

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

Order Instituting Rulemaking Regarding Policies,
Procedures and Rules for the California Solar Initiative,
the Self- Generation Incentive Program and Other
Distributed Generation Issues.

Rulemaking 12-11-005
(Filed November 8, 2012)

**REPLY COMMENTS OF THE SOLAR ENERGY INDUSTRIES ASSOCIATION
ON PROPOSED DECISION GRANTING IN PART A PETITION FOR
MODIFICATION REGARDING THE ADMINISTRATION BUDGET FOR THE
CALIFORNIA SOLAR INITIATIVE**

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September 30, 2013

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Pursuant to Rule 14 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), the Solar Energy Industries Association (SEIA)¹ replies to comments submitted on the Proposed Decision Granting, in part, a Petition for Modification Regarding the Administrative Budget for the California Solar Initiative (Proposed Decision or PD), which were filed in the above captioned proceeding on September 23, 2013.

I. INTRODUCTION

In its Opening Comments, SEIA illustrated how the PD erred in granting the California Center for Sustainable Energy's (CCSE) request for modification by allowing "[t]he remaining California Solar Initiative megawatt allocation [to] be evenly split between residential and non-residential customer classes in [CCSE's] territory."² This error was compounded by the PD's determination to grant comparable authority to Southern California Edison (SCE) and Pacific Gas and Electric Company (PG&E) to alter the CSI MW allocation in their respective service territories, absent the required notice to parties that the Commission was considering such change. Through its comments on the PD, SCE attempts to not only latch on to this error in the

¹ The comments contained in this filing represent the position of SEIA as an organization, but not necessarily the views of any particular member with respect to any issue.

² Proposed Decision, p. 21, Ordering Paragraph 3.

PD, but expand it by requesting that the Commission grant the Program Administrators (PAs) additional flexibility to further adjust the CSI MW allocation through Tier 1 advice letters.³

SCE's comments should be rejected. For reasons stated in SEIA's Opening Comments, the PD should be modified so as to deny CCSE's request to modify the CSI megawatt allocations in its service territory. In addition, as expanded upon more below, it should be modified to eliminate the authorization granted to PG&E and SCE to modify such allocations in their respective service territories.

II. THERE ARE PROCEDURAL AND FACTUAL INFIRMITIES PRECLUDING A CHANGE TO THE CSI MW ALLOCATION IN SCE'S SERVICE TERRITORY

SCE cannot use CCSE's Petition as a means to change the CSI MW allocation in its service territory. CCSE's Petition was framed to change the allocation *solely* in its own service territory. Parties were not provided required notice that the MW allocations in the other PA service territories were under consideration. Indeed, in its comments on the CCSE Petition, SCE made clear that it was opposed to a change in the MW allocation and, if it was changed, then the change should be confined to CCSE's service territory.⁴ SCE's sole support for its new position is the unsubstantiated statement that it has "analyzed the impact of removing the MW allocation in SCE's service territory and concluded that shifting MW between customer classes will better enable SCE to meet its CSI program goals."⁵ There is no evidence on the record of this proceeding to support this statement, nor has SCE provided a declaration to support what it

³ Comments of Southern California Edison Company (U 338 E) on the Proposed Decision Granting in part a Petition for Modification Regarding the Administration Budget for the California Solar Initiative, R. 12-11-005 (September 23, 2013) (SCE Comments), p.3.

⁴ Response of Southern California Edison Company (U 338-E) to the Petition of the California Center for Sustainable Energy (CCSE) for Modification of Decision (D.) 10-09-046, D.08-10-036, D.11-07-031 and D.06-08-028 to Address California Solar Initiative General Market Program Administration Budget Issued within CCSE's Program Territory, R. 10-05-004 (September 4, 2012), pp.2-3.

⁵ SCE Comments, p.3.

admits are changed facts.⁶ Thus, not only is it procedurally impermissible (given the lack of required notice) for a change to be made to the CSI MW allocations of SCE (and PG&E),⁷ there is nothing on the record which would support such a change for SCE.

Should SCE desire to change the CSI MW allocation in its service territory, then it should be required to make a separate filing which provides sufficient justification for such change. Parties should be provided the requisite notice of the proposed change and an opportunity to respond. SEIA submits that such a filing should be in the form of a Petition for Modification as SCE would be requesting a change in the Commission order establishing the original allocation. If, however, the Commission determines that an advice letter is the appropriate vehicle to request such a change, then the submission should be a Tier 3 advice letter which will only become effective after issuance of a Commission resolution.

III. CONCLUSION

For the above stated reasons, as well as those set forth in SEIA's Opening Comments, the PD should be modified to remove the authorization for CCSE, as well as SCE and PG&E, to alter the CSI MW allocations in their respective service territories.

⁶ While it is procedurally inappropriate for SCE to use CCSE's Petition for Modification to alter its CSI MW allocation, at minimum, SCE should be made to adhere to the requirements of such a petition. Thus Rule 16.4 of the Commission's Rules of Practice and Procedure require, with respect to a Petition for Modification, that "[a]ny factual allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed. Allegations of new or changed facts must be supported by an appropriate declaration or affidavit."

⁷ The allowed change in allocation is a moot point with respect to PG&E as it has already met both its residential and commercial CSI MW targets.

Respectfully submitted this September 30, 2013, San Francisco, California.

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