



**FILED**

11-20-06  
02:24 PM

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

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

Rulemaking 06-03-004  
(Filed March 2, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING INTERVENTION REQUESTS OF 3 PHASES ENERGY SERVICES, THE CALIFORNIA BUILDING INDUSTRY ASSOCIATION, CONSOL, RECOLTE ENERGY, SEMPRA ENERGY SOLUTIONS, AND SMA AMERICA, AND SETTING NEW PROCEDURES FOR HANDLING FUTURE MOTIONS TO INTERVENE**

This ruling addresses six motions to intervene, two of which include requests to file late comments. In addition, this ruling sets new procedures for processing intervention requests in the future. We do so because it has come to our attention that there is an increased interest to intervene in this proceeding and to file late comments on various issues, and that we need to process these requests in a more expedited and streamlined manner.

We address the current motions to intervene and to file late comments first before addressing new procedures for future requests.

**1. Current motions to intervene and/or file late comments:**

The following motions to intervene have been filed in this proceeding:

1. On November 2, 2006, Consol filed a motion to intervene. Consol provides energy code compliance, mechanical engineering and consulting services to residential builders. Consol seeks to intervene in all phases of the proceeding, but is particularly interested in addressing the issues surrounding the ownership of

- renewable energy credits (RECs). Consol states its participation will be within the scope of the proceeding and not cause the broadening of any issues raised by the rulemaking.
2. On November 3, 2006, Sempra Energy Solutions (SES) filed a motion to intervene. SES is an electric service provider (ESP) in California. In its intervention request, SES states that it did not seek to intervene sooner because ESPs were not respondents to the initial rulemaking, but the changes to Senate Bill 1 have expanded the program to include ESPs. As a result, SES will be directly impacted by potential changes to some of the net metering requirements and further revisions to the Draft Handbook. SES maintains that it will accept the record as it has been developed and will not unduly broaden the issues in the proceeding.
  3. On November 3, 2006, 3 Phases Energy Services (3 Phases) filed a motion to intervene and for acceptance for late filed comments. 3 Phases is a renewable energy service provider providing renewable energy to retail customers in California's investor-owned utilities' service territories. 3 Phases seeks to intervene in order to respond to the questions that were raised in the July 12, 2006 Administrative Law Judge's ruling regarding measurement of Distributed Generation (DG) output for Renewable Portfolio Standard purposes and the methods to determine the portion of a REC from renewable DG that was supported by a ratepayer subsidy. 3 Phases submits that the Commission's position on REC ownership would have a substantial impact on its business and operation and request that it be granted party status and be allowed to file comments addressing the above issues. On November 14, 2006, Southern California Edison (SCE) filed a response to 3 Phases' motion. SCE is not opposed to 3 Phases becoming a party, but objects to 3 Phases' comments being almost 3 months late. Comments were due on August 4, 2006.
  4. On November 9, 2006, SMA America (SMA) filed a motion to intervene and to accept late-filed comments. SMA is a manufacturer of photovoltaic inverters and related communications products, and has a direct interest in the

metering, performance monitoring, and reporting subjects in the Draft CSI Handbook. SMA had secured Administrative Law Judge (ALJ) Duda's approval to file late comments two days late by an earlier email.

5. On November 10, 2006, California Building Industry Association (CBIA) filed an intervention request. CBIA is a statewide trade association representing more than 6,000 businesses, homebuilders, remodelers, subcontractors, architects, engineers, designers, and other homebuilding industry professionals. CBIA states that it is interested in participating in this proceeding because issues such as REC ownership directly impact the interests of its members who are in the construction and sale of properties with solar energy systems. CBIA maintains that its participation before the Commission will address issues within the scope of the proceeding and will not seek to broaden the issues.
6. On November 13, 2006, Recolte Energy (Recolte) filed an intervention request. Recolte provides energy consulting services primarily to wineries for developing renewable energy (including solar) projects. Recolte states that it is interested in participating in this proceeding because determination of receipt of incentives on REC ownership directly impacts the costs of installing solar and the interests of its clients. Recolte believes its participation will not broaden the scope of the proceeding and will be within the scope of the issues already defined in the proceeding.

**Discussion:**

There was no opposition to the intervention requests of 3 Phases, Consol, SES, CBIA, Recolte and SMA. These entities maintain that they will accept the record as it has been developed and will not seek to broaden the issues. Good cause having been shown, the requests to intervene should be granted, on the condition that the parties may not broaden the issues in the case or unduly delay the schedule.

3 Phases' motion to file comments almost three months late on REC issues is denied. If 3 Phases comments were allowed, other parties would have to be given the opportunity to file responses. This would result in a delay in the proceeding and should be denied. However, 3 Phases may file comments when solicited in the future, as long as it does not seek to broaden the issues in the case or unduly delay the schedule.

## **2. Future motions to intervene**

In the future, interested persons or organizations who wish to request to intervene in this proceeding may do so by submitting a letter to the Process Office requesting to be added as an appearance to the service list. The letter should be copied to ALJs Dorothy Duda and Maryam Ebke, and the service list. Letters may be sent by electronic mail to [process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov), and copied to [dot@cpuc.ca.gov](mailto:dot@cpuc.ca.gov) and [meb@cpuc.ca.gov](mailto:meb@cpuc.ca.gov). Alternatively, letters may be sent by regular mail to:

Process Office (with copy to ALJs Dorothy Duda and Maryam Ebke)  
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Upon receipt of such a letter, the Process Office shall add the name of the party as an appearance to the service list on the condition that the party will accept the record as it has been developed and will not seek to broaden the issues.

## **3. Future methods by which to file late comments**

Parties who wish to file late comments should first contact the assigned ALJ by telephone or email requesting permission to do so. If permission is granted, the party shall so note in the first paragraph of its filing and its transmittal letter to the Commission's Docket office.

Therefore, **IT IS RULED** that:

1. The motions to intervene filed by 3 Phases Energy Services, Consol, Sempra Energy Solutions, the California Building Industry Association Companies, SMA America, and Recolte Energy are granted on the condition that these parties may not broaden the issues in the case or unduly delay the schedule.

2. 3 Phases Energy Services' motion to accept late filed comments is denied.

3. In the future, interested persons or organizations who wish to request to intervene in this proceeding may do so by submitting a letter to the Process Office requesting to be added as an appearance to the service list. The letter should be copied to the assigned ALJs Dorothy Duda and Maryam Ebke, and the service list. Letters may be sent by electronic mail to [process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov), and copied to [dot@cpuc.ca.gov](mailto:dot@cpuc.ca.gov) and [meb@cpuc.ca.gov](mailto:meb@cpuc.ca.gov). Alternatively, letters may be sent by regular mail to:

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4. Upon receipt of such a letter, the Process Office shall add the name of the party as an appearance to the service list on the condition that the party will accept the record as it has been developed and will not seek to broaden the issues.

5. Parties who wish to file late comments should first contact the assigned ALJ by telephone or email requesting permission to do so. If permission is granted, the party shall so note in the first paragraph of its filing and its transmittal letter to the Commission's Docket office.

6. The process office and the parties are directed to add the following names to the service list for this proceeding:

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Dated November 20, 2006, at San Francisco, California.

/s/ MARYAM EBKE

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Administrative Law Judge

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Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated November 20, 2006, at San Francisco, California.

/s/ ELVIRA NIZ

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