

**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
(November 8, 2012)

**REPLY COMMENTS OF THE CALIFORNIA SOLAR ENERGY INDUSTRIES
ASSOCIATION ON THE ADMINISTRATIVE LAW JUDGE'S RULING (1)
INCORPORATING STAFF PROPOSAL INTO THE RECORD (2) REQUESTING
COMMENTS FROM PARTIES AND (3) SETTING COMMENT DATES**

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The California Solar Energy Industries Association (CALSEIA) hereby submits reply comments to the July 2, 2014 administrative law judge ruling incorporating the California Public Utilities Commission (Commission) staff proposal on the Multifamily Affordable Solar Housing (MASH) and Single Family Affordable Solar Homes (SASH) programs.

**1. TENANT BENEFITS WOULD BE MAXIMIZED BY CONTINUING TO
PRIORITIZE INDIVIDUALLY METERED LOAD**

The MASH Coalition rightly points out in its opening comments that most affordable housing units are individually metered.¹ In these cases, the solar contractor submits to the utility an allocation form determining which accounts are to receive kWh credits from solar system production. This is the best form of tenant benefit and is the norm for MASH installations.

For properties that are master metered or have large common area loads, the existing distinction between incentives for solar production applied to tenant meters and solar production applied to common areas is preferable to the recommendation in the Staff Proposal that both types of solar production receive the same incentive rate and tenant benefits are reinforced with an affidavit.

At least two other parties oppose the requirement that the MASH Program borrow a requirement from the CSI-Thermal program that the applicant attest that 30% of the incentive amount will result in financial benefits to tenants,² and CALSEIA concurs.

¹ MASH Coalition Opening Comments at 14.

² See MASH Coalition Opening Comments at 14, Everyday Energy Opening Comments at 8.

Water heating at multifamily housing is mostly performed by central boilers, and there is no such thing as net metering for hot water. Additionally, the CSI-Thermal Program has been hindered by rules for participants that are more complicated than those for PV programs. It is not a good model.

CALSEIA recommends maintaining the different incentive levels for tenant demand and master metered demand to ensure that more of the Program's money is spent on projects that benefit tenants directly.

2. HIRING REQUIREMENT SHOULD ONLY APPLY WHEN JOB TRAINEES ARE NEARBY AND LABOR-READY

CALSEIA is sympathetic to the argument of Everyday Energy in its opening comments that they go above and beyond one-day hiring of participants in solar installation job training programs by running their own training program that includes many individuals from the low-income communities where their work is concentrated.³ This is a mission-driven company that takes community economic development seriously and should be encouraged to continue their good practices. We would support a provision that companies with in-house job training programs with trainees from low-income communities be exempt from the requirement to hire a job trainee for at least one day for each MASH-supported project.

For companies without such a training program, the recommendation in the Staff Proposal that a job trainee be hired for at least one day is reasonable provided that there is a suitable program near the site. When hiring a trainee for temporary employment it is essential that the trainee be associated with a "labor-ready" training program that carries workers compensation insurance for the trainees. Since work at a solar installation site often happens on an erratic schedule, it can be challenging for a trainee who may have other employment to come to the job site on the days when he or she is needed. It is reasonable not to require that the trainee go through the company's full hiring procedure that would result in the trainee being covered by the company's workers compensation policy. The requirement that every MASH-supported project hire a job trainee for at least one day should therefore only be applicable to job sites where there is a labor-ready solar installation job training program within 50 miles.

³ Everyday Energy Opening Comments at 15.

In the normal process of installing a solar system at a multifamily housing site, a person who is hired for one day will perform the duties that he or she is hired for throughout the multi-day installation, so the requirement for at least one day of employment will typically involve more than one day of employment. However, for the scheduling reasons stated above it is reasonable for the minimum requirement to be set at one day of employment.

As an additional option, solar contractors may be open to making the job site available to an entire class of solar installation trainees to observe as a real-world classroom for a day. Many solar contractors hire employees from solar installation job training programs and want to see those programs succeed. If the contractor and the training program instructor agree on a time and place to do this, it can have an even greater benefit than employing one person and should constitute fulfillment of the job training requirement of the MASH Program.

3. ENERGY EFFICIENCY REQUIREMENTS CAN BE EFFECTIVE

To meet the energy efficiency requirements of AB 217 for the MASH Program, the Staff Proposal recommends that “each MASH applicant be required to provide a list of all on-site customers eligible for the Energy Savings Assistance Program (ESAP) as part of the application process.”⁴

In its opening comments, the Greenlining Institute states, “AB 217 requires applicants seeking either Track 1A or Track 1B incentives to see that eligible tenants are enrolled in ESAP, not just referred to it.”⁵

It would be infeasible to require that every tenant enroll in a program of any sort. Further, it is not required by statute. Public Utilities Code 2852 (d)(2) directs the Commission to ensure that the MASH program, “Requires participants who receive monetary incentives to enroll in the Energy Savings Assistance Program established pursuant to Section 382, if eligible.” Since it is the applicant and not the tenants that receive monetary incentives, this requirement must not be applied to tenants.

PG&E points out in its opening comments that the property owner does not have access to customer data to know which tenants are eligible for the CARE program, and

⁴ California Public Utilities Commission, “Staff Proposal for Implementation of Assembly Bill 217,” at 20.

⁵ Greenlining Institute Opening comments at 8.

therefore which customers are eligible for ESAP.

Despite this challenge, CALSEIA believes that helping eligible customers enroll in ESAP is an important goal and that applicants should have some obligation to achieve this. We suggest the following strategies.

Each MASH applicant should be required to:

1. Provide a list of all on-site customers to the Program Administrator (PA), if this is permissible under the Commission's emerging rules on customer privacy protection.
2. Distribute information about ESAP to all on-site customers.
3. Make themselves available at a minimum of one pre-scheduled time to answer questions from on-site customers about ESAP.

The PA, together with the utility, if separate, should be required to cross-reference the list of on-site customers with CARE customers and provide the list of on-site CARE customers to ESAP.

CALSEIA also supports the requirement for a walk-through energy audit, which is an effective way to identify simple energy efficiency opportunities without requiring an extensive whole-building technical analysis that often intimidates customers and delays decision making.

4. CONCLUSION

CALSEIA appreciates the opportunity to submit these comments and urges the Commission to adopt the recommendations herein.

DATED at Santa Rosa, California, this 1st day of August, 2014

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