

## Program Manager Code of Conduct

The Oregon Community Solar Program Code of Conduct governs the interactions and transactions between Project Managers and their partners with participants or potential participants. The Code of Conduct is designed to ensure Project Managers and their Agents conduct business in a professional and ethical manner, and that customers receive high quality service and meaningful opportunities to participate in solar development.

Project Managers and their Agents must abide by this Code of Conduct and face disciplinary action for any violations. **A copy of this document must be provided to all employees or representatives of the Project Manager or its Agents who have contact with customers and involvement with the Oregon Community Solar Program as part of their job or responsibilities.**

**Additionally, Project Managers and their Agents must provide a copy of this code of conduct to customers or potential customers upon request.**

Additional documentation on the Code of Conduct is available in the Program Implementation Manual, available at [www.oregoncsp.org](http://www.oregoncsp.org). The Oregon Community Solar Program Administration team is available to answer questions regarding these requirements by calling 1-800-481-0510 or emailing [administrator@oregoncsp.org](mailto:administrator@oregoncsp.org).

### Project Manager Code of Conduct

#### Obligation to comply with the law

- a. Project Managers and their Agents shall always act in full compliance with all applicable federal, state and municipal laws and regulations.

#### Obligation to ensure compliance

- a. Project Managers shall take all reasonable steps to ensure affiliates, partners, contractors, service providers and all other representatives of its Oregon Community Solar Projects or role as a Project Manager in Oregon (“Project Managers and their Agents”) follow the rules of the Oregon Community Solar Program in all facets of managing a Project.
- b. Project Managers and their Agents shall ensure that their staff as well as the staff of their Agents adhere to the same standards required of the Project Manager as set out in this Code.
- c. If a Project Manager uses Agents to perform activities covered by the Code, then the Project Manager is responsible for ensuring their compliance to the Code.
- d. Any acts or omissions by any representative acting on behalf of the Project Manager or its Agents used by the Project Manager to perform activities covered by the Code shall be deemed to be the acts or omissions of the Project Manager.
- e. Project Managers and their Agents shall provide a copy of the Code to all employees and representatives who have contact with customers and involvement with the Oregon Community Solar Program as part of their job or responsibilities. Project Managers must

document the provision of this Code to all Agents and be able to provide this upon request to the Program Administrator.

### **Advertising, marketing and sales activities**

- a. Project Managers and their Agents shall comply with all applicable federal, state and municipal laws regarding restrictions on marketing, advertising and contacting customers.
- b. Project Managers and their Agents shall include the following Program-approved marketing disclaimer on all sales, advertising and marketing materials:

“This organization is operating under the Oregon Community Solar Program. The Oregon Community Solar Program is a state-enabled initiative overseen by the Oregon Public Utility Commission and implemented by Energy Solutions, Energy Trust of Oregon, Community Energy Project, and [Portland General Electric / Pacific Power / Idaho Power].<sup>6</sup> The Program provides resources and Certification for its Project Managers (PMs) but does not promote any individual PM or PM affiliated organization.

Eligible low-income customers may qualify for additional savings and can learn more by visiting [www.oregoncsp.org/li](http://www.oregoncsp.org/li) or by contacting the Program.

For more information about the Program, call 1-800-481-0510 or email [info@oregoncsp.org](mailto:info@oregoncsp.org).

- c. Consent must be obtained from a customer prior to accessing any utility customer information on their behalf.
- d. Individuals shall not market door-to-door on behalf of Project Managers unless the Project Manager or its Agent has obtained a local permit or license for door-to-door solicitations, if necessary, and the individuals have been properly trained in local, state and federal laws governing marketing activities.
- e. Project Managers and their Agents are not allowed to use marketing tactics that are unfair, false, misleading or deceptive, whether by affirmative statement, implication or omission. This includes claims about products or services, pricing, quality or performance.
- f. All claims (defined as statements about something, what it is or what it can do) must be supported by objective evidence.
- g. Project Managers and their Agents shall not refer to a community solar Subscription as “free” in oral or written marketing or sales discussions unless the customer will not pay anything – up-front and on a monthly basis – for their subscription or the energy it generates.
- h. Prices quoted must be accurate and complete, covering all products or services offered or requested, with prices for optional or additional products or services clearly identified as such, with payment terms clearly stated, and with the period of availability of the quoted prices specified.
- i. If Project Managers or their Agents use a forecast of future utility prices of electricity to estimate savings or otherwise in marketing, outreach or advertising, then Project Managers or Agents shall inform customers that utility rates may go up or down and actual savings are not guaranteed and may vary. If the forecasted utility prices are used in a written sales

or marketing piece, this must be done in writing. Customers may contact their utility or the Oregon Public Utility Commission for further information regarding retail electric rates.

- j. Comparisons between Project Managers' pricing, contract terms, products or services must not be misleading, and must include all relevant facts to fully understand the pricing, terms, products or services being compared.
- k. If advertised or offered prices include initial pricing reductions, such as teaser rates or future increases, then all material terms of such initial reductions or future increases shall be disclosed when such prices are marketed or otherwise communicated to customers.
- l. If the advertising or offers include financing and an offer of consumer credit, the advertising must contain clear and conspicuous disclosures about the terms and conditions of credit, as required by law.
- m. Project Managers and their Agents shall not make promises or guarantees about system performance, results or services to a customer that exceed the promises or guarantees that will be in the Participant contracts with that customer.
- n. Project Managers and their Agents shall comply with any and all federal, state and local laws regarding restrictions on contacting its customers, including but not limited to the national Do Not Call Registry, the CAN-SPAM Act, the Telemarketing Sales Rule, the Telephone Consumer Protection Act and any analogous state or local laws. This includes provisions related to:
  - Prohibitions against manually dialed calls to wireless numbers.
  - Call time restrictions.
  - Call curfews and banning calls to customers on statutory holidays or during a declared state of emergency.
  - Autodialing or texting wireless numbers without prior express written consent.
  - Limitations on the length of time callers may allow phones to ring.
  - If using automated or pre-recorded messages, ensuring compliant opt-out mechanisms are available, including a toll-free number to allow customers to easily opt out of future calls.
  - All applicable email requirements, including seeking permission to email customers, properly identifying the email advertisements and including conspicuous opt-out options.
- o. Project Managers and their Agents must respect the wishes of customers who do not want to be contacted by maintaining accurate and current "do-not-contact" lists of such customers and by requiring its contractors, service providers and Agents to maintain, use and keep up-to-date such lists.
  - Project Managers and their Agents must add customers to their "do-not-contact" list if requested by the Program Administrator.
  - Companies with "do-not-contact" lists must have reasonable protocols to ensure that employees, Agents and contractors do not initiate contact with customers on their "do-not-contact" lists.
  - Project Managers and their Agents may contact customers previously listed on a "do-not-contact" list who later initiate contact with the Project Manager, its Agents or contractors, but are subject to all applicable local, state and federal limitations on the breadth of such contact.

## **Fair, honest and courteous treatment of customers**

- a. When interacting with a customer, Project Managers and their Agents shall:
  - Conduct themselves with courtesy, honesty, integrity, objectivity and fairness.
  - Give their name and contact information to the customer and, if they are an Agent of a Project Manager, the name and contact information of the Project Manager.
  - Provide the means for a customer to verify the registered status of the Project Manager, which may include the web address of the Program website or the contact information for the Program Administrator or the Oregon Public Utility Commission.
  - Provide timely, immediate and truthful responses to customer inquiries.
  - If interacting with a customer in person, at a place other than the Project Manager's place of business, provide identification that the customer can use to verify the representative's identity and that meets the spirit of transparency and integrity in this Code.
  - Clearly explain the Oregon Community Solar Program to the customer and give honest and fair professional comment.
  - Not exert undue pressure on a customer.
  - Allow a customer sufficient opportunity to read and understand all information and documents provided.
  - If documents and information are provided in a language that is not understandable to a customer, the Project Manager must provide time and opportunity for the customer to seek translation support from a trusted third party.
  - Not make any offer or provide any promotional material to a customer that is inconsistent with the contract being offered to or entered into with the customer.
  - Not represent any sponsorship, approval, status, Certification, qualification, affiliation or connection that Project Manager does not have.
  - Not make any representation or statement or give any answer that is false or is likely to mislead a customer.
  - Not discriminate based race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation or military status.
- b. Project Managers and their Agents shall not harass, threaten or badger customers.
- c. Project Managers and their Agents shall not use high-pressure sales techniques.
- d. Project Managers and their Agents shall seek openness and transparency and shall not seek to take advantage of a customer's lack of knowledge. If a Project Manager or its Agent becomes aware that a customer does not understand or misunderstands an issue that is important to a customer's decision to participate in the Oregon Community Solar Program, then the Project Manager or its Agent must correct that misunderstanding.
- e. Project Managers and their Agents shall not misrepresent the reason for their contact with a customer.
- f. Project Managers and their Agents shall not omit material information when interacting with customers if the omission makes any statement or other communication with a customer misleading.
- g. Project Managers and their Agents shall inform Participants about their ownership of the Renewable Energy Certificates (RECs) associated with their subscription and the non-transferability of those RECs.

- h. Project Managers and their Agents shall inform customers of the complaint process and shall immediately notify the Program Administrator if a customer makes a complaint that the Project Manager is unable to resolve promptly.
- i. Project managers and their Agents shall inform customers of the availability of greater savings for eligible low-income customers, which may be satisfied by providing materials including the approved marketing disclaimer.
- j. Project Managers and their Agents shall provide a copy of this Code to customers upon request.
- k. Project Managers are responsible for ensuring that its Agents who interact with customers on the Project Manager's behalf comply with the requirement to identify themselves as acting on behalf of the Project Manager.

### **Protection and security of customer information**

- a. Project Managers and their Agents must protect customer information and maintain customer confidentiality by: (a) taking all reasonable steps to prevent unintentional disclosure of customer information to third parties; and (b) not intentionally providing customer information to any third party without express customer consent. Customer information includes, without limitation, any information obtained from a customer that refers specifically to the customer by name, address or other personally identifiable characteristics, electricity account and meter number(s), utility rate schedule, electricity use and electricity billing information.
- b. Project Managers must provide at least two methods for customers to opt out of sharing their information with other companies, such as email and a phone number, or email and a physical mailing address.
- c. Project Managers must follow best commercial practices with respect to protecting [consumer privacy](#) and ensuring the [security](#) of all customer information, which includes establishing and maintaining reasonable safeguards against the destruction, loss, alteration of or unauthorized access to customer information in their possession. Project Managers must also implement and maintain appropriate administrative, technical (including encryption and virus/spyware scanning) and physical safeguards, procedures and practices to: (i) comply with all applicable legal and regulatory requirements and standards; (ii) ensure the security, confidentiality and integrity of all customer information transmitted electronically to or stored by Project Managers, however stored, retained, maintained, saved or held; (iii) protect against any anticipated threats or hazards to the security, confidentiality or integrity of such information; and (iv) protect against unauthorized use, destruction, modification or disclosure of such information. Project Managers must maintain written security plans complying with the foregoing and shall provide the Program Administrator with copies of such plans upon request.
- d. Project Managers must notify the Program Administrator via email at [info@oregoncsp.org](mailto:info@oregoncsp.org) within 24 hours if they become aware of any potential or actual unauthorized disclosure, access to, acquisition of or other loss or use of any customer information. This notice must include, at a minimum: (i) a description of the breach or loss, including the date it occurred; (ii) the number of individuals or accounts affected; (iii) the information accessed, acquired, lost and/or misused; (iv) whether the breach or loss was computerized in nature or a paper

loss; (v) whether such information was encrypted or unencrypted, (vi) whether encryption keys or passwords may have been compromised; and (vii) a description of the steps taken to investigate the incident and prevent the recurrence of further security breaches or losses of the same type.

- e. In the event of any potential or actual unauthorized disclosure or use of any Customer Information, Project Managers must cooperate with the Program Administrator, Oregon Public Utility Commission and any applicable regulatory authorities to: (i) further assess the risk that unauthorized use or disclosure of customer information has occurred, the nature and scope of any such incident and review all pertinent records; (ii) take other remedial measures as may be reasonably necessary or appropriate to mitigate the risk arising out of unauthorized use or disclosure of the customer information; and (iii) provide notices to customers if the Program Administrator or Oregon Public Utility Commission determines that such notices should be provided.

### **Customer contracts**

- a. Project Managers shall include in all Subscription contracts certain provisions, statements and information intended to protect consumers, in the form and manner required by the Oregon Community Solar Program. The specific provisions can be found in the Requirements chapter of the Program Implementation Manual.
- b. Contracts between Project Managers and residential Participants must use a standard, Program-approved contract template.
- c. The Oregon Community Solar Program contract disclosure checklist shall be presented to every customer prior to signing a participation contract.
- d. Written contract terms and verbal representations made by Project Managers and their Agents shall not conflict with each other.
- e. Project Managers and their Agents shall consider a customer's capacity to understand the terms, ramifications and risks of a contract before entering into such contract.
- f. Contracts and marketing materials intended to aid a customer's decision to enter into a contract shall be provided in a language that is understandable to the customer. If such a contract cannot be provided, customers can request services to seek translation from the Program Administration team.
- g. Project Manager shall keep up-to-date records of Participant contract and Subscription information to facilitate correct billing and crediting for generation on utility bills.
- h. Project Managers may impose additional Project eligibility requirements on Participants, provided those requirements do not discriminate based on race, color, religion, sex, sexual orientation, national origin, marital status, disability, familial status, source of income or any other protected status.
- i. Project Managers must make good-faith efforts to serve and contract with non-English speaking customers referred by the Low-Income Facilitator and may use interpretation services provided by the Program for this purpose if needed.
- j. Participants must be given the right to cancel their contract and receive a full refund on any deposits or payments if the request is made within three business days (Monday through Friday, excluding federal holidays) of signing the contract.