

January 5, 2024

Advice No. 147-E
(Center for Sustainable Energy®)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
ENERGY DIVISION

SUBJECT: Proposed Revisions to the Solar On Multifamily Affordable Housing (SOMAH) Program Handbook and Program Implementation Plan to Implement Certain Program Modifications Pursuant to Senate Bill 355

PURPOSE

Pursuant to California Public Utilities Commission (CPUC or Commission) Decision (D.)17-12-022, Center for Sustainable Energy® (CSE), on behalf of the Program Administrator (PA) Team for the SOMAH Program, respectfully submits this Advice Letter to propose necessary revisions to the SOMAH Program Handbook and Program Implementation Plan to implement certain program modifications pursuant to Senate Bill (SB) 355 (Stats. 2023, Ch. 393).

BACKGROUND

Assembly Bill (AB) 693 (Stats. 2015, Ch. 582) created the Multifamily Affordable Housing Solar Roofs Program, funded at up to \$100 million annually from the investor-owned utilities' (IOU) share of greenhouse gas (GHG) auction proceeds. Commission Decision D.17-12-022 implemented AB 693 and changed the name of the program to the Solar On Multifamily Affordable Housing (SOMAH) Program to distinguish it from other state clean energy and low-income solar programs. D.17-12-022 established the program's budget, incentive structure, and eligibility policies, and, among other items, it determined that the SOMAH Program would be administered by a single statewide program administrator (PA) selected through a competitive request for proposal process.

D.17-12-022 additionally directed the SOMAH PA to submit a proposed SOMAH Program Handbook and a proposed Program Implementation Plan (PIP) via Tier 3 Advice Letter for Commission consideration, subject to approval in a formal resolution. The SOMAH Program Handbook was approved via disposition of GRID Alternatives' Advice Letter 11 and its supplement, GRID Alternatives' Advice Letter 11-B, effective May 9, 2019, per Resolution E-4987 Ordering Paragraphs. The SOMAH PIP was approved via disposition of CSE Advice Letter 92 and its supplement, CSE Advice Letter 92-A, effective May 9, 2019, per Resolution

E-4987 Ordering Paragraphs. D.17-12-022 also provided, “[o]nce the SOMAH Program Handbook is adopted, the PA may propose program adjustments to the Program Handbook via a Tier 2 Advice Letter.”¹

On October 7, 2023, SB 355 was signed by the Governor. Among other things, SB 355 extends the SOMAH Program through December 31, 2032; revises the income eligibility pathway to require that at least 66 percent of the property’s residents have incomes at or below 80 percent of the area median income, as defined in subdivision (f) of Section 50052.5 of the Health and Safety Code; and adds two new eligibility pathways for properties owned by tribes and for rental housing properties owned by a public housing authority created pursuant to the Housing Authorities Law [Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code] or a public housing agency, as defined in Section 1437a of Title 42 of the United States Code.

Accordingly, pursuant to D.17-12-022, the SOMAH PA hereby submits a Tier 2 Advice Letter to propose necessary revisions to the SOMAH Program Handbook and PIP to implement these program modifications pursuant to SB 355.

DISCUSSION

This Advice Letter proposes revisions to the SOMAH PIP and SOMAH Program Handbook to implement certain program modifications pursuant to SB 355.

Proposed Revisions to SOMAH Program Handbook and SOMAH PIP

The proposed revisions to the SOMAH Program Handbook and the SOMAH PIP are summarized below and also shown in redlined format in Attachment A for the SOMAH Program Handbook and in Attachment B for the SOMAH PIP.

A. Extend SOMAH Program through December 31, 2032.

This Handbook and PIP change will:

- Implement extension of the SOMAH Program through December 31, 2032, pursuant to SB 355.

Description:

As established by AB 693 and D.17-12-022, the SOMAH Program is authorized to award monetary incentives for qualifying solar energy systems that are installed on qualified multifamily affordable housing properties through December 31, 2030. Pursuant to SB 355, the program has been extended for two years to revise the effective period through December 31, 2032.

¹ D.17-12-022, *Decision Adopting Implementation Framework for Assembly Bill 693 and Creating the Solar On Multifamily Affordable Housing Program*, December 14, 2017, page 56 and Appendix B, page 1.

Affected Handbook Section(s):

- Section 1, Introduction: The SOMAH Program
- Section 1.1.3, SOMAH Program Goals
- Section 1.1.4, SOMAH Program Budget
- Section 1.1.5, Capacity Targets
- Section 1.2, SOMAH Program Handbook
- Section 2.3.6, Interconnection, Performance and Permanency Requirements
- Appendix W, Code of Conduct

Affected PIP Section(s):

- Section I, Introduction
- Section IV, Program Budget
- Section X, Interim Targets for Capacity Goals
- Table: “Estimated Maximum MWs Installed Per Year”
- Table: “Estimated Incentive Funding Needed to Reach 300 MW Goal”

B. Revise Income Eligibility Pathway to Require that At Least 66 Percent of the Property’s Residents Have Incomes at or Below 80 Percent of the Area Median Income, as defined in Subdivision (f) of Section 50052.5 of the Health and Safety Code.

This Handbook and PIP change will:

- Implement the revised income eligibility pathway for the SOMAH Program pursuant to SB 355 to require that at least 66 percent of the property’s residents have incomes at or below 80 percent of the area median income, as defined in subdivision (f) of Section 50052.5 of the Health and Safety Code.

Description:

In accordance with the eligibility requirements of a “qualified multifamily affordable housing property”, the property must meet one or more criteria, which includes an area median income (AMI) threshold for residents of the property. While this pathway of income qualification is an existing pathway for program eligibility, the specifics of this criteria have changed. Pursuant to SB 355, this threshold is modified from at least 80 percent of households having incomes at or below 60 percent AMI to at least 66 percent of households having incomes at or below 80 percent AMI. New, expanded eligibility criteria resulting from SB 355 are further discussed in Sections C and D, below.

Affected Handbook Section(s):

- Section 2.2.1, Eligible Multifamily Low-Income Housing Properties
- Section 4.4.1.2, Documentation of Multifamily Low-Income Housing Program Eligibility

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Affected PIP Section(s):

- Section III, Requirements for Documentation of Property Eligibility, Subsection A, Property Eligibility and Documentation Table
- Section III, Requirements for Documentation of Property Eligibility, Subsection B, SOMAH Required Multifamily Low-Income Housing Eligibility Documentation
- Section VIII, Data Collection and Reporting Requirements, Subsection C, Identification of Incentives Awarded to Each Eligibility Grouping
- Footnote 31

C. Add New Eligibility Pathway for Properties owned by Tribes and Definition of “Tribe”.

This Handbook and PIP change will:

- Implement a new eligibility pathway for the SOMAH Program pursuant to SB 355 for properties owned by a tribe and define “tribe”.

Description:

In accordance with the eligibility requirements of a “qualified multifamily affordable housing property”, the property must meet one or more criteria, which SB 355 has expanded to include properties owned by tribes. This criteria pathway further expands the options beyond A) The property is located in a disadvantaged community, as identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code and B) At least 66 percent of the households have incomes at or below 80 percent of the area median income, as defined in subdivision (f) of Section 50052.5 of the Health and Safety Code,² to include C) The property is owned by a tribe. See section D below, for the fourth pathway (D) as established by SB 355.

Pursuant to SB 355, “tribe” is defined as a California Native American tribe, as defined in Section 21073 of the Public Resources Code. “California Native American tribe” means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. Interested parties are encouraged to contract the SOMAH PA for additional details on the Native American Heritage Commission list and related eligibility information for tribal projects.

Affected Handbook Section(s):

- Section 2.2.1, Eligible Multifamily Low-Income Housing Properties
- Section 4.4.1.2, Documentation of Multifamily Low-Income Housing Program Eligibility
- Appendix B, Definitions

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² The specifics of pathway B have been modified by SB 355, as noted in Section B of this Advice Letter.

Affected PIP Section(s):

- Section III, Requirements for Documentation of Property Eligibility, Subsection A, Property Eligibility and Documentation Table
- Section III, Requirements for Documentation of Property Eligibility, Subsection B, SOMAH Required Multifamily Low-Income Housing Eligibility Documentation
- Section VIII, Data Collection and Reporting Requirements, Subsection C, Identification of Incentives Awarded to Each Eligibility Grouping

D. Add New Eligibility Pathway for Rental Housing Properties Owned by a Public Housing Authority created pursuant to the Housing Authorities Law [Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code] or a Public Housing Agency, as defined in Section 1437a of Title 42 of the United States Code.

This Handbook and PIP change will:

- Implement a new eligibility pathway for the SOMAH Program pursuant to SB 355 for rental housing properties owned by a public housing authority created pursuant to the Housing Authorities Law [Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code] or a public housing agency, as defined in Section 1437a of Title 42 of the United States Code.

Description:

In accordance with the eligibility requirements of a “qualified multifamily affordable housing property”, the property must meet one or more criteria, which SB 355 has expanded to include rental housing properties owned by a public housing authority created pursuant to the Housing Authorities Law [Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code] or a public housing agency, as defined in Section 1437a of Title 42 of the United States Code. This criteria pathway further expands the options beyond A) The property is located in a disadvantaged community, as identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code and B) At least 66 percent of the households have incomes at or below 80 percent of the area median income, as defined in subdivision (f) of Section 50052.5 of the Health and Safety Code,³ to include D) The property is rental housing property that is owned by one of the following: (i) A public housing authority created pursuant to the Housing Authorities Law [Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code]; (ii) A public housing agency, as defined in Section 1437a of Title 42 of the United States Code. See section C above, for the third pathway (C), as established by SB 355. Host Customers must demonstrate qualification of a Public Housing Authority project by providing a copy of a recorded deed restriction, regulatory agreement or covenant where this ownership is indicated.

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³ The specifics of pathway B have been modified by SB 355, as noted in Section B of this Advice Letter.

Affected Handbook Section(s):

- Section 2.2.1, Eligible Multifamily Low-Income Housing Properties
- Section 4.4.1.2, Documentation of Multifamily Low-Income Housing Program Eligibility

Affected PIP Section(s):

- Section III, Requirements for Documentation of Property Eligibility, Subsection A, Property Eligibility and Documentation Table
- Section III, Requirements for Documentation of Property Eligibility, Subsection B, SOMAH Required Multifamily Low-Income Housing Eligibility Documentation
- Section VIII, Data Collection and Reporting Requirements, Subsection C, Identification of Incentives Awarded to Each Eligibility Grouping

E. Update Definition of “Qualified Multifamily Affordable Housing Property” to “Multifamily Residential *Property* of At Least Five Rental Housing Units” Instead of “Multifamily Residential *Building*”.

This Handbook and PIP change will:

- Align definition of “qualified multifamily affordable housing property” to reference a multifamily residential *property* of at least five rental housing units, instead of a multifamily residential *building*.

Description:

The definition of “qualified multifamily affordable housing property” is now representative of the *property* instead of the *building* per SB 355. This revision in the definition provides expanded eligibility to projects such as, but not limited to, manufactured home properties and mobile home properties.

Affected Handbook Section(s):

- Section 2.2.1, Eligible Multifamily Low-Income Housing Properties
- Section 2.4.1, Energy Efficiency Compliance Pathways
- Appendix B, Definitions

Affected PIP Section(s):

- Section I, Introduction
- Section II, Application Procedures, Subsection C, Ensuring Tenant Benefit
- Section III, Requirements for Documentation of Property Eligibility, Subsection A, Property Eligibility and Documentation Table
- Section III, Requirements for Documentation of Property Eligibility, Subsection B, SOMAH Required Multifamily Low-Income Housing Eligibility Documentation

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F. Acknowledgement of AB 2143 for Wage Requirements

This Handbook will:

- Include an acknowledgement of AB 2143 for wage requirements as it pertains to SOMAH job trainees.

Description:

SOMAH participants should be aware of AB 2143 prevailing wage requirements effective January 1, 2024, and comply accordingly with local guidance for projects. For more information and considerations, participants are encouraged to contact the SOMAH PA for additional direction.

Affected Handbook Section(s):

- Section 2.6.6, Contractor Job Training Responsibility

TIER DESIGNATION

Pursuant to General Order (GO) 96-B, Energy Industry Rule 5.2, and D.23-03-007, 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 January 25, 2024, 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 on the same date it is emailed to the Commission to the attention of:

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

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, February 4, 2024, which is thirty (30) calendar days after the date of submittal.

NOTICE

CSE is providing a copy of this Advice Letter to service list R.14-07-002, A.16-07-015 (consolidated).



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

cc: Service List R.14-07-002, A.16-07-015 (consolidated)

Attachments: Attachment A – Proposed Revised SOMAH Program Handbook (redlined)
Attachment B – Proposed Revised SOMAH Program Implementation Plan (redlined)



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)

January 5, 2024

Advice Letter (AL) #: 147-E

Tier Designation: 2

Subject of AL: Proposed Revisions to the Solar On Multifamily Affordable Housing (SOMAH) Program Handbook and Program Implementation Plan to Implement Certain Program Modifications Pursuant to Senate Bill 355

Keywords (choose from CPUC listing): Rebates; Solar

AL Type: Monthly Quarterly Annual One-Time Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #: D.17-12-022

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: 2/4/24

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: Proposed Revisions to the Solar On Multifamily Affordable Housing (SOMAH)

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:

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Utility Name: Center for Sustainable Energy®
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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 | |

Notice of Availability

On behalf of the Program Administrator (PA) Team for the Solar On Multifamily Affordable Housing (SOMAH) Program, Center for Sustainable Energy® (CSE) hereby provides notice that due to the size of Attachment A, an electronic copy of the redlined Proposed Revised SOMAH Program Handbook illustrating the proposed revisions may be viewed at:

www.calsomah.org/redlines12

and due to the size of Attachment B, an electronic copy of the redlined Proposed Revised SOMAH Program Implementation Plan illustrating the proposed revisions may be viewed at:

www.calsomah.org/PIPV3

If you have any problems accessing these documents, please contact Sephra Ninow via e-mail at sephra.ninow@energycenter.org.

Thank you!

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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
(Filed July 10, 2014)

And Related Matter.

Application 16-07-015

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this *CSE Advice Letter 147-E*, on all known parties of record in this proceeding by delivering a copy via email to the current service list for R.14-07-002, A.16-07-015 (consolidated).

Executed on January 5, 2024, in San Diego, CA.



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California
Public Utilities
Commission



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CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

PROCEEDING: R1407002 - CPUC - OIR TO DEVELO

FILER: CPUC

LIST NAME: LIST

LAST CHANGED: JANUARY 3, 2024

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