



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

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Order Instituting Rulemaking Regarding Policies,  
Procedures and Rules for the California Solar  
Initiative, the Self-Generation Incentive Program  
and Other Distributed Generation Issues.

Rulemaking 08-03-008  
(Filed March 13, 2008)

**PETITION OF GRID ALTERNATIVES FOR MODIFICATION OF  
DECISION 07-11-045: OPINION ESTABLISHING SINGLE-FAMILY LOW-INCOME  
INCENTIVE PROGRAM WITHIN THE CALIFORNIA SOLAR INITIATIVE**

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**I. INTRODUCTION**

Pursuant to Rule 16.4 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, GRID Alternatives respectfully submits this Petition to Modify Decision 07-11-045: Opinion Establishing Single-Family Low-Income Incentive Program within the California Solar Initiative ("Decision").<sup>1</sup> The Decision establishes within the California Solar Initiative ("CSI") a program to provide incentive payments for solar energy systems installed by single-family, low-income, owner-occupied households ("SFLI Program").<sup>2</sup> GRID Alternatives seeks an order modifying the Decision to allow assignment of incentive payments in the SFLI Program to third parties, as is currently permitted under the mainstream CSI program.

**II. SUMMARY**

In response to concerns about possible program and customer abuse, fraud, and flawed installations, the Commission concluded that the SFLI Program should not allow third-party ownership of solar energy systems until more experience with and information about such

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<sup>1</sup> D.07-11-045 (Nov. 16, 2007).

<sup>2</sup> *Id.* at 2.

arrangements could be obtained.<sup>3</sup> In an effort to safeguard against issues associated with third-party ownership, however, the Commission unnecessarily precludes homeowners from assigning their incentive payments to any third parties, including third parties providing program-related support for homeowners. In so doing, the Commission has unnecessarily limited the options for financing solar systems for low-income families. Indeed, GRID Alternatives is concerned that the limitation could materially hinder, if not completely undermine, the success of the SFLI Program.

Modifying the Decision to allow assignment of incentive payments to third parties would reduce the potential for these problems while still avoiding the risks associated with third-party solar system ownership. Furthermore, permitting assignment of incentives to third parties that provide solar equipment, installation, or financing for the purchase of that equipment would increase program penetration and flexibility for low-income homeowners and third parties alike. As discussed below, simple procedures easily administered by the Program Manager would allow the SFLI Program to reap the benefits of permitting assignment of incentive payments, without creating the problems posed by the financing options offered in the Decision.

As such, GRID Alternatives respectfully requests that the Commission modify Decision 07-11-045 to allow homeowners to assign their SFLI Program incentive payments to third parties.

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<sup>3</sup> *Id.* at 40.

### **III. DISCUSSION**

#### **A. Solar System Financing Options Currently Allowed Under the Decision Are Unworkable**

With a limitation on third-party assignment of incentive payments, the Decision effectively permits only two options for low-income homeowners to finance solar systems on their roofs. As discussed below, these options are not viable. Under the first option, homeowners could finance the full, before-rebate cost of the system, either by using their own funds, or by taking out a loan from a financial institution, and wait for the rebate to be paid to them for reimbursement.<sup>4</sup> Under the second option, a non-financial institution third party, such as an installer or equipment supplier, could provide up front financing for the system, then collect the incentive funds from the homeowner once the rebate has been paid. GRID Alternatives has carefully considered this issue and believes that both of these alternatives are unworkable. Under the first option, low-income homeowners would be forced to take on significant liabilities that would materially affect their cash flow; under the second, third parties would be asked to assume an unacceptable degree of financial risk. Both options create significant barriers to participation in the SFLI Program by homeowners and third parties alike.

##### **i. Having Homeowners Finance Solar Systems Themselves Would Create Significant Barriers to Homeowner Participation in the SFLI Program**

Expecting low-income homeowners to finance themselves the full cost of the solar system is unviable because it would force low-income homeowners to take on significant liabilities and adversely affect their cash-flow, effectively creating a barrier for homeowner participation in the program. In GRID Alternatives' significant experience under the mainstream CSI rebate program, the low-income population targeted by the SFLI Program is extremely

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<sup>4</sup> See D.07-11-045 at 8 ("In order to finance any gap between incentives and total system cost, Staff recommends that applicants obtain loans through local banks and housing agencies...").

sensitive to issues of cash flow and debt. Because low-income homeowners are highly unlikely to be able to finance the entire cost of the systems from their own funds while waiting up to several months for an incentive payment, they will likely rely on loans to bridge the gap.<sup>5</sup> Low-income families could be reluctant to take out additional debt against a home that typically represents the only major asset they own.

The problem of low-income homeowners financing a solar system themselves is most acute with respect to households classified as “extremely low income” and “very low income.”<sup>6</sup> In fact, the Decision itself provides support for the proposition that third-party assignment of incentive payments is needed. Recognizing that requiring the most needy households to take on loans “may not be realistic,”<sup>7</sup> the Commission provides that up to twenty percent (20%) of SFLI Program funds may go to providing full subsidies of solar power systems for the lowest-income households, in amounts up to \$10,000.<sup>8</sup> The explicit rationale is to “avoid the need for the lowest income households to take on additional debt.”<sup>9</sup> But unless the Decision is modified to allow assignment of incentive payments to third parties, the lowest-income households may actually be *required* to take on substantial debt, because they may have to finance the entire pre-rebate cost of the systems for a period of up to several months. As the Commission recognizes, this is unrealistic,<sup>10</sup> and would prove an insurmountable barrier to the participation of the most needy low-income households in the SFLI Program.

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<sup>5</sup> Based on the experience of GRID Alternatives under the CSI, this period is typically three to four months.

<sup>6</sup> See D.07-11-045 at 11 (“extremely low income” and “very low income” households are those with up to 50% of area median income, as defined by the Health and Safety Code).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* (full subsidy up to \$10,000 for qualifying “extremely low income” and “very low income” owner-occupied households).

<sup>9</sup> *Id.*

<sup>10</sup> Even where a system is only partially subsidized, and a low-income homeowner must take out a loan anyway, the initial loan amount would be significant. The greater the loan amount, the more security a lender will require. It seems certain that the prospect of taking out a loan against their home would cause concern among low-income homeowners, potentially deterring them from participating in the SFLI Program.

**ii. Financial Risks Inherent in Third-Party Financing of Solar Systems Would Deter Third-Party Participation in the Program**

The second financing option, wherein a third-party installer or equipment supplier would agree to finance the installation and then collect the funds from the homeowner once the incentive has been paid, is also unrealistic. It is unlikely that these third parties will provide financing without security, such as a lien against the client's home. Without such security, there will likely be too much concern that the low-income homeowner would choose to use the incentive money, once paid, to pay for other items, including other debt, rather than to fully repay the party providing the financing. Yet, as previously noted, the prospect of securing debt against their home – often their only major asset – could dissuade many low-income homeowners from participating in the SFLI Program.

Also, the installer likely would be concerned that, in the event of the homeowner's default on the loan, the costs of collecting the debt (including by enforcing the lien) could exceed the amount recovered. The added cost and financial risk inherent in this option could prevent installer and supplier participation in the SFLI Program.<sup>11</sup> As described below, GRID Alternatives believes that there are simpler, more effective ways to prevent third-party ownership issues from arising than by precluding the assignment of incentive payments.

**B. Allowing Assignment of Incentive Payments Helps to Solve The Problems Presented with the Decision's Financing Options, and Increases Program Penetration and Flexibility**

Permitting low-income homeowners to assign their incentive payments to third parties providing solar equipment, installation, or program-related financing will resolve the issues

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<sup>11</sup> Other third-party financing options such as using an escrow account to ensure repayment of the rebate amount would be difficult to coordinate, add a significant and unnecessary program expense, and result in lower homeowner adoption rates.

presented by the two options described in the Decision. It does not create third-party ownership problems and it would actually protect homeowners in the event of a dispute concerning the completeness of the installation. Furthermore, allowing such assignment is advantageous because it would enhance the flexibility and accessibility of the program. As a result, participation by homeowners and third parties in the SFLI Program would increase considerably, thereby helping to guarantee the success and longevity of the program.

**i. Allowing Assignment of Incentive Payments Does Not Create Problems Associated with Third-Party Ownership**

Allowing assignment of incentive payments does not create the third-party ownership problems that the Decision aims to protect against. GRID Alternatives understands the Commission's concern that "the program should not provide incentives to third parties for solar systems on low-income homes."<sup>12</sup> Allowing homeowners to assign their right to receive incentive payments, however, is not the same as providing incentives to third parties.

Third-party ownership of solar systems typically involves a long-term and complex relationship between the third party and the homeowner. The financial impacts of the transaction to the homeowner, including with respect to the incentive payment, would be opaque, as they are bundled into a long-term power purchase agreement. By contrast, assignment of incentive payments involves only a simple, short-term agreement and would not allow the assignee to obtain ownership of the solar system or an interest in the homeowner's home. The financial impacts of the transaction are easy for the homeowner to understand, as the incentive payment is being assigned to compensate the third party directly for the provision of the solar equipment to be installed or the services to be performed (or both). Moreover, the transaction could easily be regulated to protect consumers. Like in the mainstream CSI rebate program, a brief form could

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<sup>12</sup> See D.07-11-045 at 40.

be developed for use in assigning incentive payments.<sup>13</sup> The SFLI Program Manager could also maintain a list of approved third parties that provide the solar equipment, installation, or financing, allowing assignments of incentive payments only to those qualified third parties. In fact, GRID Alternatives has extensive experience working with low-income homeowners on third-party assignments under the similar, mainstream CSI rebate program, where assignments have proven both helpful and uncontroversial.

Furthermore, permitting assignment of incentive payments does not affect the Commission's protection against the risk of fraud and faulty installations presented by third-party ownership.<sup>14</sup> The Decision safeguards against these potential abuses in Conclusion of Law 18, which states that "[i]ncentives shall only be paid after the Program Manager verifies system installation and operability."<sup>15</sup> This provision applies whether or not assignment of incentive payments is permitted, and protects both customers and the SFLI Program as a whole against fraud and abuse. Allowing assignment of incentive payments does not take away from that protection.

**ii. Allowing Assignment of Incentive Payments Would Protect Consumers in the Event of a Dispute**

Allowing assignment of incentive payments would help protect homeowners in the event of disagreements concerning the proper installation of a solar system. Because incentive payments will only be made after the Program Manager verifies that a system is installed and operable,<sup>16</sup> a faulty installation could delay payment of the incentive for an indeterminate time. As a result, a homeowner that is required to finance the entire, pre-incentive cost of the solar system could be faced with significant, continuing cash-flow liabilities until the problem is

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<sup>13</sup> See California Solar Initiative Program Handbook § 4.4.2 (requiring completion of a Payment Assignment Form).

<sup>14</sup> See D. 07-11-045 at 40.

<sup>15</sup> *Id.* at 45 (Conclusion of Law 18).

<sup>16</sup> *Id.*

resolved. As noted above, the low-income population is extremely sensitive to issues of cash flow and debt; an unplanned increase in even short-term debt could be catastrophic. In addition, many low-income homeowners lack legal sophistication and experience; a dispute with a third-party lender, contractor, supplier, or installer could be extremely daunting. Allowing assignment of incentive payments, however, which would facilitate up-front financing by the installer, for example, would mean that any such dispute would be between the Program Manager and the third party. This places responsibility and control with the parties best situated to handle it, while protecting a vulnerable consumer population.

**iii. Allowing Assignment of Incentive Payments Would Increase Program Penetration and Flexibility**

Most importantly, allowing assignment in the SFLI Program would increase accessibility and participation in the program. As a result of assigning their incentive payments to third parties providing solar equipment, installation, or purchase money financing, homeowners would not need to be concerned with managing cash flow liabilities while awaiting payment of rebates because loans would be limited to the after-incentive costs of the system. Because a smaller loan amount would be required, participation by financial entities with experience serving low-income homeowners would increase. Additionally, smaller loan amounts make it less likely that a lender or other third party will require other security for a loan, such as a lien on a client's home. By allowing assignment of incentive payments, the SFLI Program would be more accessible and the economic benefits of the homeowner's participation would be more immediate and more easily understood.

Another benefit of allowing assignments is an increase in program flexibility by making possible innovative financing arrangements. Lenders and managers could use assignments to aggregate short-term debt, thereby lowering finance costs through economies of scale. Financial

institutions or other organizations serving low-income homeowners may be able to provide low-interest or no-interest financing.

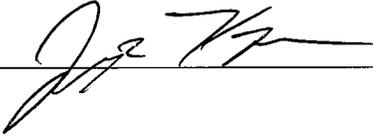
Consider the CSI rebate program as an example, which permits homeowners to assign incentive payments to a third party. Because GRID Alternatives can assume CSI rebate payments on behalf of its clients, it has been able to obtain a line of credit with City National Bank to finance the cash-flow liabilities incurred during the three to four months between when a system is installed and when the rebate is paid. Unlike a for-profit installer that may charge high interest rates to assume clients' CSI rebates, GRID Alternatives is able to cover all interest costs internally, as part of its mission to serve the low-income population. Permitting such assignment of incentive payments will allow the Program Manager to develop similar innovative financing arrangements, thus encouraging program participation and flexibility.

#### **IV. CONCLUSION**

For the foregoing reasons, GRID Alternatives respectfully requests that the Commission modify Decision 07-11-045 to permit homeowners to assign their program incentive payments to third parties that provide either the solar equipment, installation, or purchase money financing

for such equipment or installation costs, while continuing to require that the low-income homeowner both occupy the home and own the installed solar energy system.

Respectfully submitted,



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## APPENDIX A

### Suggested Modification to Conclusions of Law

Decision 07-11-045 (Nov. 16, 2007)

Rulemaking 06-03-004 (Mar. 2, 2006)

#### **Suggested new wording:**

17. The Program Manager may only pay low-income incentives where a qualifying low-income homeowner is also the system owner and occupant of the home.

17a. [new section] A qualifying homeowner may assign his or her right to receive the incentive payment to a third party that provides the solar equipment, installation, or purchase money financing for such equipment or installation costs, so long as the homeowner continues to own the solar system.

18. Incentives shall only be paid after the Program Manager verifies system installation and operability.

## Certificate of Service

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***Petition of Grid Alternatives for Modification of Decision 07-11-045: Opinion  
Establishing Single-Family Low-Income Incentive Program Within the  
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