

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Everyday Communications Corp. d/b/a Everyday
Energy,

Complainant,

v.

San Diego Gas & Electric Company (U902E),

Defendant.

C1109013

Case No.

COMPLAINT

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Date: September 19, 2011

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d/b/a Everyday Energy

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Pursuant to Public Utilities Code § 1702 and Article 4 of the Commission’s Rules of Practice and Procedure, Everyday Communications Corp. d/b/a Everyday Energy (“Everyday Energy” or “Complainant”) submits this complaint against San Diego Gas & Electric Company (“SDGE” or “Defendant”) to prevent SDGE from denying the benefits of the Commission’s MASH program to low-income residents of master-metered non-profit affordable housing in Vista, California.

I. INTRODUCTION

Everyday Energy is a California-based corporation and B License Contractor (license # 949535) specializing in the design and installation of solar photovoltaic (PV) generating systems, with a particular focus on serving the non-profit, affordable-housing solar market. Everyday Energy has very recently entered into arrangements with the Community Housing Works (“Community Housing”) for the proposed installation of a 140.5 kW AC solar

PV system at Los Robles Apartments, Community Housing's 76-unit residential apartment complex at in Vista, California, to serve tenant and common area loads. Everyday Energy estimates that electric cost savings to tenants and common areas will amount to approximately \$1 million over a twenty-five year period.

Community Housing has applied for and obtained a reservation under the Commission's Multiple-family Affordable Solar Housing ("MASH") program for funding in the amount of \$555,118, which will directly benefit low-income tenants. This funding is critical to the ability of Community Housing to go forward with its project. Without such funding, Community Housing would be unable to complete the project and its tenants would lose the benefits of the electric power cost reductions that would be achieved if the PV generator were installed as planned. Unfortunately, Community Housing's funding reservation expires on November 10, 2011, which now leaves only a very short period of time in which to complete the project.

Because of these circumstances, Everyday Energy has worked on an expeditious schedule to ensure that the project can be completed on a timely basis. Everyday Energy has obtained preliminary approval for the project from the local planning agency and is ready to apply for necessary building permits. However, SDGE has refused to approve Everyday Energy's proposed interconnection and service methods. The project cannot go forward unless those issues are resolved.

Everyday Energy proposes that the generator be interconnected with SDGE through a separately-metered interconnection and that the property, which is currently served through a master meter, be served under SDGE's virtual net metering tariff schedule (Schedule VNM-A). SDGE asserts that the property does not qualify for service under Schedule VNM-A

and insists on a direct net metering arrangement, with interconnection and service provided through the same meter. Unfortunately, because of SDGE's original electrical design for the property, which is a master-metered, single-phase, 240v, 400 amp system, a direct net metering arrangement would require substantial upgrades, at very considerable cost, thereby jeopardizing the financial feasibility of the project. Further, installation of such upgrades, even Community Housing Works could afford to undertake such work, would take considerable time and would not allow the Project to be completed before expiration of the MASH funding reservation.

While Schedule VNM-A does not specifically address virtual net metering arrangements where tenants and common areas are served through a single master meter, there is nothing in the schedule that precludes such arrangements. Moreover, the property otherwise meets every condition and requirement for service under Schedule VNM-A. Accordingly, Everyday Energy submits that SDGE's refusal to allow the Community Housing property to take service under that schedule violates Public Utilities Code § 532 and Decision 08-10-036, which requires SDGE to offer virtual net metering arrangements to qualifying multi-family affordable housing properties.

Therefore, SDGE should be ordered to allow the subject property to take service under the Schedule VNM-A, as proposed. Further, the Commission should order SDGE to hold Community Housing Works and Everyday Energy harmless from all losses that will be incurred if MASH funding is lost and the Project cannot be completed.

II. SPECIFIC ALLEGATIONS

Identification of Parties

1. Everyday Communications Corp. d/b/a Everyday Energy. is a California corporation. Its address and telephone number are as follows:

Everyday Energy
804 Pier View Way, Suite 201
Oceanside, CA 92054
Tel: 760-607-7200
E-Mail: scott@everydayenergy.us

2. San Diego Gas & Electric Company is a public utility electric corporation operating in California under the jurisdiction of the Commission. Everyday Energy believes that its contact address and telephone number are as follows:

San Diego Gas & Electric Company
101 Ash Street
San Diego, California 92101
Tel: 619-696-2034

Communications with Everyday Energy

3. All pleadings, correspondence, and other communications concerning this complaint should be directed to Everyday Energy's attorneys as follows:

John L. Clark
GOODIN, MACBRIDE, SQUERI,
DAY & LAMPREY, LLP
505 Sansome Street, Ninth Floor
San Francisco, CA 94111
Tel: 415-392-7900
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E-mail: jclark@goodinmacbride.com

Community Housing Works and the Subject Property

4. Community Housing Works ("Owner") is the owner of a 76-unit apartment complex located at 1475 Oak Drive, Vista, California (the "Property").

5. The Property is "low-income residential housing" within the meaning of

Public Utilities Code § 2852 and therefore qualifies as “Multi-Family Affording Housing Qualifications” within the meaning of SDGE’s tariff Schedule VNM-A.

6. Electric service to tenants and common areas of the Property is delivered by SDGE through a single master meter. There are no sub-metered units or areas.

7. Community Housing Works is the customer-of-record for all electric service to the property.

The Project

8. Community Housing Works desires to install a 140.5 kW AC solar PV generator at the Property to serve low-income tenant and common area loads.

9. To go forward with the Project, Community Housing Works requires funding under the Commission’s MASH program. Accordingly, Community Housing Works has applied for and received a reservation for funding under that program in the amount of \$555,118.

10. Community Housing Works has entered into arrangements with Everyday Energy for installation of the PV generator and associated facilities and equipment at the Property. Under those arrangements, Everyday Energy is responsible for procuring, on Community Housing Works’ behalf, appropriate interconnection and serving arrangements to allow power produced by the PV generator to be delivered to SDGE for the purpose of offsetting tenant and common area loads.

11. Under Everyday Energy’s proposed design for the Project, the delivery of power to SDGE would be through the same “Service Delivery Point,” as defined by SDGE’s electric tariff Rule 16, as deliveries of power to the Property, but deliveries to SDGE would be metered separately. To accomplish the purpose of the Project, this design would require electric

service to the Property to be furnished under virtual net metering arrangements pursuant to SDGE's electric tariff Schedule VNM-A.

12. Everyday Energy proposes separate metering because the original master-metered, single-phase 240v, 400 amp electrical system design imposed by SDGE cannot support a direct net-metering arrangement without substantial upgrades. The costs of such upgrades would be significant and would jeopardize the ability of Community Housing Works to proceed with the Project. By contrast, the Project can be interconnected through a virtual net metering arrangement without any significant upgrades to SDGE's distribution system or the electric service panel at the Property.

13. Everyday Energy and Community Housing Works cannot feasibly proceed with completion of the Project unless virtual net metering arrangements are made available.

Applicability of Tariff Schedule VNM-A

14. SDGE's tariff Schedule VNM-A is available to "Qualified Customers" "owning, renting, or leasing in Multi-Family Affordable Housing Accommodations as defined in SC [Special Conditions] 3, where the Owner of the complex has installed a solar "eligible customer-generator" with generating capacity of 1 megawatt (MW) or less, as defined in Schedule NEM and Public Utilities (PU) Code Section 2827, and contracts with the Utility to have all eligible output from the generator supplied to the Utility for the purpose of providing a credit to the Qualified Customers within the complex."

15. A "Qualified Customer" is defined in "Special Condition" 4 of that schedule as "a customer that is: a) located on the same property as the Owner's eligible customer-generator and not subdivided by governmental or private right of way nor by property owned by anyone other than the Owner; b) is physically connected to the same Service Delivery

Point (as defined in Rule 16) as the Owner's eligible-customer generator; and c) is receiving service on a rate schedule that would be applicable to a similar customer receiving service in combination with Schedule NEM. [¶] The Qualified Customer definition shall extend to Owner for the purpose of billing common use areas and unoccupied units.”

16. Not only is Community Housing Works a customer as to common areas and unoccupied units, it is responsible for and is the customer-of-record as to all units. Thus, Community Housing Works: 1) is located on the same, contiguous property as the proposed PV generator; 2) its service is physically connected to the same Service Delivery Point to which the proposed PV generator will be connected; and 3) it will be receiving service under the same rate schedule that would be applicable to a direct net metering customer under SDGE's Schedule NEM.

17. As alleged above, Community Housing Works is the owner of the Property and will contract with SDGE to have all eligible output from the PV generator supplied to the SDGE for the purpose of providing a credit against deliveries of power to the tenant and common loads at the Property.

18. SDGE has no basis for refusing to allow Community Housing Works to take service under Schedule VNM-A.

III. GROUNDS FOR COMPLAINT

19. In the event that MASH funding for the Project is lost, Community Housing Works will be unable to go forward with the Project. If that were to occur, tenants at the Property and Community Housing Works would lose the approximately \$1 million in electric cost savings that they otherwise would have enjoyed over a twenty-five year period if the Project had been completed as planned. Further, Everyday Energy would lose the amount of profits it would have garnered from completing the Project for Community Housing Works.

20. SDGE's refusal to allow Community Housing Works to take service under Schedule VNM-A is a violation of Public Utilities Code § 532 in that it constitutes a failure by SDGE to offer and provide service in accordance with its tariff and, further, subjects Community Housing Works and the low-income tenants of the Property, who would directly benefit from the Project, to undue prejudice and disadvantage.

21. SDGE's refusal to allow Community Housing Works to take service under Schedule VNM-A violates Decision 08-10-036, which requires SDGE to offer virtual net metering arrangements to MASH properties that install eligible customer-generators to offset common area and tenant loads.

V. PRAYER FOR RELIEF

Everyday Energy prays for relief as follows:

1. For the issuance of an order requiring SDGE to allow Community Housing Works to take service at the Property under SDGE's electric tariff Schedule VNM-A schedule and requiring SDGE to hold both Community Housing Works and Everyday Energy harmless from any and all losses that are incurred if the MASH funding is lost and the Project cannot be completed.
2. For such other and further relief as the Commission deems proper.

VI. SCOPING INFORMATION

Complainant requests that this matter be designated an "Adjudicatory Proceeding." Complainant does not expect that an evidentiary hearing is required.

The sole issue that needs to be addressed in this proceeding is whether service under SDGE's electric tariff schedule VNM-A is available to Owners of multi-unit low-income residential housing properties that are served through master meters.

Proposed Schedule

- (1) Answer to complaint due 30 days after service by Commission.
- (2) Submission of concurrent briefs 15 days thereafter.
- (3) Presiding Officer's Decision issued.

Respectfully submitted September 19, 2011 at San Francisco, California.

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By /s/ John L. Clark

John L. Clark

Attorneys for Everyday Communications
Corp. d/b/a Everyday Energy

VERIFICATION

I, Scott Sarem, am an officer of Everyday Communications Corp. d/b/a Everyday Energy, the Complaint and am authorized to verify the foregoing complaint on its behalf. I have read the complaint and am familiar with its contents. The matters stated in the complaint are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 19th day of September 2011 at San Diego, California.

By /s/ Scott Sarem
Scott Sarem