



New Mexico Community Solar Program Best Practices

Consumer Protection & Subscriber Management

New Mexico Community Solar Program

Best Practices for Consumer Protection & Subcontractor Management

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This document provides best practices and recommendations to Subscriber Organizations regarding consumer protection and subcontractor management. While the items in this document are not program requirements (unless otherwise indicated), they are good business practices, and Subscriber Organizations are strongly encouraged to adopt them to ensure that consumers are adequately informed about their subscription contracts and that each Subscriber Organization adequately manages all subcontractors working on its behalf.

Section 1. Sales Agent Training and Vetting

The Program Administrator recommends that all sales agents, customer service representatives, and Subscriber Organization employees and contractors interacting with the public in the New Mexico Community Solar Program read the New Mexico Community Solar Program Guidebook.

Subscriber Organizations should ensure that all sales agents that interact with customers receive the same level of training before interacting with consumers. This training should be uniform across all sales agents, regardless of whether a sales agent works directly for the Subscriber Organization, works for a subcontractor of the Subscriber Organization, or is an independent contractor.

The Program Administrator suggests that this training include the following:

- Training on all applicable federal, state, county, and regional requirements regarding door-to-door sales and telemarketing (both electronically and via phone), including the hours when each activity is permissible.
- Training on ethical sales practices, including:
 - Accurately portraying affiliation with a Subscriber Organization and any Subscriber Organization subcontractor,
 - Accurately portraying potential savings after enrolling in community solar,
 - Accurately portraying the availability of the offer and not implying false deadlines to enroll,
 - Accurately providing information on the New Mexico Community Solar Program and not implying a requirement to enroll in the community solar program,
 - When to end a sales interaction due to a language barrier.
- Information on the nature of solar power, how community solar works, and how to avoid incorrect or misleading statements about enrolling in community solar.

- Information on how the New Mexico Community Solar Program works and how a customer’s utility bills will be impacted by subscribing. ***Training should ensure that all sales agents understand that customers will still receive electric utility bills after enrolling in community solar, and that enrolling in community solar does not eliminate or cancel a customer’s electric utility bill.***
- Training on the terms of the Subscriber Organization’s community solar offering, including but not limited to:
 - Contract length,
 - Discount offered,
 - Any fees associated with the subscription, i.e., monthly / annual customer fee and how any fees may impact the advertised discount,
 - Billing options,
 - Early termination fees,
 - Cancellation process,
 - Subscription portability,
 - How community solar subscriptions are sized, and how the size may be adjusted during the customer’s contract term.
- Information on the timeline between when a customer signs up for community solar and when they will start to receive credits on their electric utility bill.
- Training on how to identify customers who may qualify for a low-income rate if the Subscriber Organization offers a rate specifically for low-income customers.
- Training on the New Mexico Subscriber Information Disclosure Form and all associated program requirements in the Consumer Protection section of the New Mexico Community Solar Program Guidebook, including but not limited to the following program requirements:
 - The customer must read, review, and sign the Disclosure Form **BEFORE** signing a subscription agreement.
 - The information included on the Disclosure Form must match the information in the customer’s subscription contract.
 - The static text of the Disclosure Form cannot be edited.
 - The Disclosure Form presented to the customer must be in the customer’s preferred language.
 - Sales agents are prohibited from signing Disclosure Forms on behalf of customers.
- Training on the Subscriber Organization’s community solar enrollment processes.
- Information on how the customer can contact the subscription manager for questions related to the subscription after enrolling.

The Program Administrator recommends that Subscriber Organizations conduct refresher training for all sales agents at least twice per year. Subscriber Organizations should ensure that all sales agents are kept up to date on any changes to the Subscriber Organization’s enrollment processes and current community solar offers.

Subscriber Organizations should conduct background checks of any employees who will be conducting in-person marketing. Subscriber Organizations should keep a record of all background checks conducted.

Section 2: Marketing Materials & Interactions

The Program Administrator recommends that all marketing materials and interactions meet the following guidelines:

- Marketing activity should accurately portray the nature of solar power, community solar, and the customer's expected level of savings. Sales agents should explain to customers how subscribing to community solar will impact the customers' utility bill, including but not limited to: any changes to the billing cycle, any changes to the customer's enrollment in utility programs such as changes to enrollment in Time Of Day pricing, any changes to how the customer's electric utility bill will be paid (i.e. by a 3rd party), and any new fees that the customer will incur after subscribing (i.e. any monthly customer charges).
- Marketing activity should not include misleading or incorrect information about community solar or the customer's subscription contract.
- Marketing activity should provide the customer with an accurate estimate of when the customer would be enrolled and start receiving bill credits.
- Marketing activity should accurately identify the Subscriber Organization or Subscriber Organization affiliate that the material represents. ***Sales agents should never state that they represent a utility company, a public agency, a non-profit community organization, a consumer group, or otherwise fail to accurately portray their identity and affiliation.***
- Marketing interactions should never pressure or harass customers to enroll in community solar, sign a Disclosure Form, or sign any other documents. Marketing interactions should never imply or suggest that the customer is required to enroll in community solar.
- Marketing activity should not imply that the Subscriber Organization is endorsed by the state of New Mexico, the Program Administrator, a utility, consumer group, a non-profit community organization or any public agency.
- Marketing activity should not state that the customer receives RECs with their subscription.

The Program Administrator recommends that Subscriber Organizations maintain accurate logs of all sales agents' door-to-door sales interactions, including the date and time, the addresses visited, and customer names (if provided by the customer). Subscriber Organizations should maintain accurate logs of all sales agents' electronic and phone interactions with customers, including the date and time, email, phone number, or social media account contacted, and the name of the customer.

Section 3: Customer Interaction & Communication

Subscriber Organizations should maintain dedicated phone lines and email inboxes to field customer questions. Subscriber Organizations should make it clear who the customer should reach out to and how to contact them if they have questions about their subscription. For example, if a Subscriber Organization outsources all customer billing and subscription management to a Subscription Manager, the Subscriber Organization should make the Subscription Manager's contact information clear to the customer.

Subscriber Organizations (and their subcontractors) should endeavor to respond to customer inquiries within one business day and to maintain staffed phone lines.

Communication with Customers after Enrollment

Subscriber Organizations should update customers via email if the customer's enrollment in community solar is delayed more than 2 months after the Estimated Commercial Operation Date indicated on the customer's Disclosure Form. Subscriber Organizations should generally keep customers updated of any changes to the expected date the customer will start to receive bill credits through participating in Community Solar.

Responding to Consumer Complaints

Any complaints about a Subscriber Organization, either directly or indirectly, about a Subscriber Organization or a party working on behalf of the Subscriber Organization that is received by the Program Administrator will be referred initially to the applicable Subscriber Organization for resolution. It is a Program requirement that the Subscriber Organization must investigate each complaint and provide a written response to the complainant.

If the Subscriber Organization is unable to resolve a complaint, the Program Administrator may escalate the complaint to the New Mexico Attorney General's Office and/or the New Mexico Public Regulation Commission.

Subscriber Organizations should promptly respond to all customer concerns, regardless of whether the customer has notified the Program Administrator.

Customer Provided Offers

Customers should be provided with a transparent subscription offer, including all fees and how the discount is calculated. For example, if a Subscriber Organization offers a 10% discount on the supply section of a customer's electric bill, but also charges a \$5 / month customer fee, the Subscriber Organization should make it clear to the customer that the \$5 / month customer fee will reduce the overall discount the customer will receive.

If the customer will need to change utility program enrollment to participate in community solar, the Subscriber Organization should provide the customer with an accurate estimate of how community solar will impact the customer's bill, given their current utility program enrollments.

Subscriber Organizations should inform customers of any impacts or changes to the customer's billing cycle. Subscriber Organizations should never back-bill customers for multiple months of enrollment in a community solar project.

Section 4: Managing Subcontractors

It is common in community solar sales for Subscriber Organizations to utilize one or multiple subcontractors for subscription lead generation and management. It is essential that a Subscriber Organization understands the full network of subcontractors that are selling their subscriptions to a project in the New Mexico Community Solar Program. ***In the event of a consumer complaint, or a violation of consumer protection requirements outlined in the Consumer Protection section of the New Mexico Community Solar Program Guidebook, the Subscriber Organization will be expected to respond on behalf of its subcontractors.***

Subscriber Organizations should maintain an up to date and accurate list of all subcontractors working on customer facing marketing and sales. A Subscriber Organization should be aware of whether any of its subcontractors also utilize subcontractors.

Subscriber Organizations should create a standard badge for use by sales agents marketing in-person that includes the agent's name, company name (Subscriber Organization and any Subscriber Organization subcontractor), and logo. If a customer files a complaint about the practices of a given sales agent, the Subscriber Organization should be able to easily identify that agent and how they are related to the Subscriber Organization.

Managing Subscriber Aggregators:

Subscriber Organizations may choose to work with local and/or national subscriber aggregators. Since Subscriber Organizations may be held responsible for actions taken by their subcontractors and any parties working for their subcontractors, it is important that Subscriber Organizations conduct due diligence before partnering with and while onboarding these organizations. The Program Administrator suggests the following be incorporated in Subscriber Organizations' due diligence process:

- A review of the aggregator's process for verifying low-income customers to ensure that all documentation is securely obtained and stored.
- A review of all current or proposed sales approaches to ensure the suggested best practices are met.
- A review of any additional organizations to which the potential subcontractor plans to outsource work or any plan to outsource work.

- A review of the subscription contract that will be provided to customers to ensure compliance with Program requirements.

The Program Administrator recommends that each Subscriber Organization work with its subscriber aggregator(s) on a communication plan to ensure the subscriber knows who manages their contract and how they can contact that organization with questions or concerns.

Aggregator partners may have secured customer signatures on Disclosure Forms prior to establishing a relationship with the Subscriber Organization. Any Disclosure Form that does not identify the community solar project, or that does not have all fields completed, does not comply with program requirements. Customers will need to resign new Disclosure Forms and new subscription contracts (in order to meet the program requirement of signing the Disclosure Form before signing the subscription contract) if the original Disclosure Form is not compliant with Program Requirements. See the New Mexico Community Solar Program guidebook for more information on Disclosure Form requirements.

Managing Subscription Managers and Reporting:

Subscriber Organizations may choose to utilize third-party subscription managers which may or may not be the same party as a contracted aggregator. The Program Administrator has outlined suggested operating procedures for Subscriber Organizations to implement with their partners. These procedures will help ensure clear communication between the two parties regarding day-to-day operations and compliance with all Program requirements.

As detailed in the New Mexico Community Solar Program Guidebook, Subscriber Organizations will need to report on their subscriptions monthly until project commitments are met and then quarterly for the life of the project. Subscriptions will need to be updated in both the Program portal and utility portal. The management of two portals will require consistent and transparent communication to ensure all Community Solar subscribers are actively managed, communicated with, and are able to be included in the Program Administrator's review of subscribers.

The Subscriber Organization is responsible for any partner's actions tied to their projects. Due to the importance of subscriber management, the Program Administrator suggests that Subscriber Organizations include regular communication check-ins in operating procedures with any subscription managers. The Program Administrator suggests the following best practices:

Suggested Reporting and Communication Cadence:

- **Weekly Status Report:** The weekly report is intended to serve as a regular update regarding the Subscription Managers' efforts and top priorities including:
 - o Project subscription levels,
 - o Upcoming periodic reporting and submission deadlines,

- o Review and escalation of any utility enrollment issues,
 - o Review of customer complaints.
- **Monthly Status Report:** The monthly report is intended to provide the Subscriber Organization with a summary of all actions undertaken by the Subscription Manager within the calendar month as well as outstanding obligations, including:
- o Delivery of monthly billing reports,
 - o Response and resolution to any customer complaints and/or communication from the Program Administrator,
 - o Implementation of any program updates,
 - o Confirmation that the Subscription Manager has reviewed all applicable customer lists to ensure that such subscribers are being properly maintained and accounted for in both the New Mexico Community Solar portal and the utility portal,
 - o Review of low-income documentation for relevant subscribers,
 - o Any changes and updates to the Subscriber Organization’s enrollment and management processes, as applicable, including but not limited to changes related to marketing/sales approach, employee training programs, customer enrollment process, customer interface, disclosure forms, and subscription agreements.
- **Quarterly Review:** The quarterly review is intended to be a compliance review.
- o The Subscriber Organization should review any changes to the Subscriber Manager’s processes or materials
 - o Review of any changes to the subscriber manager’s materials and processes, to ensure continued compliance with Program requirements. This review should include but is not limited to:
 - Disclosure Form delivery and execution processes,
 - Subscription agreements,
 - Customer materials,
 - Low-income attestation design and execution,
 - Low-income documentation process and review process for secure methods,
 - Marketing materials,
 - Bill credit reports,
 - Communications and correspondence with customers, and
 - Any changes to customer fees.