

PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298



Pacific Gas & Electric Company
GAS (Corp ID 39)
Status of Advice Letter 4818G/7052E
As of November 22, 2023

Subject: Request for Relief Pursuant to Decision 23-04-045 for Customers Impacted by Sullivan Solar Power of California, Inc., No Longer Acting in the Capacity of Contractor and Closure of Business and for

Division Assigned: Energy

Date Filed: 10-20-2023

Date to Calendar: 10-27-2023

Authorizing Documents: D2304045

Disposition:	Accepted
Effective Date:	11-19-2023

Resolution Required: No

Resolution Number: None

Commission Meeting Date: None

CPUC Contact Information:

edtariffunit@cpuc.ca.gov

AL Certificate Contact Information:

Sephra Ninow

(858) 244-1186

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PUBLIC UTILITIES COMMISSION
505 Van Ness Avenue
San Francisco CA 94102-3298



To: Energy Company Filing Advice Letter

From: Energy Division PAL Coordinator

Subject: Your Advice Letter Filing

The Energy Division of the California Public Utilities Commission has processed your recent Advice Letter (AL) filing and is returning an AL status certificate for your records.

The AL status certificate indicates:

- Advice Letter Number
- Name of Filer
- CPUC Corporate ID number of Filer
- Subject of Filing
- Date Filed
- Disposition of Filing (Accepted, Rejected, Withdrawn, etc.)
- Effective Date of Filing
- Other Miscellaneous Information (e.g., Resolution, if applicable, etc.)

The Energy Division has made no changes to your copy of the Advice Letter Filing; please review your Advice Letter Filing with the information contained in the AL status certificate, and update your Advice Letter and tariff records accordingly.

All inquiries to the California Public Utilities Commission on the status of your Advice Letter Filing will be answered by Energy Division staff based on the information contained in the Energy Division's PAL database from which the AL status certificate is generated. If you have any questions on this matter please contact the:

Energy Division's Tariff Unit by e-mail to
edtariffunit@cpuc.ca.gov

October 20, 2023

Advice No. 145-E
(Center for Sustainable Energy®)

Advice 5128-E
(Southern California Edison Company U 338-E)

Advice 4818-G/7052-E
(Pacific Gas and Electric Company ID U 39 E/G/M)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
ENERGY DIVISION

SUBJECT: Request for Relief Pursuant to Decision 23-04-045 for Customers Impacted by Sullivan Solar Power of California, Inc., No Longer Acting in the Capacity of Contractor and Closure of Business and for Customers Impacted by the Chapter 7 Bankruptcy Filing of Zenernet, LLC

PURPOSE

Center for Sustainable Energy® (CSE), Southern California Edison Company (SCE), and Pacific Gas and Electric Company (PG&E), as three of the four Self-Generation Incentive Program (SGIP) Program Administrators¹ (PAs), submit this Tier 2 Advice Letter seeking relief for customers impacted by the closure of business of Sullivan Solar Power of California, Inc., (Sullivan Solar) and the Chapter 7 bankruptcy filing of Zenernet, LLC (Zenernet), in accordance with California Public Utilities Commission (CPUC) Decision (D.)23-04-045 (Decision).

BACKGROUND

In the Decision, the CPUC: 1) granted the SGIP PAs discretion to grant relief to the customers affected by Petersen Dean Inc.'s bankruptcy; and 2) established a pathway, requiring CPUC approval, to provide similar relief to other customers who unexpectedly lose contact with their developers.

¹ Pacific Gas and Electric (PG&E), Center for Sustainable Energy® (CSE), Southern California Edison Company (SCE), and Southern California Gas Company (SoCalGas), collectively serve as the Self-Generation Incentive Program (SGIP) Program Administrators (PAs).

The pathway to provide relief to SGIP customers who unexpectedly lose contact with their developers, includes:

- 1) Extensions: “The Program Administrators have the discretion to grant requests to provide an additional 90-day extension to the current three six-month extensions for customers who have been impacted by a developer filing for bankruptcy or otherwise going out of business to submit program documentation. ... For projects that are not past their third extension at the issuance date of this Decision, the 90-day extension will commence with the expiration date of the third extension. For future cases, the additional 90-day extension commences with the disposition date of any related Tier 2 Advice Letter allowing for such extension.”²
- 2) Exceptions to Service Warranty Requirement: “Requests for exceptions to the service warranty portion of the requirement may be made with a Tier 2 Advice Letter, only in cases where the provider of the service warranty can no longer honor it due to bankruptcy or otherwise going out of business.”³
- 3) Exceptions to Developer GHG Compliance Enforcement Requirements: “Exceptions to PA infraction obligations may be made in cases where penalties are rendered unenforceable due to a developer bankruptcy or otherwise going out of business. Any exceptions to this requirement shall require filing a Tier 2 Advice Letter for Commission’s consideration.”⁴

Pursuant to D.23-04-045, CSE, SCE, and PG&E hereby seek relief for customers impacted by the closure of business of Sullivan Solar and the Chapter 7 bankruptcy filing of Zenernet.

DISCUSSION

SULLIVAN SOLAR

As of the date of submittal of this AL, CSE has 48 active Sullivan Solar projects in its SGIP territory, and SCE has five active Sullivan Solar projects in its service territory. 48 out of the 48 CSE Sullivan Solar projects have exhausted their extensions. Four out of the five SCE Sullivan Solar projects have exhausted their extensions, and the remaining project will exhaust its extensions in January 2024. CSE has been closely monitoring the status of all Sullivan Solar Projects since November 3, 2021, when CSE placed an internal hold on processing these projects due to several customer reports of Sullivan Solar closing its business and not responding to phone calls from customers. Since the hold was placed, CSE has not received any additional documentation or been notified of any changes in the progress of these applications. Additionally, SCE has not had any communication from Sullivan Solar in the past few years.

² D.23-04-045, *Decision Granting Petition to Modify Decision (D.)11-09-015, D.15-06-002, and D.19-08-001 with Modifications*, April 27, 2023, Ordering Paragraph (OP) 2.

³ *Id.* at OP 6.

⁴ *Id.* at OP 8.

CSE was contacted by Daniel Sullivan of Sullivan Solar on January 24, 2023, with an inquiry regarding available program funding. Between January 24 and August 15, 2023, CSE was in communication with Daniel Sullivan to determine the status of the Sullivan Solar business. On August 15, 2023, Daniel Sullivan confirmed that Sullivan Solar is no longer operating in the capacity of a contractor. Furthermore, Sullivan Solar has not provided any additional documentation for their active applications that would show progress towards meeting program eligibility requirements.

According to the California Department of Consumer Affairs Contractors State License Board (CSLB) website, Sullivan Solar's Contractor's License expired on June 20, 2022, and the license was revoked, rendering Sullivan Solar unable to contract at this time.⁵ A search for the company on the Better Business Bureau website also confirmed that Sullivan Solar is believed to be out of business and that the operator had not obtained a necessary contractor's license to conduct business as of June 20, 2022.⁶

In accordance with the Decision, CSE and SCE seek the following relief for customers of Sullivan Solar:

- To complete the Incentive Claim Form and submit all necessary documents, an extension of an additional 90 days from the expiration date of the third six-month extension for the impacted SCE SGIP customer who has not exhausted their extensions; and an extension of an additional 90 days commencing upon the issuance date of the disposition of this Advice Letter for CSE and SCE SGIP customers who have exhausted all available program extensions.
- Exception to the service warranty requirement because Sullivan Solar due to it no longer being in business.
- Exception to the SGIP PAs' infraction obligation to enforce penalties against Sullivan Solar if Sullivan Solar's projects are out of compliance with SGIP GHG rules.

ZENERNET

On January 13, 2023, Zenernet filed a Chapter 7 Petition for Bankruptcy in the Northern District of California.⁷ Customer online reviews⁸ and host customers have notified the PAs about the developer's unresponsiveness.

As of October 4, 2023, PG&E has ten and SCE has six SGIP applications with Zenernet listed as the developer. For PG&E, only one application has exhausted all its extension requests, while the rest are either waiting for the developer exception to be approved or need the customer to take over the application to fix minor paperwork issues. For SCE, its Zenernet customers are still able to request extensions to provide the necessary documents; therefore,

⁵ Contractors State License Board, Contractor's License Detail for license #839077, <https://www.cslb.ca.gov/OnlineServices/CheckLicense/LicenseDetail.aspx?LicNum=839077>, accessed Sept. 7, 2023.

⁶ Better Business Bureau, <https://www.bbb.org/us/ca/san-diego/profile/solar-energy-contractors/sullivan-solar-power-1126-15005975>, accessed Sept. 7, 2023.

⁷ *In re Zenernet, LLC* (Bankr. N.D. Cal., Case No. 23-40043).

⁸ Zenernet LLC | Complaints | Better Business Bureau® Profile (bbb.org)

SCE is not seeking the additional 90-day extension via this Advice Letter. Rather, SCE, along with PG&E, is seeking relief from the service warranty requirement and PA infraction obligations as outlined below. In accordance with the Decision, PG&E and SCE seek the following relief for their Zenernet customers:

- To complete the Incentive Claim Form and submit all necessary documents, an extension of an additional 90 days commencing upon the issuance date of the disposition of this Advice Letter for PG&E's Zenernet applications only.
- Exception to the service warranty requirement because Zenernet has filed to liquidate under Chapter 7 of federal bankruptcy laws.
- Exception to the SGIP PAs' infraction obligation to enforce penalties against Zenernet if its projects are out of compliance with SGIP GHG rules.

TIER DESIGNATION

Pursuant to General Order (GO) 96-B and D.23-04-045, OP 3, this Advice Letter is submitted with a Tier 2 designation.

PROTESTS

Anyone wishing to protest this Advice Letter may do so by letter sent electronically, which must be received no later than November 9, 2023, which is twenty (20) calendar days 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 the protest should also be emailed to the CPUC's Energy Division Director.

In addition, protests and all other correspondence regarding this Advice Letter should also be sent electronically to CSE, SCE, and PG&E on the same date it is emailed to the Commission to the attention of:

For CSE:
Sephra Ninow
Director, Regulatory Affairs
Center for Sustainable Energy®
E-mail: sephra.ninow@energycenter.org

For SCE:
Connor Flanigan
Managing Director, State Regulatory Operations
Southern California Edison Company
E-mail: AdviceTariffManager@sce.com

and

Marissa Blunski
Principal Manager, State Regulatory Relations
Southern California Edison Company
c/o Karyn Gansecki
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For PG&E:
Attn: Sidney Bob Dietz II
Director, Regulatory Relations
c/o Megan Lawson
E-mail: PGETariffs@pge.com

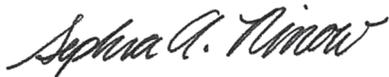
There are no restrictions as to who may submit a protest, but the protest shall set forth specifically the grounds upon which it is based and shall be submitted expeditiously.

EFFECTIVE DATE

CSE requests that this Advice Letter become effective on regular notice, November 19, 2023, which is thirty (30) calendar days after the date of submittal.

NOTICE

CSE is providing a copy of this Advice Letter to service list for R.20-05-012.



Sephra A. Ninow, J.D.
Director, Regulatory Affairs
Center for Sustainable Energy®

cc: Service List R.20-05-012



ADVICE LETTER SUMMARY

ENERGY UTILITY



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)

October 20, 2023

Advice Letter (AL) #: 145-E

Tier Designation: 2

Subject of AL: Request for Relief Pursuant to Decision 23-04-045 for Customers Impacted by Sullivan Solar Power of California, Inc., No Longer Acting in the Capacity of Contractor and Closure of Business and for Customers Impacted by the Chapter 7 Bankruptcy Filing of Zenernet, LLC

Keywords (choose from CPUC listing): Compliance; Self Generation; Storage

AL Type: Monthly Quarterly Annual One-Time Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #: D.23-04-045

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL: N/A

Confidential treatment requested? Yes No

If yes, specification of confidential information: 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: N/A

Resolution required? Yes No

Requested effective date: 11/19/23

No. of tariff sheets: 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: N/A

Service affected and changes proposed¹: Request for Relief Pursuant to Decision 23-04-045 for Customers Impact

Pending advice letters that revise the same tariff sheets: N/A

¹Discuss in AL if more space is needed.

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

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102
Email: EDTariffUnit@cpuc.ca.gov

Name: Sephra Ninow
Title: Director, Regulatory Affairs
Utility Name: Center for Sustainable Energy®
Address: 3980 Sherman St., Suite 170 Zip Code: 92110
City: San Diego State: California
Telephone (xxx) xxx-xxxx: (858) 244-1186
Facsimile (xxx) xxx-xxxx: (858) 244-1178
Email: sephra.ninow@energycenter.org

Name:
Title:
Utility Name:
Address:
City: State: California
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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
Curtable 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

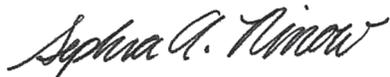
Order Instituting Rulemaking
Regarding Policies, Procedures and
Rules for the Self-Generation Incentive
Program and Related Issues.

RULEMAKING 20-05-012
(Filed May 28, 2020)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this *CSE Advice Letter 145-E / SCE Advice Letter 5128-E / PG&E Advice Letter 4818-G/7052-E* on all known parties of record in this proceeding by delivering a copy via email to the current service list for R.20-05-012.

Executed on October 20, 2023, in San Diego, CA.



Sephra A. Ninow, J.D.
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California
Public Utilities
Commission



[CPUC Home](#)

CALIFORNIA PUBLIC UTILITIES COMMISSION Service Lists

**PROCEEDING: R2005012 - CPUC - OIR REGARDING
FILER: CPUC
LIST NAME: LIST
LAST CHANGED: OCTOBER 3, 2023**

[Download the Comma-delimited File](#)
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California Community Choice Association
California Cotton Ginners & Growers Assn
California Energy Commission

California Hub for Energy Efficiency
Financing

California Alternative Energy and
Advanced Transportation Financing
Authority
California Public Utilities Commission
Calpine

Cameron-Daniel, P.C.
Casner, Steve
Center for Biological Diversity

Chevron Pipeline and Power
City of Palo Alto

City of San Jose
Clean Power Research
Coast Economic Consulting
Commercial Energy
Crossborder Energy
Crown Road Energy, LLC
Davis Wright Tremaine LLP
Day Carter Murphy

Dept of General Services
Don Pickett & Associates, Inc.
Douglass & Liddell
Downey Brand LLP
Dish Wireless L.L.C.

East Bay Community Energy Ellison
Schneider & Harris LLP

Electrical Power Systems, Inc.
Fresno
Engineers and Scientists of California

GenOn Energy, Inc.
Green Power Institute
Hanna & Morton
ICF

iCommLaw
International Power Technology
Intertie

Intestate Gas Services, Inc.

Johnston, Kevin
Kelly Group
Ken Bohn Consulting
Keyes & Fox LLP
Leviton Manufacturing Co., Inc.

Los Angeles County Integrated
Waste Management Task Force
MRW & Associates
Manatt Phelps Phillips
Marin Energy Authority
McClintock IP
McKenzie & Associates

Modesto Irrigation District
NRG Solar

OnGrid Solar
Pacific Gas and Electric Company
Peninsula Clean Energy

Pioneer Community Energy

Public Advocates Office

Redwood Coast Energy Authority
Regulatory & Cogeneration Service, Inc.

Resource Innovations

SCD Energy Solutions
San Diego Gas & Electric Company

SPURR

San Francisco Water Power and Sewer
Sempra Utilities

Sierra Telephone Company, Inc.
Southern California Edison Company
Southern California Gas Company
Spark Energy
Sun Light & Power
Sunshine Design
Stoel Rives LLP

Tecogen, Inc.
TerraVerde Renewable Partners
Tiger Natural Gas, Inc.

TransCanada
Utility Cost Management
Utility Power Solutions
Water and Energy Consulting Wellhead
Electric Company
Western Manufactured Housing
Communities Association (WMA)
Yep Energy