



April 2, 2018

Michael Judge, greetings –

PV Squared appreciates your invitation to offer our comments on the proposed SMART Participant Customer Disclosure Forms. In general we hope that all three disclosure forms will seek relevant information using consistent definitions and terminology as they appear throughout the project Owner's Statement of Qualification Application, thus avoiding ambiguity, confusion, and misunderstanding.

PV Squared's specific comments focus on the Small System Customer Disclosure Form (Direct Ownership), required of all directly-owned systems sized 25 kW and less participating in SMART.

Financing Information

- This section would require the disclosure of “dealer fees or other charges associated with the financing”. Although PV Squared is not a financing company, we are informed that finance companies with whom we deal have contractual provisions that are necessary to allow them to reliably comply with Regulation Z (see 12 CFR §1026.4). Dealer fees are not considered finance charges under this regulation. As such they are not included in a truth-in-lending disclosure. Requiring such disclosure of dealer fees here would create a regulatory compliance challenge and would constitute a legal problem. On this issue we defer to the comments being contemporaneously submitted to you by Sungage Financial for more information.

Other Information

- “Describe any protections for the Participant in terms of ongoing project performance or default by the Provider.” We assume the term “Provider” refers to the Installer, and therefore we would include descriptions of the applicable workmanship and equipment warranties. We don't see the term “Provider” used elsewhere on this form.
- The three items regarding roofs – the age of the roof, estimating when it might need to be replaced, and the cost to remove and reinstall the system for reroofing work – are problematic. It is not uncommon for a homeowner to be unsure of the age of their roofing material and its life expectancy. These items seek to have the Owner and/or the Installer provide information they may not have; it may be information that may be outside their areas of expertise.
- Of particular concern to us is the liability associated with providing an estimate of the dollar cost to remove and replace the system for purposes of reroofing in the future. This cost and the time required will be dependent on the circumstances at the time such a job is being contemplated. The actual cost, once the scope of work is established, will certainly include labor costs for a licensed electrician and associated workers and the cost of any associated materials. This future activity would fall under the purview of the local

building commissioner. PV Squared has direct experience with this activity requiring new or replacement system components at the direction of the Authority Having Jurisdiction (AHJ) to achieve compliance with future building and electrical codes. Providing a cost estimate today for a future activity with an uncertain scope of work sets the stage for confusion and frustration between the solar contractor and homeowner.

- An alternative to the three roofing items on the disclosure form could be simply to ensure that the owner and contractor have discussed the process for the future removal and replacement of a roof-mounted PV system. A yes/no question here would verify that such a discussion occurred.

We hope you find our comments useful. PV Squared thanks you for the work you have done and are doing as you implement the Solar Massachusetts Renewable Target (SMART) Program.

Sincerely,

A handwritten signature in black ink, reading "William Stillinger". The signature is fluid and cursive, with the first name "William" being more prominent than the last name "Stillinger".

William Stillinger
Manager, External Affairs

cc: Commissioner Judith Judd, Kaitlin Kelly