



SMART Guideline on Consumer Protection

June 9, 2020

Agenda

- Overview of Guideline
- Purpose of policy and new updates
- Open to Questions/ Comments
- Recording this presentation and will post it to SMART Emergency Rulemaking webpage
- Written comments due June 18, 2020 to DOER.SMART@mass.gov

Purpose of Guideline

- Strengthen consumer protections already in place through the SMART program
- Support growing movement and focus on consumer protection issues undertaken by AGO and Solar Industry
- Increase consumer awareness and consumer education on solar contracts

Application Requirements

Customer Disclosure Forms

New forms on DOER website and CLEAResult website

<https://www.mass.gov/info-details/smart-emergency-rulemaking#revised-customer-disclosure-forms->

- All Small Project Applications (≤ 25 kW AC)
 - Different forms for Direct Owned and Third Party Owned
- All Community Shared Solar and Low Income Community Shared Solar
- Exceptions:
 - “Anchor” Off-takers
 - Customers enrolled without a contract

Application Requirements

Low Income Customers

- Must demonstrate savings to customer
 - Fixed Discount
 - No cost allocation
 - Other method to Department's Satisfaction
- More information can be found in the Low Income Guideline

Auditing Process

- DOER shall conduct periodic audits
- Applicant shall be notified of the upcoming audit in advance
- Audits shall review customer contract details against the details provided in Customer Disclosure Forms
- Any information requested by DOER in audit must be provided within 10 business days
 - LICSS or CSS customer contracts

Auditing Process- Material Defects

- Missing information unless otherwise noted or explained
- Discrepancies between contract and customer disclosure form
- Undisclosed fees
- Misrepresented savings
- Demonstration of net savings for eligible low income customers
- Other applicable customer disclosure requirements met

Warnings

- One warning per material defect
- Possible for more than one warning to be issued on a single application
- Possible for more than one warning to be issued within a single audit
- Upon the issuance of three warning, even if issued concurrently, the Applicant shall not be allowed to issue any new SMART applications for 12 months

Remediation

- Upon the issuance of a warning, the Applicant may request a meeting with DOER
- Remediation may be requested
- DOER shall consider all remedial requests and may modify any determinations at the Department's discretion

Questions and Comments

- Please use the “raise your hand” function in the webinar sidebar
- Submit written comments to DOER.SMART@mass.gov by June 18, 2020