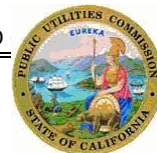


PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298**FILED**10-31-17
02:25 PM

October 31, 2017

Agenda ID #16083
Ratesetting

TO PARTIES OF RECORD IN RULEMAKING 14-07-002:

This is the proposed decision of Administrative Law Judges Anne E. Simon and Jessica Hecht. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's November 30, 2017, Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, ex parte communications are prohibited pursuant to Rule 8.3(c)(4)(B).

/s/ ANNE E. SIMONAnne E. Simon
Acting Chief Administrative Law Judge

AES:jt2

Attachment

Decision **PROPOSED DECISION OF ALJS SIMON AND HECHT**
(Mailed 10/31/2017)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop a
Successor to Existing Net Energy Metering
Tariffs Pursuant to Public Utilities Code
Section 2827.1, and to Address Other Issues
Related to Net Energy Metering.

Rulemaking 14-07-002

(See Appendix C for Appearances)

**DECISION ADOPTING IMPLEMENTATION FRAMEWORK FOR
ASSEMBLY BILL 693 AND CREATING THE SOLAR ON MULTIFAMILY
AFFORDABLE HOUSING PROGRAM**

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**DECISION ADOPTING IMPLEMENTATION FRAMEWORK FOR
ASSEMBLY BILL 693 AND CREATING THE SOLAR ON MULTIFAMILY
AFFORDABLE HOUSING PROGRAM****Summary**

Assembly Bill (AB) 693 (Eggman), Stats. 2015, ch. 582, creates the Multifamily Affordable Housing Solar Roofs Program, with up to \$100,000,000 annually in funding from Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, Liberty Utilities Company, and PacifiCorp's (collectively the investor-owned utilities) share of greenhouse gas allowance auction proceeds.¹ This decision adopts a new Solar on Multifamily Affordable Housing (SOMAH)² Program as a vehicle for implementation of AB 693, and provides the framework for the program's implementation. Specifically, this decision addresses program goals, eligibility requirements, program administration, and program funding, and provides guidance for the selection and ultimate responsibilities of a statewide Program Administrator (PA).

Consistent with AB 693, the new SOMAH program will provide incentives for the installation of solar distributed generation projects sited on existing multifamily affordable housing. In doing so, the SOMAH program will ensure that the benefits of such solar generation systems, especially the bill credits customers can receive with net-metered on-site solar generation, accrue primarily to the tenants of participating buildings. This program, while similar

¹ See Public Utilities Code Section 2870(c).

² In view of the number of somewhat similar acronyms related to extending customer-sited solar installations to affordable housing, we have chosen one that is likely to reduce confusion among programs.

in structure and goals to the Multifamily Affordable Solar Housing program, is a new program with different rules and eligibility requirements, and a new funding source.

Under the framework created in this decision, the AB 693 program will be run by a single, statewide PA to be chosen by the Commission's Energy Division from entities responding to a Request for Proposal (RFP) as described in this decision. This decision is intended to provide the basic requirements necessary to launch the RFP process and yield an effective statewide PA. Once a PA is selected, the PA will submit a Tier 3 Advice Letter containing specific proposals for implementing the policies adopted here, as further discussed below. The Commission may provide further direction on the contents of this Tier 3 Advice Letter through one or more future Commission decisions or resolutions.

1. Background

1.1. Legislative Background

Assembly Bill (AB) 693 created the Multifamily Affordable Housing Solar Roofs Program to provide financial incentives for the installation of solar photovoltaic (PV) energy systems on multifamily affordable housing properties throughout California. The statute, among other things, prescribes criteria for participation in the incentive program; identifies a funding source for the program; sets targets for installation of solar PV systems; identifies various required elements for the program; and gives direction to the Commission on administration of the program.

Under AB 693, these services are to be funded using a percentage of the proceeds from the sale of greenhouse gas allowances allocated to California's investor-owned utilities (IOUs) for the benefit of ratepayers. Senate Bill (SB) 92, adopted with the 2017-2018 State Budget in late June, clarifies the funding

amounts available to support activities authorized by AB 693.³ The complete text of AB 693, as amended by SB 92 and codified at Pub. Util. Code § 2870, is attached to this decision as Appendix A.⁴

1.1.1. Requirements of AB 693

AB 693 creates an incentive program to encourage the installation of solar energy systems⁵ to serve multifamily affordable housing with funding available for up to 10 years, between 2016 and 2026. The purpose of this program is to make solar energy, and the bill savings from on-site solar generation, available to low-income ratepayers throughout California. By subsidizing the costs of solar generation on certain types of multifamily affordable housing and allocating net energy metering (NEM) tariff credits associated with the system's generation to tenants and common areas of the building, AB 693 established the program to provide bill savings to low-income households that would otherwise be unable to benefit from on-site solar generation.

Under AB 693, the Commission must ensure that the program is administered efficiently, with administrative costs not to exceed 10% of the total program budget. It has an overall target of installing at least 300 megawatts

³ Section 83(c) of SB 92 provides:

(c) The commission shall annually authorize the allocation of one hundred million dollars (\$100,000,000) or 66.67 percent of available funds, whichever is less, from the revenues described in subdivision (c) of Section 748.5 for the Multifamily Affordable Housing Solar Roofs Program, beginning with the fiscal year commencing July 1, 2016, and ending with the fiscal year ending June 30, 2020. The commission shall continue authorizing the allocation of these funds through June 30, 2026, if the commission determines that revenues are available after 2020 and that there is adequate interest and participation in the program.

⁴ All further references to sections are to the Public Utilities Code, unless otherwise specified.

⁵ Section 2870(c).

(MW) of generating capacity on qualified properties by 2030. Consistent with the requirements of AB 693, tariff credits accrued using the generation from Solar on Multifamily Affordable Housing (SOMAH) developments will be used primarily to offset the bills of tenants of qualifying properties. In addition, program service providers must produce economic benefits by providing job opportunities to residents of disadvantaged communities. Within these general guidelines, the Commission has discretion to determine program rules and implementation procedures.

1.2. Procedural Background

Earlier in this proceeding, the Administrative Law Judge's Ruling Seeking Comment on Assembly Bill 693 (October 21, 2015) (October Ruling) asked parties to comment on AB 693 in the context of the statutory requirement for the NEM successor tariff to include "specific alternatives designed for growth [of customer-sited renewable distributed generation] among residential customers in disadvantaged communities."⁶ Comments were filed November 2, 2015.⁷ Reply comments were filed November 9, 2015.⁸

⁶ Section 2827.1(b)(1).

⁷ Comments were filed by Brightline Legal Defense Fund (Brightline), and the Salvadoran American Leadership and Educational Fund (SALEF) (jointly); California Environmental Justice Alliance (CEJA); Center for Sustainable Energy (CSE); Custom Power Solar; Everyday Energy; Greenlining Institute; GRID Alternatives; Interstate Renewable Energy Council (IREC); MASH Coalition; Office of Ratepayer Advocated (ORA); Pacific Gas and Electric Company (PG&E); Southern California Edison Company (SCE); San Diego Gas & Electric Company (SDG&E); The Utility Reform Network (TURN); and Vote Solar, The Alliance for Solar Choice (TASC), Solar Electric Industries Association (SEIA), California Solar Electric Industries Association (CALSEIA) (jointly).

⁸ Reply comments were filed by CEJA; CSE; Everyday Energy; GRID Alternatives; IREC; MASH Coalition; ORA; PG&E; SDG&E; Sierra Club; TURN; and Vote Solar, TASC, SEIA, CALSEIA (jointly).

In Decision (D.) 16-01-044, the Commission decided to address both the implementation of AB 693 and the development of alternatives for disadvantaged communities in the second phase of this proceeding. (D.16-01-044 at 101-103; Finding of Fact 51.) Following that decision, the Administrative Law Judge's Ruling Seeking Proposals and Comments on Implementation of Assembly Bill 693 (Ruling Seeking Proposals), issued on July 8, 2016, requested proposals for implementing AB 693. Proposals and comments were filed August 3, 2016.⁹ Reply comments were filed August 16, 2016.¹⁰

This decision implements AB 693.

1.3. Affordable Housing Programs Under the California Solar Initiative

AB 693 creates an ambitious program to provide incentives for widespread adoption of customer-sited solar generation in multifamily affordable housing. AB 693 draws on the experience of previous programs aimed at expanding the adoption of solar generation in low-income communities, particularly the Multifamily Affordable Solar Housing (MASH) and Single-family Affordable Solar Housing (SASH) programs begun under the California Solar Initiative (CSI). These programs were created in compliance with the direction in AB 2723 (Pavley) Stats. 2006, ch. 864, which required the Commission to ensure that not

⁹ Comments were filed by California Energy Storage Alliance (CESA), CALSEIA, CSE, City of Lancaster, Energy Freedom Coalition of America (EFCA), Everyday Energy, Greenlining, GRID Alternatives, IREC, Liberty Utilities (CalPeco Electric or Liberty) LLC, MASH Coalition, Marin Clean Energy, ORA, PacifiCorp, PG&E, SCE, SDG&E, TURN, and Vote Solar.

¹⁰ Reply comments were filed by CALSEIA; CESA; CSE; EFCA; Everyday Energy; Greenlining; GRID Alternatives; MASH Coalition; Natural Resources Defense Council, California Housing Partnership Corporation, CEJA, National Housing Law Project, Brightline (jointly)(together, the Nonprofit Solar Coalition or NSC); ORA; PG&E; SCE; SDG&E; TURN; and Vote Solar.

less than 10% of overall CSI funds be used for installation of solar energy systems on “low-income residential housing,” as defined in the bill. In 2007 and 2008, the Commission adopted programs implementing this requirement. Specifically, in D.07-11-045, the Commission adopted the SASH program for qualifying low-income single-family homeowners, and in D.08-10-036, the Commission adopted the MASH program to provide incentives for solar installations on multifamily affordable housing.

In 2013, the Legislature passed AB 217 (Bradford), Stats. 2013, ch. 609, which authorized \$108 million in new funding for MASH and SASH; set a goal of 50 MW of installed capacity across both programs; and extended both programs until 2021, or the exhaustion of the new funding, whichever occurs first. Pursuant to this legislation, the Commission reauthorized both programs in D.15-01-027, which also made changes to program administration and eligibility requirements. Both programs have been evaluated by Navigant consulting, most recently in a Market and Program Administrator Assessment of the 2011-2013 program years, completed in early 2016. The MASH Program is essentially closed at this time to new applications because all funds allocated to that program have been reserved for projects, with additional unfunded projects remaining on the program’s waitlists in each utility territory.

2. Introduction and Plan of this Decision

The SOMAH program, while similar in structure and goals to MASH, is a new program with different rules and eligibility requirements, and a new funding source. Based on party comments, the statutory requirements and informed by experience with MASH and SASH, this decision does the following:

- Describes the elements of the SOMAH program, consistent with the requirements of AB 693;

- Establishes policies governing the program's operation, including but not limited to funding mechanisms, basic eligibility requirements, and rules for distribution of project benefits;
- Identifies the funding source and budget for SOMAH;
- Defines the general responsibilities of the state-wide Program Administrator (PA);
- Provides guidance to Energy Division for the anticipated Request for Proposal (RFP) process; and
- Provides that the PA shall file a Tier 3 Advice Letter to propose specific procedures for implementing the program adopted here, and gives guidance to the PA on the contents of that Advice Letter.

This decision delegates to Commission staff, and the statewide PA, once it is chosen, the development of specific implementation procedures as described in this decision, to be approved by the Commission as necessary in future decisions or resolutions.

3. The SOMAH Program

In compliance with the terms of AB 693, the SOMAH program will provide significant subsidies for the installation of solar photovoltaic (PV) energy generation systems sited on qualifying multifamily affordable housing properties. Like the MASH program, SOMAH is targeted at existing multifamily affordable housing¹¹ that meets the definition of low-income residential housing set forth in Section 2852(a)(3)(A). Specifically, this means multifamily housing financed with low-income housing tax credits, tax-exempt mortgage revenue

¹¹ D.06-01-024 created a separate component of CSI specifically for residential new construction (now known as the New Solar Homes Partnership (NSHP)) to be overseen by the California Energy Commission (CEC). D.06-01-024 Appendix A at 24.

bonds, general obligation bonds, or local, state or federal loans or grants. To be qualified for SOMAH, properties must also be occupied by households which have incomes at or below 60% of the area median income¹² or be located in a disadvantaged community as identified by the California Environmental Protection Agency (CalEPA).¹³ We expect the program to significantly reduce the costs of solar PV systems serving multifamily affordable housing, and as a result encourage more widespread development of these systems for the benefit of multifamily affordable housing tenants and ratepayers.

The following sub-sections establish the framework for operation of the SOMAH program based on the requirements of the authorizing legislation. The major program policies adopted here include program eligibility requirements, administrative structure, principles for developing the program's incentives, and additional program activities required in statute. In addition, this decision establishes methods for the calculation of the program budget and allocation of that budget among the state's IOUs, along with related accounting procedures.

This decision adopts basic program elements and policies sufficient to allow selection of a PA via an RFP process, and establishes minimum requirements for some statutorily required program activities. We expect that a future Commission decision may address additional program parameters not addressed here, through one or more future Commission decisions or resolutions. In addition, we anticipate that the chosen PA will propose specific

¹² As defined in subdivision (f) of Section 50052.5 of the Health and Safety Code.

¹³ Pursuant to Section 39711 of the Health and Safety Code.

procedures to ensure compliance with the requirements outlined below, which will be considered in a future decision or resolution.

3.1. Program Eligibility

Section 2870(a)(3) defines the circumstances under which a residential building will be eligible to receive SOMAH incentives. Consistent with the statute, SOMAH will be available to buildings with at least five rental housing units that are operated as deed-restricted low-income residential housing¹⁴ that meet certain additional requirements. Specifically, either the property must be located in a disadvantaged community (DAC) as identified by CalEPA pursuant to Health and Safety Code (HSC) Section 39711,¹⁵ or at least 80% of the households in the building must have household incomes at or below 60% of the area median income.¹⁶

Though these basic eligibility requirements are established in statute, questions remain about how the determination of a specific property's eligibility should be made. Parties provided comments on the rules for determining program eligibility, including the application of the DAC and income eligibility requirements. In addition, parties address the appropriateness of serving

¹⁴ For the purposes of SOMAH, deed-restricted affordable housing is defined in Section 2852 (a)(3)(A)(i).

¹⁵ AB 693 requires that in the context of this program, disadvantaged communities are those identified by the California Environmental Protection Agency pursuant to California Health and Safety Code Section 39711. The CalEPA defines disadvantaged communities as those scoring in the top 25% of census tracts statewide on a set of environmental, health, and socioeconomic data from 20 indicators. In addition, 22 census tracts in the highest 5% of CalEnviroScreen's Pollution Burden, but that do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data, are also designated as disadvantaged communities.

¹⁶ Area median income as defined in Section 50052.5 HSC.

buildings in which some residents receive service from a Community Choice Aggregator (CCA), and whether the program should be limited to existing (rather than new) construction. This section addresses these issues and establishes the eligibility standards for participation in SOMAH. As discussed in Section 6.2., below, we require the PA to propose application procedures that ensure that participants meet all statutory requirements and the rules adopted here.

3.1.1. Specific Eligibility Requirements

Based on statutory requirements and party comments, we adopt the following general eligibility requirements for SOMAH participation:

- 1) Property must have at least five residential housing units.
- 2) Property must be subject to either a deed restriction or regulatory agreement between the property owner and a financing agency under which the property is classified as affordable housing.
- 3) There must be at least 10 years remaining on the term of the property's affordability restrictions.
- 4) Rent for low-income tenants shall be maintained within required limits, as determined by the agency regulating the property as affordable housing.
- 5) Units must be separately metered and eligible for a virtual NEM (VNEM) tariff.
- 6) Buildings with CCA customers may participate if the serving CCA has a VNEM tariff.
- 7) Only existing buildings are eligible; other programs (through CEC, such as NSHP exist to assist new construction projects).

To facilitate qualification, the PA should maintain a list similar to that proposed by the National Solar Coalition (NSC) of public entities that provide financial assistance for multifamily affordable housing based on state and

federally monitored compliance with annually updated rent and income restrictions. This list will be similar to the list in the current MASH handbook. Properties receiving assistance through an entity on this list may provide the deed restriction or agreement under which it receives that assistance, along with certification that building has at least five units and that either the building is in a DAC or the residents meet the income eligibility requirements. We decline to limit eligibility for buildings subject to regulatory agreements to only those with finance agreements with agencies on this pre-approved list.

AB 693 specifies that income eligibility shall be based on area median income as defined in Section 50052.5 of the HSC. HSC Section 50052.5(f), in turn, refers to HSC Section 50093, which requires the Department of Housing and Community Development (DHCD) to publish, on an annual basis, area median income numbers for use in certain state housing assistance programs.¹⁷ We adopt the income requirements specified in AB 693 for program eligibility, as follows:

- 80% of building residents must have incomes at or below 60% of the area median income as determined by the DHCD.

A building that does not meet this primary income criterion may also qualify for SOMAH incentives if it is located in a DAC as defined in Section 2870(a)(3)(A). We adopt this statutorily required alternate path here. We find that Section 2870(a)(3) requires the Commission to use the specific DAC definition used by CalEPA pursuant to HSC Section 50052.5. Under this definition, DACs are areas that score in the top 25% of census tracts statewide on a set of environmental, health, and socioeconomic data from 20 indicators. In

¹⁷ Income limits developed in compliance with HSC 50093 are published annually at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml>.

addition, 22 census tracts in the highest 5% of CalEnviroScreen's Pollution Burden, but that do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data, are also designated as disadvantaged communities.¹⁸ Use of this definition for SOMAH as required by Section 2870(a)(3)(A) does not preclude the Commission from adopting a modified DAC definition for other programs intended to assist DAC residents.

As authorized in Section 2870 (b)(1), projects installed under SOMAH will count towards the satisfaction of the Commission's obligation to ensure that NEM tariffs include options for expanding availability of solar generation in DACs. In addition, the Commission expects to adopt additional options to encourage installation of solar generation systems in disadvantaged communities in another decision in the near future.

The PA, once chosen, will propose application procedures and eligibility documentation and requirements via a Tier 3 Advice Letter, using a process described in Section 6.2., below.

3.2. Distribution of Program Benefits

3.2.1. Use of VNEM

Section 2870(g)(1) requires that the utility bill reductions in the SOMAH program must be:

. . .achieved through tariffs that allow for the allocation of credits, such as virtual net metering tariffs designed for Multifamily Affordable Solar Housing Program participants, or other tariffs that may be adopted by the commission pursuant to Section 2827.1.

¹⁸ EPS report: Designation Of Disadvantaged Communities Pursuant To Senate Bill 535 (De León), April 2017 at 2. *See* <https://calepa.ca.gov/wp-content/uploads/sites/34/2017/04/SB-535-Designation-Final.pdf>.

All parties except TURN agree that the implementation of this section should be through the use of existing VNEM tariffs. As EFCA and Vote Solar point out, the Commission in D.16-01-044 committed to continue VNEM as part of the NEM successor tariff. As in the existing MASH program, VNEM tariffs provide a mechanism for allocating bill credits from system generation among the building occupants, including both common area electric accounts and the accounts of tenants. Though the statute also allows for the development of other tariff mechanisms to accomplish this purpose, we find that there is no need to create a new tariff mechanism at this time when a suitable mechanism already exists. As a result, the SOMAH program will use the VNEM tariffs to provide benefits to tenants through the allocation of credits.¹⁹

3.2.2. Tenant and Common Area Load Allocation

AB 693 requires that generation funded through SOMAH shall “be primarily used to offset electricity usage by low-income tenants.”²⁰ There is consensus among the parties that the Commission should not interpret “primarily” to mean “exclusively.” Commenting parties recognize that some benefit for common areas will be needed in order to provide an incentive for property owners to participate in the program.²¹ As parties note, without such

¹⁹ Although CALSEIA, EFCA, Greenlining, GRID, and NSC suggest that master-metered properties should be eligible for SOMAH incentives, unless tenants have individual accounts to which bill credits can be applied, the VNEM tariffs cannot be used. This precludes the inclusion of master-metered property in the SOMAH program.

²⁰ Section 2870(f)(2).

²¹ CPS, EFCA, Everyday Energy, GRID, MASH Coalition, NSC, PG&E, and SDG&E take this position.

an opportunity for common-area bill savings, property owners would lack an incentive to install solar generating systems on their buildings.

Proposals for implementing this requirement range from allocating 80% of credits to tenants and 20% to common areas, to allocating 51% to tenants, 49% to common areas.²² For example, GRID Alternatives and the Non-profit Solar Coalition recommend that tenants be allocated a minimum of 51% of credits generated by the system, which would provide property owners with maximum flexibility to accrue savings. In contrast, ORA, TURN, and SCE recommend that tenants be allocated at least 80% of system credits, with other parties proposing percentages in between.

All proposals on allocation between tenants and common areas are to some extent speculative, since there is no experience on which to base them, because MASH does not have a similar requirement. In contrast, the MASH program provides a higher incentive for projects that allocate more than 50% of benefits to tenant accounts,²³ but does not pay different incentive amounts for the capacity allocated to tenants vs. common areas. For the beginning of the SOMAH program, it is reasonable to require that tenants receive the majority of the benefits, but allow significant benefits to flow to common areas in order to maximize flexibility in system design and interest in the program from property owners. We find that, at this time, it is reasonable to require that tenants receive

²² ORA, SCE, and TURN advocate an 80%/20% split; CALSEIA, SDG&E, and Greenlining (with conditions) advocate 70%/30%; PG&E proposes 67%/33%; GRID and NSC propose 51%/49%. MASH Coalition proposes an allocation methodology based on system size.

²³ \$1.10 per Watt for projects allocating less than 50% benefit to tenants vs. \$1.80 per Watt for projects allocating more than 50% of benefits to tenants. See MASH Handbook at 31. http://www.gosolarcalifornia.ca.gov/documents/MASH_Handbook.pdf.

at least 51% of VNEM credits. This split will provide the maximum flexibility to property owners to tailor their projects to their particular circumstances, and should encourage a greater amount of development under this program while meeting the statutory requirement that systems “primarily” benefit tenants.

The PA should design and propose in its Advice Letter a method of verifying that at least 51% of the electricity generated by a system receiving SOMAH incentives is used to offset electricity usage by tenants.²⁴

3.2.3. Ensuring Customer Benefit

3.2.3.1. Exclusion from Time of Use Tariffs

AB 693 requires the Commission to “ensure that electrical corporation tariff structure affecting the low-income tenants participating in the program continue to provide a direct economic benefit from the qualifying solar energy system.”²⁵ We interpret this provision of AB 693 to require the Commission to ensure that the bills of low-income tenants participating in SOMAH remain lower than they would have been without participation in the program. We will accomplish this, as discussed in the prior section, by requiring the SOMAH program to use the VNEM tariff to provide benefits to tenants through the allocation of NEM bill credits. In comments, parties suggest a variety of ways to ensure that tenants get bill reductions while taking service on the VNEM tariff and participating in the SOMAH program. These suggestions range from modifying the treatment of non-bypassable charges (NBCs) as set forth in

²⁴ It is possible that experience will show that a different allocation should, and feasibly could, be made. The PA should collect data to allow a determination, in the 2020 review, on whether to change the proportions in the allocation requirement.

²⁵ Section 2870 (g)(2).

D.16-01-044 for tenants in buildings participating in SOMAH to exempting customers from the mandatory transition to time of use (TOU) rates currently required for all NEM customers.

At this time, we decline to adopt the recommendations of Everyday Energy, the MASH Coalition, and others, that we modify the treatment of NBCs for customers participating in SOMAH. The treatment of NBCs under the NEM tariff is currently under review in A.16-07-015, and we will not prejudice that proceeding or complicate it by addressing a related issue here. Similarly, we do not at this time adopt a discount to the fixed charges for tenants of SOMAH buildings, as requested by Everyday Energy.²⁶ We do, however, agree with a majority of parties that we should consider modifications to the currently required mandatory TOU rates²⁷ for the tenants in buildings that receive SOMAH subsidies.²⁸

In particular, most non-utility parties recommend that mandatory TOU rates, which have the potential to raise overall bills for SOMAH participants, be modified for tenants in SOMAH buildings (so-called “benefitting accounts”) in order to protect those customers from potential electric bill increases that may be caused by these changes. The MASH Coalition argues that tenants may not have the ability to take actions to reduce usage during peak times, and should not be penalized with higher bills under TOU rates for their property owner’s choice to participate in SOMAH. Based on a similar rationale, Greenlining recommends

²⁶ See, for example, Everyday Energy Opening comments at 27.

²⁷ D.16-01-044 Ordering Paragraphs 5-7.

²⁸ See, for example, PG&E Reply Comments at 2 and 12-13, SCE Reply Comments at 2 and 10-11, TURN reply comments at 8-9, and SDG&E Reply Comments at 4-5.

that tenants be completely exempt from TOU rates. Greenlining asserts that moving AB 693 customers “to TOU rates could dramatically reduce, or even eliminate, the economic benefits this program was primarily intended to deliver.”²⁹ Greenlining also contends that, because of the small number of customers eligible for the program, “[e]ven if the program is fully funded and fully subscribed, the number of tenant beneficiaries will be exceedingly small as compared to the total number of households in California IOU territories, and therefore the impact of these customers remaining on tiered rates will be similarly negligible.”³⁰ Parties note that the Commission could re-evaluate any modifications to TOU requirements during the required review of the SOMAH program in 2020.

The only parties that do not support modifying tariff structures, including TOU transition requirements, for AB 693 customers are the large IOUs. SCE, for example, asserts that “[w]aiving these requirements will undermine the only significant changes the Commission adopted for the NEM successor tariff in D.16-01-044.”³¹ These utilities also argue that the switch to TOU rates is unlikely to increase tenants’ bills, and exemption from the switch to TOU rate structures is not necessary.

It is currently unclear whether or how the switch to TOU rates would affect the bills of tenants participating in the AB 693 program.³² We agree with

²⁹ Greenlining comments August 3, 2016, at 8.

³⁰ Greenlining comments August 3, 2016, at 8.

³¹ SCE reply comments August 16, 2017.

³² In response to the Administrative Law Judge's Ruling Requiring Responses to Questions Regarding the Impacts of Time-Of-Use Rates on Virtual Net Metering Customers, issued on August 17, 2017, the utilities predict that some, but not many, customers in the SOMAH

Footnote continued on next page

TURN that the likelihood that the grid impact of an exemption of participating tenants' accounts from TOU rates is likely small. Given the statutory requirements to provide protection from rate changes we find it reasonable to exempt participating tenants from the requirement applying to other customers using the NEM successor tariff to take service under a TOU rate. This effectively exempts participating customers from both mandatory and default TOU.

In contrast, we believe that there is significant value to retaining the requirement that the "generating account" (generally, the account serving common areas in participating multifamily buildings) remain subject to TOU rate requirements. Participation in SOMAH is not required, and by definition, we expect the generating account to be paid by the person or entity that makes the decision to participate in SOMAH. We wish to ensure that the incentives for the generating account are as consistent as possible with our overall policies, and provide incentives for SOMAH participants to invest in energy management upgrades.

3.2.3.2. Note on Benefit for Tenants in Federally Subsidized Affordable Housing

One subset of multifamily affordable housing requires additional discussion. As NSC points out in its comments, federally subsidized housing (or housing opportunities, such as vouchers under the federal Housing Choice Voucher Program³³ (more commonly known as Section 8)) is governed by federal regulation. In particular, the programs governed by the Multifamily Occupancy

program might experience bill increases. There is currently no experience with TOU rates for SOMAH customers against which to test this prediction.

³³ Regulations governing this program are found in 24 CFR Part 982.

Handbook of the (HUD Handbook) sets operational procedures for properties and individual units that receive federal subsidies.³⁴

Although the federal rules are complex, for purposes of implementing AB 693, the key element is that the HUD Handbook places the tenant in a "zero-sum game" with respect to potential bill reductions realized from the SOMAH program.

Pursuant to the HUD Handbook, tenants receiving Section 8 benefits must pay 30% of their monthly adjusted gross income for rent and utilities; any reductions in a tenant's payments for utilities would offset some of the utility cost, but the total 30% payment for rent and utilities combined would not change. For this reason, on-site solar will not reduce total costs for tenant households participating in Section 8. Given this structure, the direct financial benefits of solar PV-generated savings are likely to accrue to the property or result in savings for the federal program, but are unlikely to be experienced by the tenant.

These federal requirements raise serious questions about whether the Commission would be able to "ensure that electrical corporation tariff structures affecting the low-income tenants participating in the program continue to provide a direct economic benefit from the qualifying solar energy system" for federally financed housing arrangements. (Section 2870(g)(2).³⁵ Federally financed or subsidized housing arrangements that do not allow the tenant the

³⁴ For a description of program operation and benefits, *see also* https://www.hud.gov/topics/housing_choice_voucher_program_section_8 and <https://www.benefits.gov/benefits/benefit-details/710>.

³⁵ The statutory text addresses the utility tariff structure, but if the tenant does not receive a direct economic benefit, the tariff structure is irrelevant.

benefit of utility bill reductions are, therefore, not going to be eligible for SOMAH incentives so long as that requirement is in effect. In order to try to extend the benefits of the SOMAH program to the maximum extent feasible, the PA should be authorized to provide incentives to any federally funded arrangements that would allow the tenant to retain the economic benefit of the generation allocated to the tenant, if the housing is otherwise eligible for the program and the project meets all other requirements for receiving incentives.

The PA should also be authorized explore the possibility that HUD may make revisions to its guidelines that would enable wider participation in the program. The PA should not, however, be required to undertake any activities in relation to the HUD guidelines or their application to any particular federally subsidized housing situations.

3.3. Additional Requirements for Participating Service Providers

3.3.1. Third-Party Ownership Requirements

Consistent with AB 693, when a system subsidized through SOMAH is owned by a third party, additional requirements will apply to ensure that no additional costs of system maintenance or operation be passed on to low-income tenants. Specifically, in Section 2870(f)(3), the Legislature directs the Commission to ensure that third-party owned systems installed with SOMAH incentives will perform as projected, and that the economic arrangements will not adversely impact the interests of tenants.

To satisfy this requirement, parties recommended a variety of solutions, ranging from the adoption and use of standard contract language requiring performance guarantees to direct tenant surveys to signed affidavits from property owners attesting that system costs will not be borne by tenants. In the

MASH program, a similar guarantee is provided for systems of more than 10 kilowatts (kW) through the use of a Performance Monitoring and Reporting Service, and PG&E suggests using this requirement for the new program.

The PA should develop a form for the property owner to guarantee that costs for a third-party system will not be passed on to tenants. The PA should also develop a method for a performance guarantee (including kWh production) to be provided by the third-party owner to the property owner (and by the property owner to the PA) that will continue throughout the contract term and will provide monetary payment in the case of underproduction.³⁶ For systems sized larger than 10 kW, the third-party owner must contract with a performance monitoring and reporting service for at least five years, and ensure that 15-minute interval production data is provided to the PA on a quarterly basis for at least five years.³⁷

Several parties suggest that the SOMAH program should require specific language in the contract between the property owner and the third-party system owner to meet the standards set out in this section.³⁸ Putting the PA in the position of crafting language that will work in a wide variety of contractual situations may well involve the PA in disputes over the placement and exact wording of the proposed language. It is likely to be more efficient, and less contentious, for the PA to develop a separate form, and/or a requirement that the contract be annotated to show where the relevant guarantees are set forth. Whatever documentation is chosen must be submitted to the PA in a format that

³⁶ See comments of CALSEIA, EFCA, and Everyday Energy.

³⁷ PG&E comments August 3, 2016 at 23.

³⁸ These parties include CALSEIA, GRID, ORA, PG&E, SCE, SDG&E, and TURN.

will make verification of compliance as simple as possible. The PA shall propose its recommended form and procedures for complying with these requirements in its Tier 3 Advice Letter on program implementation procedures.

3.3.2. Providing Economic Development Benefits Through Job Training

Section 2870(f)(6) requires the Commission to establish local hiring requirements to promote economic development in disadvantaged communities. In compliance with this mandate, we adopt job training requirements similar to those currently in place for MASH contractors. Most parties commenting on AB 693 implementation support implementing this requirement through a job training requirement similar to that provided under MASH, with or without some modifications to the number of participants or training hours to be provided.³⁹ In contrast, Brightline/SALEF, Greenlining, and the Non-profit Solar Coalition instead recommend requiring contractors to focus on hiring local workers for SOMAH projects, and propose mechanisms such as increased incentive amounts for higher levels of local hiring.

We find that it is reasonable to follow the existing job-training model used in MASH. Though we do not adopt specific requirements for the amount of job training to be provided through SOMAH projects, we strongly encourage the chosen PA to develop job training guidelines that emphasize the quality of training for each job training participant, rather than maximizing the number of participants trained. As stated by CalSEIA, “[o]ne individual working a full

³⁹ See, for example, MASH Coalition Opening Comments at 16, CALSEIA Opening Comments at 18-19, EFCA Opening Comments at 13-14, Everyday Energy Opening Comments at 20-21, GRID Alternatives Opening Comments at 12-18, SCE Opening Comments at 13, SDG&E Opening Comments at 23, and TURN Reply Comments at 8.

week gets more experience, has more interactions with the installation team, and gains more transferrable skills, all of which leads to stronger letters of recommendation and potential for future employment.”⁴⁰ In addition, we encourage the PA to develop strategies to encourage local hiring by participating contractors. The chosen PA shall work with Energy Division staff to make a specific proposal on implementation requirements and verification procedures in the PA’s implementation Advice Letter.

3.3.3. Energy Efficiency Services

In accordance with Section 2870 (f)(7), we require that buildings served under the SOMAH program be provided with energy efficiency services at least equal to those applicable in the current MASH program. This includes undergoing an energy efficiency audit and notifying tenants about the availability of the IOUs’ Energy Savings Assistance Programs. Though the PA will not be providing direct services to customers, it will be providing technical assistance to participating contractors and service providers. In this capacity, we encourage the PA to develop innovative ways to increase the energy efficiency services delivered under this program.

The PA must demonstrate strong experience in providing consulting services in the fields of large multifamily improvement, renovation or equivalent residential or commercial construction activity, with a focus on weatherization, energy efficiency, and photovoltaic standards. In an effort to provide a true single-point-of-contact, we expect that the PA will have a solid understanding of the decision-making, finance capitalization, and ownership profiles characteristic

⁴⁰ CalSEIA Proposal 8/3/2016 at 18.

of multifamily properties with HUD, California Housing Finance Agency, or Low Income Housing Tax Credit covenants that meet the requirements in Section 3.1.1., above. We also expect the PA to have successfully participated in completed multifamily residential renovations and upgrades or energy retrofits that were supported by multiple public and/or private funding sources.

3.4. SOMAH Program Budget and Funding

3.4.1. Funding Calculations

The statute provides a specific funding mechanism for the program in Section 2870(c), which states:

The commission shall annually authorize the allocation of one hundred million dollars (\$100,000,000) or 66.67 percent of available funds, whichever is less, from the revenues described in subdivision (c) of Section 748.5. . .

The quoted provision is the current one, added by SB 92, which clarifies the funding calculation described in the original enactment of AB 693.⁴¹ The revenues described in Section 748.5 are the proceeds from the sale of greenhouse gas (GHG) allowances allocated to California's investor-owned electric utilities for the benefit of their ratepayers. Section 748.5(c) reserves up to 15% of those proceeds for use in clean energy and energy efficiency projects, with the remaining proceeds returned to customers. Section 2870 allocates a portion of the GHG allowance proceeds reserved for clean energy and energy efficiency projects to the SOMAH program. The current language of AB 2870 means that the annual authorization will be the lesser of:

⁴¹ As originally enacted, AB 693 provided for annual authorization of "one hundred million dollars (\$100,000,000) or 10% of available funds, whichever is less, from the revenues described in subdivision (c) of Section 748.5. . . (Section 2870(c).)

- \$100,000,000 or
- $66.67 * 0.15 * (\text{IOUs' proceeds from allocated GHG allowances})$.

The second number is more easily expressed as "10% of the IOUs' greenhouse gas allowance proceeds."

Prior to the enactment of SB 92, the amount of funding for SOMAH had been the subject of some uncertainty. Although the cap of \$100,000,000 was clear, the alternative (a proportion of the GHG allowance proceeds allocated to the IOUs by Section 748.5(c)) was less so. The IOUs argued that the alternative amount should be calculated as 10% of the IOUs' GHG allowance proceeds identified in Section 748.5(c), which constitute 15% of the IOUs' total proceeds. Other parties urged that the statute should be read as mandating that 10% of the proceeds from the sale of the IOUs' total GHG allowances (or \$100,000,000, whichever is less) were available annually for the SOMAH program.⁴² SB 92 has resolved any possible ambiguity in the calculation method, obviating the need to consider the parties' prior arguments in this decision.

The results of the five most recent quarterly auctions of GHG allowances, as publicly provided by the Air Resources Board, are given in Table 1, below.

⁴² Compare comments of PG&E, SCE, and SDG&E with reply comments of CALSEIA, CSE, Everyday Energy, Greenlining, and NSC.

Table 1

CALIFORNIA CAP-AND-TRADE PROGRAM
SUMMARY OF PROCEEDS TO INVESTOR OWNED UTILITIES
(as of September 2017)⁴³

Auction Quarter or Fiscal Year	Proceeds to Investor Owned Utilities (IOUs)	15% of Proceeds to IOUs for Clean Energy Programs	Amounts available for AB 693 (2/3 of 15% of Proceeds to IOUs for Clean Energy Programs)
Q3 2017 (August)	\$271,091,076.00	\$40,663,661.40	\$26,838,016.52
Q2 2017 (May)	\$385,649,721.60	\$57,847,458.24	\$38,584,254.65
Q1 2017 (February)	\$119,586,235.65	\$17,937,935.35	\$11,964,602.88
Q4 2016 (November)	\$402,293,345.43	\$60,344,001.81	\$40,249,449.21
Q3 2016 (August)	\$244,458,798.26	\$36,668,819.74	\$24,458,102.77
FY 2016-2017 Total to Date	\$1,423,079,176.94	\$213,461,876.54	\$142,094,426.03

These quarterly results vary by almost a factor of four between the highest and lowest amounts.

⁴³ Table adapted from the California Air Resources Board table "California Cap-and-Trade Program Summary of Proceeds to California and Consigning Entities" available at: https://www.arb.ca.gov/cc/capandtrade/auction/proceeds_summary.pdf ARB main page with Quarterly Auction results available at: <https://www.arb.ca.gov/cc/capandtrade/auction/auction.htm>.

The variation among quarterly auction results is relevant to the program in two related ways. First, and most obvious, the amount of money available for each program year is determined by the amount of the IOUs' GHG allowance proceeds. If, as shown for 2016-2017, that amount is \$100,000,000 or more, the amount available for AB 693 program use is the maximum of \$100,000,000, and the variability of the auction proceeds no longer matters. If, however, the funds from the auction of the IOUs' GHG allowances in any year are less than \$100,000,000, then the uncertainty of the program funding comes into play. Much of the variability in the 2016 and early 2017 auction results may have been due to uncertainty about the continuation of the GHG mechanism, which has now been resolved with the authorization of the program through 2030. Nevertheless, program budgeting methods must account for the possibility that program funding is less than \$100,000,000 at some point in the future. Because of this, in its implementation Advice Letter, the PA should propose a method of budgeting for the program that will take into account the variability of the funds available from the GHG allowance auctions, when that variability leads to amounts of less than \$100,000,000 annually being available for the program.

The second issue, derived directly from the first, is the size of the administrative budget for the program. The statute provides that "not more than 10% of the funds allocated to the program shall be used for administration." (Section 2870(e).) This directive puts a ceiling of \$10 million annually on administrative costs in program years in which \$100,000,000 is available; in the event that the auction proceeds are lower, the allowable amount for administrative costs will vary with the amount of money available for the program. The costs of administration for a statewide program are likely to be more or less uniform from year to year (with the probable exception of the

start-up year), even if the available funds are not. The PA should use a ceiling of \$10 million, for administrative costs when proposing a program budget in the Advice Letter.⁴⁴

3.4.2. IOUs' Funding Contributions and Accounting

The statute directs funding allocation for SOMAH beginning with the fiscal year 2016-2017 (beginning July 1, 2016). In order to begin accounting for any funds that would be allocated, the Administrative Law Judge's Ruling (1) Adding Respondents and (2) Providing Interim Direction to California Electric Utilities on Accounting for Funds for Implementation of Assembly Bill (AB) 693 (March 18, 2016) (March Ruling) directed the electric IOUs to allocate a portion of their 2016 and 2017 GHG allowance proceeds to fund the AB 693 Multifamily Program. For 2018 and beyond, the ruling states (at 5) that "the directions for ERRA and ECAC filings given in this ruling will continue to apply unless they are explicitly changed by a subsequent ruling or Commission decision."

In their subsequent ERRA applications, PG&E set aside \$6.8 million in both 2016 and 2017;⁴⁵ SCE set aside \$3.04 million in 2016 and \$5.04 million in 2017;⁴⁶ and SDG&E allocated \$630,910 in 2016 and \$1.31 million in 2017.⁴⁷ These

⁴⁴ This estimation formula cannot and does not supersede the statutory ceiling of 10% of available funds for administrative costs. If, for example, in one program year the available amount of GHG allowance auction proceeds is \$40,000,000, the administrative costs for the program cannot exceed \$4,000,000.

⁴⁵ See page 13-3 of PG&E's *Prepared Testimony -2018 Energy Resource Recovery Account And Generation Non-Bypassable Charges Forecast And Greenhouse Gas Forecast Revenue Return And Reconciliation*.

⁴⁶

[http://www3.sce.com/sscc/law/dis/dbattach5e.nsf/0/A3213945BB0BCC44882581140002EED3/\\$FILE/A1705XXX%20SCE-1%202018%20ERRA%20Forecast%20Testimony.pdf](http://www3.sce.com/sscc/law/dis/dbattach5e.nsf/0/A3213945BB0BCC44882581140002EED3/$FILE/A1705XXX%20SCE-1%202018%20ERRA%20Forecast%20Testimony.pdf) (at 74-75).

amounts are significantly lower than the amounts as calculated pursuant to SB 92. This is a lingering effect of the ambiguity in the original funding formula; the IOUs set aside 10% of the amounts provided in Section 748.5(c), rather than 10% of their total proceeds from the GHG allowance sales. Going forward, beginning with the updates to their 2018 ERRRA forecasts, the IOUs must identify in their ERRRA forecasts (or Energy Cost Adjustment Clause (ECAC) applications, which serve a similar function to ERRRA for Liberty and PacifiCorp) an amount of money for funding the SOMAH program that is based on the calculation requirements of SB 92, and is consistent with realistic expectations of available revenue.

In their comments, several parties proposed that each IOU should reserve 10% of its total GHG allowance proceeds.⁴⁸ Given that the IOUs already estimate their annual GHG allowance proceeds as part of their ERRRA (or for Liberty and PacifiCorp, ECAC) applications, there is no need to develop a new methodology for estimating those proceeds. We find that it is reasonable for each IOU to reserve the full 10% of its allowance proceeds as part of its ERRRA (or for Liberty and PacifiCorp, ECAC) applications, updating those estimates if appropriate during the proceeding.

However, when the actual funding allocation is made, if the IOUs' reservations add up to more than \$100 million, each IOU shall contribute only its proportionate share of \$100,000,000, and not more. This share for each IOU

⁴⁷

https://www.sdge.com/sites/default/files/regulatory/PUBLIC_Montoya_Testimony_Redacted.pdf (at BAM-25).

⁴⁸ They include EFCA, Greenling, MASH Coalition, NSC, and PG&E.

should be based on the fraction of total GHG allowance sale proceeds for the four quarters that its allowance sale proceeds represent. For example:

Table 2⁴⁹

IOU	IOU's proceeds	Proportion of total proceeds	Share of \$100 million
PG&E	\$500,000,000	45.5%	\$45,500,000
SCE	\$450,000,000	40.9%	\$40,900,000
SDG&E	\$150,000,000	13.6%	\$13,600,000
Totals	1,100,000,000	100%	\$100,000,000

In order to provide the simplest transition from the prior funding reservations to the clear requirements of SB 92, the funds previously reserved by the IOUs should be rolled into the 2017-2018 program year budget proposed by the Program Administrator, in addition to the current funding for that year. Similarly, uncommitted funds can be carried over from one year to the next for the duration of the program.

3.4.3. IOU Accounting

As suggested by PG&E and SCE, each IOU should set up an AB 693 balancing account to track its authorized funding for SOMAH. These accounts should track all costs associated with the SOMAH program, including the initial costs of fielding an RFP, as well as the costs of administrative activities (including but not limited to reporting, as well as measurement and verification) and incentive payments. Unencumbered funds at the end of a program year

⁴⁹ This example adapts an example presented by PG&E. This example does not represent, and should not be taken to represent, any actual or predicted GHG allowance auction results.

should be carried over to future years. It is premature to decide how any funds that have not been spent by the end of the program should be treated. The treatment of such funds, if any, should be the subject of a Tier 3 Advice Letter submitted by the utilities, or a Commission decision, once the duration of the SOMAH program and the extent of funds used in it are more clearly known. The IOUs should file Tier 1 Advice Letters describing their balancing accounts within 60 days of the date of this decision.

3.4.4. Allocation of Funding Between DAC and Low-Income Tenant Qualification Paths

AB 693 provides two criteria for eligibility: location of the housing in a disadvantaged community; or tenants meeting the identified income criteria. (See Section 3.1.1., above.) The statute provides no indication of whether, and if so, how, the Commission should make a specific allocation of incentives between properties meeting each of the criteria. In the March Ruling, the ALJ asked for comment on whether specific allocations between the two groupings should be made.

Greenlining, NCS, and Custom Power Solar assert that the distinction between the two groupings of eligible housing is significant in meeting the program's purposes. They argue that the PA should take these groupings into account in making funding allocations. CSE supports the concept of allocation of incentives according to these groupings, though makes a different a proposal for how to make the allocation. All of these commenters assert that the PA should also retain some discretion over the allocations.

Most parties oppose the idea of a program budget with a firm split between low-income qualification and qualification by virtue of location in a disadvantaged community.⁵⁰ Many commenting parties point out the administrative complexity that would be introduced by splitting the incentive budget. ORA suggests that, in order to be effective, a split budget should be based on a reasonably accurate forecast of demand in each category, which is unlikely to be feasible at the outset of the program.⁵¹

As TURN notes, it is important for the program to have sufficient flexibility in its early stages to be successful. It is also important to limit administrative complexity, especially for a program with a budget that could vary from year to year. Therefore, the program should not begin with a fixed allocation of funds between the two categories of eligibility, even if the PA were to have some discretion over the division of incentives between the two categories. As CALSEIA and TURN point out, the 2020 evaluation can be used to identify whether particular customer groups have been underserved, and to devise steps to remedy any imbalances in the provision of incentives.

In order to promote informed consideration of this issue in the 2020 evaluation, the PA should, as part of its regular reporting on the program, identify the amount of incentives awarded to each eligibility grouping in each funding period.

⁵⁰ These include CALSEIA, EFCA, Everyday Energy, GRID, MASH Coalition, ORA, PG&E, SCE, SDG&E, and TURN.

⁵¹ This difficulty would be compounded by the fact, noted by EFCA, Mash Coalition, SCE, and ORA, that many properties may be eligible through both categories.

4. Incentive Structure

AB 693 directs that:

The commission shall ensure that incentive levels for photovoltaic installations receiving incentives through the program are aligned with the installation costs for solar energy systems in affordable housing markets and take account of federal investment tax credits and contributions from other sources to the extent feasible.
(Section 2870(f)(4).)

The statute sets two elements that the Commission must take into account: "installation costs for solar energy systems in affordable housing markets," and "federal investment tax credits and contributions from other sources to the extent feasible."

Most parties are in agreement that solar system installation costs in affordable housing markets are not publicly known.⁵² This is due principally to the absence of affordable housing markets for solar installations beyond the incentives provided by the MASH program. Indeed, strengthening that nascent market is a large part of the purpose of AB 693.

In the absence of available market data, several parties propose using benchmarked installation costs as the basis of incentives. PG&E and others suggest several sources of cost data for possible use in determining appropriate incentive amounts. PG&E and others, for example, refer to the National Renewable Energy Laboratory (NREL),⁵³ noting that NREL's 2015 report of price and cost breakdowns for the first quarter of 2015 shows a "Commercial scale

⁵² See, for example, Everyday Energy Comments, August 3, 2017 at 10-13; Grid Alternatives Comments, August 3, 2017 at 9.

⁵³ <https://www.nrel.gov/docs/fy15osti/64746.pdf>.

200 kW solar PV project has an all-in price of \$2.15/Watt.”^{54, 55} NSC similarly cites NREL as a benchmarking data source, and also suggests LBNL’s “Tracking the Sun” report⁵⁶ as another possible data source.

Despite the relative lack of information on solar PV costs associated specifically with affordable housing developments, parties propose a range of incentive levels and structures for the calculation of incentives. For example, parties suggest that the incentive level could vary based on a number of factors, including: whether the project is funded with additional incentive sources or tax credits, whether the load being funded will be allocated to the tenant or to the common area of a building, and the size of the system being installed. Incentive level recommendations range from under \$1/W to more than \$3.50/W. Most parties agree that incentive levels should be higher for the portions of a system meant to serve tenant load than the portion to serve common area load.

In order to ensure that tenants gain the full benefit for energy generated by the load allocated for their use, we find that it is reasonable for the program to cover the full cost of tenant load. At the same time, as provided in Section 2870(f)(5), the incentive payment cannot exceed the full cost of the system capacity. Several parties estimate an average per Watt cost of between \$3.20 and

⁵⁴ Though some parties such as CalSEIA, Greenlining, and NSC propose basing the incentive amount on the direct current (DC) capacity of the system, with the incentive calculated as dollars per DC Watt (\$/DC-W), we will remain consistent with past practice in the CSI and MASH programs and calculate the incentive amount using the alternating current capacity of the system, which is somewhat lower than the DC capacity due to losses in the conversion process.

⁵⁵ PG&E comments submitted on August 3, 2017, at 9.

⁵⁶ See, most recently, Tracking the Sun 10, issued September 2017 <https://emp.lbl.gov/publications/tracking-sun-10-installed-price/>.

\$3.50 per Watt,⁵⁷ and we agree with parties that amount provides a reasonable estimate of average project costs. On this basis, we are adopting a base incentive of \$3.20 per Watt for tenant load. In order to meet the requirement of AB 693 that our incentive levels take into account the availability of other incentives and credits, we adopt an incentive structure that reduces the incentive level by 30% if the project receives either the Investment Tax Credit (ITC) or the Low Income Housing Tax Credit (LIHTC), and 50% if the project receives both benefits. This incentive structure is shown in Table 3, below. At the same time, as provided in Section 2870(f)(5), the incentive payment cannot exceed the full cost of the system.

We also agree with parties that the incentive for the portions of system load intended for tenants should be larger than the incentive for the portion allocated to common areas. Incentives for common areas should be enough to encourage installation of solar PV systems, while still ensuring that the property owner has sufficient investment in the project to motivate further actions to capture ongoing energy savings, for example through energy efficiency efforts. As a result, we adopt a base incentive of \$1.10 per Watt for common areas served by SOMAH projects. As with the tenant incentives, this base amount will be discounted for projects that also receive ITC or LIHTC benefits (see Table 3). The program's incentive structure provides fixed, up front, capacity-based incentives for qualifying solar energy systems, using the Expected Performance Based Buydown methodology adopted in D.06-08-028.

⁵⁷ PG&E comments at 8-9 state \$3.56 is the MASH reported cost; NSC estimates \$3.20 based on its review of recent NREL and LBNL reports, and Everyday Energy estimates an average cost of \$3.25 to \$3.50 per Watt, Everyday Energy Comments at 12. See, NSC Comments at 52.

Table 3

TAX CREDITS		\$ per Watt INCENTIVE	
ITC	LIHTC	Tenant	Common Area
No	No	\$ 3.20	\$ 1.10
Yes	No	\$ 2.25	\$ 0.80
No	Yes	\$ 2.25	\$ 0.80
Yes	Yes	\$ 1.60	\$ 0.60

Several parties recommend that the Commission conduct or oversee a market study to improve the accuracy of cost data for this market, in an effort to set incentive rates that are more reflective of market costs. In order to expedite the implementation of this program, we decline to require such a study. Such a study is likely to be time-consuming and expensive, and given the limited nature of the market to be studied, we believe that the usefulness of any such effort would be limited by the likely small sample size included in the study. The time and expense of a study is not warranted at this time.

The incentives adopted here will be re-evaluated when additional information on the costs of installation for multifamily affordable housing become available, most likely during the program review scheduled for 2020. We expect that review to be informed by data collected by the PA and others on the projects developed through the SOMAH program.

4.1. Incentive Step-Down

Similarly, we decline to require a specific study to facilitate the adjustment of project incentives in future years. Multiple parties recommended the use of

some type of pre-determined methodology for calculating an annual step-down in incentives,⁵⁸ and we find this to be reasonable and efficient option. Under the structure adopted here, incentive levels will decrease by the annual percent decline in residential solar costs as reflected by NREL reports, or 5% annually, whichever is less. Both NSC and the Greenlining Institute recommend this or a similar approach, and we find that this calculation method will ensure that annual incentive reductions reflect changes to actual market costs, while not declining too much in any given year.

5. Program Administration

AB 693 does not provide specific guidance on the administration of the SOMAH program. The July 2016 Ruling Seeking Proposals asked parties to comment on an appropriate administrative structure for the program and the activities that should be required of the PA. This section discusses the administrative structure for the program as a whole, and outlines the major activities for which the PA will be responsible.

5.1. Administrative Structure

The record provides for two main options for the overall administration of the SOMAH program. On this issue, parties were split between those who advocate for a single, statewide PA, and those who support separate PA in the service territory of each participating utility. In addition, CCA representatives recommend that the CCAs be made PA in certain areas.

⁵⁸ For example, PG&E (Comments at 7), and SDG&E (Comments at 5) recommend an annual decrease of 10%, and the MASH collation recommends a reduction of \$0.10 per year (MASH Coalition Comments at 2 and 6).

CalSEIA, CSE, Greenlining, GRID Alternatives, the Non-profit Solar Coalition, ORA, and TURN recommend the use of a single PA, asserting that this structure would increase the efficiency and cost-effectiveness of the program by avoiding the need to create multiple administrative entities.⁵⁹ Other potential benefits of this administrative structure include reducing costs and confusion among program participants by providing a single point of contact, especially for participants with projects in multiple service territories, and ensuring consistency across territories in policies and program administration. The administrative structure would also facilitate the participation of PacifiCorp and Liberty Utilities, who assert that it would be inefficient for them to set up separate administrative structures for AB 693-related activities in their relatively small and sparsely populated California service territories.⁶⁰

In contrast, the three large IOUs, along with EFCA, Everyday Energy, and the MASH Coalition advocate for separate PAs in the different utilities' service territories. These parties propose retaining an administrative structure similar to that used in the current MASH program, with the exception of SDG&E, which recommends that it administer the program in its own service territory, rather than contracting with CSE or another entity to manage their program, as is the case for MASH.⁶¹ These parties cite experience with the MASH program, which

⁵⁹ See, for example, CalSEIA Opening Comments at 24-25, CSE Opening Comments at 18-20, Greenlining Opening Comments at 10-11, GRID Opening Comments at 20-22, NSC Opening Comments at 89-93, ORA - 15-16, and TURN Opening Comments at 19-21.

⁶⁰ Liberty Opening Comments at 3-4, PacifiCorp Opening Comments at 4-5.

⁶¹ EFCA Opening Comments at 17, Everyday Energy Opening Comments at 28-32, MASH Coalition Opening Comments at 20, SDG&E Opening Comments at 27-28.

SCE, PG&E, and CSE (for SDG&E) have managed separately in each service territory for almost a decade.

Specifically, these parties argue that the current MASH administrators have the most experience running this type of program, and assert that the MASH program has had high levels of participation and reasonable administrative costs under its current administrative structure. PG&E also suggests that managing the new program at the utility service territory level would simplify tracking of the funding and expenditures and ensure that funds attributable to each company would be used within that company's territory.⁶² In addition, advocates of the multiple-administrator model argue that this approach could simplify coordination between this new program and the utilities' low-income and distributed energy resources programs, including their energy efficiency activities. Parties also suggest that a non-utility administrator would not be subject to full Commission oversight. Parties also argue that use of a single PA will delay the implementation of the program until a PA is chosen, presumably through a Request for Proposal process.⁶³

The Commission has experience with both of the administration models proposed by parties to this proceeding. For example, the MASH program currently operates using separate PAs in each utility service territory, whereas the SASH program uses a single PA to oversee services statewide. As suggested by CSE and TURN,⁶⁴ our experience demonstrates that non-utility PAs can

⁶² See, for example, PG&E Opening Comments at 27-29.

⁶³ PG&E Opening Comments at 29, EFCA Opening Comments at 17, Everyday Opening Comments at 30, MASH Coalition Opening Comments at 18, SCE Opening Comments at 19.

⁶⁴ CSE Opening Comments at 19, TURN Opening Comments at 19.

successfully manage programs across different utility service territories, while keeping administrative costs comparable to, or even lower than, separate administration by the IOUs.

Though the SOMAH program shares some goals and features with the existing MASH program, it is in fact a new program, and will require the development of new rules, procedures, and administrative structures. As a result, we are persuaded that the efficiencies we might gain from replicating the MASH administrative structures for SOMAH are minimal, given expected differences between the two programs. These potential efficiency gains would be further eroded by substituting SDG&E for CSE as PA in the SDG&E territory, or authorizing the CCAs to manage the program for their customers. Either of these options would require the development of new program management structures at the service-territory level, rather than relying on existing management structures.

In addition, even if the several administering entities were to coordinate in development of specific rules and procedures for the operation of the program, for example through development of a handbook along the lines of the existing MASH handbook, this diffuse structure is likely to lead to duplication of efforts in areas such as outreach, screening of applicant eligibility, and processing of incentive payments, potentially creating inefficiencies. As noted in the most recent evaluation of the MASH and SASH programs, one concern expressed by MASH participants is the lack of a single point of contact to provide consistent direction and continuity in services to potential projects.⁶⁵ Similarly, allowing

⁶⁵ The Navigant SASH/MASH 2011-2013 Market and Program Administration Assessment (accessible at <http://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=9322>) found,

Footnote continued on next page

multiple administrators to manage the program will complicate efforts to provide consistency in program activities throughout the state.

In contrast, a single statewide PA will also be able to coordinate marketing and education efforts, ensuring consistent messaging to and treatment of potential participants. Such a structure should simplify communication about the program and make it more accessible to participants. For these reasons, we choose to have a single PA oversee this program statewide.

5.2. Participation of Liberty and PacifiCorp

In response to the July 8, 2016 request for comments, two of the small and multi-jurisdictional utilities in the state, Liberty and PacifiCorp, ask to be exempted from any program implementing AB 693. Both companies argue that given their limited and relatively remote service territories, they are unlikely to have many (or any) customers eligible for a program under AB 693. Both companies ask to be exempt both from providing AB 693 services and from contributing a portion of their GHG allowance proceeds to the program. Nearly all other parties argue that the intention of AB 693 is to create a program that will benefit low-income residents throughout the state, and suggest that Liberty and PacifiCorp should participate.

Liberty and PacifiCorp assert that they are unlikely to have many eligible properties in their service territories; Liberty expects to have no more than a

based on installer feedback, that among the most significant MASH program barriers were a lack of communication about MASH program status, lack of clarity regarding the primary point of contact at each PA and PA organizational structure. (At XVIII and 17.) Similarly, some property owners mentioned having difficulty understanding program and regulatory requirements, which may indicate that better, more targeted outreach, would be helpful. (At 62, 87). In addition, several installers commented that having one statewide PA entity would reduce communication issues and ensure consistency in implementation.

“negligible” number, if any. PacifiCorp notes that it has been exempt from the CSI and MASH programs that similarly promote adoption of on-site solar PV generation. PacifiCorp in particular argues that, given its geographically dispersed territory and small number of customers, it would be inefficient and overly burdensome for PacifiCorp to administer an incentive program in its service territory.

It is true that the MASH and CSI programs were not implemented in the Liberty and PacifiCorp service territories. SOMAH, however, specifies a discrete funding source, GHG allowance proceeds, that is available to both utilities, and the program is specifically targeted to low-income residents and residents of disadvantaged communities. PacifiCorp acknowledges in comments that “nearly half of [its] customers qualify for low-income bill assistance,”⁶⁶ which is a much higher percentage than in the large IOUs’ territories, but asserts that it believes that few properties in its territory would meet the requirements that for AB 693 incentives. We agree with the Greenlining Institute that Liberty and PacifiCorp should only be exempted from the program if they can show that they have no eligible properties in their service territories. Based on information currently available to Energy Division staff, both Liberty and PacifiCorp have properties in their service territories that receive the LIHTC or USDA Rural Development Multifamily funding, and therefore are likely to meet the eligibility requirements for SOMAH.

Given this, and in order to ensure consistent operation throughout the service territories of the IOUs, it is reasonable to require Liberty and PacifiCorp

⁶⁶ PacifiCorp Opening Comments at 2.

to participate in the SOMAH program, both by providing funding from their GHG allowances and making the program available to their customers. We find that the administrative structure we adopt for this program, utilizing a single, state-wide PA, will ameliorate the administrative burden on the small utilities and allow for efficient operation of the program throughout the state.

PacifiCorp's concerns about its lack of access to information on deed restrictions or other qualifying arrangements⁶⁷ should be adequately addressed by having a third-party administrator set up and implement a process for eligibility verification, so the burden will not fall on the small utilities. For these reasons, we do not exempt Liberty and PacifiCorp from this program, and order each to provide a portion of GHG allowances to fund the program and cooperate with the third-party administrator. As discussed in Section 3.4.2., above, Liberty and PacifiCorp shall reserve the required amount of GHG allowance proceeds in their current and future ECAC proceedings.

5.3. Major Responsibilities of the Program Administrator

This section enumerates the PA's major activities and responsibilities, consistent with the program operation and eligibility requirements established in this decision.

In general, the PA will be responsible for ensuring that all participants in SOMAH, including applicants approved to receive services and contractors that provide those services, meet all program requirements. Toward this end, the PA will establish and then implement a process for documenting the eligibility of all program applicants. In addition, the PA will develop processes for verifying the

⁶⁷ PacifiCorp Opening Comments at 4-5.

quality and completeness of work performed by participating contractors and for ensuring proper payment of program incentives. Specifically, the PA shall be responsible for the development and management of the program, including but not limited to the following activities.

- 1) Development of **program materials and procedures**, including:
 - a. digital application forms and procedures;
 - b. eligibility documentation requirements;
 - c. data collection methods, digital forms, and databases;
 - d. outreach materials (in coordination with statewide education and outreach efforts, as described in D.16-03-029 and D.16-09-020);
 - e. incentive payment procedures; and
 - f. a SOMAH program handbook, which we anticipate will contain information comparable to the current MASH handbook.
- 2) General **program management**, including:
 - a. Supporting the Commission's Energy Division throughout the SOMAH program, including assisting with reports, public comment process, meetings, workshops, and evaluation activities and other activities as specified in its contract.
 - b. Reviewing applications and making eligibility determinations, including collection of documentation of property and participant eligibility, and compliance with proposed projects with program rules;
 - c. Providing technical assistance with the application processes;
 - d. Collecting and facilitating access to program resources, including but not limited to a list of qualified agencies providing assistance to affordable housing, a list of qualified

job training organizations, and energy efficiency information and best practices;

- e. overseeing contractor compliance with program requirements (for example, ensuring that job training, energy efficiency, and other requirements are met); and
- f. processing incentive claims.

3) **Data Collection and Reporting** on program operation and outcomes, such as:

- a. collection of data on program operations, including but not limited to applicants' eligibility information, project proposals, tracking of project status, contractor compliance, and incentives paid;
- b. tracking of progress towards the AB 693 MW development target; and
- c. collection of information on tenant costs and benefits; and meeting all reporting requirements developed by the Commission's Energy Division staff, including posting data on <http://californiadgstats.ca.gov/>.

6. Implementation Plan and Next Steps

6.1. Selection of a Program Administrator

Based on our determination that SOMAH should have a single state-wide PA, we find that selection of a PA should be made through a competitive bidding process. Specifically, the Commission's Energy Division will select the Program Administrator through an RFP process managed by one of the IOUs on behalf of the Commission. The RFP process shall be led by staff from the Commission's Energy Division, and Energy Division will make the final decision on the winning bidder and will select one utility to contract with the winning bidder. In making this determination, Energy Division shall take into consideration the following factors recommended by parties in this proceeding:

- 1) Experience with service delivery in a similar program(s) - by directly or through partners or subcontractor(s), delivering services for engineering, designing, procuring, installing, testing and commissioning of PV systems in multifamily buildings.
- 2) Databases and IT – Demonstrated successful management of federal, state, and/or local funds; with the ability to track and comply with specific programmatic and audit requirements of multiple funding sources. Maintain a system of internal accounting and administrative control; demonstrate a history of fiscal stability and responsibility.
- 3) Workforce development and tracking – Experience documenting and reporting workforce participation goals with a track record of providing training in solar installation procedures. Training experience could include training outside entities, formal in-house training, or developing training curricula and may include knowledge of, and demonstrated coordination with, existing utility and other statewide workforce, education, and training programs and pathways.
- 4) Technical assistance - Experience in decision-making, finance capitalization, and ownership profiles characteristic of multifamily properties with HUD, CalHFA, or LIHTC covenants and has provided consulting services in the fields of large multifamily improvement, renovation or equivalent residential or commercial construction activity, with a focus on weatherization, energy efficiency, and photovoltaic standards.
- 5) Application review, etc.
- 6) Data Reporting.⁶⁸

The IOUs will support staff in the selection of a statewide administrator through an RFP process selection and will manage the RFP process on the Commission's behalf to assist in expediting the process. Commission staff

⁶⁸ The information provided in Appendix A of D.08-10-036 is also available to Energy Division staff to use in developing criteria for the RFP for the PA.

should play a central role in developing the RFP and will make the final decision on the winning bidder.

6.2. Program Implementation via a Tier 3 Advice Letter

Once chosen, the PA shall be responsible for developing program rules and procedures consistent with the policies and guidance contained in this decision. This decision adopts broad policies for program eligibility (Section 3.1.1. above), additional program requirements (e.g., for third-party ownership, job training, and energy efficiency services), and program operation. Once selected, the PA shall hold one or more workshops with interested parties to receive input on appropriate methods for implementing the program, within the policy guidance provided here. Based on stakeholder input, the PA shall propose a plan for implementing and operating the SOMAH program in compliance with this decision. The PA shall submit a SOMAH Program Handbook for Commission consideration as a Tier 3 Advice Letter, subject to approval in a formal resolution. The program implementation proposal shall include sections on at least the following subjects:

- 1) Application procedures
- 2) Requirements for documentation of building and project eligibility
- 3) Specific job training requirements consistent with those defined in this decision
- 4) Specific rules for implementing the third party ownership requirements defined here
- 5) Specific energy efficiency requirements consistent with those adopted here
- 6) Data collection and reporting requirements, including report formats

The proposal will also include rules for the following issues not addressed in detail in this decision:

- 7) Supplier Diversity Rules
- 8) Interim targets for capacity goals, consistent with the AB 693 requirement for 300 MW before 2030

In addition, the Commission may provide further direction on the contents of this Tier 3 Advice Letter through one or more future Commission decisions or resolutions.

Once the SOMAH Program Handbook is adopted, the PA may propose program adjustments to the Program Handbook via a Tier 2 Advice Letter. The assigned Commissioner and/or ALJ will determine if suggested program changes require modification of a Commission order, and if so, the change would be considered by the full Commission, following notice to parties and an opportunity to comment.

7. Measurement and Verification

Every three years, Energy Division shall select an independent evaluator through a RFP process similar to that used to select the independent evaluator. The evaluation will review both the PA and the SOMAH program overall. Specifically, the Commission's Energy Division will select the PA through an RFP process managed by one of the IOUs on behalf of the Commission. The RFP process shall be led by staff from the Commission's Energy Division, and Energy Division staff will make the final decision on the winning bidder. Up to 2% of the program budget may be used to pay for measurement and evaluation activities, as well as the annual report to the State Legislature required at Section 2870(j).

8. Comments on Proposed Decision

The proposed decision of the ALJs in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

9. Assignment of Proceeding

Martha Guzman Aceves is the assigned Commissioner and Jessica T. Hecht, Valerie Kao, and Anne E. Simon are the assigned Administrative Law Judges and Presiding Officers in this proceeding.

Findings of Fact

1. AB 693, codified at California Public Utilities Code Section 2870, creates the Multifamily Affordable Housing Solar Roofs Program to provide financial incentives for the installation of solar PV energy systems on multifamily affordable housing properties throughout California.

2. Section 2870 limits participation in the Multifamily Affordable Housing Solar Roofs Program, implemented here as the Solar on Multifamily Affordable Housing Program, to properties meeting the definition of low-income residential housing set forth in Section 2852(a)(3)(A) that are either located in a DAC as identified by CalEPA pursuant to Health and Safety Code Section 39711, or in which at least 80% of the households have household incomes at or below 60% of the area median income.

3. Section 2870(a)(3) requires the Commission to use the specific DAC definition used by CalEPA pursuant to Health and Safety Code Section 50052.5 for participation in the SOMAH program. Currently under this definition, DACs are areas that score in the top 25% of census tracts statewide on a set of

environmental, health, and socioeconomic data from 20 indicators. In addition, 22 census tracts in the highest 5% of CalEnviroScreen's Pollution Burden, but that do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data, are currently also designated by CalEPA as DACs.

4. Section 2870(g)(1) requires that the utility bill reductions in the SOMAH program must be achieved through tariffs that allow for the allocation of credits, such as virtual net metering tariffs.

5. Section 2870(g)(1) requires that generation funded through SOMAH shall be primarily used to offset electricity usage by low-income tenants.

6. Section 2870(g)(2) requires the Commission to ensure that low-income tenants participating in SOMAH receive a direct economic benefit from participation in the program.

7. VNEM tariffs allow bill credits for the output of a single solar installation to be shared with tenants in multifamily housing.

8. Most CCAs offer a VNEM tariff for their customers.

9. Federally financed or subsidized housing arrangements that do not allow the tenant the benefit of utility bill reductions do not meet the requirement that tenants receive a direct economic benefit.

10. Section 2870(f)(3) requires the Commission to ensure that third-party owned systems installed with SOMAH incentives will perform as projected and will not adversely affect the interests of tenants.

11. A Performance Monitoring and Reporting Service can ensure that third-party owned systems perform as expected and do not adversely affect the interests of tenants.

12. Section 2870(f)(6) requires the Commission to provide economic benefits to disadvantaged communities by establishing local hiring requirements for SOMAH contractors.

13. Section 2870 (f)(7) requires the Commission to establish energy efficiency requirements at least equal to those applicable in the current MASH program for SOMAH participants.

14. Section 748.5(c) reserves up to 15% of the proceeds from the sale of GHG allowances described in Section 748.5 for use in clean energy and energy efficiency projects.

15. Section 2870(c) allocates two-thirds of the funds available under Section 748.5(c) or \$100,000,000 per year, whichever is less, to the SOMAH program.

16. The Energy Resource Recovery Account (ERRA) and the Energy Cost Adjustment Clause (ECAC) are the appropriate proceedings for the utilities to estimate and reserve SOMAH budgets consistent with Section 2870(c).

17. Section 2870(e) requires that not more than 10% of the funds allocated to the SOMAH program be used for administration.

18. Liberty and PacifiCorp should only be exempted from the program if they can show that they have no eligible properties in their service territories.

19. Liberty and PacifiCorp have not shown that there are no eligible properties in their service territories.

20. Use of a single, statewide program administrator will improve consistency in program implementation and simplify communication about the program with potential participants.

21. Use of a single, statewide program administrator will increase the efficiency and cost-effectiveness of the program by avoiding the need to create

multiple administrative entities, and will facilitate the participation of Liberty and PacifiCorp.

22. A competitive bidding process utilizing an RFP is an appropriate mechanism for use in the selection of the SOMAH PA.

23. A competitive bidding process utilizing an RFP is appropriate for use in the selection of a SOMAH measurement and evaluation contractor.

24. Creation of a new AB 693/SOMAH balancing account will facilitate tracking of the SOMAH program budget and expenditures.

25. Section 2870(f)(4) requires the Commission to establish incentive levels that are aligned with installation costs for solar energy systems in affordable housing markets and take into account federal investment tax credits and contributions from other sources to the extent feasible.

Conclusions of Law

1. The SOMAH, as adopted in this decision, is consistent with the requirements of Section 2870.

2. It is reasonable and consistent with the requirements of Section 2870(g)(1) for the SOMAH program to provide benefits to low-income tenants using VNEM credits.

3. It is reasonable and consistent with Section 2870(g)(1) to require that tenants receive at least 51% of the VNEM credits from any solar project receiving SOMAH incentives.

4. It is reasonable to allow buildings with CCA customers to participate in SOMAH, if the CCA customer is served under a VNEM tariff.

5. It is reasonable to exempt tenants participating in SOMAH from the requirement that applies to other customers using the NEM successor tariff to take service under a TOU rate.

6. It is reasonable for the generating accounts associated with SOMAH projects to remain subject to otherwise applicable default or mandatory TOU rates.

7. It is reasonable to require Liberty and PacifiCorp to participate in the SOMAH program, both by providing funding from their GHG allowances and making the program available to their customers.

8. The Commission should choose a statewide PA for SOMAH through a competitive bidding process led by Energy Division.

9. It is reasonable for each IOU to reserve the full 10% of its allowance proceeds as part of its ERRA (or for Liberty and PacifiCorp, ECAC) applications, updating those estimates if appropriate during the proceeding.

10. It is reasonable and consistent with Section 2870(c) to require PG&E, SDG&E, SCE, Liberty, and PacifiCorp each to contribute its proportionate share of \$100,000,000 each year for the SOMAH program, calculated based on the total proceeds of the last four quarterly auctions.

11. It is reasonable for the program to provide incentive amounts that cover the full installation cost of solar generation systems dedicated to tenant load.

12. It is reasonable to provide an incentive of less than the full cost of installation for solar generation systems dedicated to generating account(s) associated with a SOMAH project, to encourage further energy efficiency or demand reduction activities.

13. The Commission should adopt the following incentive structure:

1. TAX CREDITS		\$ per Watt INCENTIVE	
ITC	LIHTC	Tenant	Common Area
No	No	\$ 3.20	\$ 1.10
Yes	No	\$ 2.25	\$ 0.80
No	Yes	\$ 2.25	\$ 0.80
Yes	Yes	\$ 1.60	\$ 0.60

14. Incentive levels should be adjusted each year to reflect decreases in solar installation costs, not to exceed 5% in a given year.

15. The Commission's Energy Division should select a PA using an RFP process managed on the Commission's behalf by one of the IOUs.

16. Commission staff should play a central role in developing the RFP and make the final decision on the winning bidder.

17. It is reasonable to require the PA to develop program rules and procedures consistent with this decision, and to submit those processes to the Commission for consideration via a Tier 3 Advice Letter, subject to approval in a formal resolution.

18. Energy Division staff should select a measurement and evaluation contractor, using a process similar to that used for selection of the PA.

O R D E R

IT IS ORDERED that:

1. The Solar on Multifamily Affordable Housing program, as described in this decision and summarized in Appendix B, is adopted, and will operate in the service territories of Pacific Gas and Electric Company, San Diego Gas & Electric

Company, Southern California Edison Company, Liberty Utilities Company, and PacifiCorp Company, starting as soon as practicable in 2018.

2. Within 60 days of the date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, Liberty Utilities Company, and PacifiCorp Company, each shall file a Tier 1 Advice Letter creating a balancing account to track its authorized funding for Solar on Multifamily Affordable Housing.

3. Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company, each shall reserve 10% of the proceeds from the sale of greenhouse gas allowances defined in Public Utilities Code Section 748.5 through its annual Energy Resource Recovery Account (ERRA) proceedings for use in the Solar on Multifamily Affordable Housing Program, starting with its ongoing 2018 ERRA forecast proceeding.

4. Liberty Utilities Company and PacifiCorp Company each shall reserve 10% of the proceeds from the sale of greenhouse gas allowances defined in Public Utilities Code Section 748.5 through its annual Energy Cost Adjustment Clause proceeding for use in the Solar on Multifamily Affordable Housing Program, starting with its ongoing 2018 Energy Cost Adjustment Clause proceeding.

5. A single, statewide Program Administrator (PA) for the Solar on Multifamily Affordable Housing Program shall be chosen through a Request for Proposal (RFP) process, as outlined in Section 6.1. of this decision. Specifically, Commission's Energy Division will select the PA through an RFP process managed by one of the investor-owned utilities on behalf of the Commission. The RFP process shall be led by staff from the Commission's Energy Division, and Energy Division will make the final decision on the winning bidder and will select one utility to contract with the winning bidder.

6. Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, Liberty Utilities Company, and PacifiCorp Company shall each contribute its proportionate share of \$100,000,000 on an annual basis for management of the Solar on Multifamily Affordable Housing Program. Each company's share will be calculated based on its share of allowance sale proceeds over the previous four quarters.

7. Once selected, the Program Administrator shall hold one or more workshops with interested parties to receive input on appropriate methods for implementing Solar on Multifamily Affordable Housing consistent with the policy guidance provided in this decision.

8. The Program Administrator (PA) shall propose a plan for implementing and operating the Solar on Multifamily Affordable Housing (SOMAH) program in compliance with this decision. Within 120 days of entering into a contract to manage SOMAH, the PA shall submit a SOMAH Program Handbook for Commission consideration as a Tier 3 Advice Letter, subject to approval in a formal resolution. The program implementation proposal shall include sections on at least the following subjects:

- a. Application procedures
- b. Requirements for documentation of building and project eligibility
- c. Specific job training and, if appropriate, local hiring requirements consistent with those defined in this decision
- d. Specific rules for implementing the third party ownership requirements defined here
- e. Specific energy efficiency requirements consistent with those adopted here
- f. Data collection and reporting requirements, including report formats

g. Supplier Diversity Rules

h. Interim targets for capacity goals, consistent with the Assembly Bill 693 requirement for 300 Megawatts before 2030

9. The Program Administrator (PA) is authorized to provide incentives to projects on any federally funded properties that would allow the tenant to retain the economic benefit of the generation allocated to the tenant, if the housing is otherwise eligible for the program and the project meets all other requirements for receiving incentives. The PA may also explore the possibility that the U.S. Department of Housing and Urban Development may make revisions to its guidelines that would enable wider participation in the program.

10. Energy Division shall select a contractor to conduct measurement and verification of the Solar on Multifamily Affordable Housing program through a Request for Proposal (RFP) process similar to that used for selection of the Program Administrator. Specifically, the Commission's Energy Division will select the Program Administrator through an RFP process managed by one of the investor-owned utilities on behalf of the Commission. The RFP process shall be led by staff from the Commission's Energy Division, and Energy Division staff will make the final decision on the winning bidder. Up to 2% of the program budget may be used to pay for measurement and evaluation activities.

11. Rulemaking 14-02-007 remains open to address additional issues, including consideration of programs to increase the availability of solar distributed generation in disadvantaged communities.

This order is effective today.

Dated _____, at San Francisco, California.