

ILLINOIS POWER AGENCY COVID-19 ANNOUNCEMENT

March 20, 2020

In light of the ongoing COVID-19 pandemic, the Illinois Power Agency is making certain changes to its operations, program requirements, planned events, and other activities. These changes are outlined below.

As an initial matter, while the Agency's offices are closed indefinitely during the COVID-19 pandemic, Agency staff is working remotely. Nevertheless, as Agency staff may have limited access to resources and divided attention, please be prepared for delays in responses. Should you need to communicate with a staff member, the IPA encourages email communication.

ADJUSTABLE BLOCK PROGRAM AND ILLINOIS SOLAR FOR ALL MARKETING GUIDELINE CHANGES

The Adjustable Block Program ("ABP") and Illinois Solar for All Program ("ILSFA") exist, first and foremost, for the benefit of the Illinois residents and businesses. Following the Illinois Commerce Commission's March 18, 2020 [Emergency Order](#) in Docket No. 20-0310 establishing a moratorium on in-person solicitations of Illinois customers by Alternative Retail Electric Suppliers, the IPA believes similar changes to the consumer protection requirements of the ABP and ILSFA programs are warranted.

Thus, in light of the public health emergency posed by the COVID-19 virus, and consistent with the Illinois Commerce Commission's determination in Docket No. 19-0995 that the IPA may revise Approved Vendor requirements with an immediate effective date on an emergency basis, **all versions of the Adjustable Block Program Marketing Guidelines and Illinois Solar for All Consumer Protection Guidelines are hereby immediately amended to add the following requirement:**

"In-person marketing and solicitation: Given the public health emergency posed by the COVID-19 virus, in-person marketing or solicitation of photovoltaic system sales, installations, or financing; in-person marketing or solicitation of community solar subscriptions; or similar in-person solar marketing or solicitation activity are prohibited."

While the IPA lacks plenary regulatory authority over solar solicitation activity in Illinois, entities found to have violated this program requirement may be subject to suspension from participation in the Adjustable Block Program and the Illinois Solar for All Program, and would thus be ineligible to receive or participate in projects benefitting from REC delivery contracts under those programs.

Approved Vendors and their designees should also be cognizant of Governor Pritzker's March 20, 2020 Shelter in Place Executive Order which may impact the permissibility of certain work, including on-site installation activities. While ongoing project development activity would not subject an Approved Vendor to suspension, all Approved Vendors should operate mindful of this ongoing public health emergency and the Governor's Executive Order. **Additionally, under no circumstances should installation activity proceed over the objections of the customer or property owner.**

Should you have questions about the scope of this prohibition, please contact the IPA's Chief Legal Counsel, Brian P. Granahan, by email at brian.granahan@illinois.gov.

REC DELIVERY CONTRACT DEADLINES AND PERFORMANCE

ABP and ILSFA REC delivery contracts contain several provisions for requesting extensions of system energization dates. Additionally, these contracts contain as *force majeure* provisions which allow for the suspension of obligations due to certain events outside of the reasonable expectation or control of the performing party which materially adversely affect the ability of that party to perform its contractual obligations. To invoke these provisions, please refer to the process outlined in individual REC delivery contracts. However, please understand that the IPA will not be providing interpretive determinations in advance of those processes being invoked, and the IPA is not the actual contractual counterparty in any ABP REC delivery contracts (and is the contractual counterparty only for select ILSFA contracts).

As the length and severity of disruptions caused by the COVID-19 pandemic become clearer, the Agency may seek feedback on additional steps that can be taken to accommodate unforeseen barriers and delays.

PHOTOVOLTAIC SYSTEM INSPECTIONS

Under both the Adjustable Block Program and the Illinois Solar for All Program, select photovoltaic projects receiving REC delivery contracts may be subject to on-site inspections. Multiple rounds of system inspections have already been completed under the Adjustable Block Program.

To avoid unnecessary person-to-person contact, the IPA is suspending all ABP and ILSFA project inspection activity until further notice. At this time, the IPA does not intend to reduce the overall number of planned inspections, and the Agency hopes to resume inspections quickly after circumstances allow. In the interim, the Agency's Program Administrators may request additional photographic documentation of installations on an as needed basis.

UPCOMING WORKSHOPS

Stemming principally from the IPA's Revised Long-Term Renewable Resources Procurement Plan and the Illinois Commerce Commission's Final Order in Docket No. 19-0995, the IPA was planning a series of in-person workshops starting in mid-April. Topics to be addressed included feedback on changes to the REC delivery contracts used for IPA programs and competitive procurements; project diversity criteria for additional community solar project selections; and potential changes to ABP and ILSFA REC prices based on Illinois market feedback and results.

In light of the ongoing COVID-19 pandemic and corresponding need for social distancing, the IPA will not be holding in-person workshops. Instead, the Agency plans to issue a series of questions to stakeholders on these (and potentially other) topics, utilize those questions to develop an agenda for a webinar or other virtual meeting, and will attempt to conduct workshops virtually without in-person participation. The IPA will attempt to avoid directly overlapping comment processes and will provide at least 2-3 week deadlines for the receipt of any responses. This revised process may result in delays in implementation of program revisions and updates.

Additional information on these comment processes will be released by the Agency once available.

A Request for Comments on the IPA's next utility-scale wind procurement was issued on March 16, 2020; [that document can be found here](#).

ILSFA GRASSROOTS EDUCATION EVENTS

In-person Illinois Solar for All grassroots education events have already been suspended through April 10th, with the possibility for additional suspension should circumstances warrant.

The deadline for responses to the [Request For Proposals](#) for Program Year 2020-21 grassroots education funding [has also been extended and is now April 6, 2020](#).

FUTURE CHANGES

The IPA will continue to review its operations, requirements, and ongoing work to better reflect constraints brought about by the COVID-19 pandemic and may issue notifications of additional changes as circumstances warrant.

We deeply appreciate your patience and understanding during this challenging time.



Anthony Star
Director, Illinois Power Agency