

# ICC Contract Approval Memo

## Frequently Asked Questions for Approved Vendors and Designees

### **1. Why are projects reviewed by the Illinois Commerce Commission?**

The Illinois Commerce Commission (“ICC” or the “Commission”) is a quasi-judicial body made up of five Commissioners responsible for regulating several industries, as directed by the Illinois General Assembly. Pursuant to the provisions of Sections 1-56(b) and 1-75(c) of the Illinois Power Agency Act (“IPA Act”), and Section 16-111.5 of the Public Utilities Act (“PUA”), the Illinois Power Agency (“IPA” or “Agency”) must file a biennial Long-Term Renewable Resources Procurement Plan (“Long-Term Plan”) with the Commission for approval. The Agency’s current Long-Term Plan outlines the programmatic details for the Illinois Solar for All Program (“ILSFA”), including the Renewable Energy Credit (“REC”) contracts process. Section 16-111.5 of the PUA directs the ICC to approve “the process for the submission, review, and approval of the proposed contracts to procure renewable energy credits or implement the programs authorized by the Commission” that were a part of the Long-Term Plan. In the Commission’s Final Order, which approved the Initial Long-Term Plan, it was determined that the Commission would approve all REC Contracts, not merely the standard contract form.

### **2. What is the ICC Memo?**

The ICC Memo is a memorandum sent by the Program Administrator to provide recommendations for solar projects to award REC Contracts with Buyer assignment, and to inform the ICC of the status of the ILSFA program.

### **3. How often are projects submitted to the Commission for approval?**

The ICC generally meets every 2 weeks for Regular Open Meetings, where projects are reviewed for approval. View the [schedule](#) for more information. Projects which are Part I Approved or Project Selected, if applicable, will be compiled to send to the ICC roughly 14 business days before the next ICC Regular Open Meeting. The week before the project data is to be sent to the ICC for review, it is finalized, pulled, and reviewed to ensure accuracy. Eight business days prior to the ICC meeting, it is sent to the ICC with other projects in the appropriate stage to be added to the meeting agenda. Once reviewed and approved by the ICC, the Program Administrator is informed, and the

projects are updated in the portal to the ICC Approved/Construction stage within one business day of the ICC meeting.

#### **4. What review takes place at ICC meetings?**

A [live webcast](#) of the ICC Main Hearing Room is provided for Regular Open Meetings at which the ICC Memo is reviewed, and [meeting minutes](#) are typically posted within the month following the Regular Open Meeting. Members of the public may request to speak before the Commission at Regular Open Meetings with this [Participation Request Form](#).

#### **5. Do I need to have ICC approval before construction?**

While a project does not need to be ICC approved prior to construction, a project is not assigned to a REC contract and Buyer until it is ICC approved. Funding, therefore, cannot be allocated for the project until it is ICC-approved. However, if an Approved Vendor wishes to submit a project that they have previously installed, they may do so if it was installed after June 1, 2017, meets the program requirements, and the project has not been previously Part II approved through either Illinois Shines or Illinois Solar for All.

#### **6. Has the ICC ever rejected a project?**

The Commission has not rejected a contract to date, but it may reject contracts or confirmations in the following situations:

1. The batches or contracts do not comply with the terms and conditions of the ABP and ILSFA;
2. The Program Administrator has failed to demonstrate that the batches or contracts/confirmations comply with the Long-Term Plan;
3. If, following the submission of contracts/confirmations to the Commission, the Approved Vendor has its Approved Vendor status revoked;
4. If, following the submission of contracts/confirmations to the Commission, the Commission receives evidence from the Program Administrator that the contracts/confirmations contain false or erroneous facts or representations; or
5. If the Program Administrator submits evidence to the Commission that the Approved Vendor has demonstrated a pattern of failing to meet, or has otherwise substantively failed to meet, the obligations present in other ABP or ILSFA Standard REC Contracts previously approved by the Commission.

#### **7. What is the process for errors identified after the REC contract is created?**

If data previously submitted on the ICC Memo was incorrect or updated, such as the project's participation in a pilot program or the project's Energy Sovereignty status, it would require the project to be corrected via resubmission to the ICC on a subsequent ICC Memo.

**8. 8. What happens if I re-assign my contract to another Approved Vendor?**

View the [Assignment FAQ](#) for more information on reassigning a project or a REC Contract.