STATE OF CALIFORNIA GAVIN NEWSOM, *Governor*

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

FILED
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C2508021

September 25, 2026

TO PARTIES OF RECORD IN CASE 25-08-021:

This proceeding was filed on August 28, 2025, and is assigned to Commissioner Matthew Baker and Administrative Law Judge (ALJ) Hazlyn Fortune. This is the decision of the Presiding Officer, ALJ Fortune.

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.)

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:smt

Attachment

ALJ/POD-HCF/smt

Decision **PRESIDING OFFICER'S DECISION OF ALJ FORTUNE (Mailed 9/25/2026)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

PRESIDING OFFICER'S DECISION DISMISSING COMPLAINT

Summary

Complaint (C.)25-08-021 is dismissed as the requested relief is not appropriate for resolution in an adjudicatory proceeding.

Case 25-08-021 is closed.

1. Factual and Procedural Background

On August 28, 2025 the California Solar and Storage Association (CALSSA or Complainant) filed this complaint alleging that Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) caused ongoing damages to its member companies by repeatedly violating the following Commission rules:

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- Electric Rule 21, a tariff that defines interconnection requirements for every solar and/or storage system that connects to PG&E's and SCE's distribution and transmission systems and sets timelines for many stages in the interconnection process.[1] [2]
- Decision (D.) 20-09-035, which modifies Rule 21 to streamline the interconnection process for distributed energy resources. D.20-09-035 orders that "within two years of commencement of tracking required by Ordering Paragraph 23,[3] 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."[4]

The Complainant requests two forms of relief. First, that the Commission assess financial penalties on PG&E and SCE in the amount of $5 million.[5] Second, that the Commission establish a penalty framework for Rule 21 violations applicable to PG&E, SCE, and San Diego Gas & Electric (SDG&E) that would be assessed on a quarterly basis moving forward.[6] Complainant further argues that

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[1] *Id.* at 2.

[2] Complaint specifically alleges that defendants failed to comply with a provision of Rule 21 that requires distribution providers to use "reasonable efforts in meeting all the timelines provided" under Rule 21 (the "reasonable efforts standard").[2] Complainant bases their allegations on several performance metrics, including percentages of non-net energy metering (NEM) projects where defendants met Rule 21 timelines, failure of defendants to implement proposed improvement paths presented at a June 22, 2023 workshop, and compliance rates over time.

[3] Ordering Paragraph 23 of D.20-09-035 adopts a proposal establishing a standard timeline for design and construction of interconnection-related distribution upgrades.

[4] Complaint at 25.

[5] *Id.* at 31.

[6] *Id.* at 31-34.

this relief is necessary to deter future violations and reduce the number of complaints filed for interconnection timeline violations.[7]

PG&E and SCE each filed an answer to the complaint on November 14, 2025.[8] [9] PG&E and SCE also filed a Joint Motion to Dismiss on November 14, 2025 (Joint Motion to Dismiss) in which they seek dismissal of the instant complaint on several grounds.

First, defendants argue that dismissal serves efficiency goals because the issues raised by CALSSA could and should be addressed in existing Rulemaking (R.) 25-08-004.[10] The Commission initiated R.25-08-004 on August 14, 2025 to update the Rule 21 interconnection process for distributed energy resources (DERs), including solar, storage, and electric vehicle (EV) technologies.[11]

Second, defendants argue that CALSSA's requested relief is unavailable in the context of a complaint proceeding because the Commission does not create new industry-wide rules in such proceedings.[12]

Third, defendants argue that the Commission has already expressly declined CALSSA's prior request to penalize IOUs in connection with the

[7] *Id.* at 32.

[8] PG&E Answer to Complaint on November 14, 2025.

[9] SCE Answer to Complaint on November 14, 2025.

[10] Joint Motion to Dismiss at 10.

[11] The issues to be considered in Phase 1 of R.25-08-004 include 1) Whether the Commission should modify current interconnection technology; 2) Whether the Commission should modify interconnection timeline rules and compliance requirements established for the Investor-Owned Utilities in D.20-09-035; and 3) Whether the Commission should revise the interconnection fee for non-NBT (net billing tariff) and non-NEM (net energy metering) resources.

[12] *Id.* at 12.

timeline goals set forth in D.20-09-035, and therefore the instant complaint should be dismissed to avoid reconsideration of past decisions.[13]

Finally, defendants argue that an Administrative Enforcement Order or Order Instituting Investigation as requested by complainant[14] is unavailable because the Commission's enforcement staff, not CALSSA, is vested with the authority to investigate and penalize alleged noncompliance.[15]

A prehearing conference (PHC) was held on December 12, 2025 to address the issues of law and fact, determine the need for a hearing, set the schedule for resolving the matter, and address other matters as necessary.

An Assigned Commissioner's Scoping Memo and Ruling (Scoping Memo) was issued on May 6, 2026 setting forth the issues and initial schedule of the proceeding. On May 18, 2026, PG&E, SCE, and CALSSA filed opening comments to the Scoping Memo. On May 26, 2026, CALSSA and PG&E and SCE (filing jointly) filed reply comments to the Scoping Memo.

This matter was submitted on May 26, 2026 upon submission of reply comments to the Scoping Memo by CALSSA.

1. Issues Before the Commission

The issues to be determined or otherwise considered are:

a. Under the law, whether the Commission should award the relief sought by CALSSA, namely: 1) financial penalties on PG&E and SCE in the amount of $5 million and 2) that the Commission establish a penalty framework for Rule 21 violations applicable to PG&E, SCE, and San SDG&E that would be assessed on a quarterly basis moving forward.

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[13] *Id.* at 14.

[14] Complaint at 31.

[15] *Id.* at 16.

b. Whether CALSSA has standing to pursue this complaint on behalf of its members, including whether it has sufficiently demonstrated injury to identifiable members?

c. Does CALSSA's complaint present adequate specific and detailed facts of harm to individual members to seek relief within the Commission's complaint jurisdiction, and request relief appropriate for adjudicatory resolution?

d. Are the issues raised and the remedies proposed by CALSSA more appropriate to consider in a quasi-legislative proceeding, such as the Order Instituting R.25-08-004?

2. Jurisdiction and Burden of Proof

The Commission has jurisdiction over the activities of investor-owned public utilities (IOUs) operating in California.[16] PG&E is an IOU that provides electricity and natural gas to the public in much of Northern California. SCE is an IOU that provides electricity to the public in much of Southern California. Therefore, PG&E and SCE are utilities subject to the Commission's jurisdiction, control and regulation.

CALSSA is a statewide trade association representing 647 businesses building behind-the-meter solar and storage in California. Complainant alleges that 1) Defendants systematically failed to comply with interconnection timeline provisions of Rule 21; and 2) Defendants failed to meet the directive in D.20-09-035 that utilities meet timelines for at least 95 percent of qualifying projects defined in D.20-09-035. Complaint was filed pursuant to the Commission's Rules of Practice and Procedure (Rule) 4.1(a).

[16] Pub. Util. Code § 216(a).

CALSSA bears the burden of proof to show PG&E and SCE violated a rule, order, law, or tariff approved by the Commission.[17] CALSSA must meet the burden of proof by a preponderance of the evidence.

3. Reparations in Complaint Proceedings

Public Utilities Code Section 734 authorizes the Commission to order reparations when a complaint concerns a utility rate or charge, and the Commission finds, after investigation, that the utility charged an unreasonable, excessive, or discriminatory amount in violation of the Public Utilities Code. The Commission has consistently distinguished reparations, which the Commission may award, from compensatory or consequential damages, which the Commission may not award. Reparatory relief generally consists of a refund or adjustment of all or part of a utility charge for a service or group of related services.

The Commission has explained:

> "We again hold that only a court and not the Commission has the power to award consequential damages as opposed to reparations. Reparatory relief is limited to a refund or adjustment of part or all of the utility charge for a service or group of related services. Consequential damages on the other hand is an amount of money sufficient to compensate an injured party for all the injury proximately caused by a tortuous [sic] act."[18]

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[17] *In Complaint of Service-All-Tech, Inc. v. PT&T Co.* (Cal. PUC, 1977) 83 CPUC 135, Decision 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.

[18] D.91-10-008 at *3. *See also* D.92-01-020 *4; D.92-02-021 *5; D.91-08-017; *Marin Telephone Answering Service v. Pacific Bell* (1986) 20 CPUC 2d 643; *Ad Visor, Inc. v. Gen. Tel. Co. of Cal*. (1977)

CALSSA does not seek reparations or compensatory damages in this proceeding. Rather, CALSSA seeks monetary penalties for alleged violations of Rule 21 and D.20-09-035. As discussed below, penalties are distinct from reparations and are considered separately.

4. Penalties

Reparations and penalties are distinct remedies to address harm. Reparations generally provide a refund or adjustment of all or part of a utility charge for a service or group of related services.[19] Penalties, by contrast, may be imposed when a utility violates applicable statutes, Commission rules, decisions, orders, or tariffs.[20] Compensatory or consequential damages compensate an injured party for losses resulting from wrongful conduct and are not available from the Commission.[21]

One example of how the Commission addressed penalties can be found in D.94-04-057. In that decision, Toward Utility Rate Normalization, Inc. (TURN) v. Pacific Bell, TURN filed a formal complaint alleging that Pacific Bell violated its filed tariffs and Public Utilities Code section 532 in its handling of late-payment charges, reconnection fees, and service disconnections. After investigation, the Commission found that Pacific Bell committed approximately 7.5 million violations. It ordered Pacific Bell to refund approximately $34.32 million to affected customers and, separately, imposed

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82 CPUC 685, 691; *Mak v. PT&T* (1971) CPUC 735, 738; D.75232 *2, citing *Schumacher v. Pacific Telephone* (1965) 64 CPUC 295.

[19] D.92-01-020 at *4, quoting *Garcia v. PT&T Co.* (1980) 3 CPUC 2d 534, 538-539.

[20] D.94-04-057 at 8.

[21] D.91-10-008 at *3. *See also* D.92-01-020 at *4; D.92-02-021 at *5; D.91-08-017; *Marin Telephone Answering Service v. Pacific Bell* (1986) 20 CPUC 2d 643; *Ad Visor, Inc. v. Gen. Tel. Co. of Cal.* (1977) 82 CPUC 685, 691; *Mak v. PT&T* (1971) CPUC 735, 738; D.75232 at *2, citing *Schumacher v. Pacific Telephone* (1965) 64 CPUC 295.

a $15 million penalty under sections 701 and 2107, payable to the State's General Fund. (D.94-04-057, 54 CPUC 2d 122, at pp. 1-2, 8-10.)

The Commission in D.94-04-057 makes clear that that refunds/reparations and penalties address different issues and can be considered separately in a complaint proceeding. The Commission explained that "[n]either deterring future wrongful activity nor assuring against unjust enrichment is a prerequisite to penalties assessed under PU Code Section 2107. All that is required under that section is a violation of relevant statutes, rules, or decisions by a public utility."[22]

Although CALSSA is not seeking reparations, penalties could be appropriate for the alleged Rule 21 violations included in its complaint. D.94-04-057 establishes that the Commission may impose penalties for violations established in a complaint proceeding. Here, however, our decision in D.20-09-035 precludes the imposition of penalties for past violations of Rule 21.

4.1. Penalty Framework

The Commission created an enforcement policy framework in Resolution M-4846. The Enforcement Policy states that "every violation should result in an appropriate enforcement action consistent with the priority of the violation," while recognizing the Commission's enforcement discretion. The Policy therefore does not appear to require a monetary penalty for every violation, but it does support separately considering the appropriate enforcement response when a violation is established.

[22] D.94-04-057 at p. 8.

The Commission does not reach a determination in this proceeding as to whether the alleged Rule 21 violations occurred, however, our decision in D.20-09-035 precludes the imposition of penalties for past violations of Rule 21.

. The Commission can, however, consider the merits of a prospective penalty framework in R.25-08-004, where the broader compliance requirements and potential enforcement mechanisms applicable to Rule 21 are within the scope of the proceeding. The Commission will not consider penalties in this Complaint because the question about how past and future violations should be addressed are more transparently explored in a rulemaking such as Rulemaking 25-08-004.

5. CALSSA has Standing to Pursue the Instant Complaint on Behalf of its Members

Pub. Util. Code § 1702 authorizes complaints by, among others, "any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural, or manufacturing association or organization."[23] Rule 4.1(a)(1) contains substantially identical language.[24]

CALSSA alleges that it is "a California non-profit trade association representing over 647 solar and storage businesses in California, including approximately 378 solar contractors and developers."[25] It further alleges that its members install approximately 75 percent of California's behind-the-meter solar

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[23] Pub. Util. Code § 1702

[24] Commission Rules of Practice and Procedure at Rule 4.1(a)(1) authorizes complaints by "any corporation or person, chamber of commerce, board of trade, labor organization, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization."

[25] Complaint at 6.

capacity.[26] Therefore, CALSSA falls within the category of "association" listed in Pub. Util. Code § 1702 and Rule 4.1. CALSSA affirms that it is a trade association representing hundreds of businesses in the solar and storage industry and therefore appears to satisfy the threshold requirement to file a complaint before the Commission.[27]

6. CALSSA Does Not Present Sufficient Facts of Harm to Individual Members to Support the Requested Relief in this Complaint Proceeding

The Commission must be able to link the relief it grants to the allegations and issues presented in the complaint. Complaints must contain sufficient facts to provide a basis for the Commission to determine whether the requested relief is appropriate for resolution through the adjudicatory process.

CALSSA does not sufficiently connect its requested relief to specific affected members or projects. In its complaint, CALSSA identifies nine case studies involving customers who allegedly experienced interconnection delays. These case studies support CALSSA's allegation of a broader pattern of Rule 21 violations, but CALSSA does not seek relief tied to those individual projects. Instead, CALSSA asks that PG&E and SCE each pay $5 million in penalties for alleged widespread and repeated violations.

CALSSA's requested penalties therefore are not based on quantifiable harm to the individual projects identified in the complaint. Rather, CALSSA seeks penalties based on alleged systemic violations of Rule 21 and D.20-09-035. As discussed above, the Commission may impose penalties when violations have been established. The question presented here, however, is whether CALSSA's

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[26] *Ibid.*

[27] *Ibid.*

allegations and requested system-wide relief are appropriate for resolution in this complaint proceeding.

For the reasons discussed below, the Commission concludes that the requested system-wide relief is more appropriately considered through a proceeding that can address the broader compliance and enforcement issues raised by CALSSA. Accordingly, the Commission does not reach a determination in this proceeding as to whether PG&E or SCE committed the individual Rule 21 violations alleged by CALSSA.

7. CALSSA Requested Relief is Not Tied to Resolution of Individual Project Disputes

CALSSA identifies nine case studies involving customers who allegedly experienced interconnection delays. These case studies support CALSSA's allegation of a broader pattern of violations, not individual project disputes for which CALSSA seeks project-specific relief. CALSSA instead asks that PG&E and SCE each pay $5 million in penalties for alleged widespread and repeated violations of Rule 21 and D.20-09-035.

As discussed above, penalties are distinct from reparations and need not correspond to the amount of monetary harm suffered by an individual customer. Accordingly, the fact that CALSSA does not seek project-specific reparations or identify exact damage amounts for individual projects does not, by itself, preclude consideration of penalties for established violations.

CALSSA's requested relief is instead directed at alleged systemic noncompliance with Rule 21 and D.20-09-035. The Commission does not reach a determination in this proceeding as to whether the alleged violations occurred or whether penalties are warranted for those alleged violations. As discussed below, CALSSA's request for a prospective, system-wide penalty framework raises broader compliance and enforcement issues that are more appropriately considered in a rulemaking such as R.25-08-004.

7.1. Statewide or Systemic Reforms Should be Addressed in an Order Instituting Rulemaking

D.12-03-037 holds that complaints may not be used to change Commission policy or alter existing rules.[28] Parties seeking such changes must file a petition for modification or participate in an open rulemaking. Furthermore, D.01-05-086 explains that complaint cases are inappropriate for establishing rules applicable to all IOUs.[29] Proceedings that involve industry-wide consequences or potential rule changes are typically categorized as quasi-legislative or rate-setting to ensure full stakeholder participation.

CALSSA proposes a forward-looking penalty scheme that applies to PG&E, SCE, and SDG&E.[30] The Commission agrees with defendants that the instant complaint is not the proper forum in which to propose a penalty scheme for Rule 21 interconnection timeline violations that effectively amounts to policymaking.[31] Rule 21 interconnection issues requires consistent, Commission-wide treatment and broad stakeholder involvement that cannot be achieved in this proceeding.

Furthermore, D.23-06-001 notes that the Commission may dismiss or decline to adjudicate matters in complaint cases when addressing them would conflict with efficiency, fairness, or broader policy considerations.[32] CALSSA's

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[28] D.12-03-037 at 9.

[29] D.01-05-086 at 18.

[30] Complaint at 33.

[31] Joint Motion to Dismiss at 3.

[32] D.23-06-001 at 9 quoting D.99-11-023.

proposed penalty scheme would impact SDG&E, who is not named in the complaint. Resolving this issue in an adjudicatory setting would conflict with fairness because not all interested parties are represented. The Commission finds it more appropriate to resolve this matter in a quasi-legislative or rate-setting proceeding such as an OIR.

7.2. Issues Overlap with Rulemaking (R.) 25-08-004

D.20-12-034 confirms that the Commission may dismiss a complaint when a parallel rulemaking addresses the same issues.[33]

As of the issuance of this decision, CALSSA is a party to R.25-08-004 which addresses many of the same issues raised in the complaint. The preliminary scoping memo set out in the R.25-08-004 OIR included as a scoped issue, "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?"[34] The Assigned Commissioner's Scoping Memo and Ruling added the issue of "whether the Commission should modify interconnection timeline rules and compliance requirements established for the Investor-Owned Utilities in D.20-09-035."[35]

In its complaint, CALSSA asks the Commission to consider whether a one-time financial penalty is sufficient to deter future violations and whether an ongoing financial penalty framework needs to be established.[36] The complaint similarly raises issues regarding compliance with Rule 21 interconnection

[33] D.20-12-034.

[34] R.25-08-004 at 6.

[35] Scoping Memo at 3.

[36] Complaint at 30.

timeline requirements, and whether compliance requirements should be modified by implementing a quarterly penalty framework. The same issues are scoped in R.25-08-004 and that is where they may be considered, in the interest of efficiency and consistency across proceedings.

D.23-06-001 notes that the Commission may dismiss matters in a complaint case when addressing them would conflict with efficiency.[37] In the interest of efficiency, CALSSA's request for a prospective penalty framework and the broader Rule 21 compliance issues raised by that request may be considered in R.25-08-004.

8. Conclusion

The instant complaint should be dismissed because the requested relief is prospective and system-wide; the penalty framework requested by CALSSA is not appropriate for resolution in a complaint/adjudicatory proceeding. Our decision in D.20-09-035 precludes the imposition of penalties for past violations of Rule 21. The Commission does not reach a determination as to whether the alleged past Rule 21 violations occurred. CALSSA's request for a prospective penalty framework may be considered in a rulemaking, such as R.25-08-004.

9. Category of Proceeding

This matter has been categorized as adjudicatory. Hearings are not necessary.

10. Assignment of Proceeding

Matthew Baker is the assigned Commissioner and Hazlyn Fortune is the assigned Administrative Law Judge and Presiding Officer in this proceeding.

[37] D.23-06-001 at 9 quoting D.99-11-023.

Findings of Fact

1. CALSSA has standing to file a complaint pursuant to Pub. Util. Code § 1702 and Rule 4.1.

2. CALSSA seeks monetary penalties against PG&E and SCE for alleged past violations of Rule 21 and D.20-09-035 and a prospective quarterly penalty framework applicable to PG&E, SCE and SDG&E.

3. SDG&E is not a defendant in this complaint.

4. D.12-03-037 holds that complaints may not be used to change Commission policy or alter existing rules.

Conclusions of Law

1. C.25-08-021, should be dismissed because CALSSA's requested prospective, system-wide penalty framework is not appropriate for resolution in this complaint proceeding, and the Commission does not reach whether the alleged past Rule 21 violations occurred.

2. CALSSA's request for a prospective, system-wide penalty framework raises broader Rule 21 compliance and enforcement policy issues that are more appropriately considered in a rulemaking rather than this adjudicatory complaint.

3. Reparations and penalties are distinct remedies. D.94-04-057 establishes that the Commission may impose penalties for violations established in a complaint proceeding.

4. Decision D.20-09-035 precludes the imposition of penalties for past violations of Rule 21.

O R D E R

IT IS ORDERED that:

1. C.25-08-021 is dismissed because the relief requested is not appropriate for resolution in this adjudicatory proceeding for the reasons discussed in this decision.
2. All pending motions which have not been expressly resolved by the assigned Administrative Law Judge are denied.

This order is effective today.

Dated ___________, at San Francisco, California.