



March 29, 2018

Commissioner Judith Judson
Massachusetts Department of Energy Resources
100 Cambridge Street
Suite 1020
Boston, MA 02114

Re: Comments on the SMART Participant Customer Disclosure Forms

Dear Commissioner Judson:

Thank you for the opportunity to comment on the Department of Energy Resources (DOER) Solar Massachusetts Renewable Target (SMART) Participant Customer Disclosure Forms that were released to the public on March 12th, 2018. Core to BlueWave Solar's (BlueWave) values are transparency, integrity and best-in-class customer service. We appreciate DOER taking the initiative on advocating for protection of solar customers. Putting our customers first and making sure they understand every aspect of their contracts and services is our priority.

In an effort to streamline the solar customer onboarding processes and mitigate confusion for customers, we would like DOER to consider the following comments on the Community Shared Solar form and the Direct Ownership forms:

1. **Community Shared Solar Form**

Based on our experience, we think that the Community Shared Solar form as it is structured now could be confusing to consumers. From a visual standpoint, there should be branding for the company that is providing the community solar shares; as it stands it could be perceived by the customer as contracting with DOER for Community Solar (CS).

Additionally, if DOER uses its brand on the form then a DOER customer service number should be established for consumers to call to get clarification for any questions they may have. It is BlueWave's experience that forms like this often need to be explained in detail to consumers and customer service numbers must be prominently displayed.

DOER representatives would also need to be familiar with the details of the contract with the community solar company. The representatives would not have immediate access to the customer's contract and would be unable to answer any specific questions pertaining to the terms of the BlueWave Solar contract.

BlueWave provides the majority of the details requested on this form on the first page of our contracts. To enhance simplicity and transparency for the customer it is important for this information to be relayed and for the form to be signed simultaneously with the Community Solar Service Contract using DocuSign. We suggest that DOER establish certain best practices regarding fields to populate within company CS contracts with consumers and then provide a guide to comparing CS products. A separate stand-alone form document will add confusion and market barriers to entry consumers interested in going solar.

It would be operationally efficient for all parties if the contracts were mandated to have these prominently displayed on company branded contracts instead of a separate DOER form.

As for the specific details requested on the form, there are a number of issues and questions that BlueWave has identified. Please consider the following:

- “...which may or may not reduce customers’ total electricity costs depending on market conditions” – This is a general statement regarding Community Solar, but it is not accurate for BlueWave’s specific product. Our customers will always save money with a fixed discount on bill credits purchased and this statement will cause confusion for them.
- Clarification is needed on the purpose of the “Preparer Name” line?
- What “Customer ID” would be used on this form? BlueWave generates our own; or would this be generated by DOER?
- Is the “Street Address” a service address or billing address? If it is the service address, we may need more than one address field for customers with multiple locations.
- Under “System Information” we do not provide this level of detail in our contracts because it tends to confuse customers. Their project could change before they actually start receiving credits. The customers need to know and to be promised capacity that works for their utility service territory and size needs.
- More specifically, the “Estimated Number of Subscribers to the Project” field would be a highly estimated number at the time of signing and would be subject to change. Additionally, providing that number to subscribers could cause confusion about whether their project is “adequate” or “good.” BlueWave is uncertain what kind of transparency this field would provide.
- If this form is targeted to residential solar customers, then the “Subscription Size (kW AC)” field needs to indicate that the size would not exceed 25 kW AC. Furthermore, sizing is often adjusted to comply with regulations and customer sizing needs.
- The contract effective date is the date that the credits start flowing. If this form is to be executed at the same time as the CS contract, then neither the customer nor BlueWave would know when the credits would start flowing.

- Similarly, the “Contract End Date” would be dependent on the date that credits start flowing (the Contract End Date is 20 years after the start date).
- The “Starting Rate (\$/month, \$/kWh)” field does not apply directly to our customers because solar production is variable and we can only provide estimates. Our pricing structure is a fixed percent discount to the current bill credit value.
- Related to the “Starting Rate” and any of the rate increase fields, we are requesting that the form include an option for “discount to credit value” as this more accurately describes BlueWave’s CS product.
- BlueWave requests clarity on the basis of which the “Estimated Year One Credit Value (\$)” and “Estimated Year One Savings (\$)” should be calculated.
- Finally, the inclusion of “Owner of Associated RECs” and the definition to follow could be confusing to customers. We suggest removing all mention of RECs as customers will no longer be dealing with them directly.

Alternatively, in the event DOER considers a simplified form, BlueWave supports having a generic form pertaining to the Community Solar Program that would alert customers to certain provisions they should be aware of.

2. Direct Ownership Disclosure Form

BlueWave is in agreement with DOER that it is always better to be transparent with customers and welcomes DOER’s efforts. But as with the CS form there could be some consumer confusion with the Direct Ownership form because this form is to be completed by our installer partners and they would not have access to any of the loan terms or contracts.

As with the CS Form there needs to be clarity about when this form is to be executed. The loan will not be disbursed until the system is completed, therefore, the final amount of the loan will not be known. It’s possible the loan amount will change so we suggest that this form shouldn’t be signed any earlier than when the final loan documents are signed. BlueWave believes that any definitions for consumer protection or solar disclosure should be in line with any federal definitions so as not to be at odds with federal regulators.

The following are specific comments on the form:

- Clarity is needed on the “Customer ID” field and whether this is necessary. Which company’s Customer ID will this be? BlueWave does not see this as necessary for this form.
- “System Size” should be in DC, as this is how we communicate system size to our customers.
- “Final Purchase Price (\$)”, how would this be different from “Total Installer Cost”?
- “Has shading analysis....”, does this include a shading analysis from software tools such as Aurora? If not, what if it will be completed later in the design process and this form will be signed before then?

- “Cost to remove and reinstall...”, This should also be an estimated cost.

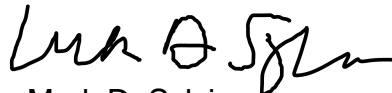
Concluding Comments

We are grateful to DOER for working collaboratively with BlueWave and our industry colleagues to develop and further define the SMART program, including the development of customer disclosure forms. We appreciate DOER's commitment to ensuring that solar customers are well protected and experience a transparent and fair process when contracting for solar services. BlueWave believes strongly in these principles and has incorporated them into all that we do.

Because of those values and due to our experience as a community solar and home solar finance provider, we believe the draft community solar and direct ownership disclosure forms can be strengthened and ultimately will be more effective with the revisions and clarifications we've put forth in these comments.

Thank you for the opportunity to provide comments. BlueWave is happy to answer any questions you may have and make ourselves available for any further discussion DOER may find helpful on this or any other SMART related topic.

Sincerely,



Mark D. Sylvia
Managing Director