



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

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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

And Related Matter.

Application 16-07-015

**MOTION TO RESTRICT THE NET-METERING YEAR TO 12 MONTHS and
ALLOW SOLAR PROVIDER COMMUNICATION WITH IOU UNTIL
SUCCESSFUL BILLING SETUP UNDER NEM,
AKA THE ONE YEAR IS 12 MONTHS MOTION**

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Dated February 17, 2021

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2 MOTION TO RESTRICT THE NET-METERING YEAR TO 12 MONTHS and
3 ALLOW SOLAR PROVIDER COMMUNICATION WITH IOU UNTIL
4 SUCCESSFUL BILLING SETUP UNDER NEM,
5 AKA THE ONE YEAR IS 12 MONTHS MOTION
6

7 ARTICLE 11. LAW AND MOTION 11.1. (Rule 11.1) Motions. (a)

8 (a) A motion is a request for the Commission or the Administrative Law
9 Judge to take a specific action related to an open proceeding before the
10 Commission.

11 Article 11 11.1. (Rule 11.1) Motions. (d) (d) A motion must
12 concisely state the facts and law supporting the motion and the specific relief
13 or ruling requested.

14 On the following pages ABC Solar will outline the facts and law as it is
15 known to the 14-month year that IOU Southern California Edison NEM staff
16 say is “normal”. In addition, ABC Solar will show just cause to order that

17 Solar Providers may communicate on behalf of their solar clients with IOUs
18 up and until NEM billing is set up properly.

19 Therefore, this motion is presented in two sections:

20

21 1. FACTS Page 3

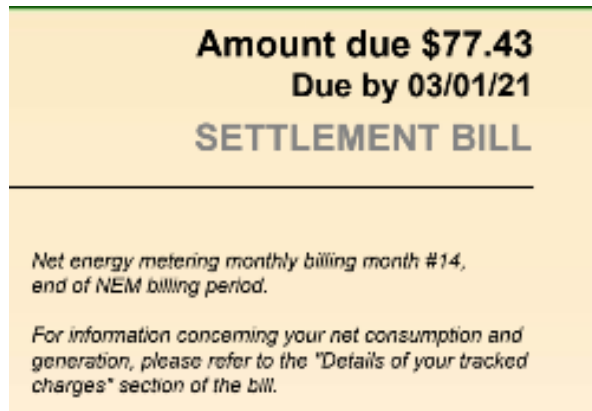
22 2. Specific Motion Language with
23 addition / deletion suggestions. Page 7

24 3. LAW Page 8

25 4. Conclusion Page 10

26 On February 16, 2017 Bradley Bartz, President of ABC Solar
27 Incorporated, spoke to IOU SCE NEM staff about an ABC Solar client that
28 has a NEM Settlement Bill ending in month 14. The conversation with the
29 NEM representative was “generic”, meaning we did not speak of a specific
30 client.

31 The NEM staff said a 14-
32 month NEM year is normal and
33 that the client just has to accept
34 that SCE failed. (I Paraphrase for



35 dramatic effect.) But, the conversation did speak of the SCE Failed computer

36 programming that they have been chasing for 18 months or more. It is clear
37 to ABC Solar and the NEM staff that something is not right.

38 The NEM staff kept saying that the client needs to call SCE to protect
39 their privacy. And that I should know that after Permission to Operate PTO
40 the solar provider is no longer able to communicate.

41 I explained the NEM staff that I give my clients specific instructions to
42 call SCE and demand a manual meter check by management and a full
43 account review. I also explained the SCE NEM staff is giving my clients lip
44 service in that they say they know they have bad billing and that they will fix
45 it. But time is not kind to SCE because these same clients who did indeed
46 advocate for themselves keep coming back to me to fix.

47 The NEM staff admitted that the clients face a black hole of customer
48 support and that indeed that they are not getting relief.

49 The NEM Agreement signed by ratepayers says SCE is supposed to
50 notify the ratepayer when they fail in setting up NEM billing within 30 days
51 of PTO. THIS IS NOT BEING DONE.

52 This motion and facts discussion is meant to enlighten this rulemaking
53 body to an easy fix that will bring great relief to a documented over 20,000
54 SCE Ratepayers.

55 One impact of the success of this motion is to force SCE to be in
56 compliance with RULE 21 and other CPUC rules that govern their
57 compliance and relationship with time.

58 A key fact is that on December 28, 2021 SCE filed a report about failed
59 solar NEM billing for over 20,000 ratepayers. They filed 2 minutes late. The
60 apology email for being 2 minutes late should be discussed and analyzed as
61 this: When the ALJ is watching SCE is in compliance and feints with colorful
62 and apologetic language for forgiveness. But when the ALJ is not watching
63 SCE is not in compliance. When the compliance regime at the CPUC is
64 asleep at the wheel then SCE can make a year be 14 months.

65 ABC Solar has made this rulemaking body aware of the SCE Failed
66 NEM Billing for an exceptionally long time.

67 A POINT OF ORDER NEEDS TO BE EXPRESSED in regard to the
68 zealous pursuit of fraud complaints from consumers against solar contractors.
69 If SCE does not set up NEM billing correctly who do you think the consumer
70 blames? The answer is ABC Solar in our case.

71 The point of order is: a cross reference must happen between two lists.

72 a. List of consumers fraud complaints and court actions against solar
73 contractors

74 b. List of consumers with SCE Failed NEM Billing accounts.

75 If a consumer is on both lists then the CPUC must blame SCE first
76 and take immediate and corrective action. In effect SCE can cause
77 irreparable harm just by purposely failing on NEM billing. The
78 communications blockade of the Solar Provider after PTO but before
79 successful NEM billing setup must stop.

80 Second POINT OF ORDER – this will also be added to the law section
81 but CA PUC 1759(a) – the Negative Option Billing is ok for IOUs but is
82 illegal federally. ALJ, this is not a side conversation to this MOTION TO
83 RESTRICT THE NET-METERING YEAR TO 12 MONTHS and ALLOW
84 SOLAR PROVIDER COMMUNICATION WITH IOU UNTIL SUCCESSFUL
85 BILLING SETUP UNDER NEM, AKA THE ONE YEAR IS 12 MONTHS
86 MOTION.

87
88 SCE does not seem to have the institutional experience in helping
89 ratepayers achieve the best value rate tariff. That is because CA PUC
90 1759(a) has allowed SCE to wait for the consumer to raise their hand first
91 before fixing billing to the best value rate tariff for the consumer.

92
93 This pattern of Negative Option Billing behavior has infected the NEM
94 Billing department.

95

96 Now, I will digress with a sidebar: The IOU rush to smart meters
97 should be a boon for ratepayers. The Smart Meter in real-time can ‘KNOW’
98 the best value rate tariff for the consumer. The CPUC should reject in
99 whole CA PUC 1759(a) and force SCE back into the customer service
100 business.

101

102 Now, Therefore, I respectfully request that this motion be laid on the
103 table for consideration, discussion and action. Two simple things will create
104 a great relief for solar ratepayers trapped by the SCE and IOU
105 communications blockade.

106

107 Grant this motion to allow Solar Providers to communicate with IOUs
108 on behalf of our solar customers up and until NEM billing is set up properly.

109

110 This communications blockade is an internal policy of SCE and it is
111 done to cause harm, not protect ratepayers.

112

113 **SPECIFIC MOTION LANGUAGE SUGGESTIONS**

114 At all times, the NEM Year shall be 12 months.

115 Solar Providers may remain the point of contact between consumer and
116 IOU up and until NEM Billing is successfully set up.

117

118 **THE LAW**

119

120 ARTICLE 11. LAW AND MOTION 11.1. (Rule 11.1) Motions. (a) (a) A
121 motion is a request for the Commission or the Administrative Law Judge to
122 take a specific action related to an open proceeding before the Commission.

123 -

124 282 Article 11 11.1. (Rule 11.1) Motions. (b) (b) A motion may
125 be made at any time during the pendency of a proceeding by any party to the
126 proceeding. A motion may also be made by a person who is not a party if it is
127 accompanied by a motion, pursuant to Rule 1.4, to become a party. -

128 283 Article 11 11.1. (Rule 11.1) Motions. (c) (c) Written
129 motions must be filed and served. The Administrative Law Judge may permit
130 an oral motion to be made during a hearing or conference. -

131 284 Article 11 11.1. (Rule 11.1) Motions. (d) (d) A motion
132 must concisely state the facts and law supporting the motion and the specific
133 relief or ruling requested. -

134 285 Article 11 11.1. (Rule 11.1) Motions. (e) (e) Responses to
135 written motions must be filed and served within 15 days of the date that the

136 motion was served, except as otherwise provided in these Rules or unless the
137 Administrative Law Judge sets a different date. Responses to oral motions
138 may be made as permitted by the Administrative Law Judge. -

139 286 Article 11 11.1. (Rule 11.1) Motions. (f) (f) With the
140 permission of the Administrative Law Judge, the moving party may reply to
141 responses to the motion. Written replies must be filed and served within 10
142 days of the last day for filing responses under subsection (e) unless the
143 Administrative Law Judge sets a different date. A written reply must state in
144 the opening paragraph that the Administrative Law Judge has authorized its
145 filing and must state the date and the manner in which the authorization
146 was given (i.e., in writing, by telephone conversation, etc.).

147
148 Article 11 11.6. (Rule 11.6) Motion for Extension of Time. - Motions for
149 extension of time limits established in these rules or in a ruling of an
150 Administrative Law Judge or Commissioner may be made orally, by e-mail,
151 or by letter to the Administrative Law Judge. If other parties to the
152 proceeding are affected by the extension, the party requesting the extension
153 must first make a good-faith effort to ask such parties to agree to the
154 extension. The party requesting the extension must report the results of this
155 effort when it makes its request. If the extension is granted, the party
156 requesting the extension shall notify all other parties to the proceeding of the

157 extension, unless the grant of the extension is by oral ruling delivered on the
158 record of the proceeding. If the extension is in regard to the time to file a
159 document, the opening paragraph of the document shall indicate that the
160 Administrative Law Judge has granted the extension. No extensions will be
161 granted of time requirements established by statute, unless the statute
162 permits extension or waiver of the requirement.

163

164 Article 11 11.1. (Rule 11.1) Motions. (g) (g) Nothing in this rule
165 prevents the Commission or the Administrative Law Judge from ruling on a
166 motion before responses or replies are filed.

167

168 **THE CONCLUSION**

169

170 Please help ABC Solar and other Solar Providers keep their promise to
171 clients. The report by SCE on December 28, 2021 was admittedly late
172 because the Subject Matter Experts were not available, but they submitted a
173 half-assed report anyway. Everyone on this rulemaking body, the CPUC
174 leaders, the CAB and others all know SCE has a failed billing system and
175 they have been chasing this failure at great harm and expense to the rest of
176 us solar stakeholders.

177

178 In my mind SCE admitting over 20,000 ratepayers in a failed state of
179 billing is a come to the mountain moment for the CPUC. Where is the
180 disgust? Where is the action?

181

182 A NEM Year is 12 months – Please order to SCE that a year is 12
183 months.

184

185 SCE needs to immediately inform every failed NEM billing account
186 that is over 30 days past PTO. Clients now must “discover” SCE’s failure.
187 That will not do.

188

189 CPUC and Contractors State License Board (CSLB) must cross
190 reference their consumer solar fraud complaint list with the failed NEM
191 billing accounts at the IOU. Any names on both lists must receive special
192 status and attention.

193

194 A legal support fund for ABC Solar and other solar providers being
195 blamed by their clients for SCE failed billing needs to be established.

196

197 ABC Solar has been connecting solar to the grid in California since
198 2001. This is the first time in 20 years that SCE has failed on NEM billing.
199 The SCE NEM Failed Billing is MASSIVE.

200

201 I continue to document this egregious abuse of power (or total lack of
202 ability – you choose) by SCE at www.SolarPanic.com and submit this website
203 as part of the record.

204

205 It is my sincere hope that this rulemaking body will see the common
206 sense of a NEM year ALWAYS being 12 months and that solar providers be
207 granted the right to communicate on behalf of their solar clients past PTO
208 and up and until NEM billing is setup correctly.

209

210 Please grant this motion.

211 Respectfully Submitted on February 17, 2021 from Rancho Palos
212 Verdes, California.

213 Sincerely yours,

214

215 /s/ Bradley L. Bartz

216 By Bradley L. Bartz

217

218 Bradley Lawrence Bartz

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