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<td><strong>Project Title:</strong></td>
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<td><strong>Organization:</strong></td>
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<td><strong>Submitter Role:</strong></td>
<td>Applicant</td>
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<td><strong>Submission Date:</strong></td>
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<td><strong>Docketed Date:</strong></td>
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Dear Robert B. Weisenmiller, Ph.D. Chair,

The intent of this letter is to appeal the denial by the Executive Director, Robert P. Oglesby, following the Energy Commission’s regulations in Title 20, California Code of Regulations, Section 1232.5. The basis of the Executive Directors denial is the 6-month requirement to submit once PTO has been granted was not met. Furthermore, the Executive Director noted the lack of merit of our request and noted that the CEC staff denied the conversation held on 2-9-18. We provided proof of a call made on 2-9-18, regardless of the staff denying this call. At the very least, the CEC representative did misinform us. Yet the Deputy Director, Natalie Lee, stated each staff member was interviewed regarding the matter. I requested I have the same opportunity to speak to the Executive Director regarding the matter and I was told, “he is a busy man, and that was not likely going to happen”. This dispute process seems to have been conducted unfairly against the applicant and homeowner as we did not have the same opportunity to influence the decision made.

In addition, the guidebook outlines the reconsideration process where it grants 30 days for the Executive Director to reply in writing of the denial for our reconsideration request which was not been met either. Our reconsideration letter was received on 4-16-18 and we’ve include proof of delivery in the support document included within this letter. The denial letter was instead post marked on 5-25-18, which is 9 days after the required allotted time to respond. Again, proof of the post marked letter is included within the attached support documentation. Please keep in mind, I followed up several times on the status of our reconsideration letter during this time. Being the reason for declining the initial applications is the required time allowance to submit after PTO, the lack of required response during the reconsideration process is a double standard. Is it fair to assume that the guidebook rules bend for the administer and not for the end use customer? Unfortunately, the reconsideration review was poorly handled.

We were indeed misinformed by the CEC representative on the 2-9-18 call. In addition, on 4-2-18 when Geoffrey Dodson sent the first initial email declining the application for “James Roberts” (NP0008882) due to the 6-month issue, I immediately called Geoffrey and explained my understanding of the discussion with the representative I had 2 months prior. I explained to Geoffrey I had discussed this very issue with the CEC and was upset by the email given the effort made to bring forth the issue in advance. I also explained there were 2 additional projects with the same issue and that I would gather proof of the call made and start the reconsideration process.

As mentioned throughout the dispute process with the CEC, our intention was never to ignore the guidebook rules and took steps to handle this properly with the CEC. Instead our intention is to simply do the right thing by the 3 homeowner who are currently threatening to sue over this issue. I truly hope that you’ll see that these are real people financially impacted by these events. We would like to kindly request you overturn the Executive Director’s decision to decline these applications based on the 6-month requirement. We appreciate your time and support in advance.

Kind regards,

Amrit Peck
Pursuing Clean Energy

The momentum established in California to tackle the pressing challenge of climate change is building. Governor Edmund G. Brown Jr. has ensured the state’s impact is global. Recently, he welcomed Portugal to the Under2 Climate Coalition – the global pact among cities, states, and countries to limit the increase in global average temperature to below 2 degrees Celsius. With Portugal, the Under2 Coalition includes 206 jurisdictions – equivalent to 17 percent of the global population and 40 percent of the global economy.

The Energy Commission has been doing its part. I recently visited China for high-level meetings in Beijing, Chengdu, Guangzhou, and Shanghai. We discussed opportunities to advance innovation in clean technologies and an existing memorandum of understanding on energy storage technologies.

In April, the Energy Commission hosted the first meeting of the Disadvantaged Communities Advisory Group, which was established by Senate Bill 350. This 11-member group was formed by the Energy Commission and the California Public Utilities Commission (CPUC) to ensure low-income households and hard-to-reach energy customers are not left behind as the world benefits from 21st century grid advancements. I have high expectations for this group as California pursues energy efficiency savings, clean energy throughout the grid, realistic ways to reduce reliance on fossil fuels, and ensures that energy is accessible to all.

The Energy Commission in May approved energy efficiency standards for new buildings. The new standards, which will go into effect January 2020, require solar panels on new residential buildings. The requirement is possible because a small solar system, in all climate zones of California, is technically feasible and cost effective. The systems do add cost to a new home, but financing ensures that the energy savings puts more money in consumers’ pockets. Costs should be even lower in 2020 as large developments install systems in bulk. What is more, any increase in solar energy use reduces the use of energy produced by fossil fuels. California wants to reduce greenhouse gas emissions 40 percent below 1990 levels by 2030, and we have a long way to go.

The marketplace is evolving as customers no longer need to rely on utilities to provide energy. They are adding solar to their rooftops, and striking agreements with community choice aggregators or private resellers often called direct access providers. Large industrial customers are buying power directly from renewable generators. These changes were discussed at a recent hearing of the Energy Commission and the CPUC. With so many changes happening in the market, we must work to ensure customers continue to access safe, reliable and affordable clean energy.

All these changes require additional foresight and I look forward to working with you to meet these challenges.

Robert B. Weisenmiller

Chair, California Energy Commission
Track Another Package +

Tracking Number: 9505514310228102064228

Your item was delivered in or at the mailbox at 9:05 am on April 16, 2018 in SACRAMENTO, CA 95814.

Status

✔ Delivered

April 16, 2018 at 9:05 am
Delivered, In/At Mailbox
SACRAMENTO, CA 95814

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.
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</table>
May 22, 2018

Ms. Amrit Peck  
P.O. Box 2307  
Blue Jay, CA 92317

Dear Ms. Peck:

This letter is in response to your request submitted on April 16, 2018, for reconsideration of the denial of New Solar Homes Partnership (NSHP) reservation applications submitted to the California Energy Commission (Energy Commission) including the project referred to “James Roberts” (NP000882).

Under the New Solar Homes Partnership Guidebook, Eleventh Edition (NSHP Guidebook, 11th Edition), projects that have installed PV equipment more than six months before submitting the initial NSHP application are ineligible (Chapter II, Section D).

According to documentation submitted, the “James Roberts” project’s Permission to Operate (PTO) was granted by San Diego Gas and Electric on August 25, 2017. The Energy Commission allows the date of the PTO to serve as the installation date in determining the six month deadline for application submittal. The reservation application for the subject custom home project was submitted to the Energy Commission on March 10, 2018, which was after the 6-month deadline referenced above. Therefore the reservation application for “James Roberts” was denied by Energy Commission staff on April 17, 2018, based on the determination that the application did not meet the NSHP Guidebook, 11th Edition criteria as it was submitted more than 6 months after installation.

Your request stated that an Energy Commission staff person told you over the phone on February 9, 2018, that a late application wouldn’t be an issue. Energy Commission staff do not have permission or authority to waive NSHP Guidebook requirements. Additionally, Energy Commission staff deny making any statements indicating an exception or waiver of application requirements would be granted. It is the responsibility of all applicants to ensure that all NSHP Guidebook requirements have been met before submitting an application. Appendix A, Section K of the NSHP Guidebook, 11th Edition allows an applicant to petition the Executive Director for reconsideration if a reservation application is denied. I have considered your request for reconsideration of the denial of the NSHP reservation application for the “James Roberts” project and staff’s recommendations and for the reasons stated above deny the reconsideration request for lack of merit. The subject project does not meet the eligibility requirements in the NSHP Guidebook, 11th Edition to receive NSHP incentives.
May 22, 2018

Ms. Amrit Peck
P.O. Box 2307
Blue Jay, CA 92317

Dear Ms. Peck:

This letter is in response to your request submitted on April 16, 2018, for reconsideration of the denial of New Solar Homes Partnership (NSHP) reservation applications submitted to the California Energy Commission (Energy Commission) including the project referred to as “Mike Patterson” (NP000872). Please note that the reconsideration request referenced this project as “James Patterson” but the project name should be “Mike Patterson” according to the documentation originally submitted for this project.

Under the New Solar Homes Partnership Guidebook, Eleventh Edition (NSHP Guidebook, 11th Edition), projects that have installed PV equipment more than six months before submitting the initial NSHP application are ineligible (Chapter II, Section D).

According to documentation submitted, the “Mike Patterson” project’s Permission to Operate (PTO) was granted by Southern California Edison on July 26, 2017. The Energy Commission allows the date of the PTO to serve as the installation date in determining the six month deadline for application submittal. The reservation application for the subject custom home project was submitted to the Energy Commission on March 19, 2018, which was after the 6-month deadline referenced above. Therefore the reservation application for “Mike Patterson” was denied by Energy Commission staff on April 17, 2018, based on the determination that the application did not meet the NSHP Guidebook, 11th Edition criteria as it was submitted more than 6 months after installation.

Your request stated that an Energy Commission staff person told you over the phone on February 9, 2018, that a late application wouldn’t be an issue. At that time the application deadline for this project had already passed. Energy Commission staff do not have permission or authority to waive NSHP Guidebook requirements. Additionally, Energy Commission staff deny making any statements indicating an exception or waiver of application requirements would be granted. It is the responsibility of all applicants to ensure that all NSHP Guidebook requirements have been met before submitting an application. Appendix A, Section K of the NSHP Guidebook, 11th Edition allows an applicant to petition the Executive Director for reconsideration if a reservation application is denied. I have considered your request for reconsideration of the denial of the NSHP reservation application for the “Mike Patterson” project and staff’s recommendations and for the reasons stated above deny the reconsideration request for lack of merit. The subject project does not meet the eligibility requirements in the NSHP Guidebook, 11th Edition to receive NSHP incentives.
May 22, 2018

Ms. Amrit Peck
P.O. Box 2307
Blue Jay, CA 92317

Dear Ms. Peck:

This letter is in response to your request submitted on April 16, 2018, for reconsideration of the denial of New Solar Homes Partnership (NSHP) reservation applications submitted to the California Energy Commission (Energy Commission) including the project referred to as “Greg Gallagher” (NP00089M).

Under the New Solar Homes Partnership Guidebook, Eleventh Edition (NSHP Guidebook, 11th Edition), projects that have installed PV equipment more than six months before submitting the initial NSHP application are ineligible (Chapter II, Section D).

According to documentation submitted, the “Greg Gallagher” project’s Permission to Operate was granted by Southern California Edison on June 30, 2017. The reservation application for the subject custom home project was submitted to the Energy Commission on March 20, 2018, which was after the 6-month deadline referenced above. Therefore the reservation application for “Greg Gallagher” was denied by Energy Commission staff on April 17, 2018, based on the determination that the application did not meet the NSHP Guidebook, 11th Edition criteria as it was submitted more than 6 months after installation.

In your request you stated that there was a lack of internet access at the site and an inability of the HERS raters to get necessary data. The NSHP Guidebook, 11th Edition does not provide for an exception or waiver of the above-mentioned application deadline under these circumstances. Your request also stated that an Energy Commission staff person told you over the phone on February 9, 2018, that a late application wouldn’t be an issue. At that time the application deadline for this project had already passed. Energy Commission staff do not have permission or authority to waive NSHP Guidebook requirements. Additionally, Energy Commission staff deny making any statements indicating an exception or waiver of application requirements would be granted. It is the responsibility of all applicants to ensure that all NSHP Guidebook requirements have been met before submitting an application. Appendix A, Section K of the NSHP Guidebook, 11th Edition allows an applicant to petition the Executive Director for reconsideration if a reservation application is denied. I have considered your request for reconsideration of the denial of the NSHP reservation application for the “Greg Gallagher” project and staff’s recommendations and for the reasons stated above deny the reconsideration request for lack of merit. The subject project does not meet the eligibility requirements in the NSHP Guidebook, 11th Edition to receive NSHP incentives.
Attention Energy Commission Chair,

I’m contacting you regarding a reconsideration request. Please see the email below and the documents attached. We still not received the promised denial in writing, so that we can properly challenge the Executive Director’s decision to deny our request with you, the Commission Chair. Furthermore, it would seem that there is a double standard regarding deadlines per the guidebook. The reason the deputy director, Natalie Lee, suggested for the decline is the program rules regarding a 6-month period to submit after PTO is granted. But the guidebook also grants 30 days for the Executive Director to reply in writing of the denial for our reconsideration request which has not been met either. Is it fair to assume that the guidebook rules bend for the administer and not the end use customer? I’m very disappointed in this depute process. On 4-16-18 when the letter was received, I called the CEC to verify. At that time, I was told my letter was received and it is being passed around the office. Then Natalie suggested that each reviewer had briefed the executive director on the matter, which doesn’t feel like a fair dispute process. Yet still nothing has been provided by the Executive Director in writing, not even a phone call after multiple attempts to get a status update. I’d like to see the CEC do the right thing for these homeowners. Please kindly reconsider these 3 applications prior to the reservation deadline of June 1st. Thank you for your time in advance.

AMRIT PECK
ENERGY OUTLET
MOBILE: 909.921.7601
OFFICE: 844.373.2283
apeck@energy-outlet.com

www.energy-outlet.com

Hi Diane,

I sent the email below earlier today to follow up on the dispute with the CEC. I received a call back from Natalie and unfortunately, she said they are working up a denial letter. I’m sorry I did my very best to try to make the case on the customer’s behalf. The homeowner will need to get involved and Jarco as well. I’ve provided instructions below from the guidebook on the next dispute steps. Let’s chat when you have a moment.
If an applicant's petition for reconsideration is denied, the petitioner may file a letter of appeal to the Energy Commission Chair within 30 days of the date of the Executive Director or his or her designee’s written response denying the petition. The letter of appeal shall be submitted to the Energy Commission Chair and processed as an appeal from a request for investigation following the Energy Commission’s regulations in Title 20, California Code of Regulations, Section 1232.5.

The letter of appeal shall state the basis for challenging the Executive Director or his or her designee’s denial. In addition, the letter of appeal shall include a copy of the petition for reconsideration, all supporting documentation submitted with the petition, and a copy of the Executive Director or his or her designee’s written response.

Within 45 days of the filing of a complete letter of appeal, the Energy Commission Chair shall issue a written order sustaining the Executive Director or his or her designee’s denial, modifying it, overturning it, or referring the matter to an Energy Commission committee or the full Energy Commission for further evaluation.

An applicant seeking to file a petition for reconsideration or appeal pursuant to this section may contact the Public Adviser’s Office for information on the filing process. The contact information for the Public Adviser’s Office is:

California Energy Commission Public Adviser's Office
1516 9th Street, MS-12 Sacramento, CA 95814-5512
Email: PublicAdviser@energy.ca.gov

Gallagher - NP00089M- $3750.00
Roberts- NP000882 - $3426.00
Patterson - NP000872 $3632.00

AMRIT PECK
ENERGY OUTLET
MOBILE: 909.921.7601
OFFICE: 844.373.2283
apeck@energy-outlet.com

www.energy-outlet.com

From: Amrit Peck <apeck@energy-outlet.com>
Sent: Monday, May 21, 2018 10:17 AM
To: renewable@energy.state.ca.us
Cc: rebates@energy-outlet.com
Subject: Reconsideration response pending
Importance: High

Hello,

I’m concerned about the lack of response regarding the reconsideration letter mailed to the CEC. It was received on 4-16-18, I’ve attached a copy of the letter and a screenshot with proof of delivery. I did receive a voicemail from Natalie Lee at the CEC on Friday 5-4-18. I’ve been trying to reach Natalie regarding the matter since then. I’ve left 3 messages and called at least 5 times trying to reach her. My concern is the deadline to approve new NSHP Program reservations is June 1, 2018. All funding amounts in approved reservations are final as of June 1, 2018. With that in mind, the CEC has had our reconsideration letter for over 30 days and we are now pushing up against this final deadline. It is my understanding based on the guidebook that the CEC shall provide a written response within 30 days of receiving the dispute letter. Although it has been 35 days and we have not received a response. Based on the determination by the Executive Director, we will need time to work with the reviewers to secure the reservations or if denied, we will be
looking to file a letter of appeal to the Energy Commission Chair. Again, our intention is do the right thing by the home owner here and we would like to be given the chance to secure these reservations before the program closes. Please kindly reply with the status of our dispute at your earliest opportunity. Thanks, we greatly appreciate your assistance.

AMRIT PECK
ENERGY OUTLET
MOBILE: 909.921.7601
OFFICE: 844.373.2283
apleck@energy-outlet.com

www.energy-outlet.com
Amrit Peck

From: Diane Doyle <info@jarcoroofingandsolar.com>
Sent: Wednesday, June 20, 2018 9:28 AM
To: Amrit Peck
Subject: Fwd: Reconsideration response pending (Don Rasmussen, Jarco Roofing & Solar and Amrit Peck)
Attachments: CEC dispute letter.docx; screenshot_proof of delivery CEC dispute.pdf

Good Morning Amrit,

Attached is the letter from Kevin Barker replying back to Don’s email sent on 5/21 and again on 6/14 regarding the (3) customers that were denied their rebate. This email was sent yesterday and he is saying that we only have 30 days. That is tomorrow. Can you please help us with this? I have no idea what to do.

Thank you,
Diane

---------- Forwarded message ----------
From: Don Rasmussen <don@jarcoroofingandsolar.com>
Date: Wed, Jun 20, 2018 at 7:27 AM
Subject: Fwd: Reconsideration response pending (Don Rasmussen, Jarco Roofing & Solar and Amrit Peck)
To: Diane Doyle <info@jarcoroofingandsolar.com>

---------- Forwarded message ----------
From: Barker, Kevin@Energy <Kevin.Barker@energy.ca.gov>
Date: Tue, Jun 19, 2018 at 12:07 PM
Subject: Reconsideration response pending (Don Rasmussen, Jarco Roofing & Solar and Amrit Peck)
To: "don@jarcoroofingandsolar.com" <don@jarcoroofingandsolar.com>
Cc: "Cross, Catherine@Energy" <Catherine.Cross@energy.ca.gov>

Good Afternoon Mr. Rasmussen,

Thank you for your email to Catherine. I would like to follow up with information from the New Solar Homes Partnership Guidebook that spells out an appeal process. It is my understanding from your email that you would like to appeal to the Chair of the Energy Commission after the denial of reconsideration that was sent by the Executive Director on May 22, 2018.

I have been instructed to only send process information as I work for the Chair and we are not allowed to discuss the merits of the denial outside of the formal appeal process.
The 11th Edition of the NSHP Guidebook does give instructions on how to appeal the Executive Director’s decision. Under Appendix A-7, subsection 3 “Energy Commission Appeals” explains this.

1. Applicant may file a letter of appeal with the Energy Commission Chair within 30 days of the Executive Director’s written response denying the letter of reconsideration.

2. The letter of appeal shall state the basis for challenging the Executive Director’s denial.

3. The letter shall include a copy of the original disputed claim and supporting documents, the letter of reconsideration and the supporting documentation submitted with the letter, and copies of written responses from the Accounting Office and the Executive Director.

Therefore, if you would like to follow the steps above to appeal to the Chair, please do so. I would note there is not a lot of time left on the 30 day clock since the denial was sent on May 22.

Once we have received the appeal as well as the documentation, the Chair shall issue a written order sustaining the Executive Director’s denial, modifying it, overturning it, or referring the matter to an Energy Commission committee of the full Energy Commission for further evaluation.

I hope I have clearly explained the process.

Best,

Kevin

Kevin M. Barker
Chief of Staff to Chair Weisenmiller
1516 Ninth Street MS – 33
Sacramento, CA 95814
(916) 764-5544
Catherine,

I sent you an email on May 21. You acknowledged receipt of the letter but I haven't heard back for a couple of weeks. I realize you are very busy but our customers are not happy. I understand that there are time limits on submittals, but the CEC also has time limits on responses. It appears as if the rule is applied in one direction only. The NSHP program also is ending prematurely at phase 8 instead of phase 10, I believe because of the 2020 solar mandate for new homes. So the money is obviously in the fund and could easily be distributed. This conflict will leave a bad taste for the 3 customers that are threatening to sue over approximately $3500.00 each. Any help would be appreciated.

Sincerely,

Don Rasmussen

Jarco Roofing and Solar
Catherine,

My name is Don Rasmussen and I'm with Jarco Roofing and Solar. I understand that you are the Administrative Assistant to Chair Robert Weisenmiller of the California Energy Commission. Maybe you can help us with a situation concerning the NSHP program that is coming to an end June 1. Below is a short record of the correspondences we have had with the CEC. In short, we have 3 homeowners that were denied even though we were assured verbally that things were fine. Any assistance you can provide would be appreciated.

Thank You

Don Rasmussen

-------- Forwarded message --------
From: Diane Doyle <info@jarcoroofingandsolar.com>
Date: Mon, May 21, 2018 at 1:59 PM
Subject: Fwd: FW: Reconsideration response pending
To: Don Rasmussen <don@jarcoroofingandsolar.com>

-------- Forwarded message --------
From: Amrit Peck <apeck@energy-outlet.com>
Date: Mon, May 21, 2018 at 1:35 PM
Subject: FW: Reconsideration response pending
To: Diane Doyle <info@jarcoroofingandsolar.com>
Cc: rebates@energy-outlet.com

Hi Diane,

I sent the email below earlier today to follow up on the dispute with the CEC. I received a call back from Natalie and unfortunately, she said they are working up a denial letter. I'm sorry I did my very best to try to make the case on the customer's behalf. The homeowner will need to get involved and Jarco as well. I've provided instructions below from the guidebook on the next dispute steps. Let's chat when you have a moment.

***

If an applicant’s petition for reconsideration is denied, the petitioner may file a letter of appeal to the Energy Commission Chair within 30 days of the date of the Executive Director or his or her designee’s written response denying the petition. The letter of appeal shall be submitted to the Energy Commission Chair and processed as an appeal from a request for investigation following the Energy Commission’s regulations in Title 20, California Code of Regulations, Section 1232.5.
The letter of appeal shall state the basis for challenging the Executive Director or his or her designee’s denial. In addition, the letter of appeal shall include a copy of the petition for reconsideration, all supporting documentation submitted with the petition, and a copy of the Executive Director or his or her designee’s written response.

Within 45 days of the filing of a complete letter of appeal, the Energy Commission Chair shall issue a written order sustaining the Executive Director or his or her designee’s denial, modifying it, overturning it, or referring the matter to an Energy Commission committee or the full Energy Commission for further evaluation.

An applicant seeking to file a petition for reconsideration or appeal pursuant to this section may contact the Public Adviser’s Office for information on the filing process. The contact information for the Public Adviser’s Office is:

California Energy Commission Public Adviser's Office
1516 9th Street, MS-12 Sacramento, CA 95814-5512
Email: PublicAdviser@energy.ca.gov

Gallagher - NP00089M- $3750.00
Roberts- NP000882 - $3426.00
Patterson - NP00087Z $3632.00

AMRIT PECK
ENERGY OUTLET
MOBILE: 909.921.7601
OFFICE: 844.373.2283
apeck@energy-outlet.com
Ms. Amrit Peck  
P.O. Box 2307  
Blue Jay, CA 92317
California Energy Commission
Attention: To the Chair's office
Robert B. Weisenmiller
1516 9th Street, MS-33
Sacramento, CA 95814-5612