

WAC 480-103-040 Suspension and cancellation of a registration.

(1) **Voluntary cancellation.** A community solar company may petition the commission to cancel the company's registration. The company must notify its project participants of its intent to file any such petition no less than fifteen days in advance of making the filing and when making the filing with the commission. The commission may grant the petition without a hearing.

(2) **Suspension.** The commission may suspend a community solar company's registration for cause. The commission will lift the suspension if the company remedies the cause within the time the commission allows. Cause for suspension includes, but is not limited to:

(a) Failure to provide information the commission needs to perform its regulatory functions including, but not limited to, failure to respond to complaints the commission has received and referred to the company for resolution;

(b) Failure to maintain an adequate escrow or trust account where deposits collected from project participants are or will be held;

(c) Violation of commission rules or orders or violations of the laws or regulations of a state or the United States as found by a court or governmental agency.

(3) **Involuntary cancellation.** The commission may cancel a community solar company's registration for cause. The commission need not suspend a company's registration prior to canceling it. Cause for cancellation includes, but is not limited to:

(a) Failure to file an annual report or pay required regulatory fees;

(b) Failure to correct the conditions leading to any suspension within the time defined in the letter or order of suspension;

(c) Failure to provide information as required by the commission or submitting false, misleading, incomplete, or inaccurate information;

(d) Failure to maintain an adequate escrow or trust account where deposits collected from project participants are or will be held;

(e) Failure to resolve complaints by any interested party, or upon the commission's own motion, after notice and opportunity for hearing; or

(f) Violation of commission rules or orders or violations of the laws or regulations of a state or the United States as found by a court or governmental agency.

(4) **Notice to company.** The commission will issue a notice of its intent to suspend or cancel a community solar company's registration. The notice will provide the company with an opportunity to respond to the commission's proposed action including, but not limited to, requesting a hearing. The commission will conduct an adjudicative proceeding in response to such a request only if the company raises genuine issues of material fact or law that require resolution through an evidentiary proceeding.

(5) **Notice to project participants.** A community solar company must notify its project participants of any pending commission action to suspend or cancel the company's registration within five days of the company receiving notice of such action from the commission.

(6) **Effect of suspension or cancellation.** A community solar company may not engage in business as a community solar company if its registration is suspended or canceled including, but not limited to, collecting any incentive payments described under chapter 82.16 RCW. Suspension or cancellation, however, will not relieve a community so-

lar company of its contractual obligations to its program participants.

(7) **Reregistration.** A community solar company whose registration has been canceled may apply for a new registration under WAC 480-103-020 if the company has corrected the causes of cancellation.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 18-20-098 (Docket UE-171033, General Order R-595), § 480-103-040, filed 10/2/18, effective 11/2/18.]