

Stakeholder Webinar: Consumer Protections in the Solar Industry–Best Practices and Expert Perspectives

December 3, 2024



Webinar Recording

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- Slides, recording, and transcript will be available on bit.ly/solar-stakeholder-webinars
- Please put questions in the Q&A box. There will be a short Q&A at the end!
- For technical difficulties please email Mianka Wilkins (<u>mianka.wilkins@ee.doe.gov</u>)



Today's Speakers



Garrett Nilsen

Deputy Director

U.S. Department of Energy
Solar Energy Technologies

Office



Kim Shields
Workforce & Equitable
Access Technology Manager
U.S. Department of Energy
Solar Energy Technologies
Office



Jerry Henderson *Managing Partner*Energy Assurance Company LLC.



Diane Standaert

Senior Engagement & Policy

Fellow, Office of Consumer

Populations

Consumer Financial Protection

Bureau

Agenda

- SETO & Solar Energy Today
- Consumer Protections at SETO
- Advocate & Consumer Concerns Regarding Sales of Solar Related Improvements
- SEIA 401: Solar and Energy Storage Consumer Protection Standard
- Resources for Consumers Going Solar or Reporting Scams
- SETO Resources and Newsletter
- Q&A



SETO & Solar Energy Today

Garrett Nilsen

Deputy Director

U.S. Department of Energy
Solar Energy Technologies
Office

Solar Energy Technologies Office Overview

MISSION

We accelerate the advancement and deployment of solar technology in support of an equitable transition to a decarbonized economy no later than 2050, starting with a decarbonized power sector by 2035.

WHAT WE DO

Drive innovation in technology and soft cost reduction to make solar **affordable** and **accessible** for all Americans Enable solar energy to support the reliability, resilience, and security of the grid

Support job growth, manufacturing, and the circular economy



The Benefits of Solar Energy

There are more than 8 billion square meters in the United States of rooftops where solar panels could be installed. This represents more than 1 terawatt of potential solar capacity.

With recent improvements in solar panel design, energy yield, solar cell efficiency, and grid integration, national solar rooftop potential could be even greater.



Household Savings



Economic Opportunities



Grid Resilience & Reliability



Owning Your Own Power Production



Environment

Ongoing SETO Efforts

SolarAPP+



- A web-based software that automates and expedites permitting for residential rooftop solar and solar + energy storage systems – provided at no cost to local governments.
- SolarAPP+ evaluates applications for **safety and code compliance**, enables **standardization** of permitting processes, delivers **automated** instant plan review and **permit approval**, provides a clear **inspection checklist** to streamline inspection processes, and **integrates with existing software** platform(s).

FIND OUT MORE: SolarAPP.NREL.gov

SolSmart



- A national program that recognizes and supports local governments that encourage solar energy use.
- SolSmart provides **no-cost technical assistance to local governments and regional organizations** to accelerate the growth of solar energy.
- Today, there are 535 SolSmart designees in 43 states, the District of Columbia, Puerto Rico, and the U.S.
 Virgin Islands.

FIND OUT MORE: SolSmart.org

Open Funding Opportunities & Prizes

- Community Power Accelerator Prize Round 3
 Applications due Dec. 17
- R-STEP Technical Assistance Provider Opportunity
 Applications due Jan. 9
- Large Animal and Solar System Operations (LASSO)
 Prize

Phase 1 applications due Mar. 6

American-Made Promoting Registration of Inverters
 and Modules with Ecolabel (PRIME) Prize
 Phase 1 applications due Apr. 17



Photo Credit: <u>Hit Me With Your SunShot Photo Contest</u> Solar Workforce and Installation Category First Place Winner: Saman Kouretchian.

\$10M Community Power Accelerator Prize - Round 3





SETO opened the \$10 million three-phased prize to fast-track the efforts of new, emerging, and expanding solar developers and co-developers to learn, participate, and grow their operations and support successful distributed solar projects.

NOW OPEN TO:

- Behind-the-meter virtual power plant projects
- Distributed energy resource aggregations
- Microgrids
- Commercial and industrial solar
- Multifamily projects
- Community solar projects

Apply to compete by December 17

Follow the prize at HeroX.com/CommunityPowerAcceleratorRound3

Renewable Energy Siting Through Technical Engagement & Planning (R-STEP)

Goal: To improve large-scale renewable energy planning, siting processes, and outcomes for host communities, local governments, and developers

State-Based Collaboratives: cross-disciplinary collaboratives with experience engaging local communities; i.e., trusted organizations with relevant siting expertise

R-STEP Components:

Funding: Up to \$2M awards (up to 3 years/award) to develop renewable energy siting programs that increase local capacity

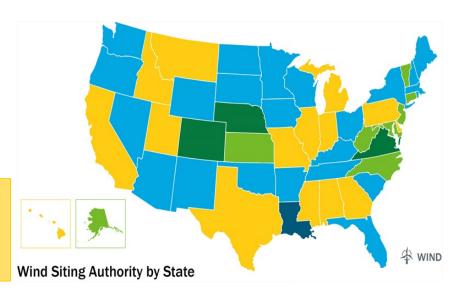
DOE-Funded Technical Assistance: From leading experts to collaboratives

Disseminate and Convene: Share collaborative successes and best practices with other states and communities, and federal offices and agencies.

Funding: \$22.2 million total to 12 state-based collaboratives.

DOE is currently seeking applications from organizations with expertise on key renewable energy and energy storage planning, siting, and permitting topics to provide technical assistance (TA) to previously selected State-Based Collaboratives.

Solar Siting Authority by State



\$8M American-Made Large Animal & Solar System Operations (LASSO) Prize



Cattle agrivoltaics could help preserve agricultural land, generate additional income for farmers and ranchers, and ease barriers to solar deployment.

SETO created the \$8 million LASSO Prize to bring together agricultural and solar stakeholders in teams to develop innovative co-location plans, build pilot sites, and share best practices, costs, and energy and agricultural outcomes.

Phase 1 submissions due March 6

Follow the prize at HeroX.com/LASSO

\$2.7M American-Made Promoting Registration of Inverters and Modules with Ecolabel (PRIME) Prize



OFFICE OF ENERGY EFFICIENCY & RENEWABLE ENERGY

SETO launched the PRIME Prize, which offers more than \$2.7 million in cash prizes, to help U.S.-based solar PV module and inverter manufacturers register their products through the EPEAT ecolabel, expanding options for conscious consumers.

Phase 1 submissions due April 17

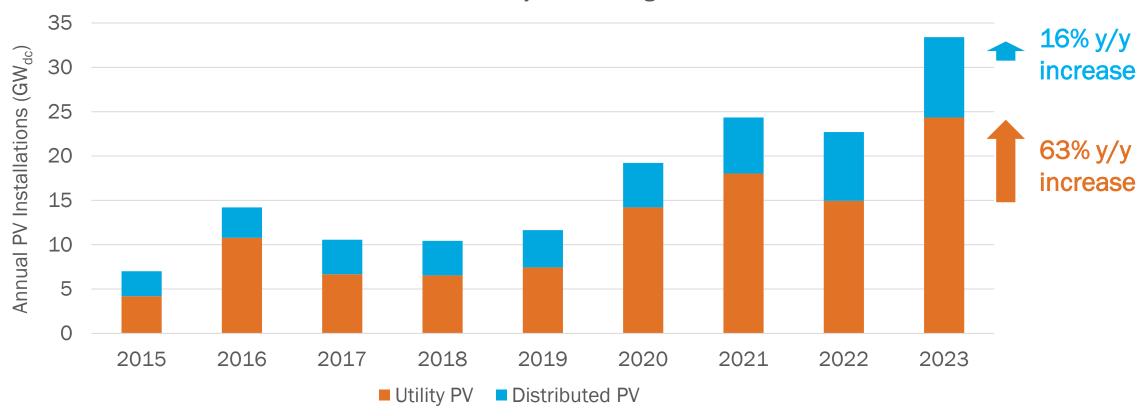
Follow the prize at HeroX.com/PRIMEPrize

Solar Energy Today

2023 Was a Record-Breaking Year

Nearly 34 GW_{dc} of annual installations





2023 Was a Record-Breaking Year

JUNE 12, 2023 4 MIN READ

In a First, Wind and Solar Generated More Power Than Coal in U.S.

Wind and solar produced more U.S. power than coal during the first five months of this year, as several coal plants closed and gas prices dropped

BY BENJAMIN STORROW & E&E NEWS



Xcel Energy seeks 650 MW of solar + storage to replace retiring coal plant

By Kelsey Misbrener | August 10, 2023

Replacing US Coal Plants With Solar and Wind Is Cheaper Than Running Them

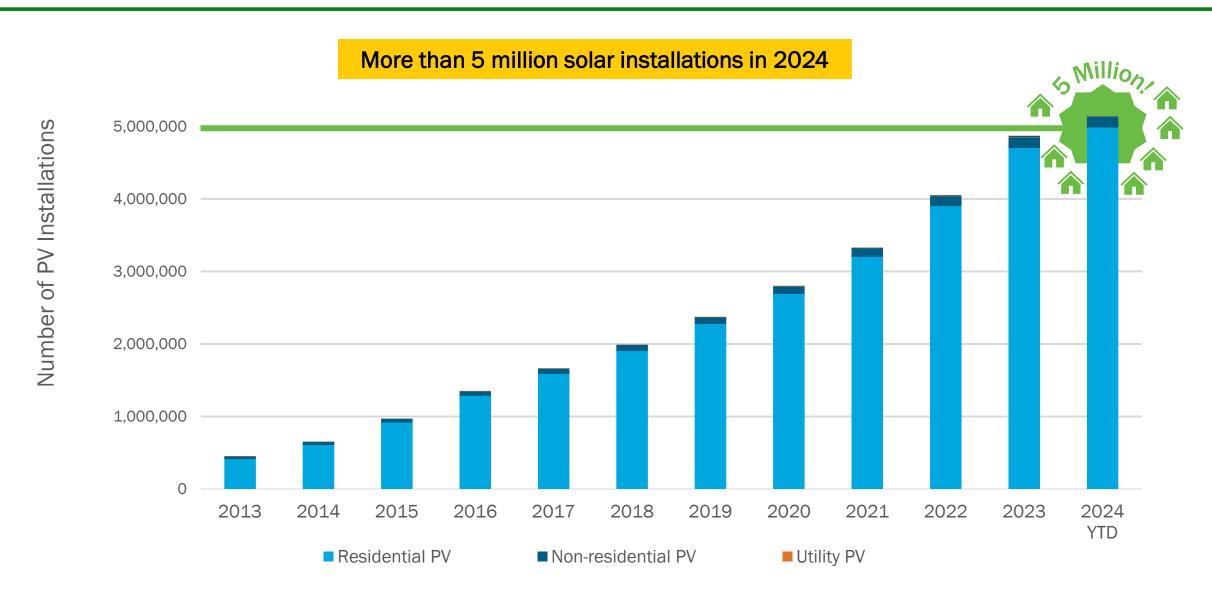
It now 'unequivocally' costs less to build new renewable energy projects than to operate existing coal plants, according to a new analysis.

Work begins on 200-MW solar array replacing New Mexico coal plant

By Kelsey Misbrener | August 30, 2023

Sources: U.S. Energy Information Administration (EIA), Electricity Data Browser. Accessed March 10, 2024.

2024 Has Continued Setting Records



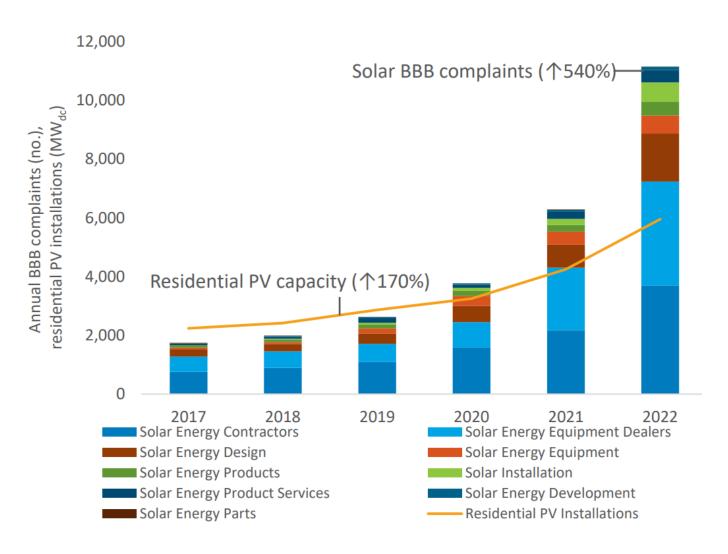
Sources: Wood Mackenzie/SEIA: <u>US Solar Market Insight Full Report Q3 2024</u>, September 2024.



Consumer Protections at SETO

Kim Shields
Workforce & Equitable Access
Technology Manager
U.S. Department of Energy Solar
Energy Technologies Office

Consumer Complaints on the Rise



From 2017-2022, annual solar-related complaints to the U.S. Better Business Bureau grew 3x faster than U.S. residential PV capacity

Common complaints include:

- Misrepresenting solar costs and benefits
- Misrepresenting financing terms and government incentives
- Aggressive sales and marketing tactics

Stakeholders agree: lack of solar education, trust, and transparency are among the highest barriers to expanded deployment of solar / solar + storage

Source: DOE/NREL Winter 2024 Solar Industry Update (nrel.gov), January 2024

Innovating Across the Consumer Experience

1 | Awareness

Basic knowledge of solar energy available to households and its meaningful benefits



3 | Navigation

Trusted and unbiased resources to navigate offerings, compare quotes, and customize solutions



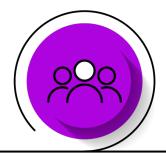
5 | Installation & Commissioning

Quality installation standards and inspections, and household education on system/subscription



7 | Relationships & Support

Partnerships with trusted organizations for long-term support





2 | Accessibility

Understanding of policies, programs, and incentives that make solar energy accessible to all



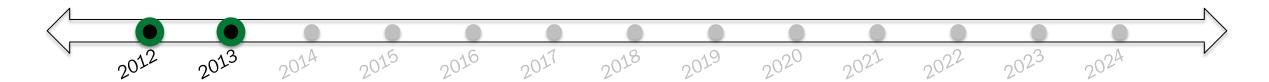
4 | Financing & Contracting

Standard and transparent forms, financial terms, and legal document explainers



6 | Operations & Maintenance

Adequate resources, system specifications, contact info, and long-term warranties





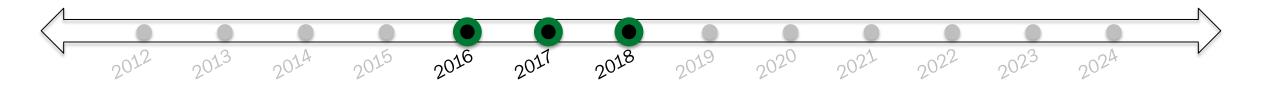
EnergySage: Rooftop Solar Marketplace



- ✓ No-cost, simplified solar shopping
- ✓ Solicit and compare multiple quotes from pre-screened installers
- ✓ Fosters consumer choice, price transparency, competition



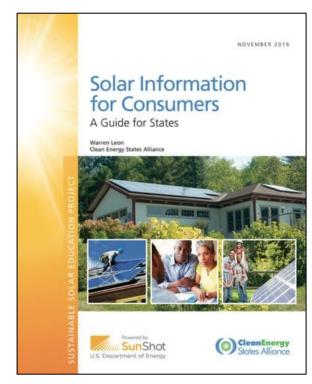
Since 2013, EnergySage has helped over 1 million homeowners comparison shop for DERs, generating over \$1B in transactions

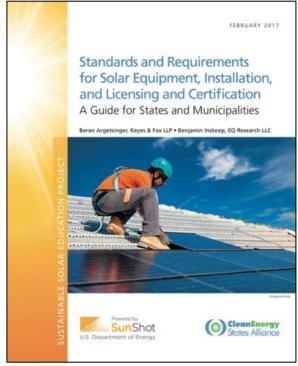


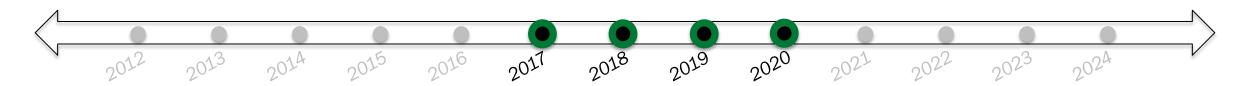


Clean Energy States Alliance: Sustainable Solar Education

- √ 30 webinars
- ✓ 6 guides for states and municipalities
- ✓ 3 short educational videos for consumers
- ✓ 3 full-day trainings for state officials









Solstice Initiative, Inc:

Data-Driven Understanding of Low-to-Moderate Income Customers' Adoption and Financial Qualification in Community Solar

- ✓ Address the barrier of FICO credit threshold requirements
- ✓ Test alternate metrics: utility, rent, cell phone payment history
- ✓ EnergyScore



Solstice and Google Partner to
Advance Inclusive Clean Energy
Access

SOLSTICE

NEWS PROVIDED BY

Solstice Power Technologies LLC →
Jul 23, 2024, 09:00 ET





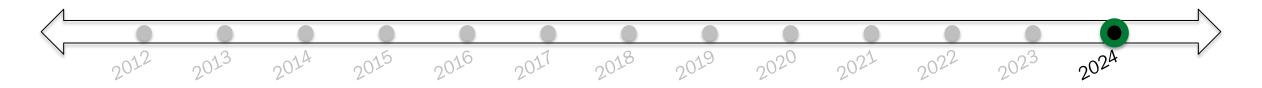
Amicus O&M Cooperative: Solar O&M High Road Training Partnership

- ✓ Establish new industry standards, credentials, and training programs for solar operations & maintenance (O&M) professionals
- ✓ Build a pipeline of workers from disadvantaged communities
- ✓ Place newly trained workers in quality jobs





SETO's 2024 Highlights



- ✓ NCLC report: Community Solar: Expanding Access and Safeguarding Low-Income Families
- ✓ Launched the Clean Energy Connector
- ✓ Equitable Solar Communities of Practice
- ✓ National Community Solar Partnership+ (NCSP+)
 - Online networking platform
 - Data, analysis, tools
 - Capacity building
 - Technical Assistance

Join the National Community Solar Partnership+ today! https://ncsp.solarinyourcommunity.org















Ongoing Research & Analysis

National Renewable Energy Laboratory: Consumer Confidence in Residential Solar



- Landscape analysis of consumer protection resources, stakeholders, services
- Analysis of related legal cases for terminology, policy, and context
- Deep dives into best practices such as disclosure forms, training, education
- Communications norms for disseminating trusted information

Overview of Draft Solutions Pathway Framework

(Draft, not for distribution)

Category	Context	Leveraging Local Context	Actions and Next Steps
Unlawful	Terminology, definitions, examples, current strategies	Important local stakeholders, data sources, needs, and evidence	Utilizing existing and local information, identify actions that meet specific needs
Intentionally Misleading			
Unconscionable			

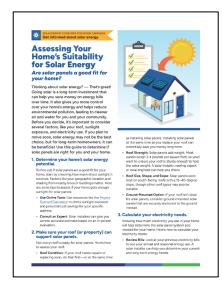
Framework for pre-sale, point-of-sale, and post-sale



Solar Consumer Education Campaign

- Bilingual campaign to develop fact-based resources like videos, fact sheets, web content, and webinars to reduce fraud and abuse and increase energy affordability.
- Enables consumer choice and provides transparent decision-making tools using the latest research and resources.









Advocate & Consumer Concerns Regarding Sales of Solar Related Improvements

Diane Standaert

Senior Engagement & Policy Fellow, Office
of Consumer Populations

Consumer Financial Protection Bureau

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This document was used in support of a live discussion. As such, it does not necessarily express the entirety of that discussion nor the relative emphasis of topics therein.



Agenda

- Introduction to the CFPB
- CFPB Resources
- Advocate and Consumer Concerns and Allegations Regarding Sales of Residential Solar Systems



Introduction to the CFPB

- Federal agency created in 2010
- Protects consumers from unfair, deceptive, or abusive practices and violations of federal consumer protection statutes and takes action against companies that break the law.
- Provided over \$19.4 billion in consumer relief to an estimated 195 million people.
- Tools:
 - ✓ Regulations, supervision, and enforcement
 - ✓ Consumer complaints
 - Consumer education and empowerment





CFPB Resources

- <u>Issue Spotlight: Solar Financing Market</u> identifies four areas of consumer risk:
 - · Hidden markups and fees
 - Misleading statements concerning federal tax credits
 - Misrepresentations and omissions concerning "voluntary" prepayments
 - Misrepresentations regarding financial benefits
- <u>Consumer Advisory: Solar Lending</u> warning homeowners of the risky practices in the solar lending market and sharing advice for borrowers who encounter illegal activity.
- <u>CFPB Consumer Complaint Database</u>
 - How to submit a complaint: https://www.consumerfinance.gov/complaint/
 - How to <u>search</u> the complaint database



Advocate and Consumer Concerns and Allegations Regarding Sales of Residential Solar Systems*



*Note: these referenced concerns and allegations are not intended to be exhaustive but only representative of common consumer complaints and allegations and consumer advocate concerns.

Free Improvements & Services

• Consumers sometimes qualify for free services and improvements but are unaware of those opportunities and can end up paying for energy improvements instead. For example, the US Department of Energy Weatherization Assistance Program (WAP) offers weatherization and related services for those that qualify.



Energy Audits

• Salespersons sometimes make misrepresentations about anticipated energy generation and cost savings. Often there is no independent energy audit to assess the cost-effectiveness of home improvements or confirm that significant energy savings will be realized.



Salesperson Compensation

• Compensating salespersons through commissions or other incentives tied to sales volume may increase the likelihood that a salesperson will misrepresent program benefits and characteristics or engage in fraudulent or predatory tactics to increase sales, including targeting of certain consumers.



Pressure Tactics and Misrepresentations

- Sometimes salespersons use pressure sales tactics, misrepresentations, and other misconduct to generate solar sales such as:
 - Affiliation Misrepresentations for example, "We work with your local utility"
 - Targeting older adults or persons with limited English language proficiency
 - Misrepresenting the availability of tax credits or other government benefits
 - Making false energy cost comparisons to false solar generation
 - False statements on the availability or impact of net metering and red zones
 - Misrepresentations regarding liens specifically UCC filings
 - Overcharging for goods and services



Financing Issues

- Sales practices that involve financing may include initial loan related concerns:
 - Undisclosed or under disclosed upfront fees
 - Initial low monthly payments
 - Unanticipated prepayment terms and impacts
 - Inadequate underwriting for the ability to repay



Electronic Documents

- Electronic Document Concerns and Risks that involve:
 - Allegations of forgery
 - Fake cosigners and forgery
 - Electronic document manipulation
 - In some instances, consumers report they were not told they were signing for a loan but instead were told they were signing some other type of document.
 - Electronic document procedures that can be improperly manipulated and do not adequately inform consumers of the nature of the transaction.



Installation Issues

- Problems during or after solar installation:
 - Lenders releasing funds and beginning loan collection before solar systems have been installed, are operational, or before other problems are addressed.
 - Sometimes after being paid, work is not performed, is incomplete, or is done improperly and the installer does not return.
 - Lenders' refusal to address installation failures despite the Holder-In-Due-Course contract provision.
 - UCC filings complicating the sale of the home, refinancing, or securing a home equity line of credit.



Installation Issues (Cont.)

- Installation problems delaying solar system "Permission To Operate" PTO.
- Subpar solar system components that make the system deliver less electricity than designed, for example, excessive "clipping" due to undersized invertors.
- Leaking roofs due to improper installation and roof penetrations.
- Systems delivering less electricity generation or cost savings than promised and consumers overall paying more for electricity than they did before the solar system installation.



GreenSky

CFPB consent order with Greensky - July 12, 2021

The CFPB found that GreenSky engaged in unfair practices against their customers in violation of the Consumer Financial Protection Act of 2010 (CFPA). The violations involved the company's loan origination and servicing activities, which included:

• Processing and servicing unauthorized loans: GreenSky serviced and facilitated the origination of loans to consumers who did not request or authorize them. Between 2014 and 2019, GreenSky received at least 6,000 complaints from consumers who stated they did not authorize submission of a loan application. The company's complaint investigations found that in at least 1,600 instances its merchants were at fault.



GreenSky (Cont.)

CFPB consent order with GreenSky - July 12, 2021

• Structuring the GreenSky Program in a manner that enabled unauthorized loans: GreenSky failed to create and implement appropriate and effective controls during the loan application, approval, and funding processes, failed to implement adequate merchant training and oversight, and neglected to effectively manage consumer complaints.

Link to the consent order:

https://files.consumerfinance.gov/f/documents/cfpb greensky-llc consentorder 2021-07.pdf





SEIA 401: Solar and Energy Storage Solar and Energy Storage Consumer Protection Standard

Jerry Henderson

Managing Partner

Energy Assurance Company LLC.

Scope

SEIA 401: Solar and Energy Storage Solar and Energy Storage Consumer Protection Standard

 This standard sets forth the minimum criteria for customer acquisition, sales training, sales and financing processes, and customer communication involved in the sale and ongoing customer service of residential solar photovoltaic (PV) systems, energy storage systems (with or without PV), and/or EV charging. The scope of this standard includes marketing and advertising practices, contracting agreements, financial products, salesperson training, customer disclosures, leases and third-party ownership, community solar, data protection, and production and savings estimation.





Committee

Member	Company/Organization	Voting Role
Mark Bench	TriSMART Solar	Primary
David Compaan	IGS Energy	
James Cormican	Terrasmart, Inc.	
Joe Griffin	TriSMART Solar	Alternate
Amy Heart (Vice-Chair)	Sunrun	
Jerry Henderson (Chair)	Energy Assurance Company LLC	
Alex Kaplan	QCELLS	
Alexandra Kramer	NREL	Primary
Jay Laifman	GoodLeap	
Eric Lockhart	NREL	Alternate
Meredith Mackey	CertainTeed	
Nick Maynard	Arevon Energy, Inc.	Alternate
Addie Momyer	SEIA	Alternate
Jeffrey Nazarko	Solar Energy Solutions, LLC	
Brian Oldakowski	Arevon Energy, Inc.	Primary
Corey Ramsden	Solar United Neigbors	
Rudy Saporite	IBTS	
Jared Smith	SunPower Corporation	
Amir Yazdi	SEIA	Primary





Content

SEIA 401: Solar and Energy Storage Solar and Energy Storage Consumer Protection Standard

- Contractors
 - Performance
 - Work performance and Licensing
 - Customer Acquisition
 - Advertising, marketing, promotional activities and sales practices
 - Residential Sales
 - Sales Training, Customer Communications, Production and Savings Estimates

- Community Solar Sales
- Contracting
- Operations and Maintenance





Content

SEIA 401: Solar and Energy Storage Solar and Energy Storage Consumer Protection Standard

- Disclosure Forms
 - Purchases
 - Leases
 - Power Purchase Agreements
 - Community Solar





Desired Outcomes

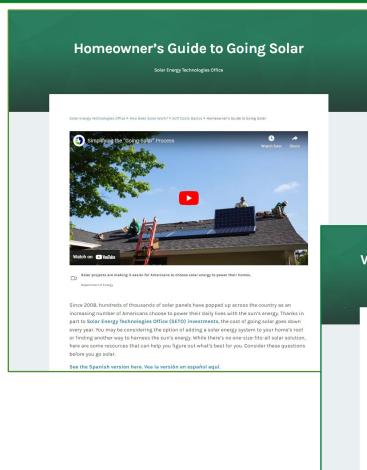
SEIA 401: Solar and Energy Storage Solar and Energy Storage Consumer Protection Standard

- Standardize practices that avoid unfair, deceptive and fraudulent business practices
- Improve customer communication and promote process transparency
- Improve training for sales processes
- Increase public trust in energy production and savings estimates
- Create disclosure guidelines for state and local incentive programs

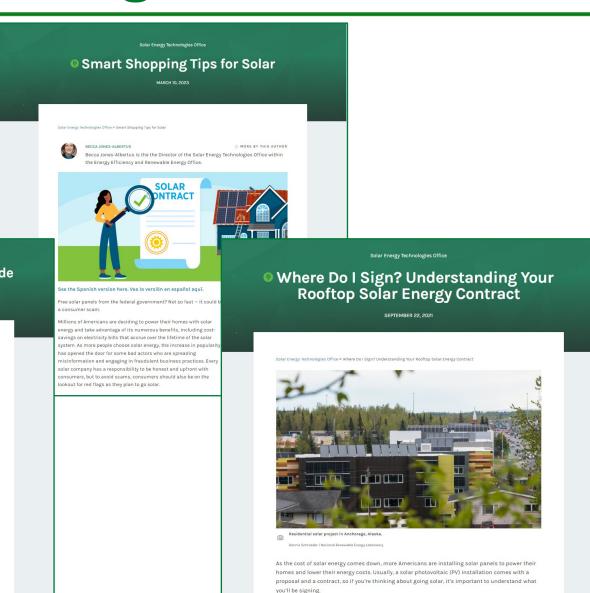




Resources for Consumers Going Solar







Resources for Avoiding Scams

The U.S. Department of the Treasury, Consumer Financial Protection Bureau, and the Federal Trade Commission issued a <u>consumer advisory</u> to help consumers identify potential solar scams and file complaints about suspicious behavior.

Before a consumer signs any documentation with a solar company, they should carefully review these educational materials on the U.S. Treasury website:

- Before You Buy Solar Panels
- Before You Sign a Solar Lease
- Before You Sign a Power Purchase Agreement
- Before You Sign a Solar Subscription



HOW BUYING A SOLAR PANEL SYSTEM WORKS

Buying a solar energy system means you pay the entire cost. Costs vary based on the size of the system and other variables. Depending on regulations in your area, your utility company could pay you for the power that your system returns to the grid. Federal tax credits and rebates are offered, but you must qualify for them. And if you don't pay much, or any, federal taxes, you don't benefit from credits.

You may also have ather options available to save money on utility bills. Some states have incentive programs or rebates that can help pay for renewable energy and energy efficiency upgrades. Some have special programs for low- and moderate-income households. Before you purchase or sign an agreement, you may want to contact your state's environmental agency or energy office.

- Consider how long you expect to stay in your home. For example, if it takes 15 years to pay for the solar panels, but you hope to move in five years, you may want to explore other options, such as community solar programs. Or, you could consider other home improvements, such as more efficient appliances or weatherization.
- Financing arrangements where you do NOT ultimately own the system are commonly referred to as Power Purchase Agreements. If you are considering this type of financing arrangement, you can find more information here: <u>Before You</u> Sign a Power Purchase Agreement

HOW TO SPOT SCAMS AND BAD BUSINESS PRACTICES

- High-pressure sales tactics, exaggerated promises of savings, and claims of "free" products and services are some major red flags.
- Be wary of anyone who says you can use tax credits to reduce the cost of the panels without confirming your eligibility.
- Be wary of statements that energy costs will skyrocket in the future, so you need the solar energy loan now.
- Don't believe anyone who says the federal government pays for your solar power. That's a scam.
- Get it in writing information related to your transaction and a paper copy of your contract. If you don't get either, that's probably a scam.

FINANCING YOUR SOLAR PANELS

Typically, homeowners take out loans to pay for the solar panels and installation. You could choose to finance the purchase through a home equity loan, financing through the installer, or a loan from a bank, credit union, or finance company.

- You are not required to use the financing offered by the salesperson. You might get a better deal by getting a loan from your own bank or credit union.
- Shop around with other lenders. That way, you can compare lender fees, which can affect interest rates, loan terms, and loan amounts. This is especially important if you intend to stay in your home only for a short time.
- Find out how long the warranty for the solar panels lasts, and think about whether you will be able to pay off the loan while the panels are still under warranty.
- Find out if your solar system or panels are covered under your homeowner's insurance policy. Find out if going solar impacts your eligibility for your current homeowner's insurance policy.
- Find out if the financing arrangement includes a lien filed against the solar system or panels. These liens, often called UC-1 liens, can affect whether a prospective buyer will want to purchase your home. The lender might require you to repay or the buyer to take on your solar loan as part of the home

A solar energy system is a large purchase. The contract to install the system and loans to pay for it can be complex. If you have questions about the terms in your agreement, consult a lawyer if you can.

- You can consider ways to save money on utilities and make energy-efficient improvements on your own. Take this step before you agree to a program from a business or salespersor who makes money from signing you up.
- You might be eligible for year-round help with utility bills through your local Low Income Home Energy Assistance Program (LIHEAP) office or the National Energy Assistance Referral Hotline at (866)-674-6337.
- You can hire an independent, unbiased energy assessor to come to your home and make recommendations based on your situation. <u>Look up an assessor near you</u>.



Resources for Reporting Scams

If a consumer has lost money to a clean energy scam involving fraud, discrimination, or other unfair, deceptive, or abusive practices, federal and state agencies can help.

- If a business doesn't make good on its promises or cheats you out of your money, the FTC wants to know: ReportFraud.FTC.gov.
- Having trouble with a financial product or service? <u>Submit a complaint online</u> with the Consumer Financial Protection Bureau (CFPB) or call 1-855-411-CFPB (2372).
- Some states have their own consumer protection offices. Check available resources in your state: <u>usa.gov/state-consumer</u>. Find your state's utility consumer advocate at <u>nasuca.org/members</u>.
- Nonprofit legal services can help you stand up for your rights in cases of fraud, abuse, or deception: <u>lsc.gov/about-lsc/what-legal-aid/i-need-legal-help</u> or <u>lawhelp.org</u>.

SETO Webinars

SETO hosts frequent webinars to provide updates on the office's work to our stakeholders. These webinars discuss SETO's priorities, as well as provide information on current and upcoming activities. Visit energy.gov/seto-events for more information!



Thank You for Attending!

SETO Newsletter – Stay in Touch!



SIGN UP NOW: energy.gov/solar-newsletter



The SETO newsletter highlights the key activities, events, funding opportunities, and publications that the solar program has funded.

- View today's recording and slides at <u>bit.ly/solar-stakeholder-webinars</u>
- Find open SETO funding opportunities at <u>bit.ly/seto-funding</u>

