From: Bethany Warburton
To: Solar, DBR (DBR)
Cc: Brian Warburton
Subject: Comments re: Proposed Regulation: Residential Solar Retailer Registration and Solar Agreements
Date: Monday, January 27, 2025 4:28:21 PM

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Thank you so much for forwarding this to us. We had filed a complaint regarding Smart Green Solar due to a very difficult situation where the vendor just completely stopped communicating with us or progressing on the project.

I would like to make comments regarding potential additions to section 1.5 Solar Agreement Requirements.

- This section should include a subsection requiring the solar vendor to provide a detailed project installation schedule, with backout protections for the customer if, as in our case, the solar company rushes to get the panels in and then ghosts.
    - By having some requirements in there about both disclosing schedule and a backout if the entire installation is not completed w/i 45-60 days (or something like that) there is a strong incentive for the vendor to stay on schedule.
    - Or, if there are extenuating circumstances, then require the solar company to provide a change order to the customer, detailing the reasons for the delay but still requiring the customer to provide written consent to the delayed installation or they can backout (even if the panels are installed - make them take the panels out and REPAIR the roof back to normal.)
- Also, the customer shall not be required to make payments on any equipment until the panels are successfully connected to the electrical grid.
    - This was key for us - we had panels installed in April but we didn't get them connected to the grid until 2 weeks ago. We were chasing and chasing the vendor, and ultimately skipped over them and worked with RI Energy directly to get the meter installed and hooked up.
    - So between April and January we had panels on our roof that we were expected to make payments on in spite of us receiving ZERO benefit financially from them as they were not connected to anything. This was incredibly unfair to us as customers as the entire financial case for us to do this was that the cost savings we would receive from the panels would offset the costs of the panels. But no cost savings when the panels aren't feeding back to the grid so we lost money.

Thank you again - we will try to log into the hearing.

Best,
Bethany & Brian Warburton

---------- Forwarded message ---------
From: **Solar, DBR (DBR)** <DBR.Solar@dbr.ri.gov>
Date: Mon, Jan 27, 2025 at 1:59 PM
Subject: Proposed Regulation: Residential Solar Retailer Registration and Solar Agreements
To:

Please be advised that the Rhode Island Department of Business Regulation has proposed the adoption of a new regulation 230-RICR-30-45-1, entitled "Residential Solar Retailer Registration and Solar Agreements." The text of the proposed regulation and the Notice of Proposed Rulemaking, including a summary of the proposed changes, may be found under the "Rulemaking Documents" tab after clicking on this website: https://rules.sos.ri.gov/Promulgations/part/230-30-45-1.

Written comments on the proposed new regulation must be submitted no later than February 26, 2025, by email to DBR.Solar@dbr.ri.gov.

A public hearing will be held remotely on Wednesday, February 12, 2025, at 10am, via Microsoft Teams. To join the hearing, please click on this link: https://events.gcc.teams.microsoft.com/event/75edc424-d9fb-4141-9c9c-44cb65827878@52ca6a54-4465-4635-bff3-65d0a8412288 [events.gcc.teams.microsoft.com]

Teams Meeting ID: 246 853 055 887, Passcode: RE3bC6rs.

From: Kyle Wallace
To: Solar, DBR (DBR)
Subject: Written Comments on 230-RICR-30-45-1
Date: Friday, February 21, 2025 5:07:46 PM
Attachments: PosiGen Comments 230-RICR-30-34-1.pdf

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Hello,

Please see the attached written comments regarding the proposed regulation 230-RICR-30-45-1. Please let me know if you have any questions.

Thank you,

--

Kyle Wallace | **VP, Public Policy & Govt Affairs**
208.608.6179
PosiGen - Solar Energy and Energy Efficiency

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PosiGen appreciates the opportunity to provide these comments on Proposed Rule 230-RICR-30-45-1. We will provide comments and recommendations on three topics included in the Proposed Rule which we believe adhere to the legislative intent of the Residential Solar Energy Disclosure and Homeowners Bill of Rights Act ("the Act") and will make the Solar Retailer Registration element of the statute more efficient and effective.

As a preliminary matter, PosiGen appreciates the detail and clarity included in the "Regulatory Analysis Summary and Supporting Documentation" portion of the Public Notice of Proposed Rulemaking. The benefits of requiring registration of Residential Solar Retailers include standardization of solar sales practices to enhance consumer protection. The proposed regulation will ensure consumers receive relevant information from duly registered Solar Retailers; those registered Retailers, in turn, will be viewed as more legitimate as they will be required to wear ID badges that indicate they are registered with DBR, and include their DBR registration number.

PosiGen's comments below are responsive to relevant statutory language while also keeping in mind the benefits outlined above and practical concerns arising from business realities.

Section 1.4.1.C.3 - Criminal Records Check

The proposed Solar Retailer Registration regulation would require the "results of a national criminal records check" be submitted multiple times for the same individual. This is duplicative and unnecessary. Under the proposed regulation the solar retailer must provide background checks on "third-party sales representatives." We propose that the regulation specify that if those third-party sales representatives have separately submitted background check information in connection with the registration of a Solar Retailer, then a separate Solar Retailer working with that Solar Retailer should not also have to submit checks for the same individuals. To do otherwise would be unnecessarily burdensome for Solar Retailers and could lead to confusion at the Department of Business Regulation ("DBR") because DBR could receive multiple criminal records checks for the same individual.

Note that the Act does not require submission of a criminal records check for third-party salespersons but rather for "*...any individual acting as a manager or a sales representative of the applicant . . .*" (R.I. Gen. Laws § 5-93-4(d).) Under this language the check is required for those managers and sales representatives who are directly employed by the Solar Retailer, and not also by a third party working with that Solar Retailer.

For example, let's assume PosiGen intends to sell a lease product in Rhode Island. It will register as a Solar Retailer, and will submit a national criminal records check for the persons

listed in section the Act (R.I. Gen. Laws § 5-93-4(d).) Let's also assume PosiGen intends to work with a local business to help it find customers and sell our lease. That local business will need to separately register as a Solar Retailer, and also submit criminal records checks for the same list of people, which will necessarily include those salespeople that will be selling PosiGen's lease. PosiGen should not have to submit records checks for the same people for whom the local business will be submitting the same information.i

In short, PosiGen supports the inclusion of third-party sales representatives on the roster submitted as part of the registration (and denoted on the roster as a third-party), we simply believe the proposed rule as drafted would add unnecessary costs and complexity, and may cause confusion, if submission of duplicate criminal records checks is required.

Section 1.4.1 - Materials Required

The Solar Retailer Registration requires that applicants include their form ID badge that sales representatives will wear (§ C.4), along with the form solar agreements (§ C.5) the Retailer "will use" and the disclosure form (§ C.6) that "will be provided to customers." The timing of publication of the final disclosure form by the Office of Energy Resources and availability of the Solar Retailer Registration process may make including these items impossible (for example, if Registration is required before these items are finalized).

Section 1.4.6 - Duty to Update Information on File with the Department

This section requires Solar Retailers to update DBR of material changes to the information included in the Solar Retailer Registration within 10 business days of any such change. Updates to the roster of employees and third-party sales representatives is included as part of the illustrative list of "material changes" ((§ B.3).

Sales rosters should be updated as part of the annual renewal of registration process outlined in section 1.4.4. Doing so within 10 business days of any change would be overly burdensome for Solar Retailers, and could lead to confusion at DBR. These rosters change frequently, particularly where both directly employed and third-party sales representatives are included. Updates within 10 business days of changes will not enhance consumer protection or otherwise materially advance the objectives of the Act. Solar sales processes proceed on a timeline that is compatible with quarterly updates of these rosters.A quarterly update would strike a balance between administrative burden and keeping information sufficiently current, particularly since Solar Retailers would still be required to provide active sales rosters upon request.

From: Amir Yazdi
To: Solar, DBR (DBR)
Subject: Solar Retailer Registration - SEIA Comments
Date: Wednesday, February 26, 2025 4:22:33 PM
Attachments: seialogofullcolor-150px_7220e83c-509e-4acb-9e47-7854c37d0c7b.png
xlogo100x100_f030c7e1-8c4c-4436-81bd-922d4003c0ae.png
linkedin_ba6ae316-9eb5-4f2b-876b-c59f628f6b6c.png
untitled_4e1dbc49-3afd-4830-bb04-ff6aecafd6e9.png
youtube_70025260-d3a1-4597-b745-5b7ec6c90dc5.png
topwapo2years-sig-01_74251301-83ba-4001-895e-3dc6e3207ea3.png
Rhode Island Solar Retailer Registration - SEIA Comments 2.26.2025.pdf

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Good Afternoon,

Attached are comments from the Solar Energy Industries Association regarding the proposed solar retailer registration regulations. If you have any questions, please do not hesitate to contact me at ayazdi@seia.org or 757-470-3483.

Regards,
Amir

Amir Yazdi

Deputy General Counsel

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Washington, D.C. | 20005



[seia.org] [50.seia.org]

What's Happening at SEIA:

Finance, Tax and Buyers Seminar [na.eventscloud.com] | June 24-25, 2025 | New York, NY

SEIA is ushering in a new era of American energy dominance. Learn more [youtu.be].

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Introduction

Solar Energy Industries Association (SEIA) is the national trade association for the solar and storage industry. Founded in 1974, SEIA works with its over 1,200 member companies to build a stronger solar industry. Our members represent all aspects of the solar and storage industry, such as residential contractors, manufacturers, and lenders, including contractors in Rhode Island.

The solar industry is built on the concept that consumers should have a choice about their energy portfolio, and we believe that consumers with complete and accurate information will overwhelmingly choose solar energy. There are over 5 million solar installations in the U.S. By 2030, SEIA predicts the U.S. will have more than 10 million solar installations. Reaching that goal requires a focus on the consumer experience.

SEIA's efforts are built on the idea that every consumer should have a safe, reliable system that meets the expectations they had when deciding to go solar. SEIA has built a suite of programs and resources to help consumers navigate the solar shopping process, published model disclosure forms, educate industry of their obligations, and develop official national standards in areas from installation practices to salesperson training.

SEIA appreciates the opportunity to submit comments to the Department of Business Regulation (Department) regarding the proposed solar retailer registration rules.

Timing

Recommendation: Provide at least ninety days from when the rules and disclosures are final before applications are due.

The Department should be mindful of when the rules are finalized and provide adequate time for retailers to update their materials and prepare the applications. The proposed application asks applicants to provide a host of information and documents, including copies of the applicant's contracts, list of salespersons, and disclosure forms.

Applicants cannot update their contracts and disclosures or begin preparing their application until the Department finalizes its regulations and the Office of Energy Resources publishes its revised disclosure forms. Applicants will need time to digest the new requirements, update their agreements, and put together the application. Too little time to prepare applications and update company practices will only cause confusion and lead to incomplete or inaccurate applications. SEIA recommends that there be at least 90 days from when the rules and Office of Energy Resources' disclosure forms are final to when applications are due.

Background Checks

Recommendation: Require only one background check for a salesperson who works with multiple solar retailers at a given time.

Salespersons may work for multiple solar retailers and some solar contractors may sell certain products (*e.g.*, leases) on behalf of other parties on top of their own sales. The draft regulations appear to require each party who uses a salesperson at a given time to conduct a criminal background check. This can introduce unnecessary cost and complexity.

The goal of the criminal background check is to ensure that salespersons do not have certain types of convictions. A single background check for each salesperson achieves that goal and reduces the administrative burdens on solar retailers. This approach is used elsewhere in the country. For example, California requires home improvement salespersons to register with the state contractors board and go through a criminal background check. Contractors must inform the contractors' board whenever they hire a new salesperson and when a salesperson is no longer associated with the contractor. However, the state only requires one criminal background check even if the salesperson works for multiple contractors at a given time.

Many businesses subject to the solar retailer registration rules subscribe to Recheck, a database of solar salespersons in the United States. Recheck presents information about salespersons, such as the companies they represent and their certifications. This tool can be used to track criminal background checks for salespersons and ensure that a solar retailer's salesperson either has the appropriate background check or needs one.

Registration Updates

Recommendation: Require solar retailers to provide the list of salespersons on a quarterly basis instead of providing updates within ten business days of any change.

The draft regulation calls for solar retailers to notify the Department within ten business days if there are any changes to the agreement, disclosure form, and designated personnel (e.g., salespersons).

Salesperson rosters change frequently, especially when accounting third-party sellers. SEIA recommends amending this requirement so that retailers provide a list of salespersons every quarter. The list would include the names of anyone who was a salesperson during the quarter and the dates that the salespersons were active. This would strike a balance of providing timely information to the Department while reducing the reporting burdens for

solar retailers. This is also consistent with other states. For example, California's home improvement salesperson registration program requires contractors to inform the state within ninety days of when a salesperson is no longer affiliated with a contractor.

Agreements

Rhode Island General Laws Section 5-93-18 states that the Department can develop rules to carry out the provisions of Chapter 5-93. This would cover rules related to retailer registration, standard disclosure forms, and rights of rescission. However, there is no provision in Chapter 5-93 related to Section 1.5(A) of the proposed regulations. While Section 1.5(A) cites R.I. Gen. Laws Section 5-93-9(3)(ii), that section is about disclosure forms and not agreements.

Conclusion

SEIA appreciates the opportunity to provide comments regarding the proposed solar retailer registration rules. If you have any questions, please do not hesitate to reach out.

Sincerely,

Amir Yazdi

From:	Christopher Worley
To:	Solar, DBR (DBR)
Subject:	Comments on proposed new regulation 230-RICR-30-45-1
Date:	Wednesday, February 19, 2025 6:04:51 PM
Attachments:	Sunrun Public Comments on Proposed Rhode Island Regulations.pdf

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Hello,

Sunrun is an installer of home solar and batteries. We strongly support regulations to protect consumers from false or misleading sales practices. After reviewing the proposed new regulation 230-RICR-30-45-1, we have a few recommendations to improve the clarity and effectiveness of the regulations. Please see our public comments attached to this email.

Again, Sunrun strongly supports the work you are doing on this issue, and we'd be happy to clarify any issues. Please let me know if you have any follow up questions.

Thank you,

Chris Worley
Sr. Director | Policy
(303) 912-9391

February 19, 2025

Rhode Island Department of Business Regulation
Building 68
1511 Pontiac Ave
Cranston, RI 02920

Public Comments on Proposed Regulation 230-RICR-30-45-1

To Whom It May Concern:

Sunrun respectfully submits the following comments in response to the proposed adoption of a new regulation 230-RICR-30-45-1 ("Residential Solar Retailer Registration and Solar Agreements"). Sunrun is the nation's leading provider of clean energy as a subscription service, offering residential solar and energy storage with no upfront costs. Our innovative products and solutions can connect homes to the cleanest energy on earth, providing them with energy security, predictability, and peace of mind. Today, Sunrun serves over a million customers across the United States. Thousands of Rhode Island residents have gone solar with Sunrun. Sunrun strongly supports regulations to protect consumers from false or misleading sales practices. We have strong, multi-decade relationships with our customers with guarantees on system performance, maintenance, and repair.

Given Sunrun's experience operating in multiple states and jurisdictions, we have recommendations on changes to the proposed regulations that will maintain effectiveness without causing unneeded administrative burdens on the Department and on solar companies.

Definitions (section 1.3)

Recommendation: Provide a clear definition of solar retailer. Perhaps: "*Solar retailer*" *is a company, contractor, or third-party representative engaged in the business of selling, leasing or financing residential solar energy systems.*

In some parts of the country, Sunrun partners with home builders to sell solar to homebuyers that are building a new home. Adding solar to a home while it is being constructed reduces the cost of installation, reduces the likelihood of water penetration in the future, and can facilitate the financing of systems through the homeowner's mortgage. Home builder sales representatives sell features like kitchen upgrades, granite countertops, and flooring, but they do not sell solar systems. The home builder sales representatives provide pamphlets and general information on adding solar to the home being built, but they do not present contracts, discuss financing options, or provide savings estimates. Instead, if a homebuyer is interested in adding solar, a Sunrun sales representative meets with them and provides solar system options and pricing. Homebuyers sign a contract with Sunrun, and Sunrun works with the home builder to add solar during the construction process.

Without a definition of "solar retailer", it is unclear if the home builder would be required to register with the Department and provide a roster of their home builder sales representatives. We believe that requiring home builders to register would be overly burdensome and not aligned with the intent of S2801, given that home builder sales representatives sell new homes and do not specifically sell solar energy systems. Providing a clear definition of solar retailer would ensure that companies that actually provide a sales pitch for solar systems are the ones required to register with the Department.

Solar Retail Registration (section 1.4)

Recommendation: Require solar retailers to provide an attestation that criminal background checks are completed and include a discussion of factors that disqualify potential candidates.

Sunrun identifies two main concerns with the Solar Retail Registration process. Firstly, sharing the results of criminal background checks with the Department raises legal issues and privacy concerns. Sunrun conducts a background check on all sales staff. Our background check provider provides the results from a multi-state criminal database search as a starting place to target jurisdictions to search outside of a candidate's current or previous residence history. They report all reportable findings, as verified from state or local court records, and the documented criminal history is provided to Sunrun for us to make a determination on whether to hire the candidate. The recency of the crime(s), the role and risk to the customer or other employees, risk to Sunrun financial assets, severity of the crime, pending charges and open warrants, and information provided by a prospective employee during Sunrun's background check appeal process are all considered when making the hiring decision.

When potential candidates agree to allow Sunrun to conduct a background check, they do not agree to allow Sunrun to share the results with third parties. Sharing background check results with any third party (even a regulatory agency) raises legal risks for Sunrun, and places the Department in a role of custodian of highly sensitive documents.

Recommendation: Require annual filing of the roster of employees and third-party sales representatives. Perhaps only require more frequent roster updates for companies that have received multiple violations from the Department.

Secondly, section 1.4.6 (B) requires solar sales companies to notify the Department within ten business days of changes in the roster of employees and third-party sales representatives. There is a high turnover rate with sales staff across the solar industry. For a large solar company like Sunrun, sales representatives might be added to or leave the company every week, so it's possible that some installers might be filing updated rosters *every* ten days throughout the year. Continually updating on the roster of sales staff is an administrative burden with low likely benefit for the Department in its oversight role. More important is that solar sales retailers should have high training requirements so when new staff are added, those staff are properly trained to meet the requirements in Rhode Island.

Solar Agreement Requirements (section 1.5)

Recommendation: Only require itemized lists of costs when customers are purchasing the system.

Sunrun identifies two issues with the Solar Agreement Requirements (section 1.5). Firstly, providing a list of installation costs, costs of solar system panels, costs of labor and design, and other itemized costs only makes sense when customers are purchasing the solar system. Many of the systems Sunrun installs are power purchase agreements (PPAs) where the customer is purchasing power from Sunrun, and Sunrun retains ownership of the system. Providing an itemized list of system costs for a PPA isn't relevant to the agreement the customer signs, and it would likely add confusion to the process.

Recommendation: Allow solar contracts to include "market rate" for costs that may occur in the future.

Secondly, the regulation would require the contract to include future costs that may not be known by the solar company. Market rates for the cost of tree or shrub removal and the cost of roof replacement or repair may be known at the time the contract is signed, but those costs will change over time. It is not possible for solar companies to know the cost of roof replacement or repair 10 or 15 years from the time of the contract.

We appreciate the opportunity to provide comments and feedback on proposed regulation 230-RICR-30-45-1. Thank you for your consideration, and please contact me with any questions.

Regards,

Christopher Worley
Senior Director of Policy
Sunrun
christopher.worley@sunrun.com

From:	Chelsea Farrell
To:	Solar, DBR (DBR)
Subject:	Trinity Solar Comments - Residential Solar Retailer Registration and Solar Agreements
Date:	Wednesday, February 26, 2025 1:17:30 PM
Attachments:	Residential Solar Retailer Registration - Trinity Comments.pdf

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Good afternoon,

Please see attached for Trinity's comments related to the Proposed Rules (230-RICR-30-45-1).

Thank you!
Chelsea Farrell

MA, Master Electric Contractor # 4434 A1
MA, Home Improvement Contractor # 170355
Rhode Island Contractors' Registration and Licensing Board Registration No. 39372
Rhode Island Renewable Energy Prof REPC-126
For other jurisdictions, please visit: http://www.trinity-solar.com/about-us/locations-and-licenses

Comments submitted and emailed to: DBR.Solar@dbr.ri.gov.

Rhode Island Department of Business Regulation
Building 68, 1511 Pontiac Ave
Cranston, RI 02920

RE: Residential Solar Retailer Registration and Solar Agreements
230-RICR-30-45-1 (Proposed Rule)
Trinity Solar Comments

Trinity Solar appreciates the opportunity to submit comments regarding the Residential Solar Retailer Registration and Solar Agreements Proposed Rules. Below are our recommendations regarding a few proposed clauses. If you have any questions, please contact be at the information below.

Solar Retailer Registration

- As currently written, the proposed rules require all information within the Solar Retailer Registration to remain accurate and up to date throughout the duration of the registration. Additionally, any material changes must be reported to the Department within 10 business days.

Recommendation:

- We recommend that updates to the registration be required on a biannual or quarterly basis rather than every 10 days.
- The solar industry, particularly within direct and door-to-door sales, may experience higher turnover among sales personnel. The requirement to maintain an updated roster and submit changes within 10 business days would impose a significant administrative burden and could lead to unintended inaccuracies. A more reasonable update schedule would allow companies to remain compliant while ensuring rosters are updated at practical intervals.

Solar Agreement Updates

- Under the proposed rules, each proposal and contract for the lease or sale of a solar system must include an itemized description of all additional costs beyond the system price, such as tree or shrub removal, roof replacement or repairs, etc.
- It is important to note that most residential solar leases function as operating leases, meaning the homeowner does not own the system at the end of the lease. In these cases, the leasing company retains ownership and is responsible for system maintenance. In contrast, finance leases—which include a mandatory purchase option—are treated as if the homeowner effectively owns the system and assumes responsibility for insurance, maintenance, and associated risks. Generally, finance leases are uncommon in the residential solar sector, as third-party ownership structures are typically designed to retain ownership for tax credit benefits. This is then built into the lease pricing for the customer.

Recommendation:

- We recommend amending this section to require a detailed itemization of costs only for the finance lease or sale of a solar system. Homeowners making a direct purchase should have full transparency regarding system costs.
- However, for traditional third-party-owned solar leases, a breakdown of all individual cost components (such as system panels, labor, design, electrical equipment, and permit/application fees) is not standard industry practice. Since lessees do not retain system ownership, this level of detail is not typical in lease agreements.
- Additionally, many specific material costs are protected by non-disclosure agreements between the solar company and the vendor supplying the equipment. Further, if customers were to see a detailed cost breakdown, they might expect the ability to negotiate or modify costs. However, labor and other service-related costs are built into contracts and pricing structures set by individual companies and are generally not subject to negotiation.
- Given the significant differences between finance leases and operating leases, it is critical that the proposed regulations differentiate between the two. If the Department of Business Regulation intends to maintain leasing language in the rules, clear distinctions should be made to ensure appropriate disclosures and consumer expectations.

Thank you for your time and consideration to this matter.

Respectfully,

Chelsea Farrell
Policy and Legislative Associate
Trinity Solar