



March 29, 2018

Delivered electronically to DOER.SMART@state.ma.us

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

RE: SMART Program Customer Disclosure Forms

Dear Commissioner Judson,

Thank you for the opportunity to provide comments on the draft SMART program customer disclosure forms. Our comments focus on the Community Solar Customer Disclosure Form (CSS Form). The CSS Form provides a clear, straightforward overview of key contract terms and estimated benefits with limited administrative burden. BCC suggests a few changes, discussed in greater detail below, aimed at improving the clarity of the CSS Form. These include:

1. Clarifying the CSS Form is intended for community shared solar and low-income community shared solar generation units;
2. Providing more detail on how "Estimated Year One Savings" are calculated;
3. Including disclaimer language for estimates and stating explicitly that the CSS Form is not a contract; and
4. Finalizing the customer disclosures forms once the SMART tariff proceeding (D.P.U. 17-140) has concluded.

Boston Community Capital (BCC) is a thirty year old community development finance institution dedicated to building healthy communities where low-income people live and work. Since 2008, BCC has been working through its affiliate, BCC Solar Energy Advantage, to develop innovative financing and business models

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Boston Community Loan Fund
Boston Community Venture Fund
Boston Community Managed Assets
Solar Energy Advantage
NSP Residential LLC
Aura Mortgage Advisors LLC

to expand access to solar in low-income communities. We presently own and operate approximately 7 MW of solar capacity across 80 Massachusetts projects. These projects primarily serve affordable, multifamily housing developments. We also have projects that benefit non-profit organizations and municipal facilities, such as the Greater Boston Food Bank. Our experience in developing solar for low income beneficiaries means we are uniquely positioned to understand the challenges of serving this market segment and the ways in which policy design can enable or hinder a more equitable distribution of solar's direct benefits across all classes of ratepayers.

I. The CSS Form provides a clear summary of project details, contract terms and estimated benefits

The CSS Form supports DOER's goals of providing consumers with a transparent and straightforward summary of key contract terms and initial estimated financial benefits. The CSS Form should make it easier for consumers to understand the benefits they are expected to receive and improve consumer protection in these types of solar transactions. Another positive is that most of the information needed to complete the form should be readily available, thus any added administrative burden for solar developers should not be significant.

This may not be the case, however, for the "Estimated Year One Savings" line item. First, providing a credible estimate of potential annual savings would require a customer to provide a solar developer a year's worth of consumption data. It may be difficult in certain instances for a customer to provide this information if, for example, they do not have easy access to prior electricity bills. In such instances, a customer or developer may need to estimate annual consumption from one or a few electricity bills, household size, or other factors. In addition, an accurate estimate of year one savings will also depend on the value of the net metering or alternative on-bill credits allocated to a consumer's account as well as the actual electricity rate on the account receiving credits. The precise value cannot be known in advance and is likely to change at least once over the course of a calendar year. Recent changes to rate structures and the approval of demand charges and fees for Eversource customers also complicate these kinds of calculations. Even if the calculation is done correctly, there's a risk that the distribution companies may not allocate credits in a timely or accurate manner, as is already happening, thus delaying the actual savings a consumer might be entitled to.

For these reasons, the CSS Form should include information pertaining to: (1) estimated annual household consumption; (2) a brief explanation for how the annual household consumption was calculated, e.g. previous year's electricity bills, consumer provided, developer estimated; and (3) a per kWh estimate of the net metering or alternative on-bill credit value. This information will improve a customer's understanding of how much savings they might realize and provide the precise basis upon which that savings estimate was calculated. The CSS Form should also include language that informs consumers that "Estimated Year One Savings" could be impacted to the extent consumption, credit values, and electricity rates change and if credits are not allocated by the distribution company as directed.

II. DOER should clarify whether the CSS Form should be used for low-income community shared solar generation units

It's currently not clear if DOER intends the CSS Form to be used for both community shared solar and low-income solar generation units. If it does, it would be useful for DOER to include a checkbox or similar indicating the type of shared solar project. If the project is a low-income community shared solar generation unit, DOER should include an additional checkbox confirming that the consumer is an eligible subscriber because they are enrolled on a low-income discount rate of a distribution company and have provided proof of such enrollment to the provider. The CSS Form should also inform these customers that such enrollment must be maintained throughout the term of their subscription.

If, on the other hand, the CSS Form is not intended to be used for low-income solar generation units, BCC recommends DOER create a dedicated customer disclosure form for such projects.

III. The CSS Form should include disclaimer language that makes clear estimates are not binding and the solar contract is the controlling document

To provide further clarity to consumers, and adequate protection to solar developers, BCC recommends the CSS Form include language to make clear that any estimate of potential savings, annual consumption, credit value and costs is precisely that and does not represent any kind of guarantee from or binding commitment on the solar developer. There should also be language that states the CSS Form is not a contract and is not binding on the solar developer. Finally, the CSS Form should explicitly state that the underlying contract is the controlling document for the solar subscription, consumers should completely review the contract before signing, and consumers should refer to the contract in order to understand their rights and responsibilities.

IV. The CSS Form may need to be revised depending on the outcome the SMART Tariff proceeding (D.P.U. 17-140)

The outcome of the SMART tariff proceeding, which is currently underway at the Department of Public Utilities (DPU), could alter the kind of information that should be included on the CSS Form. This is particularly true if the Low-Income Value of Energy option proposed by BCC is adopted by the DPU in some form. Also, in the tariff proposed by the distribution companies, there is a restriction on the amount of alternative on-bill credits that a consumer could use to offset their electricity consumption. Should this restriction remain, DOER should consider including that information on the CSS Form.

Finally, the distribution companies have yet to propose the form of the Schedule Z-equivalent that solar facilities will need to use to allocate alternative on-bill credits to

electricity accounts. To the extent possible, the CSS Form should mirror that form, as well as any others, that need to be completed to minimize administrative burdens. As such, BCC recommends that DOER delay finalizing the customer disclosure forms until after D.P.U. 17-140 concludes.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, appearing to read "DeWitt Jones", with a stylized flourish at the end.

DeWitt Jones
President, BCC Solar Energy Advantage
Executive Vice President, Boston Community Capital