

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

07/22/24

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A1201008

July 22, 2024

**Agenda ID #22774**  
**Ratesetting**

TO PARTIES OF RECORD IN APPLICATION 12-01-008 ET AL:

This is the proposed decision of Administrative Law Judge Kelly A. Hymes. 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 August 22, 2024 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

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

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, *ex parte* communications are prohibited pursuant to Rule 8.2(c)(4).

/s/ MICHELLE COOKE  
Michelle Cooke  
Chief Administrative Law Judge

MLC:avs  
Attachment

Decision **PROPOSED DECISION OF ALJ HYMES (Mailed 7/22/2024)**

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

Application of San Diego Gas & Electric Company (U902E) for Authority to Implement Optional Pilot Program to Increase Customer Access to Solar Generated Electricity.

Application 12-01-008

And Related Matters.

Application 12-04-020  
Application 14-01-007

**DECISION DISMISSING PETITION FOR MODIFICATION AND CLOSING PROCEEDING**

**Summary**

This decision finds the circumstances that Southern California Edison Company (SCE) sought to correct through the requested modifications in their Petition for Modification of Decision 15-01-051 (Petition) have been addressed by actions adopted in Decision 24-05-065, *Decision Modifying Green Access Program Tariffs and Adopting a Community Renewable Energy Program*. Hence, SCE’s requested modifications are no longer needed, and the Petition is dismissed because it is moot. There being no other issues before this Commission in this proceeding, this decision closes Application (A.) 12-01-008, A.12-04-020, and A.14-01-007.

## 1. Procedural Background

On August 26, 2022, Southern California Edison Company (SCE) filed a Petition for Modification of Decision (D.) 15-01-051 (Petition). The Petition is described below in Section 2.

On September 26, 2022, the following parties filed responses to the Petition: The Utility Reform Network (TURN); California Choice Energy Authority and Clean Power Alliance of Southern California (collectively, the SoCal CCAs<sup>1</sup>); and the Coalition of California Utility Employees (CUE). CUE supports the Petition; SoCal CCAs oppose the Petition; and, while not opposing the Petition, TURN recommends modifications to the Petition. On September 29, 2022, the assigned Administrative Law Judge granted SCE's request to file a response to the Petition by email ruling. On October 6, 2022, SCE filed a reply to the responses of CUE, SoCal CCAs, and TURN.

On July 26, 2023, the assigned Administrative Law Judge issued a *Ruling Seeking Additional Information* directing SCE to file comments responding to questions on this matter; other parties were provided opportunity to respond to the questions as well. On August 9, 2023, SCE and the Solar Energy Industries Association filed comments.

## 2. Overview of Petition

In the Petition, SCE states that, in D.15-01-051, the Commission implemented a new green tariff shared renewables program to expand access to eligible renewable energy resources to the investor-owned utility customers "who are currently unable to access the benefits of onsite generation."<sup>2</sup> D.15-01-051 resulted in two tariffs, which SCE has named: (1) the green tariff

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<sup>1</sup> CCA is the acronym for Community Choice Aggregators.

<sup>2</sup> Petition at 2 citing D.15-01-051 at A-3.

shared renewables program green rate (GTSR-GR) (the Commission refers to this as the GTSR-GT); and (2) the green tariff shared renewables program community renewables (the Commission refers to this as the GTSR-ECR<sup>3</sup>).<sup>4</sup> SCE adds that D.15-01-051 directed participating utilities to “procure additional eligible renewable energy resources for the green tariff shared renewables program from electrical generation facilities that are in addition to those required by the California Renewables Portfolio Standard Program.”<sup>5</sup>

Further, SCE states that until May 2022 the company had sufficient capacity to meet customer demand for the GTSR-GR program. SCE asserts that, beginning in May 2022, it “experienced a significant increase in demand for the GTSR-GR program.”<sup>6</sup> SCE contends that the program would have exceeded the available capacity of 60 megawatts had SCE enrolled all interested customers. Instead, SCE opted to put customers on a waitlist to avoid over-subscription of the program. SCE asserts that it had not solicited incremental capacity for GTSR-GR because the program had previously experienced low customer interest. To resolve this, SCE states that it planned to perform a solicitation in September 2022 but that the resources would not “come online” for at least two to three years.<sup>7</sup>

Until the resources come online, SCE requests that the Commission modify D.15-01-051 to allow SCE to borrow resources from its portfolio of Renewables Portfolio Standards-eligible projects to form a temporary resource pool of up to

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<sup>3</sup> ECR is defined as enhanced community renewables.

<sup>4</sup> Petition at 3.

<sup>5</sup> Petition at 2 citing Public Utilities Code Section 2833(c).

<sup>6</sup> Petition at 4.

<sup>7</sup> Petition at 4.

60 megawatts to be used to meet the increased customer demand for the GTSR-GR program. SCE notes that their request is similar to that granted to Pacific Gas and Electric Company (PG&E) in D.21-12-036.

### **3. Timeliness of the Petition**

Pursuant to Rule 16.4 (c), 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.

SCE asserts that the “facts and circumstances causing SCE’s inability to procure sufficient additional resources to meet the recent increased enrollment in the GTSR-GR program could not have been anticipated or avoided and could not have been raised within one year of the issuance of D.15-01-051.”<sup>8</sup> Further, as previously stated, PG&E made a similar request of the Commission, which the Commission conditionally granted in D.21-12-036.<sup>9</sup>

This decision finds that SCE reasonably explains why the Petition could not have been presented within one year of the effective date of D.15-01-051. Accordingly, this decision finds the Petition is timely.

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<sup>8</sup> Petition at 1.

<sup>9</sup> In D.21-12-036, the Commission recognized that PG&E had overenrolled customers in its Solar Choice program under its Green Tariff Program and directed PG&E to execute contracts for the GTSR resources by December 31, 2022 and have sufficient incremental new RPS-eligible procurement interconnected and providing incremental new energy by December 31, 2024. (D.21-12-036 at 32.)

#### **4. Related Commission Action in A.22-05-022 et al.**

Prior to the filing of the Petition, SCE, along with PG&E and San Diego Gas & Electric Company (SDG&E), filed applications (A.22-05-022 et al.) seeking review of Green Access Program Tariffs, including SCE's GTSR-GR.

On May 30, 2024, the Commission adopted D.24-05-065 modifying existing Green Access Program tariffs, including the Green Tariff (SCE's GTSR-GR tariff). In D.24-05-065, the Commission explained the circumstances needing to be addressed, which are related to that which SCE conveys in its Petition:

The evaluation of the existing Green Tariff also discussed the concern of rate volatility. PG&E states that due to a substantial change in commodity rates that flowed through to result in an overall lower GTSR rate for customers, which was lower than the otherwise applicable rate at the end of 2020, enrollment greatly increased between December 2020 and April 2021 and participating customers experienced an increase in their bill credits. This created a surge in enrollments to the tariff, which exceeded the available dedicated capacity.<sup>10</sup>

To resolve the rate volatility issue, D.24-05-065 closed the GTSR-ECR to new solicitations and reassigned the unprocured capacity for the GTSR-ECR tariff to the modified Green Tariff. Further, the Commission adopted a "top-off" approach for the Green Tariff to assist in limiting future price volatility. The Commission defines the top-off approach as customers remaining on their otherwise applicable tariff but "topped off" to achieve 100 percent clean energy.<sup>11</sup> Lastly, the Commission adopted a sunset of the Green Tariff whereby when the remaining enrolled capacity for the modified tariff falls below 500 kilowatts or

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<sup>10</sup> D.24-05-065 at 143. Here, the acronym GTSR is defined at Green Tariff Shared Renewables.

<sup>11</sup> D.24-05-065 at 145.

there has been no participation by developers in two consecutive solicitations, a utility shall submit a Tier 1 Advice Letter informing the Commission that solicitations have been suspended.<sup>12</sup>

#### **5. The Petition for Modification is Moot and is Dismissed**

The Petition seeks to address the increased customer demand for the GTSR tariff brought about by rate volatility. Decision 24-05-065 adopted a modified Green Tariff to address rate volatility in and the increase of subscribers to the Green Tariff Shared Renewables tariff. The problem of rate volatility and increased customer demand in the GTSR tariff (the basis of the Petition) has been addressed by Decision 24-05-065. Hence, the relief sought by the Petition is no longer necessary. This decision finds the Petition is moot

As there are no other issues to be resolved in this proceeding, this proceeding is closed.

#### **6. Summary of Public Comment**

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding. No public comments were submitted for this proceeding.

#### **7. Procedural Matters**

This decision affirms all rulings made by the Administrative Law Judge and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

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<sup>12</sup> D.24-05-065 at Ordering Paragraph 5(f).

**8. Comments on Proposed Decision**

The proposed decision of Administrative Law Judge Kelly A. Hymes in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on \_\_\_\_\_, and reply comments were filed on \_\_\_\_\_ by \_\_\_\_\_.

**9. Assignment of Proceeding**

Alice Reynolds is the assigned Commissioner and Kelly A. Hymes is the assigned Administrative Law Judge in this proceeding.

**Findings of Fact**

1. SCE reasonably explains why the Petition could not have been presented within one year of the effective date of D.15-01-051.
2. The Petition is timely.
3. The Petition seeks to address the increased customer demand for Southern California's Green Tariff Shared Renewables Green Rate tariff brought about by rate volatility.
4. Decision 24-05-065 adopted a modified Green Tariff to address rate volatility in and the increase of subscribers to the legacy Green Tariff Shared Renewables Green Rate tariff.
5. The problem of rate volatility and increased customer demand in the Green Tariff Shared Renewables Green Rate tariff has been addressed by Decision 24-05-065.
6. The relief sought by the Petition is no longer necessary.
7. The Petition is moot.
8. No other issues remain to be resolved in this proceeding.

**Conclusion of Law**

1. The Petition should be dismissed.



2. Application (A.) 12-01-008, A. 12-04-020, and A. 14-01-007 should be closed

**O R D E R**

**IT IS ORDERED** that:

1. The Petition for Modification of Decision 15-01-015 filed by Southern California Edison on August 26, 2022 is dismissed.
2. Application (A.) 12-01-008, A. 12-04-020, and A. 14-01-007 are closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California