

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

December 29, 2025

TO PARTIES OF RECORD IN CASE 25-05-015; DECISION 25-12-047:

On November 21, 2025, a Presiding Officer's Decision in this proceeding was mailed to all parties. Public Utilities Code Section 1701.2 and Rule 15.5(a) of the Commission's Rules of Practice and Procedure provide that the Presiding Officer's Decision becomes the decision of the Commission if no appeal or request for review has been filed within 30 days of the mailing of the Presiding Officer's Decision.

No timely appeals to the Commission or requests for review have been filed. Therefore, the Presiding Officer's Decision is now the decision of the Commission.

The decision number is shown above.

/s/ BRIAN STEVENS for

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Michelle Cooke  
Chief Administrative Law Judge

MLC:avs  
Attachment

Decision 12-25-047 December 29, 2025

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

Chloe Yen,	
	Complainant,
vs.	
Southern California Edison Company (U338E),	
	Defendant.

Case 25-05-015

**PRESIDING OFFICER'S DECISION GRANTING MOTION  
TO DISMISS AND DISMISSING COMPLAINT  
FOR FAILURE TO STATE A VIOLATION**

**Summary**

This decision grants Southern California Edison Company's Motion to Dismiss the Complaint and dismisses the complaint for failure to make a claim upon which relief can be granted.

This proceeding is closed.

**1. Factual Background**

On May 20, 2025, Complainant, Chloe Yen, filed Complaint Case (C.) 25-05-015, claiming that her rooftop solar installation should receive Net Energy Metering 2.0 (NEM 2) tariff treatment. Ms. Yen alleged that she signed and completed all of the forms required for her rooftop solar installation

application in advance of the NEM 2 tariff Sunset Date on April 14, 2025.<sup>1</sup>

Ms. Yen submitted the signed documents to her chosen solar installer, American Solar Advantage, and received assurances that they would comply with the NEM 2 submission date requirements. American Solar Advantage subsequently went bankrupt and Ms. Yen later received notice that HomeLink Solar and Guyou Construction submitted her completed rooftop solar installation application to Southern California Edison Company (SCE) on August 10, 2025. Ms. Yen's rooftop solar installation is currently interconnected, operational, and operating under the subsequent tariff, NEM 3.

Ms. Yen's complaint argues she ought to be awarded NEM 2 treatment in equity, a key principle in Commission decisions, since she complied with the NEM 2 submission deadlines to the best of her abilities. All factors related to American Solar Advantage's bankruptcy, the transfer of her solar application to a new installer, document submission on her behalf but without her knowledge, were extraordinary circumstances outside of any normal pattern of practice, factors that should be taken into consideration. An equitable remedy, Ms. Yen argued, would align with the Commission's, "broader mandate to ensure that utilities act in good faith and address customer concerns fairly."

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<sup>1</sup> Decision (D.) 22-12-056, issued December 15, 2022, Ordering Paragraph 12(d), at 243-244, directs the investor-owned utilities to implement a tariff sunset on the net energy metering tariff, NEM 2.0, after which time, no additional customers will be permitted to take service under the NEM 2.0 tariff.

Customers who submit rooftop solar applications after the Sunset Date receive NEM 3.0 treatment, otherwise known as the Net Billing Tariff (NBT).

### **1.1. Procedural Background**

On June 3, 2025, the Commission served its Instruction to Answer the Complaint on Defendant, SCE. On July 3, 2025, SCE filed its Answer and concurrently filed a Motion to Dismiss the Complaint contending that Ms. Yen's complaint failed to raise any violations of law or policy for which a remedy could be granted.

On July 16, 2025, the assigned Administrative Law Judge (ALJ) issued a ruling setting the time and date for a virtual prehearing conference (PHC) to be held using the Webex Platform.

The PHC was held on July 30, 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. Both parties were in attendance. Early in the hearing, Ms. Yen brought to the attention of the assigned ALJ that English was not her native language. Ms. Li was also in attendance with Ms. Yen. Ms. Li identified herself as a friend who would help Ms. Yen understand the ongoings of the hearing. The assigned ALJ asked and learned that Ms. Li was not a certified translator but would attempt to translate the hearing into Mandarin to the best of her abilities. It also became apparent that Ms. Li was a potential future witness since she may have played a role in the rooftop solar application process. The parties at the hearing agreed to proceed, without a certified translator, and with Ms. Li assisting with translation as necessary, for the limited purpose of the PHC.<sup>2</sup>

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<sup>2</sup> Prehearing Conference Transcript (Transcript) at 4-8.

Parties were advised by the assigned ALJ that the Commission could, with sufficient advance notice, ensure that a certified Mandarin translator could attend and assist with subsequent hearings. The assigned ALJ additionally advised parties to contact the Public Advisor's Office to make a request for a certified translator and provided the Public Advisor's contact information.<sup>3</sup>

Parties were advised that the Commission's Alternative Dispute Resolution (ADR) was available to them if they both agreed and wished to engage in a settlement discussion to find a remedy for this dispute. Ms. Yen indicated interest in pursuing ADR, but SCE's counsel refused, stating that she was not authorized to pursue ADR at that time.<sup>4</sup>

Based on the documents filed in the proceeding at that time, the Complaint, the Answer, the Motion to Dismiss, the assigned ALJ probed whether there may be contested, material issues of fact, musing that if the proceeding were indeed to make its way to evidentiary hearings, the type of evidence ripe for examination, should it exist, might include any of the following: documents submitted on behalf of Ms. Yen to SCE by American Solar Advantage; responses by SCE to American Solar Advantage's submission; communications that American Solar Advantage may have had with SCE about its bankruptcy, about the transfer of its accounts, or other communications of that nature; communications between HomeLinkSolar and/or Guyou Construction Inc. and

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<sup>3</sup> Transcript at pages 7, 20, 33, and 34.

<sup>4</sup> Transcript at pages 10-17.

SCE with respect to the company taking on projects from the American Solar Advantage portfolio; communication about Ms. Yen's application specifically.<sup>5</sup>

Ms. Yen asked two important questions: First, Ms. Yen asked what would happen if she decided to dismiss her complaint. The assigned ALJ responded on the record and indicated that dismissing the complaint would result in no changes to her currently operation rooftop solar installation receiving NEM 3 tariff treatment.<sup>6</sup>

Second, Ms. Yen asked if she could hire an attorney to represent her in this case moving forward. The assigned ALJ responded that hiring an attorney would be perfectly acceptable.<sup>7</sup>

On August 15, 2025, the Assigned Commissioner's Scoping Memo and Ruling (Scoping Memo) issued. The Scoping Memo detailed the issues to be determined, the need for hearings to resolve disputed issues of fact, and included a schedule of tasks necessary to prepare for evidentiary hearings. By the close of business on Friday, September 29, 2025, parties were to meet and confer and exchange any and all discovery, prepare and mark exhibits, and email all exhibits to the proceeding service list.<sup>8</sup> The Scoping Memo contained the assigned ALJ's thoughts about evidence, discussed during PHC, as instructions to parties. The

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<sup>5</sup> Transcript at 9-10.

<sup>6</sup> Transcript at 24, 27-29.

<sup>7</sup> Transcript at 24.

<sup>8</sup> Scoping Memo at 3-4.

Scoping Memo directed discovery of specific exhibits that the assigned ALJ expected to be produced, should they exist.<sup>9</sup>

On September 24, 2025, the Commission's Hearing Reporters published the transcript of the PHC on the docket card and a link to the transcript was sent to all parties on the service list.

On September 29, 2025, the due date for the exchange of discovery exhibits, no discovery exhibits that fit into any of the categories described during the PHC, or memorialized in the Scoping Memo, were emailed to the service list.

Additionally, by the due date for the exchange of discovery, no requests for a certified translator were received. No attorneys sought to make an appearance in the case. No affidavits from solar companies were shared to indicate that documents had been submitted by any specific dates.

On October 7, 2025, without any evidence to examine or discuss at a future evidentiary hearing, the assigned ALJ issued a ruling taking evidentiary hearings off calendar and relieving parties of further obligations in this case.

## **1.2. Submission Date**

This matter was submitted on October 7, 2025, upon the issuance of the ruling taking evidentiary hearings off calendar and relieving parties of future obligations delineated in the Scoping Memo.

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<sup>9</sup> Scoping Memo at 4.

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

The Commission has jurisdiction over the activities of public utilities.<sup>10</sup> SCE provides electrical services and is a utility subject to the Commission's jurisdiction, control and regulation.

Public Utilities Code Section (Pub. Util. Code Sec.) 1702, provides that the complainant must allege that a regulated utility has engaged in an act, or failed to perform an act, in violation of any law, statute, Commission order, or rule over which the Commission has jurisdiction.

Ms. Yen alleged that SCE failed to provide NEM 2 treatment to her rooftop solar installation and failed to apply the discretion provided in D.22-12-056 to provide NEM 2 treatment in equity to her rooftop solar application, submitted under extraordinary circumstances. Ms. Yen's Complaint was filed pursuant to the Commission's Rules of Practice and Procedure (Rule) 4.1(a) and alleged that SCE failed to use its grant of discretion as described in a Commission Decision.

Ms. Yen bears the burden of proof to show that SCE violated a rule, order, law, or tariff approved by the Commission and must meet the burden of proof by a preponderance of the evidence.<sup>11</sup>

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<sup>10</sup> Pub. Util. Code § 216(a).

<sup>11</sup> *In Complaint of Service-All-Tech, Inc. v. PT&T Co.* (Cal. PUC, 1977) 83 CPUC 135, D.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.



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

The issues identified in the Scoping Memo and Ruling to be resolved in the proceeding are:

1. Whether Ms. Yen stated a claim upon which relief can be granted;
2. If so, (a) whether Ms. Yen's rooftop solar application, currently under the Net Billing Tariff or Net Energy Metering 3.0, should have been considered under the Net Energy Metering 2.0 Tariff; and (b) what, if any, relief should be granted.

### **4. Discussion**

The Commission must assess whether Ms. Yen's complaint stated a claim upon which relief can be granted:

Ms. Yen's Complaint provided a compelling argument: D.22-12-056<sup>12</sup> provided utilities with discretion to grant NEM 2 tariff treatment to rooftop solar applications if the utility or challenging circumstances caused the failure to meet the deadline. Ms. Yen indicated that her application occurred under challenging circumstances and that the Commission's intervention, directing SCE to apply the NEM 2 tariff would be an equitable resolution, a key principle of Commission decision-making.<sup>13</sup>

SCE's Answer to the complaint denied that utility action impacted the Complainant's rooftop solar application submission date. SCE additionally

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<sup>12</sup> Issued December 15, 2022. For more information, see <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/demand-side-management/customer-generation/nem-revisit/net-billing-tariff>.

<sup>13</sup> Complaint, Section F, attached.

submitted a Motion to Dismiss the Complaint for failure state a violation of a Commission order.<sup>14</sup> SCE did, however, agree with the Complainant in principle in both its Answer and Motion, that D.22-12-056 provided the utility with discretion to apply NEM 2 tariff treatment to a rooftop solar application submitted after the tariff Sunset Date if delays were caused by the utility. SCE additionally admitted that Complainant signed her rooftop solar application documents prior to the NEM 2, April 15, 2023, Sunset Date.<sup>15</sup> SCE admitted that the delay was caused by Complainant's contractor's bankruptcy and cessation of operations.<sup>16</sup> SCE concluded that the facts alleged in the Complaint, if taken as true, confirmed that Complainant failed to establish a utility violation, and therefore, could not resolve the dispute with the use of discretion.<sup>17</sup>

A question remained: were any of the rooftop solar application documents signed by Ms. Yen in advance of the NEM 2 tariff Sunset Date submitted to SCE by anyone with access to Ms. Yen's file at any point in advance of the NEM 2 tariff deadline? Despite the Answer and Motion filed by SCE, this minutia remained unclear and required additional inquiry.

At the PHC, the assigned ALJ considered the number of complicating factors that may have impacted Ms. Yen's rooftop solar application submission date and whether the Complainant's due process rights would be fulfilled if the

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<sup>14</sup> Pub. Util. Code Section 1702

<sup>15</sup> SCE's Motion to Dismiss (Motion), July 3, 2025, at 4. SCE's Answer to Complaint (Answer), July 3, 2025, at 6.

<sup>16</sup> Answer at 6.

<sup>17</sup> Answer at 7.

Answer and the Motion were simply taken, “as true.” The assigned ALJ provided parties with examples of the type of evidence that should be exchanged in the discovery process, should it existed.<sup>18</sup> Only once parties did a thorough investigation of their internal communications to verify that there were not, in fact, indications of partial communication, partial application submission, or poor customer service, could a conclusion be drawn that the complaint contained no claim upon which relief could be granted.

#### **4.1. No Evidence**

Decision 22-12-056 provides SCE with discretion to apply NEM 2 tariff treatment to a rooftop solar application submitted after the tariff Sunset Date if delays were caused by the utility.<sup>19</sup> In the Scoping Memo issued on August 15, 2025, parties were directed to collect and exchange discovery as follows, should it exist:

- (1) All documents submitted on behalf of Ms. Yen to SCE by American Solar Advantage, and on what date;
- (2) All evidence of SCE’s response to American Solar Advantage’s submission, if any, including the date of the response and its contents;
- (3) All communications, if any, American Solar Advantage had with SCE about its bankruptcy, about the transfer of its accounts to other organizations, and things of that nature; and
- (4) All communication between HomeLinkSolar and/or Guyou Construction Inc. and SCE with respect to the company taking on projects from the American Solar

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<sup>18</sup> Transcript at 9-12.

<sup>19</sup> Ordering Paragraph 12(d) at 244.

Advantage portfolio, and communication between the companies with respect to Ms. Yen's application specifically.

Parties were directed to exchange discovery and their exhibit list to the service list on September 29, 2025. By the close of business on September 29, Ms. Yen did not email responsive discovery or exhibits to the service list. Neither did she exchange other evidence with SCE: no affidavit from a solar contractor, no request for an interpreter, no motion by an attorney indicating further representation.

SCE did serve a document, but it did not contain any responsive discovery or exhibits meeting the above criteria, nor other exhibits meriting further examination. No evidence existed to indicate that anyone attempted to submit Ms. Yen's signed rooftop solar application, in whole or in part, in advance of the NEM 2 Sunset Date.

For an evidentiary hearing to aid in the determination of a case, there must be evidence to substantiate that there is a dispute of material fact. Without evidence to consider, there is no fact in dispute. Without evidence to consider in this case, the assigned ALJ issued a ruling taking evidentiary hearings off the calendar the following week.<sup>20</sup>

Without evidence to show that SCE action delayed Ms. Yen's rooftop solar application, even considering challenging circumstances outside of Ms. Yen's control, the utility lacked authority to apply discretion to the tariff applied to the rooftop solar application.

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<sup>20</sup> Ruling issued October 7, 2025.

#### **4.2. Motion to Dismiss Granted**

In SCE's July 3, 2025, Motion to Dismiss, SCE argued that Complainant did not show that the utility violated a Commission Decision with respect to the application of NEM 3 tariff treatment to Ms. Yen's rooftop solar application.<sup>21</sup> To apply discretion to tariff applied to a rooftop solar application submitted after the tariff Sunset Date, SCE must have caused some delay to occur.<sup>22</sup> After the assigned ALJ directed parties to look for and deliver associated discovery to the service list, no evidence affiliated with Ms. Yen's rooftop solar application submission exchanged between parties by the discovery cut-off date. Since no evidence exists to support Ms. Yen's complaint, the Commission cannot conclude that there was a violation requiring a remedy, even in equity.

The complaint has failed to allege a violation for which the Commission may assess a remedy and, therefore, the Commission grants SCE's Motion to Dismiss the complaint with prejudice.

#### **5. Conclusion**

The Commission grants SCE's Motion to Dismiss this complaint for failure to state a claim for which the Commission may fashion a remedy. The Commission further grants SCE's request that this complaint be dismissed with prejudice.

#### **6. Category of Proceeding**

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

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<sup>21</sup> Pub. Util. Code Sec 1702

<sup>22</sup> Motion at 3. D.22-12-056.

## **7. Assignment of Proceeding**

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

### **Findings of Fact**

1. Ms. Yen signed her rooftop solar application documents and submitted them to her chosen solar installer on March 4, 2025. At some point, that rooftop solar installer went bankrupt. At some point, Ms. Yen's rooftop solar project was transferred to another solar installer.

2. SCE received Ms. Yen's rooftop solar application on August 10, 2025.

3. Ms. Yen's rooftop solar project is currently operational under the NEM 3 tariff.

4. No evidence exists to show that Ms. Yen's rooftop solar project was submitted to SCE at any time before the NEM 2 tariff Sunset Date.

5. No evidence exists to show that anyone contacted SCE with respect to Ms. Yen's rooftop solar project in advance of the NEM 2 tariff Sunset Date.

6. No evidence exists to support an allegation that SCE had any impact on, or any delay of, Ms. Yen's rooftop solar installation application submission.

7. No evidence exists to support this cause of action.

### **Conclusions of Law**

1. Public Utilities Code § 1702 provides that a complainant must allege that a regulated utility has engaged in an act, or failed to perform an act, in violation of any law, statute, Commission order or rule for which the Commission has jurisdiction.

2. Decision 22-12-056 established that the Net Energy Metering 2 tariff Sunset Date was April 14, 2025.

3. The timeline detailed in Decision 22-12-056 determines which tariff to apply to a rooftop solar installation application based on the date of the application submission.

4. Decision 22-12-056 provides the regulated utility with discretion to apply the NEM 2 tariff to a rooftop solar application if the delay in meeting the NEM 2 Sunset Date was caused by the regulated utility.

5. Unless evidence proves that a regulated utility caused a rooftop solar application submission delay in meeting the NEM 2 Sunset Date, a regulated utility has no discretion as to which rooftop solar installation tariff to apply to an application.

6. SCE's Motion to Dismiss this complaint should be granted.

7. Case 25-05-015 should be closed.

## **O R D E R**

**IT IS ORDERED** that:

1. Southern California Edison's Motion to Dismiss this complaint with prejudice is granted.

2. The Complaint of Ms. Yen dismissed.

3. All pending motions which have not been expressly resolved by the assigned Administrative Law Judge are denied.

4. Case 25-05-015 is closed.

This order is effective today.

Dated December 29, 2025, at San Francisco, California