

Decision 20-07-040 July 17, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Consider Streamlining
Interconnection of Distributed Energy
Resources and Improvements to
Rule 21.

Rulemaking 17-07-007

ORDER CORRECTING ERROR IN DECISION 19-03-013

Pursuant to the Commission’s Rules of Practice and Procedure (Rules) Rule 16.5, this order corrects an obvious error in Decision (D.) 19-03-013, *Decision Adopting Proposals from March 15, 2018 Working Group One Report*. As described below, Conclusion of Law (COL) 16 of D.19-03-013 contains a typographical error that should be corrected to ensure clarity for all stakeholders in this proceeding.

On February 21, 2020, Tesla, Inc. (Tesla) submitted a letter to the Commission’s Executive Director, pursuant to Rule 16.5, requesting a correction of obvious error (Tesla Letter). Tesla asserts that COL 16 incorrectly reflects the intent of D.19-03-013 as it relates to the rigor of the interconnection review process for projects undergoing capacity increases.¹

¹ Tesla Letter at 1.

Tesla explains that D.19-03-013 discusses the establishment of a threshold for capacity changes and finds such a threshold “in alignment with the [net energy metering] grandfather language, which allows systems to increase to 110 percent of their original generating facility capacity as identified in its original permission to operate letter.”² Tesla states that D.19-03-013 adopted process option 2 for projects at or below 100 kilowatts (kW) and process option 4 for project above 100 kW. Tesla underscores that D.19-03-013 also adopted process option 2 for “projects increasing capacity within 110 percent of original generating facility capacity as identified in its original permission to operate letter and maintaining the original permission to operate real power output via inverter controls” in order to align with the [net energy metering] tariff grandfathering rules.³ Submitting that COL 16 is written in error, Tesla asserts that the reference to 100 percent of the original generating facility’s nameplate capacity should, in fact, be 110 percent to align with the language in the dicta.

This order concludes that COL 16 should align with two other sections of D.19-03-0130: 1) the language Tesla discusses referencing “projects increasing capacity within 110 percent of original generating facility capacity”; and 2) Ordering Paragraph (OP) 6 of D.19-03-013 that also refers to “an increase in capacity within 110 percent of original generating capacity” for process option 2. As noted by Tesla, in D.19-03-013, the Commission chose an amount of 110 percent of originating generating capacity to align with the net energy

² Tesla Letter at 2 citing D.19-03-013 at 29-30.

³ *Ibid.*

metering tariff. Therefore, for projects with increasing generating capacity at or below 110 percent of originating generating capacity, the Commission adopted process option 2 and, for projects above 110 percent of original generating facility capacity, the Commission adopted process option 4.⁴ Hence, we further conclude that COL 16 in D.19-03-013 should be revised to correct the obvious error that the percentage of original generating capacity should be 110 percent. Accordingly, COL 16 should be revised as follows:

For use case 3, the Commission should adopt process option 2 for projects increasing to below 100 kW, following the creation of certification schemes to limit export to the original generating facility's nameplate capacity, and process option 4 for projects increasing capacity to at or above 100 kW and more than 110 percent of the original generating facility's nameplate capacity.

Pursuant to Commission Resolution A-4661 and Rule 16.5, the Commission's Executive Director is authorized to sign, on behalf of the Commission, orders involving the correction of clerical and other obvious inadvertent errors and omissions in Commission decisions. Accordingly, the correction to D.20-03-013 should be adopted pursuant to Commission Resolution A-4661 and Rule 16.5.

The Commission has not resolved the issues being addressed by Working Groups 2, 3, and 4 in this proceeding. Accordingly, Rulemaking 17-07-007 should remain open.

⁴ D.19-03-013 at OP 6.

Findings of Fact

1. In D.19-03-013, the Commission chose an amount of 110 percent of original generating capacity to align with the net energy metering tariff.
2. For projects with increasing capacity at or below 110 percent of original generating capacity, the Commission adopted process option 2 and, for projects above 110 percent of original generating facility capacity, the Commission adopted process option 4.
3. Issues in Working Groups 2, 3, and 4 in Rulemaking 17-07-007 have not been resolved.

Conclusions of Law

1. Conclusion of Law 16 in D.19-03-013 should align with the language Tesla discusses and OP 6 of D.19-03-013.
2. Conclusion of Law 16 in D.19-03-013 should be revised to correct the obvious error that the percentage of original generating capacity should be 110 percent.
3. Commission Resolution A-4661 and Rule 16.5 authorizes the Commission's Executive Director to sign orders involving the correction of clerical and other obvious inadvertent errors and omissions in Commission decisions.
4. Rulemaking 17-07-007 should remain open.

IT IS ORDERED that:

1. Decision 19-03-013 is corrected by revising the language in Conclusion of Law 16 to replace the words "100 percent" with the words "110 percent".

2. Rulemaking 17-07-007 remains open.

This order is effective today.

Dated July 17, 2020, at San Francisco, California.

/s/ ALICE STEBBINS

ALICE STEBBINS

Executive Director