

Solar-Utilities Reporting, Guidance, & Education (SURGE)

AN INITIATIVE SUPPORTING AB 2143 / PUC §769.2

Tuesday, April 30, 2024 at 1:00 PM (Microsoft Teams Webinar)



SURGE

Solar-Utilities Reporting
Guidance & Education



California Public
Utilities Commission

Webinar Ground Rules



Mics will be muted throughout the webinar to minimize background noise.



Utilize the Chat for questions or comments. We'll do our best to address them during the Q&A after all content has been presented.



Be respectful of other participants and presenters. We are here to share information and create partnerships with you all.

CPUC Introduction



✓ CPUC AB 2143 Team

- Amber Murakami-Fester, Program Manager/Regulatory Analyst
- Sarah Lerhaupt, Regulatory Analyst
- Tory Francisco, Supervisor

✓ Assembly Bill 2143/ Public Utilities Code 769.2

- Passed in 2022
- Went into effect January 2024

✓ Resources for Legislative Background

- [Prevailing Wage for Qualified Renewable Energy Facilities \(ca.gov\)](#)
- [Bill Text - AB-2143 Net energy metering: construction of renewable electrical generation facilities: prevailing wage.](#)

Meet the SURGE Team

We're here to help!



PRESENTERS



Sylvia Linn
Project Manager



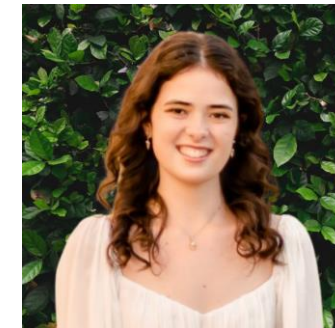
Ariana Fernandez
Sr. Prevailing Wage
Consultant & Trainer



Christina Salcedo
Sr. Marketing &
Outreach Consultant



Brittany Yamagata
Sr. Marketing &
Outreach Consultant



Grace Turney
Project
Coordinator



Today's Agenda



✓ **SURGE Overview**

- Project Eligibility
- AB 2143 / PUC 769.2 Requirements
- Prevailing Wages
- Department of Industrial Relations (DIR) Reporting

✓ **SURGE Outreach & Education**

- SURGE Website

✓ **SURGE Compliance Portal**

- Live Demo SURGE Website & Portal
- Non-Compliance Information

✓ **Prevailing Wage Reporting Flow**

✓ **Contact Us & Questions**

SURGE Overview



- SURGE is an initiative directed by the California Public Utilities Commission (CPUC).
- Created to help contractors navigate compliance requirements under Assembly Bill 2143 (AB 2143) which establishes prevailing wage requirements for construction workers & apprentices involved in large customer-sited renewable electrical generation (solar) facilities.
- AB 2143 created the Public Utilities Code (PUC) Section 769.2 which sets forth responsibilities and requirements for contractors working on eligible renewable energy (solar) projects.

Project Eligibility

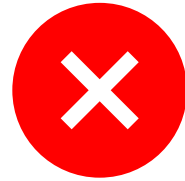
What is public works?

According to the DIR, public works in general means:

- Construction, alteration, demolition, installation, or repair work done under contract and paid in whole or in part of public funds.
- It can include preconstruction and post-construction activities related to a public works project.
- For full definition refer to [Labor Code section 1720](#).



- Projects qualify as eligible if they involve a customer-sited renewable electrical generation facility, or any associated battery storage
- Projects that are **NOT** subject to AB 2143 / PUC §769.2 include:



A residential facility with a maximum generating capacity of 15 kW or less or installed on a single-family home.



A project already classified as a public work under existing law.



Facilities serving only a modular home, a modular home community, or multiunit housing with 2 or fewer stories.

Project Eligibility

*IOU's
Interconnection
Application*



- The starting point to determine applicability of AB 2143 / PUC §769.2 to projects is the Interconnection Application required by Investor-Owned Utilities (IOUs).

Projects with Interconnection Applications dates on or after January 1, 2024 may be applicable to AB 2143.

- Under the statutes, the IOUs are responsible for the following:
 - Create and utilize a checklist to provide assessment of the project's applicability to AB 2143 / PUC §769.2.
 - Conduct a review of the checklist to confirm a project's applicability.
 - Create a Prevailing Wage Disclosure Form and require eligible customers (contractors) to acknowledge receipt of this disclosure as part of the Interconnection Application.
- After confirming that a project is applicable under AB 2143 / PUC §769.2, contractors must comply with the statutes' requirements.

AB 2143 / PUC §769.2 Requirements

All contractors (including Prime and lower-tier subcontractors) working on eligible renewable energy (solar) projects must meet AB 2143 / PUC §769.2 requirements.



✓ Pay construction workers & apprentices prevailing wages



✓ Maintain and verify payroll records and make those records available for inspection and copying



✓ Submit digital copies of certified payroll records to CPUC biannually, on July 1 and December 31 of each year

Prevailing Wages

Contractors working on projects subject to AB 2143 / PUC §769.2 requirements must **pay construction workers & apprentices prevailing wages:**

- California prevailing wage is the minimum wage rate that must be paid to workers on public works projects.
- Prevailing wage rate is determined by the Director of the **Department of Industrial Relations (DIR)**.
- Prevailing wages are based on the type of work (craft/classification) and location of project.
- Prevailing wages are usually based on collective bargaining agreements.

IMPORTANT

- Contractors need to follow and complete reporting requirements for both the DIR and SURGE.
- SURGE does not replace the reporting requirements for the DIR.

Department of Industrial Relations (DIR) Reporting

- ✓ [Make sure the project is registered with the DIR](#)
- ✓ [Register as a Public Works Contractor with the DIR](#)
- ✓ [Pay Prevailing Wages](#)
- ✓ [Follow Apprenticeship Requirements](#)
- ✓ [Maintain and Submit Certified Payroll Records](#)



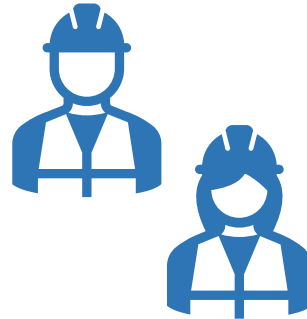
For more information, please
visit the DIR's Public Works
resource page:

www.dir.ca.gov/Public-Works

SURGE Initiative



The SURGE initiative serves a dual purpose:



1. Provide outreach and educate contractors on AB 2143 / PUC §769.2 requirements and the process for submitting copies of certified payroll records.



2. Implement the SURGE Compliance Portal to collect copies of certified payroll records demonstrating prevailing wages on renewable energy (solar) projects.

Outreach & Education Plan

- The plan outlines comprehensive activities designed to inform and educate contractors, firms, and other stakeholders affected by AB 2143 and PUC §769.2
- It involves implementing diverse outreach & education strategies aimed at sharing information regarding requirements for submitting copies of certified payrolls to SURGE Compliance Portal
- These strategies may include, but are not limited to:
 - Updating & maintaining a dedicated website
 - Facilitating workshops, webinars, and informational sessions
 - Developing online resources, fact sheets, and flyers
 - Collaborating with partners in industry associations

Outreach and Education Plan

SOLAR-UTILITIES REPORTING, GUIDANCE, & EDUCATION (SURGE)



California Public
Utilities Commission



February 2024



Home 1

General information
initiative. Questions for

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How to

Access
forms for

Payroll Submission tab

Access to SURGE Compliance Portal to
Submit Copies of Certified Payrolls

Welcome to SURGE

Let's accomplish solar project compliance together!

About

Language »

SURGE Website

www.cpucsurge.org



SURGE Compliance Portal

STEPS FOR CONTRACTORS

1. Contractor Registration

- Must create a Submittable account first
- All Contractors & Subcontractors (all tiers)
- Only need to do this once
- Keep the Contractor Identification Number (CIN)

2. Project Registration

- Only Primes need to register projects
- Primes must register each qualifying project
- Keep Project Identification Number (PIN)
- Share PIN with Subcontractors (all tiers)

3. Payroll Submission

- All Contractors & Subcontractors (all tiers)
- Need the CIN & PIN to report
- Must submit copies of payrolls with prevailing wages for the duration of each qualifying project
- Payrolls are due biannually on July 1st and December 31st and may be submitted more frequently (i.e., monthly)



**Accessing the
SURGE Website &
Compliance Portal
LIVE DEMO**

Non-Compliance Information

*What if a contractor **does not** pay prevailing wages?*

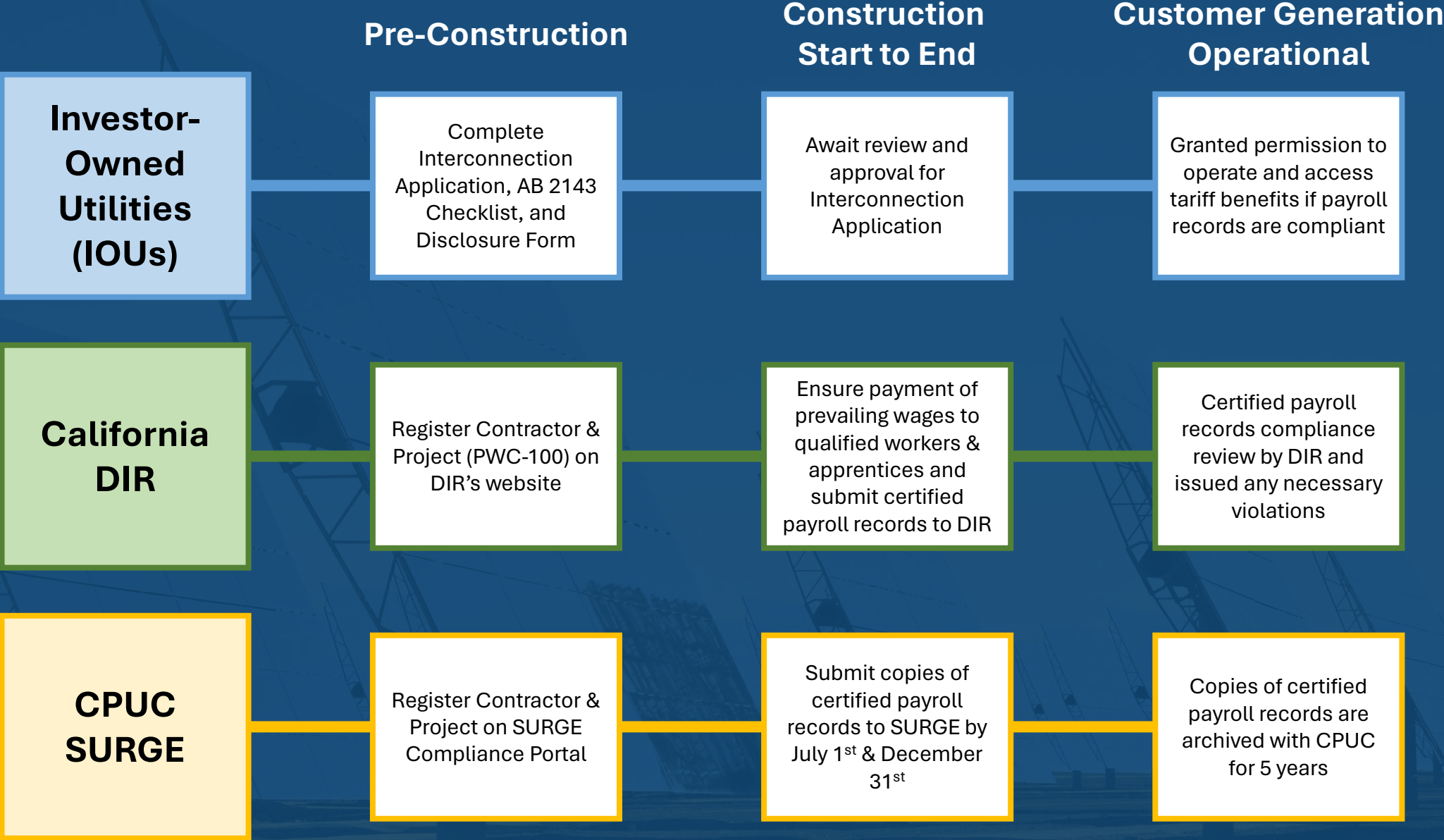


- Per California state law, if a contractor does not submit copies of certified payrolls by the biannual due dates, enforcement action can proceed as follows:
 - Labor Commissioner of the DIR can enforce through issuance of civil wage and penalty assessment
 - Through an underpaid construction worker or apprentice through an administrative complaint or civil action
 - Through a joint labor-management committee via a civil action

⚠ When any of the mentioned parties enforce requirements against a contractor of an eligible and interconnected project, then the Generation Facility will lose service to the standard contract or tariff offered pursuant to Public Utilities Code §2827 or §2827.1.

⚠ Beginning January 1, 2025, contractors who have willful wage violation determination of the prevailing wage requirement in Public Utilities Code Section 769.2, will no longer be able to build facilities seeking to utilize tariffs pursuant to Public Utilities Code Sections 2827 and 2827.1.

Prevailing Wage Reporting Flow



Contact Us



Visit the SURGE Website

www.cpuccsurge.org



Email Us

info@cpuccsurge.org



Call Us

1-800-549-2143



Follow Us on LinkedIn

www.linkedin.com/in/surgeoutreach



Questions?
USE CHAT OR RAISE HAND