



July 6, 2021

VIA ELECTRONIC FILING

Hon. Michelle L. Phillips, Secretary
New York Public Service Commission
Three Empire State Plaza, 19th Floor
Albany, NY 12223

RE: Case 14-M-0224- Proceeding on the Motion of the Commission to Enable Community Choice Aggregation Programs- Coalition for Community Solar Access Comments on Staff White Paper

Dear Secretary Phillips:

The Coalition for Community Solar Access (CCSA) respectfully submits these comments in response to the *Department of Public Service Staff Whitepaper on Community Choice Aggregation Programs*, filed on April 14, 2021.

Department Staff presented thoughts on a variety of issues related to the administration and implementation of Community Choice Aggregation Programs (CCAs), but CCSA presents these comments primarily on the topic of the incorporation of an opt-out Community Distributed Generation (CDG) component into a CCA program, and on the consideration of an opt-out CDG only program.

CCSA's goals are to ensure that the reach of community solar continues to grow in New York, and that all New Yorkers are able to benefit from a competitive, diverse marketplace that enables customer choice and provides direct customer benefits. The implementation of a CDG opt-out program through a CCA can help to eliminate some existing barriers to some customer classes if there is sufficient review of the Implementation Plan and customer outreach and education materials ensure that customers are fully informed of their options. Whenever a customer chooses to participate in CDG they should be fully engaged with that decision, and clear on what their benefits will be. As the Commission further considers rules and regulations regarding a CDG opt-out through CCAs, we encourage the continued monitoring of CDG through CCAs to ensure that all New Yorkers continue to receive the benefits of community solar.

5.4.1 Provision of Customer Data

Opt-Out CDG Program Data

CCSA supports Staff's recommendation to exclude certain customers from the aggregated data and contact information sent to the CCA Administrator by the Utility, including customers that:

- Have an active onsite or remote net metering account

- Are already subscribed to a CDG project; or
- Are otherwise deemed ineligible for CDG enrollment in accordance with applicable regulations.

Introducing an opt-out CDG program to a customer that is already participating in CDG or is benefits from an installed solar project can introduce customer confusion. These customers have already taken the initiative to participate in their clean energy economy and any change they may choose to make should be proactively taken on the customer's part.

5.5 CDG Opt-out with Consolidated Billing Process

CDG Implementation Plan

Staff's recommendation to implement staff review of the implementation plan, building off of the requirements adopted in the Joule Order¹, requiring review of the size of participating CDG projects, target subscription class, scope and structure of the guaranteed savings, billing arrangement and education. CCSA suggests that the outreach and educational materials contain information for consumers that describe the savings, information about the projects that will be participating in the plan, and clear information on environmental claims that may or may not be made in relation to the owner of Renewable Energy Certificates (RECs). CCSA supports the commissions requirements to always provide savings, to not include a credit check, and to ensure necessary outreach and education.

Uniform Business Practices for Distributed Energy Resource Suppliers (UBP-DERS) Exclusions

Staff's proposal to examine the Uniform Business Practices for Distributed Energy Resource Suppliers Exclusions is reasonable, so long as exclusions are consistent with similar actions allowed by the Commission previously.

Opt-Out CDG Only Program

Staff seeks comments on whether the Commission should explore the development of a program similar to a traditional CCA that supplies only a CDG product, one that is not integrated with other CCA products. CCSA understand that the Commission is considering such a proposal in a filing submitted by Ampion.² The consideration of such a program depends entirely on the specifics of the proposal, and CCSA encourages the Commission to review the petition from the same lens it has reviewed this matter- ensuring the customer choice, customer engagement, consumer protection, and customer benefits are at the center of all consideration.

CCSA thanks the Department Staff for the opportunity to comment on this proceeding, and is available to answer any questions related to this comment.

Sincerely,

Kaitlin Kelly O'Neill
Northeast Regional Director
Coalition for Community Solar Access

¹ Case 14-M-0024, et al. Proceeding on the Motion of the Commission to Enable Community Choice Aggregation Program, Order Approving Joule Assets' Community Choice Aggregation Program with Modifications (issued March 16, 2018).

² Case 14-M-0024, et al. Proceeding on the Motion of the Commission to Enable Community Choice Aggregation Program, Ampion Petition for Approval of CDG-only Opt-Out CCA.