

**FILED**

06/01/26

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C2506014

June 1, 2026

TO PARTIES OF RECORD IN CASE 25-06-014.:

This proceeding was filed on June 11, 2025, and is assigned to Commissioner Douglas and Administrative Law Judge (ALJ) Leah Goldberg. This is the decision of the Presiding Officer, ALJ Goldberg.

Any party to this adjudicatory proceeding may file and serve an Appeal of the Presiding Officer's Decision within 30 days of the date of issuance (*i.e.*, the date of mailing) of this decision. In addition, any Commissioner may request review of the Presiding Officer's Decision by filing and serving a Request for Review within 30 days of the date of issuance.

Appeals and Requests for Review must set forth specifically the grounds on which the appellant or requestor believes the Presiding Officer's Decision to be unlawful or erroneous. The purpose of an Appeal or Request for Review is to alert the Commission to a potential error, so that the error may be corrected expeditiously by the Commission. Vague assertions as to the record or the law, without citation, may be accorded little weight.

Appeals and Requests for Review must be served on all parties and accompanied by a certificate of service. Any party may file and serve a Response to an Appeal or Request for Review no later than 15 days after the date the Appeal or Request for Review was filed. In cases of multiple Appeals or Requests for Review, the Response may be to all such filings and may be filed 15 days after the last such Appeal or Request for Review was filed. Replies to Responses are not permitted. (*See*, generally, Rule 14.4 of the Commission's Rules of Practice and Procedure at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).)

If no Appeal or Request for Review is filed within 30 days of the date of issuance of the Presiding Officer's Decision, the decision shall become the decision of the Commission. In this event, the Commission will designate a decision number and advise the parties by letter that the Presiding Officer's Decision has become the Commission's decision.

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC: asf

Attachment

ALJ/POD-LGG/asf

Decision **PRESIDING OFFICER'S DECISION OF ALJ GOLDBERG**  
(Mailed 6/1 /2026)

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

Patterson Point LP,

Complainant,

vs.

Southern California Edison Company  
(U338E),

Defendant.

Case 25-06-014

**PRESIDING OFFICER'S DECISION DISMISSING  
PATTERSON POINT LP'S COMPLAINT**

**Summary**

Patterson Point LP's complaint alleging violations of Southern California Edison Company's Electrical Service Requirements is denied because Patterson Point LP has proceeded to construct its project with individual meters rendering moot the specific relief requested in the complaint. The Commission also denies the request for an advisory opinion. The Commission issues advisory opinions only in extraordinary circumstances. Neither Patterson Point LP nor Southern California Edison made a proper showing of entitlement to an advisory opinion.

Because there is no longer a controversy over which the Commission has jurisdiction, we must dismiss the Complaint, with prejudice.

This proceeding is closed.

### **1. Factual and Procedural Background**

On June 11, 2025, Complainant Patterson Point LP (Patterson Point or Complainant) filed a complaint against Southern California Edison Company (SCE) alleging violations of SCE's Electrical Service Requirements (ESR), specifically ESR Section 5 and ESR Rules 16 and 18. Complainant plans to build and the Housing Authority of Santa Barbara County will operate a housing project that will consist of 23 resident units and one unit for an on-site manager. Only formerly unhoused people and those with special needs meeting certain income requirements will qualify for tenancy. In addition to housing, residents will be provided with an array of services that are not provided in market-rate or low-income housing projects generally. The Complaint alleges that housing authority projects, such as the one proposed, serving extremely low income residents with special needs, have been allowed to install one master meter serving all units under ESR Rules 16 and 18, provided that the rental agreements include electrical usage. Complainant asserts that its project is similar to other projects granted a single meter for multiple residential units.

On July 1, 2025, the California Public Utilities Commission (Commission) issued Instructions to Answer Notice to Defendant. On July 24, 2025, the assigned Administrative Law Judge (ALJ) issued a ruling setting a prehearing conference (PHC) for August 14, 2025, directing the parties to meet and confer, and directing SCE to file a Joint PHC Statement by August 8, 2025.

On July 31, 2025, SCE filed an answer to the Complaint. SCE contends that both SCE Tariffs and the Public Utilities Code (PUC) do not allow for the type of

metering proposed by the Complainant. Based on its understanding that the proposed project is new construction, that each unit will have its own kitchen, and that the project will include seven electric vehicle charging ports, SCE asserts the project is a residential multiunit structure that, as a matter of law, must have separate electricity usage meters.

On August 6, 2025, Complainant sent an e-mail to the assigned ALJ requesting a late filing of the Joint PHC Statement explaining that Complainant had just retained counsel and its counsel needed additional time. In compliance with the Commission's Rules of Practice and Procedure (Rules) 11.6, Complainant sought concurrence from SCE for the late filing of the Joint PHC Statement to August 14, 2025. Complainant also requested that the PHC be rescheduled from August 14, 2025, to a later date. On August 7, 2025, the assigned ALJ issued an email ruling granting the motion and extended the deadline for submitting the Joint PHC Statement to August 14, 2025, and moved the PHC to August 25, 2025.

On August 13, 2025, Complainant sent an email to the assigned ALJ requesting an additional extension of time until August 15, 2025, to file the Joint PHC Statement. The assigned ALJ granted the motion for an extension, and the parties filed a Joint PHC Statement on August 15, 2025. A PHC was held on August 25, 2025, to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary.

Commissioner Douglas issued a Scoping Memo and Ruling (Scoping Memo) on September 19, 2025, which among other things, established a schedule for the proceeding.

On November 3, 2025, SCE filed and served a Motion to Dismiss. SCE's motion to dismiss was based on the fact that in order to meet a December 15, 2025 construction deadline, Patterson Point had applied for individual meter installation. On the same date, SCE served its testimony.

On November 4, 2025, Patterson Point sent an email to the assigned ALJ stating that its testimony was not ready and asking the assigned ALJ to suspend the proceeding schedule pending decision on SCE's Motion to Dismiss. On November 7, 2025, the assigned ALJ issued an email ruling directing the Complainant to explain its failure to serve testimony and directing the Complainant to file a formal motion to amend the proceeding schedule, which Complainant did on November 14, 2025. SCE filed a response to Patterson Point's motion on November 19, 2025.

The assigned ALJ held a virtual status conference on November 21, 2025. At the time of the status conference, Patterson Point explained that the electric meters had not been installed. Patterson Point had merely ordered the switch gear.<sup>1</sup> Patterson Point further explained that the project had been delayed, so the actual date for installation of the meters was unknown.<sup>2</sup> Accordingly at the time of the status conference, there continued to be an active case or controversy. The status conference also included a robust discussion of the Commission's Environmental and Social Justice (ESJ) Action Plan and its impact on this proceeding. The assigned ALJ encouraged the parties to review their positions and consider settlement based on the ESJ Action Plan considerations. SCE was

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<sup>1</sup> See Transcript, at 11, lines 6 through 20, see also page 13 at lines 4 through 8 and 15 through 18.

<sup>2</sup> Id at page 16, lines 21-23.

directed to file a case status update by December 2, 2025, updating the Commission on the parties' desire to settle the Complaint.

As directed, SCE filed a case status update on December 2, 2025, stating that it will adjust its definition of properties eligible for a single meter to include Patterson Point and future projects that are similarly situated. SCE requested that the Commission issue a Presiding Officer's Decision to confirm that SCE's approach is consistent with statutory and tariff rules.

Patterson Point also filed a Status Report on December 2, 2025, stating that the construction deadlines for the Patterson Point project would not allow for a master meter. Instead, Patterson Point would be installing individual meters for each unit.

On December 12, 2025, the assigned ALJ issued a ruling amending the proceeding schedule, requesting additional information and denying SCE's motion to dismiss.

On December 19, 2025, Patterson Point filed its prepared testimony. On the same date, the parties also filed motions to admit evidence into the evidentiary record and provided additional information regarding per meter charges that the assigned ALJ requested in the December 12, 2025 ruling. SCE filed an accompanying Motion for Leave to File Under Seal the Confidential Version of Motion to Admit Evidence into the Evidentiary Record and Responses to Request for Additional Information.

On December 30, 2025, the assigned ALJ granted the motions to admit evidence into the evidentiary record. On that same date, the parties, through Patterson Point, requested an extension of time to respond to each other's motion to admit evidence into the evidentiary record. Because the assigned ALJ had already received the evidence into the evidentiary record, the motion for an

extension was denied. In that denial, however, the assigned ALJ allowed the parties until January 9, 2026, to request modification of the ruling admitting evidence into the evidentiary record for good cause.

On January 9, 2026, SCE made a Motion for Modification of the Assigned ALJ's Ruling Granting Motion to Admit Evidence into the Evidentiary Record and Denying Motion for an Extension of Time to Respond to Motions. SCE argued that it was not granted an opportunity to cross-examine Patterson Point's witnesses or to respond before Patterson Point's evidence was received into the evidentiary record. On January 22, 2026, Patterson Point responded to SCE's motion.

### **1.1. Submission Date**

This matter was submitted on January 22, 2026, upon Complainant's Response to SCE's Motion for Modification of the Assigned ALJ's Ruling Granting Motion to Admit Evidence into the Evidentiary Record and Denying Motion for an Extension of Time to Respond to Motions.

## **2. Jurisdiction and Burden of Proof**

The Commission has jurisdiction over the activities of public utilities.<sup>3</sup> SCE provides electricity to homes and businesses in California and oversees the installation of electricity meters to homes and businesses within its jurisdiction. SCE is a utility subject to the Commission's jurisdiction, control and regulation.

Complainant is a housing developer constructing a facility for previously unhoused individuals and others with special needs. The facility that Patterson Point is building will be managed and run by the Housing Authority of Santa Barbara County. Complainant alleges violations of SCE's ESR, specifically ESR

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<sup>3</sup> PUC § 216(a).

Section 5 and ESR Rules 16 and 18. The Complaint was filed pursuant to the Commission's Rules of Practice and Procedure (Rule) 4.1(a).

The Complainant bears the burden of proof to show SCE violated a rule, order, law, or tariff approved by the Commission.<sup>4</sup> Patterson Point must meet the burden of proof by a preponderance of the evidence.

### **3. Issues Before the Commission**

The Scoping Memo listed the following issues to be determined or otherwise considered in this proceeding:

1. Should the individual metering requirements under State law and applicable tariffs apply to the Patterson Point, LP project?
  - a. If not, should Patterson Point LP be permitted to install a master meter under a commercial tariff for the Patterson Point LP project?
2. Are there any exceptions to the master meter laws and tariffs that would allow a master meter for the Patterson Point LP project?
3. What are the impacts on environmental and social justice communities, including the extent to which the Patterson Point LP project impacts the achievement of any of the nine goals of the Commission's Environmental and Social Justice Action Plan?

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<sup>4</sup> *In Complaint of Service-All-Tech, Inc. v. PT&T Co.* (Cal. PUC, 1977) 83 CPUC 135, Decision (D.) No. 88223 (complaint relating to the disconnection of telephone service where the court found that complainant had the burden of proof and that complainant's "failure to present any evidence present[ed] a total lack of meeting that burden"); see also *Pacific Bell Telephone Company, d/b/a AT&T California vs. Fones4All Corporation* (Cal. PUC, 2008) D.08-04-043, 2008 Cal. PUC LEXIS 132.

**4. SCE’s Motion to Modify Evidence admitted into the Evidentiary Record**

SCE requested modification of the assigned ALJ’s ruling admitting evidence into the evidentiary record based on the fact that SCE did not have an opportunity to review Patterson Point’s testimony, respond to the testimony with rebuttal testimony, propound discovery or cross-examine Patterson Point’s witness. Patterson Point’s testimony was due at the beginning of November, but Patterson Point did not submit prepared testimony until December 19, 2025. When Patterson Point failed to timely serve its prepared testimony, the assigned ALJ requested an explanation, the response to which was simply that Patterson Point had not completed its testimony.

Patterson Point served its prepared testimony on the same date for the motions to admit testimony into the evidentiary record. We agree that Patterson Point’s delay unduly denied SCE the opportunity to respond and cross-examine Patterson Point’s witness. Accordingly, the assigned ALJ’s Ruling of December 30, 2025, admitting testimony and evidence into the evidentiary record is hereby modified to remove all disputed testimony as follows:

<b>Exhibit Number</b>	<b>Party</b>	<b>Exhibit Name, Description, Sponsoring Witness</b>
PP-01	Patterson Point	Direct testimony of Milton Johns, pages 1-4, page 5, lines 1-7, and page 6, lines 5-11.
PP-02	Patterson Point	Housing Authority of Santa Barbara County’s (HASBC) response to SCE Data Request No. 001, Questions 1-3
PP-03	Patterson Point	HASBC’s response to SCE Data Request No. 001, question 4
PP-04	Patterson Point	California State Treasurer’s Office News Release dated October 7, 2024

PP-05	Patterson Point	Patterson Point's Tenant Eligibility Checklist
PP-06	Patterson Point	Patterson Point's Lease Agreement
PP-07	Patterson Point	Patterson Point's Supportive Services Plan
SCE-01	SCE	Prepared testimony of Darrah Morgan
SCE-02-C	SCE	Patterson Point's preliminary single line drawings, dated 1/24
SCE-03-C	SCE	Emails between SCE and Patterson Point

## 5. Case or Controversy

The scoped issues in this proceeding ask: 1. Should the individual metering requirements under State law and applicable tariffs apply to the Patterson Point, LP project? And if not, should Patterson Point LP be permitted to install a master meter under a commercial tariff for the Patterson Point LP project? 2. Are there any exceptions to the master meter laws and tariffs that would allow a master meter for the Patterson Point LP project?

Patterson Point proceeded to construct its project with individual meters to meet a construction deadline,<sup>5</sup> while at the same time continuing to argue that a single meter option is more appropriate and has been permitted in similar projects to the one Patterson Point is building in Santa Barbara County.

SCE, on the other hand and albeit too late for the Patterson Point project construction schedule, agreed to allow a single meter for the Patterson Point project.<sup>67</sup> SCE has proposed to expand its current definition of commercial

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<sup>5</sup> Exhibit PP-01 at 6.

<sup>6</sup> SCE's Motion to Admit Evidence into the Evidentiary Record at 3.

<sup>7</sup> This proceeding could have been avoided if SCE's determination to allow a single meter under a commercial tariff was made during early discussions with Patterson Point.

property, at which a single meter would be allowed, to include projects like Patterson Point.<sup>8</sup> SCE requested that this decision confirm that neither PUC section 780.5, which requires individual metering for residential multi-unit buildings, nor SCE's ESR Rule 16 requiring individual metering for residential units, would be applicable to Patterson Point or similar projects.<sup>9</sup> Patterson Point contends that its Complaint presents matters of continuing public interest such that even if there is no longer a controversy in this case, there will be similarly situated projects in the future.

Because the issue of whether Patterson Point should be permitted to install a single meter has been rendered moot based on Patterson Point's election to move forward with individual meters,<sup>10 11</sup> the opinion that SCE and Patterson Point are asking the Commission to render is merely an advisory opinion. The Commission has stated:

"We seldom issue advisory opinions and have clearly articulated our rationale for declining to do so. Our policy against issuing advisory opinions is not unique to the CPUC nor other administrative agencies but is a policy long-adopted by the courts.<sup>12</sup> . . . In order to conserve scarce decision-making resources, [we] generally '[do] not issue advisory opinions in the absence of a case or controversy.' [*We adhere*]

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<sup>8</sup> SCE defines projects like Patterson Point as those with "[u]nique characteristics" such as "constructed for homeless or special needs tenants, subject to a deed restriction . . . owner pays all utilities for Tenants, provides services to assist tenants, tenants must meet certain income verification and rent subsidy requirements." *Ibid.*

<sup>9</sup> *Id.* at 3-4.

<sup>10</sup> Exhibit PP-01 at 6.

<sup>11</sup> We find it troubling that Patterson Point failed to communicate the construction timeline until so late in the proceeding that it could not accommodate the relief it sought.

<sup>12</sup> Decision (D.) 00-06-002 at 5 (See *Pacific Legal Foundation v. California Coastal Commission* (1982) 33 Cal.3d 158, 170, [ripeness requirement prevents courts from issuing purely advisory opinions.]) *See also* R.01-10-024, 2019 Cal. PUC Lexis 721.

*to this 'rule' unless we are presented with 'extraordinary circumstances.'* ”<sup>13</sup> (Italics original.)

In Decision (D) 00-06-002, the Commission explained that extraordinary circumstances “may exist where a matter is of widespread public interest or another governmental agency would benefit from a timely expression of the Commission’s views.”<sup>14</sup> Patterson Point has argued that it is exempt from PUC section 780.5 and that is a matter of continuing public interest “that the provision of affordable housing and attendant supportive services to the homeless population is in the public interest. The public interest in facilities such as Patterson Point is not extinguished by the fact that Patterson Point was forced to accept the only service SCE would provide.”<sup>15</sup> SCE, on the other hand, asks the Commission to find that projects like Patterson Point are not subject to PUC section 780.5. But SCE has already explained that it intends to treat similarly situated projects as commercial properties. As such, they would be eligible for single meters. There are no extraordinary circumstances that would compel the Commission to issue an advisory opinion as to applicability or exemptions to PUC section 780.5. Accordingly, we will not issue an advisory opinion regarding the challenged issues, and we dismiss the Complaint as moot.

## **6. Environmental and Social Justice Action Plan Considerations**

Although Patterson Point’s Complaint is moot, it is important to note that Patterson Point’s project will serve a vulnerable community, namely formerly unhoused people and people with special needs that meet very low income

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<sup>13</sup> Decision (D.) 00-06-002 at 5, 2000 Cal. PUC LEXIS 278.\

<sup>14</sup> *Ibid.*

<sup>15</sup> Patterson Point’s Response to SCE’s Motion to Dismiss filed on November 18, 2025, at 2, 10.

thresholds. The following discussion of the Commission's ESJ Action Plan 2.0 (Action Plan) is to remind the parties that ESJ communities command special consideration.

The Commission promulgated the Action Plan to provide an operating framework for incorporating ESJ considerations into all Commission proceedings. The Action Plan requires the Commission to consider equity, diversity, inclusion, access, and burdens on low-income populations, populations of color, or Native American Tribes. The Action Plan contains nine goals, and the operational framework established four steps in achieving those goals, namely 1) determine if the proceeding has an ESJ impact; 2) establish an outreach plan for potentially impacted communities; 3) determine the specific ESJ impact in the proceeding; and 4) incorporate ESJ impacts into the proceeding and record.<sup>16</sup>

One of the scoped issues in this proceeding asks "what are the impacts on environmental and social justice communities, including the extent to which the Patterson Point project impacts the achievement of any of the nine goals of the Commission's Environmental and Social Justice Action Plan?" Complainant's project will serve precisely the communities that the Action Plan addresses, namely a diverse, very low income population. The Patterson Point project will provide services ranging from rental assistance to mental health services.<sup>17</sup>

By considering the population proposed to be served by projects, we are helping to achieve goals one and two of the Action Plan.<sup>18</sup>

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<sup>16</sup> CPUC Environmental and Social Justice Action Plan 2.0, at 15.

<sup>17</sup> Testimony of Milton Johns, page 5, lines 3-4.

<sup>18</sup> The first two goals of the Action Plan are:

*Footnote continued on next page.*

**7. Conclusion**

We conclude that the relief requested in the Complaint is rendered moot because Patterson Point has proceeded to install individual meters rendering the case moot. Instead, Patterson Point and SCE request an advisory opinion as the applicability of PUC section 780.5, which we decline to issue for the reasons explained above. We dismiss the complaint with prejudice because there is no longer a case or controversy.

**8. No Hearing is Necessary**

In the Scoping Memo, Commissioner Douglas made the determination that hearings would be necessary. We change that determination here to “no hearing is necessary.”

**9. Category of Proceeding**

This matter has been categorized as adjudicatory.

**10. Appeal or Review of Presiding Officer’s Decision**

The presiding officer’s decision in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code. Pursuant to Rule 14.4 of the Commission’s Rules of Practice and Procedure, any party may file an appeal of the presiding officer’s decision within 30 days of the date the decision is served. In addition, any Commissioner may request review of the presiding officer’s decision by filing a request for review within 30 days of the date the decision is served.

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1. Consistently integrate equity and access considerations throughout CPUC proceedings and other efforts
  2. Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health.
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## **11. Assignment of Proceeding**

Commissioner Karen Douglas is the assigned Commissioner and Leah Goldberg is the assigned Administrative Law Judge and Presiding Officer in this proceeding.

### **Findings of Fact**

1. The timing of Patterson Point's prepared testimony deprived SCE the opportunity to rebut the testimony or to cross-examine Patterson Point's witness.
2. Complainant's project in Santa Barbara County will consist of 23 units for formerly unhoused people and people with special needs and one manager's unit.
3. The population that Complainant's project will be serving would qualify as an ESJ community under the Commission's ESJ Action Plan.
4. The Patterson Point project will provide services such as rental and mental health services.
5. In order to satisfy its construction schedule to qualify for certain tax credits, Patterson Point proceeded to install individual meters under residential rates.

### **Conclusions of Law**

1. Because Patterson Point installed individual meters, Patterson Point's Complaint seeking a single meter under a commercial rate is moot and should be dismissed with prejudice.
2. Neither SCE nor Patterson Point made a proper showing of entitlement to an advisory opinion
3. Complaint 25-06-014 should be closed.

**O R D E R**

**IT IS ORDERED** that:

1. The assigned Administrative Law Judge's ruling admitting evidence into the evidentiary record shall be modified to exclude certain portions of Patterson Point LP's prepared testimony as noted in section four (4) of the presiding officers decision.
2. The determination that hearings are necessary shall be changed to no hearings are necessary.
3. Complaint 25-06-014 is dismissed with prejudice because it is moot.
4. All pending motions which have not been expressly resolved by the assigned Administrative Law Judge are denied.
5. Proceeding C.25-06-014 is closed.

This order is effective today.

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