BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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California Solar & Storage Association (CALSSA), Complainant, vs. Pacific Gas and Electric Company (U39E) and Southern California Edison Company (U338E), Defendants.	C.25-08-021

RESPONSE OF THE CALIFORNIA SOLAR & STORAGE ASSOCIATION TO THE EMAIL RULING PRE-HEARING CONFERENCE FOLLOW-UP QUESTIONS

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RESPONSE OF THE CALIFORNIA SOLAR & STORAGE ASSOCIATION TO THE EMAIL RULING PRE-HEARING CONFERENCE FOLLOW-UP QUESTIONS

The California Solar & Storage Association (CALSSA) hereby responds to *Email Ruling Pre-Hearing Conference Follow-Up Questions* (Ruling), filed on December 12, 2025. Throughout this response, CALSSA refers to the complaint that C.25-08-021 was opened to resolve as the "Complaint."

A. Clarifying the Nature of the Dispute

1. *To CALSSA: Please identify the specific Rule 21 provisions you allege PG&E and SCE did not follow, and summarize the factual basis for each alleged violation.*

Rule 21 contains timeline standards for 16 steps in the interconnection review process. These are shown in Table 1 of the Complaint.

Ordering Paragraph (OP) 28 of D.20-09-035 (Decision) states: "Within two years of the commencement of tracking required by Ordering Paragraph 23, no less than 95 percent of non-net energy metering projects and net energy metering projects greater than 30 kilowatts shall meet all timelines listed in Ordering Paragraph 23, except (f), (j), (l), and (s), which are not stipulated in Rule 21." (Order) The Order clearly states that the utilities "shall meet" certain timelines for 95% of covered projects. Failure to do so is a violation of a Commission order.

In addition to the 95% standard in the Order, Rule 21 contains a "Reasonable Efforts" requirement: "Distribution Provider shall use Reasonable Efforts in meeting all the timelines provided for under this Rule."[1] Reasonable efforts is defined as: "With respect to an action required to be attempted or taken by a Party under this Rule, efforts that are timely and consistent with Good Utility Practice and are otherwise substantially equivalent to those a Party would use to protect its own interests."[2]

The interconnection timeline reporting required by the Decision began in December 2020. Since this reporting captures many projects and is provided by the Defendants as Excel spreadsheets with many columns, attaching these reports as PDF files would make them extremely difficult to view, with the many columns spread across multiple pages. Putting more columns on one page would require tiny font that would violate Commission filing requirements.[3] Therefore, CALSSA has made these data reports publicly available online at this link in their original Excel spreadsheet format.[4]

Looking at these spreadsheet reports makes clear that the timeline reporting includes individual records for all installations of solar and storage (either or both), for systems larger than 30 kW or systems that do not take service under net energy metering (NEM) or the net billing tariff (NBT). Non-NEM/NBT systems are typically standalone storage systems or solar and storage systems that do not export to the grid (non-export systems).

The reports do not include small residential solar, which typically range in system size from 3 kW to 12 kW. Those projects have some interconnection timeline challenges, especially if they include energy storage, but far fewer than larger projects, standalone storage projects, or non-export projects. The utilities have streamlined the interconnection review process for small residential solar, and this has resulted in far fewer interconnection delays. The utilities have not undertaken equivalent process improvements for larger systems, standalone storage projects, or

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[1] PG&E Rule 21, Section F.1.d (Sheet 31); SCE Rule 21, Section D.15 (Sheet 36).
[2] PG&E Rule 21 Sheet 31. SCE Rule 21 Sheet 24.
[3] In SCE's answer to the Complaint, it attached some of the data reporting in PDF form. A cursory glance at Page A-3 reveals why attaching as a PDF makes the data onerous to read. SCE's formatting also violates Rules of Practice and Procedure 1.5 which states that "body text type must be no smaller than 12 points."
[4] This is the link where CALSSA has made the reporting data publicly available online: https://drive.google.com/drive/folders/1FWZvSBf9ot0IBf7Z4YVEVswB9DzdV9S7?usp=sharing

non-export projects. The Complaint does not include small projects that take service under NEM/NBT. The subject of the Complaint is systems larger than 30 kW and non-NEM/NBT systems, the same set of projects that are subject to detailed timeline reporting.

The utility reports themselves are the factual basis of the Complaint. This is not anecdotal information from solar project developers. It is utility data on their own performance.

CALSSA analysis of the interconnection timeline reports reveals that the Defendants have consistently violated the Order. This is true in the period following the initial two years, which is the period that is subject to the Order. Most timelines have not improved. The solar and storage market has gone up and down in that time, and the Defendants have consistently managed their processes such that they fall short of CPUC requirements.

The timeline reports also reveal that the Defendants have consistently failed to meet interconnection timelines across the entire five years of reporting. Although the 95 percent standard from the Order only applies beginning on December 29, 2022, the Reasonable Efforts provision in Rule 21 has been in effect across the entire five years of reporting. Therefore, the Defendants are accountable for their interconnection timeline performance before December 29, 2022. The first two years of data reporting shows that the Defendants failed to follow the Reasonable Efforts provision in Rule 21 during that period, since they miss Rule 21 timelines at a frequency that is inconsistent with the Reasonable Efforts provision. Table 2 in the Complaint shows performance over the full time period, starting from when reporting began on December 29, 2020. Table 3 in the Complaint shows performance starting from when reporting began and ending on December 31, 2022. Tables 4 and 5 in the Complaint show PG&E and SCE performance quarter-by-quarter starting in the first quarter of 2024 and compares this to performance during the NEM2 application surge. Across all tables, the Defendants clearly fail to meet interconnection timeline rules, and there are specific timelines where the Defendants' performance has become worse, even after the surge in applications near the end of NEM2 eligibility. The data from OP 22 of the Decision is additionally shown visually in the Complaint through graphs.

The Complaint is primarily focused on six specific timelines. Table 6 in the Complaint summarizes the utilities' self-reported data to show how often the Defendants met timelines since 2023, after the two-year period completed. There are violations of other timelines that are

evident in the data. This includes the time to determine material modification,[5] the time to invoice for a net generation output meter,[6] the time to invoice after application submittal,[7] and others. The Complaint focuses on the six timelines for which the failure to meet the 95 percent standard is most consistently glaring. CALSSA is willing to compile data on every step, but we contend that the data presented is sufficient to determine that the Defendants have systematically violated Commission rules and a Commission order.

CALSSA submitted the Complaint on behalf of all reported project violations because the formal complaint process is too slow and difficult to access for individual customers. If customers are expecting to get interconnection approval within six months, for example, and that timeline slips by many more months, they are not motivated at that point to enter a year-long process to achieve the relief of being granted interconnection approval. The only reasonable way to grant relief for interconnecting customers is to consider the utilities' record of compliance across all projects.

2. *To PG&E and SCE: For each alleged delay or processing deficiency identified in the complaint, do you dispute the factual accuracy? If so, which facts are disputed?*
3. *To all parties: Do parties agree that this proceeding is limited to application and enforcement of existing Rule 21 requirements as they currently exist?*

CALSSA agrees that this proceeding is limited to the enforcement of existing Rule 21 requirements. It is not necessary to change Rule 21 to enforce Rule 21. The Commission has existing authority to levy fines for violations of Commission orders. Exercising this authority when regulated entities appear to be ignoring clear requirements is important to ensure Commission orders have the intended impacts.

Section 702 of the Public Utilities Code states, "[e]very public utility shall obey and comply with every order, decision, direction, or rule made or prescribed by the commission in

[5] See Cycle Time M in PG&E's interconnection timelines data report for 2024 Q4. PG&E's coversheet reports that they met this timeline only 56 percent of the time.
[6] See Cycle Time O in PG&E's interconnection timelines data report for 2024 Q4. PG&E's coversheet reports that they met this timeline only 81 percent of the time.
[7] See Cycle Time A in PG&E's interconnection timelines data report for 2024 Q4. PG&E's coversheet reports that they met this timeline only 87 percent of the time.

the matters specified in this part, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper to secure compliance therewith by all of its officers, agents, and employees."

Pursuant to Section 2101 of the Public Utilities Code, the Commission is directed "to see that the provisions of the Constitution and statutes of this State affecting public utilities, the enforcement of which is not specifically vested in some other officer or tribunal, are enforced and obeyed, and that violations thereof are promptly prosecuted and penalties due the state therefor recovered and collected …"

The Complaint asks the Commission to use this existing authority to penalize the Defendants for knowingly and systematically violating existing requirements.

B. Motion to Dismiss (Jurisdiction and Adjudicatory Limits Only)

1. *To PG&E and SCE: Your Motion to Dismiss argues that portions of the complaint fall outside the adjudicatory scope. Please identify which allegations you believe involve issues that cannot be resolved through Rule 21 enforcement.*
2. *To CALSSA: In your view, which aspects of the complaint relate to current compliance with existing Rule 21 obligations, distinct from issues under consideration in R.25-08-004?*

Current and previous compliance with existing Rule 21 obligations includes reported timelines for projects interconnecting between December 29, 2020, which is when reporting began, and June 30, 2025, which was the most recent data available at the time of drafting the Complaint. Future compliance with existing Rule 21 obligations would include all projects after July 2025.

R.25-08-004 could consider measures to improve future compliance, limited to projects occurring after the date a decision is issued, but it will not consider relief for past violations. Enforcement of past violations and associated enforcement penalties are the domain of an adjudicatory proceeding. A complaint is the appropriate venue for such relief for past violations.

Both of CALSSA' requested reliefs are enforcement of existing Rule 21 obligations. CALSSA's first request is that the Commission fine the Defendants for past violations of existing

Rule 21 obligations. CALSSA's second request is that the Commission direct Energy Division to use its existing authority to issue administrative enforcement actions if the Defendants continue to be out of compliance with existing Rule 21 obligations.[8]

R.25-08-004 is a quasi-legislative proceeding for which no scoping memo has been issued. The preliminary scope proposed in the OIR includes a single related item, Question 2a, which asks:

> Should the Commission take measures to improve Investor Owned Utilities' (IOUs') compliance with the interconnection timeline benchmarks established in D.20- 09-035? If so, what measures do you recommend?

That is a policy question. It is not a consideration of penalties for past violations of Commission rules.

Section 1.3 of the Commission Rules of Practice Procedure states that "enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission" are adjudicatory proceedings. Since R.25-08-004 has been preliminarily categorized as a quasi-legislative proceeding and no party recommended changing it to adjudicatory, "enforcement" will not be in scope. Items proposed by the Defendants for inclusion in the scope of R.25-08-004 include new automation[9] and changes to reporting requirements.[10]

CALSSA strongly believes that the entire complaint is relevant. However, to the extent that the Commission believes that specific components are a better fit elsewhere, the Commission has the authority to maintain the instant proceeding and limit its scope. This would be more efficient than dismissing the whole complaint. Further, dismissing the whole complaint would not allow the allegations to be considered elsewhere, since R.25-08-004 is a quasi-legislative proceeding with a different intent.

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[8] See Resolution M-4846. Commission staff can propose administrative enforcement orders (AEOs) at any time.
[9] PG&E R.25-08-004 OIR reply comments, p. 3.
[10] SCE R.25-08-004 OIR comments, pp. 8-9.

3. *To PG&E and SCE: Even if some issues overlap with the OIR, do you agree that alleged violations of existing Rule 21 obligations fall within adjudicatory jurisdiction?*

C. Need for Hearing / Record Development

1. *To all parties: Please identify which factual disputes will require sworn testimony or cross-examination.*

In its answer to the Complaint, SCE claimed that it undertook actions to improve its timeline performance.[11] However, these actions were not explained in sufficient detail. For example, SCE states that it hired additional staff and deployed automation, leading to "significantly reduced review time." This is a very general statement. It will be important to consider how many additional staff were hired, how they were trained, whether they were retained for a significant period, and what specific functions were automated. It is CALSSA's experience that the utilities routinely move trained interconnection staff to other departments and replace them with new hires with minimal training. Further, it is unknown if these measures were taken for the set of projects that are the subject of this complaint or if they only affected NEM projects less than 30 kW. SCE should also quantify the decrease in review time that those measures caused. Because PG&E also failed to correct its violations, their management of the interconnection review process should also be subject to scrutiny. Sworn testimony from the Defendants on the actions they undertook to improve timeline performance will be important, and cross-examination on this topic may also be necessary.

Cross-examination may also be necessary regarding when the Defendants start the clock for Rule 21 timelines. Project developers claim that the Defendants do not start the clock for a step upon submittal of complete and valid information, but rather until the Defendants start processing the step. This allows the Defendants to delay beginning review without having the delay be reflected in the recorded time to complete the step. CALSSA intends to conduct discovery on the Defendants' methodology. Depending on the results of this discovery, cross-

[11] SCE answer to the Complaint, Section III.E.

examination may be necessary to gain a complete understanding of how the utilities track interconnection timelines.

2. *To PG&E and SCE: If you believe no hearing is necessary, please explain how the Commission should resolve conflicting factual accounts without evidentiary development.*
3. *To CALSSA: What categories of evidence do you anticipate submitting to demonstrate the alleged non-compliance?*

CALSSA plans to submit the Defendants' self-reported interconnection timeline data, which is publicly available at the link stated in footnote 4 of these comments. CALSSA will also submit its aggregation of that data, which calculates how often the Defendants met each timeline by different time periods. We are prepared to supply workpapers of that data aggregation on request.

Additionally, CALSSA will submit descriptions of individual customer experiences with interconnection delays. These illustrative examples will provide greater understanding of the impact of Rule 21 timeline violations.

D. Scope (Adjudicatory Only)

1. *To all parties: Should the scope be limited to PG&E and SCE's processing of Rule 21 applications, or do parties believe additional narrowing is appropriate?*

CALSSA believes that the scope of the proceeding should be limited to PG&E and SCE's processing of Rule 21 applications, including administrative processing of applications, management of engineering review, and construction of associated facilities. This should only include the processing of Rule 21 applications for projects larger than 30 kW and projects that do not take service under NEM or NBT (Qualifying Projects). Data is only publicly available for Qualifying Projects and the 95 percent standard in OP 28 of the Decision only applies to Qualifying Projects. Although the Reasonable Efforts standard in Rule 21 applies to all Rule 21 projects, it would be reasonable to limit the scope to projects for which the utilities have provided data pursuant to the Decision.

2. *To all parties: Are there issues in the pleadings that should be affirmatively excluded because they involve potential rule modifications better suited for R.25-08-004?*

The Complaint does not propose any rule modifications. The Complaint is solely concerned with the Defendants' compliance with existing rules and enforcement of those existing rules.

Rule 21 timeline violations between December 29, 2020, and June 30, 2025, the data submitted with the complaint, will clearly not be evaluated for enforcement in R.25-08-004, and are previous violations for which the Commission can issue an enforcement action at this time. Violations between July 2025 and the date that a decision is issued in R.25-08-004 will also not be evaluated in R.25-08-004 for purposes of determining an enforcement action. If such violations occur, the Commission can direct Energy Division to use its existing authority to issue an administrative enforcement action. Decisions issued in R.25-08-004 can only encourage improved compliance after they are issued and are not meant to enforce violations that occurred before they are issued.

E. Relationship to R.25-08-004 (No Policy Questions)

1. *To PG&E and SCE: Please identify portions of R.25-08-004's preliminary scope that you believe overlap with this complaint, and explain why those issues cannot be resolved adjudicatively here in a Complaint.*
2. *To CALSSA: Please explain why the Rule 21 compliance issues raised remain appropriate for adjudication notwithstanding the pending OIR.*

The Complaint requests enforcement action for past violations of existing rules. As supported by Section 1.3 of the Rules of Practice and Procedure, this is an adjudicatory matter. R.25-08-004 is categorized as a quasi-legislative proceeding. It will consider new policies to encourage improved compliance with Rule 21 timelines. It will not consider an enforcement investigation into past violations of existing rules, and associated enforcement penalties. Modifying rules is not the same as enforcing existing rules.

For the past five years since issuance of the Decision, the Defendants' own data shows they have continuously disregarded Rule 21 timelines. This includes the period since January

2023 when the firm requirement to comply with all Rule 21 timelines for 95% of projects became effective. This additionally includes the full data reporting period since December 29, 2022, when the Reasonable Efforts provision in Rule 21 has been in effect. New policies to encourage improved compliance will likely not be put in place sooner than February 2027, which is eighteen months after the start of the new proceeding.

It would be a failure of Commission enforcement of its own rules if the Defendants are permitted to continue violating the Order for years on end with no consequences. Customers are suffering financial harm as a result of the Defendants ignoring clear requirements that are intended to protect customers. If the Defendants believe that rules will not be enforced unless there are specific enforcement mechanisms directly tied to each individual requirement set by the Commission, they will understand that they can continue violating the majority of rules that the Commission creates.

The instant proceeding is structured for enforcement, with the appropriate categorization and procedural rules. Data has already been presented that documents systematic violations of Commission rules and a Commission order. Dismissing the Complaint in favor of potential future policy changes would be a decision not to pursue enforcement of documented violations of Commission rules and a Commission order.

3. *To all parties: Should the scope explicitly exclude any request requiring modification of Rule 21, reserving such considerations for the OIR?*

The Complaint does not propose any modifications to Rule 21. Since the Complaint only requests enforcement of Rule 21 as it currently exists, granting CALSSA's requested relief does not require modifying Rule 21. Section 2101 of the Public Utilities Code gives the Commission broad authority to enforce violations of rules. Therefore, CALSSA does not object to excluding modifications to Rule 21 in the instant proceeding.

F. Interconnection Timelines & Utility Practices

1. *To PG&E and SCE: For each project category (residential NEM, commercial NEM, solar+storage, storage-only), please summarize the current actual average processing times for each Rule 21 stage.*

2. *To PG&E and SCE: Please identify internal procedures or workflow standards used to ensure compliance with Rule 21 timelines.*
3. *To CALSSA: Do you contend that reported utility timelines differ from actual developer experience, and what evidence will you introduce?*

As outlined in CALSSA's answer to question C.1, CALSSA may dispute how the Defendants determine when the clock starts and ends for a given Rule 21 timeline. Project developers claim that the Defendants do not start the clock for a step upon submittal of complete and valid information, but rather until the Defendants start processing the step. This allows the Defendants to delay beginning review without having the delay be reflected in the recorded time to complete the step. CALSSA intends to conduct discovery on the Defendants' methodology and will decide whether to contend more extensive violations based on the results of that discovery.

4. *To all parties: Are there factual issues regarding interpretation or application of Rule 21 timelines that should be clarified in the scoping memo?*

OP 28 of the Decision requires the utilities to meet the 95 percent standard for ***all*** Rule 21 timelines stated in the reporting framework outlined in OP 22 and OP 23 of the Decision. Specifically, OP 28 states that "no less than 95 percent of non-net energy metering projects and net energy metering projects greater than 30 kilowatts shall meet ***all*** timelines listed in Ordering Paragraph 23."[12] In its response to the Complaint, SCE seems to imply that it is acceptable to miss the 95 percent standard for some timelines.[13] However, OP 28 clearly stipulates that the 95 percent standard applies to each timeline.

This issue should be scoped into the proceeding. It is too complex to be "clarified" within the scoping memo, but the scoping memo should recognize it will need to be resolved within the proceeding.

G. Administrative / Case Management

[12] OP 28 of the Decision has a typo. It adopts proposal 12f, which includes the timelines listed in OP 22 and OP 23, not just OP 23.
[13] SCE answer to the Complaint, Section III.D.

1. *To all parties: Do you anticipate any discovery motions or confidentiality issues that may affect the schedule?*

CALSSA does not expect that its limited discovery will affect the schedule or that any information will need to remain confidential.

2. *To CALSSA: Are you requesting any interim procedural relief that falls within the Commission's adjudicatory authority?*

CALSSA requests that the Commission adjudicate the Complaint in a timely manner but is not requesting interim relief before a decision is issued.

3. *To PG&E and SCE: Would you be willing to provide aggregated interconnection-processing data early in the proceeding to help narrow disputed factual issues?*

Respectfully submitted,

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