

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

05/09/25

02:24 PM

C2407011

May 9, 2025

Agenda ID #23485
Alternate Agenda ID #23489
Adjudicatory

TO PARTIES OF RECORD IN CASE 24-07-011:

Enclosed are the proposed decision of Administrative Law Judge Garrett Toy and the alternate proposed decision of Commissioner John Reynolds. The proposed decision and the alternate proposed decision will not appear on the Commission's agenda sooner than 30 days from the date they are mailed.

Public Utilities (Pub. Util.) Code Section 311(e) requires that the alternate item be accompanied by a digest that clearly explains the substantive revisions to the proposed decision. The digest of the alternate proposed decision is attached.

When the Commission acts on these agenda items, it may adopt all or part of the decision as written, amend or modify them, or set them aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the proposed decision and alternate decision as provided in Pub. Util. Code Sections 311(d)-(e) and in Article 14 of the Commission's Rules of Practice and Procedure (Rules), accessible on the Commission's website at www.cpuc.ca.gov. Pursuant to Rule 14.3, opening comments shall not exceed 15 pages.

Comments must be filed pursuant to Rule 1.13 and served in accordance with Rule 1.9 and Rule 1.10. Electronic copies of comments should be sent to Commissioner John Reynolds' advisor Andrew Klutey at

C.24-07-011 ALJ/GT2/abb

andrew.klutey@cpuc.ca.gov. The current service list for this proceeding is available on the Commission's website at www.cpsc.ca.gov.

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:abb

Attachment

Agenda ID #23485
Alternate Agenda ID #23489
Adjudicatory

*DIGEST OF DIFFERENCES BETWEEN
THE PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE TOY
AND THE ALTERNATE PROPOSED DECISION OF
COMMISSIONER JOHN REYNOLDS*

Pursuant to Public Utilities Code Section 311(e), this is the digest of the substantive differences between the Proposed Decision of Administrative Law Judge (ALJ) Toy (mailed on May 9, 2025) and the Alternate Proposed Decision of Commissioner John Reynolds (also mailed on May 9, 2025).

The Proposed Decision grants Complainant's request for an extension to submit an application to receive service under the Net Energy Metering (NEM) 2.0 Tariff. The Proposed Decision highlights Pacific Gas and Electric Company's failure to provide Complainant with a functioning meter for over a year, leading to incorrect billing data that, according to the Complainant, led to him not seeking a solar installation.

The Alternate Proposed Decision denies the request for a NEM 2.0 extension, stating that such an extension would be against ratepayer interests and that Complainant's situation does not fall within the scope of the extension stated in Decision 22-12-056, the decision that instituted the sunset of NEM 2.0.

PROPOSED DECISION

Agenda ID #23485
Alternate Agenda ID #23489
Adjudicatory

Decision PROPOSED DECISION OF ALJ GARRETT TOY (Mailed 5/9/2025)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

William White,

Complainant,

vs.

Pacific Gas and Electric Company
(U39E),

Defendant.

(ECP)
Case 24-07-011

DECISION GRANTING COMPLAINT, IN PART AND DENYING, IN PART

Summary

This decision grants the Complainant’s request for an extension of the Net Energy Metering 2.0 deadline, and directs a refund of Complainant’s bills from July 7, 2021, to August 1, 2023. Complainant’s bills were calculated during that time period via estimated charges. The refund shall be calculated using Complainant’s actual usage from August 2023 to July 2024, plus a 20% reduction of usage. This decision denies all other requested relief.

This proceeding is closed.

1. Factual and Procedural Background

The instant expedited complaint was filed on July 19, 2024, by William White (Complainant), electric customer of Pacific Gas and Electric

Company (Defendant or PG&E). An amended complaint was filed on September 6, 2024 (Complaint). In the amended complaint, the Complainant alleges that PG&E overbilled his residence by thousands of dollars from 2021 to 2023 by knowingly charging Complainant based on estimated usage when PG&E knew that his meter was non-functional. Complainant estimates that this occurred for 780-days, and that PG&E knew of the situation two weeks in. Complainant was unaware until July 2023. The complaint further alleges that due to the estimated reading (unknown to him) Complainant did not pursue the installation of solar panels prior to the Net Energy Metering (NEM) 2.0 deadline, and therefore has resultant damages. Complainant also asks that steps be taken by PG&E to ensure that other customers are not similarly facing extended periods of estimated billing.

PG&E filed its Answer on September 27, 2024, stating that the Complaint did not allege violation of any law or tariff and that it should therefore be denied. PG&E stated that Complainant was billed based on estimated usage from May 17, 2021, to July 6, 2023, due to a non-communicative meter, and that it offered a bill credit of \$1,762, or 20% of the charges for the year prior to the replacement of the meter.

An Expedited Complaint Proceeding (ECP) Hearing was held on October 9, 2024, to hear parties' arguments.

2. Evidence and Submission of the Record

Complainant presented a number of exhibits at the expedited complaint hearing. The record was submitted as of the date of the Expedited Complaint hearing, on October 9, 2024.

3. Complainants' Arguments

It is not in dispute that PG&E knew of the faulty meter on Complainant's property, starting from May of 2021. A work order was created by PG&E on June 1, 2021 for the replacement of the meter. Pursuant to that work order, PG&E records show that an employee attempted to change the meter on July 20, 2021, but did not do so, due to a claim of the meter being locked behind a gate. Complainant states that PG&E then made no further attempts to notify him or fix the meter again, until it was fixed in August of 2023 after Complainant discovered the situation. For the duration of that period, PG&E utilized estimated usage to calculate Complainant's bill.

Complainant states that PG&E's reasoning for not conducting the meter replacement on July 20, 2021, a locked gate, is not likely to be true, given that Complainant has multiple people passing through that gate weekly, who have all stated that the gate has not been locked. Complainant provided pictures of the gate showing that no lock is on the gate.¹ Complainant also states he was home that whole day, and received no contact attempts either via phone or in-person. Regardless, Complainant states that PG&E should have scheduled another meter replacement in order to ensure that proper billing was occurring.

Complainant seeks a refund for all estimated charges made after July 20, 2021, as he states that PG&E Tariff Rule 9(c) does not allow billing for estimated usage unless PG&E is "unable to access and change the existing meter," and PG&E was able to change the meter during the duration of the estimated billing period. Complainant also states that on certain bills no notice

¹ Exhibit J001.

was given that it was an estimated bill, in violation of Commission Resolution G-3372.²

Complainant states that in addition to the foreseeable overcharging, Complainant was further injured as he did not pursue the installation of solar panels prior to the NEM 2.0 deadline due to the inaccurate billing. Complainant states that in summer of 2021, a number of energy efficiency upgrades were conducted at his home, with the goal of reducing electricity usage such that a solar panel system would be economically viable.³ Following those upgrades, Complainant contacted solar panel installers, and found that the upgrades had not resolved the issue,⁴ and therefore did not pursue the installation of solar panels prior to the net energy metering (NEM) 2.0 deadline. Complainant shows that his actual usage for the year following the meter replacement was significantly lower than the estimated amount charged by PG&E.⁵ Complainant states that if he had known the actual amount of usage, he could have pursued solar panel installation prior to the sunset of NEM 2.0, and therefore seeks an extension of the deadline due to PG&E's failure to timely replace his meter.

Complainant also asks that the Commission direct PG&E to search its database for customers with extended periods of estimated billing and to resolve those issues, as well as direct PG&E to establish rules to prevent estimated usage billing beyond 90-days except in specific circumstances.⁶ At the hearing,

² Exhibit H001.

³ Complaint, at 8-09.

⁴ Exhibit K006.

⁵ Exhibit H002, at 2.

⁶ Complaint, at 156

Complainant further alleged that PG&E altered dates and/or work order numbers to create an incident timeline more favorable to their position.

4. PG&E Arguments

PG&E states that it attempted to fix the meter on July 20, 2021, but was unable to due to locked gate according to case notes. PG&E admits it did not subsequently make any attempt to fix the meter until August of 2023. At the hearings, PG&E stated that certain periods were not estimated billing and were in fact actual usage. PG&E also states that it offered Complainant a twenty-percent reduction on bills for the year prior to the filing of the Complaint, or \$1,762.

PG&E also states that it has never received a net energy metering application from the Complainant and is therefore unable to process one under the previous NEM 2.0 regime. PG&E states that any purported editing of work orders is simply due to the process of saving documents necessitated by the programs in which the documents are saved on.

5. Analysis

The Public Utilities Act requires that "[a]ll complaints for damages resulting from a violation of any of the provisions of this part... shall ... be filed with the commission ... within two years from the time the cause of action accrues, and not after." (Pub. Util. Code § 735.) The complaint was filed in July of 2024, only one year after Complainant discovered the issue, which ran from May of 2022 to August of 2023. The Complaint is therefore compliant with Public Utilities Code Section 735.⁷

⁷ All references to "Code" shall be to the Public Utilities Code.

It is undisputed that PG&E utilized estimated usage for the Complainant's bills for over two years, an extraordinary length of time. PG&E has not provided any reasoning for this long time period. Such a length of time is seemingly in violation of PG&E's Tariff Rule 9(c), and is a billing error as defined by Tariff Rule 17.1. PG&E has also provided an insufficient response to Complainant's claim that the usage was inaccurate and high, due to the energy efficiency upgrades installed early during the period. For that reason, PG&E's offer of a 20% discount for only half the period is insufficient. With regards to the bill refund, PG&E shall calculate Complainant's bills for the estimated usage period, starting in August of 2021 and ending in July of 2023, to match usage (as measured in kilowatt-hours) as recorded at the Complainant's property from August 2023 to July 2024, with an additional ten-percent reduction in usage for each month during the period to ensure that Complainant is not being overcharged.⁸

However, a refund does not make the Complainant whole. With regards to the request for a NEM 2.0 extension, Complainant has laid out compelling evidence that he was actively seeking to install solar and but for PG&E's inability to properly fix his meter, would have pursued installation of a solar system. Complainants may seek equitable relief via the Commission's complaint process.⁹ In order to be made whole, Complainant should be allowed to seek service under PG&E's NEM 2.0 tariff. We therefore direct PG&E to grant Complainant an extension of the NEM 2.0 deadline, until August 30, 2026. It was

⁸ For example, PG&E shall calculate Complainant's August 2021 and 2022 bills as if his usage had been the same as in August of 2023, with a ten percent reduction.

⁹ See D. 92-09-014, noting that the Commission may grant both monetary and equitable relief. See also [Code of Civil Procedure section 116.220\(b\)](#).

contemplated in the decision ending NEM 2.0 that utility actions could lead to Complainants being unable to complete the NEM 2.0 process successfully, and this situation is analogous.¹⁰

Regarding Complainant's request for other relief, such relief is not available within the expedited complaint proceeding process¹¹. As for Complainant's claim for damages and request to reverse all charges during the relevant time period, the "Commission has uniformly held that it has no jurisdiction to award damages as opposed to reparations." (PT&T Co., 72 CPUC 505, 509(1971)) (citing Jones v. PT&T Co., 61 CPUC 674 (1963)). It is also unnecessary to address Complainant's claim of fraud. However, PG&E is encouraged to take steps to ensure other customers are not being unduly burdened by excessively long periods of estimated billing.

6. Conclusion

PG&E shall provide a refund to the Complainant by applying the actual usage following replacement of the meter to usage from August 2021 to July 2023. PG&E shall also grant an extension for the Complainant to file a net energy metering solar panel application under the NEM 2.0 Tariff until August 30, 2026.

7. Comments on Proposed Decision

The proposed decision in this matter was mailed to the parties in accordance with Section 311 of the Pub. Util. Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure.

Comments were filed on _____ by _____ and reply comments were filed on _____ by _____.

¹⁰ D.22-12-056, at 200.

¹¹ See Rule of Practice and Procedure 4.1(b)

8. Assignment of Proceeding

John Reynolds is the assigned Commissioner and Garrett Toy is the assigned Administrative Law Judge in this proceeding.

O R D E R

IT IS ORDERED that:

1. Pacific Gas and Electric Company shall provide to the Complainant William White a refund or billing credit, to be calculated by applying to each month's bill from August 2021 to July 2023 the kilowatt-hours usage of the corresponding month from August 2023 to July 2024, minus ten-percent, and utilizing that to calculate how much Complainant should have paid.
2. Complainant shall be allowed to submit a net energy metering application under the Net Energy Metering 2.0 scheme by August 30, 2026.
3. Case 24-07-011 is closed.

This order is effective today.

Dated June __, 2025, at Sacramento, California.