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June 14, 2024

Advice No. 153-E (Center for Sustainable Energy®)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA ENERGY DIVISION

SUBJECT: Tier 1 Advice Letter Clarifying Solar On Multifamily Affordable Housing Program Application Deposit Re-Use

PURPOSE

Center for Sustainable Energy[®] (CSE), on behalf of the Program Administrator (PA) Team for the Solar On Multifamily Affordable Housing (SOMAH) Program, submits this Advice Letter (AL) to clarify the potential for application deposit re-use by cancelled or withdrawn projects that re-enter the program with a new application.

BACKGROUND

Assembly Bill (AB) 693 (Eggman), (Stats. 2015, Ch. 582) created the Multifamily Affordable Housing Solar Roofs Program, funded at up to \$100 million annually from the investor-owned utilities' (IOU) share of greenhouse gas (GHG) auction proceeds. Decision (D.)17-12-022¹ implemented AB 693 and changed the name of the program to the Solar On Multifamily Affordable Housing (SOMAH) Program to distinguish it from other state clean energy and low-income solar programs. D.17-12-022 established the program's budget, incentive structure, and eligibility policies, among other items. It also determined that the SOMAH Program would be administered by a single statewide program administrator (PA) selected through a competitive request for proposal process.

Pursuant to SOMAH program requirements, SOMAH projects greater than or equal to 10 kW are required to submit an Application Deposit for a standardized amount based on the system size (kW, CEC-AC). As outlined in Section 4.4.2.5 of the Program Handbook,² the intention of the application deposit is to ensure projects have been properly planned and vetted and to

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¹ Decision (D.)17-12-022, *Decision Adopting Implementation Framework for Assembly Bill 693 and Creating the Solar On Multifamily Affordable Housing Program*, December 14, 2017.

² SOMAH Program Handbook, available at https://calsomah.org/resources/program-handbook.

prevent "placeholder" projects that are unlikely to be completed from holding SOMAH reservations.

DISCUSSION

Current SOMAH Handbook language requires that an Application Deposit be submitted with the Reservation Request Package, and upon verification of the completed project and SOMAH incentive payment, the Application Deposit will be returned in full. Additionally, current SOMAH Handbook language states that cancelled or withdrawn applications will forfeit the Application Deposit and will not be reimbursed. The purpose of this Advice Letter is to clarify that previously cancelled or withdrawn applications that re-enter the program with a new application for the same project may apply their prior application deposits to these new applications.

As outlined in the SOMAH Second Triennial Evaluation Report, ³ "[o]f the 287 cancelled applications, nearly two-thirds were classified as recoverable cancellations."4 While the evaluation was based on program data from the close of 2022, this evaluation finding illustrates the nearly 200 opportunities for re-engagement of previously cancelled projects. some of which were cancelled after submitting an application deposit. Since the evaluation's data collection period, 31 projects that were previously cancelled or withdrawn have re-entered the program. These 31 re-entered cancelled or withdrawn projects had not paid an application deposit before the time of re-entry, and consequently, this change would not apply to them. However, as of June 7, 2024, the PA has identified an additional 72 potentially recoverable cancelled or withdrawn projects, that have yet to re-enter the program, to which application deposit re-use would apply. Application deposit re-use could positively influence their potential re-entry to the SOMAH program. The 72 cancelled projects with forfeited deposits represent 10.13 megawatts (MW) of potential production, with a total of \$333,750 in forfeited deposit funds. The forfeited deposit funds are not directed for any specific use case and do not accrue any interest, and as such are not benefiting the program in any other way at this time. Allowing the forfeited deposits to be re-used aligns with the purpose of the SOMAH program and would help the program reach its MW goal by encouraging renewed participation from these applicants.

The Evaluation recommendations identified that, "[t]he SOMAH PA should prioritize outreach to potentially "recoverable" cancelled applications to determine if their needs can be addressed to facilitate future participation at these properties." It was through the PA's re-engagement efforts that the PA became aware of the need for clarity regarding the availability of prior application deposits for recoverable applications that wish to re-enter the program with an application for the same project. Setting clear parameters for re-use of application deposits for recoverable application re-entries is a necessary step to facilitate their participation.

Application deposit re-use in the SOMAH program is solely to provide an opportunity for interested and viable projects to re-enter the program without a financial penalty. Specifically,

³ Second Triennial Evaluation Report, available at https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/somah/2023-somah_second_triennial_report.pdf.

⁴ *Id.* at 28.

⁵ *Id.* at 111.

the project may only re-use up to the total dollar amount of the prior application deposit. For example, if the project's system size increases from the original application (cancelled/withdrawn application), to the extent that the Applicant owes a higher deposit amount with the revived application (new submission), the Applicant must pay the difference between the higher deposit now required and the amount of the previously forfeited deposit. More information regarding the deposit amounts per system size can be found in Table 6, Application Deposits⁶ of the Program Handbook, which remains unchanged.

The SOMAH Program Handbook language and general project requirement for application deposit forfeiture remain unchanged. This Advice Letter solely addresses and clarifies the specific use case of cancelled project reentries. This is not a material change to the program, but rather clarifies that application deposits are forfeited for cancelled or withdrawn applications, *unless* they re-enter the program with a new application for the same project and then may be re-used only up to the total dollar amount of the prior application deposit.

REVISIONS TO SOMAH PROGRAM WEBSITE TO ALLOW FOR DEPOSIT RE-USE

The clarification provided in this Advice Letter will be reflected in the Application Process and Documents section of the SOMAH website (https://calsomah.org/application-process-and-documents) under the Application Deposits tab.

The Application Deposits website section will be updated to read as follows (new language italicized):

SOMAH applicants applying for systems 10 kW or larger are required to submit an application deposit that can be paid by the property owner or a third party on their behalf. The amount of the deposit is based on the system size.

An application deposit invoice will not be issued and a deposit not required for priority group applications. Priority groups include DAC and tribal properties.

Application deposits are forfeited for cancelled or withdrawn applications. Previously forfeited application deposits may be re-used only for cancelled projects that re-enter with a new application, and only up to the total dollar amount of the prior application deposit.

TIER DESIGNATION

Pursuant to General Order (GO) 96-B and Energy Industry Rule 5.1, this AL submittal is submitted with a Tier 1 designation.

⁶ SOMAH Program Handbook, Table 6, available at https://calsomah.org/resources/program-handbook#Table06.

PROTESTS

Anyone wishing to protest this AL may do so by letter sent electronically, which must be received no later than July 5, 2024, which is twenty one (21) calendar days⁷ after the submittal of this Advice Letter. Protests should be emailed to:

> CPUC Energy Division Attention: Tariff Unit

Email: EDTariffUnit@cpuc.ca.gov

Copies of protests should also be emailed to the CPUC's Energy Division Director.

In addition, protests and all other correspondence regarding this AL should also be sent electronically to the attention of:

> Sephra Ninow Director, Regulatory Affairs Center for Sustainable Energy®

E-mail: sephra.ninow@energycenter.org

There are no restrictions as to who may submit a protest, but the protest shall set forth specifically the grounds upon which it is based and shall be submitted expeditiously.

EFFECTIVE DATE

CSE requests that this Tier 1 AL become effective upon submittal, June 14, 2024.

NOTICE

Pursuant to GO 96-B, General Rule 4, CSE is serving copies of this AL to service list R.14-07-002, A.16-07-015 (consolidated).

Sephra A. Ninow, J.D. Director, Regulatory Affairs

Sephra A. Minow

Center for Sustainable Energy®

cc: Service List R.14-07-002, A.16-07-015 (consolidated)

⁷ Pursuant to Rule 1.15 of CPUC Rules of Practice and Procedure, "[i]f the last day falls on a Saturday, Sunday, holiday or other day when the Commission offices are closed, the time limit is extended to include the first day thereafter. Accordingly, given the Independence Day holiday on July 4, 2024, Protests are due no later than July 5, 2024.





California Public Utilities Commission

ADVICE LETTER



LINLINGTOTILIT	CAD	
MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)		
Company name/CPUC Utility No.: Center for Sustainable Energy® (CSE)		
Utility type: ELC GAS WATER PLC HEAT	Contact Person: Sephra Ninow Phone #: (858) 244-1186 E-mail: sephra.ninow@energycenter.org E-mail Disposition Notice to: sephra.ninow@energycenter.org	
EXPLANATION OF UTILITY TYPE ELC = Electric GAS = Gas WATER = Water PLC = Pipeline HEAT = Heat	(Date Submitted / Received Stamp by CPUC) June 14, 2024	
Advice Letter (AL) #:153-E	Tier Designation: 1	
Subject of AL: Clarifying Solar On Multifamily Housing Program Application Deposit Re-Use Keywords (choose from CPUC listing): Rebates; Solar		
AL Type: Monthly Quarterly Annual		
If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #: D.17-12-022		
Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: $_{ m No}$		
Summarize differences between the AL and the prior withdrawn or rejected AL: ${ m N/A}$		
Confidential treatment requested? Yes No		
If yes, specification of confidential information: $\mathrm{N/A}$ Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/access to confidential information: $\mathrm{N/A}$		
Resolution required? Yes 🔽 No		
Requested effective date: 6/14/24	No. of tariff sheets: $_{ m 0}$	
Estimated system annual revenue effect (%): 0		
Estimated system average rate effect (%): 0		
When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).		
Tariff schedules affected: $ m N/A$		
Service affected and changes proposed ^{1:} Clarification of the potential for application deposit re-use by canceled or w		
Pending advice letters that revise the same tariff sheets: $ m _{N/A}$		

Protests and correspondence regarding this AL are to be sent via email and are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

California Public Utilities Commission Energy Division Tariff Unit Email: EDTariffUnit@cpuc.ca.gov Contact Name: Sephra Ninow Title: Director, Regulatory Affairs

Utility/Entity Name: Center for Sustainable Energy®

Telephone (xxx) xxx-xxxx: (858) 244-1186 Facsimile (xxx) xxx-xxxx: (858) 244-1178 Email: sephra.ninow@energycenter.org

Contact Name:

Title:

Utility/Entity Name:

Telephone (xxx) xxx-xxxx: Facsimile (xxx) xxx-xxxx:

Email:

CPUC Energy Division Tariff Unit 505 Van Ness Avenue San Francisco, CA 94102

ENERGY Advice Letter Keywords

Affiliate	Direct Access	Preliminary Statement
Agreements	Disconnect Service	Procurement
Agriculture	ECAC / Energy Cost Adjustment	Qualifying Facility
Avoided Cost	EOR / Enhanced Oil Recovery	Rebates
Balancing Account	Energy Charge	Refunds
Baseline	Energy Efficiency	Reliability
Bilingual	Establish Service	Re-MAT/Bio-MAT
Billings	Expand Service Area	Revenue Allocation
Bioenergy	Forms	Rule 21
Brokerage Fees	Franchise Fee / User Tax	Rules
CARE	G.O. 131-D	Section 851
CPUC Reimbursement Fee	GRC / General Rate Case	Self Generation
Capacity	Hazardous Waste	Service Area Map
Cogeneration	Increase Rates	Service Outage
Compliance	Interruptible Service	Solar
Conditions of Service	Interutility Transportation	Standby Service
Connection	LIEE / Low-Income Energy Efficiency	Storage
Conservation	LIRA / Low-Income Ratepayer Assistance	Street Lights
Consolidate Tariffs	Late Payment Charge	Surcharges
Contracts	Line Extensions	Tariffs
Core	Memorandum Account	Taxes
Credit	Metered Energy Efficiency	Text Changes
Curtailable Service	Metering	Transformer
Customer Charge	Mobile Home Parks	Transition Cost
Customer Owned Generation	Name Change	Transmission Lines
Decrease Rates	Non-Core	Transportation Electrification
Demand Charge	Non-firm Service Contracts	Transportation Rates
Demand Side Fund	Nuclear	Undergrounding
Demand Side Management	Oil Pipelines	Voltage Discount
Demand Side Response	PBR / Performance Based Ratemaking	Wind Power
Deposits	Portfolio	Withdrawal of Service
Depreciation	Power Lines	

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Develop a Successor to Existing Net Energy Metering Tariffs Pursuant to Public Utilities Code Section 2827.1, and to Address Other Issues Related to Net Energy Metering. RULEMAKING 14-07-002 (Filed July 10, 2014)

And Related Matter.

Application 16-07-015

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this *CSE Advice Letter 153-E*, on all known parties of record in this proceeding by delivering a copy via email to the current service list for R.14-07-002, A.16-07-015 (consolidated).

Executed on June 14, 2024, in San Diego, CA.

Kaily Wakefield, J.D.

Senior Policy Manager, Distributed Generation

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CALIFORNIA PUBLIC UTILITIES COMMISSION **Service Lists**

PROCEEDING: R1407002 - CPUC - OIR TO DEVELO

FILER: CPUC **LIST NAME: LIST**

LAST CHANGED: JUNE 11, 2024

Download the Comma-delimited File About Comma-delimited Files

Back to Service Lists Index

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