

Program Administrator Determinations Related to Low-Income Recruitment

Overview

Section 3.15.3 of the Oregon Community Program Implementation Manual (PIM) specifies that, in cases where the Program Administrator determines that specific terms of a Project Manager's customer agreements or practices may cause harm to low-income customers, the Program's Low-Income Facilitator may require modifications to these agreements or practices before referring programmatically recruited low-income customers to that Project Manager. The PIM also requires that the Program Administrator provide this public document about this determination out of transparency and as a resource to all Project Managers.

Agency Agreements

In the context of community solar, an agent agreement is an additional contractual document that a participant will sign with a Project Manager (PM) or Subscription Manager (SM), which allows the PM or SM to take certain actions on the participant's behalf. Some of these agency agreements include terms that the Program Administrator believes may be harmful to low-income participants, including but not limited to:

1. Collecting payments from customers as an intermediary between the customer and utility, as this nullifies certain consumer protections related to non-payment that have been included in the program on behalf of low-income customers specifically.
2. Removing a customer from their utility's equal-pay program, which can be a beneficial budgeting tool for low-income and fixed-income households in particular.
3. Gaining access to the customer's utility account and providing the customer with a non-utility invoice for energy payments. The dramatic difference in customer experience that this provides from other projects is problematic for the low-income customer referral process, as it would require the Low-Income Facilitator to make decisions about customer experiences on behalf of potential low-income customers that may be counter to their preferences.

Based on these concerns and the PIM language outlined above, the Low-Income Facilitator may require PMs and SMs to commit that they will not sign agency agreements containing these or similar terms with low-income customers that are referred by the Program.

The Program Administrator notes that a decision about agency agreements is pending before the Commission. This guidance may be updated to reflect the Commission's decision.