

May 28, 2025

CPUC Energy Division
Attention: Tariff Unit
505 Van Ness Ave
San Francisco, CA 94102

Subject: CALSSA and LGSEC Protest of SCE Advice Letter 5549-E, on Shortening of Due Dates for Final Documents Related to Aggregation Provisions of NEM-ST and NEM-V-ST

With this letter, the California Solar & Storage Association (CALSSA) and Local Government Sustainable Energy Coalition (LGSEC) (collectively, the “Joint Parties”) protest the “Clarification of Due Dates for Final Documents Related to the Aggregation Provisions of Schedule NEM-ST - Net Energy Metering Successor Tariff and Schedule NEM-V-ST - Virtual Net Energy Metering Successor Tariff” via Southern California Edison (SCE) Advice Letter 5549-E (AL). The AL proposes that NEM-ST aggregation (NEM-A-ST) and NEM-V-ST applications that were submitted on or before April 14, 2023, shall have a deadline of April 14, 2026, to submit final documents.

Although SCE attempts to frame the AL as a “clarification”, the AL amounts to a substantive change of a deadline that has clearly been stated in the IOU tariffs since February 2024. Past discussion on the record shows stakeholder agreement that having a single deadline of February 14, 2027, for all NEM-A-ST and NEM-V-ST projects is the reasonable position to address valid customer concerns. Attempting to change the deadline now, to a date nine months away, fails to give customers reasonable advance notice. The Joint Parties urge the Commission to quickly reject the AL via disposition letter and re-state in the letter that the deadline to submit final documents for all NEM-A-ST and NEM-V-ST projects is February 14, 2027.

1. The Currently Published SCE Tariffs Clearly State February 14, 2027 for NEM-A-ST and NEM-V-ST

SCE attempts to portray the AL as a clarification:

SCE seeks to clarify that all applications, including those for the Aggregation sub-tariff and Schedule NEM-V-ST submitted by April 14, 2023, must also submit final documents by April 14, 2026.¹

However, the current SCE tariffs clearly state that all NEM-A-ST and NEM-V-ST customers have a deadline of February 14, 2027. For example, the SCE NEM-V-ST tariff states:

Additionally, to retain eligibility under this schedule, within three years from February 14, 2024, Qualifying Customers must submit an executed CPUC jurisdictional NEM

¹ AL, p. 2.

*Interconnection Agreement and a final building permit sign off and electrical clearing by the authority having jurisdiction.*²

Later in the SCE NEM-V-ST tariff, the same date is repeated:

*Consistent with the intent of D.23-11-068, all Qualifying Customers will have three years from February 14, 2024, to interconnect and submit final building permit sign off and electrical clearing by the authority having jurisdiction to remain eligible for this Schedule and the provisions contained within.*³

There is not a single place in the SCE NEM-V-ST tariff where the date April 14, 2026 is mentioned. The only date that is mentioned regarding the submittal of final documents is February 14, 2027. SCE's attempt to frame AL as a clarification is misleading. A clarification implies that a concept is being made easier to understand. However, in this case, the concept of April 14, 2026, was never present to begin with. The SCE NEM-ST tariff is similarly clear for NEM-A-ST customers:

*Additionally, to retain eligibility under this Schedule, within three years from [...] February 14, 2024 for NEM-A, Customers must submit an executed CPUC jurisdictional NEM Interconnection Agreement and a final building permit sign off and electrical clearing by the authority having jurisdiction.*⁴

Customers are expected to follow the SCE tariffs. The reasonable interpretation of the SCE tariffs is that all NEM-A-ST and NEM-V-ST projects have a deadline of February 14, 2027. There is no special exclusion requiring projects submitted before April 14, 2023, to submit final documents by an earlier date. It is unreasonable for customers to follow published guidance and then be penalized on short notice. Furthermore, discussion on the record explains why having a single deadline date was concluded upon by stakeholders and the Commission.

2. The Record Shows Stakeholder Agreement on Three Years from Application Submittal Deadline

SCE attempts to argue that there is nothing on the record that would show support for a single deadline date of February 14, 2027, for NEM-A-ST and NEM-V-ST projects. Putting aside how the NEM-ST and NEM-V-ST tariffs are already clear proof of this, there are multiple other documents on the record that show this. For example, consider SCE's reply to protests of SCE AL 4963-E.

In this document, SCE acknowledged that although D.22-12-056 established that NEM-ST applications would have three years from application submittal, establishing a policy that would give a different deadline for each different application submittal date would lead to applications being resubmitted closer to the application submittal deadline in order to secure more time to

² SCE Schedule NEM-V-ST, Special Condition 2a.

³ SCE Schedule NEM-V-ST, Special Condition 13.

⁴ SCE Schedule NEM-ST, Special Condition 2a.

build. This is especially true for applications submitted before D.22-12-056 that were not aware there would be a deadline at all. Some of these applications would be left with possibly only a few months to complete extensive construction.

To give fair warning to these customers and to reduce the need to resubmit the application in order to get a reasonable amount of time, SCE stated that it would write its tariffs such that all NEM-ST applications would get three years from the NEM-ST application submittal deadline:

To resolve this ambiguity and treat pending NEM-ST projects that submitted applications before the Commission issued the Decision and during the Sunset Period fairly, SCE will submit a supplemental advice letter to revise its Schedule NEM-ST to specify that all pending NEM-ST applications, regarding of application submittal date, will have three years from April 14, 2023 to interconnect and submit final building permit sign off and electrical clearing by the authority having jurisdiction to remain eligible for Schedule NEM-ST.⁵

The Commission approved this change. NEM-V-ST and NEM-A-ST have the same concerns and considerations as NEM-ST. It follows that SCE would treat NEM-V-ST and NEM-A-ST in the same manner, namely by similarly establishing three years from the NEM-V-ST and NEM-A-ST application submittal deadline of February 14, 2024.

3. AL Fails to Give Customers Reasonable Advance Notice

Larger NEM-A-ST and NEM-V-ST projects naturally have longer construction timelines. For example, schools can only do construction during the summers when students are on break. Farms must work around planting cycles that are determined by the seasons and other natural phenomena. Local governments and public agencies often must go through rigorous procurement processes. For projects like these, three years is already a tight time frame, and their construction timelines cannot be radically altered on such short notice.

However, that is exactly what SCE is proposing by attempting to shorten the deadline to a date that is nine months away. SCE may represent nine months as a long time, but this only further shows its lack of engagement with its customers. Since many schools can only do construction during the summer, SCE is effectively proposing a final date of August 20, 2025, for such customers. Farms cannot simply make plants grow faster and efforts to clear hundreds of acres of trees can easily take longer than nine months. The AL would cause significant financial damage to customers by revoking their solar applications at the last minute. Many of these projects would not be able to continue under NBT because financiers financed the project under the assumption that it would be NEM. These customers have invested money in project development that would be taken by a tariff change.

4. Timely Resolution Is Needed

SCE filing the AL is disruptive in itself. Since there is now uncertainty about the deadline date until the Commission issues its disposition, customers are scrambling to evaluate what can be saved. Since each day that passes is a day lost before the deadline, some customers are doing

⁵ “Reply to Solar Energy Industries Association and the California Solar & Storage Association Protests of Southern California Edison Company’s Advice 4963-E”, Southern California Edison, p. 2.

what they can to accelerate schedules, incurring significant financial expense. Since the proposed deadline date is very close to the current day and customers are being forced to act and lose money now, the Joint Parties urge the Commission to reject the AL quickly via disposition letter and re-state in the letter that the deadline to submit final documents for all NEM-A-ST and NEM-V-ST projects is February 14, 2027.

Respectfully,

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cc: Connor Flanigan, SCE
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Service list of R. 20-08-020