BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Joshua A. Stewart, Complainant, vs. Southern California Edison Company (U 338-E), Defendant.	C.26-07-017 (Filed July 28, 2026)

COMPLAINANT'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Complainant Joshua A. Stewart submits this response to the motion to dismiss of Southern California Edison Company (SCE). At the October 13, 2026 prehearing conference, the Administrative Law Judge set October 30, 2026 as the date for this response. (Tr. 34.)

I. Introduction

SCE asks the Commission to dismiss this complaint with prejudice on the pleadings. Its argument is that no extension of the NEM 2.0 deadline could lawfully be granted because, SCE says, Mr. Stewart and his contractor were the sole cause of delay. That conclusion rests on City permit records and inferences about timing, which are outside the complaint, and a motion to dismiss does not let SCE establish that conclusion by asserting it. The motion acknowledges, but does not answer, the complaint's allegation that SCE did not give notice of the extension window. It also does not address SCE's Rule 21 reinstatement criteria or the events of June 22 to June 30, 2026 that led to the withdrawal of the application. The motion should be denied.

II. Standard

For purposes of this response, Mr. Stewart accepts SCE's statement of the governing standard. A motion to dismiss "requires the Commission to determine whether the party bringing the motion prevails based solely on undisputed facts and matters of law." (Motion at 3, quoting D.14-03-032, p. 4.) The Commission takes the well-pleaded factual allegations as true and asks whether the defendant is entitled to prevail as a matter of law. (Motion at 3 to 4, citing D.12-03-037, p. 7, and D.12-07-005, p. 7.) A complaint is sufficient if it alleges an act or omission of the utility in violation of law or of a Commission order or rule. (Motion at 4, citing Public Utilities Code section 1702.) The Commission may take official notice of "the files and records of court and Commission proceedings." (Motion at 4 and n.13.) It does not, however, accept as true the "ultimate facts, or conclusions," that a complainant alleges, such as that a utility violated its tariff. (Motion at 4.)

III. Facts shown by the record

1. Mr. Stewart's NEM 2.0 application for 21603 Kyra Ct was submitted on April 4, 2023. SCE's PowerClerk record for Project NST-473325 shows the project created on March 10,

2023, the application submitted on April 4, 2023, and a Remain Active Form submitted on June 27, 2025. It identifies the project owner as Joshua Stewart (Applicant). (Exhibit A.) SCE admits that the application was timely submitted on April 4, 2023. (SCE Answer at 9, 17.)

2. SCE states that on December 30, 2025 it issued extension request guidelines, with a submission window of January 14 through March 13, 2026, to "contractors and installers." (Exhibit B, SCE email of June 8, 2026; SCE Answer at 12.) Mr. Stewart states that he did not receive any notice that an extension could be requested. (Exhibit F; Tr. 12:1 to 4, 31:21 to 25.)

3. SCE's Answer states that on April 30, 2026 its representative reiterated that the notice regarding extensions was sent in December 2025, and that Mr. Stewart requested proof that the extension notice was sent to him. On May 1, 2026, according to SCE's Answer, its representative "was not able to obtain actual copy" and "was only able to provide a template that was sent out using the contact information from Power Clerk." (SCE Answer at 15 to 16.)

4. SCE has given two different dates for when SolarTech became Applicant of Record. SCE's June 15, 2026 email states that Mr. Stewart granted SolarTech access on December 15, 2025 and that on January 6, 2026 the application was updated to "Contractor Install," at which point SolarTech became Applicant of Record. (Exhibit B.) SCE's Answer states that on December 15, 2025 Mr. Stewart granted access and updated the application as "Contractor Install," at which time SolarTech became Applicant of Record. SCE's Answer also denies that SolarTech became Applicant of Record on January 6, 2026. (SCE Answer at 12, 18.)

5. SCE's routine PowerClerk notices for this project went to Mr. Stewart as well as to SolarTech. The January 10, 2026 notice was addressed to SolarTech and to two of Mr. Stewart's email addresses, and the February 18, 2026 engineer assignment notice was addressed to SolarTech and to Mr. Stewart. (Exhibits C and D.) The PowerClerk communications log for the project owner address lists notices dated June 30, 2025, January 10, January 19, February 18, February 24, June 22 and June 30, 2026, and lists no entry between June 30, 2025 and January 10, 2026. (Exhibit A.)

6. On March 4, 2026, nine days before the extension window closed, Mr. Stewart emailed SCE's assigned engineer and SCE's Solar Billing Plan mailbox asking for a call about his ground mount system. (Exhibit D.) SCE's Answer lists that contact and does not identify a response to it. (SCE Answer at 13.) On March 25, 2026, Mr. Stewart emailed the engineer again asking for a call. (Exhibit E.) SCE's Answer lists outbound call attempts on March 26 and 27, 2026. (SCE Answer at 13.) On March 27, 2026, Mr. Stewart submitted a written extension request, which SCE denied. The denial email quoted in Exhibit F states that the request was received outside the January 14 to March 13 window. SCE's Answer lists the denial as April 7, 2026 and describes its ground as the absence of utility caused delay. (Exhibit F; SCE Answer at 13 to 14.)

7. SCE's Answer states that on April 28, 2026 its representative told Mr. Stewart that the extension request was denied because it was submitted after the deadline, and that on April 30, 2026 the representative explained that reinstatement is possible only if a documented SCE error caused the withdrawal or the deficiency was cured within the Rule 21 five-business-day dispute period. (SCE Answer at 15 to 16.)

8. SCE's Answer states that on April 15, 2026 SCE moved the project to "Withdrawn Status," and that on June 22, 2026 the project was "returned to Pending Final Documents by SCE." (SCE Answer at 15, 17.) On June 22, 2026, SCE's PowerClerk sent a notice for Project NST-473325 stating that SCE needed additional documentation before it could finalize the Net Energy Metering 2.0 application and grant Permission to Operate, and listing a Final Inspection from the Authority Having Jurisdiction as pending. On June 24, 2026, SolarTech asked SCE to confirm the deadline for submitting the final inspection card. On June 26, 2026, a Friday, SCE replied that five business days were allotted from June 22 to upload the Final Inspection and that the application would otherwise be withdrawn on June 30. (Exhibit G.) SCE admits it gave five business days from June 22, 2026 to upload the Final Inspection. (SCE Answer at 21.) Mr. Stewart told the Administrative Law Judge on October 13, 2026 that the system has not been installed. (Tr. 20:7 to 8.) On June 30, 2026, SCE withdrew the application. (Exhibits A and H; SCE Answer at 17.)

IV. Argument

A. SCE's premise that Mr. Stewart and his contractor were the sole cause of delay is a conclusion drawn from facts outside the complaint.

The motion states that "the record shows that the delay was solely caused by Mr. Stewart and/or his contractor." (Motion at 3; see also Motion at 8.) That is a conclusion about who was at fault, not a fact the complaint admits. On a motion to dismiss the Commission takes the complainant's facts as true (Motion at 3 to 4), and by SCE's own account it does not simply accept conclusions of this kind (Motion at 4). SCE cannot win by stating its own version of who caused the delay. SCE supports that conclusion with City of Santa Clarita permit records, which it says the Commission may notice (Motion at 3), and with inferences from the date Mr. Stewart contracted for installation and the dates of his permit activity. The authorities the motion cites for official notice concern "the files and records of court and Commission proceedings." (Motion at 4 n.13.) SCE's Answer adds that City records are noticeable as "facts that are not reasonably subject to dispute." (SCE Answer at 19 to 20.) Why permitting took the time it did is subject to dispute. The complaint alleges that permitting was delayed by the City's outside plan reviewer, and SCE neither admits nor denies it. (SCE Answer at 19.)

If the Commission considers the City's record, it does not show what the motion says. The City's record for permit BLD26-00149 lists the earliest plan set with a status date of January 14, 2026 and an upload date of January 22, 2026, and lists a second item, OTC26-119, uploaded February 12, 2026. (Exhibit I.) SCE's Answer describes the January 22 and February 12 dates as the dates Mr. Stewart "applies for" permits, while the motion says he "pulled" them. (SCE Answer at 13; Motion at 3.) SCE's Answer states, on information and belief, that Mr. Stewart received the permit on April 9, 2026. (SCE Answer at 10, 15.) The City's portal lists the Permit

Issuance step, "Issue BLD Permit," as April 23, 2026, and lists the approved plans with an approval date of April 15, 2026. (Exhibit I.) The attachments list also shows documents with the status "Comments Issued" dated March 19 and March 31, 2026, after the extension window closed on March 13, 2026. (Exhibit I.) SCE's Answer states that SCE moved the project to Withdrawn Status on April 15, 2026, eight days before the City's permit issuance date. (SCE Answer at 15.) The date the permit was issued and the reasons for the time it took are questions of fact that a motion on the pleadings cannot decide.

B. The motion does not answer the complaint's allegation that SCE did not give notice of the extension window.

The motion acknowledges that Mr. Stewart seeks reinstatement "over SCE's alleged failure to notify him or his contractor about the extension period." (Motion at 2 and n.5.) It then moves past that allegation on the ground that no extension could have been granted in any event. But the complaint raises the question whether SCE met its Rule 21 duty to notify the Applicant of the extension window (Complaint, issue (a)), and states that SCE has never shown the notice reached Mr. Stewart. That is an alleged omission by the utility, which is what the motion's own standard asks about. (Motion at 4.) Taken as true, the facts in Part III show the following. Mr. Stewart states he never received notice of the window. SCE's own accounts of when SolarTech became Applicant of Record differ. SCE's PowerClerk record identifies Mr. Stewart as the project owner and Applicant, and the routine project notices went to him. SCE describes the December 30 email as sent to a distribution list of contractors and installers. SCE's representative could provide only a template of the notice. And SCE's Answer identifies no response to the March 4 email that Mr. Stewart sent within the window. Whether those facts show that the lateness of the extension request was caused by SCE is a question the motion assumes away.

C. The motion does not address SCE's Rule 21 reinstatement criteria or the June 2026 events.

One heading of the motion refers to reinstatement of the application. (Motion at 7.) The only reason the motion gives is the same SCE-caused-delay argument. (Motion at 7.) It does not address the Rule 21 reinstatement criteria that SCE's representative gave Mr. Stewart on April 30, 2026, namely an SCE error or cure within five business days. (Part III, item 7.) It does not address SCE's own statements that it recorded a withdrawal on April 15, 2026 and then returned the project to pending status on June 22, 2026. (SCE Answer at 15, 17.) It does not address the June 22 notice, which described the project as an application awaiting finalization under NEM 2.0 and listed a Final Inspection as pending when, as Mr. Stewart has stated, the system had not been installed. (Tr. 20:7 to 8.) It does not address the five business day period SCE then allowed, or that SCE's reply confirming the deadline is dated June 26, four days after the June 22 notice. And it does not address the June 30 withdrawal. The complaint raises each of these as a separate issue. (Complaint, issues (d) and (e).) A motion that does not reach them cannot dispose of the complaint.

D. A ruling should follow, not precede, SCE's production.

At the prehearing conference the Administrative Law Judge directed SCE to file, by October 30, 2026, its records of communications from Mr. Stewart about his system, including whether he asked about an extension, and any communications from SolarTech on his behalf. (Tr. 22:9 to 24:10.) Those records bear directly on what SCE knew and when. A ruling on the motion before they are reviewed would rest on an incomplete record. If the Commission is inclined to reach the motion, Mr. Stewart asks for leave to supplement this response within a reasonable time after SCE's production.

E. Dismissal with prejudice is not warranted.

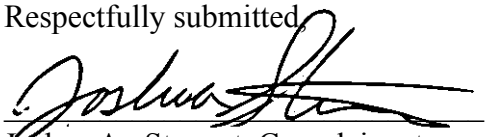
SCE asks for dismissal with prejudice on the ground that Mr. Stewart's "admissions render amendment futile." (Motion at 5.) The statements SCE relies on concern when he hired his contractor and began the permit process. They do not address the allegations of failed notice or the events of June 2026. Mr. Stewart appears on his own behalf. If any part of the complaint is dismissed, he asks for leave to amend to plead further facts, including those documented in the exhibits to this response.

V. Conclusion

The motion should be denied. In the alternative, any ruling should be deferred until SCE's October 30 production has been reviewed and Mr. Stewart has had the opportunity to supplement this response, and any dismissal should be without prejudice and with leave to amend. Mr. Stewart also reserves the right to move for hearings under the process the Administrative Law Judge described. (Tr. 36 to 37.)

Dated: October 30, 2026

Respectfully submitted,



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Index of exhibits

A. PowerClerk View/Edit record for Project NST-473325, showing status, forms, attachments and communications log.

B. Email chain between Mr. Stewart and SCE's Manager of Consumer Affairs, May 4 to June 15, 2026, including SCE's emails of June 8 and June 15, 2026.

C. PowerClerk notice "ACTION REQUIRED: Additional Information Needed," January 10, 2026.

D. Mr. Stewart's email to SCE of June 25, 2026, forwarding his March 4, 2026 email to SCE's assigned engineer and the PowerClerk "SCE Engineer Assigned" notice of February 18, 2026.

E. Mr. Stewart's email to SCE's assigned engineer, March 25, 2026.

F. Mr. Stewart's email to the CPUC Consumer Affairs Branch, April 8, 2026, quoting SCE's denial of the extension request.

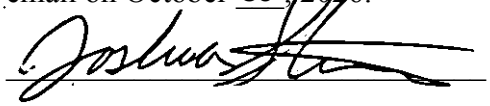
G. SCE's June 22, 2026 PowerClerk notice, SolarTech's June 24, 2026 request to SCE, and SCE's June 26, 2026 reply.

H. PowerClerk notice "Application Withdrawn," June 30, 2026.

I. City of Santa Clarita permit portal record BLD26-00149: record details, attachments pages 1 to 5, document details for the approved plans, and the Permit Issuance entry.

Certificate of service

I certify that I served a copy of this response on all parties on the service list for C.26-07-017 by email on October 30, 2026.



Joshua A. Stewart