

**DOCKETED**

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## **BSTD-19-08 Poison Pill 10-109(k)**

BSTD-19-08 Poison Pill 10-109(k)

As I spoke of in TN230593 "Steve Uhler Comments - BSTD-19-08 Let us focus on retail sales of energy consumption and cost effectiveness", <https://efiling.energy.ca.gov/GetDocument.aspx?tn=230593>, there appears to be a poison pill in 10-109 (k).

Perhaps a home builder will submit a application required by 10-109 (k) and start the process to remove the building standard requirement of Section 150.1(c)14 for PV generation installed at home sites in SMUD service area and any other service areas the Energy Commission approval of SMUD's application allows. Builders and SMUD both win. Builders reduce their costs by \$8,000 and SMUD does not have to worry that rooftop PV will be mandatory in their service area till the next building standards cycle.

If you approve their application, SMUD can structure the cost of SolarShares to make rooftop not cost effective and kill the mandate till the next building standard cycle. SMUD then does not have to worry that rooftop PV will be mandatory in their service area till the next building standards cycle. SMUD costs will be lower because SMUD is not supplying JA11.5 remote monitoring in real-time as required by rooftop PV.

10-109 (k) says:

### 10-109 (k) Photovoltaic System Requirement Determinations

The Commission may, upon written application or its own motion, determine that the photovoltaic requirements in Section 150.1(c)14 shall not apply, if the Commission finds that the implementation of public agency rules regarding utility system costs and revenue requirements, compensation for customer-owned generation, or interconnection fees, causes the Commission's cost effectiveness conclusions, made pursuant to Public Resources Code 25402(b)(3), to not hold for particular buildings.

Applications shall include full information regarding the differences between public agency rules and Energy Commission cost effectiveness determinations, including all information requested by the Commission to enable full review of the application. Applications shall also include specific recommended limitations to the scope of the determination that is requested, and specific eligibility criteria to determine what buildings would qualify for the determination. Applications from public agencies shall be submitted to the Energy Commission only after public review within the jurisdiction of the public entity or service area of the utility.

As found in CEC-400-2018-020-CMF.pdf on page 32 (PDF page 40)  
<https://ww2.energy.ca.gov/2018publications/CEC-400-2018-020/CEC-400-2018-020-CMF.pdf>

Energy Commission Commissioners, please explain why you think a builder would not submit a 10-109 (k) application. Perhaps these two videos will be in the application if the Energy Commission does not have rules to stop SMUD from hiding costs in the rates all of their ratepayers (baked into the rates).

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=229857> main point starts at 00:40

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=230374> main points are found starting at 03:35 and 04:35

Please watch the videos again, and definitely watch if you have not, as I did not hear the commissioners ask in open meeting about SMUD hiding costs for SolarShares in their rates in your consideration of their application at the business meeting on 11/13/2019.

Looking forward to the commissioner comments and questions about 10-109 (k) at the next meeting where 19-BSTD-08 is on the agenda and noticed in the docket 19-BSTD-08.

Perhaps staff have overlooked placing resolution in the docket 19-BSTD-08 prior to adoption. This triggers the mail list notification system. Tabling the item will allow staff to correct this over site before the (revised?) resolution is placed on the agenda for adoption.

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