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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.

Docket R.14-07-002
(Filed July 10, 2014)

PETITION OF ABC SOLAR INCORPORATED
FOR MODIFICATION OF D.14-05-033
REQUEST TO MODIFY ALL RESIDENTIAL
SOLAR ENERGY SYSTEMS TO 30 KW BEFORE
RESTRICTIONS OR REQUIRED ADVANCED METERING
TO COMPLY WITH SOLAR RIGHTS ACT AND OTHER LAWS

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October 23, 2017

PETITION FOR MODIFICATION OF DECISION 14-05-033
BY ABC SOLAR INCORPORATED (ABC SOLAR)

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37 Clarified that ABC Solar Original Petition to Modify

118

D.14-05-033 was filed in the right docket and rejected this

119

v2 Petition to Modify because now it was in the wrong

120

docket. October 13, 2017

P. 46

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II. INTRODUCTION AND PURPOSE OF PETITION

122

1). To limit to 10KW a size of a Solar Energy System is not a minor new

123

requirement and ABC SOLAR objects and seeks an immediate change of

124

all references of 10KW to be at least 30KW.

P. 49

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2). SCE tariff and kWh source-data calculations have up to fifteen (15)

126

zeros after the decimal point, a quadrillionth of a percent.

P. 50

127

3). A note to the court on definitions used the California State

128

Legislature in terms of solar PV system size and energy units. From 2006

129

and SB-1 to present "KW" and "kWh" is used.

P. 51

130

4). The CPUC D.14-05-033 decision can be shown to harm solar adoption

131

and human safety.

P.53

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5). ABC SOLAR contends that this D.14-05-033 is not a minor

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modification and according to the United States Supreme Court such

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commission "Decisions" must be minor.

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6). CPUC should note SCE knew that the following CPUC Decision (Decision 16-04-020 April 21, 2016) was after D.14-05-033. This means SCE is omitting known CPUC decisions to their advantage. **THIS IS LYING and AGREEGIOUS MANIPULATION AND SCE SHOULD BE CENSORED.** P. 55

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2). Reads: 6. The Commission shall issue a separate ruling P. 57

3). Reads: 9. Large Net Energy Metering (NEM) paired storage P. 58

4). We request an immediate change to 30 KW from 10 KW anywhere referenced in this D.14-05-033 decision. P. 58

5). We will seek additional discovery to furnish the CPUC evidence, we hope the CPUC will grant immediately the change to from 10 KW to 30 kW for every instance in D.14-05-033 while the CPUC then studies the detail of this petition and decides its ultimate fate at the CPUC. P. 59

6). ABC SOLAR pleads to the CPUC to heed State and Federal law P. 59

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7).	ABC Solar argues AB2188 deliberately established cities are lead	P. 61
8).	THE CPUC should not support SCE to use the SGIP to promote big	
	systems and then the NEM department stops solar grid connections.	P. 61
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164 **I. PETITION TO MODIFY D.14-05-033 SUMMARY**

165 This summary is hard to write when the complicated nature of D.14-05-
166 033 is used as a weapon by IOU Southern California Edison (SCE) to impede
167 the small business of ABC SOLAR and to slow the adoption of solar, especially
168 Solar PV with Advanced Battery Systems. The effort of this Petition to Modify
169 D.14-05-033 is to identify actions by SCE as being either illegal or contrary to
170 Federal, State Laws, Rules and Regulations.

171 MCI v. ATT decision in the US Supreme Court plays the most important
172 role in this Petition, in this petitioner's mind. Every reference to system size
173 of Residential Solar Energy Systems in California's Solar Rights Act point to 1
174 Megawatt as the max interconnection capable size. Other passages look at 30
175 KW as a size to start some form of additional metering requirements. D.14-
176 05-033 is Permissive Detariffing, an illegal act, as defined by MCI v ATT. This
177 Petition attempts to identify each California Solar Rights Act law that deals
178 with Solar Energy System Sizes to show D.14-05-033 to be a radical departure
179 from the intent of the elected officials and signed by our governors.

180 Errors by SCE are always excused. Omissions are not (CHAPTER 11,
181 2102 as enacted in 1951). SCE management is actively engaged in illegal
182 manipulation of rules and regulations to impede and slow solar adoption. 18
183 years in this business and I know when clients turn from eager solar

184 enthusiasts to angry solar complainers happens as SCE saps their energy and
185 love for solar.

186 SCE has shown they are not capable of separating their role as IOU and
187 the role of getting solar connected to the grid, as state laws demand. We believe
188 the CPUC needs to appoint a special master to immediately take over SCE
189 NEM and SGIP application processing. Only engineering should be left to SCE
190 and engineering should only be able to work on safety issues.

191 Finally, nothing in the goals of the State of California to get 50% of its
192 power from renewable resources says that it must be owned by IOUs. Nothing
193 in the Solar Rights Act protects IOUs from the competitive impact of solar to
194 the IOU. Everything in our laws point to keeping the grid stable and reliable.
195 ABC Solar agrees with that 100%. We just point out that our laws do not state
196 the IOU owned generation is more reliable than 3rd party owned.

197 Without sounding too tired, if this 3rd attempt at this Petition to Modify
198 D.14-05-033 is rejected ABC Solar will file a Writ of Review with the CA
199 Appellate Court. Our request will be based on violations in due process rights
200 afforded ABC SOLAR, violations of Federal and State laws in D.14-05-033 and
201 procedural mistakes by SCE and CPUC in attempting to silence my Petition
202 efforts. I pray commission review before horribly expensive next step.
203 Without fear or favor I submit this Petition to Modify. 102217:Bradley L. Bartz.

PETITION FOR MODIFICATION OF DECISION 14-05-033

BY ABC SOLAR INCORPORATED (ABC SOLAR)

1). Pursuant to Rule 16.4 of the Commission's Rules of Practice and Procedure, ABC SOLAR INCORPORATED (ABC SOLAR) respectfully files this Petition for Modification of Decision ("D.") 14-05-033 (the "Decision"), which . ABC SOLAR respectfully requests that the California Public Utilities Commission ("Commission") modify the Decision to change to 30 KW any reference to size restrictions for residential Solar PV with Advanced Battery Systems.

2). 16.4 (c) Applications for rehearing shall set forth specifically the grounds on which the applicant considers the order or decision of the Commission to be unlawful or erroneous, and must make specific references to the record or law. The purpose of an application for rehearing is to alert the Commission to a legal error, so that the Commission may correct it expeditiously

The CPUC advocate said I would have to file this Petition to Modify D.14-05-033 to get PTO. (you have to sue us, and then hung up.) So that triggered me to ask my staff for leave so 100% of my time is now spent in the Rubic's cube of legal due process steps and their identification/use at the CPUC.

3). 16.4 (e) If the petitioner was not a party to the proceeding in which the decision proposed to be modified was issued, the petition must state specifically

how the petitioner is affected by the decision and why the petitioner did not participate in the proceeding earlier. SCE just weaponized D.14-05-033 with omissions of known exemption rules starting in August 2017. ABC SOLAR was harmed in August 2017. Further, CPUC staff stated to file this Petition.

4). Certificate of Service and Service List, please file them electronically and send me the Efile Confirmation number is the request of Mr. Nakahara.

5). The Service List for R.14-07-002 must be used. We reference: https://ia.cpuc.ca.gov/servicelists/R1407002_82207.htm see attachment for list.

6). D.14-05-033 does not allow SCE to deny PTO for this 10.8 KW Solar PV and Advanced Battery Systems. Order 8 from this decision and other points in the decision keep saying, "when it is technically feasible to do so." SCE is wrong, please reverse their PTO denial.

NEM-eligible systems with storage devices sized at 10 kilowatts alternating current or less may, at the system owner's option, adhere to the metering requirements prescribed for NEM-paired storage systems larger than 10 kW when it is technically feasible to do so. Mr. Jae Lee of SCE states it is not technically feasible to do so (e.g. adhere to metering requirements). Exemption requested.

241 **7).** Pub. Util. Code § 2827(b)(4) 2827 is showing a max size reference for
242 residential and others at not more than one-megawatt. This is much larger
243 than the 10 KW wall in D.14-05-033 that SCE is using to deny Permission to
244 Operate (PTO) for 631 Porter Lane, Hermosa Beach Solar PV and Advanced
245 Battery System. Please reverse SCE's PTO denial.

246 Definition of "Eligible Customer Generator," Pub. Util. Code § 2827(b)(4) 2827

247 (b) As used in this section, the following terms have the following meanings: . . .

248 (4) (A) "Eligible customer-generator" means a residential customer, small
249 commercial customer as defined in subdivision (h) of Section 331, or
250 commercial, industrial, or agricultural customer of an electric utility, who uses
251 a renewable electrical generation facility, or a combination of those facilities,
252 with a total capacity of not more than one megawatt, that is located on the
253 customer's owned, leased, or rented premises, and is interconnected and
254 operates in parallel with the electrical grid, and is intended primarily to offset
255 part or all of the customer's own electrical requirements.

256 **8).** As required by Rule 16.4(b), Appendix 1 to this Petition includes specific
257 wording to carry out the requested modifications to the Decision. Section III
258 **CONCISE STATEMENT OF JUSTIFICATION FOR REQUESTED RELIEF**
259 to this Petition includes specific working to carry out. Please make accept
260 these changes from 10 KW to 30 KW in all of D.14-05-033 and related decisions.

261 **9).** Additionally, as discussed below in Section VI. REQUEST FOR
262 EXPEDITED CONSIDERATION AND SHORTENING OF COMMENT
263 PERIOD, ABC SOLAR requests expedited consideration of this Petition and a
264 shortening of the comment period, due to the exigencies noted in the situation.

265 **10).** Again, ABC SOLAR Pleads to the Administrative Law Judge for empathy
266 as the path to Due Process started with a "you must sue me" statement from
267 the CPUC and SCE. Once that occurred 100% of my time has been spent asking
268 for and sometimes receiving Due Process Step awareness. As outlined above,
269 the CPUC team has not been particularly forthcoming and SCE Rebecca
270 Meiers-De Pastino cca Meiers-De Pastino Senior Attorney Resource Policy &
271 Planning Rebecca.Meiers.Depastino@sce.com wrote this on October 3, 2017:

272 Finally, I request Mr. Bartz cease his practice of sending abusive e-mails
273 threatening SCE employees with litigation and demanding discovery. Mr.
274 Bartz does not have a legitimate complaint regarding SCE's administration of
275 this program or processing of applications his company has submitted on
276 behalf of SCE's customers. If Mr. Bartz disagrees, he can pursue whatever
277 legal remedies he believes are available to him, although I have serious doubts
278 about Mr. Bartz's ability to pursue matters in civil court. See Davis v. Southern
279 California Edison Company, 236 Cal.App.4th 619 (2015). Likewise, unless SCE

receives a lawfully issued discovery request or subpoena in connection, SCE will not respond to any discovery request.

ABC Solar writes please note our Superior Court action is to enforce CPUC's highest priority designation for Solar PV with advanced battery systems and David V. SCE is a violations case, not an enforcement demand.

11). www.csi-epbb.com should be considered by the Commission as an approved as an estimation methodology based on a presumed generation profile of eligible NEM generators.

12. The NEM Tariff should be modified to incorporate the sizing and metering requirements described in this decision for NEM-paired storage systems, both for systems with storage devices greater than 10 kW (AC) maximum discharge capacity and those sized at or below 10 kW (AC) maximum discharge capacity upon Commission approval of an estimation methodology based on a presumed generation profile of eligible NEM generators. This modified tariff should apply to NEM-paired storage systems interconnected under the NEM Tariff.

D.14-05-033-14. Qualifying large NEM-eligible GFs (with paired storage systems larger than 10 kW (AC)) should be required to adhere to metering requirements similar to those in the NEM-MT tariff to ensure that only NEM eligible generation receives NEM credit. NEM-eligible GFs with storage devices sized at 10 kW or less should have the option to adhere to the metering

requirements prescribed for large NEM-paired storage GFs when it is technically feasible to do so. 15. The NEM Tariff should be modified to incorporate the sizing and metering requirements described in this decision for NEM-paired storage systems, both for systems with storage devices greater than 10 kW (AC) maximum discharge capacity and those sized at or below 10 kW (AC) maximum discharge capacity upon Commission approval of an estimation methodology based on a presumed generation profile of eligible NEM generators. This modified tariff should apply to NEM-paired storage systems interconnected under the NEM Tariff.

Asked and Answered. Accept the results of www.csi-epbb.com. Denial of PTO by SCE using the over 10 KW special metering clause which they state, in writing, is not available, is wrong. Please reverse SCE denial of this PTO and future PTOs for other residential Solar PV with Advanced Battery Systems over 10 KW. Where is size limits written into the California Solar Rights Act? This petitioner asserts that SCE and other IOUs have unfairly limited ratepayer adoption of solar by omission and misuse of CPUC regulations. Please stop them.

12). I declare this petition meets these Rules of Article 4 of our Rules of Practice and Procedure of the CPUC.4.1. (Rule 4.1) Who May Complain. Met. ABC Solar and Bradley Bartz may complain because Southern California Edison (SCE)

320 used D.14-05-033 to deny a Permission-To-Operate to a Solar PV and
321 Advanced Battery System. This use of D.14-05-033 caused harm to Bartz, ABC
322 Solar and multiple ABC Solar clients being denied Permission-to-Operate
323 (PTO). This harm started August 2017.

324 **13).** Start of Project by SCE NEM Registration

325 Who: Tomoko Bartz

326 What: registered NST-02490 with SCE NEM.

327 When: July 20, 2017

328 Why: Start the parallel processes needed to connect a ratepayer to the grid
329 with their solar energy systems.

330 Where: www.powerclerk.com

331 **14).** 1st Deficiency Notice NST-02490

332 Who: SCE Notifications

333 What: Requested change to Single Line Diagram (SLD)

334 When: July 25, 2017

335 Why: Process Management.

336 Where: Email.

337 The application indicates that a Net Generation Output Meter (NGOM) will be
338 installed with this Interconnection Request. Please revise the SLD to include
339 the meter socket for the NGOM in the electrical path.

340 NEM Paired Storage projects require customer authorization of
341 Interconnection Agreement 16-344. Please provide a copy as soon as possible
342 so that we may continue the review process.

343 **15).** SCE Sends NST-02490 to technical review.

344 Who: Southern California Edison - Net Energy Metering Interconnection

345 What: Sent project to technical review

346 When: July 28, 2017

347 Why: Process Management

348 Where: Email.

349 Dear Applicant: We have reviewed your submission and have determined that
350 additional technical review is required in order to complete your
351 Interconnection Request ("IR"). In addition, other documentation may be
352 required to complete your IR

353 **16).** SCE Assigns Engineer

354 Who: SCE NEM

355 What: Assigned Jae Lee as Engineer

356 When: July 31, 2017

357 Why: Process Management

358 Where: Email.

359 The SCE Engineer named below is conducting a technical review of your
360 generation facility and may contact you if needed. Engineer Name: Jae Lee
361 Engineer Email: Jae.Lee@sce.com The information below is being provided for
362 reference only. Detailed requirements for this specific project will be
363 communicated to you directly by the SCE Engineer referenced above as needed.
364 The intent of providing this information is to help facilitate an efficient
365 technical review and avoid potential delays that may result from not
366 addressing requirements that may be applicable to your project. Signage
367 Requirements SCE may at its discretion require decals to be installed on
368 generation facilities. For example, generating facility applications referred to
369 a Distribution Engineer for technical review will typically require a decal. A
370 photograph with the installed decals must be submitted to the SCE
371 Interconnection Website with the final Permit Inspection. SCE will verify the
372 decal installation during the final technical approval. You have the option to
373 receive the decals by the following methods: You may order decals (25
374 minimum order) from the following location [Decal Link] For decals that need

to be placed on the main service panel, please order Decal number: SCE Item 15-41-A REV 1/11 Size 4"X3" for small panels SCE Item 15-43-B REV 1/11 Size 7"X5" for larger panels For decals that need to be placed on the AC Disconnect[1], please order Decal Number: SCE Item 15-40-A REV 1/11 Size 4"X3" for small AC Disconnects SCE Item 15-40-B REV 1/11 Size 7"X5" for large AC Disconnects You may contact the SCE Engineer assigned to your project to coordinate decal pick up at the local service center.[2] [1] Please reference Section 5.2.1 of the NEM Handbook as to when an AC Disconnect is required. [2] This could increase the time to receive the decals necessary for final technical approval. Technical Review If you have not already submitted the following items, SCE recommends you submit them to the assigned SCE Engineer (noted above) prior to scheduling the commissioning test and to expedite the technical review: Photos of the manual, visibly open, and lockable AC disconnect; A plot plan showing the location of the manual, visibly open, and lockable AC disconnect with reference to the utility meter (SCE shall approve prior to installation) Please note that the SCE Engineer will need up to 7 business days to conduct the technical review prior to a commission test. If additional analysis / information are required, then this time could be longer. Scheduling a Commissioning Test The assigned SCE Engineer will work with you to try to schedule a commissioning test of the project soon after the final inspection by the local Authority Having Jurisdiction. Please let the Engineer

know in advance when you anticipate scheduling the final inspection. For more information including NEM interconnection technical requirements please visit: www.sce.com/NEM. In addition, please keep the following requirements in mind: ESR 5, Section 1.0 (Pg. 5-7) All enclosures and raceways on the line side (unmetered) or housing metering equipment shall be sealable. Meter seals shall not be broken by anyone except an authorized Company employee. If you come across a broken meter seal, report it immediately to SCE at 800 655 4555. Ask to speak to the Revenue Protection representative that is responsible for the area in which the applicant resides in. ESR 6, Section 1.0 (Pg. 6-5) Conductors shall not be rerouted through any metering compartment. Fused and unfused conductors shall not occupy the same raceway unless they are completely barriered from each other in a manner acceptable to the Company. ESR 6, Section 5.0 Figure 6-8 note 5 (Pg. 6-20) Except for conductors supplying the instrument-transformer compartment, and the ground bus, no other conductors or devices shall be installed in, or routed through, the compartment or the sealed area above the compartment. The ground bus shall not infringe on utility-compartment space, or reduce any clearances. Customer connections to the ground buss shall be allowed in the instrument transformer compartment. Please reference the following link for the complete Electrical Service Requirements (ESR) document:

416 www.sce.com/wps/portal/home/regulatory/distribution-manuals/electrical-
417 service-requirements/ This is a system generated email. Please reply to
418 customer.generation@sce.com with any questions. Best regards, Southern
419 California Edison

420 NOTE: No reference to NGOM. First time to notice "Revenue Protection
421 Officer". I called SCE and asked for such a person and the operator was
422 dumbfounded. For reference can SCE please outline the job description for the
423 "Revenue Protection Officer"? How much does the Revenue Protection Officer
424 Make? Is the designation of Revenue Protection Officer apply to all SCE
425 employees? If so is being "deputized" as a Revenue Protection Officer somehow
426 misguiding and possibly corrupting SCE employee to misuse and omit
427 regulations and laws to slow the adoption of the competitive energy source of
428 Solar Energy Systems? Nowhere in the Solar Rights Act is an IOU "Revenue
429 Protection Officer" instructed to protect IOU revenue from the state's mandate
430 to 50% renewable energy.

431 **17).** PTO Denial using D.14-05-033.

432 Who: Jae Lee, SCE NEM Engineer

433 What: PTO Denial using D.14-05-033.

434 When: August 13, 2013

435 Why: This is not unclear. Mr. Jae Lee knows he is asking for unobtainium
436 (unable to meet the metering request because technology does not exist (it does,
437 but SCE is blind)).

438 Where: Email.

439 ----- Forwarded message ----- From: Jae Lee Date: Sun, Aug 13, 2017 at
440 3:14 PM Subject: RE: (External):Fwd: Applicant Response Received. Pending
441 SCE Engineer Review - NST-02490; To: Tomoko Bartz Cc: "" Hello Tomoko,
442 Thank you for the attachments. I have uploaded them onto PowerClerk. These
443 were the items that were discussed and in reviewing your revised SLD below
444 are some additional questions: The existing and revised SLD shows block
445 diagrams of the components. In the call I have mentioned to please revise the
446 block diagrams into electrical connections as it's still difficult for us to interpret
447 the drawing. An example of this was the battery storage as the previous
448 diagram only shows 1 battery (along with the application) but after discussions
449 it seemed that there is two. Per CPUC Decision 14-05-033, if the energy storage
450 device is greater than 10 kW then we would need a way to see how much of the
451 NEM eligible generator is being outputted as the energy storage system is not
452 considered renewable and does not qualify for credits. This typically means
453 that we would need an interval meter (NGOM) or a non-export relay as this
454 system is greater than 10 kW. Your configuration shows that both the battery

455 and solar is connected behind each inverter. Since this is greater than 10 kw
456 nameplate (total) even with the NGOM upstream there isn't a way to
457 distinguish which is NEM eligible and which of it is the battery storage. Please
458 advise on how to proceed forward with the above information and let me know
459 if my interpretation of your SLD is not correct. I will also send this email
460 through PowerClerk. Thanks, Jae Lee Engineer T&D | Distribution
461 Engineering M. 559-329-9158 1924 E. Cashdan, Compton, CA 90220

462 Every time Mr. Jae Lee of SCE NEM uses just D.14-05-033 and does not
463 mention other CPUC decisions that exempt this installation and thereby be
464 granted PTO, Mr. Lee is part of a SCE management sponsored illegal omission
465 with intent to impede solar adoption.

466 **18).** Your Interconnection Request ("IR") has been reviewed and the following
467 information requires further clarification:

468 Who: Jae Lee

469 What: First use of CPUC Decision 14-05-033 to deny PTO.

470 When: August 13, 2017

471 Why: To deny PTO.

472 Where: Email

473 Thank you for the attachments. I have uploaded them onto PowerClerk. These
474 were the items that were discussed and in reviewing your revised SLD below
475 are some additional questions: The existing and revised SLD shows block
476 diagrams of the components. In the call I have mentioned to please revise the
477 block diagrams into electrical connections as it's still difficult for us to interpret
478 the drawing. An example of this was the battery storage as the previous
479 diagram only shows 1 battery (along with the application) but after discussions
480 it seemed that there is two. Per CPUC Decision 14-05-033, if the energy storage
481 device is greater than 10 kW then we would need a way to see how much of the
482 NEM eligible generator is being outputted as the energy storage system is not
483 considered renewable and does not qualify for credits. This typically means
484 that we would need an interval meter (NGOM) or a non-export relay as this
485 system is greater than 10 kW. Your configuration shows that both the battery
486 and solar is connected behind each inverter. Since this is greater than 10 kw
487 nameplate (total) even with the NGOM upstream there isn't a way to
488 distinguish which is NEM eligible and which of it is the battery storage. Please
489 advise on how to proceed forward with the above information and let me know
490 if my interpretation of your SLD is not correct. I will also send this email
491 through PowerClerk. If you need to make corrections to your application, use
492 the "NEM Application" form. To respond to all other requested information on
493 this notice, please use the "Respond to Engineer" form using the SCE's Online

Interconnection Application website at <https://sceinterconnect.powerclerk.com>.

SCE requests that you provide the additional information listed above within ten (10) business days from the date of this notice. If you cannot provide SCE with the requested information within (10) business days, please e-mail the assigned engineer and provide the date you anticipate being able to provide the requested information. Please be advised that the review process cannot move forward until the information requested above is provided. Per Rule 21 Section D.15., SCE and Applicant, for good cause, may agree to modify any of the timelines in this Rule. The modified timeline shall be mutually agreed upon.

Note: If you are required to provide pictures of the installation, please embed these pictures into a .docx or .pdf for upload. The only file formats accepted are .docx, .pdf, and .csv/xlsx. Additionally, there is a 5MB limit for individual attachments. If your attachment(s) exceed this limit, please attempt to scan the document using the lowest legible resolution and upload. Additional link to NEM Handbook for your reference. This is a system generated email. Please do not reply to this notice. Best regards, Southern California Edison - NEM Interconnections

D.14-05-033 does not allow the denial of PTO in this case. The clear language from Mr. Jae Lee is that a metering solution they hope for does not exist. By not existing Mr. Jae Lee should refer to other CPUC decisions to grant PTO on

this project without further discussion. By not specifically offering a known-to-him CPUC decision that exempts projects from PTO denial when a metering solution does not exist. As Mr. Jae Lee clearly states. This is manipulation of CPUC decisions to impede the small business of ABC Solar, a clear violation of FERC anti-manipulation statutes. Look, SCE hates Solar PV with Advanced Battery Systems. Put Mr. Jae Lee on the stand and ask him if managers are creating barriers to interconnection for Solar PV with Advanced Battery Systems. He will most likely answer yes and this commission can convict.

19). 16.4. (Rule 16.4) Petition for Modification.16.4 (d) Except as provided in this subsection, a petition for modification must be filed and served within one year of the effective date of the decision proposed to be modified. If more than one year has elapsed, the petition must also explain why the petition could not have been presented within one year of the effective date of the decision. If the Commission determines that the late submission has not been justified, it may on that ground issue a summary denial of the petition. The following actions by Mr. Jae Lee are the founding to meet the threshold presented in 16.4(d).

Who: Mr. Jae Lee, SCE Net-Metering Administrator wrote in an email to ABC SOLAR:

What: "Per CPUC Decision 14-05-033, if the energy storage device is greater than 10 kW then we would need a way to see how much of the NEM eligible

534 generator is being outputted as the energy storage system is not considered
535 renewable and does not qualify for credits. This typically means that we would
536 need an interval meter (NGOM) or a non-export relay as this system is greater
537 than 10 kW. Your configuration shows that both the battery and solar is
538 connected behind each inverter. Since this greater than 10 kw nameplate
539 (total) even with the NGOM upstream there isn't a way to distinguish which
540 is NEM eligible and which of it is the battery storage."

541 When: August 13, 2017

542 Why: It seems the Mr. Jae Lee, under his managers instruction, used this D.14-
543 05-033 to block residential Solar PV with Advanced Battery Systems over 10
544 KW.

545 Where: NST-02490; 631 PORTER LN, HERMOSA BEACH CA 90254

546 ABC SOLAR argues two triggers performed by Southern California Edison
547 (SCE) actions in June 2017 and on August 13, 2017, the first date-of-harm. In
548 June 2017 SCE Self-Generation-Incentive (SGIP) went live at
549 www.selfgenca.com and the SGIP Program Handbook - 2017 was actively
550 promoted. ABC Solar used this promotion by SCE SGIP administrators to
551 build Solar PV with Advanced Battery Systems for special clients. In the SGIP
552 Program Handbook - 2017 30 KW system size is used as the minimum size
553 before sophisticated meter technology can be required. As footnote on page 39

554 states: 26 For commercial projects only. If this was a residential project sized
555 30 kW or greater, 52 full discharges would be required. It is clear that 30 KW
556 is the residential threshold. D.14-05-033. Please reverse this PTO denial and
557 future denials of over 10 KW Solar PV and Advanced Battery Systems.

558 **20).** CPUC Patrick Daughy (sp) Said "You will have to File a Petition to
559 Modify D.14-05-033 if you want PTO for this NST-02490 project." Then after
560 further frustrating discussions Patrick hung up on Mr. Bartz.

561 Who: Bradley Bartz

562 What: Called the CPUC for support.

563 When: August 15, 2017

564 Why: Get PTO for NST-02490

565 Where: Telephone

566 CPUC - CA Protect U from Circles dept. 800-649-7570 122 320 West 4th Street,
567 Ste. 500 Los Angeles, CA 90013 PH: 213.576.7000 Fax: 213.576.7007
568 800.848.5580 (Toll Free)

569 The first step in due process is to be told I have to file this Petition to Modify
570 D.14-05-033. This now means that CPUC and SCE are both involved in
571 omissions and manipulation to impede a small business and to slow solar
572 adoption. Anti-Manipulation Rule, 18 C.F.R. § 1c. Please CENSOR Patrick

573 and other CPUC staff that support the use of D.14-05-033 as a weapon by SCE
574 to deny PTO.

575 **21).** Letter from ABC Solar to Council for reference on state-of-mind to
576 commissioners.

577 Who: Bradley Bartz

578 What: Sent concerns about SCE NEM abuse and denial of PTO for NST-02490.

579 When: August 16, 2017

580 Why: I just got beat up by a bully (SCE) and I am reporting it to the principal.

581 Where: Email.

582 Hi Jeff, Any plans for the eclipse? I'll be taking the train to St. Louis, MO.

583 When I return I would like you to file a lawsuit against the CPUC for
584 dereliction of duty and to SCE for the manipulation of regulators to cause this
585 dereliction of duty by the CPUC. A series of recent SCE inspired CPUC
586 decisions are frankly outrageous. I am in another tautology (circular
587 argument) with the CPUC / SCE regarding getting PTO (Permission to
588 Operate) for a client at 631 Porter Lane, Hermosa Beach, CA 90254 Decision
589 14-05-033 May 15, 2014 is being used as a hammer even though 2017 Decisions
590 have encouraged [Solar PV with Advanced Battery Systems]. Recently another
591 division at the CPUC approved rebates for advanced battery systems. See:

592 <https://www.selfgenca.com/> --- attached is the SGIP handbook and contract as
593 reference. Ok, SCE is stopping my client from turning on their solar grid-tie
594 with advanced battery system based on the May 15, 2014 decision. !!! However,
595 the attached 2017 SGIP CPUC advanced battery rebate program encourages
596 the installation. This project was inspected and passed the City of Hermosa
597 Beach on July 18, 2017. SCE is now out of time compliance with the law. The
598 SCE team is saying that since the solar panels and battery are "Before" the
599 inverter then there is no way to satisfy the Decision 14-05-033 May 15, 2014.
600 Because my system is over 10KW SCE is playing the "CPUC says" card. I call
601 "glorious nonsense". Unobtainium. The SCE engineers have basically offered
602 no technical solution. So this PTO is not being granted. This is a dereliction of
603 duty by the CPUC. The 2017 SGIP program is telling us to install and SCE is
604 reaching back to stop it. Pitiful. No longer can SCE be in charge of these
605 programs. The lack-of-good-faith has been too consistent. I demand a special
606 court master be appointed and SCE hand off all renewable energy
607 interconnection to a 3rd party. The coyote (fox) cannot watch the chickens. The
608 regulators at the CPUC have been duped by SCE. Either they admit that or
609 need to be immediately replaced. It is unacceptable for ratepayers to be driven
610 in circles. I have asked Assemblymember Marutsuchi to make a case file for
611 this issue and carry the heavy water. He is CC'd on this email and is aware of
612 the details of this issue. But, in no uncertain terms, ABC Solar and Brad Bartz

613 will prosecute in court if there is no internal action and resolution by my
614 government. Sincerely yours, Bradley Bradley Bartz ABC Solar Incorporated

615 **22).** Requesting New SLD and Plot Plan.

616 Who: Jae Lee

617 What: Requested New SLD and Plot Plan.

618 When: August 3, 2017

619 Why: .Set up to deny Permission To Operate.

620 Where: Email

621 Your Interconnection Request ("IR") has been reviewed and the following
622 information requires further clarification: Single Line Diagram Deficiency
623 Please specify if a NGOM is being requested and revise SLD to show the proper
624 connections from the Grid to the AC disconnect. Plot Plan showing the location
625 of the manual visibly open and lockable open AC disconnect switch with
626 reference to the utility meter (SCE shall approve prior to installation). Note
627 that this is a different plot plan from the plan that is required for NEM
628 Aggregation projects. The existing plot plan points out a GMA. Please review
629 and determine if that is accurate. Other Deficiency Please provided the
630 manufacturer data sheet for the inverter and battery. If you need to make
631 corrections to your application, use the "NEM Application" form. To respond to

all other requested information on this notice, please use the "Respond to Engineer" form using the SCE's Online Interconnection Application website at <https://sceinterconnect.powerclerk.com>. SCE requests that you provide the additional information listed above within ten (10) business days from the date of this notice. If you cannot provide SCE with the requested information within (10) business days, please e-mail the assigned engineer and provide the date you anticipate being able to provide the requested information. Please be advised that the review process cannot move forward until the information requested above is provided. Per Rule 21 Section D.15., SCE and Applicant, for good cause, may agree to modify any of the timelines in this Rule. The modified timeline shall be mutually agreed upon. Note: If you are required to provide pictures of the installation, please embed these pictures into a .docx or .pdf for upload. The only file formats accepted are .docx, .pdf, and .csv/xlsx. Additionally, there is a 5MB limit for individual attachments. If your attachment(s) exceed this limit, please attempt to scan the document using the lowest legible resolution and upload. Additional link to NEM Handbook for your reference. This is a system generated email. Please do not reply to this notice. Best regards, Southern California Edison - NEM Interconnections

ABC SOLAR: Alert?! This is where NGOM gets weaponized. Jae Lee communications with managers at SCE around this NST-02490 application

652 might reveal others, besides just Jae Lee, in manipulating and omitting
653 regulations to deny PTO. Under the FERC's Anti-Manipulation Rule, 18 C.F.R.
654 § 1c, it is unlawful for any entity, directly or indirectly, in connection with the
655 purchase or sale of electric energy or natural gas or the purchase or sale of
656 transmission or transportation services subject to Commission jurisdiction: To
657 use or employ any device, scheme, or artifice to defraud, To make any untrue
658 statement of a material fact or to omit to state a material fact necessary in
659 order to make the statements made, in the light of the circumstances under
660 which they were made, not misleading, or To engage in any act, practice, or
661 course of business that operates or would operate as a fraud or deceit upon any
662 entity.

663 **23).** Bartz asked Mr. Jae Lee to "Whistleblow"

664 Who: Bradley Bartz

665 What: Sent you should call the Whistle Blower Hotline.

666 When: September 27, 2017

667 Why: Something is rotten. 18 Years of Solar Grid Tie experience with SCE said
668 that I have stepped into their version of "quick sand".

669 Where: Email.

670 Finally Jae, I am surprised that you and your office is so adept at this
671 <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M091/K251/91251428>.
672 PDF document. Can you please inform me who at SCE told you specifically to
673 use this to stop my installations? Was it a manager in your office or a manager
674 in another office? There are whistle blower protections. So please consider it
675 safe to explain this. Bradley Bartz ABC Solar Inc 310 993 3240

676 From CPUC Phone Message: Whistleblower Hotline! - 1-800-649-7570. If you
677 are an employee of a utility company regulated by the CPUC and want to
678 report a suspected violation of a law, rule or regulation, also known as a
679 whistleblower. Press 6. "

680 A direct quote from the CPUC Hotline. I wander thru due-process and find the
681 bosses think the staff are crooks or will report them. Nice front door," wrote
682 Bartz. 1-310-373-3169.

683 **24).** SCE does not respond.

684 Who: Bradley Bartz

685 What: Emailed Jae Lee to ask why no response.

686 When: September 27, 2017

687 Why: Need to get client PTO.

688 Where: Email.

689 Jae, I am surprised that you do not respond. Very disheartening. A few things
690 about
691 <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M091/K251/91251428>.
692 PDF 1. our system is under 10KW in regards to the battery discharging
693 inverters. The grid-tie portion for solar PV is 7.6 per unit. Each unit is 5KW
694 for battery interactions. 2. on page 18/19 of this document it states that your
695 contention regarding NGOM is moot.

696 **25). Solaredge Expresses Support and Solutions**

697 Who: Jason Bobruk, Direct, Code Compliance, SolarEdge.

698 What: Offer a solution to SCE

699 When: September 27, 2017

700 Why: Support getting PTO for this project.

701 Where: Email.

702 Hi Guys, to comply with the SGIP rules for > 10kW (total system size) there
703 are two options. The NGOM meter or the non-export relay. The non-export
704 relay is the solution we can help support. This is sometimes referred to as a
705 reverse power relay (RPR) by utilities. It's typically ne external device that can
706 prevents reverse power flow. Next step would be to convince SCE to accept our
707 software control within the inverter which will prevent battery export to the

708 grid. This is a virtual RPR. I reached out to SCE already to discuss this
709 approach and they were open to it. We've deployed 100s of these in Hawaii for
710 the customer self-supply program and the utility approved. Next step is for
711 SolarEdge to present some drawings and details on the way the virtual RPR
712 works to SCE which we can do this week. I need to have a discussion with our
713 applications engineers today. SCE will need to review the solution and give
714 their feedback and hopefully approve. Jason Bobruk Director, Code
715 Compliance M 714-943-7816 Jason.Bobruk@solaredge.com

716 **26).** SCE refusal to grant PTO based on D.14-05-033 is contrary to PUBLIC
717 UTILITIES CODE SECTION 2827.1(c) ... There shall be no limitation on the
718 amount of generating capacity or number of new eligible customer generators
719 entitled to receive service pursuant to the standard contract or tariff after July
720 1, 2017. No limitation means none, zip, nada, etc. Only safety should be used
721 to limit a Solar Energy System size, not SCE Revenue Protection Officer needs.
722 PUBLIC UTILITIES CODE SECTION 2827.1 (c) Beginning July 1, 2017, or
723 when ordered to do so by the commission because the large electrical
724 corporation has reached its capacity limitation of subparagraph (B) of
725 paragraph (4) of subdivision (c) of Section 2827, all new eligible customer-
726 generators shall be subject to the standard contract or tariff developed by the
727 commission and any rules, terms, and rates developed pursuant to subdivision

(b). There shall be no limitation on the amount of generating capacity or number of new eligible customer generators entitled to receive service pursuant to the standard contract or tariff after July 1, 2017. An eligible customer-generator that has received service under a net energy metering standard contract or tariff pursuant to Section 2827 that is no longer eligible to receive service shall be eligible to receive service pursuant to the standard contract or tariff developed by the commission pursuant to this section.

27). How to handle storage curtailment.

Who: Jason Bobruk Director, Code Compliance SolarEdge

What: Jason provided information on tools to support curtailment in Solar PV and Advanced Battery Systems.

When: September 28, 2017

Why: Help get PTO for NST-02490

Where: Email.

Ok in that case here is the spec on the curtailment meter and the Intertek test report on curtailment (attached). This is the solution that is being used in Hawaii to meet the Customer Self supply tariff and approved by HECO. It's also approved in many other countries in Europe for non-export applications. This same solution is used on the StorEdge system to manage several

747 operating modes.
748 https://www.solaredge.com/sites/default/files/se_electricity_meter_na.pdf
749 https://www.solaredge.com/sites/default/files/export_limitation_application_n
750 [ote_NA.pdf](https://www.solaredge.com/sites/default/files/export_limitation_application_n) The mode that will fit this application I believe is:
751 DISCHARGE_MINIMIZE_PURCHASED Discharge battery only for self-
752 consumption, not for export to the grid Page 33.
753 https://www.solaredge.com/sites/default/files/storedge_applications_connectio
754 [n_and_configuration_guide_na.pdf](https://www.solaredge.com/sites/default/files/storedge_applications_connectio) SCE will also want to know if the customer
755 can change the settings out of this mode. Our message is no, since the
756 configuration menu is protected by a two layer password system. Once the
757 system is commissioned by the installer the homeowner does not have access
758 to change modes. Let me know if this works Jason Bobruk Director, Code
759 Compliance M 714-943-7816 Jason.Bobruk@solaredge.com

760 Please note that Solaredge thinks this SCE NEM D.14-05-033 is about
761 stopping discharge to the grid. BUT, SCE SGIP program requires you to
762 discharge and export to the grid every day.

763 **28). Please Grant PTO.**

764 Who: Bradley Bartz

765 What: Sent Mr. Jae Lee SCE NEM a note that his denial of PTO means they
766 are rejecting rights afford the ratepayer in Rule 21.

767 When: September 28, 2017

768 Why: Get PTO for NST-02490

769 Where: Email.

770 Please see attached and below from Solaredge regarding meeting D.14-55-033.

771 Please grant PTO to 631 Porter Lane, Hermosa Beach, CA Please note your

772 September 8th "victory" with Rule 21 means that you agree that software can

773 be used to curtail systems. If you reject PTO you are rejecting Rule 21.

774 Sincerely yours, Bradley Bradley Bartz

775 **29).** ABC Solar Submits NEM Change to remove 4 solar panels.

776 Who: SCE NEM

777 What: Confirmed our change to remove 4 panels.

778 When: October 2, 2017

779 Why: Get PTO for NST-02490.

780 Where: Email.

781 Application/SLD The application shows 39 SW285 MONO BLACK panels, and

782 the SLD shows 43 SW285 MONO BLACK panels.. Please update the

783 documents to be consistent.

784 Cost review made the removal of 4 panels too expensive for ABC SOLAR so we
785 abandoned this change request.

786 **30).** Back to 43 Solar Panels and this Petition to Modify

787 Who: SCE NEM

788 What: Confirmed receipt at powerclerk.com of 43 panel application.

789 When: October 3, 2017

790 Why: Too expensive to change to 39 panels and no guarantee of PTO success.

791 Where: Email.

792 **31).** Due Process is a Secret, Go Away.

793 Who: MARTIN M. NAKAHARA Senior Legal Analyst CPUC

794 What: Admonished ABC Solar for seeking clarification of Due Process Steps.

795 When: October 4, 2017

796 Why: Policy directive.

797 Where: Email.

798 To: Bradley Bartz. You asked me: It seems you should have told me to appeal
799 for a Writ of Review by the appellate court. Is that not the next step in due
800 process to protest a flawed CPUC Decision? Why did you not inform me of this?

801 My reply is very simple. By way of a Policy Directive, I am prohibited from
802 providing legal advice to anyone. I am simply unable by policy and unwilling
803 by choice to do so. Best Regards, MARTIN M. NAKAHARA

804 The steps to due process should not be secret. My email response was: thanks.
805 thats cool. I am not sure that is considered legal advice though. It's a next step.
806 Like a table of contents. But, I do appreciate your prompt response. I will stay
807 lost in the woods until I am not.

808 **32).** Rejection of Petition to Modify D.14-05-033

809 Who: MARTIN M. NAKAHARA Senior Legal Analyst CPUC

810 What: Rejected Petition to Modify D.14-05-033 based on filing on the wrong
811 docket. Also set me up to provide arguments for meeting requirements listed
812 in CPUC Rules and Regulations 16.4

813 When: October 4, 2017

814 Why: Providing support to help clarify this Petition to Modify.

815 Where: Email.

816 Please note original docket number was correct as later emails from Mr.
817 Nakahara would confirm.

818 **33).** Letter to ABC Solar Council pointing out Decision 16-04-020 April 21,
819 2016 provides exemption.

820 Who: Bradley Bartz

821 What: Sent specific reference to Decision 16-04-020 April 21, 2016 as CPUC
822 Rule being omitted by Mr. Jae Lee of SCE NEM.

823 When: October 5, 2017

824 Why: This is the violation of FERC Anti-manipulation Rule and almost all of
825 the California Solar Rights Act. Omissions are a crime. If the managers at SCE
826 instructed Mr. Jae Lee to only use D.14-05-033 and did not share or educate
827 him on Decision 16-04-020 April 21, 2016 then this is very bad. Very bad.

828 Where: Email.

829 Hi Jeff, See below from SCE on 631 Porter Lane Interconnection Request being
830 deemed complete and valid, for its second time. Permission To Operate should
831 be next. First time was July 28th. I pushed SCE by adding a rebuttal on the
832 Single Line Diagram Decision 16-04-020 April 21, 2016 4. A \$600 limit shall
833 apply on fees associated with metering the systems described in Ordering
834 Paragraphs 2 and 3, with an exemption for systems requiring complex
835 metering solutions. JAE LEE SAID IMPOSSIBLE, SO IMPOSSIBLE MUST
836 BE MORE THAN THE \$600 LIMIT. This D16-04-020 is known to both Rebecca

837 Meiers-De Pastino Senior Attorney Resource Policy & Planning and the SCE
838 NEM Managers. I think if they grant Permission-To-Operate based on my
839 forced inclusion of D16-04-020 it is an admission of guilt in their omission of
840 regulations which is manipulation with intent to impede. I hope you are filing
841 today. We can win damages from SCE Brad

842 FERC Anti-Manipulation Rule, 18 C.F.R. § 1c

843 **34).** SCE NEM sent NST-02490 back to technical review.

844 Who: SCE NEM

845 What: Sent NST-02490 back to technical review.

846 When: October 5, 2017

847 Why: Process management.

848 Where: Email.

849 SCE Net metering interconnection agreement.pdfSigned NEM agreement.pdf

850 7/20/2017 5:42:55 PM7/26/2017 10:09:19 PM

851 **35).** By D.16-04-020 you should grant this PTO. Please explain why you are
852 not?

853 Who: Bradley Bartz

854 What: Send explanation request.

855 When: October 12, 2017

856 Why: Get PTO for NST-02490

857 Where: Email

858 Jay, By D.16-04-020 you should grant this PTO. Please explain why you are
859 not? Bradley

860 **36).** SCE NEM used D.14-05-033 to deny PTO to NST-02490.

861 Who: SCE NEM Jae Lee

862 What: Used D.14-05-033 to deny PTO to NST-02490.

863 When: October 12, 2017

864 Why: SCE overt desire to stop ratepayer owned solar.

865 Where: Email

866 Per CPUC Decision 14-05-033, if the energy storage device is greater than 10
867 kW then we would need a way to see how much of the NEM eligible generator
868 is being outputted as the energy storage system is not considered renewable
869 and does not qualify for credits. This typically means that we would need an
870 interval meter (NGOM) or a non-export relay as this system is greater than 10
871 kW. Your configuration shows that both the battery and solar is connected
872 behind each inverter. Since this is greater than 10 kw nameplate (total) even

873 with the NGOM upstream there isn't a way to distinguish which is NEM
874 eligible and which of it is the battery storage. Please advise on how to proceed
875 forward with the above information and let me know if my interpretation of
876 your SLD is not correct. I will also send this email through PowerClerk.

877 **37).** Clarified that ABC Solar original Petition to Modify D.14-05-033 was filed
878 in the right docket and rejected this v2 Petition to Modify because now it was
879 in the wrong docket.

880 Who: MARTIN M. NAKAHARA Senior Legal Analyst CPUC

881 What: Corrected that 1st Petition to Modify D.14-05-033 was filed in right
882 docket and v2 is not.

883 When: October 13, 2017

884 Why: Reject again ABC Solar Petition to Modify D.14-05-033

885 Where: Email

886 To: Bradley Bartz [for ABC Solar Incorporated] I referred your initial Petition
887 to Modify (PTM) Decision (D.) 14-05-033 to my Supervisors for an independent
888 review due to the number of issues you raised therein. Initially, I was advised
889 that your had properly filed the PTM in Docket R.14-07-002 and I was
890 mistaken in advising you it should have been filed in R.12-11-005. My apologies
891 for this oversight. I was not aware of the language contained in the Third

Amended Scoping Ruling that permitted a departure from traditional tenets. Beyond that, some revisions must be made to the substance of that document in order to present it in a format suitable for filing. PETITION TO MODIFY DECISION 14-05-033. Final Decision PDF (652 KB) WORD (85 KB) If the gist of your position is that Decision 14-05-033 should be modified, you should stick that point, only, and strictly comply with all of the requirements set out in Rule 16.4. Please use R.14-07-002 for the caption in the Title page. And indeed, you must serve the entire Service List for R.14-07-002 (very lengthy) along with a Certificate of Service. The Service List for R.14-07-002 must be used, which you can secure from the Commission website as follows: https://ia.cpuc.ca.gov/servicelists/R1407002_82207.htm After you have completed the PTM document, the Certificate of Service and Service List, please file them electronically and send me the Efile Confirmation number. COMPLAINT AGAINST SOUTHERN CALIFORNIA EDISON COMPANY. If, alternately, or concurrently, the gist of your position is to file some kind of Complaint against Southern California Edison Company, you must file that complaint separately from the PTM in another document altogether. You may not "lump together" a PTM with a Complaint in one legal instrument (Rule 1.7(a)). If, indeed, you would like to do so, I have enclosed herewith a Blank Complaint form along with appropriate instructions for its completion. Please complete it and return the original, only, to me and I will forward it to our

913 Advisors for Review and Recommendations. You may not serve the complaint,
914 however, on Edison or anyone else until after it has been filed. That's the
915 reason you must send it to us, first, for a review. If you require assistance in
916 formatting any of these documents, or filing or serving them, you should
917 contact the Public Advisor's Office. I would ordinarily assist you under these
918 circumstances, but I will be on a much-needed vacation all of next week. Thank
919 you for your anticipated cooperation, and my apologies, once again, for my
920 oversight. Best Regards, MARTIN M. NAKAHARA Senior Legal Analyst

921 POINT OF CLARIFICATION. RULE 1.9(e) is violative of citizen rights to
922 petition our government. Please see the Lanterman Act and understand that
923 citizens come first. Please review your petition process to be sane.

924 M.C. Escher would be proud of the CPUC Due Process Steps. Nice to go in one
925 door and end up at the start again.

II. INTRODUCTION AND PURPOSE OF PETITION

ABC Solar incorporates by reference the allegations in paragraphs 1 through 37 in Section I.

1). To limit to 10KW a size of a Solar Energy System is not a minor new requirement and ABC SOLAR objects and seeks an immediate change of all references of 10KW to be at least 30KW.

According to Anthony Scalia of the United States Supreme Court, "Because virtually every dictionary in use now and at the time the statute was enacted defines "to modify" as meaning to change moderately or in minor fashion, the word "modify" must be seen to have a connotation of increment or limitation."

MCI TELECOMMUNICATIONS CORP. v. AMERICAN TELEPHONE & TELEGRAPH CO. The primary issue that makes CPUC D.14-05-033 not-moderate or in a minor fashion is its negative impact on the statewide concern of adopting solar energy and advanced battery systems. To be clear, 10 KW is way smaller than the 30 KW residential max size as California Law states. To limit to 10KW a size of a Solar Energy System is not a minor new requirement and ABC SOLAR objects and seeks an immediate change of all references of 10KW to be at least 30KW. Best would be 10KW per 100amp of service provided by SCE. This way customers that have a 400amp service can have 40KW of solar PV and Advanced Battery Systems and, as the home probably

requires more, when a residential ratepayer has a 600amp service from SCE then a max of 60KW is appropriate. Safety First, not IOU revenue protection.

We pray the CPUC accept D.14-05-033 Changes of all references of 10KW to be at least 30KW in D.14-05-033.

2). SCE tariff and kWh source-data calculations have up to fifteen (15) zeros after the decimal point, a quadrillionth of a percent. ABC SOLAR contends that if SCE uses the quadrillionth method to penalize ratepayers and used big whole numbers when colluding with CPUC on the major change in D.14.55.033 from 30KW minimum legislated residential system size. The change to 10 KW is not minor.

ABC SOLAR can state that over 18 years of designing and installing solar systems it has always been clear that a 10KW battery system is too small for the average SCE ratepayer to be self-sufficient in emergencies and blackouts. A 10 KW system does not meet the system size requirements for self-sufficiency of the majority of ABC SOLAR customers, who are 90% SCE ratepayers. 10 KW only protects SCE from competition. It is not minor for the CPUC to restrict system size so far that ratepayers cannot be self-sufficient. While the CPUC schemes to protect SCE profits lives are at stake. ABC SOLAR contends that D.14.05.033 limit on 10 KW as the threshold for advanced battery systems is a magnitude of 3-times smaller than the lowest system size mentioned in

whole collection of laws known as the Solar Rights Act. These include SB-1 and Kehoe ABX1 29, which is referred to in multiple CPUC Decision Documents as a lament in that Kehoe increased the max net-metering size to 1MW, such as in the "DECISION ADOPTING SUCCESSOR TO NET ENERGY METERING TARIFF" in 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 (Filed July 10, 2014). The Legislature enacted a significant program change with AB X1 29 (Kehoe), Stats. 2001, ch. 8, which increased the eligible system size from 10 kilowatt (kW) to 1 megawatt (MW). ABC SOLAR has not found reference in enacted Solar Rights Act Law that has reversed the eligible system size increase to 1 megawatt (MW). For example, Senate Bill No. 1222 CHAPTER 614 says reasonable permit fees can only get larger after 15KW in size for residential and commercial systems. With residential fees limited to \$500 plus \$7 for each KW above 15KW. 15 KW is bigger than 10 KW and SB1222 intent recognizes that residential ratepayers do build systems larger than 15 KW. Please reverse SCE Denial of this PTO and other residential over 10 KW Solar PV with Advanced Battery System.

984 **3).** A note to the court on definitions used the California State Legislature in
985 terms of solar PV system size and energy units. From 2006 and SB-1 to present
986 "KW" and "kWh" is used.

987 Prior to 2006 the California State Legislature used "kilowatt" and "kilowatts"
988 and "kilowatt hours". This helps in navigating the datelines of the Solar Rights
989 Act laws and how the CPUC D.14-05-033 Decision is a big leap from the intent
990 and words of the law. ABC SOLAR has a searchable database of this case and
991 all related CPUC decisions, California Solar Rights Act, Legislative analysis
992 and industry reports by CPUC, FERC and SCE employees available at
993 www.SolarRightsAct.com. Examples of analysis of publicly available solar
994 connections to the grid in California can be seen in the Solar Adoption
995 Statistics tab. ABC SOLAR brings 18 years of solar system design build and
996 over 30 years of database analysis and rapid internet application development.
997 Our requests for massive amounts of data from SCE is not to bother SCE. ABC
998 SOLAR has the in-house capability to process any amount of data and is able
999 to deliver it back to the CPUC, SCE and any stakeholder in this case and solar
1000 in California value via the web. In addition, at www.SolarRightsAct.com has a
1001 solar industrial term glossary and solar product specification sheet collection.
1002 It is very helpful. ABC SOLAR and Bradley Bartz are expert witnesses in the
1003 manipulation of statistical data and can show such SCE manipulation in its

filing for tariff regulation by the CPUC. ABC SOLAR is also sure it can reach into the Oracle community for any additional computer power and geeks needed. Mr. Bartz built his first internet natural-language search engine in 1991 and as such his reach to expert statistical data analysts is deep. ABC SOLAR request our expert status be considered in every discovery plea to SCE. Any complaint by SCE will be more mental than fiscal.

4). The CPUC D.14-05-033 decision can be shown to harm solar adoption and human safety. By the CPUC own words in the SGIP 2017 Handbook, Solar PV and Advanced Battery Systems are considered the "Highest Priority" to be connected to the grid. The reference to "Highest Priority" takes on special import in this petition in that the State of California has declared multiple energy emergencies. The governor and the statutes that take over during declared emergencies make the connection of Solar PV and Advanced Battery Systems being restricted by the not minor change to 10 KW of D.14-05-033 a danger to the health and safety of California ratepayers and citizens.

Death can happen because the CPUC is making major changes California law to protect the monopoly revenue as opposed to ensuring the rapid and safe connection of solar PV and advanced battery systems to the grid as so ordered by the State of California Constitution. ARTICLE XII PUBLIC UTILITIES [SECTION 1 - SEC. 9] (Article 12 added Nov. 5, 1974, by Prop. 12. Res.Ch. 88,

1024 1974.) gives the PUC wide exemptions from behavior, but putting California
1025 citizens in danger by allowing manipulation of regulations by SCE in their
1026 effort to Protect Revenue is not ok. Did you know SCE has a Revenue
1027 Protection Representative? As Solar is revenue for SCE Ratepayers it seems
1028 that such a position as "Revenue Protection Representative" should be
1029 mandated to protect both SCE and ratepayer revenue. We have to put "for the
1030 value of the public" back in our definition of Public Utility. IT IS AN
1031 EMERGENCY. State of Emergency - As defined in Government Code §8558
1032 (b), " . . . means the duly proclaimed existence of conditions of disaster or of
1033 extreme peril (including) ... severe energy shortage...."

1034 **5).** ABC SOLAR contends that this D.14-05-033 is not a minor modification
1035 and according to the United States Supreme Court such commission
1036 "Decisions" must be minor.

1037 Further, CPUC's own SGIP Handbook 2017 designates Solar PV with
1038 Advanced Battery Systems as the "Highest Priority" to get connected to the
1039 grid. SCE is not giving Solar or Solar PV with Batteries the Highest Priority.
1040 In fact, ABC SOLAR believes that SCE has used this D.14-05-033 as a weapon
1041 against solar. D.14-05-033 is not a minor modification and we can show that it
1042 is bad policy and is contrary to the laws of the State of California and its Solar
1043 Rights Act. D.14-05-033 is also moot with the issuance of CPUC SGIP

1044 HANDBOOK 2017. All references to over 10 KW systems is focused on how to
1045 get them connected to the SCE Grid. Nowhere in the CPUC SGIP HANDBOOK
1046 2017 says over 10KW battery systems cannot be installed. The SCE NEM Left
1047 hand and the SCE SGIP Right hand are being given different instructions by
1048 the CPUC, which makes the CPUC responsible for violations of FERC's Anti-
1049 Manipulation Rule, 18 C.F.R. § 1c. In parallel to this petition we will ask FERC
1050 for enforcement of the CPUC in this regard. As our new "party to this case"
1051 status gives discovery rights and with discovery rights and analysis we will
1052 find and present facts to justify triage FERC supervision of the CPUC. The
1053 CPUC Judges should also note that Solar PV with Advanced Battery Systems
1054 under 10 KW are also being denied Permission-To-Operate by SCE. SCE has
1055 weaponized the CPUC regulations and ABC SOLAR is seeking a
1056 demilitarization of SCE and their complete and utter surrender to solar.

1057 **6).** CPUC should note SCE knew that the following CPUC Decision (Decision
1058 16-04-020 April 21, 2016) was after D.14-05-033. This means SCE is omitting
1059 known CPUC decisions to their advantage. THIS IS LYING and
1060 AGREEGIOUS MANIPULATION AND SCE SHOULD BE CENSORED.

1061 SCE is abusing every step to protect from solar competition. CPUC needs to
1062 establish a Solar Triage Unit to oversee IOUs omissions and errors that are
1063 deliberately deployed to slow solar. The Governor has already ordered an

investigation by the California Energy Commission to some of the ABC SOLAR
allegations in this case. A Governor established Solar Triage Unit was
requested by ABC SOLAR and the CEC investigation and this case may be
enough to rip renewable energy from your hands and put your path back to
just electric safety. CPUC Decision 16-04-020 DECISION ADOPTING NET
ENERGY METERING BILL CREDIT ESTIMATION METHODOLOGY FOR
GENERATING FACILITIES PAIRED WITH SMALL STORAGE DEVICES 4.
A \$600 limit shall apply on fees associated with metering the systems
described in Ordering Paragraphs 2 and 3, with an exemption for systems
requiring complex metering solutions. THIS Decision is after D.14.05.033. and
was omitted by SCE in this PTO denial. Please reverse this PTO denial and
allow residential Solar PV with Advanced Battery Systems to be built
according to safety, not IOU Revenue Protection.

**III. CONCISE STATEMENT OF JUSTIFICATION FOR REQUESTED
RELIEF**

DECISION 14-05-033 RECOMMENDED CHANGES.

1). Reads: 4. For Net Energy Metering (NEM)-paired storage systems with storage devices larger than 10 kilowatts alternating current shall have a maximum output power no larger than 150% of the NEM-eligible generator's maximum output capacity

New: 4. For Net Energy Metering (NEM)-paired storage systems with storage devices larger than 30 kilowatts alternating current shall have a maximum output power no larger than 150% of the NEM-eligible generator's maximum output capacity

2). Reads: 6. The Commission shall issue a separate ruling in this proceeding, Rulemaking 12-11-005, describing the process for finalizing the presumed generation profile based estimation methodology for eligible Net Energy Metering (NEM) generators to be incorporated into a revised NEM tariff for NEM-eligible generating facilities with NEM paired storage devices sized at 10 kilowatts alternating current or less.

New: 6. The Commission shall issue a separate ruling in this proceeding, Rulemaking 12-11-005, describing the process for finalizing the presumed

1100 generation profile based estimation methodology for eligible Net Energy
1101 Metering (NEM) generators to be incorporated into a revised NEM tariff for
1102 NEM-eligible generating facilities with NEM paired storage devices sized at
1103 30 kilowatts alternating current or less.

1104 **3).** Reads: 9. Large Net Energy Metering (NEM) paired storage systems, those
1105 with NEM-paired storage devices larger than 10 kilowatts alternating current,
1106 shall be required to: 1) install a non-export relay on the storage device(s); 2)
1107 install an interval meter for the NEM-eligible generation, meter the load, and
1108 meter total energy flows at the point of common coupling; or 3) install an
1109 interval meter directly to the NEM-eligible generator(s).

1110 New: 9. Large Net Energy Metering (NEM) paired storage systems, those with
1111 NEM-paired storage devices larger than 30 kilowatts alternating current, shall
1112 be required to: 1) install a non-export relay on the storage device(s); 2) install
1113 an interval meter for the NEM-eligible generation, meter the load, and meter
1114 total energy flows at the point of common coupling; or 3) install an interval
1115 meter directly to the NEM-eligible generator(s).

1116 **4).** We request an immediate change to 30 KW from 10 KW anywhere
1117 referenced in this D.14-05-033 and related decisions.

1118 We call the modification in system size in D.14-05-033 as not minor and in
1119 violation of federal precedent in MCI v ATT. MCI V ATT goes onto to admonish

1120 both ATT and the Telecommunications Commission for abuse of citizens by
1121 making major changes outside of the law and states clearly "permissive
1122 detariffing violated §203(a)." ABC SOLAR alleges that D.14-05-033 has the
1123 same impact as permissive detariffing in its abuse of ratepayers driven by the
1124 cozy SCE monopoly / CPUC as regulator relationship. ABC SOLAR asks the
1125 CPUC to acknowledge that D.14-05-033 violates §203(a).

1126 **5).** We will seek additional discovery to furnish the CPUC evidence, we hope
1127 the CPUC will grant immediately the change to from 10 KW to 30 kW for every
1128 instance in D.14-05-033 while the CPUC then studies the detail of this petition
1129 and decides its ultimate fate at the CPUC.

1130 **6).** ABC SOLAR pleads to the CPUC to heed State and Federal law and allow
1131 the California legislature to make the laws, including system size for solar
1132 energy systems. CPUC's charter is to implement the demands of ratepayers as
1133 prescribed by the legislature. The CPUC is charged to make sure the grid is
1134 up, running and continues to do so. Therefore, by citing MCI V ATT decision of
1135 the Supreme Court of the United States it is clear to the petitioner that the
1136 CPUC at the behest of SCE has used its rule making and SCE monopoly
1137 position to abuse ratepayers and competitors way outside the bounds of
1138 reasonable. ABC SOLAR petitions that D.14.05.033 immediately make
1139 minimum solar energy systems larger than 10KW, but not less than 30KW in

1140 size as it pertains to Solar PV and Advanced Battery Systems for Residential
1141 projects.

1142 If there are other major modifications to State Law in D.14.05.033 that change
1143 system size or limits by more than the real-world math used by SCE of one-
1144 quadrillionth of a percent of a kWh, then that change should not be considered
1145 minor in the eyes of the CPUC via the test of MCI v ATT. This means to the
1146 petitioner a "Goose and Gander" principle, e.g. what is good for the goose is
1147 good for the gander, that is, if a quadrillionth (fifteen zeros) of a percent is ok
1148 to restrict ratepayers, then a minor change by the CPUC should be restricted
1149 to the same "VERY SMALL" quadrillionth of a percent. That means the legal
1150 low max size of 30 KW should only be changed by CPUC decision to no smaller
1151 than 29.999999999999999 (twenty-nine and 9 quadrillion, 9, etc.) KW. In
1152 summary, MCI V ATT goes onto to admonish both ATT and the
1153 Telecommunications Commission for abuse of citizens by making major
1154 changes outside of the law and states clearly "permissive detariffing violated
1155 §203(a)." ABC SOLAR alleges that D.14-05-033 has the same impact as
1156 permissive detariffing in its abuse of ratepayers driven by the cozy SCE
1157 monopoly / CPUC as regulator relationship. ABC SOLAR asks the CPUC to
1158 acknowledge that D.14-05-033 violates §203(a).

1159 **7).** ABC Solar argues AB2188 deliberately established cities are lead in solar
1160 permitting which includes paper works needed to get connected to the grid. As
1161 such all the intent and requirements of AB2188 need to be held by the CPUC
1162 and should be immediately applied to re-write the over burdensome red-tape
1163 established by SCE SGIP and NEM departments in their editorial
1164 contributions to the CPUC SGIP Handbook 2017 and similar guides.

1165 AB2188 (g) (1) On or before September 30, 2015, every city, county, or city and
1166 county, in consultation with the local fire department or district and the utility
1167 director, if the city, county, or city and county operates a utility, shall adopt an
1168 ordinance, consistent with the goals and intent of subdivision (a), that creates
1169 an expedited, streamlined permitting process for small residential rooftop
1170 solar energy systems.

1171 The weaponized use of D.14-05-033 by SCE is contrary the simple goals laid
1172 out in AB2188.

1173 **8).** THE CPUC should not support SCE to use the SGIP to promote big systems
1174 and then the NEM department stops solar grid connections. The purpose and
1175 charter of the CPUC is the continue a body of rules and regulations that further
1176 the laws signed by ELECTED officials. When ratepayers and their energy
1177 service contractors are put into circular-arguments by SCE crying Canis Lupus
1178 and when they ask the CPUC to make the rules and then attack like a pack of

1179 Canis Lupi against ratepayers in an all-out effort to stop competition, it is not
1180 acceptable. The CPUC must react when ratepayers are harmed by tautologies
1181 (circular arguments) that are enforced by SCE. Especially now as it is clear,
1182 without doubt, that D.14-05-033 is a major change and contradicts and even
1183 subverts California State Law and the Federal precedent set by MCI v ATT
1184 which directly applies to this CPUC D.14-05-033 decision.

1185 California Solar Rights Act laws regarding solar energy and its adoption define
1186 the smallest residential size as 30KW and up to 1 MW for the Net-Metering
1187 Program. CPUC Decision D.14-05.033 is not minor by any measure of what
1188 SCE uses in real world for rejecting solar and renewable energy systems.

1189 **9).** ABC SOLAR PRAYS THE CPUC JUDGES WILL REVOKE D.14-05-033 in
1190 its entirety and make no restrictions on residential solar PV and Battery
1191 system size based on anything but electrical safety as defined by the National
1192 Electric Code and local city authorities that have jurisdiction. It's time to stop
1193 the fox from guarding the gallus gallus domum. SCE has lost our confidence in
1194 its ability to oversee the connection of the competitive energy source of solar to
1195 their grid to the benefit of California. We pray the CPUC will see this and we
1196 can somehow keep our confidence in our government.

1197

1198 ABC Solar incorporates by reference the allegations in paragraphs 1 through
1199 37 in Section I and 1 through 6 in Section II.

1200 ABC Solar is suffering irreparable harm due to the SCE's failure to follow the
1201 law and its withholding of approval for Solar Systems. ABC Solar requests
1202 the following injunctive relief:

1203 a. An order compelling SCE to issue PTO's for the above-described Solar
1204 Systems;

1205 b. The appointment of a special master to establish a Solar Triage Unit that
1206 will oversee and run the day-to-day operations of SCE's Net-Metering and
1207 SGIP departments.

1208 WHEREFORE, Petitioner requests that the Commission enter order in its
1209 favor and award the following relief:

1210 1. Declaratory relief that the SCE's withholding of PTO's is violative of public
1211 policy;

1212 2. Injunctive relief directing the SCE to issue PTO's;

1213 3. Injunctive relief establishing a Solar Triage Unit;

1214 4. Such further and different relief as this Commission deems just and
1215 proper.

1216 DATED: October 23, 2017

1217 Respectfully Submitted,

1218

1219 Bradley Bartz

1220 Founder and President

1221 ABC Solar Incorporated

1222 24454 Hawthorne Blvd

1223 Torrance, CA 90505

1224 CA Contractor's License #914346

1225 1-310-373-3169

1226 Bartz@ABCsolar.com

1227

1228

IV. PROCEDURAL ISSUES

Rule 16.4(d) provides that if more than one year has elapsed since issuance of the decision to be modified, a petition must also explain why the petition could not have been presented within one year of the effective date of the decision.

ABC SOLAR and ratepayers were harmed on August 13, 2017. As outlined above and now, ABC SOLAR states this is reason for not having presented this Petition within one year of the effective date of the decision.

Also, CPUC and IOU SCE staff stated that ABC SOLAR would have to file this Petition to Modify D.14-05-033. That alone is a legal invitation to this Due Process step of this Petition and should meet 16.4(d) and other Petition request requirements.

ABC SOLAR argues two triggers performed by Southern California Edison (SCE) actions in June 2017 and on August 13, 2017, the first date-of-harm. In June 2017 SCE Self-Generation-Incentive (SGIP) went live at www.selfgenca.com and the **SGIP Program Handbook - 2017** was actively promoted. ABC Solar used this promotion by SCE SGIP administrators to build Solar PV with Advanced Battery Systems for special clients. In the SGIP Program Handbook – 2017 30 KW system size is used as the minimum size before sophisticated meter technology can be required. As footnote on page 39 states: 26 For commercial projects only. If this was a residential

1249 project sized 30 kW or greater, 52 full discharges would be required. It is
1250 clear that 30 KW is the residential threshold.

1251 Then on August 13, 2017, Mr. Jae Lee, SCE Net-Metering Administrator
1252 wrote in an email to ABC SOLAR: “Per CPUC Decision 14-05-033, if the
1253 energy storage device is greater than 10 kW then we would need a way to see
1254 how much of the NEM eligible generator is being outputted as the energy
1255 storage system is not considered renewable and does not qualify for
1256 credits. This typically means that we would need an interval meter (NGOM)
1257 or a non-export relay as this system is greater than 10 kW.

1258 Your configuration shows that both the battery and solar is connected behind
1259 each inverter. Since this greater than 10 kw nameplate (total) even with the
1260 NGOM upstream there isn’t a way to distinguish which is NEM eligible and
1261 which of it is the battery storage.”

1262 Therefore, in accordance with Rules set out by the California Public Utilities
1263 Commission (“Commission”) Rules of Practice and Procedure (“Rules”),
1264 Bradley L. Bartz, an individual and in capacity as the licensed contractor for
1265 ABC SOLAR Incorporated [ABC SOLAR] submits this Petition to Modify
1266 D.14-05-033 as an alert for legal errors and plead for successful modification
1267 to 30 KW.

1268

1269

V. SERVICE OF THIS PETITION

Rule 16.4(c) requires that a petition for modification be filed and served on all parties "to the proceeding or proceedings in which the decision proposed to be modified was made." In addition, if it has been more than a year since the decision became effective, the Administrative Law Judge ("ALJ") may direct a party requesting modification to "serve the petition on other persons." In this case, the Joint Parties are serving this petition for modification on the service list for Rulemaking ("R.") 14-07-002, the proceeding in which the Decision was issued.

ABC SOLAR will serve additional parties if directed to do so by the ALJ.

Service List is attached below on page 67.

**VI. REQUEST FOR EXPEDITED CONSIDERATION AND
SHORTENING OF COMMENT PERIOD**

ABC SOLAR requests the rights afforded in 4.5. (Rule 4.5) Expedited Complaint Procedure. Although we do pray for 4.5(g) The Commission or the presiding officer, when the public interest so requires, may at any time prior to the filing of a decision terminate the Expedited Complaint Procedure and recalendar the matter for hearing under the Commission's regular procedure. ABC Solar knows that we have a big hurdle to overcome because we are late to the game in identifying violations of SCE in use of CPUC regulations D.14-05-033 and Decision 16-04-020 of April 21, 2016. We quote the Rule 16.4 below to remind this writer to proffer legalized arguments about being late to request to Petition to Modify D.14-05-033. These arguments begin below.

16.4. (Rule 16.4) Petition for Modification.

1300 **VII. ATTACHMENTS**

1301 **1).** R1407002_82207.csv - Service List for Docket R.14-07-002

1302

1303

1305 **SERVICE LIST**

1306	calcan.filings@gmail.com	1322	KELLY DAMEWOOD POLICY
1307	DAVID RUNSTEN POLICY	1323	DIR. CALIFORNIA CERTIFIED
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1312	ATTORNEY DOUGLASS &	1328	CARDOZO, PC
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1391	ECONOMICS	& POLICY				

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