

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION

3 Jeremy Luckau,
4 Plaintiff,
5 v.
6 Sunrun Inc.,
7 Defendant.

Case No.: 4:25-cv-01661-JST
**DECLARATION OF ANGELO
TORRES**

8
9 Pursuant to the provisions of 28 U.S.C. § 1746, I, Angelo Torres, declare as follows:

10 1. I am the Growth Marketing Manager at Sunrun Inc. (“Sunrun”).

11 2. I respectfully submit this declaration in opposition to Plaintiff’s Notice of Motion
12 and Motion To Certify Class, Appoint Class Representative, and Appoint Class Counsel. Unless
13 otherwise indicated, the following facts are based on my personal knowledge and my review and
14 understanding of the records of Sunrun and Clean Energy Experts, LLC (“CEE”). If called as a
15 witness in this proceeding, I would be competent to testify the same.

16 **SUNRUN AND SOLAR AMERICA BACKGROUND**

17 3. Sunrun is a leader in the solar industry and provides, among other things, solar
18 power and battery storage solutions. Sunrun provides comprehensive solar system support.

19 4. CEE, a wholly-owned subsidiary of Sunrun, is in the business of connecting
20 prospective solar customers with solar companies that may fit the prospective customers’ needs,
21 based upon service areas, budget, suitability and other qualification standards.

22 5. CEE does business under the trade name “Solar America,” and operates the
23 website www.SolarAmerica.com (the “Solar America Website”), which is used by persons
24 interested in solar energy to obtain information (i.e. whether their homes are suitable for solar
25 energy) and competitive quotes from solar providers, such as SunPower Corp., Bright Solar,
26 Freedom Forever and Sunrun.

27 6. CEE works with hundreds of solar providers across the country, including Sunrun
28 and its competitors, to match prospective customers with appropriate solar providers based on

1 various criteria.

2 7. CEE performs its matching and referral services for hundreds of other solar
3 companies that have no relationship with Sunrun and offer their respective solar products under
4 their own and other brand names.

5 8. To obtain a quote using Solar America's services, a prospective customer can,
6 among other things, call Solar America's toll free number, which is listed on the Solar America
7 Website, or complete a webform on the Solar America Website. Attached hereto as **Exhibit A**
8 is a true and correct copy of the Solar America Website homepage.

9 9. CEE also works with third party companies that identify persons interested in
10 solar energy (typically because such persons submit an online inquiry by completing a webform)
11 to match the prospective customers with appropriate solar providers.

12 10. Before CEE will initiate a call to a consumer who has completed a third-party
13 webform, it takes steps to ensure that the webform obtained consent for Solar America to contact
14 the consumer by phone.

15 11. Once a consumer initiates the process with Solar America, CEE verifies the
16 information provided by a prospective customer so that it may match the consumer with
17 appropriate solar providers. When CEE engages with a prospective customer to verify and
18 obtain information necessary to determine whether they are candidates for solar energy and
19 which providers would be available to meet the customer's needs, CEE obtains the prospective
20 customer's consent and/or permission to be contacted by the matched solar providers.

21 12. CEE does not provide quotes or specific information about products or the
22 installation process.

23 13. When CEE communicates with consumers, including by telephone, it identifies
24 itself as Solar America because that is its tradename and consumer-facing brand under which it
25 does business. CEE accurately identifies itself as Solar America consistently across the Solar
26 America Website and third-party websites that capture consumer assent to receive a call from
27 Solar America.

28 14. When a consumer calls the toll free number available on the Solar America

1 Website (1-855-999-6970), the call is answered by a Solar America representative.

2 15. When a Solar America representative leaves a voicemail for a consumer who has
3 submitted an inquiry about solar energy, the consumer is provided a call back number (1-800-
4 680-8554) that consumers can use to communicate with Solar America agents or can make a
5 request not to receive further calls, and are also invited to send an email to contact@solar-
6 america.org if they have any other business inquiries.

7 **BACKGROUND REGARDING PLAINTIFF**

8 16. Plaintiff claims to have received allegedly unauthorized calls from Sunrun on a
9 telephone number, (425)-XXX-5862 (the “5862 Number”).

10 17. Prior to filing the Complaint, Plaintiff’s counsel forwarded Plaintiff’s complete
11 phone number to Sunrun’s counsel. Based on this information, I was able to identify the
12 complete 5862 Number.

13 18. Sunrun did not place any calls to the 5862 Number.

14 19. CEE’s records show that between 2021 and 2022, Plaintiff and his wife Theresa
15 Luckau (“Mrs. Luckau”) made various inquiries regarding their interest in installing a solar
16 power system at their home located in Spanish Fork, Utah.

17 20. CEE’s records show that on May 11, 2021, Mrs. Luckau completed a webform
18 seeking information about solar products and services. In doing so, Mrs. Luckau provided the
19 5862 Number and her Spanish Fork, Utah address.

20 21. On December 29, 2021, and August 18, 2022, respectively, Plaintiff completed
21 webforms seeking to obtain information about solar providers in their area and the costs
22 associated with a solar system. In doing so, Plaintiff provided the 5862 Number and his Spanish
23 Fork, Utah address.

24 22. In completing the respective webforms, Plaintiff and Mrs. Luckau agreed to
25 receive telephone calls from Solar America on the 5862 Number.

26 23. IP address information associated with the webform completions demonstrates
27 that they were completed from a computer or device associated with a location near the Luckaus’
28 residence in Utah.

