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May 5, 2022

Re: Docket No. QO20020184, In the Matter of a Solar Successor Incentive Program Pursuant to P.L. 2018, C. 17

Comments by SunPower Corporation in response to proposed changes to the disclosure statement form for the Successor Solar Incentive Administratively Determined (SuSi ADI) Program.

SunPower thanks Board Staff for working with industry stakeholders and listening to constructive feedback regarding the usefulness and practicality of the SuSi ADI disclosure forms released when the Program opened late last summer. SunPower is also appreciative that Staff has been flexible and allowed providers to submit disclosure statements with small modifications while these issues are resolved.

SunPower is largely supportive of the draft disclosure forms that have been released for comment. Staff incorporated virtually all SunPower's recommendations and requests that were provided in our initial feedback including, general formatting recommendations and additional clarity for what is being requested in certain sections. Overall, the new disclosure forms stand to provide customers with clearer and more comprehensive information while allowing each solar provider the flexibility for information to mirror their own company's terms and conditions. There are, however, a few additional recommendations which SunPower would like to offer:

Make the document available in various formats.

Providers in New Jersey may employ different IT platforms to populate disclosure forms, consistent with company terms and conditions. Those platforms may each require a different type of form, Word, PDF, Excel etc. SunPower requests that variability be considered, and the disclosure forms be made available in at least each of the aforementioned formats.

Staff has previously voiced concerns that some formats may provide applicants with the ability to change mandated fields or amend the disclosure statements from their original form. Unscrupulous applicants could change the disclosure statement form regardless of available format. Use of the standard disclosure form should be one of the evaluative criteria on which applications are approved for program incentives. If companies have changed the form in any way the application should immediately be rejected. SunPower believes that providing the disclosure statement in various formats stands to ensure consistency, as companies will not be responsible for their own conversions based on their system needs.

Provide additional space and flexibility where specific dates are required.

Some of the fields referring to specific dates could still be unworkable and SunPower requests that those restrictions be loosened. Specifically, the Solar Lease Disclosure Form in the "Amount & Term (A)" section requires beginning and ending dates for the lease term. Companies may not have exact dates at the time the contract is signed, as they are dependent on potentially unknown interconnection dates. SunPower recommends increased space and flexibility in these fields to allow for descriptions and narrative rather than specific dates.

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Clarify conflicting references.

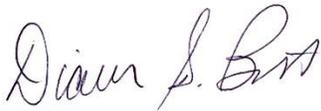
The section: “Utility and Electricity Usage/Savings Assumption (K)” in the Purchase of Solar System Disclosure Form requires the provider to affirm guarantee of savings. If affirmed, the section requires a description of compensation due to “underperformance”. Guarantees of monetary savings and guarantees of performance are two very different issues. Solar panels may be guaranteed to perform or generate energy to certain standards, however, those performance metrics may not always translate into monetary savings depending on customer behavior. Therefore, that section should be clarified to state how the customer will be compensated if savings are not achieved, not how the customer will be compensated if the panels underperform.

Provide adequate implementation time.

Staff has proposed 15-business days after approval for solar providers to implement use of the new disclosure forms. Incorporation of a new form is not an instantaneous process. From integration into IT systems to sales and marketing practices, providers need adequate time to ensure accuracy and consistency. SunPower recommends that providers are allowed 60-days from approval to begin using the new disclosure statements.

SunPower again thanks Board Staff for working with the industry to incorporate many of our initial recommendations and consider this additional feedback.

Sincerely,



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