



Massachusetts Office of the Attorney General

▶ *Residential Solar Energy
Consumer Protection Efforts*

Common Residential Solar Complaints

- Aggressive/Misleading Marketing Tactics
- Inaccurate Savings Claims
- System Install and Activation Delays
- System Malfunction and Financial Loss
- Removal Needed Due to Roof Issues
- High Charges for Repair and/or Replacement
- Unresponsive Customer Service
- System Reinstall Delays
- System Redesign/Repair Fees
- Oversized Systems

Community Solar Complaints

Oversized Community Solar Plans

- ▶ Customers Pay for Solar Credits Based on Panel Allotment
- ▶ Company Promises % Savings on Utility Bill
- ▶ Customer Receives % Discount on Solar Credits Based on Panel Allotment
- ▶ Oversized Credits = % Discount on More Credits than Needed
- ▶ Door-to-Door Marketing
- ▶ Misleading Sales Tactics
- ▶ Targeting Elderly and Low-Income Residents
- ▶ Unresponsive Customer Service

AGO Complaint Response

➤ Customer Complaint:

- 20-year lease signed in 2014, roof leak in 2021, panels had to be removed and re-installed with a new design due to initial installation error, new 25-year lease
- Customer was charged lease fee while the system was down

➤ Advocacy:

- CARD team worked with customer to review lease rate, utility statements, panel redesign, and to contact company

➤ Resolution:

- Company waived the redesign fee, lowered lease rate and waived annual interest, and compensated the customer for payments when panels were down

AGO Complaint Response

➤ **Customer Complaint:**

- 25-year PPA signed in 2022, system was installed but was not activated, customer still paying PPA rate, PPA had 2.9% annual escalator

➤ **Advocacy:**

- CARD team worked with customer to review PPA rate, utility statements, and to contact company

➤ **Resolution:**

- Company activated the system, re-set the PPA rate to better match customer's past usage, and agreed to 0% annual escalator

AGO Consumer Protection Statutes

Chapter 93A

REGULATION OF BUSINESS PRACTICES FOR CONSUMERS PROTECTION

Section 2: Unfair practices; legislative intent; rules and regulations.

- a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.
- b) It is the intent of the legislature that in construing paragraph (a) of this section in actions brought under sections four, nine and eleven, the courts will be guided by the interpretations given by the Federal Trade Commission and the Federal Courts to section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)), as from time to time amended.
- c) The attorney general may make rules and regulations interpreting the provisions of subsection 2(a) of this chapter. Such rules and regulations shall not be inconsistent with the rules, regulations and decisions of the Federal Trade Commission and the Federal Courts interpreting the provisions of 15 U.S.C. 45(a)(1) (The Federal Trade Commission Act), as from time to time amended.

Chapter 159C

TELEMARKETING SOLICITATION

Section 5A: Disclosures by telephone solicitors; information provided to consumers prior to payment.

AGO Consumer Protection Statutes

940 C.M.R. 3.00

CONSUMER PROTECTION

3.05: General Misrepresentations.

(1) No claim or representation shall be made by any means concerning a product which directly, or by implication, or by failure to adequately disclose additional relevant information, has the capacity or tendency or effect of deceiving buyers or prospective buyers in any material respect. This prohibition includes, but is not limited to, representations or claims relating to the construction, durability, reliability, manner or time of performance, safety, strength, condition, or life expectancy of such product, or financing relating to such product, or the utility of such product or any part thereof, or the ease with which such product may be operated, repaired, or maintained or the benefit to be derived from the use thereof.

3.15: New for Used, Substitution of Products, Failure to Deliver.

(3) **Failure to Deliver.** It is an unfair and deceptive act or practice: (b) To fail to deliver merchandise ordered by mail or otherwise on which payment has been made or undertaken, in the form of a deposit, down payment or total payment where a definite delivery date has been set unless the seller can show circumstances beyond his control and not within his knowledge at the time the order was accepted which prevented the seller from meeting the delivery data.

940 C.M.R. 6.00

RETAIL ADVERTISING

940 C.M.R. 19.00

RETAIL MARKETING AND SALE OF ELECTRICITY

AGO Solar Consumer Protection Roundtable

- ▶ Annual Meeting Hosted by the AGO
- ▶ Industry, Government, and AGO
- ▶ Industry Trends
- ▶ Common Consumer Complaints
- ▶ Audience: Stakeholders and General Public

Solar Best Practices Guides

- ▶ AGO Solar Best Practices Guide
 - ▶ <https://www.mass.gov/ago/solar>
- ▶ Solar Energy Industries Association (SEIA) Residential Consumer Guide to Solar Energy

Solar Massachusetts Renewable Target (SMART) Program

- ▶ The SMART Program was promulgated on August 25, 2017 by the Massachusetts Department of Energy Resources' (DOER) SMART regulation (225 CMR 20.00)
- ▶ The SMART Program is a 3,200 MW declining block incentive program
- ▶ Projects must be interconnected by either: Eversource, National Grid or Unitil
- ▶ DOER and DPU oversee the SMART program
- ▶ Most Recent D.P.U. Docket: D.P.U. 20-145