

AMENDED IN SENATE APRIL 20, 2009

AMENDED IN SENATE APRIL 15, 2009

SENATE BILL

No. 17

Introduced by Senator Padilla

December 1, 2008

An act to add Chapter 4 (commencing with Section 8360) to Division 4.1 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

SB 17, as amended, Padilla. Electricity: smart grid systems.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined. Under existing law, the governing board of a local publicly owned electric utility, as defined, generally has authority over the activities of the utility.

This bill would require the commission, by July 1, 2010, and in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission), the Independent System Operator (ISO), and other key stakeholders, to determine the requirements for a smart grid deployment plan consistent with the policies set forth in the bill and federal law. The bill would require that the smart grid improve overall efficiency, reliability, and cost-effectiveness of electrical system operations, planning, and maintenance. The bill would require each electrical corporation, by July 1, 2011, to develop and submit a smart grid deployment plan to the commission for approval and would authorize the commission to authorize an electrical corporation to recover reasonable costs of deploying smart grid technologies and services from ratepayers. The bill would authorize the commission to consider and approve full or

partial recovery by an electrical corporation of its investments and expenditures associated with the implementation of specified preexisting smart grid development, deployment, and infrastructure replacement plans. The bill would authorize a smart grid deployment plan that is adopted to provide for deployment of smart grid products, technologies, and services by entities other than electrical corporations. The bill would authorize smart grid technologies to be deployed in an incremental manner to maximize the benefit to ratepayers and to achieve the benefits of smart grid technology, would authorize the commission to modify or adjust the bill's requirements for an electrical corporation with fewer than 100,000 service connections as individual circumstances merit, and would require the commission, in consultation with the Energy Commission, the ISO, and electrical corporations, at each step of deployment, to evaluate the impact of deployment on major initiatives and policies.

The bill would require a local publicly owned electric utility, as defined, to develop by July 1, 2011, a smart grid deployment plan consistent with the policies set forth in federal law. By placing requirements upon local publicly owned electric utilities, the bill would impose a state-mandated local program.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Chapter 4 (commencing with Section 8360) is
2 added to Division 4.1 of the Public Utilities Code, to read:

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CHAPTER 4. SMART GRID SYSTEMS

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6 8360. It is the policy of the state to modernize the state's
7 electrical transmission and distribution system to maintain safe,
8 reliable, efficient and secure electrical service, with infrastructure
9 that can meet future growth in demand and achieve all of the
10 following, which together characterize a smart grid:

1 (a) Increased use of cost-effective digital information and control
2 technology to improve reliability, security, and efficiency of the
3 electric grid.

4 (b) Dynamic optimization of grid operations and resources,
5 including appropriate consideration for asset management and
6 utilization of related grid operations and resources, with
7 cost-effective full cyber security.

8 (c) Deployment and integration of cost-effective distributed
9 resources and generation, including renewable resources.

10 (d) Development and incorporation of cost-effective demand
11 response, demand-side resources, and energy-efficient resources.

12 (e) Deployment of cost-effective smart technologies, including
13 real time, automated, interactive technologies that optimize the
14 physical operation of appliances and consumer devices for
15 metering, communications concerning grid operations and status,
16 and distribution automation.

17 (f) Integration of cost-effective smart appliances and consumer
18 devices.

19 (g) Deployment and integration of cost-effective advanced
20 electricity storage and peak-shaving technologies, including plug-in
21 electric and hybrid electric vehicles, and thermal-storage
22 air-conditioning.

23 (h) Provide consumers with timely information and control
24 options.

25 (i) Develop standards for communication and interoperability
26 of appliances and equipment connected to the electric grid,
27 including the infrastructure serving the grid.

28 (j) Identification and lowering of unreasonable or unnecessary
29 barriers to adoption of smart grid technologies, practices, and
30 services.

31 ~~(k) Generation of electricity by fuel cells.~~

32 8361. For purposes of this chapter, the following terms have
33 the following meanings:

34 (a) “ISO” means the Independent System Operator operating
35 pursuant to Article 3 (commencing with Section 345) of Chapter
36 2.3 of Part 1 of Division 1.

37 (b) “Energy Commission” means the State Energy Resources
38 Conservation and Development Commission.

39 8362. (a) By July 1, 2010, the commission, in consultation
40 with the Energy Commission, the ISO, and other key stakeholders

1 shall determine the requirements for a smart grid deployment plan
2 consistent with Section 8360 and federal law, including the
3 provisions of Title XIII (commencing with Section 1301) of the
4 Energy Independence and Security Act of 2007 (Public Law
5 110-140). The commission shall institute a rulemaking or expand
6 the scope of an existing rulemaking to adopt standards and
7 protocols to ensure functionality and interoperability developed
8 by public and private entities, including, but not limited to, the
9 National Institute of Standards and Technology, Gridwise
10 Architecture Council, the International Electrical and Electronics
11 Engineers, and the National Electric Reliability Organization
12 recognized by the Federal Energy Regulatory Commission. An
13 adopted smart grid deployment plan may provide for deployment
14 of cost-effective smart grid products, technologies, and services
15 by entities other than electrical corporations. The smart grid
16 technologies and services shall improve overall efficiency,
17 reliability, and cost-effectiveness of electrical system operations,
18 planning, and maintenance.

19 (b) This section does not require or authorize the commission
20 to delay action on an application by an electrical corporation that
21 is submitted prior to the commission determining the requirements
22 for a smart grid deployment plan. ~~The commission shall ensure~~
23 ~~that the requirements of the smart grid deployment plan do not~~
24 ~~affect the existing smart grid application, development,~~
25 ~~deployment, and infrastructure replacement plans of an electrical~~
26 ~~corporation on or before the date the requirements become effective~~
27 ~~regardless of the timelines for the development, deployment, and~~
28 ~~replacement.~~

29 (c) The commission may consider and approve full or partial
30 recovery by an electrical corporation of its investments and
31 expenditures associated with the implementation of its smart grid
32 development, deployment, and infrastructure replacement plans
33 that are in existence prior to the commission determining the
34 requirements for a smart grid deployment plan if the commission
35 finds that the investments and expenditures are reasonable.

36 8363. This chapter shall be implemented in a manner that does
37 not compromise customer or worker safety or the integrity or
38 reliability of the electrical transmission and distribution system in
39 this state.

1 8364. (a) By July 1, 2011, each electrical corporation shall
2 develop and submit a smart grid deployment plan to the
3 commission for approval.

4 (b) The commission may authorize an electrical corporation to
5 recover reasonable costs of deploying smart grid technologies and
6 services from ratepayers. Costs may include capital investment,
7 including a reasonable rate of return on the capital expenditures,
8 operating expenditures, and other reasonable costs of the electrical
9 corporation made for the deployment of the qualified smart grid
10 system. The commission may modify or adjust the requirements
11 of this chapter for an electrical corporation with fewer than 100,000
12 service connections, as individual circumstances merit.

13 (c) This section does not require or authorize the commission
14 to delay action on an application by an electrical corporation that
15 is submitted prior to the commission's approval of the electrical
16 corporation's timely filed smart grid deployment plan.

17 8366. Smart grid technology may be deployed in a manner to
18 maximize the benefit and minimize the cost to ratepayers and to
19 achieve the benefits of smart grid technology. At each step of
20 deployment, the commission, in consultation with the Energy
21 Commission, the ISO, and electrical corporations, shall evaluate
22 the impact of deployment on major initiatives and policies
23 including:

24 (a) Implementation of new advanced metering initiatives.

25 (b) Achievement of the renewables portfolio standard program
26 requirements and the need to operate the smart grid of the future
27 with a substantial increased percentage of electricity generated by
28 eligible renewable energy resources.

29 (c) Achievement of state goals for reducing emissions of
30 greenhouse gases as set forth in the California Global Warming
31 Solutions Act of 2006 and other state directives.

32 (d) Achievement of the energy efficiency and demand response
33 goals as required by Sections 454.5 and 454.55 and other state
34 directives.

35 (e) Modernizing the aging utility grid infrastructure.

36 (f) Meeting the future energy growth needs of the state with
37 new and innovative technologies and methods that utilize the
38 existing assets more efficiently, result in a less environmentally
39 adverse net impact on the state, meet stringent costs versus benefit

1 assessments, and provide the ratepayers with new options in
2 meeting their individual energy needs.

3 (g) Implementation of technology to improve worker safety,
4 protection, and productivity.

5 8367. Each local publicly owned electric utility with more than
6 100,000 service connections, shall, by July 1, 2011, develop a
7 smart grid deployment plan, that is consistent with federal law,
8 including the provisions of Title XIII (commencing with Section
9 1301) of the Energy Independence and Security Act of 2007 (Public
10 Law 110-140).

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 a local agency or school district has the authority to levy service
14 charges, fees, or assessments sufficient to pay for the program or
15 level of service mandated by this act, within the meaning of Section
16 17556 of the Government Code.