S
JURISDICTION AND REGULATION OF
COMMUNITY SOLAR COMPANIES.

DOCKET UE-171033

FOURTH COMMENTS OF PUBLIC COUNSEL

July 26, 2018

I. INTRODUCTION

1. Pursuant to the Commission's June 28, 2018, Notice of Opportunity to File Written Comments, the Public Counsel Unit of the Washington State Attorney General's Office (Public Counsel) respectfully submits these comments on the Revised Draft Rules (Draft Rules). We discuss below the amendments (1) that we support, (2) to which we offer modifications, and (3) that raise concerns. We appreciate the opportunity to comment and provide further input on the Draft Rules.

II. PUBLIC COUNSEL SUPPORTS CERTAIN ADDITIONS

2. Public Counsel believes that the Draft Rules as currently written provide transparent and explicit directions for Community Solar Companies and investor-owned utilities offering community solar programs and/or services. We support the amendments and additions included in the Draft Rules that were suggested by Public Counsel and other stakeholders. Specifically, we commend the Commission's inclusion of our recommendations in the following sections:

- 480-xxx-100(8): Disclosure to Applicants, subsection (l)

- 480-xxx-110(3): Requirements for Personnel Engaged in door-to door Activities or public events, subsection (a)

3. Furthermore, Public Counsel supports the following amendments to the Draft Rules:

- Inclusion of ‘Administrators’ in 480-xxx-002 and 480-xxx-007;
- Expansion of items to be included in the Community Solar Company’s initial registration in 480-xxx-020(3);
- Expansion of 480-xxx-040: Suspension and Cancellation of a Registration;
- Inclusion of 480-xxx-105: Services and Charges;
- Expansion and inclusion the dispute process with the Community Solar Companies prior to filing an informal complaint with the Commission under 480-xxx-135;
- Expansion of 480-xxx-140: Electronic Information.

4. While Public Counsel appreciates the clarity of the revised Draft Rules regarding Community Solar Companies and community solar offerings, Public Counsel believes supplemental consumer protections are still required.

III. CONSUMER PROTECTION PROVISIONS THAT SHOULD BE INCLUDED TO THE DRAFT

5. Public Counsel continues to recommend four customer protection provisions from our Second and Third Comments (filed on March 1 and March 21 respectively) for inclusion in the Draft Rules.

6. First, we believe that section 480-xxx-100(8) ‘Disclosure to Applicants’ should include a clear and unambiguous disclosure of the type of community solar project and/or services to

which the customer is subscribing or leasing.¹ While the addition of subsection (l), the disposition of the renewable energy credits, may provide some information on the nature of program and/or services being provided to the consumer, Public Counsel continues to pursue the explicit inclusion of the disclosure of the program and/or service type in order to reduce consumer confusion.

7. Second, we recommend the Commission consider maintaining a list of currently available community solar projects, programs, and services offered by Community Solar Companies and investor-owned utilities on the Commission website.² We recommend that this list be updated annually to be concurrent with the Community Solar Companies' and the investor-owned utilities May 1 annual report filing requirement under 480-xxx-030(1)(a)(ii) and 480-xxx-030(1)(b). We continue to seek this recommendation for consumer's clarity and awareness of their options when shopping for solar resources.

8. Third, Public Counsel persists in its suggestion that Part III Consumer Rules of the Draft Rules should be applicable not only to Community Solar Companies, but also to electric investor-owned utilities offering community solar programs and services.³ We consider all the consumer protections provided under this Part to be beneficial and appropriate for any entity, regardless of whether it be a Community Solar Company or an investor-owned utility, providing community solar programs and/or services.

¹ Second Comments of Public Counsel at 4 (Mar.1, 2018); Third Comments of Public Counsel at 4 (Mar. 21, 2018).

² Third Comments of Public Counsel at 2.

³ Third Comments of Public Counsel at 4.

9. Finally, Public Counsel reiterates its opinion that the Commission should include a provision under 480-xxx-115 Application for Participation in a Community Solar Project, which requires potential applicants to be 18 years old and must either reside at the premise or have authority to make decisions on the electricity account.⁴ We consider this provision essential to preventing fraudulent subscriptions to programs and/or services.

IV. AREA OF CONCERN

10. Public Counsel has one concern regarding the current Draft Rules. The Draft Rules specify four provisions for the possible transfer of project participation in 480-xxx-125. The Draft Rules now state:

A Community solar company must allow project participants to sell or otherwise transfer a portion or all of their interest in a community solar project, subject to the following conditions:

- (1) Neither the portion transferred nor any portion retained by the project participant is smaller than the minimum participation size specified in the contract between the participant and the company;
- (2) If the transfer is to one or more persons, those individuals must meet the company's participation requirements;
- (3) The company may require the program participant to obtain company approval of any transfer to another person, which may not be unreasonably withheld; and
- (4) If a program participant is unable or elects not to transfer their interest to another person, the company must allow a transfer back to the company.

11. While we support subsections (1), (2), and (4), Public Counsel does not see the utility of subsection (3). Public Counsel believes that requirement (2) provides sufficient qualification for the transfer or sale of a portion or all of a current project participant's interest in a community solar project and/or services. We find requiring company approval to be especially concerning,

⁴ Second Comments of Public Counsel at 5.

given that under 480-xxx-115 Application for participation in a community solar project, does not require the same approval.

V. CONCLUSION

12. Public Counsel appreciates the opportunity to comment on the Revised Draft Rules on Community Solar Companies. We look forward to reviewing other stakeholder comments and further discussion on the rules pertaining to Community Solar Companies. Please direct any questions on these comments to Carla Colamonici at CarlaC@ATG.WA.GOV or at (206) 389-3040.