

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298**FILED**

08/10/22

04:45 PM

R1407002

August 10, 2022

Agenda ID #20879
Ratesetting

TO PARTIES OF RECORD IN RULEMAKING 14-07-002 ET AL.:

This is the proposed decision of Administrative Law Judge Valerie U. Kao. 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 September 15, 2022 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 to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at Icompcoordinator@cpuc.ca.gov.

/s/ ANNE E. SIMON

Anne E. Simon

Chief Administrative Law Judge

AES:mef

Attachment

Decision **PROPOSED DECISION OF ALJ KAO** (Mailed 8/10/2022)

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

And Related Matter.

Application 16-07-015

**DECISION DENYING INTERVENOR COMPENSATION
CLAIM OF SOLAR CONSUMER ADVISOR**

Intervenor: Solar Consumer Advisor	For contributions to: Decision (D.) 20-02-011
Claimed: \$311,628.58	Awarded: \$0.00
Assigned Commissioner: John Reynolds	Assigned ALJ: Valerie U. Kao

PART I: PROCEDURAL ISSUES
(Completed by Intervenor except where indicated)

A. Brief description of Decision:	<p>Decision (D.) 20-02-011 modifies D.18-09-044 with respect to the requirement that solar providers obtain a customer’s handwritten, or “wet,” signature on the solar information packet adopted in D.18-09-044. D.20-02-011 adds consumer protection measures, as specified, to permit solar providers to obtain either a handwritten signature or an electronic signature on the solar information packet.</p> <p>D.20-02-011 also requires additional consumer protection enhancements, including collection of further information regarding solar net energy metering-interconnected systems, requires coordination among the electric investor-owned utilities and affected government agencies to more effectively address complaints related to these systems, and proposes a citation program to enforce measures adopted in D.18-09-044 and D.20-02-011.</p>
--	---

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	N/A	October 30, 2014; September 18, 2015; and August 15, 2019
2. Other specified date for NOI:	N/A	Fifth Amended Scoping Memo and Ruling issued in Rulemaking (R.) 14-02-007 on December 21, 2019, at page 9, ordered that NOIs must be filed within 30 days of that date.
3. Date NOI filed:	12/23/19	Verified
4. Was the NOI timely filed?		Yes. It was filed within the time limit ordered in the Fifth Amended Scoping Memo and Ruling issued in R.14-02-007 on December 21, 2019, at page 9.
Showing of eligible customer status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.14-07-002, A.16-07-015	Verified.
6. Date of ALJ ruling:	10/2/19	Verified

¹ All “§” and “Section” references are to California Public Utilities Code unless indicated otherwise.

7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer status		Yes, after June 18, 2019
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Conditionally based on ALJ ruling issued in proceeding number:	R.14-07-002, A.16-07-015	Noted
10. Date of ALJ ruling:	10/2/19	Verified
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		No.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.20-02-011	Verified
14. Date of issuance of Final Order or Decision:	2/14/20	Verified
15. File date of compensation request:	4/14/20	Verified
16. Was the request for compensation timely?		Yes

Additional Comments on Part I: #	Intervenor’s Comment(s)	CPUC Discussion
5,6,7, 9,10,11	NOI filed on 1/10/19. Amendment to NOI filed 6/18/19. Approved in ALJ Ruling of 10/2/19, certifying Solar Consumer Advisor (SCA)’s eligibility as a Category 3 customer and that SCA demonstrated significant financial hardship.	Noted; <i>see</i> Part III (D) (1), below.
6	On page 9 of the referenced ALJ Ruling, SCA is required to address the issue of updating its website with regard to collecting payments for its services from the solar installers. The website was updated and all references to such payments were removed. Also, the name of the company was changed everywhere on the website to Solar Consumer Advisor (SCA), a nonprofit 501(c)(3) public charity under IRC Section 170(b)(1)(A)(vi). Further, all language on the website that differed from SCA’s new charter and bylaws was corrected to accurately reflect them. Specifically, it is stated explicitly that SCA is precluded from receiving a remuneration from participants in any industry or market regulated by CPUC. In addition, it clarifies that SCA represents only residential ratepayers.	Noted
9, 10	Please see attachment #2 for an explanation of why SCA’s work from 12/21/18 through 6/18/19 is included in this claim.	Noted

PART II: SUBSTANTIAL CONTRIBUTION
(Completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>1. Factual. Comprehensive list of the topics that solar consumers are uninformed or misinformed about. (PSCS is SCA’s research & report, “Protecting California's Solar Consumers”)</p>	<p>1. PCSC 3/29/19 pp.5-8 D.20-02-011, Citations # 9 10 37²</p>	<p>In the first column, “Intervenor’s Claimed Contribution(s),” an intervenor must explain how its presentation has contributed to the final decision. Solar Consumer Advisor (SCA) fails to explain how a list of the topics that consumers are uninformed or misinformed about contributed to D.20-02-011. SCA’s “topics” include system sizing, system life, panel degradation, costs etc. We do not find a direct connection between the list of the topics and the decision’s discussion on the CPUC’s broader concerns about fraud and misleading information, and how those concerns relate to the CPUC’s responsibility and authority. D.20-02-011 observes that investor-owned utility (IOU) ratepayers are being defrauded or misled, and relies on California Low-Income Consumer Coalition’s (CLICC) analysis of the problem, as follows:</p> <p style="padding-left: 40px;">As CLICC notes, these situations are within the Commission’s responsibility and authority to address: IOU ratepayers being defrauded or misled, and being saddled with solar systems that do not provide benefits, runs counter to our energy goals and our overall responsibility to ensure a reliable electric grid.” D.20-02-011 at 21.</p>

² According to the attachment to the claim, SCA’s citations 9, 10, and 37 refer to D.20-02-011 at 9 and 21.

		<p>Our review of the record does not confirm that SCA contributed to the decision in the manner stated by SCA.</p>
<p>2. Factual. Comprehensive list of the sources of solar information used by consumers</p>	<p>2. PCSC 3/29/19 pp. 8-9; D.20-02-011, Citations # 9, 10, 37</p>	<p>SCA does not explain a connection between its statements and the issues D.20-02-011 considers. SCA provides a list of the sources of inaccurate or misleading information that may be provided to consumers. The comments list, for example, the following sources: “1. Solar salespeople, their quotes, proposals, and literature: frequently inaccurate or misleading. 2. The public: Many have bad experiences in solar sales, trouble with their systems, roof leaks, lack of support or problems selling their home with solar... They spread the word and solar gets a black eye. This is getting worse. 3. The media: regularly publish erroneous conventional wisdom and advice about getting solar. 4. Solar websites. Solar shoppers rely primarily on solar websites, but most information on most solar websites leaves a good deal to be desired in clarity, usefulness, and accuracy; etc.”</p> <p>D.20-02-011 does not discuss a general list of the information sources. The decision deals with matters concerning the information packet adopted in D.18-09-044 and additional packet-related measures - a topic hardly mentioned in the referenced pleading. We find that SCA’s information referenced here did not contribute to D.20-02-011.</p>
<p>3. Factual . Description of most of the deceptive sales tactics encountered by solar consumers</p>	<p>3. PCSC 3/29/19 pp. 9 D.20-02-011, Citations # 3 4 6 15 37³</p>	<p>SCA does not explain how the information contributed to D.20-02-011. We find that SCA’s information referenced here did not contribute to D.20-02-011.</p>

³ According to the attachment to the claim, SCA’s citations 3, 4, 6, and 15 refer to D.20-02-011 at pp. 8, 10 and 23.

4. Factual . Details of common sizing and design errors and problems of solar systems	4. PCSC 3/29/19 pp.9 D.20-02-011, Citations #29 -31, ⁴ 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
5. Factual . Details of low quality and overpriced solar equipment found widely	5. PCSC 3/29/19 pp.10 D.20-02-011, Citations # 26 27 28 ⁵ 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
6. Factual . Details of main types of equipment unreliability	6. PCSC 3/29/19 pp.10 D.20-02-011, Citations #29 -31, 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
7. Factual . Statistics on excessive degradation of panels	7. PCSC 3/29/19 pp.10-11 D.20-02-011, Citations #29-31 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
8. Factual. Statistics on short lifespan of panels	8. PCSC 3/29/19 pp.11 D.20-02-011, Citations #29-31 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
9. Factual. Details about commonly experienced poor quality installation work	9. PCSC 3/29/19 pp.11 D.20-02-011, Citations #29-31 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
10. Factual. Details and statistics about excessively expensive financing with hidden drawbacks	10. PCSC 3/29/19 pp.12 D.20-02-011, Cit. #23 26 27 28 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
11. Factual . Details about misleading warranties,	11. PCSC 3/29/19 pp.12-14; D.20-02-	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information

⁴ According to the attachment to the claim, SCA's citations 29, 30, and 31 refer to D.20-02-011 at pp. 18 and 19.

⁵ According to the attachment to the claim, SCA's citations 26, 27 and 28 refer to D.20-02-011 at pp. 17, 18 and 24.

guarantees, and one-sided contracts	011, Citations #3 4 29-31 37	referenced here did not contribute to D.20-02-011.
12. Factual . Reported experiences of poor service and support	12. PCSC 3/29/19 pp.14 D.20-02-011, Citations #29-31 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
13. Factual . Report widespread problems when buying or selling a home with existing solar	13. PCSC 3/29/19 pp.14-15; D.20-02-011, Citations # 29-31 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
14. Factual . Details and statistics about the extent & severity of risks to solar consumers	14. PCSC 3/29/19 pp.16-22; D.20-02-011, Citations #3 4 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
15. Evidence . Evidence for extent & severity of risks to solar consumers	15. PCSC 3/29/19 pp.23-27; D.20-02-011, Citations #29-31	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
16. Policy Rec. Recommend CPUC gather necessary additional data about solar-consumer risks & problems	16. PCSC 3/29/19 pp.27-28; D.20-02-011, Citations # 18, ⁶ 29-31	SCA states: We need good quality data and statistical analysis about the effects, severity, and extent these problems. This data should be of two types: performance and satisfaction. It is important to keep these two distinct. SCA does not explain how this recommendation provided a contribution to D.20-02-011. We find that SCA's recommendations referenced here did not contribute to D.20-02-011.
17. Evidence. List of actions taken so far to protect solar consumers by legislature, CSLB, ⁷	17. PCSC 3/29/19 pp.29-37 D.20-	SCA does not explain how the information contributed to D.20-02-011. We find that SCA's information

⁶ SCA's citation #18 refers to D.20-02-011 at 11.

⁷ California Contractors State License Board.

CPUC, other regulators, advocates, lawsuits, & SCA	02-011, Citations # 29-31	referenced here did not contribute to D.20-02-011.
18. Policy Rec. Recommend a new residential-solar bureau to protect solar consumers	18. PCSC 3/29/19 pp.38-42 D.20-02-011, Citations # 29-31 37	A ruling of March 8, 2019 had introduced the concept of “an independent consumer advocate or consumer clearinghouse.” ⁸ It is not clear from the claim whether SCA’s recommendation listed here provided additional value to this issue. We find that SCA’s recommendation referenced here did not substantially contribute to D.20-02-011.
19. Factual. List of violations that could be subject to administrative penalties	19. PCSC 3/29/19 pp.40-41 D.20-02-011, Citations # 34 37	SCA does not explain how the information contributed to D.20-02-011. We find that SCA’s information referenced here did not contribute to D.20-02-011.
20. Policy Rec. Identification of potential challenges to forming a new residential-solar bureau, & how to overcome	20. PCSC 3/29/19 pp.41-42 D.20-02-011, Citations # 38	SCA does not explain how the recommendation contributed to D.20-02-011. We find that SCA’s recommendation referenced here did not contribute to D.20-02-011.
21. Policy Rec. Recommend postponing consideration of lists of approved & blacklisted solar providers (registration)	21. 21. Comments 3/29/19 p.5 & PCSC 3/29/19 pp.42 D.20-02-011, Citations # 22	SCA states that a list of approved or blacklisted providers “may or may not be a good idea.” SCA believes that considering this list is premature “until other regulatory activities are in place and have produced results for a time.” SCA understands this list as a last resort because it opens “the door to all kinds of problems and lawsuits.” SCA does not explain how its comments contributed to these issues. A more constructive and specific approach was presented by other intervenors (see, for example, The Utility Reform Network’s (TURN’s) comments of March 29, 2019, at 6). SCA does not explain in what way its comments

⁸ Ruling at 6.

		contributed. We find that SCA's recommendation as referenced did not contribute.
22. Policy Rec. . Recommend postponing consideration of a Restitution Fund until more regulation & enforcement is in place	22. Comments 3/29/19 p.6 D.20-02-011, Citations # 39 40	SCA does not explain how its recommendation contributed to D.20-02-011. We find that SCA did not provide a substantial contribution in this matter. ⁹
23. Factual. Risks to and problems for solar consumers not limited to vulnerable communities	23. Reply 4/12/19 pp.5 D.20-02-011, Citations #3 4 15 16	D.20-02-011 states that customers are at risk of fraud or high-pressure sales tactics regardless of whether they sign the solar information packet in handwriting or electronically; however, the risk is reduced for handwritten signatures. In its reply comments, SCA refers to, and agrees with, comments by CLICC and TURN. To CLICC's position, SCA adds a list of the sources where "other evidence for the extent and severity" of the problems with financing, solar agreements, etc. can be found. SCA does not explain how this information contributed. We find that SCA did not add a meaningful contribution to the positions of other parties and did not contribute to D.20-02-011.
24. Evidence of these risks and problems from SCA's experience	24. Reply 4/12/19 pp.5 D.20-02-011, Citations # 3 4 15	SCA does not explain how its comment contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
25. Evidence. How to find other evidence of extent and severity of these risks and problems	25. Reply 4/12/19 pp.5 D.20-02-011, Citations # 3 4 15	SCA does not explain how its information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.

⁹ Compare SCA's claimed contribution to CLICC's comments of March 29, 2019, at 9-10; San Diego Gas & Electric Company's comments at 2-3; GRID Alternatives' comments of March 29, 2019, at 11; etc.

26. Argument. Inadequacy of existing laws and regulations for solar-consumer protection	26. Reply 4/12/19 pp.6-7 D.20-02-011, Citations # 38	SCA does not explain how its information contributed to D.20-02-011. We find that SCA's information referenced here did not contribute to D.20-02-011.
27. Argument. Existence of laws & regulations does not guarantee solar-provider compliance with them	27. Reply 4/12/19 pp.7 D.20-02-011, Citations # 38	Item 27 repeats item 26. We find that SCA's information referenced here did not contribute substantially to D.20-02-011.
28. Argument. Enforcement of these laws & regulations to date has had little effect.	28. Reply 4/12/19 pp.7 D.20-02-011, Citations # 29	D.20-02-011 noted that currently no process exists to associate the contractor's license number and Home Improvement Salesperson (HIS) ID number with specific targets of complaints received by the Commission, Contractors State Licensing Board (CSLB), and Department of Business Oversight (DBO). SCA's comment did not offer information nor recommendations on this issue. We find that SCA did not contribute.
29. Argument. Limitations of CSLB's ability to enforce the rights of solar consumers	29. Reply 4/12/19 pp.8 D.20-02-011, Citations # 30 31	SCA does not explain how its argument contributed to the decision. We find that SCA did not contribute to the decision nor did it materially supplement, complement, or contribute to other parties' recommendations.
30. Argument. Drawbacks of present fragmentation of regulation of consumer solar	30. Reply 4/12/19 pp.8 D.20-02-011, Citations # 30 31	SCA does not explain how its argument contributed to the decision. We find that SCA did not contribute to the decision nor did SCA materially supplement, complement, or contribute to other parties' recommendations.
31. Pol. Rec. Do not rely on CSLB disclosure documents and CPUC info packet to do more than a little to alleviate solar consumer problems, and why.	31. Reply 4/12/19 pp.9 D.20-02-011, Citations # 9	D.20-02-011 finds that it is "critical for consumers to have an opportunity to review and understand the document prior to entering into a solar transaction." SCA agreed with CLICC's opinions and reasoning on this issue; however, SCA's comment did not materially supplement, complement, or contribute to other parties' contributions (<i>see</i> Sec. 1802.5).

		SCA does not explain how the referenced comment contributed to D.20-02-011. We find that SCA did not substantially contribute.
32. Pol. Rec. Recommend postponing consideration of lists of approved & blacklisted solar providers (registration)	32. Reply 4/12/19 pp.11 D.20-02-011, Citations # 22	SCA does not explain how its recommendation contributed to the decision. We find that SCA did not contribute to the decision nor did SCA materially supplement, complement, or contribute to other parties' recommendations.
33. Pol. Rec. Recommend postponing consideration of a Restitution Fund until more regulation & enforcement is in place	33. Reply 4/12/19 pp.11-12 D.20-02-011, Citations # 39	SCA does not explain how its comments contributed to the decision. We find that SCA did not contribute to the decision nor did SCA materially supplement, complement, or contribute to recommendations by other parties.
34. Argument. Remaining problems with the latest revision of the info packet	34. Comments 5/8/19 pp.3 D.20-02-011, Citations # 5 - 12	SCA does not explain how its comments contributed to the decision. We find that SCA did not contribute to the decision nor to recommendations of other parties.
35. Argument. Deficiencies in stated purposes for info packet	35. Comments 5/8/19 pp. 3-4 D.20-02-011, Citations # 5 - 12	SCA does not explain how its argument contributed to the decision. We find that SCA did not contribute to the decision nor to recommendations of other parties.
36. Pol. Rec. Recommend CPUC plan how to distribute info packet in soft & hard copies, & let everyone know it's available	36. Comments 5/8/19 pp.5 D.20-02-011, Citations # 5 - 12	SCA does not explain how its recommendation contributed to the decision. We find that SCA did not contribute to the decision nor to recommendations of other parties.
37. Argument. It's reasonable to require providers to upload signed pages to the IOUs' interconnection portals immediately	37. Comments 5/8/19 pp.6 D.20-02-011, Citations # 13 - 17	SCA does not explain how its argument contributed to the decision. We find that SCA did not contribute to the decision nor to recommendations of other parties.
38. Pol. Rec. My 1/2 hr. talk & participation in the Joint Solar Agency Task Force meeting (<i>see</i> summary)	38. Task Force Meeting 8/19/19 D.20-02-011, Citations #24 25 31 32	SCA's participation and presentation at the Joint Solar Agency Task Force (Task Force) meetings did not contribute to D.20-02-011. Task Force meetings were not a part of this proceeding.

39. Factual, Evidence, Argument. My 1/2 hr. talk & participation in the Joint Solar Agency Task Force meeting (see summary)	39. Task Force Meeting 8/19/19 D.20-02-011, Citations #al	SCA's participation and presentation at the Task Force meetings did not contribute to D.20-02-011. Task Force meetings were not a part of this proceeding.
40. Factual, Evidence, Argument, Pol. Rec. Everything in my Comments	40. Comments 8/27/19, all pages D.20-02-011, Citations # 26 27 28	SCA believes that any problems with solar providers' disclosure of financing options will be solved by the savings calculator's software designers. The claim does not explain how this opinion substantially contributed. We find that SCA did not contribute to the decision.
41. Factual, Evidence, Argument, Pol. Rec. Everything in my Reply to Comments	41. Reply 9/6/19, all pages D.20-02-011, Citations # 26 27 28	SCA's comments concern a savings calculator (Comments at 5-6). The claim does not explain how the comments contributed. We find that SCA did not contribute to the decision.
42. Evidence. How solar providers are really using the info. packet, with implication for form of signatures	42. Comments 11/4/19, pp.3 D.20-02-011, Citations # 5 - 12	The referenced part of the comments includes an observation that providers do not encourage customers to read the information packet. The comments note that because customers rarely read what they sign, they can be defrauded. The comment also states that consumers can be tricked into signing a document without receiving a copy. We find that these observations contributed to the Decision's finding that, "[a]t minimum, customers should be encouraged to review the information packet..." (D.20-02-011 at 9), but not substantially enough for a full compensation.
43. Argument. How different forms of signatures can be spoofed to defraud consumers	43. Comments 11/4/19, pp.3 D.20-02-011, Citations # 5 - 12	SCA's comments of November 4, 2019 were filed in response to the October 18, 2019 ruling requesting to comment on two proposals: 1) for enhanced consumer protections; and 2) for a solar providers registration and citation program. SCA does not explain how the referenced comments contributed.

		We have reviewed the record and find that SCA’s observation that documents “can be expanded or doctored to create financial obligations” could contribute to the requirement of obtaining signatures adopted in the decision.
44. Pol. Rec. Recommend providers be forbidden to ask for signatures until all documents received and read	44. Comm. 11/4/19, pp.3-4 D.20-02-011, Citations # 7 9 11	SCA criticized solar providers that do not encourage customers to read the information packet. We have reviewed the record and find that the subject recommendation contributed to the decision.
45. Pol. Rec. Recommend IOUs be required to record & retain details of signed documents	45. Comm.s 11/4/19, pp.4 D.20-02-011, Citations # 19 21	The claim does not explain how SCA’s comments, as referenced, contributed to the decision. We find that the referenced comments did not contribute.
46. Argument. Weaknesses in signature requirements	46. Comm. 11/4/19, pp.4-5 D.20-02-011, Citations # 4	The claim does not explain how SCA contributed to the decision. We have reviewed the record and find that SCA’s comments, as referenced, did not contribute.
47. Pol. Rec. Recommend postponing consideration of provider Registration	47. Comm. 11/4/19, pp.5-6 D.20-02-011, Citations # 22	The claim does not explain how SCA contributed to the decision. We have reviewed the record and find that SCA’s comments, as referenced, did not provide a meaningful contribution to D.20-02-011.
48. Factual. IOUs are not carefully screening interconnection applications for missing or unbelievable data	48. Comm. 11/4/19, p.11 D.20-02-011, Citations # 34	According to SCA’s comments, no penalties are needed for the problem described in the comments. The comments state that the “thing that really needs to be adequately policed is the information” in the interconnection application for each sale. D.20-02-011 notes that the CPUC in its past decisions “has directed the electric IOUs to implement changes to their interconnection portals to improve the quality and accuracy of information collected on solar providers...” ¹⁰ Specifically, D.18-09-044 has adopted

¹⁰ D.20-02-011 at p. 20.

		<p>detailed processes for improving the accuracy and usefulness of the CSLB licensee data provided at interconnection. We note that SCA had not participated in the proceeding leading to D.18-09-044.</p> <p>The claim does not describe a connection between SCA's stated position on penalties and D.20-02-011. We find that SCA did not contribute.</p>
49. Pol. Rec. Recommend IOUs do a better job of policing quality of information entered into their interconnection portals	49. Comm. 11/4/19, pp.11 D.20-02-011, Citations # 34	The claim does not describe a connection between SCA's comments and D.20-02-011. We find that the comments, as referenced, did not contribute.
50. Pol. Rec. Challenges of developing a citation program	50. Comm. 11/4/19, pp.11 D.20-02-011, Citations # 35	The claim does not describe a connection between SCA's comments and D.20-02-011. We find that the comments, as referenced, did not contribute.
51. Argument. The main problems are tricking consumers into signing things they shouldn't be asked to sign, entering into harmful obligations, misleading them about what they are signing, not giving them copies, & depriving them of the 3-day right of rescission.	51. Comm. 11/4/19, pp.12 D.20-02-011, Citations #5 - 12, 15	<p>The decision, as referenced, concerns such consumer protection measures as affording customers an opportunity to review a hard copy of the information packet, rather than being presented with text on a tablet, a choice of electronic or wet signatures, providing every customers with a complete copy of the information packet before collecting the customer's initials and signatures on the package, and other measures. In its comments, SCA finds that the signature issue "is unimportant for consumer protection."</p> <p>We note that the comments at p. 12 repeat, with fewer detail, SCA's comments of April 12, 2019 and of March 29, 2019.</p> <p>The claim does not state a connection between the November 4, 2019 comments and the decision, as referenced. SCA does not explain what value, if any, the comments provided to</p>

		the proceeding. We find that the comments at p. 12 did not contribute.
52. Argument. Considerations about types of signatures depend on how well interconnection applications are being checked	52. Reply 11/14/19, pp.2 D.20-02-011, Citations # 34	It is not clear from the claim how considerations about types of signatures depend on how well interconnection applications are being checked. The claim does not explain how the November 14, 2019 comments contributed. We find that the comments at p. 11 did not contribute.
53. Evidence. DG Stats shows evidence of large percentages of incomplete and inaccurate information	53. Reply 11/14/19, pp.3 D.20-02-011, Citations # 34	The comments focus on the accuracy and completeness of information in interconnection applications, and its effect on the IOUs' interconnection portals and the California Distributed Generation Statistics (DG Stats) databases. The comments note a "large percentage of incomplete and obviously inaccurate information," in general. The claim does not state how the comments connect to the decision and contributed to D.20-02-011. We find no contribution here.
54. Pol. Rec. Recommend CPUC require IOUs to program automatic data validation into their interconnection portals	54. Reply 11/14/19, pp.3 D.20-02-011, Citations # 34	D.18-09-044 adopted detailed processes for improving the accuracy and usefulness of the CSLB licensee data provided at interconnection. D.20-02-011 adopts improvements for DBO's newly registered third-party Property Assisted Clean Energy (PACE) program administrator data. SCA's comments, on the other hand, were concerned with IOUs' interconnection portal information accuracy and completeness, in general. SCA recommends requiring IOUs to program automatic data validation into the interconnection portal, including cross-validation. As an example of inconsistencies within DG Stats, SCA explains that a system of 1 kilowatt (kW) cannot cost \$1,000,000, nor can it consist of 34 panels. According to SCA, such

		<p>“gross inconsistencies are rife within DG Stats.”</p> <p>The claim does not show a connection between SCA’s comments and D.20-02-011, much less how the comments contributed to the decision. We find that the comments, as referenced, did not contribute.</p>
<p>55. Pol. Rec. Urge the importance of effective enforcement of consumer protections</p>	<p>55. Reply 11/14/19, pp.4 D.20-02-011, Citations # 36</p>	<p>D.20-02-011 states, at 24, “[i]t is critical that the consumer protection rules be enforced.” SCA comments explain that consumer protection comprises three steps: effective regulation, oversight, and enforcement. We find that this portion of SCA’s comments could provide some limited contribution to the decision; however, due to the trivial and declaratory nature of SCA’s statement, the contribution is not substantial.</p>
<p>56. Argument. Info packet is unlikely to solve more than .1% of solar consumer problems.</p>	<p>56. Reply 11/14/19, pp.4 D.20-02-011, Citations # 4</p>	<p>SCA argued that information packet “just doesn’t do much to protect consumers” and urges the Commission to focus on the contracts, not on the packet. The Commission, however, considered the issue of the appropriate format for the customer’s signatures on the packet. The claim does not explain how SCA’s comments contributed to the decision. We find that SCA did not contribute.</p>
<p>57. Evidence. Descriptions of cases SCA has helped solar consumers on</p>	<p>57. Reply 11/14/19, pp.4-6 D.20-02-011, Citations #3 4 15 16 26</p>	<p>CPUC noted that the potential for fraudulent behavior persists even with our requirement of wet signatures. CPUC mentioned high-pressure sales tactics used regardless of whether customers sign the solar information packet in writing or electronically and relied on information provided on the subject by CLICC. D.20-02-011 permits solar providers to obtain either a handwritten signature or an electronic signature on the solar information packet, along with additional consumer protection enhancements.</p>

		<p>SCA commented on how solar projects have been overpriced and contracts have been defective and misleading. SCA's comment did not contribute to the Commission's findings.</p> <p>The Commission mentioned SCA's opening comments of November 4, 2014 as they stressed the importance of collecting correct information on the type of financing. <i>See</i>, Part III (D)(3), below.</p>
58. Argument. Need for audit trail	58. Reply 11/14/19, pp.6 D.20-02-011, Citations # 18 19	SCA supported comments filed by Southern California Edison Company and CCLS. We do not find that SCA materially supplemented, complemented, or contributed to the this or other parties' comments.
59. Argument. Need to connect information gathered by CPUC, CSLB, DBO, and others for tracking & enforcement purposes	59. Reply 11/14/19, pp.6-7 D.20-02-011, Citations # 29 - 32	<p>SCA states that agencies such as CSLB and DBO, as well as Task Force lack the staff expertise, time, and funding to devote to solar consumer problems. SCA recommends that all information about a solar provider needs to be in one place. The claim does not explain how SCA's referenced recommendations contributed to the decision, as cited.</p> <p>We find that SCA did not provide substantial contribution to the decision.</p>
60. Argument. Necessity of validating accuracy of interconnection applications	60. Reply 11/14/19, pp.7 D.20-02-011, Citations # 34	<p>D.20-02-011, as referenced, relies on the prior decisions, including, D.18-09-044. That decision directed the IOUs to implement changes to their interconnection portals, to improve the quality and accuracy of information on solar providers and their agents. SCA did not contribute to D.18-09-044.</p> <p>The claim does not explain how the referenced comment contributed to D.20-02-011. We do not find that SCA contribute to this decision.</p>
61. Argument. Adding a few fields to the interconnection	61. Reply 11/14/19, pp. 9	Same as above.

<p>applications won't overburden anyone.</p>	<p>D.20-02-011, Citations # 34</p>	
<p>62. Pol. Rec. Set up a complaint database.</p>	<p>62. Reply 11/14/19, pp.9-10 D.20-02-011, Citations # 31</p>	<p>Proposals to set up a complaint database, and to use registration fee to create a solar consumer registration fund and complaint database were presented by CLICC. D.20-02-011 finds it “useful and necessary” to establish a process by which actors in the solar markets “can not only be identified, but can be associated with the specific target”¹¹ of the consumer complaints. The decision directs the IOUs to coordinate with Commission staff and the Task Force to implement a process to collect and transmit information on the industry actors associated with the complaints, “in a systematic fashion so that this data can be directly associated with specific complaints received by the government agencies.”¹²</p> <p>The claim does not explain how SCA contributed to the final decision or to presentations by other parties on this issue. We find that SCA’s comment did not contribute.</p>
<p>63. All SCA’s factual & legal contentions, policy & procedural recommendations, & evidence & argument that supports the Decision</p>	<p>63. In addition to citations from the Decision, ALL OF SCA's contributions contributed to D.20-02-011, Citations #33 and 37</p>	<p>General statements, like “ALL OF SCA's contributions,” lack specificity and as such cannot be evaluated. With respect to the citations to the final decision, contributions asserted by SCA have been analyzed in items 48, 49, 52, 53, 54, 60, and 61, above.</p>

¹¹ D.20-02-011 at 19-20.

¹² D.20-02-011, *supra*.

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	No	Noted
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Noted
c. If so, provide name of other parties: PG&E, SCE, SDG&E, CALSSA, CLICC, GRID Alternatives, CSE, SEIA, Greenlining Institute, IREC, TURN, Vote Solar		Noted
d. Intervenor’s claim of non-duplication: We talked with representatives of all these parties to coordinate our work and be sure it would not be duplicative of theirs. Indeed, the comments and replies they submitted in this proceeding show this to be true. We were the only parties to do significant independent research to provide evidence to CPUC for their judgments and decisions about consumer protection. We were the only parties involved who were sufficiently familiar with dealer practices, technical statistics about solar, and many other relevant matters. Our contributions often disagreed with those of other parties. When they agreed, they supplied additional support to CPUC in the form of evidence, facts, and arguments. Not only was there was no duplication between our work and theirs. Ours was usually unique in its contributions to the Decision. If in any doubt about the importance and depth of our contributions, please consult with Energy Division staff and Sarah Sharpe.		Noted. See Parts II(A) and III (D), below, on SCA’s participation

C. Additional Comments on Part II:

#	Intervenor’s Comment	CPUC Discussion

PART III: REASONABLENESS OF REQUESTED COMPENSATION
(completed by Intervenor except where indicated)

A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>There are currently over 1,000,000 homes in California with residential solar. There are another approximately 10,000,000 homes that are suitable for residential solar, and likely to acquire it over the next decade or two. All these residents are ratepayers. By taking note of our research, factual findings, supporting evidence, and supporting arguments, plus adopting our recommendations for solar consumer protection, current and future solar homeowners will have access to better quality and more useful information to help them acquire solar economically and avoid abuses. The regulatory agencies, like CPUC, CSLB, and DBO, that are responsible for aspects of solar in California will be able to make better decisions, because the data they rely on will be of better quality and more relevant to their needs.</p> <p>For a rough calculation of the potential benefits to future solar homeowners, we have calculated that the difference in their savings between the way they are presently acquiring solar and the most economical way they could acquire solar could be \$541,000,000,000 over the forty-year life of their solar systems (that’s how long high-quality ones last). Having the right data available to inform these potential solar owners is a necessary prerequisite for them to do solar right and achieve these savings. While this is admittedly an astonishing figure, NREL/Livermore Lab is currently evaluating doing a study to confirm this calculation. In the meantime, the details of our calculations are available upon request. Surely the cost to ratepayers for our contribution to this enormous potential savings is trivial by comparison.</p>	<p>Noted</p>
<p>b. Reasonableness of hours claimed:</p> <p>The solar field is rife with deceptions, misinformation, falsehoods, errors, and inaccuracies. It is also missing critically needed information for consumers. SCA is the only organization in California to go after these problems and uncover the information solar consumers need, presenting them clearly and accurately without bias. This has been a huge undertaking, involving extensive research, analysis, calculations, and evaluations of all the technical aspects of the products, the financial mechanisms in use, and the practices of manufacturers, dealers, and installers. There was nowhere to turn to get this information. It all had to be dug up from hard-to-discover sources and calculated afresh.</p>	<p>Noted. <i>See</i> Part III (D) (3-5), below, regarding SCA’s participation</p>

<p>Our mathematical expertise helped correct the many errors and inaccuracies propagated by the solar industry and the uninformed. This work requires considerable mathematical proficiency, which is not cheap.</p> <p>Our continuously updated 46-page report, “Protecting California’s Solar Consumers,”¹³ contains the latest, complete versions of much of our research and calculations. It has been praised by consumer groups as the definitive study on consumer protection in California.</p> <p>Our similarly up-to-date 23-page report, “Analysis of the Residential Solar Field: Key Problems for the Six Main Stakeholders With Win-Win Solutions for All” has also been widely used and praised as offering a path forward for solar consumers to address their problems through cooperation with other stakeholders in the solar field.</p> <p>Researching, writing, and keeping these reports up to date is a considerable project, and have been the essential basis for our contributions to CPUC.</p>	
<p>c. Allocation of hours by issue:</p> <p>There appears to be some confusion within CPUC about the definition of “issue” as it applies to intervenor compensation. Rule 17.4 requires that the issue both be resolved by the Decision the claim contributed to, and that it be identified in the scoping memo. The confusing additional language at Rule 17.4(b)(2) that “the issue that the task addresses, as identified by the intervenor,” can only mean some of the issues identified in the scoping memo and resolved by the Decision. Otherwise, intervenors could simply make up their own issues. Nor is there any option, much less requirement, to break defined issues down into sub-issues.</p> <p>In the case of this claim, all SCA’s tasks and contributions contribute to only a single issue as identified in the scoping memos and resolved by this Decision. That issue is #1. “Consumer protection under the successor tariff, including measures adopted in D.18-09-044 and potential further measures.”</p> <p>For this reason, we have not broken our work down into issues anywhere in this claim or in the time record. However, for the convenience of CPUC staff checking our claim, we have in the Time Record specified a Decision Topic and Type of Task for each task entry. These Decision Topics are listed in the attached document called “Citations from D.20-02-011 – Consumer Protection.” Each such citation has a number which is referenced in the Time Record, and the relevant citation is quoted word-for-word from the Decision, with a page number reference, to facilitate cross-referencing tasks to the part of the Decision they contributed to.</p>	<p>Noted. <i>See</i> Part III (D) (3).</p>

¹³ It appears that the bulk of the work on this and other reports mentioned here had been performed prior to the date of June 18, 2019, when SCA demonstrated its customer status under Sec. 1802(b)(1)(C).

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total	Hours	Rate	Total
Dennis Emberling	2018	4.0	\$455.0	See previous claim, 12/23/19, proceeding A.19-12-011, with CV and "Support for Requested Rate"	\$1,820.00	0.00		\$0.00
Dennis Emberling	2019	634.25	\$455.0		\$288,583.75	0.00		\$0.00
Dennis Emberling	2020	7.5	\$455.0		\$3,412.50	0.00		\$0.00
Subtotal: \$293,816.25						Subtotal: \$0.00		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total
DE Travel to SF for Workshop	2019	21.5	\$227.5	See above	\$4,891.25	0.00		\$0.00
DE Travel to Sacto for Task Force	2019	22	\$227.5	See above	\$5,005.00	0.00		\$0.00
Subtotal: \$9,896.25						Subtotal: \$0.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total	Hours	Rate	Total
Dennis Emberling	2019	26.00	\$227.5	Same as above	\$5,915.00	0.00		\$0.00
Subtotal: \$5,915.00						Subtotal: \$0.00		
COSTS								
#	Item	Detail			Amount	Amount		
1.	Travel	SF 2/27/19			940.77	\$0.00		
2.	Travel	Sacto 8/19/19			1,060.31	\$0.00		
Subtotal: \$2,001.08						Subtotal: \$0		
TOTAL REQUEST: \$311,629.58						TOTAL AWARD: \$0.00		

*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate

**C. Attachments Documenting Specific Claim and Comments on Part III:
(Intervenor completes; attachments not attached to final Decision)**

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Why We Feel SCA is Entitled to Compensation from 12/21/18 to 6/18/19
3	Detailed Time Record for work 12/21/18 to 6/18/19
4	Detailed Time Record for work 6/18/19 to 4/14/20
5	Email from Sarah Sharpe documenting participation in Task Force Meeting
6	Task Force Sign-In Sheet
7	Citations from D.20-02-011 – Consumer Protection
8	Receipts for Travel
9	5/8/19 Comments on Revised Solar Information Packet & Implementation App.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
1. Relevant Procedural Background	Prior to seeking the compensation award, Solar Consumer Advisor, LLC (SCA, LLC) filed a notice of intent to claim intervenor compensation (NOI) in this proceeding. On May 1, 2019, a ruling on the NOI issued, expressing concerns with SCA, LLC's economic interest in our proceedings. On June 18, 2019, intervenor filed an amended NOI, this time as a non-commercial organization Solar Consumer Advisor (SCA). Based on the assertions in the amended NOI, the Commission's October 2, 2019 ruling made a conditional finding of significant financial hardship. To obtain information supporting the intervenor's assertions in the NOIs, and to ensure that SCA did not embody conflicting interests, the October 2, 2019 ruling requested additional information, to be provided in the compensation claim.

	<p>The claim did not fully address concerns raised in the October 2, 2019 ruling. A ruling of August 19, 2021 issued, requesting a clarification of the absence of SCA’s possible economic interests. On September 1, 2021, SCA filed a supplement declaring under the penalty of perjury that SCA’s sole decision-maker Dennis Emberling has also “represented and helped” companies operating in the solar markets, including E A Solar, Community Development Enterprises (CDE), GIRS, and Solar SCE.</p> <p>On November 10, 2021, the Commission requested specific information on the companies’ purposes and relationships with participants in energy markets and with medium- and/or large-sized commercial ratepayers, along with copies of corporate documents. On December 8, 2021, SCA filed a Supplement to the claim. The Supplement’s answers were vague, inconsistent with the Supplement and declaration under the penalty of perjury filed on September 1, 2021, and not documented.</p> <p>Rulings on NOIs make preliminary determinations on the intervenors’ eligibility to claim compensation (<i>see</i> D.98-04-059 at p. 21). A final assessment of an intervenor’s eligibility must be done in the decision on the compensation claim pursuant to Section 1804(c). Upon the assessment of the information in the record, this decision finds that SCA has not demonstrated significant financial hardship.</p>
<p>2. Analysis of Significant Financial Hardship</p>	<p>A. Companies represented by SCA’s decisionmaker were involved with the energy markets.</p> <p>Below is an analysis of facts provided by SCA regarding CDE, E A Solar, Solar SCE, LLC and GIRS in the declaration made under the penalty of perjury, filed on September 1, 2019.</p> <p><u>E A Solar</u>: E A Solar participated in solar markets, with Mr. Emberling representing this company in its energy market activities. <u>CDE</u>: CDE provided solar services, with Mr. Emberling representing this company in its energy market activities. <u>Solar SCE or MTR&C LLC and GIRS</u>: Solar SCE and GIRS provided solar services, with Mr. Emberling represented Solar SCE and GIRS in their energy market activities. Mr. Emberling also consulted for solar industry clients.¹⁴</p> <p>We note inconsistencies regarding the Solar SCE supplement of December 8, 2021, stating that this company was “cancelled” on September 26, 2018, and the supplement of September 1, 2021, stating that on June 13, 2019, Solar SCE’s name changed to MTR&C LLC.</p> <p>In the claim, SCA states that the text on SCA’s website accurately reflects SCA’s new charter and bylaws. The website states that “SCA is precluded from receiving a remuneration from participants any industry or market regulated by CPUC”; however, SCA’s corporate documents do not confirm these statements.</p> <p>A careful review of SCA’s documents¹⁵ reveals that neither its charter nor bylaws prevent SCA’s decisionmaker from receiving remuneration for his activities in energy markets. In addition, SCA’s evidence provides no indication that Mr. Emberling has</p>

¹⁴ SCA’s supplement to the claim filed on December 23, 2019 (A.19-12-011).

¹⁵ *See* attachments to the amended NOI filed on June 18, 2019.

	<p>been precluded from receiving such benefits from his consulting work and other activities in solar markets.¹⁶</p> <p>Moreover, SCA itself is not precluded from receiving grants and contributions from energy market participants and their representatives. Therefore, SCA’s statement that SCA’s website accurately reflects SCA’s new charter and bylaws regarding remuneration from the industry or markets is misleading. The Commission finds that SCA’s president has the potential to receive economic benefits from his activities in the energy markets.</p>
	<p>B. SCA has a potential economic interest in the CPUC proceedings.</p> <p>SCA argues that because solar service companies directed by SCA’s president did not generate a profit they had no economic interest in solar markets.¹⁷ We disagree. These companies either provided solar services or intended to enter and compete in the solar markets and were not precluded from receiving profits generated by these services. The fact that these companies did not have profits is not determinative of the companies’ lack of economic interest in the solar markets. In fact, the opposite can be true.</p> <p>Further, SCA argues that because solar services companies led by its decisionmaker did not do business in California, they cannot have an economic interest in the Commission proceedings.¹⁸ We disagree. There is no evidence that all or some of these companies were precluded from seeking business opportunities in the solar markets. The Commission found no indication that these companies were prohibited from seeking to expand their solar activities to California.</p>
	<p>C. SCA’s president has a potential economic interest in the CPUC proceedings.</p> <p>SCA argues that because Mr. Emberling’s activities in the solar markets generated no income, he had no economic interest in our proceedings.¹⁹ We disagree. In light of Mr. Emberling’s leadership role at the solar companies, his involvement in this proceeding presents a concern. We find that as a decision-maker for E A Solar, CDE, Solar SCE, and GIRS, Mr. Emberling may have an economic interest in our proceedings; and, as a company of Mr. Emberling, SCA was similarly interested.</p> <p>The Commission has defined a financial interest (as a criterion for a service on the procurement review groups) as follows:</p> <p style="padding-left: 40px;">A financially interested party is any person who engages in the purchase, sale or be marketing of energy efficiency products or services, or who is employed by a private ... entity that engages in the purchase, sale or marketing energy</p>

¹⁶ See SCA’s supplement to the claim filed on December 23, 2019 (A.19-12-011) and SCA’s website at www.solarconsumeradvisor.com (accessed on February 10, 2021).

¹⁷ See Supplement to the Intervenor Compensation Claim; Declaration of Solar Consumer Advisor, filed on September 1, 2021, at pp. 3 and 5-6; Second Supplement to the Intervenor Compensation Claim, filed on December 8, 2021, at p. 5.

¹⁸ See Second Supplement to the Intervenor Compensation Claim, filed on December 8, 2021, at p. 5.

¹⁹ See Supplement to the Intervenor Compensation Claim; Declaration of Solar Consumer Advisor, filed on September 1, 2021, at pp. 3 and 5-6; Second Supplement to the Intervenor Compensation Claim, filed on December 8, 2021, at pp. 3-5.

	<p>efficiency products or services, or who provides consulting services regarding the purchase, sale or marketing of energy efficiency products or services.</p> <p>Energy efficiency services include among other things, performing energy audits and advising clients and potential customers about potential energy savings they can achieve... (D.05-01-055 at pp. 104-105.)</p> <p>SCA’s decision-maker and his affiliation with solar services companies fits the definition of a financially interested party or person.</p>
	<p>D. SCA’s advocacy contained elements of SCA’s economic interests.</p> <p>SCA describes itself as a consumer advocate; however, its advocacy was not focused, single-mindedly, on customer interests.²⁰ During the course of this proceeding, SCA also advocated for the market participants, in general, and smaller solar providers, in particular (<i>see</i> Comments of November 4, 2019 at 9 and 10, and SCA’s Reply Comments of November 14, 2019 at 9).</p> <p>During the course of the proceeding, SCA also advertised itself as an expert in solar energy and offered its services in three areas: preparing a request for proposal for designing an electric bill savings calculator for providers, vendors and financing institutions; finding contractors to design such calculator; and, finally, offering itself as the contractor or one of contractors.²¹ As SCA states, “[i]t is possible that SCA will either be such a contractor or work with the chosen contractor on this project ...”²²</p> <p>Therefore, in addition to SCA’s ties to the companies with economic interests in our proceedings, SCA’s participation was colored by its own specific economic interests in the proceedings.</p>
	<p>E. Given SCA’s and its decision-maker’s economic interests, we are unable to find that SCA would suffer a significant financial hardship if SCA’s cost of participation is not reimbursed.</p> <p>Section 1801.3(b) requires the Commission to encourage the “participation of all groups that have a stake in the public utility regulation process” (Section 1801.3(b)). The Intervenor Compensation Program (Program) offers eligible customers “the prospect of compensation to assist in overcoming the financial barriers to effective and efficient participation.” (D.98-04-059 at 43.) Consequently, intervenors must demonstrate that participation without an award imposes a significant financial hardship. (Secs. 1803(b); 1802(h)).</p> <p>For an organization, significant financial hardship means that “the economic interest of the individual members of the ... organization is small in comparison to the cost of participation.” (Sec. 1802(h).) The Commission explained that the Legislature intended compensation to be proffered “only to parties (or their representatives) whose self-interests and participation in the proceeding arise directly from their interests as customers.’ ... The rule is the same even where a participant’s private interests overlap</p>

²⁰ See D.00-04-026, Cal. PUC LEXIS 203, *19.

²¹ See, for example, SCA’s comments filed on August 27, 2019, at p. 7.

²² SCA’s amended NOI filed on June 18, 2019, at 7.

significantly with the interests of ratepayers as a group. Otherwise, ‘any participant in our proceedings, regardless of the genesis of its self-interest, could argue that its position ‘represents’ the interests of customers.’” (D.96-09-040, 1996 Cal. PUC LEXIS 907, *7-8; 68 CPUC2d 33, referring to D.92-04-051 and D.88-12-034.)

Thus, the Program does not compensate intervenors whose participation may involve interests that otherwise have the financial incentive to participate. The Commission has considered two categories of eligible ratepayers: residential and small commercial (*see*, Sec. 1802(b)); whereas competitors – actual or potential – in the areas regulated by the Commission would not be eligible.²³

As the analysis in Section 2, above, shows, SCA represents both eligible and non-eligible interests: those of residential ratepayers and of the solar market’s actual participants and potential entrants, where market interests “overlap significantly” with the interests of residential ratepayers.

Eligible organizations claiming to represent residential ratepayers must pass a test of comparing economic interest of the organization’s individual members against the cost of participation. SCA’s officers (SCA had no other members)²⁴ were not California residents, and SCA could not advance their interests as California customers. Facts show that SCA and its governing officer had economic interests in Commission proceedings that were different from the interests of eligible ratepayers. SCA’s governing officer served as a representative to smaller solar services companies, and SCA advertised itself in this proceeding as a potential contractor for a savings calculator for the vendors, installers, and financing entities.

Past Commission decisions have made clear that intervenors participating in proceedings to advance their own business interests do not qualify as customers under § 1802(b) and are not eligible for intervenor compensation.²⁵ As noted, this is true with respect to the intervenors representing overlapping interests - of the competitors and of the residential customers. The Commission has a long-standing rule that certain categories of the stakeholders, including “actual and potential competitors” and “representatives of industries seeking large and tangible gains from the outcome of Commission proceedings” are not eligible for compensation. (1997 Cal. PUC LEXIS 60, *69.)

Since it is California ratepayers who would pay a compensation awarded in this proceeding, we have a responsibility to reimburse only those organizations that represent, narrowly, California’s eligible ratepayers. Because we estimate that SCA’s potential economic gains outweigh its reasonable costs of participation,²⁶ SCA had

²³ Order Instituting Rulemaking 97-01-009, 1997 Cal. PUC LEXIS 60, *69.

²⁴ Amended NOI filed on June 18, 2019, at 9 and SCA’s charter attached to the NOI.

²⁵ *See* D.88-12-034, D.98-04-059, *mimeo.*, at p. 29, fn 14; Administrative Law Judge Ruling Denying Compensation, Rulemaking 99-10-025, dated January 28, 2000.

²⁶ *See*, Section 3-5, below for an analysis of the requested costs.

	<p>economic incentives to participate in our proceedings even without a prospect of reimbursement of such costs.</p> <p>We note that economic benefits do not have to be actual or immediate. A mere potential of receiving them would disqualify an intervenor.²⁷ The Commission has routinely scrutinized intervenors and denied compensation claims and NOIs where elements of actual or potential economic gains were found. <i>See</i>, for example, D.18-11-010, as modified; D.92-04-051; Ruling of February 28, 2017 (A.15-09-013); Ruling of December 1, 2021 (R.21-06-017), and many others.</p> <p>We acknowledge that D.21-06-010 awarded compensation to Solar Consumer Advisor in A.19-12-011. However, Solar Consumer Advisor disclosed more information regarding its affiliation with the solar market’s entities after the Commission adopted that decision.²⁸</p>
<p>3. Substantial Contribution.</p>	<p>In light of the fact that SCA is not eligible to claim intervenor compensation, this decision provides only a short analysis of the substantial contribution claim made by SCA.</p> <p>In the first column, “Intervenor’s Claimed Contribution(s)” of Part II (A), above, an intervenor must explain how its presentation has contributed to the final decision. There must be a nexus between each claimed contribution and the final decision. SCA lists 63 contribution items in Part II (A), above, and provides record references for each. However, the claim does not explain how the items in Part II (A) contributed to the decision. Absent such nexus, no contribution can be determined. Part II (A) of the claim is impossible to use for its intended purpose of describing intervenor’s contributions.</p> <p>For example, item #1 (Part II (A)) is a list of topics that consumers are uninformed or misinformed. The “topics” include equipment quality, efficiency, system sizing, system life, panel degradation, costs etc. The claim does not explain how this item contributed to D.20-02-011. The Commission’s review has not identified a connection between SCA’s list and the decision’s discussion on the CPUC’s broader concerns regarding fraud. D.20-02-011 observes that IOU ratepayers are being defrauded or misled and relies on CLICC’s analysis of the problem, not on topics listed by SCA.</p> <p>Absent SCA’s explanations of its contributions, the Commission has reviewed the record of this rulemaking, and found the following limited contributions:</p> <ol style="list-style-type: none"> 1. SCA’s comments of November 4, 2019, at pp. 7-8, state the importance of collecting accurate information on the type of financing for solar projects. D.20-02-011 mentions SCA’s input at p. 17. 2. SCA’s comments of November 4, 2019, at p. 3, noted that providers do not encourage customers to read the information packet, and that documents can be expanded to create financial obligations. D.20-02-011 finds, at p. 9, that, “[a]t minimum, customers should be encouraged to review the information packet.”

²⁷ *See*, for example, Order Instituting Rulemaking 97-01-009, 1997 Cal. PUC LEXIS 60, *69; or D.93-11-020, 1997 Cal. PUC LEXIS 854, *5-6; 52 CPUC2d 97.

²⁸ *See*, for example, SCA’s Supplement to the intervenor compensation claim filed on September 1, 2021.

	<p>Contributions such as described above are not significant enough to entitle an intervenor to a full compensation award, even if the intervenor was eligible.</p>
<p>4. Non-compensable efforts</p>	<p>A. Work performed prior to the date of June 18, 2019 is not compensable. Section 1802(b)(1)(C) describes a group or organization eligible to claim compensation as an entity “authorized by its articles of incorporation or bylaws to represent the interests of residential customers...” The Commission’s May 1, 2019 ruling found that SCA, LLC did not demonstrate its customer status as an eligible entity pursuant to Section 1802(b)(1)(C). SCA, LLC then formed a new entity – SCA, and filed an amended NOI on June 18, 2019. The assigned administrative law judge issued a ruling on October 2, 2019, determining that the amended NOI demonstrated SCA’s status pursuant to Sec. 1802(b)(1)(C). The ruling indicated, specifically, that the intervenor “has acquired eligibility ... only when it filed the amended NOI.” We affirm that SCA’s work performed prior to the determination of its status as a formal “customer” is not compensable. In addition, as explained in Section 2, above, SCA cannot demonstrate the significant financial hardship element of eligibility.</p>
	<p>B. Work not relevant to a substantial contribution According to the attachment to SCA’s NOI, SCA operates to (1) protect consumers from harmful business practices of the solar market and (2) help consumers with various aspects of the solar systems (choosing equipment, buying and selling houses with solar, maintaining and repairing solar systems, etc.).²⁹ The proceedings leading to D.20-02-011 were focused on protecting consumers rather than on helping them with solar. This important distinction is critical in assessing SCA’s work and explaining why most of it did not contribute. SCA allocates its hours to the single issue of “Consumer Protection under the successor tariff, including measures adopted in D.18-09-044 and potential further measures.” However, a review of the pleadings filed by SCA shows that a significant portion of SCA’s work focused on the matters that belong to the 2nd category of SCA’s purposes – helping consumers with various aspects of solar systems, which was outside the scope. The Commission’s application of the Intervenor Compensation statute must encourage the “effective and efficient participation” in a manner that “avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding.”³⁰ These mandates obligate the Commission to disallow the bulk of SCA’s work because it includes working on the materials that were not filed and engaging in the activities that were not necessary in this proceeding or not required for effective and efficient participation. Below we provide examples of such work. SCA worked on the “Protecting CA Solar Consumers” (PCSC) report filed in response to the Ruling of March 8, 2019 (<i>see</i> Attachment to SCA’s Comments filed on March 29, 2019). However, SCA recorded hours of working on this report long after it was filed. In addition, it appears that the main volume of the material was prepared prior</p>

²⁹ Attachments to the NOI filed on June 18, 2019.

³⁰ Section 1801.3(b) and (f).

to June 18, 2019, at the time when SCA was ineligible. SCA also worked on the “Stakeholder Analysis” report that was never filed. SCA records hours for its participation in the Task Force. However, the Task Force was not a part of the proceeding and did not contribute to D.20-02-011. SCA also worked on upcoming legislation and discussed it with the State Senator’s office, then adding notes to PCSC. The legislation was not a part of this proceeding. Hours spent on these tasks would not be compensable.

SCA researched all Consumer Union’s articles on solar consumers, wrote summaries and evaluations, and discussed them with Consumer Union. SCA also engaged in extensive reading and evaluation of all of Vote Solar’s comments and of Interstate Renewable Energy Council’s Consumer Bill of Rights. Such broad research was performed prior to the issuance of the ruling of July 18, 2019 requesting comments, and was not required for SCA’s effective and efficient participation. SCA’s pleadings contain no references to the materials researched.

SCA devoted hours to photovoltaic module reliability data and discussions with DNV-GL. It is not clear how this contributed to the consumer protection issues in D.20-02-011.

A long list of SCA’s activities that would not be compensable because they did not contribute to D.20-02-011 and were not required in the course of this rulemaking includes creating a new system size estimator for tariffs NEM-2 & TOU-D-4-9; calculating potential savings losses to a solar homeowner, including savings losses due to degradation and shorter lifespans; hours of research on the Self-Generation Incentive Program Handbook, DG Stats, solar warranties in DG Stats Handbook, and DG Stats website and data; working on the Solar Disclosure forms; extensive work on SCA’s panel and panel-related data records; updating Mr. Emberling’s work on PV Watts; setting up and using National Renewable Energy Laboratory’s System Advisor Model for production forecasts of different panels; hours of work on the savings calculator software; calculating annual energy production; calculations on production of different solar systems; researching effects of soiling and automated cleaning systems; calculating system sizes; calculating panel and roof space requirements for various solar systems; calculating wasted savings for homeowners depending on the solar systems; researching and calculating average power purchase agreement costs and system sizes; calculating lease prices; updating savings calculation spreadsheets for 2018 non-bypassable and other utility charges; calculating prices and savings losses in connection with panel brands; researching marketplaces and market value for used solar panels; communicating with the assigned Commissioner’s office (no notices of *ex parte* communication filed) on measured and interconnected data sets, warranties and new Time-Of-Use rates, production and degradation, and other issues not related to D.20-02-011 and SCA’s pleadings filed in this proceeding; calculating optimal system size; research on the SCE tariff; and working on comments to the NEM Evaluation Draft Research Plan, among other activities not relevant to the proceedings leading to D.20-02-011.

SCA’s work on the comments to the draft Resolution E-3050 did not contribute to D.20-02-011 and would not be compensated in this proceeding. SCA filed a separate

	<p>compensation claim related to Resolution E-3050, which had been granted, in part, in D.21-06-010.³¹</p> <p>Of the remaining tasks, the requested costs as compared to the actual contributions made by SCA are excessive. See, for example, time records between June 20 and July 18, 2019, or between July 18 and August 27. These hours must be reduced, to reflect a reasonable effort required for SCA to participate and make contributions described in Section 3, above.</p>
	<p>C. Non-compensable miscellaneous work</p> <p>SCA spent 26 hours preparing this compensation request. We find this excessive. The claim describes a few months of work of only one person. We have already mentioned defects of the claims. We note that this is not the first compensation claim prepared by this intervenor.</p> <p>Further, travel time and costs would be non-compensable since they involved travel to the meetings that were not a part of this proceeding.</p> <p>Finally, clerical tasks – accessing, downloading, organizing, printing, serving, and filing documents, etc. – would not be compensated.³²</p>
<p>5. Conclusion and estimated amount of the award.</p>	<p>Based on the analysis in Sections (D) (2-4), above, even if SCA were eligible to claim compensation, the claim would be significantly reduced. An estimated amount of the award would also reflect lower than requested hourly rates, to conform to the rate of \$185 adopted in D.21-06-010 for Mr. Emberling’s work in 2019.³³ The hourly rate for 2020 would include the cost-of-living adjustment and be at \$190.00.³⁴</p> <p>By our most generous estimates, if SCA were eligible, the total reasonable award would sum to \$6,785.00 (32 hours of the compensable substantive work, and 8 hours of work on the claim).</p>

³¹ As explained in this decision (see, Part III (D)(2)(E)), D.21-06-010 issued at the time when information affecting SCA’s eligibility did not come to light.

³² D.98-11-049, 1998 Cal. PUC LEXIS 805, *5.1.3

³³ D.21-06-010, pp. 9-10.

³⁴ See Resolution ALJ-387, adopting intervenor compensation rates for 2020 and addressing related matters, at p. 1.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
---	----

If so:

Party	Reason for Opposition	CPUC Discussion
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?		No.

If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Solar Consumer Advisor has shown economic interests in the Commission proceedings.
2. The claim includes fees and costs incurred at the times when Solar Consumer Advisor was not eligible to claim intervenor compensation.
3. The bulk of Solar Consumer Advisor’s work did not relate to the consumer protection issues in the pertinent part of this proceeding.
4. Solar Consumer Advisor’s request for compensation includes excessive hours, and costs related to clerical tasks.

CONCLUSION OF LAW

1. Solar Consumer Advisor is not eligible for intervenor compensation because Solar Consumer Advisor has not demonstrated that participation without an award imposes a significant financial hardship.
2. Solar Consumer Advisor’s work performed at the time the intervenor was not eligible to claim compensation is not compensable.
3. Solar Consumer Advisor’s work that did not make a substantial contribution to the adoption, in whole or in part, of the commission’s decision as required by statute must not be compensated.

4. Excessive hours and clerical tasks must not be compensated.
5. The intervenor compensation claim filed by Solar Consumer Advisor should be denied.

ORDER

1. The intervenor compensation claim filed by Solar Consumer Advisor is denied.
2. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at Fresno, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	Decision D.20-02-011		
Proceeding(s):	R1407002, A1607015		
Author:	ALJ Valerie Kao		
Payer(s):			

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Solar Consumer Advisor	4/14/20	\$311,628.58	\$0.00	N/A	Failure to demonstrate significant financial hardship; work performed prior to the demonstration of "customer" status; work not relevant to the proceedings; work did not contribute to the decision; clerical and travel costs.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Dennis	Emberling	Expert	\$455.00	2019	\$0.00

(END OF APPENDIX)