

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

Order Instituting Rulemaking to Revisit Net
Metering Tariffs Pursuant to Decision 16-01-044,
and to Address Other Issues Related to Net Energy
Metering

Rulemaking No. 20-08-020
(Filed August 27, 2020)

**COMMENTS OF EAST BAY COMMUNITY ENERGY, REDWOOD COAST ENERGY
AUTHORITY, SAN DIEGO COMMUNITY POWER, AND
PENINSULA CLEAN ENERGY AUTHORITY
ON THE ADMINISTRATIVE LAW JUDGE'S RULING SETTING ASIDE
SUBMISSION OF THE RECORD TO TAKE COMMENT ON A LIMITED BASIS**

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Dated: June 10, 2022

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j. **Ruling Question 10: If the Commission adopts the approach of collecting NBCs on gross consumption from Tariff customers, should the Commission consider collecting from all Tariff customers or only a subset of Tariff customers? For example, should the Commission consider collecting from all nonresidential and residential customers; only residential customers; only non-low-income residential customers; or all residential customers plus non-residential customers on certain rates? Explain your rationale.11**

k. **Ruling Question 11: If NBCs on gross consumption are collected from Tariff customers, which of the following list of electric program and securitization charges should be considered as NBCs for Tariff customers, and why? If there are any additional existing electric program or securitization charges that parties believe should be collected as NBCs that are not on this list, please include them and explain your rationale. Utilities are instructed to clarify which of these charges do and do not apply to their customers.11**

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SUBMISSION OF THE RECORD TO TAKE COMMENT ON A LIMITED BASIS**

East Bay Community Energy, Redwood Coast Energy Authority, San Diego
Community Power, and Peninsula Clean Energy Authority, (together, “Joint CCAs”) respectfully submit these comments in response to the *Administrative Law Judge’s Ruling Setting Aside Submission of the Record to Take Comment on a Limited Basis*, issued on May 9, 2022.

I. Introduction

The Joint CCAs support the sustainable growth of distributed solar and solar plus storage to enable the state and our local jurisdictions to meet our ambitious carbon reduction goals. The California Solar Initiative made substantial initial progress in enabling a solar rooftop industry in California. As renewables procurement has intensified and the grid now requires higher levels of renewables integration, encouraging battery installation on distributed generation is crucial to unlocking maximum value and carbon reduction benefits from rooftop solar. In addition to our large-scale solar plus storage procurements, the Joint CCAs are

focused on programs and mechanisms to incentivize distributed solar plus storage and our responses to the questions below reflect our desire to have 100% of future solar installations include storage.

II. Joint CCA Responses to Questions

a. Ruling Question 1: Explain why you would or would not support the ACC Plus residential customer glide path approach as an alternative to the current MTC approach.

The proposed Avoided Cost Calculator (“ACC”) Plus residential customer glide path approach is a better glide path for transition to the successor tariff for customers and the solar industry. Additionally, it is preferable to the Market Transition Credit (“MTC”) because it directly incentivizes more battery installation. The MTC would be a fixed \$/kW of solar system size, provided as a monthly electricity bill credit. The ACC Plus, on the other hand, would provide a fixed \$/kWh adder on top of the ACC credit from the expected hourly value of exports to the system. As the MTC supplements the ACC based on a fixed system size, it does nothing to encourage export in high value hours or minimize export in low value hours; in summary, it does not contribute to encouraging installation of batteries on solar systems nor matching onsite demand and supply. Battery installation is incentivized when customers obtain enough value from minimizing exports during low-value hours and instead relying on their stored generation during high-value hours when consumption is otherwise more costly. By amplifying the ACC, the ACC Plus provides more value to customers for their exports in higher-value hours, encouraging customers to install batteries to minimize exports in low-value hours. The ACC Plus adder amount needs to be high enough to serve as a true glide path, supporting the continued sustainable growth of distributed generation and solar plus storage. As further described below, the Joint CCAs suggest that the adder amount be set at the difference between the electrification

rate and ACC rate.

- b. Ruling Question 2: *All else equal, do you consider the ACC Plus glide path to be a more effective approach in ensuring that customer-sited renewable distributed generation continues to grow sustainably, compared to a glide path approach that sets export compensation rates at a declining percentage of the retail per-kWh rates, and/or is based on an MTC? Elaborate in your response.***

Starting the glide path at an ACC with an adder or at a declining percentage of the retail export rate can both be effective (and very similar) strategies for growing customer-sited renewable distributed generation sustainably; it all depends on the amount of the adder and rate of decline. As currently proposed, the MTC does not adequately support the sustainable growth of distributed generation plus storage, in the same manner; four years is too short, and as indicated in our response to Ruling Question 1, the MTC does not encourage a higher storage attachment rate.

The Joint CCAs support Sierra Club's proposal to set the glide path starting point at the utility electrification rate because electrification rates are also cost-based which inherently reduces cost shifting, electrification rates are understood by customers and installers, the high differentials in peak and off-peak rates align customer consumption and exports with greenhouse gas (GHG) reduction and system benefits, and electrification rates support adoption of other electrification technologies. Additionally, a glide path to an export credit rate based on avoided costs is necessary to prevent the sharp falloff in installations which occurred in Hawaii and Nevada when they moved too aggressively. The Sierra Club's proposal would ensure the certainty which is necessary for customer investments by fixing to the rate of export compensation for 20 years and does not decline over time.

- c. Ruling Question 3: *If the Commission adopts the ACC Plus, would Tariff customers be more likely to provide higher value to the electric grid than***

under a glide path approach that is based on a percentage of retail rates, since price signals for exports would reflect the hourly differences in export value to the system based on ACC values?

Expecting customers to shift behavior based on the ACC hourly values assumes a level of complexity that may instead confuse many customers. Retail rates are inherently easier to understand and expecting responsiveness to an hourly-based ACC is unrealistic. However, the electrification rate is based on Time-of-Use (“TOU”) and may be a simpler way to incentivize behavioral changes that provide higher value to the electric grid.

- d. Ruling Question 4:** *If the Commission adopts the ACC Plus, should the Commission consider alternatives to the fixed c/kWh adder value, such as a multiplier (Y) defined as a fixed percent that would increase export compensation in all hours by the same percentage in all hours (i.e., hourly ACC value * (1+Y))? Why or why not?*

Yes, the Commission should consider adopting a multiplier as a fixed percent instead of the fixed \$/kWh approach of the proposed ACC Plus. A flat/fixed adder encourages exports at times when they are least valuable to the grid, by increasing the value of exports in those hours. A percentage multiplier, however, would amplify the ACC TOU signals at a higher proportion in high-value hours versus low-value hours, encouraging more exports (or battery dispatch) in higher value hours. The multiplier would be more supportive of encouraging a higher storage attachment rate and dispatch of those batteries during high value hours.

- e. Ruling Question 5:** *If the Commission adopts the ACC Plus, should a single adder apply to both solar-only and solar+storage systems, or should separate adders apply to solar-only systems and solar+storage systems? If a single adder is used, should the focus of the design be the customer economics of solar-only systems or solar+storage systems? If separate adders are used by technology, how would the investor-owned utilities (Utilities) distinguish between solar-only systems and solar+storage systems in their interconnection portals, and how would Utilities verify the technology associated with the Tariff applications to ensure the correct adder is being used?*

A single adder should apply to both solar-only and solar+storage systems. The underlying structure of the ACC Plus with its time-differentiated rates already provides incentives to encourage solar+storage. Adopting separate adders would be too complex and risks discriminating against one technology by giving it the wrong economic signals. The single adder approach aligns better with valuing benefits across different distributed energy resources based on the value they provide at a given point in time.

- f. Ruling Question 6: *If the Commission adopts the ACC Plus, are there any potential impacts to how customers would dispatch battery systems that should be taken into consideration? For example, would the ACC Plus impact how solar+storage customers decide when to export versus consume behind-the-meter?***

The ACC Plus would help to stimulate responsiveness to market prices. However, it is worth noting that installed batteries will primarily be used to maximize self-consumption and minimize a customer's consumption in higher-value hours, which would result in less or no exports to the grid. Given that this behavior would reduce onsite demand by a corresponding amount, it would still support grid reliability.

- g. Ruling Question 7: *Some parties expressed concerns that the proposed decision would lead to an abrupt change in bill savings for customer-generators and would not provide a smooth transition for the solar industry.***
- a. *If the Commission adopts the ACC Plus, explain what the basis should be for determining the ACC Plus adder amount in Year 1 of the glide path and why. For example, should the ACC Plus amount target a certain payback period, or a certain level of bill savings, an approximate a percentage of retail rate, or some other metric? Provide any recommendations for what the ACC Plus amount should be in Year 1.***
- b. *If the Commission adopts the ACC Plus, describe your proposed timeframe over which the ACC Plus is offered to prospective Tariff customers, the rate of step-down so the glide path ends at ACC-based values, and your rationale.***

The Joint CCAs were among the parties expressing concerns about the abrupt change in

bill savings and the need for a more measured glide path approach. For the same reasons iterated in our comments on the Proposed Decision (“PD”), the Joint CCAs maintain that customer-generators should initially receive the electrification rate for exports with a glide path down towards the ACC in tranches, 10% reduction per tranche, each tranche consisting of an additional one GW installed capacity, until 10 GW have been installed and the export rate is the ACC, and no grid benefit charge. The ACC Plus adder should thus initially be set to the amount above the ACC that brings export compensation up to the electrification rate level. The electrification rate level will give customer-generators appropriate price signals to motivate additional adoption of solar+storage, with an adjustment period that is reasonable, allows time for the industry to adjust, and enables future sustainable growth. If the Commission adopts the grid benefit charge, the ACC Plus should also consider the bill savings impact the grid benefit charge will have.

The volumetric approach is the best way to determine the rate of step-down; in other words, by stepping down incrementally as additional solar and solar+storage capacity is installed. A volumetric step-down policy ensures that distributed generation is in fact growing sustainably; should the reduction in the ACC Plus slow the growth trajectory, the mechanism prevents further reduction until the industry has time to recover from the change. This mechanism was used successfully with the California Solar Initiative to ensure that support for new rooftop solar installation was provided at the levels needed when it was first rolled out in California and could decline as the installations grew across the state. Similarly, here, the step-down rate would be based on the success of growth. If solar+storage is thriving at a healthy level at the electrification rate, the step-down will happen more quickly; if not, there’s a built-in mechanism to slow the decline until a lower rate can be successful.

- h. Ruling Question 8: *The proposed decision recommends giving low-income customers, as defined in the proposed decision, a higher MTC than non-low-income customers so these customers can achieve similar customer economics. This is reflected in the MTC amounts proposed in the proposed decision's Table 5. If the Commission adopts the ACC Plus, should the ACC Plus be a different amount in Year 1 of the glidepath for low-income customers compared to non-low-income customers? Should the ACC Plus be stepped down on a different timeframe or rate of change for low-income customers compared to non-low-income customers? Describe your rationale, including the basis for your proposed glide path for low-income customers (higher bill savings, lower payback period, etc.).***

The Joint CCAs propose that the ACC Plus be set at the difference between the ACC and the electrification rate for low-income customers with no step-down. This policy would truly help low-income customers over time and is an essential path toward achieving a successor tariff that ensures equity among customers. Whenever a low-income customer installs a successor tariff-eligible distributed generation system, they should receive the benefits of the higher ACC Plus. Low-income customers on average are later adopters of distributed generation, and they should be able to rely on benefits whenever they are able to install solar, instead of missing out on the benefits given to other customers earlier on in the program. Starting low-income customers on the electrification rate will also continue to incentivize adoption of solar+storage for these customers. Enabling them to receive an adder beyond the ACC for a longer period provides needed support to encourage solar adoption among this customer segment for whom customer-sited distributed generation has historically been mostly out of reach.

- i. Ruling Question 9: *If the Commission adopts the ACC Plus, describe whether and why it should (or should not) apply to nonresidential customers. If you believe it should apply to nonresidential customers, should the ACC Plus be a different amount in Year 1 of the glide path compared to residential customers? Should the ACC Plus be stepped down on a different timeframe or rate of change for nonresidential customers compared to residential customers? Describe your rationale, including the basis for your proposed glide path for nonresidential customers.***

The ACC Plus should apply equally to residential and nonresidential customers, with the same amount for the adder and same glide path rate of change. This ensures equity among customer classes. It further ensures that the policy goals sought through NEM reform, including continuing to sustainably grow customer-sited distributed generation plus storage and reduce GHG emissions, can be achieved without unintended consequences or incentives that conflict among the customer classes. Additionally, one ACC Plus is simpler to calculate and administer.

- j. Ruling Question 10: *If the Commission adopts the approach of collecting NBCs on gross consumption from Tariff customers, should the Commission consider collecting from all Tariff customers or only a subset of Tariff customers? For example, should the Commission consider collecting from all nonresidential and residential customers; only residential customers; only non-low-income residential customers; or all residential customers plus non-residential customers on certain rates? Explain your rationale.***

Consistent with the Joint CCAs' comments on the PD and as a matter of fairness and equity, Tariff customers should be treated in the same manner as non-Tariff customers. In other words, Tariff customers should receive the same treatment as non-Tariff customers that have similar load and/or other cost-related characteristics." For this reason, Nonbypassable Charges ("NBCs") should be collected from all Tariff customers. There is no policy reason for excluding certain Tariff customers from charges that are meant to advance social policy and that all other customers pay. With respect to low-income customers, they should only be exempt from NBCs to the extent non-Tariff low-income customers are also exempt; in other words, they should be treated no differently from other low-income customers in terms of what NBCs they are subject to, merely because they are a Tariff customer.

- k. Ruling Question 11: *If NBCs on gross consumption are collected from Tariff customers, which of the following list of electric program and securitization charges should be considered as NBCs for Tariff customers, and why? If***

there are any additional existing electric program or securitization charges that parties believe should be collected as NBCs that are not on this list, please include them and explain your rationale. Utilities are instructed to clarify which of these charges do and do not apply to their customers.

- *Public Purpose Programs (currently NEM 2.0 customers pay on imports)*
- *DWR Bond Charge/Wildfire Fund (currently NEM 2.0 customers pay on imports)*
- *Competition Transition Charge (currently NEM 2.0 customers pay on imports)*
- *Nuclear Decommissioning (currently NEM 2.0 customers pay on imports)*
- *New System Generation*
- *Reliability Services*
- *PUC Reimbursement Fee*
- *Energy Cost Recovery Account*
- *Wildfire Hardening*
- *Local Generation*
- *Power Charge Indifference Adjustment*

It is the Joint CCAs' understanding that current NEM customers are assessed the Public Purpose Program charge, the Department of Water Resources Bond Charge, the Competition Transition Charge, and the Nuclear Decommissioning Charge, as well as the Power Charge Indifference Adjustment, and exempted from the New System Generation Costs, Reliability Services, the PUC Reimbursement Surcharge, the Energy Cost Recovery Account (for Pacific Gas & Electric Company), Investor-owned Utility securitization costs relating to wildfires and other under-collections, and the Wildfire Fund Charge. The Joint CCAs' position is that NEM customers should be assessed all of these NBCs; there is no reason to exempt NEM customers and treat them differently than non-NEM customers with respect to contributing to NBCs.

That said, the PCIA should continue to be collected as it presently is from NEM customers on an annualized net-usage basis. The IOUs do not currently deliver bill quality data in an interval format necessary for CCAs to properly account for PCIA assessed on either a gross consumption or hourly basis. Furthermore, since PCIA charges appear on customers' generation

side of bills, while all other NBCs appear on the distribution portion of bills, it would likely require IOU billing system changes to alter how PCIA charges are assessed, charged to customers, and communicated to LSEs that serve these customers. For all of these reasons, the Joint CCAs recommend the Commission direct that only PCIA charges be collected from Tariff participants in the same manner as they are presently collected from NEM 2.0 participants.

l. Ruling Question 12: *If the Commission imposes additional electric program or securitization charges in the future through other proceedings, what is the process by which the Commission should determine whether and how those charges should apply to Tariff customers as NBCs?*

In imposing additional electric NBCs in the future through other proceedings, the Commission should treat Tariff customers the same as other like customer classes (*e.g.*, treat Tariff residential the same as non-Tariff residential, *etc.*) in determining whether and how the charges should apply.

m. Ruling Question 13: *Would low-income customers and/or renters benefit from a community solar tariff program modeled on the Tariff structure compared to participation in the CSGT program? Please describe advantages and disadvantages between the two community solar models.*

The Joint CCAs subscribe to three overarching principles that should be used to evaluate the merits of a community solar program. One, the program should have a strong physical nexus to the community it serves. Otherwise, the program is no different than the wholesale contracts for solar and solar+storage throughout the state already being undertaken by load-serving entities (“LSEs”) to serve their customers. Many LSEs already offer products to serve their customers with 100% renewable energy; these products provide options for tenants who cannot install their own customer-sited distributed generation. There is no clear policy reason to create a new structure for solar/solar+storage projects that are not situated in the community for which the

energy is intended; it becomes essentially wholesale procurement by non-LSEs. Two, if the purpose of the program is to provide a distributed generation-style solar product to low-income customers, it must come at a discount for those customers. Otherwise, the program will be increasing costs for our most vulnerable customers including both low-income customers who qualify for rate assistance programs like California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA), and those who do not meet the minimum threshold but are still very much struggling to pay their electric bills. Three, the program should serve both disadvantaged communities (DACs) and low-income communities; in other words, enrollment should not be limited to only customers who live in CalEnviroScreen DAC communities.

The existing Community Solar Green Tariff (“CSGT”) program meets the first two criteria. Eligible projects have to be located in a disadvantaged community, and within five miles of the community served. Second, customers enrolled in CSGT receive a 20% electricity bill discount. Renters can apply, and there are no subscription or termination fees. However, one shortcoming of the CSGT as a community solar model is that it is not open to low-income customers who do not live in disadvantaged communities. Another shortcoming of the CSGT is that the presently authorized program size is nowhere large enough to serve all customers who are qualified to participate.

The Tariff structure, as articulated in the current Proposed Decision, does not adopt a community solar tariff program. Assuming a community solar tariff program modeled on the Tariff structure means a program by which a larger project can declare itself community solar and thus be eligible for the Tariff, the pros and cons will depend on implementation details. What type and size of site will be eligible? Must the project be fully subscribed? Cost savings will be more uncertain using the Tariff which is hard to predict, versus the CSGT’s 20%

discount. It is unclear what subscription requirements and terms including length of contract and termination fees will be, *etc.* Furthermore, would the community solar tariff program be sited in or near the subscribers' community to ensure that the benefit of the local project investment reaches the community and that the project is contributing to subscribers being part of local distributed generation versus LSE-style wholesale renewable project procurement? Without knowing the answers to these questions, it is premature to determine whether low-income customers and/or renters would benefit from a community solar tariff program modeled on the Tariff structure compared to participation in the CSGT program.

n. Ruling Question 14: The CSGT program guarantees participants 20 percent bill savings, in addition to the California Alternate Rates for Energy (CARE) and Family Electric Rate Assistance (FERA) discounts. Should the Commission adopt a policy that any community solar program or tariff guarantee a certain level of bill savings for low-income participants and/or renters to increase participation and ensure consumer protections? If yes, how would a bill savings guarantee be monitored and enforced? Parties may wish to provide examples of how other states have incorporated a bill savings guarantee, as well as the level of guaranteed savings, into their community solar tariff programs, and lessons learned.

One of the clear benefits for customers enrolling in CSGT is the guaranteed bill savings. Certainly, any community solar program targeting low-income participants should be providing them with a guaranteed bill savings benefit to ensure that these customers are not further economically burdened or taken advantage of. It is worth noting however that the CSGT program is costly; while providing its enrollees the 20% bill savings, other customers have to make up the difference, including other low-income customers that are not able to enroll in CSGT. Ideally any community solar program or tariff would provide bill savings protections for low-income participants without raising costs on other low-income non-participants.

III. Conclusion

For all the foregoing reasons, the Joint CCAs respectfully request consideration of the Comments herein and look forward to an ongoing dialogue with the Commission and stakeholders.

Respectfully submitted,

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Dated: June 10, 2022