

RESOLUTION NO. 21-10-020

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CLEAN POWER ALLIANCE OF SOUTHERN CALIFORNIA
TO APPROVE CPA'S RESIDENTIAL TIME OF USE BILL PROTECTION TARIFF**

**THE BOARD OF DIRECTORS OF THE CLEAN POWER ALLIANCE OF SOUTHERN
CALIFORNIA DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:**

WHEREAS, the Clean Power Alliance of Southern California (formerly known as Los Angeles Community Choice Energy Authority) ("Clean Power Alliance" or "CPA") was formed on June 27, 2017;

WHEREAS, California law and the specific directives of the California Public Utilities Commission require investor owned utilities, including Southern California Edison (SCE), to default eligible residential customers to time-of-use (TOU) rates starting in October 2020 in order to provide these customers with price signals to reduce electricity consumption during periods of peak demand;

WHEREAS, SCE will begin transitioning eligible CPA residential customers to default TOU rates for their distribution charges in November of 2021 with most eligible CPA residential customers to be transitioned in February and March of 2022;

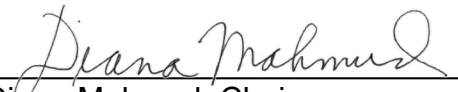
WHEREAS, CPA's Board of Directors adopted Resolution 20-01-001 on January 9, 2020, directing that eligible CPA residential customers be transitioned to default TOU generation rates and that transition to default TOU generation rates take place concurrently with SCE's transition of CPA's customers; and

WHEREAS, Resolution 20-01-001 further directed that eligible CPA customers be provided with bill protection for the first twelve (12) months following the transition to TOU generation rates to allow them time to acclimate to the change.

**NOW THEREFORE, BE IT DETERMINED, ORDERED, AND RESOLVED, BY THE
BOARD OF DIRECTORS OF THE CLEAN POWER ALLIANCE OF SOUTHERN
CALIFORNIA THAT:**

1. The Residential TOU Bill Protection Tariff as presented in Exhibit A is hereby approved effective as of November 1, 2021.
2. The approval of the Residential TOU Bill Protection Tariff is not a project under CEQA because the tariff does not fall under the definition of "project" under Section 21065 of the Public Resources Code and under CEQA Guidelines Section 15378(a) and does not have the potential for causing a significant impact on the environment under CEQA Guidelines Section 15061(b)(3).

APPROVED AND ADOPTED this 7th day of October 2021.



Diana Mahmud, Chair

ATTEST:

 for

Susan Caputo, Secretary



RESIDENTIAL TIME OF USE BILL PROTECTION TARIFF

The purpose of the Clean Power Alliance (“CPA”) Residential Time of Use (“TOU”) Bill Protection Tariff is to establish the conditions under which eligible customers will receive automatic bill protection (“Bill Protection”) during their first 12 months on default TOU rates. Bill Protection means that an eligible customer will be reimbursed for the difference if they spent more on a default TOU rate than on their otherwise applicable rate in their first year on default TOU rates.

A. APPLICABILITY

The CPA Residential TOU Bill Protection Tariff is available to residential customers who automatically or voluntarily enroll in default TOU rates between November 1, 2021, and April 1, 2022, subject to the Terms and Conditions listed below. Default TOU rates include TOU-D-4 (4-9pm) and TOU-D-5 (5-8pm) rate schedules, referred to collectively in this Tariff as “default TOU rates”.

Unless they opt to stay on their current rate, most CPA customers on DOMESTIC rates who started electric service prior to October 1, 2020, will be automatically switched to a default TOU rate by both Southern California Edison (“SCE”) and CPA by April 1, 2022,¹ and will receive 12 months of Bill Protection subject to the Terms and Conditions below. Customers who are not automatically switched to a default TOU rate but who otherwise meet the Terms and Conditions of this Tariff, and who voluntarily switch to a default TOU rate at any time between November 1, 2021, and April 1, 2022, also will receive Bill Protection. Customers who started electric service after October 1, 2020, have already been defaulted to TOU rates unless they opted out, and not eligible for Bill Protection under this Tariff.

B. RATES AND CREDITS

Customers who meet the eligibility requirements outlined in the Terms and Conditions below will be billed each month according to the published default TOU rate schedule in which they are enrolled. At the end of the Bill Protection period, CPA will reimburse a customer if a customer paid more on a default TOU rate than that customer would have paid on the customer’s otherwise applicable rate in their first year on default TOU rates. Consistent with sections C.8 and C.9, below, CPA will calculate and apply any bill protection credits accrued for generation charges or fees. Southern California Edison (“SCE”) is responsible for calculating and applying any applicable bill protection credits for distribution charges or fees.

C. TERMS AND CONDITIONS

1. **Customer eligibility:** To be eligible for Bill Protection, a customer must meet the following requirements:
 - a. The account started service before October 1, 2020;
 - b. The account is switched, either by default or by customer’s voluntary choice, to TOU-D-4 or TOU-D-5 rate between November 1, 2021 and April 1, 2022 or if section C.6, below, applies;
 - c. The account is on a DOMESTIC, DOMESTIC-C-PS, or DOMESTIC-F-PS rate with CPA prior to the transition to a default TOU rate; and,
 - d. The account has not enrolled in a TOU rate before or received Bill Protection from CPA or SCE in the past.

¹ The California Public Utilities Commission has ordered that certain residential customers be exempt from the IOUs’ default TOU, including medical baseline customers and CARE/FERA customers in hot climate zones. CPA customers in these categories will be exempted from both SCE’s and CPA’s default TOU transition.

Any CPA rate product (i.e., 100% Green Power, Clean Power, or Lean Power) is eligible to receive TOU Bill Protection.

CPA's customers on Medical Baseline rates or on CARE and FERA rates residing in "hot climate zones," as defined by the California Public Utilities Commission, will not be defaulted into TOU rates and therefore, this tariff does not apply to these customers.

2. **Ineligible rates.** Customers on the following rates are not eligible for Bill Protection:
 - a. Net Energy Metering (NEM) rate schedules
 - b. Legacy Time of Use rates: TOU-D-A, TOU-D-B, and TOU-D-T
 - c. TOU-D-PRIME and TOU-EV rates.
3. **Automatic enrollment in TOU Bill Protection.** Eligible customers shall be automatically enrolled in CPA's TOU Bill Protection Tariff. Customers are not required to apply in order to receive bill protection under this Tariff.
4. **Bill Protection period.** The Bill Protection period starts on the date at which the eligible customer's account is switched to a default TOU rate ("Start Date"). The Bill Protection period ends 12 months after the Start Date, except in the circumstances listed in section C.5, below ("End Date").
5. **Early termination of Bill Protection period.** The Bill Protection period will end less than 12 months after the Start Date under the following circumstances:
 - a. Customer switches from a default TOU rate to a rate other than TOU-D-4 or TOU-D-5 less than 12 months after the Start Date;
 - b. Customer enrolls in a NEM rate schedule less than 12 months after the Start Date;
 - c. Customer account is closed less than 12 months after the Start Date;
 - d. Customer opts out of CPA service or customer's CPA service is otherwise discontinued less than 12 months after the Start Date; or,
 - e. Customer takes an action that prevents CPA from providing service to a customer less than 12 months after the Start Date.

For customers that meet the foregoing criteria, the Bill Protection period will end on the date that the circumstance occurs. CPA will calculate and issue any Bill Protection credit for the reduced period.

6. **Late start of Bill Protection period.** If the default transition of a customer's account to a default TOU rate takes place after April 1, 2022, as a result of a billing system error or delay on the part of SCE or CPA, the Bill Protection Start Date shall commence on the date the default TOU rate transition for that account goes into effect. All other terms and conditions of the Bill Protection Tariff shall apply.
7. **New CPA customers.** Customers who begin CPA service after October 1, 2020, are not eligible for TOU Bill Protection except when an SCE bundled customer who is eligible for SCE's TOU bill protection enrolls or re-enrolls in CPA service during SCE's bill protection period.

In this circumstance, CPA will provide Bill Protection starting on the date that the customer's CPA service begins and ending when the SCE bill protection period ends, but in no event longer than 12 months following enrollment or re-enrollment in CPA service.

8. **Calculation of TOU Bill Protection credits.** CPA will use eligible customer's actual usage during the Bill Protection period to calculate how much the customer would have paid to CPA during that period if they had remained on their previous otherwise applicable rate schedule, and

compare this amount to the customer's actual CPA charges during the period. If the actual charges are higher than what the customer would otherwise have paid, CPA will issue the difference as a credit to the customer.

9. **Application of TOU Bill Protection credits.** Bill Protection credits will be applied as credit to the customer's bill within two billing cycles following the end of the Bill Protection period. If the customer's account is closed before the credit has been applied, CPA will calculate the credit due and issue a check for the unused credit to the customer's last known billing or forwarding address. Checks will expire 90 calendar days after issuance. If checks expire or are returned to CPA, a customer may request the reissuance of a check for up to one year after check issuance date and CPA will make a reasonable effort to reissue the check within 30 days of a customer's request. After one year, the funds will be considered unclaimed property and turned over to the California State Controller's Office.