

ASSEMBLY BILL

No. 631

Introduced by Assembly Member Ma

February 16, 2011

An act to amend Section 216 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 631, as introduced, Ma. Public utilities: electric vehicle charging stations.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, as defined. The existing Public Utilities Act requires every public utility to furnish and maintain adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

This bill would provide that the ownership, control, operation, or management of a facility that supplies electricity to the public only for use to charge light duty plug-in electric vehicles, as defined, does not make the corporation or person a public utility for purposes of the act.

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

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

- 1 SECTION 1. Section 216 of the Public Utilities Code is
- 2 amended to read:
- 3 216. (a) "Public utility" includes every common carrier, toll
- 4 bridge corporation, pipeline corporation, gas corporation, electrical

1 corporation, telephone corporation, telegraph corporation, water
2 corporation, sewer system corporation, and heat corporation, where
3 the service is performed for, or the commodity is delivered to, the
4 public or any portion thereof.

5 (b) Whenever any common carrier, toll bridge corporation,
6 pipeline corporation, gas corporation, electrical corporation,
7 telephone corporation, telegraph corporation, water corporation,
8 sewer system corporation, or heat corporation performs a service
9 for, or delivers a commodity to, the public or any portion thereof
10 for which any compensation or payment whatsoever is received,
11 that common carrier, toll bridge corporation, pipeline corporation,
12 gas corporation, electrical corporation, telephone corporation,
13 telegraph corporation, water corporation, sewer system corporation,
14 or heat corporation, is a public utility subject to the jurisdiction,
15 control, and regulation of the commission and the provisions of
16 this part.

17 (c) When any person or corporation performs any service for,
18 or delivers any commodity to, any person, private corporation,
19 municipality, or other political subdivision of the state, that in turn
20 either directly or indirectly, mediately or immediately, performs
21 that service for, or delivers that commodity to, the public or any
22 portion thereof, that person or corporation is a public utility subject
23 to the jurisdiction, control, and regulation of the commission and
24 the provisions of this part.

25 (d) Ownership or operation of a facility that employs
26 cogeneration technology or produces power from other than a
27 conventional power source or the ownership or operation of a
28 facility which employs landfill gas technology does not make a
29 corporation or person a public utility within the meaning of this
30 section solely because of the ownership or operation of that facility.

31 (e) Any corporation or person engaged directly or indirectly in
32 developing, producing, transmitting, distributing, delivering, or
33 selling any form of heat derived from geothermal or solar resources
34 or from cogeneration technology to any privately owned or publicly
35 owned public utility, or to the public or any portion thereof, is not
36 a public utility within the meaning of this section solely by reason
37 of engaging in any of those activities.

38 (f) The ownership or operation of a facility that sells compressed
39 natural gas at retail to the public for use only as a motor vehicle
40 fuel, and the selling of compressed natural gas at retail from that

1 facility to the public for use only as a motor vehicle fuel, does not
2 make the corporation or person a public utility within the meaning
3 of this section solely because of that ownership, operation, or sale.

4 (g) Ownership or operation of a facility that is an exempt
5 wholesale generator, as defined in the Public Utility Holding
6 Company Act of 2005 (42 U.S.C. Sec. 16451(6)), does not make
7 a corporation or person a public utility within the meaning of this
8 section, solely due to the ownership or operation of that facility.

9 (h) The ownership, control, operation, or management of an
10 electric plant used for direct transactions or participation directly
11 or indirectly in direct transactions, as permitted by subdivision (b)
12 of Section 365, sales into a market established and operated by the
13 Independent System Operator or any other wholesale electricity
14 market, or the use or sale as permitted under subdivisions (b) to
15 (d), inclusive, of Section 218, shall not make a corporation or
16 person a public utility within the meaning of this section solely
17 because of that ownership, participation, or sale.

18 (i) *The ownership, control, operation, or management of a*
19 *facility that supplies electricity to the public only for use to charge*
20 *light duty plug-in electric vehicles does not make the corporation*
21 *or person a public utility within the meaning of this section solely*
22 *because of that ownership, control, operation, or management.*
23 *For purposes of this subdivision, “light duty plug-in electric*
24 *vehicles” includes light duty battery electric and plug-in hybrid*
25 *electric vehicles.*