

AMENDED IN ASSEMBLY JULY 11, 2001

AMENDED IN ASSEMBLY JUNE 14, 2001

AMENDED IN ASSEMBLY JUNE 7, 2001

CALIFORNIA LEGISLATURE—2001–02 SECOND EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 34

Introduced by Assembly Members Briggs and Matthews
(Principal coauthor: Assembly Member Richman)
(Coauthors: Assembly Members Bates, Bill Campbell, Florez,
Havice, Leonard, and Robert Pacheco, Wyman, and Zettel)
(Coauthor: ~~Senator~~ Senators Margett and Romero)

May 21, 2001

An act to add and repeal Section 380 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 34, as amended, Briggs. Electricity blackouts.

Existing law requires the Public Utilities Commission to undertake ~~numerous~~ *various* actions with regard to implementing the electrical restructuring provisions.

Existing law requires the Independent System Operator to manage the transmission of electricity.

This bill would require the commission, in consultation and conjunction with the Independent System Operator, to require each electrical corporation that distributes electricity to provide the commission with that electrical corporation's schedule for rolling blackouts for each potential Stage 3 alert issued by the Independent

System Operator. The bill would require each electrical corporation’s schedule to rotate daily, indicate the order in which blocks will be subject to outages, and to be provided to the commission and to customers at least 7 days prior to the next month.

~~The bill would require the commission to review each monthly calendar provided by a an electrical corporation to ensure that the schedule provides each of the electrical corporation’s customers with an equitable chance of being blacked out.~~

The bill would also require local publicly owned utilities that distribute electricity to explore implementation of a similar schedule for rolling blackouts, thereby imposing a state-mandated local program.

A violation of the Public Utilities Act is a crime. This bill by requiring new duties under that act would change the definition of a crime and thus, impose a state-mandated local program.

The bill would provide that its provisions remain in effect only until November 1, 2002, and as of that date are repealed.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The bill would declare that its provisions take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 380 is added to the Public Utilities
- 2 Code, to read:
- 3 380. (a) The commission, in consultation and conjunction
- 4 with the Independent System Operator, shall require each



1 electrical corporation that distributes electricity to provide the
 2 commission with that electrical corporation’s schedule for rolling
 3 blackouts for each potential Stage 3 alert issued by the
 4 Independent System Operator. Each electrical corporation’s
 5 schedule shall rotate daily and indicate the order in which blocks
 6 will be subject to outages. *The purpose of the schedule is to*
 7 *indicate to customers whether they are more likely or less likely to*
 8 *be subject to rolling blackouts on a given calendar day. In*
 9 *preparing the schedules, the electrical corporation shall balance*
 10 *the need for greater predictability with the need to preserve*
 11 *operational integrity and equity among customers.* Each electrical
 12 corporation shall provide the calendar to the commission ~~and, and~~
 13 ~~to customers through its monthly utility bills at least seven days~~
 14 ~~prior to the next month and through other modes of~~
 15 ~~communication that the electrical corporation deems appropriate.~~

16 ~~(b) The commission shall review each monthly calendar~~
 17 ~~provided by an electrical corporation to ensure that the schedule~~
 18 ~~provides each of the electrical corporation’s customers with an~~
 19 ~~equitable chance of being subjected to black out.~~

20 ~~(c)~~

21 (b) Each local publicly owned utility that distributes electricity
 22 shall explore implementation of a schedule for rolling blackouts
 23 similar to that required for an electrical corporation pursuant to
 24 subdivision (a).

25 ~~(d)~~

26 (c) This section shall remain in effect only until November 1,
 27 2002, and as of that date is repealed, unless a later enacted statute,
 28 that is enacted before November 1, 2002, deletes or extends that
 29 date.

30 SEC. 2. No reimbursement is required by this act pursuant to
 31 Section 6 of Article XIII B of the California Constitution for
 32 certain costs that may be incurred by a local agency or school
 33 district because in that regard this act creates a new crime or
 34 infraction, eliminates a crime or infraction, or changes the penalty
 35 for a crime or infraction, within the meaning of Section 17556 of
 36 the Government Code, or changes the definition of a crime within
 37 the meaning of Section 6 of Article XIII B of the California
 38 Constitution.

39 However, notwithstanding Section 17610 of the Government
 40 Code, if the Commission on State Mandates determines that this



1 act contains other costs mandated by the state, reimbursement to
2 local agencies and school districts for those costs shall be made
3 pursuant to Part 7 (commencing with Section 17500) of Division
4 4 of Title 2 of the Government Code. If the statewide cost of the
5 claim for reimbursement does not exceed one million dollars
6 (\$1,000,000), reimbursement shall be made from the State
7 Mandates Claims Fund.

8 SEC. 3. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety
10 within the meaning of Article IV of the Constitution and shall go
11 into immediate effect. The facts constituting the necessity are:

12 In order to ensure, at the earliest possible time, that customers
13 of electric utilities may equally share in being subjected to
14 blackouts and that those customers be provided with advance
15 notice of each day that they are so subjected, it is necessary that this
16 act take effect immediately.

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